

JURIDICAL ASPECTS OF THE MARRIAGE METAPHOR
IN HOSEA AND JEREMIAH

BY

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The crest of the University of Stellenbosch is centered behind the text. It features a shield with various symbols, topped by a crown and surrounded by ornate flourishes. A banner at the bottom of the crest contains the Latin motto "FACIENS QUOD OPTIMUM CREDITUR BENE".

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PREFACE

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In conclusion, I shall be deeply grateful, and all the labour will have been worthwhile, if this study should help to promote the understanding of the Word of the Lord.

ABBREVIATIONS

- AASOR The Annual of the American Schools of Oriental Research.
- AJSL American Journal of Semitic Languages and Literatures.
- ANE Ancient Near East.
- ANEP J.B. Pritchard (ed.), The Ancient Near East in Pictures Relating to the Old Testament.
- ANET J.B. Pritchard (ed.), Ancient Near Eastern Texts Relating to the Old Testament.
- ASOR American Schools of Oriental Research.
- AT Altes Testament.
- BA The Biblical Archaeologist.
- Bib Biblica.
- BK Biblischer Kommentar Altes Testament.
- BTB Biblical Theology Bulletin.
- BZ Biblische Zeitschrift.
- CBQ Catholic Biblical Quaterly.
- DMAL Driver, S.R., and Miles, J., Assyrian Laws.
- DMBL Driver, S.R., and Miles, J., Babylonian Laws.
- Ev Th Evangelische Theologie.
- GKC Gesenius-Kautzsch-Cowley, Gesenius' Hebrew Grammar.
- HL Hittite Laws.
- HUCA Hebrew Union College Annual.
- ICC International Critical Commentary.
- JAOS Journal of the American Oriental Society.
- JBL Journal of Biblical Literature.
- JCS Journal of Cuneiform Studies.
- JJS Journal of Jewish Studies.
- JNES Journal of Near Eastern Studies.

- JNSL Journal of Northwest Semitic Studies.
- JSS Journal of Semitic Studies.
- KAT Kommentar zum Alten Testament.
- KBL Köhler-Baumgartner, Lexicon in Veteris Testamenti Libros (1958).
- LE Laws of Eshnunna.
- LH Laws of Hammurapi.
- LL Laws of Lipit-Ishtar.
- LXX The Septuaginta.
- MAL Middle Assyrian Laws.
- MT Masoretic Text.
- NEB New English Bible.
- N.F. Neue Folge.
- NKZ Neue Kirckliche Zeitschrift.
- NT New Testament.
- OT Old Testament.
- OTL Old Testament Library.
- OTWSA Ou Testamentiese Werkgemeenskap van Suid-Afrika.
- PEQ Palestine Exploration Quaterly.
- RIDA Revue internationale des droits de l'antiquité.
- RA Revue d'assyriologie et d'archéologie orientale.
- THAT Theologisches Handwörterbuch zum Alten Testament.
- Th St Theologische Studien und Kritiken.
- TLZ Theologische Literaturzeitung.
- TWAT Theologisches Wörterbuch zum Alten Testament.
- TZ Theologische Zeitschrift.
- UT C.H. Gordon, Ugaritic Textbook.
- VT Vetus Testamentum.
- ZAW Zeitschrift für die alttestamentliche Wissenschaft.

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INTRODUCTION

To describe the relationship between Yahweh and Israel the metaphor of marriage is used. Over and above the covenant, which describes the relationship in a much broader perspective, the marriage metaphor is ideally suited to portray the more personal side of the relationship.

The framework of the image lies in the institution of marriage. As such there are many aspects involved, aspects like betrothal, marriage gifts, the relationship between man and wife with the obligations and responsibilities due to one another. A woman can commit adultery and a marriage can be dissolved by divorce. Thus, there are many facets to the institution marriage.

Between the institution marriage and the family law of marriage, there is only a difference in perspective. The first is the custom as such, the second outlines and protects the basic framework of the custom. The marriage metaphor describes the relationship between Yahweh and Israel in terms of this framework, using the outline and laws which protect it to explain the different aspects of the relationship between Yahweh and Israel.

Hosea was the first prophet to use this image. The exegetical problems of Hos. 1 - 3 are, however, so intricate, that a careful study of the family law on marriage should precede it. In the first chapter we shall therefore outline the framework of the image and pay special attention to the juridical points involved.

Next to the juridical aspects which play such an important role in the prophet's line of argument and in the interpretation of the metaphor, two expressions, harlotry and adultery, are of utmost importance.

They describe Israel's sin in marriage terminology. A short study on how these words are used in the OT is the purpose of chapter two.

With the legal background and basic terminology outlined, we shall proceed to Hosea. The metaphor is used in Hos. 2. However, Hos. 1 and 3 also need our attention as these three chapters are related to one another. In chapter four we shall have a look at Jer. 2 and 3. Jeremiah was influenced by Hosea and used the marriage metaphor in very much the same way. Thus a study of these chapters may confirm the conclusions reached in Hos. 2.

CHAPTER I

THE FAMILY LAW OF MARRIAGE IN THE ANCIENT NEAR EAST AND THE OLD TESTAMENT

We shall commence this study of the marriage relationship between Yahweh and Israel with a look at the family law by which the image is governed and by which the different aspects thereof are determined. The OT has very little direct information on family law.¹ In order to get a clear picture of the juridical side of marriage we shall have to look beyond the OT at the entire corpus of ANE laws and customs reflecting marriage.

1 A common customary law

The basic presupposition of this approach is that there are a common legal tradition and social order throughout the ANE. On this point scholars agree.²

Driver and Miles find it indisputable to conclude that there was a "common customary law throughout the Fertile Crescent".³ Millar Burrows, concentrating on "Israelite Marriage", is convinced that:⁴ "On the whole the picture presented in all the sources, with due allowance for local and national peculiarities, is that of a fairly homogeneous social order throughout the Semitic world".

a) The ambiguity of a "common customary law"

It is, however, important to be exact about what is meant by a "common customary law". One has to be aware of the fact that the family law and social order of the ANE show many variations. At different times and places the customs were not always the same. It is presented in different literary genres which make interpretations difficult and even risky. We shall now outline some of these aspects which will warn us to be cautious when we speak of a "common customary law".

Information related to family law can be found in various types of literature. Van Selms made a study of marriage and family life by a meticulous analysis of Ugaritic epic literature.⁵ In the OT prose, poetic and wisdom literature provide us with scattered information. Knowledge gained from legal and business documents which were found all over the ANE is very valuable.⁶ From these we can see how the family law actually functioned.⁷

A look at this material reveals two things about ancient customs: common features and differences. There was, in the strict sense of the word, no "common customary law".

Perhaps our most important source of information is the ancient "law codes". The laws of Ur-nammu, Lipit-Ishtar (LL), Eshnunna (LE), Hammurapi (LH), Middle Assyrian Laws (MAL), etc. However, scholars differ widely on the precise nature of these "laws", of their relationship with biblical law and the reason for the inconsistencies between and within these "law codes".

Again a comparative study of these laws reveals the rather paradoxical character of a "common customary law". As to the similarities between the laws: Goetze explained them as the result of the same "class of rulers" in the same atmosphere of a Sumero-Akkadian civilization in Mesopotamia.⁸ Their influence extended to the Hittites, Canaanites and other nations.

The exact nature of the laws is also a matter of dispute. Although each set of laws has its own character a few general remarks will illustrate the point. Driver and Miles interpreted the LH as a series of amendments to the common existing law.⁹ This view seems to be losing ground. It was an attempt to explain why none of these sets of laws was an actual "code", i.e. a systematic and authoritative collection of laws dealing with the whole scope of jurisprudence.

Also: why inconsistencies existed even within one set of laws. Whatever the exact nature of the laws may be, it seems certain that the king's role as judge and lawgiver was an important one.¹⁰ It seems that we must view the laws not so much as a legislative, but as a literary construction.¹¹ According to Finkelstein the real "legislation" of a king was the mīšarum-act at the beginning of his reign (e.g. the Edict of Ammisaduqa, ANET, p.526ff.). The "law codes" were composed near the end of a king's reign.¹²

" It is probably well to stress first of all that the purpose of the Lower Mesopotamian "law codes" was decidedly not legislative, if indeed it is not altogether anachronistic to speak of "legislation" in the ancient Mesopotamian context. These "law codes" with their stylized prologues and epilogues of purely "historical" and religious import must be viewed in the first instance as royal apologies and testaments. Their primary purpose was to lay before the public, posterity, future kings, and, above all, the gods, evidence of the king's execution of his divinely ordained mandate: to have been "the Faithful Sheperd" and the šar mīšarim..."

The above-mentioned serves to illustrate the ambiguity of a "common customary law". It shows that the material from which we want to draw information does not present us with "instant-tell information". The material which we endeavour to interpret comes from a whole range of literary types and the exact nature of some of these is not altogether clear. The social order and customary law do show many common features and basic characteristics. However, within these "law-codes", between the different sources of information, especially at different places and times, there are many small divergencies and inconsistencies.

All this can also be illustrated from the OT. Biblical law and custom show no uniform pattern from Abraham to Ezra! We gather information from widely divergent literary types: from narrative accounts (the patriarchal stories, the life of David, etc.), wisdom literature (like Prov. 6 on the lewd woman), poetic-prophetic material (like Hos. 1 - 3 and Jer. 2, 3) and biblical law. This material comes from different times and portrays different intentions, especially with regard to Hosea. Most of the OT literature comes from Judaea while Hosea lived and wrote in Northern Israel where local peculiarities and circumstances were bound to affect his speech as well as law and custom.¹³

The ambiguity of a "common customary law" can therefore be illustrated with ANE and Israelite law. The relationship between Israelite and ANE law is another complicated question.

b) Biblical law and ANE law

I think one can take it for granted that no serious scholar will today deny the many common features between Israelite law and custom and that of the rest of the ANE. It is one and the same "legal orbit".¹⁴

However, some of the latest material on biblical law¹⁵ stressed the characteristic features which distinguish Israelite law from the legal culture of the ANE. According to Greenberg these laws each have "inner postulates"¹⁶ which represent "divergent underlying principles".¹⁷ There are basic cultural differences and they influence the final form and interpretation of a law. It is, therefore, dangerous to compare specific laws without paying attention to the value judgments. S.M. Paul stated that biblical law is the expression of the Divine will while Mesopotamian law is secular.¹⁸

B.S. Jackson has reacted against the dangers inherent in a "inner postulate" and "principle" hunting when studying laws. He showed how easily one can find one's own legal or theological preconceptions in the laws, or how easily more abstract and sophisticated legal concepts of a later date can be attributed to an early source.¹⁹

Jackson does not deny that Biblical law has its own character and, for example, distinctive religious connotations (cf. par. 6b on adultery). These are, however, features of the literary presentation of the laws.²⁰ We have, therefore, a law or a custom which was practised, be it on the banks of the Euphrates or in Israel, and which was taken up and used, that means, also interpreted and influenced, in a literary composition.

" When comparing the Biblical law and the Laws of Hammurapi, it now appears that we are dealing with two literary constructions, both representing only to a lesser or greater known extent the law as actually practised".²¹

c) A common customary law

It now remains to be pointed out how we interpret the concept of a common customary law and to what extent we can use it in our study of a specific metaphor.

We are looking for information on some aspects of the family law on marriage. This information lies scattered in different sources, biblical and non-biblical. It is embedded in different types of literature each with its own nature. All of these give us some information of how the social order and family law were viewed and practised. It shows changes, inconsistencies and differences. There was at no specific time a promulgated, widely accepted and authoritative law code.

Nevertheless, when we try to discern the basic aspects of marriage, the constituent parts of a wedding, of adultery and divorce, we find that they usually follow a pattern. Some aspects of the pattern of related actions may be absent at a certain time or place and appear again at another time and place (e.g. OT: the dowry given at a wedding; ANE: the names of the various gifts at a wedding, compare par. 4).

This varying pattern of related actions which reveal a basically similar social order and legal background is what we understand under a "common customary law". The customary family law is that part of the customary law which deals with all aspects related to the family, i.e. the position of the husband, wife and children; marriage, adultery, divorce, etc.

The customary law was obviously used and interpreted in literary compositions such as Hammurapi's Laws and the Covenant Code... and as such also influenced by it.

This does not mean that we cannot compare or use the information of the ANE in OT juridical studies! Differences in detail or perspective amount to only a few aspects in a pattern of related aspects which, viewed on the whole, have more in common than not. For example: if the biblical view on adultery has 70% or 80% in common with adultery in other ANE countries, it does not imply that, because of the specific religious connotation in Israelite literature, ANE information cannot be used (cf. par. 6).

What we shall try to do is to note the basic pattern of facts connected with some aspect of the customary family law. This will then be compared with a specific OT passage such as Hos. 2. When there is only a single occurrence of a fact in the OT, such as the divorce formula in Hos. 2 : 4, then the regular occurrence of that fact in the same pattern of facts in other ANE material helps us to understand, outline and interpret the OT fact.

2 Basis and purpose of marriage

" Among all the peoples surrounding Israel marriage was of the patriarchal order ... The principal view concerning the wife is the same with the Eastern Semites as with Israel. She belongs to her own family, but is given to that of her husband with the main purpose of bearing him children".²²

These words of Pedersen constitute a good summary of the usual pattern of facts constituting the basis and purpose of marriage. Books and articles usually refer to the first aspect as the patria potestas²³ which is a "fundamental legal principle".

Patria potestas is a well known Roman Law term but it pertains only to the Roman custom.²⁴ Yaron warns against the danger inherent in its usage:²⁵

" it is important that one dispense with notions derived from Roman patria potestas; these are entirely irrelevant to the rules..."

It is, therefore, more correct to speak of the father or husband as the head of the household from whom absolute authority goes out. It is, however, no absolute truth.



A look at some of the documents of the Hurrian community at Nuzi shows some very real exceptions.²⁶ (Nevertheless, these Nuzi documents were very valuable to help us understand various aspects of the family law and customs of the Patriarchal age!²⁷).

Basically, however, all the laws, i.e. the LH,²⁸ HL,²⁹ MAL,³⁰ LE,³¹ LL,³² etc. of the ANE, reveal the authoritative position of the husband. This is such an accepted fact that we shall refrain from quoting examples. The rest of the chapter will illustrate the point.

In the OT we have evidence of some cases of a fratriarchate, e.g. the role of Laban (Gen. 24; cf. also: 1 Sam. 8 : 2; 17:13; 1 Chron. 5:12; 26:10³³), but there can be no doubt that the Israelite family is patriarchal. De Vaux points out how an Israelite family is always described as bêt 'āb, the house of one's father.³⁴ Genealogies are always given in the father's line and he is referred to as the Ba'al (cf. par. 3a).

"The father had absolute authority over his children, even over his married sons if they lived with him, and over their wives".³⁵

The purpose of a marriage is the continuance of the husband's family. A man must have a son so that his name (his being, his whole existence)³⁶ will not become extinct. Thus the worst calamity for a woman is to be barren,³⁷ it is reason enough for her husband to divorce her.

A good example is LH 138-140 which state that a husband may divorce his wife who has not borne him sons. It also regulates the divorce money to be paid (i.e. to provide her with a maintenance and to prevent capricious divorce).³⁸

The basic idea is that a sterile woman comes to her husband with a latent defect and therefore cannot fulfill her most important duty.³⁹

Maybe the Ugaritic texts give us the best examples of the importance of children. Van Selms pointed out how the blessings of the marriage ceremony were concentrated on the fertility of the wife in order to beget children. He translates:⁴⁰

"The wife thou hast taken, O Krt,
 The wife thou hast taken to thy house,
 The girl thou hast caused to enter thy court,
 Will bear thee seven sons,
 Yea an eighth will she produce for thee as the eighth,
 She will bear the lad Ysb."

<u>att tqh ykrt</u>	<u>att tqh btk</u>
<u>glm̄t tš'rb. hzrk</u>	<u>tld šb' bnm lk</u>
<u>wtmnt ttmnt lk</u>	<u>tld ysb glm̄.</u>

Similarly the bitterest fate which could befall a man was to lose his children. Such was the lot which befell Danel who after the burial of his son mourned seven years.⁴¹

The position is basically the same in the OT. It was Sarah's bitter fate to be barren (Gen. 16). Rachel and Leah were rivals for Jacob's favour and Leah's confidence and advantage lay in the fact that she provided Jacob with sons (Gen. 29 : 29ff.). The story of Hannah's distress - and her rejoicing when the Lord blessed her with a son - is one of the most beautiful examples of a woman's yearning to have a son (1 Sam. 1 and 2). The best example is, however, Job's misfortune (Job 1) and how it was altered (Job 42:7ff.).

Both on the boundary stones in the ANE and in the OT the curse of barrenness spells a major disaster (Lev. 26:22; Amos 7:17; 9:4; 9:10; Is. 13:16).⁴²

In the following discussion we shall look at the position of the husband, wife and children in a family, and in doing so, illustrate various aspects of the facts mentioned in this section.

3 Husband, wife and children

a) The meaning of baʿal

The best way to illustrate the relationship between husband and wife, is to take a look at the word used for husband. In Sumerian it is written EN; in Babylonian: bêlu(m); Assyrian: bēlu; Hebrew: baʿal and in Ugaritic bʿl. The word is often used in the LH when referring to gods,⁴³ then meaning lord. It is the personal name of the Ugaritic fertility god. When it is used referring to men it has the meaning: master, owner, possessor. A comparison between Akkadian and Hebrew usage will show the similarity.

bêl (w)ardi(m): LH 20, 175, 176: the owner of a slave.⁴⁴

bêl elippi(m): LH 240: owner of a ship.⁴⁵

bêl nipûti(m): LH 116: owner of distress (i.e. a debtor).⁴⁶

bêl šībulti(m): LH 112: owner of a consignment.⁴⁷

bêl tarbāši(m): LH 266: owner of a fold.⁴⁸

bêl aššati(m): LH 161: owner/husband of a wife.⁴⁹

bêl ḫubullīm: LH 151: owner of debt = creditor.⁵⁰

In the MAL we find:

bêl mārti: MAL A30: owner or guardian of a girl, that is her father.⁵¹

bêl napšate: MAL B2: owner of life, meaning: avenger of blood.⁵²

Only one conclusion is possible: the word is used to describe the owner of something, the object being his property or possession. A comparison between LH 161 and MAL A30 shows how a girl was the property of her father but in marriage becomes the property of her husband. It was this meaning of the word ba'al that made Robertson Smith refer to this type of marriage as ba'al-marriage or marriage of dominion.⁵³

In the OT the situation is essentially the same.

ba'al habbayit: Ex. 22:7; Judg. 19:22,23: owner of the house.

ba'al habbôr : Ex. 21:34: owner of the well.

ba'al haššôr : Ex. 21:28: owner of the bull (cf. also Ex. 22:10; 2 Sam. 1:6; Is. 1:3).

ba'al 'iššâ : Ex. 21:3,22; Deut. 24:4; 2 Sam. 11:26; Prov. 12:4; etc., owner or husband of a wife.

Pedersen remarks:⁵⁴

"The man's position in the family is expressed by his being its ba'al, the meaning of which word is the possessor and the master The word ba'al therefore not only characterizes the man as master of the house, but also tells us something of the character of his rule. He is not an isolated despot, but the centre from which strength and will emanate through the whole of the sphere which belongs to him and to which he belongs". Scholars agree with this interpretation,⁵⁵ although Neufeld⁵⁶ does not agree with Pedersen that the word also denotes intimacy.⁵⁷

When ba'al is used in connection with a man as owner, it denotes ownership in a strictly literal sense.

The position of the man (Hebr. ʾiṣ, a free man) is therefore described by calling him baʿal. Another word used to depict a certain aspect of the position of a man is ʾāb, father. The father as head of the family holds a position of honour and authority and this aspect is used figuratively. In Judg. 18:19; 2 Kings 2:12 and 5:13 ʾāb designates intimacy, honour and authority in a relationship. These are the aspects implied in the usage of ʾāb in Jer. 3:4 where the wife (metaphorically) calls her husband father. This usage of ʾāb is well attested in Semitic languages.⁵⁸

b) The position of the wife

The position of the wife has already been indicated by the preceding section. Her position in Mesopotamia is subordinate to that of her husband; he is her judge and executioner.⁵⁹ Schorr, however, concluded that a woman had full legal and business rights.⁶⁰ A look at LH 141, 151, 152 and MAL A22 seems to confirm this. If, however, the woman is married it is clear in the laws just mentioned that she is still in a subordinate position to her husband.

Evidence from the Nuzi tablets shows the favourable position of women in that Hurrian society.⁶¹ However, given different times, situations and people, the precise position of women cannot be defined in terms of one set pattern. Minor details and attitudes altered.

The truth of these statements is illustrated by the articles "Ehe" and "Frau" in the Reallexikon der Assyriologie.⁶² As to the position of women, the two outstanding facts are: how their position fluctuated at different times and places, and their secondary position to men. Klima's study on inheritance during the Old-Babylonian Period clearly illustrates the inferior position of the woman: she seldom inherited anything because the family's name and property were secured through male succession.⁶³

Num. 30, the ruling about vows, points out to what an extent women were under the authority of either a father or a husband in the OT. He was her legal custodian.⁶⁴ But the wife was by no means a mere chattel or slave. She was her husband's helpmate and her abilities were held in high esteem (Prov. 31).⁶⁵ It is clear from the whole of Semitic legislation that the husband had power over his wife and children, but it was by no means an absolute power. The rights of women were protected by law. Nevertheless, it seems as if Hebrew women were in a more subordinate position than their counterparts elsewhere in the ANE. This will become clear in our discussion on divorce.

c) Children

We have discussed the importance of children under the purpose of marriage (par. 2). Examples were quoted from Ugaritic literature to illustrate how children were the subject of blessings at a wedding and in general blessing formulas.⁶⁶ It is also well known in the OT (Gen. 15:5; 22:17; 24:60; Ruth 4:11-12; cf. Prov. 17:6; Ps. 128:3). Sterility, on the other hand, was considered a trial, disgrace or punishment in ANE and OT (cf. par. 2 and 6c).⁶⁷

Children were under the authority of their father, who was the head of the household (cf. par. 2 and 3a). This is true of Ugaritic family life⁶⁸ and the rest of the ANE. LH 195 stipulates that: "if a son has struck his father, they shall cut off his hand!"⁶⁹ LH 168, 169 rule that a father may disinherit a son (who continues to do wrong) after a court hearing.⁷⁰ LE 27/28 imply that a daughter should marry with the consent of her parents.⁷¹ The ana ittišu"laws" state that if a son breaks the relationship⁷² with his father he may be shaved, marked as a slave and sold. When he breaks the relationship with his mother he also faces retribution and humiliation.⁷³

Basically the position is the same in the OT. Joshua decided that he and his house would serve the Lord (Josh. 24:15) thus deciding with authority for his house. David may serve the king only after receiving permission from his father (1 Sam. 16:22). Honour to parents is required by the Decalogue (Ex. 20:12; Deut. 5:16) and this point is repeatedly stressed in the OT (Lev. 19:3; Deut. 27:16; Prov. 1:8; 6:20; 19:26; 23:22; 28:24; 30:11,17 etc.). Ex. 21:15 is parallel to LH 195. It prescribes the death sentence (môt yûmât⁷⁴) for a child who strikes (nkh, Hif.) one of his parents. In verse 17 the same sentence is passed on whoever curses (qll, Pi.) either his father or mother. These few examples will serve to illustrate our statement on the patriarchal authority.

In Hos. 1 the names of Hosea's children play an important role. We shall now give a few details outlining the background of names in the ANE.⁷⁵

A child was given a name immediately after his birth by his mother (Gen. 29:31 ff.; 35:18; 1 Sam. 1:20) or his father (Gen. 16:15; 17:19; Ex. 2:22).⁷⁶ In Hos. 1 the Lord prescribes the names and they have a meaning and a message. The same is true of Isaiah's son who was named Shear-jashub (i.e. a remnant shall return, Is.7:3). For this there is a very good reason:⁷⁷

"Among primitive peoples, and throughout the ancient East, the name denotes the essence of a thing it reveals the character and destiny of the bearer".

These children carried with their names an important message to the people of Israel and Judah (a kerygmatic purpose). The prophecies of Hos. 2:1-3 and 2:24-25 describe a changed destiny and hope. In these passages there is an allusion to the children's names being changed, giving them a positive interpretation.

This ^{was} done in accordance with the custom to change a name;⁷⁸

"If a man changes his character entirely, and the contents of his soul are altered, he often must have a new name".

Of this custom there are numerous examples in the OT. See:

Gen. 17:32; 41:25; 2 Kings 23:34; 24:17; Is. 62:2; 65:15; Dan. 1:6,7.

It is also well attested in Akkadian.⁷⁹

d) Ancient Egypt

In Ancient Egypt the position of the wife was different. She was not only de jure but also de facto on the same juridical level as the man.⁸⁰ Lüddeckens states:⁸¹

"Aus allem, was wir sonst über die Frau und ihr Verhältnis zum Mann im alten Ägypten wissen, können wir mit Sicherheit schliessen, dass ihre allgemeine Situation und ihre juristische Stellung als rechtmässige Ehefrau oder nb.t pr ("Hausherrin") in einer gültiger Ehe sehr viel günstiger gewesen ist, als man nach der landläufigen Vorstellung von orientalischen Verhältnissen anzunehmen geneigt ist".

However, the husband was the leading figure in the relationship:⁸²

"As regards the rights the husband has on his wife, the Egyptian language even has a special expression for it: hp n hm.t, "right to the wife", which right the husband explicitly waives in the deeds drawn up in order to serve as a proof of divorce."⁸³

The right of a husband regarding his wife is juridically constructed as a right of property.⁸⁴ This is similar to the rest of the ANE but the position of the woman is much better in Egypt. As a result she had the right to divorce her husband with no punishment attached to it except detailed stipulations about remarriage and the redistribution of gifts and property (see later par. 7h). However, the fact that the husband has juridically a right of property over her has the effect that, as to the support, adultery and the marriage-divorce formulas, the picture remains very much the same. In Ancient Egypt the importance of children and an heir is quite clear even from the marriage and divorce documents. It is quite often stipulated that:⁸⁵

"The eldest son from this marriage is my eldest son.

My property is for our eldest son and for our other children".

The husband thus makes sure that the children stay with him even if he divorces their mother.

4 Marriage: betrothal, contract and gifts

a) Stipulations

In this paragraph we shall start our discussion with a look at the stipulations from the laws. LE 27,28:⁸⁶

27: "If a man (awīlum) takes a(nother) man's daughter (mārat awīlim) without asking the permission of her father and her mother and concludes no formal marriage contract (ù gir-ra-am ù ri-ik(sa)-tim) with her father and her mother, even though she may live in his house for a year, she is not a 'housewife' (ù-ul aššat)."

28: "On the other hand, if he does conclude a formal marriage contract with her father and her mother and then takes her, she is a 'housewife'. When she is caught with a(nother) man, she shall die, she shall not get away alive."

This is, with minor differences, the same in LH 128,129. LH 160 is translated:⁸⁷

"If a man (awīlum) has had a gift (bīlum) brought to his father-in law's house (or) has given a bridal gift (terḫatum), and the father of the girl states: 'I will not give thee my daughter (in marriage),' he must double everything that has been brought to him and ^sretore (it)!"

The full pericope in LH dealing with a break in contract is LH 159-161. It finds its parallel, again with minor differences, in LE 25, HL 29 and LL 29.

When all these laws are studied it is clear that a legally correct marriage consists of three important steps:⁸⁸

i) The bring^{ing} and acceptance of the marriage gift, the terḫatum.

The girl is from now on referred to as a "wife" (aššatum, LH 161).

A marriage is legally effected as can be seen from the abovementioned example (CH 160).⁸⁹ Driver and Miles call it an "inchoate marriage"⁹⁰ implying with the word that the marriage has just begun and is still incomplete, though legally a marriage.

ii) The marriage is consummated with the copula carnalis, it completes or perfects the marriage. The wife has left her father's house and is now staying with her husband.

iii) The contract or riksatum proves that marriage has taken place, that the wife is an aššat awīlum, that means, she is a "housewife" and not an ordinary concubine or woman of a lower class.

b) The marriage document

The importance of this document is proved by the laws themselves (LH 128, 150, 151, 165; LE 27, 28; Neo-BL 8) and laws which assume knowledge of it (MAL A 34 + 36). Examples of such contracts are found all over Mesopotamia.⁹¹ Scholars have emphatically stressed the importance of such a document for a legally valid marriage.⁹²

Nevertheless, Driver and Miles have shown convincingly that LH 128 requires this contract only when the woman is to be an aššat awīlum.⁹³ LH 127 uses this term for the first time, LH 128 defines or explains it. Not every married woman is called an aššat awīlum in the laws.⁹⁴ MAL A41 describes the ceremony necessary when a free man (awīlum) wants his concubine to become a legal "housewife" or aššat awīli.⁹⁵ Here a ceremony is necessary to raise her status. No contract is mentioned.

It is quite obvious from the laws that marriage in the lower classes did not require the same legal obligations.⁹⁶ One should not be too eager to lay down hard and fast rules on topics like this where so little information is available and where minor detail of customs differs to such an extent at various times and places. HL 29-37 are most interesting as ~~they~~ clearly show the different attitude taken in sexual matters when there is a class distinction.⁹⁷ In the Hittite laws writing as an intrinsic element in the validity of an agreement is unknown.⁹⁸ Law and practice also differed in the ANE.⁹⁹ The marriage contract was not always and at all places an absolute requirement for a legal marriage.

c) The marriage gifts

We now turn to discuss the different gifts bestowed during the marriage. The terhatum is the most important. It was previously held to be a purchase-price, making a marriage somewhat like a business transaction¹⁰⁰ and the terhatum a payment in advance (arrhal sale)¹⁰¹ for the girl. This theory is now almost generally abandoned after thorough investigation by various scholars.¹⁰²

The nature of the terhatum (biblical: mōhar) is that of a compensation gift:¹⁰³

"One family gives a very precious possession, a daughter; the other, to put things on an equal footing, gives a valuable present. The mōhar thus establishes the prestige of the husband and his family, gives him authority over his wife, makes the contract binding on both parties, and creates an alliance between the two families".

One should, to repeat the warning, not stress an unchanging custom.¹⁰⁴ In discussing the Neo-Babylonian laws, Driver and Miles note how little the essential elements of marriage changed over a thousand years but go on to remark that in this set of laws no word is said about either terhatum or biblum and they seem to have been in disuse during this time.¹⁰⁵ The importance and amount of terhatum changed and differed¹⁰⁶ and was not always an essential condition for marriage.¹⁰⁷ Terhatum is mentioned in LH 138, 139, 159, 160, 161, 163, 164, 166; MAL A38; LE 17,25,26; Schorr's Urkunden: 2, 3, 32, 36, 207, 209.

The Hittite parallel for terhatum is kušata (HL 28-30, 34-36).

Neufeld mentions that it functions as a real gift but that nothing of its amount or value is known. That it legally effects a marriage ¹⁰⁸ is quite clear, because the laws make provision for what has to take place in case the betrothal agreement is broken.¹⁰⁹ The legal validity of the relationship is further proved by the two words for betrothal in the Hittite laws.

darant- (HL 28) means promise¹¹⁰ or in German Versprechen. It describes a less formal agreement without feste juristische Abmachung.¹¹¹ The second word, hamenk-, depicts a more formal type of agreement, betrothed or bound, binden; it has a definite legal value.

There were quite a number of other gifts exchanged. The terms were used differently at various times and places. In the first place we discuss words for dowry or settlement.

The šeriktum (Babylonian: LH 137, 138, 142, 149, 162-164, 167, 171-174, 176, 178-184) or širku (Assyrian: MAL A29) is the dowry, the gifts bestowed on the girl by her parents, everything which was brought from her father's house.¹¹²

Old Babylonian documents (Schorr: 202, 220)¹¹³ and Neo- BL (no's 8-12)¹¹⁴ used nudunnūm to describe the dowry. HL 27 used the word iwaru.¹¹⁵

The custom of binding the bride's terhatum in her girdle seems to refer to the practice of giving it back to her as part of her dowry.¹¹⁶ If she become a widow it would provide her with a means of living.

The husband can, or sometimes should, give quite a number of presents.

In the Babylonian laws he gave his wife a nudunnūm (LH 171, 172).¹¹⁷ The MAL (A27, 32, 46)¹¹⁸ used the same word. It was given either at or after the consummation of the marriage and its main purpose was to provide the wife with a means of living if she become a widow. The nudunnūm was a voluntary gift. In the Neo-Babylonian laws (12) the word šeriktum is used to describe this gift.¹¹⁹ HL 27 used aššu in more or less the same connotation.¹²⁰

The biblum and zubullū were presents given by either the bridegroom or his father to the father of the bride. These gifts were given when the girl was of a lower social status. They were probably gifts providing for the food of the marriage feast (LH 159-161; MAL A30, 31, 42, 43).

These were the more important gifts bestowed.

d) Marriage and gifts in the OT

We now turn to discuss marriage as practised in OT times. Although there is very little evidence in the OT one can agree with Mace that two elements were necessary for a legal marriage:¹²²

- i) The payment of the mōhar (bride-gift) which made the union binding in the eyes of the law.
- ii) The tradio puellae and copula carnalis which completed the marriage in the sphere of the personal relationship.

We shall discuss the marriage contract, which was not a necessary element with the Hebrews, later.

Basically betrothal is the same here as elsewhere in the ANE.¹²³

Two sets of evidence point in this direction.

In the first place the word mōhar. It is parallel to the Babylonian terhatum¹²⁴ and is used three times in the OT (Gen. 34:12; Ex.22:16; 1 Sam. 18:25). The amount of money could vary depending on the social position of the families involved. Deut. 22:29, however, prescribes 50 shekels of silver. We know that Jacob (Gen. 29: 15-30), Othniel (Josh. 15:16; Judg. 1:12) and David (1 Sam. 18: 25-27) rendered service for the mōhar.¹²⁵ The mōhar is not so much a financial transaction but rather a compensation gift¹²⁶ through which a bond was made between two families.

The second piece of evidence is derived from Deut. 22:23ff. Here the verb ʾrś (+derived forms) is used to indicate that the girl is pledged to a man. She is regarded as a wife and the sexual offence is viewed as adultery upon which the death penalty rests.¹²⁷

Ex. 22:15 and 16 (MT), a slightly different case, stipulate what happens if a virgin, who is not betrothed, is seduced (ʾrś Pi.). Her father may refuse to give her in marriage. In such a case the offender has to compensate the father by paying him a sum equal to the bride-price (mōhar) of a virgin.¹²⁸

This shows that betrothal legally effects a marriage, it creates an obligation for marriage, an inchoate marriage as Driver and Miles termed it. That it was not a completed marriage is clear from the fact that a dissolution thereof nowhere requires a divorce (see: Judg. 14:20; 1 Sam. 25:44). In later post-biblical Jewish law an engagement which was broken needed a divorce.¹²⁹

Conclusion: the mōhar practice and the laws of Deut. 22:23ff. correspond basically to the ANE custom.

A marriage is consummated by the tradio puellae and copula carnalis. This can be seen from Deut. 20:7 and 24:5 where a betrothed bridegroom is exempted from military service to complete his marriage¹³⁰ and to raise ^{an} offspring.

Although a marriage contract was necessary for some marriages in the ANE, it was never even mentioned in the OT. Some scholars argue that it was not known in pre-exilic Judaea.¹³¹ Some think that the bill of divorce (Deut. 24: 1,3; Jer. 3:8; Is. 50:1) and passages referring to marriage as a covenant or contract (Ez. 16:8 ; Prov. 2:17; Mal. 2:14) may indicate that it existed but was never explicitly mentioned.¹³² It is known in post-Biblical literature (Tob. 7:12-14¹³³) and in the Elephantine Aramaic Papyri.¹³⁴

Evidence about gifts is very scarce in the OT. It was, however, something quite important; one honours someone by presenting him with a gift. It strengthens and deepens the peace and bond between two parties; it is more than something material as it transfers something of the entirety, the entity of one man to another.¹³⁵ Such is the case with marriage gifts.

Of the dowry proper we have a few good examples. Sarah (Gen. 16:1), Rebecca (Gen. 24:61), Leah and Rachel (Gen. 29:24,29) received handmaids from their fathers. They held power over them and the maids were their individual possession (Gen. 31:14-15). Caleb's daughter received a field and springs (Josh. 15: 18,19; Judg. 1:14,15). Pharaoh gave his daughter the city of Gezer (1 Kings 9:16). De Vaux, however, thinks that this custom was not generally accepted in Jewish territory.¹³⁶

Abraham's servant presented Rebecca, her mother and Laban with presents (Gen. 24 :22,53: migdānōt). In Gen. 34:12 Shechem promises Jacob and his sons a mattān in addition to the mōhar. The basic meaning of this word, also found in Ugaritic,¹³⁷ is gift. The precise function thereof is, however, not altogether clear.¹³⁸ It might be the groom's voluntary gift to his bride.¹³⁹ To conclude: we have found that in ANE and OT marriage gifts were exchanged. In both ANE and OT the custom does not show a set pattern or terminology.

e) Marriage in Ancient Egypt

In Ancient Egypt the customs and terminology seem to be a bit different (see above par. 3d). The earliest documents concerning marriage date from the 9th century B.C.¹⁴⁰ Of these there are only a few. The bulk of the documents range between the 6th and 1st centuries B.C. There are differences between these documents which are due to different social classes, places and times.¹⁴¹ The position of women was, as we have seen in par. 3d, considerably better in Egypt than in Mesopotamia.

According to Pestman's study of the available documents there were two quite different types of marriage:¹⁴²

"In the one (type A) the handing over of a gift by the husband to the wife (šp) is the central moment; in the other ones (types B and C) it is the handing over of a gift by the wife. This last type of marriage is known to us from 517 B.C. (B no. 1) after which date it is found together with the other type".

In the first type of marriage (type A) the husband had to hand over a gift called šp. This gift is more or less like the terhatum (when given to the father-in-law) or like the nudunnūm (when given to the wife). The usage of šp underwent some development. Originally it was given to the father-in-law. Then, in accordance with the important legal status of the Egyptian wife, the šp falls to the wife herself. When giving in marriage by the father falls into disuse the šp diminishes and finally it is given to the wife only in case of divorce.¹⁴³ It was an important element in bringing about a marriage.

Pestman stresses that it was no purchase-money.¹⁴⁴ By paying the šp a new and legal family bond was formed and the hp n ḥm.t, i.e. "right to a wife", was acquired. This implied that she was his wife and should do what was required from her and therefore should not commit adultery.

The goods brought into the marriage by the wife were called the nkt.w n s.ḥm.t (more or less parallel to the Akkadian šeriktum).

Pestman argues for the existence of two types of marriage on ground of the prominence of šp in one (type A) and nkt.w (types B and C) in the other. Although it is quite correct to say that in type A the husband makes the payment to the wife while the wife does it in types B and C, I am not inclined to call it different types of marriage. "Type of marriage" refers to the basis of a marriage, i.e. whether it is a patriarchal, matriarchal, ērebu etc. marriage. In this case we only have different ways of effecting and documenting a patriarchal marriage.

These documents, governing different legal aspects of the marriage, were not required for entering into a valid marriage.¹⁴⁵ They are documents concerned with the property rights after the marriage, especially in case of divorce. It is also clear from "types" B and C that they were drawn up some time after the marriage was consummated.¹⁴⁶

We do not know whether there was something like betrothal,¹⁴⁷ neither do we know much about the other formalities, requisites and marriage celebrations.¹⁴⁸

There is, however, clear evidence about the marriage formula (Eheschliessungsklausel).¹⁴⁹ It is recorded in the documents related to marriage:¹⁵⁰

"The woman has said to the man: 'You have made me your wife'.

The man has said to the woman : 'I have made you my wife'".

In the documents concerning divorce which give the woman the right to remarry, the following statement is found in 4 or 5 times in the recorded 10 documents:¹⁵¹

"When I find you with another man, I shall not be able to say to you: 'You are my wife'".

It is obvious that the words of this formula applied to the legal validity of the marriage.

5 The support of a wife

a) Support

In this paragraph we shall try to show that throughout the ANE, as well as with the Hebrews, it was the husband's duty to provide his wife with the necessities of life. It was traditionally grouped as food (barley), oil and clothing (Akk. eprum, piššatum and lubuštum).¹⁵²

The laws about a husband's absence from his house are decisive for this issue. LH 133-136 deal with these cases. LH 134 reads:¹⁵³

"If the man has taken himself off and there is not the (necessary) maintenance in his house, his wife may enter another man's house; that woman shall suffer no punishment". (I.e. she may marry again, she is not guilty of adultery).

Similarly the MAL A36 and 45 deal with this issue. MAL A36, the first part, reads:¹⁵⁴

"If a woman is still dwelling in her father's house or if her husband has made her to dwell apart and her husband has gone to the field(s) (and) has left her neither oil nor wood nor clothing nor food nor anything else and has had no provision (?) brought to her from the field(s), that woman shall remain faithful to her husband for five years (and) not go to dwell with an(other) husband..."

The law goes on to say that if she has sons, she has to hire them out and stay true to her husband. If, however, these conditions are not met, she may marry again after a lapse of time. From these two examples it is clear that a husband is responsible for his wife's maintenance and that, if she has sons, they must look after their mother.

Similarly the laws of Lipit-Ishtar (no. 27) provide that if a married man, whose wife is barren, has children with a harlot from the city square, then he has to provide her with grain, oil and clothing.¹⁵⁵ LE 32 stipulates that a child's father has to provide his foster-mother with food, oil and clothing.¹⁵⁶

Evidence from the clay-tablets points in the same direction. In a marriage contract from Nippur the father explicitly stipulates that, in case of his death, his sons should provide their mother with food, oil and clothing.¹⁵⁷

In adoption tablets it is stipulated that it is the duty of the adoptive son to provide his father with these necessities.¹⁵⁸

In Ugaritic literature there is also some evidence pointing in this direction. Some calamity overtook king Keret (the b^c1) and he is sick. The result is drought and there is nothing to live from; (Keret C iii):¹⁵⁹

"Spent is the bread corn (from) their jars,
Spent the wine from their skin-bottles,
Spent the oil from (their) jugs".

kly lḥm bdnhm

kly yn bḥmthm

kly šmn bq....

If a man gave his wife these necessities she had to stay true to him, he is fulfilling his marriage duty. The taking away of these necessities (cf. below), especially the clothes, indicate the opposite, a divorce, the abolishment of the relationship.

In the OT there are only two places where this obligation of the husband is referred to.¹⁶⁰ The first is Ex. 21:10 (which refers, however, more specifically to the second wife, the ḏāmâ, v. 7. She has a lower social status¹⁶¹):

"If he takes another woman, he shall not deprive the first of meat, clothes, and conjugal rights". (NEB).

The three Hebrew words are: šē'erâ, kēsûtâ, 'ōnâ. The meaning of the last word is not altogether clear and S.M. Paul has suggested, on ground of the abovementioned ANE usage, that it may mean "oil".¹⁶² That these words refer to the fundamental marital rights of a wife is generally acknowledged.¹⁶³ This custom is also attested in Hos. 2:7, 10, 11, 24; Ez. 16:9-13, 19, 35ff. which we shall discuss in more detail later.

A look at the Egyptian documents concerning marriage convinces one immediately that they aim, amongst others, to secure and safeguard the property and position of both spouses, especially that of the woman. It states the amount of money paid as gifts by both spouses and it takes great pains in ruling how it is to be returned or redistributed in case of a divorce.¹⁶⁴

In the majority of these cases the yearly maintenance due to the wife is explicitly stated.¹⁶⁵ Lüddeckens remarks:¹⁶⁶

"Die regelmässige Lieferung von Naturalien und Geld für ihren Unterhalt (ḥbs - "Nahrung (und) Kleidung") sichert der Mann seiner Frau in den Urkunden..."

The maintenance included corn, cakes, oil, clothes and money.¹⁶⁷

We can, therefore, conclude that all the material gives evidence of the husband's legal duty to support his wife.

b) Protection

After outlining the husband's duty to support **his** wife and household, it follows logically that support includes protection. This was already clear in our discussion of the husband's position and the meaning of the word ba'al (cf. par. 3a,b).

A few examples from the OT will illustrate the point. When Jacob is about to meet his brother Esau (Gen. 32) he fears retribution from Esau and takes excessive measures to secure the safety of his wives and children. When Jacob's daughter Dinah was dishonoured by Shechem, it was met with great grief and anger by the house of Jacob. Simeon and Levi felt their father's action was too soft and killed every male of Shechem's city in revenge (Gen. 34).

6 Adultery

a) ANE

Israel was unfaithful towards the Lord. In marriage terminology she committed adultery. We shall now consider some of the aspects of adultery in the ANE.

LH 129-132 treat the subject of adultery or suspected adultery.

LH 129 reads:¹⁶⁸

"If a married lady is caught lying with another man, they shall bind them and cast them into the water; if the husband wishes to let his wife live, then the king shall let his servant live".

In LH 130 a betrothed woman is raped. If they are caught, she will go free but the man must die. If a woman is accused of adultery, LH 131 and 132 describe how she must prove her innocence.¹⁶⁹

A study of these laws reveals the following important points.

Adultery is an offence punished by death. The offenders have to be caught in the act of committing the offence. The husband may forgive his wife, but this implies equal treatment for the male offender. In the LH the sentence is always executed by binding the hands and feet of the offenders and throwing them in the river. The fact that the woman is also bound illustrates how serious the offence was. This means of punishment (drowning) is inflicted four times on women,¹⁷⁰ and only in cases of adultery the law stipulates that they are to be bound.¹⁷¹

The MAL goes into far more detail. The distinction between married (MAL A12-19) and unmarried (MAL A55,56) women is interesting. The offence is treated differently and separately in the laws. We shall concentrate only on MAL A12-16 (18 and 19 is referring to suspected adultery).

Adultery is only possible if the woman is married, i.e. a DAM (Sumerian), aššatu (Akk.). The man should be aware of her married state otherwise he is not guilty (A 13,14). If he rapes her (A 12) she is not guilty but he is. The place where the act was committed is also important. If the wife actually goes to the man's house (having left hers), then she is definitely guilty. If the man meets her in a street or in a brothel and does not know that she is married, then he cannot be held guilty (MAL A13,14).

As to the execution of the sentences, if they were caught in the act they could be either lynched or haled before a court. The sentences, if both were guilty, had to be the same, either death, mutilation or pardon.

If a girl was a virgin and raped the MAL A55,56 viewed it as an offence against the property of the father. If she was married, it was a crime against the property of her husband MAL A15. Morality was no consideration because a man was free to go to other women.¹⁷²

LE 28 mentions adultery.¹⁷³ Yaron suggested that LE 27 also has its roots in an actual case of adultery.¹⁷⁴ He is troubled by the fact that LE 28 refers only to the punishment of the woman who is caught in adultery.¹⁷⁵ His arguments are not very convincing. LE 27 and 28 seem to concentrate on when a woman is a real wife (aššatu) and on the necessity to have a marriage contract (rikšatum, compare LH 128). The sentence at the end of LE 28 mentions adultery and seems to stress that only when a contract was made the full responsibility of being an aššatu is in force. This sentence occurs only in one of the several copies of LE 28.¹⁷⁶

In HL 197 we read: 177

"If a man seizes a woman in the mountain, (it is) the man's offence, he shall die. But if he seizes (her) in the house, (it is) the woman's offence, the woman shall die. If the man finds them and then slays them, (there shall be) no punishment for him".

The following paragraph (HL 198) stresses the possibility of pardon and equal sentences but gives the king an overruling right for sentencing death or acquittal. Once again we see that the place where the offence was committed is important, also that lynching as well as forgiveness is permitted.

Adultery was regarded as a "great sin".

In Egyptian law (9th century) the husband may divorce his wife if she is guilty of adultery. Usually it involves many obligations to divorce a wife (see par. 7h) but if she is guilty of the "great sin", i.e. adultery, the husband is ^{released} from all obligations. Nothing is said about the death penalty. According to the more equal legal position of women in Egypt it seems as if she only lost her husband, maintenance and property... which was considerable! The typical phrase is thus translated by Pestman: 178

"If I repudiate the woman N.N., (because) I wish to repudiate her, or (because) I wish another woman than her, except on account of the great sin which is found in a wife, I must give her"

Similarly hitta rabâ, i.e. great sin, found in Akkadian documents at Ugarit, c. 1250-1240 BC.¹⁷⁹, almost definitely refers to adultery. The queen guilty of it met her death according to W.L. Moran's interpretation of the correspondence.¹⁸⁰

According to L.R. Fisher, who argues on ground of the newly found text in the correspondence about the "great sin" committed by the queen of Ugarit,¹⁸¹ the situation is thus: the queen was guilty of adultery, divorced and sent back to a city of Amurru.

Her daughter, the illegitimate child, must however be returned to her former husband the king of Ugarit and put to death. The child thus died as the illegal child of David and Bathsheba had to die (2 Sam. 12:14b). The mother did not meet the "prescribed" death penalty.

A textbook case of adultery and its punishment is S. Greengus' interpretation of a Sumerian document.¹⁸² Three charges are led against the wife of one Irra-Malik: she burglarised his store-room, stole some oil and was caught in bed with another man. Her husband tied them together in the bed and carried them off as evidence to the assembly. She was divorced, her pudendum shaved, her nose pierced with an arrow and thus she was led in public humiliation around the city.

If this interpretation is correct then two interesting facts should be noted: here divorce is linked directly with adultery and here we have a literal legal decision which can be compared with one of Hammurapi's laws, LH 141.

To conclude: adultery of a wife was a transgression against the husband's property. The punishment was death. In MAL A14 and 15 as well as in HL 197 it seems as if the execution could be carried out immediately. It is impossible to know exactly how it was done. The Laws make provision for forgiveness in which case the guilty pair should be treated alike.

b) OT: the offence

Adultery is regarded in the OT as one of the most serious offences.¹⁸³ It is listed in the Decalogue, Ex. 20:14; Deut. 5:18, among the sins committed against one's neighbour. It is seen in terms of the man who sleeps with his neighbour's wife.¹⁸⁴ We shall now consider the seriousness of the offence.

The punishment for adultery for both the man and the woman caught in the act, is death (Lev. 20:10; Deut. 22:22ff.). The reason for this harsh punishment lies in a variety of factors. They do not stand in opposition to one another but rather supplement each other. One of the reasons for the stern view of adultery is implied in the notion that the wife is the property of her husband (he is her ba'al, par. 3a). W. Robertson Smith concluded: "marital rights are rights of property".¹⁸⁵ The fact that the wife is grouped with the other possessions of her husband (like his house, vineyard, etc.) in Deut. 20:5-9 and 28:30 seems to confirm this statement.

Rabbi K. Kahana has, however, attacked this interpretation of the position of a wife. According to him she has never been the property of her husband because marriage changes only the status of a woman, being permitted to her husband and prohibited to all others.¹⁸⁶

He is, however, clearly arguing from his own interpretation of post-biblical Jewish law. His views cannot be proved from the OT.

Nevertheless, one should be careful not to understand under property that a wife and a house fall in the same category. Both are the possession of the husband but a wife stands in a much more personal and intimate relationship to her husband.

Thus a wife is the exclusive possession of her husband, especially so in ^{the} sexual realm. She is the mother of his sons and his name, i.e. he himself and his family, is continued through his sons.¹⁸⁷

A man must be sure that his children are his own (par. 3c.).¹⁸⁸

However, seen against Israel's religious background, adultery is first and foremost a sin against God. In Gen. 12:18, 19; 20:2-7; 26:10-11, the rulers are in great danger of sinning against God, so also Joseph, Gen. 39:7-9 and David, 2 Sam. 12:9-13; Ps. 51:4. (See also Prov. 2:17,18; 6:26,32; 7:18-20; Jer. 7:9; 23:10; Ez. 16:32; 18:6,11,15; 22:11 and 33:26). All these passages, together with the mention of adultery in the Decalogue, show that it is more than a mere injury to your neighbour's property. More and more it was seen as a moral wrong, Lev. 18:10, especially in Proverbs and the Prophets. The reason: it was a sin against God, a transgression of the covenant, Deut. 17:3. It is not only a secular offence, it is a sacral offence against God.¹⁸⁹

How serious an offence adultery was, how bitter a degradation and loss of honour for a man, can be seen from one of the worst calamities that can happen to a man: his wife taken from him and given to another¹⁹⁰ (2 Sam. 3:13ff; 12:11 and 1 Kings 20:3. See also the curse or warning formulas in Deut. 28:30; Jer. 6:12; 8:10; Job 31:10; Amos 7:17).¹⁹¹ In principle the same thing happens with adultery, your wife belongs to another man.

Small wonder that it is termed, as elsewhere in the ANE,¹⁹² the ḥăṭā'â gědōlâ, great sin (Gen. 20:9).¹⁹³ This technical term is also used in Ex. 32:21; 30;31; 2 Kings 17:21, and then always in connection with idolatry and calf-worship. It could well mean that idolatry is here described in adultery terminology.¹⁹⁴

c) OT: the punishment

We now turn to discuss the punishment inflicted on adultery.

There seem to be two current ideas, death and sterility. It is difficult to see the precise relationship between the two.

Sterility seems to be the punishment on the whole household, community or country which is guilty of adultery. Adultery is then seen both literally and metaphorically (idolatry).

It is clear in the Sarah-Rebecca cases that the wrath of the Lord and his retribution, feared by Abimelech and Pharaoh (Gen.12:17ff; 20:8ff; 26:10ff.), was among others, sterility. Cf. Gen. 20:17,18: "Then Abraham interceded with God, and God healed Abimelech, his wife and his slave-girls, and they bore children; for the Lord had made every woman in Abimelech's household barren on account of Abraham's wife Sarah".¹⁹⁵

Ex. 23:23-26 prove that it was also connected with a general blessing-curse connotation.¹⁹⁶ If Israel stay true to Yahweh, "None shall miscarry or be barren in the land" (v. 26). Cf. also Hos. 4:10; 9:12-16; Is. 10:22.

It is interesting to note that sterility is not conceived of the husband himself - even if he was liable. But the punishment was, nevertheless, severe, because the calamity affects him to the same extent as the woman. His "property" is made useless.¹⁹⁷

Another way of punishment which is in a way related to sterility is discussed in Nu. 5:11ff. It prescribes the procedure a jealous husband should follow when he suspects his wife has committed adultery. She should drink water of contention under oath. When guilty of adultery it was believed that she would suffer a miscarriage.¹⁹⁸

This is believed to be a very ancient custom inherited from Canaan.¹⁹⁹ (For the Mesopotamian parallel to this rite , compare LH 131, 132 and MAL A17).

Death was the punishment for both parties when caught in flagrante delicto, Deut. 22:22ff; Lev. 20:10.²⁰⁰ Stoning, Deut. 22:23ff; Ez. 16:40, was the most recognized way of execution.²⁰¹ The special punishment of stripping an adulteress in public will be discussed under divorce.

Was forgiveness possible in the OT? Adultery was an absolute wrong and an offence against the will of God.²⁰² S.M. Paul concludes that it is:²⁰³

"impossible in biblical law where such a crime is considered a flouting of the divine will and as such is without pardon".

Strictly legal this interpretation is correct. In actual practice it is not confirmed. The OT provides us with not a single instance where the legal penalty for adultery was enacted.²⁰⁴ (Cf. Judg. 19:2,3; David, in 2 Sam.12:13-14; in the NT John 8:1-11). Thus, similar to the rest of the ANE, scholars agree that pardon was possible.²⁰⁵ The enforcement of the law was less strict than the prima facie value thereof. Prov. 6:20-35 seem to confirm these thoughts.²⁰⁶

d) The view of A. Phillips

This brings us to the very interesting hypothesis on adultery advanced by A. Phillips.²⁰⁷ It affects the interpretation of Hos. 2:4ff. profoundly. It rests on two related premises: firstly, there was in Israel a distinction between family and criminal law.²⁰⁸ Criminal law alone deals with transgressions against Yahweh's covenant with Israel.

These transgressions are to be punished by death. Injury to persons and property does not constitute a crime. Such injuries were torts and resulted in a suit between individuals.²⁰⁹ His second premise is that initially only men were considered to be in covenant with God and thus only they are subject to the criminal law. It was only the deuteronomic legislation that brought women under the scope of the covenant.

From these premises the following implications follow:

Initially adultery was only a tort and Ex. 20:14 puts the death penalty only on the adulterous man. Women could therefore not be tried under the criminal law and could not be punished by death. The only thing a husband could do, was either to divorce his wife or punish her. It was only after the deuteronomic reform that women became equal members of the community, and were subject to the death penalty.²¹⁰

As evidence Phillips produces the following: Both Hos. 2:4 and Jeremiah 3:8 are older than the deuteronomic reform and reflect the divorce penalty of family law punishment. One does not read of a death sentence threat to Sarah nor that Bathsheba was condemned. Over and against these the evidence of Deut. 22:22ff. and Deut. 24:1ff. proves and reflects the new legislation.

This view of adultery is, however, seriously to be questioned. In the first and foremost place: the separation of criminal and civil law will meet with a more or less unanimous opposition from scholars in this field of study.²¹²

In the second place: we have seen to what an extent all ANE laws condemn adultery, punishing it with the death penalty. However, the possibility of forgiveness is almost always mentioned. Similarly the OT provides us with ample evidence of the seriousness of the crime but with not a single instance where the death penalty was enforced. Forgiveness is always granted.

Thirdly: we have shown that adultery was seen as a sin against God in the OT. Phillips argues that all the pre-Deuteronomy cases refer only to the guilt of the man. However, all the actual cases of adultery in the OT antedate the deuteronomic reform. Juridically they are in harmony with the ANE laws and as such it implies that Israel knew about the death penalty for both parties.

Gen. 38:24 proves to be a problem for Phillips' view. This case of "adultery" which is punished by death contradicts his view. He therefore interprets the punishment as a priestly gloss reflecting the Babylonian type of punishment (LH 110, 157) which became known to Israel during the exile.²¹³ However: Tamar's case is not adultery. She was a widow and was accused of harlotry (znh). The method of punishment by burning is also well attested in the OT (Lev.20:14; 21:9; Judg. 14:15; 1 Kings 16:18).²¹⁴ Commentators do not find any P glosses in Genesis 34:24.²¹⁵

Lev. 20:10 stipulates death for both adulterer and adulteress.

Phillips finds, through a lengthy argument of growth in the priestly legislation,²¹⁶ that the original enactment was drawn up as if there was only one person to be executed, namely the husband.²¹⁷

In Gen. 20:1 there is, according to Phillips, no suggestion that:²¹⁸

"Sarah would have been in any way liable for her adultery with Abimelech. This also explains why Bathsheba is nowhere condemned for her adultery with David".

Sarah and Abimelech were not guilty of adultery. In Bathsheba's case neither she NOR David was convicted.

The Deuteronomic laws most definitely took a more strict line on sexual offences (Deut. 22) but its general scope stays in line with the bulk of ANE laws. One ought to be very careful not to think that these laws originated c.621 B.C. They are most probably to a large extent common and well-known laws which only in Deuteronomic times of sexual laxity got explicitly stated.

There is some truth in Phillips' view that the covenant and Decalogue are chiefly between God and adult male Israelites. However, the bond was through the man as head of the family with the whole of the family (compare Josh. 7). Women were not excluded from committing a crime and sinning against God!

The bulk of ANE and OT evidence on adultery points in general and in specific cases to a death penalty with the possibility of forgiveness to both the adulterer and adulteress.

7 Divorce: ANE

A marriage, and the marriage relationship between God and Israel, can only be dissolved through a divorce. This may be the case in Hos. 2:4ff. and Jer. 3:1,8f. It is therefore important to have a look at the laws and documents dealing with divorce. We shall pay attention to the possibility and reasons for divorce, the punishment thereof and the words and ways of implying a divorce.

a) Stipulations

LH 137-149 deal with the dissolution of marriage and LH 137-143 apply to divorce in particular. It is clear that class-distinctions imply different stipulations.²¹⁹ These laws do not refer to inchoate marriages (they are discussed in LH 159-161).²²⁰

LH 137: a marriage of inferior type between a free man (awīlum) and a lay-sister (šugêtum) or a priestess (nadītum).²²¹ If she has borne him children and he afterwards divorces her, then he has to provide her and the children with sustenance by giving half his property to them. When the children come of age they and their mother each inherit an equal share of this property. The mother is then free to marry again.

LH 138, 139 deal with the case when a free man (awīlum) divorced his chosen, i.e. first wife (hīrtum), who has not provided him with sons. He must restore her dowry (šeriktum) and give her silver to the value of her bride-price (terhatum). If he did not pay (!) any bride-price he should give her divorce-money (uzubbûm).²²² LH 140 rules the amount of divorce-money to be paid if the husband is a muškênum. The exact meaning (class distinction ?) of this word is much disputed.²²³

LH 141-143 is very interesting.²²⁴ Greengus summarises as follows:²²⁵

"CH 141 involves a wasteful and pilfering wife who behaves immodestly but who is not a proven adulteress; her husband may divorce her with no payment or divorce-money or he may reduce her to slavery and marry another woman".

The terminology used in LH 141 describes promiscuous behaviour.²²⁶

The wife is neglecting and humiliating her husband.²²⁷

LH 142 and 143 go together. LH 142 begins like this:²²⁸

"If a woman has hated her husband and states: 'Thou shalt not have me,'".

Refusal of marital rights is indeed a serious offence.²²⁹ If (in LH 142) the case is taken to court and it is found that her husband was indeed belittling her, then she could leave him with no blame attached to her. She may take her dowry.

However, (LH 143) if the court finds her to be a gadabout who neglected and humiliated her husband, then she shall be thrown into the river, i.e. drowned.

Judged against ANE standards, these laws are extremely fair towards women. They protected their rights and prevented capricious divorce. The same cannot be said of the MAL. A 37 and 38 read:²³⁰

"If a man divorces his wife, if (it is) his will, he shall give her something; if (it is) not his will, he shall not give her anything; she shall go forth empty".

"If a woman is still dwelling in her father's house and her husband divorces her, he may take the ornaments which he himself has bestowed on her; he shall not claim the bridal gift which he has brought; he (then) is quit in respect to the woman".

The LE, however, seemsto have quite a different attitude. LE 59 reads:²³¹

"If a man divorces a wife after having made her bear sons and takes another wife, he shall be expelled from (his) house and whatever (property) there is and he will go after him who will accept him".

The ana ittišu "laws" which were copied for the great library of Nineveh are very short and to the point; nos. 5 and 6 read:²³²

"If a wife has hated (i-zi-ir) her (!) husband and says 'Thou art not my husband', they shall throw her (!) into the river".
 "If a husband says to his wife 'Thou art not my wife', he shall pay $\frac{1}{2}$ maneh silver by weight".

Further evidence on the law and practice of divorce can be obtained from the many marriage documents which were unearthed in the ANE. Many of these documents,²³³ though not all,²³⁴ contain stipulations on divorce. Although there is a basic pattern one can clearly see that details and attitudes differed at various times, places and societies.²³⁵

We shall now give three examples. They all date from the time of the first dynasty of Hammurapi and were found at Sippar, Hana and Nippur.

"Wenn Baštum (zu) Rîmun, ihrem Ehemanne: 'Nicht bist du mein Ehemann' sagt, wird man sie, nachdem man sie gebunden, in den Fluss werfen. Wenn Rîmun (zu) Baštum, seiner Ehefrau: 'Nicht bist du meine Ehefrau' sagt, wird er 10 Sekel Silver als ihr Scheidegeld darwägen".²³⁶

"Gesetzt, dass ihr Mann Kikkinu zu seiner Frau Bitti-Dagan 'Du bist nicht meine Frau' spricht, soll er leer aus seinem Haus gehen, ... Gesetzt, dass seine Frau Bitti-Dagan zu ihrem Mann Kikkinu 'Du bist nicht mein Mann' spricht, soll sie nackend hinausgehen;....".²³⁷

"When Awilia says to Naramtum, his wife: 'My wife not art thou', he shall pay $\frac{1}{2}$ mine of silver. When Naramtum says to Awilia, her husband: 'My husband not art thou', they shall mark her with the thumb-nail mark and sell her for money".²³⁸

From these three examples two very important aspects should be noted: the wife can divorce her husband by pronouncing the divorce formula. The sentences for divorcing a husband differ, once it is death by drowning but in the other two cases the sentence is not a death penalty.

b) Reasons for divorce

We proceed to look at the different aspects of divorce. In the

first place the possibility and reasons for divorce. It is quite clear that a husband always had the right to divorce his wife, but the implications of such a deed differed at various times and places. This we shall discuss below.

The reason why a man divorces a wife is first and foremost her inability to produce sons (LH 138-140). This, as we have seen, was the main purpose of marriage (par. 2,3c).

Two other reasons may explicitly be stated: adultery (the Greengus-interpretation of a Sumerian text, par. 6a) and a wife who is wasteful and neglected her husband (LH 141).

Judging from MAL A 37 and 38 any reason whatsoever might motivate a divorce. These documents only say what happens if a man divorces his wife and do not state any reasons.

c) Punishment for divorce, the wife

Strictly speaking according to the laws a wife cannot take the initiative to divorce her husband (cf. MAL A 37, 38;²³⁹ LH 137ff.).

However, LH 142 seems to be an exception insofar as the wife may take her dowry and leave her husband (discussed above). Whether this implies a divorce with the right to remarry is a ^{much} debated question.²⁴⁰

Evidence from the documents, which reflects the actual practice, provides us with examples where a wife could say to her husband:

'You are not my husband' thus effecting a divorce (see above par.7a).

In these cases her punishment is stipulated. She may be drowned²⁴¹ although this was not the only way of punishment.²⁴²

According to the text from Nippur, cited above, she was enslaved and sold, in another she forfeited her dowry and had to pay divorce money.²⁴³

In an Alalakh text she forfeited her terhatum (which her father had returned to her) but kept her dowry.²⁴⁴ The text from Hana is discussed below.

d) Stripping a person

The text from Hana, quoted above, rules that the wife, on divorcing her husband, should be sent away naked. Various bits of evidence indicate that this was a standard way of breaking a relationship as well as humiliating the guilty party. In the eyes of the law this meant that when a person was stripped and sent away, all ties between the two parties were broken.

One can prove the existence of such a custom with examples from various aspects of family life. It is important because Hos. 2:4-5 show traces of both divorce and stripping while the latter is also mentioned in Ez. 16:39 and 23:26. Cf. Jer. 13:22,26,27.

Next to the Hana divorce stipulation several Nuzi testaments or wills (šimtu) stipulate that a widow with sons and an adequate inheritance may not remarry,²⁴⁵ and if she does, she must be stripped:²⁴⁶

"And if Wishiri goes to (another) husband and lives (with him), then my sons shall strip off the clothes of my wife".

In the HL 171 a mother expels her son by taking away his garments.
Neufeld comments ²⁴⁷

"The garment denotes the personality of the son, which is often the case in cuneiform documents of various periods, especially in those from Nuzi, where the taking off of the garment signifies expulsion from the family circle".

In a royal bill of divorce from Ugarit it is stipulated that if the heir to the throne goes after his divorced mother (the ex-queen), he

will forfeit his claim to the throne ... "his dress upon the throne he shall put and he shall go".²⁴⁸ Once again it signifies the legal way of dissolving a relationship, i.e. the symbolic act of abdication in this case.

Jews in later times knew this custom as their exorcisms on magical bowls show.²⁴⁹ The demons were exorcised by serving bills of divorce on them. In these divorce ceremonies stripping is mentioned.²⁵⁰

This evidence found at Nippur came, however, from the 7th century AD.

In all these examples stripping served primarily to denote the dissolution of a relationship. One should distinguish it from stripping as a means of disgrace and punishment as in MAL A 40. In this law harlots and slaves are punished in this way when they veil and thus feign themselves ^{to be} of higher social status.²⁵¹ In the Sefire treaty stripping is mentioned as a curse on the vassal's wife if he breaks the treaty.

Hillers restores and translates the text thus:²⁵²

w'yk zy t'(41) rr znyh kn y'rrn nšy
mt' 'l wnšy 'qrh wnšy rbwh

"And just as a prostitute is stripped naked so may the wives of Mati'el be stripped naked, and the wives of his offspring and the wives of his nobles".

We conclude: a woman can divorce her husband. Sometimes it meant her death, in other cases she was punished by being sold, enslaved, stripped naked and sent away; or she has to compensate by paying divorce-money and forfeiting her dowry or terhatum. If, however, she was belittled by her husband, she was free to go without any complications. It is clear that customs differed, there are no hard and fast rules.

e) Punishment for divorce : the husband

It will be clear that customs differed. The MAL A 37, 38 gave the husband a free hand, he could at most lose his terhatum. The LH 137-140 make an important distinction and treat the woman more fairly. LH 138-140, as noted above (par. 7a), refer to a husband who divorced a barren woman. She may keep her dowry and he must restore her terhatum, or, if no bride-price was paid, give her divorce money. In LH 137 the husband divorced a woman who had provided him with sons (and thus fulfilled her legal duty, par. 2). This is taken as a serious case because now the husband must give half his property to the mother and sons who will inherit it.

Evidence from the documents underlines these different types of punishment for the husband. Usually the husband only has to pay divorce money.²⁵³ In the document from Hana (quoted above par. 7a) the husband has to leave the house empty-handed if he divorces his wife. In another document from Sippar it is stipulated that he will forfeit the house and its belongings.²⁵⁴ Nothing is said about her sons but these two examples show that strict measures were served on a husband.

This brings us to the much disputed text of LE 59 which was quoted above (par. 7a Goetze's standard translation). It seems as if the dust ~~settling~~ after the vigorous scholarly debate on the broken text, its translation and interpretation. For the viewpoints and literature Yaron may be consulted.²⁵⁵

LE 59 discusses divorce. A husband divorced his wife who had provided him with children and married a second wife. The law rules that he should be driven from his house and property. It is not certain who is the subject of the last line. It rules that the husband (or his divorced wife) may follow the one he (or she) loves.

Whatever the interpretation of this last line, LE 59 provides us with an even more strict attitude on divorce than LH 137.

(f) Divorce terminology

We now turn to the words or phrases describing or effecting a divorce. Two words are used, to hate, Bab. izîr and to leave, Bab. ezîbum. To hate your husband usually means to refuse him conjugal rights and this then leads to either the wife's punishment or divorce.²⁵⁶ Usually the wife is the subject of izîr, ezîbum usually has the husband as subject. Its plain meaning is leave, but it is used for divorce in LH 137, 138, 141, 148. Assyrian has ezābu, leave, divorce in MAL A 37, 38. It is also used thus in cuneiform tablets, e.g. Schorr's Urkunden no's 7, 32, 33 etc.

"It seems then that ezîbum describes the action of a husband who utters the prescribed sollemnia verba 'Thou art not my wife', and so brings about a divorce".²⁵⁷

(g) The divorce formula

This formula now needs our attention. Some scholars are convinced that the same formula is found in Hos. 2:4:²⁵⁸

kî-hî' lō' 'ištî wě'anōkî lō' 'išāh

(as she is not my wife and I am not her husband).

The usage of this type of divorce formula can be attested all over the ANE. In par. 7a examples from the ana ittišū "laws" and from documents were given. More examples will be given in the discussion below.

In the OT we have only one example of the formula, the words of Hos. 2:4. It was, however, used at Elephantine.²⁵⁹ D.W. Amram argues that it was replaced in much later times by the bill of divorce which is mentioned in Deut. 24:1.²⁶⁰

The Arabic bedouins also used a common formula like: "She was my slipper and I cast her off", or: "Thou art to me as the back of my mother", or: "Begone! I will no longer drive thy flocks to the pasture".²⁶¹ This type of formula is different but it attests the use of a formula.

In this connection it is important to note that the spoken word had a legal validity throughout the ANE. Writing was never regarded as in opposition to it, or never usurped its place. Of this the Nuzi tablets give ample evidence. In most of the tablets the spoken words are referred to and on them rest the juridical value.²⁶² Neufeld asserts that writing as an intrinsic element in the validity of an agreement is unknown in the HL.²⁶³ The collections of laws often refer to the actual words spoken and the legal formula used as the juridically important point. LH 126, 142, 159-161, 168, 192, 206, 227, 282; LL 11; LE 22, 37; MAL A 5, 12, 17-19, 22, 24, 41, 45, 47 etc.; HL 40, 41, 55.

MAL A 41 gives us an example of the marriage formula. In front of 5 or 6 witnesses the man has to declare, "She (is) my wife", aššatī sīt. The negative formula effects a divorce. Then the husband says: "You are not my wife", ûl aššati atti, or: "You are not my husband", ûl muti atta, is pronounced by the wife.

Examples of these formulae connoting divorce were given above. They came from Nippur, Sippar, Hana and the archives from Nineveh. The material from Nuzi, although containing many marriage contracts,²⁶⁴ never gives us a clear example of the marriage or divorce formula used, not even in the documents of divorce.²⁶⁵

The fundamental idea of this formula is that it either broke off or effected a relationship. It is, therefore, possible to use the formula for effecting or dissolving other types of relationships. Thus

it is used for adoptions (see par. 8e), or negative, for breaking the relationship between a father or mother and a son or daughter (or vice versa). Evidence comes from laws ²⁶⁶ or documents, ²⁶⁷ e.g.:

"If a son says to his father 'Thou art not my father', he may shave him, he may put the slave-mark on him (and) sell him". (ana ittišu no. 1).²⁶⁸

"When Tab-balatu and Beltia, his wife, say to Habilaḥi, their son: 'Son not art thou', they shall pay half a mine of silver".²⁶⁹

When seen against this wider frame of use, we do have an example from Nuzi. A document imposes a money fine on two Habiru slave-women if they say: "We are not slave-women" (i.e. denoting they are not slaves and thus discarding the relationship with their master/owner).²⁷⁰

Even Ugarit produces, from its epic literature, an example of this formula. When Anat tries to win Aqht's confidence she addresses him with these words (III Aqht rev. 24; ANET: Aqht B i 24, p.152):

"You are my brother and I am your sister".

at ah wan ahtk.²⁷¹

Undoubtedly she was using a fixed legal formula to feign a close relationship between her and the mighty young hunter whose bow she was trying to obtain.²⁷²

Our conclusion to this section is obvious: "I am (not) ycur" is a well known ANE legal formula making or dissolving a relationship.

h) Divorce in Ancient Egypt

We have two sources of information about divorce. All the documents concerning marriage have detailed divorce-stipulations. These stipu-

lations aim at providing security for the wife. The other source of information, the divorce-documents, stipulates the right of the divorced woman to remarry. Lüddeckens says that:²⁷³

"die Frau durch die Scheidungsklausel in der Eheurkunde für eine zukünftige Scheidung gesichert, durch den Scheidebrief aber zu einer zukünftigen Wiederheirat berechtigt werden soll".

In general the picture presented by the sources shows that divorce was mentioned from the Middle Kingdom onwards. Clear indications that both the husband and the wife could end the marriage by divorce, exist from the 9th and 6th centuries onwards. The spouses may do so whenever they wish with no punishment connected to it. However, they had to adhere to the divorce stipulations laid down in the "marriage document". These are solely aimed at ruling the property rights and thus providing security for the divorced woman.²⁷⁴

This picture is somewhat different from that of the rest of the ANE. However, it results naturally from two basic facts: the far more ^{nearly} equal legal status between the spouses and the right of the husband over his wife being juridically constructed as a right of property (cf. par. 3d).

Divorce terminology. h3^c, to repudiate, occurs frequently with both spouses as subject. šm, to go (away), is said only of the wife. The husband sometimes used hn which means "he wants another woman than his wife", i.e. he 'wants' to repudiate his present wife in order to marry another wife. mst, to hate, is another word used in nearly all the documents classified under type A by Pestman.²⁷⁵ Thus the verb "to hate" is used in connection with divorce in ^{Egyptian} Hebrew (par. 8b) and Akkadian (par. 7f).

We have very little evidence about the divorce formula in these documents. The reason is quite obvious. The documents concer-

ning marriage and divorce do not in ~~themselves~~ constitute or describe the ceremonies. It is clear that they were drawn up after the ceremonies with the aim of documenting the agreements.²⁷⁶

However, we have seen that the marriage formula (par. 4e) was used. The negative form of this formula will be the divorce formula.

Pestman listed 10 papyri (between 542 and 100 B.C.) which were all deeds of divorce with the object of setting the woman legally free to remarry. In all these it is emphatically stated:²⁷⁷

"The husband has said to the wife:

'(Today) I have repudiated you as a wife..'

Take yourself a husband, I shall not be able to stand in your way.

When I find you with another man,)	
I shall not be able to say to you:)	only in
"You are my wife".')	4 or 5
")	papyri.

It is clear that these words indicate the use of both the marriage and divorce formula.

8 Divorce: OT and Elephantine

a) Comparison

The OT does not give any direct provisions concerning the law of divorce. Some evidence can, however, be inferred from the social structure and scattered pieces of information. Scholars agree that:²⁷⁸

"Basically, divorce was an arbitrary, unilateral private act on the part of the husband and consisted of the wife's expulsion from the husband's house".

In the OT no distinction is made between divorcing a barren woman and one who provided her husband with sons. No divorce money had to be paid. From these facts and the lack of legislation on the topic one can conclude that divorce in the OT had more in common with the MAL than the LH,²⁷⁹ LE or even the divorce documents.

The reason is obviously the Hebrew patriarchal system²⁸⁰ where the husband administered the law in contrast with the public law administered by the state in other parts of the ANE.²⁸¹ When the state administers law, more thorough legislation is needed (as one can see from the Deuteronomic law).

However, there were some restrictions on divorce: Deut. 22: 13-19 rule that if a husband accused his wife falsely of not being a virgin after he had married her, he has to pay her parents compensation and he was not allowed to divorce her. Deut. 22:28-29 commanded a man who had raped an unbetrothed virgin to marry her, pay her father 50 pieces of silver and never to divorce her.²⁸²

There is also one case where a woman may leave her husband. If he neglects to give her meat, clothes and "conjugal rights", she may go free without any payment.²⁸³ She may in actual fact divorce him.²⁸⁴

A man was not allowed to remarry a wife whom he had divorced and who was inbetween married to another man who had died or divorced her (Deut. 24:1-4).²⁸⁵

The idea that marriage formed a covenant between husband and wife, e.g. Ez. 13:8 and Prov. 2:17, surely had a restricting influence on divorce.²⁸⁶ Prophecies like Mic. 2:9 and Mal. 2:14 represent this new attitude.²⁸⁷ In earlier times marriage was not thought of as a covenant (with the connotation of a treaty). The basic conception of marriage differed too much; the husband was a ba'al, his wife was his property; he had absolute authority; he could divorce her at will.

b) Terminology

It is, however, clear that the legal conditions to obtain a divorce developed. Abraham sent, šillah, Hagar away²⁸⁸ (Gen. 21:14). This verb is often used to denote divorce: Deut. 22:19,29; 24:1,3,4; Jer. 3:1; Is. 50:1; Mal. 2:16.²⁸⁹ The legal point involved is that a wife staying in her (ex-) husband's house is still under his authority because he is the head of the house and everything in it is under his authority. To effect a legal divorce she has to be sent away.²⁹⁰ If one dare speak of stages in the divorce custom,²⁹¹ the simple act of sending away, as in Abraham's case, was the first stage.

The case of Abraham and Hagar is a good example in illustrating the divorce terminology. One should, however, be careful because Hagar was a slave-woman ('āmâ). This implies that she was without any legal status and was regarded by law as the movable property of her master.²⁹²

Yaron holds Hos. 2:4 to be an example of the second stage.²⁹³ Here the divorce formula is used. I am not inclined to differentiate between these two "stages" because there is too little material at our disposal. It may just as well reflect two different ways of divorce because the formula's use goes back to Sumerian times. We shall continue this discussion below.

The bill of divorce, sēfer kēřîțut, of Deut. 24:1 and 3 is also mentioned in Jer. 3:8 and Is. 50:1. It is definitely an innovation.²⁹⁴ Hosea does not seem to know about it, neither do the Aramaic papyri of the Elephantine Jews.²⁹⁵ David himself acted contrary to the law of Deut. 24:1ff. remarrying Michal (1 Sam. 19:12-17; 25:44 and 2 Sam. 3:13-16). In David's time this

law was probably not known. The Jews of post-biblical times made the "kethubah", marriage document, an absolute necessity for marriage²⁹⁶ giving it a standardised form in which the stipulations of divorce are stated.²⁹⁷ Their divorce-document is called a get.

As in the ANE the verb "to hate", śāne', is used for divorce (Deut. 22:13,15; 24:3; Judg. 15:2; Is. 60:15; Prov. 30:23). grš, meaning "drive away", "expel", is used as a participle in Lev. 21:7; 22:13; Nu. 30:10; Ez. 44:22 denoting a divorced woman.²⁹⁸ In Is. 54:6,7 and 60:15 āzab, "to leave, forsake, abandon", denotes the position of the divorced, forsaken wife.²⁹⁹

c) The divorce formula dispute

This brings us to the point where we must discuss the possibility of a divorce formula in Hos. 2:4.

kī-hī' lō' 'ištī wē'anōkī lō' 'išāh

(.... she is not my wife and I am not her husband).

It is interesting that the studies dealing with family law and Hebrew marriage acknowledge this phrase as referring to the ancient divorce formula.³⁰⁰ Some studies that concentrate only on Hos. 1-3 do not agree with this otherwise widely accepted interpretation.

R. Gordis argues that in the field of faith and morals Israel differed from the general pattern in the ANE.³⁰¹ This as an isolated fact is true. But it is equally true that so far as marriage and divorce are concerned, the basic structure and even terminology show the same pattern. The fact that Israel saw their God as the one and only legislator, with the result that trespassing the law implies sin, does not alter the family structure and common ^{customary} law which Israel shared with the rest of the ANE.

Gordis also thinks that if the phrase was a divorce formula the phrases directly following it would have been different. In Chapter III:5 we shall try to show that they are perfectly clear and meaningful. A divorce formula does not fit Gordis' construction (reconstruction) of Hos. 1-3 and so he has to interpret it otherwise.

His most important argument is that concrete evidence for such a formula is lacking in the OT. Although there is no other example of the divorce formula in the OT, the type of formula, a relationship formula, occurs regularly in the OT. We are convinced that Hos. 2:4 is an example of the divorce formula and our main arguments are:

- i) The message and metaphor of Hos. 2:4ff. This will be discussed in Chapter III.
- ii) The divorce formula is known from very early times in the ANE.³⁰² It was known right through to the 5th century when the Jews at Elephantine used it. (See par. 8 d).
- iii) We have already shown that the divorce formula is one variation of the general formula pattern which made or dissolved a relationship. The OT gives us many examples of the wider use of this formula pattern. (See par. 8 e,f).
- iv) We also have ample proof that stripping a person naked, taking his clothes away, is a way of breaking any existing relationship. For this ANE custom (cf. discussed in par. 7 d) there are OT parallels. Thus the divorce formula and the stripping, mentioned in Hos. 2:4,5, are denoting one and the same thing: a broken relationship. (See par. 8 g).
- v) Jeremiah, who was influenced by Hosea's message and metaphor, interpreted the broken relationship as a divorce (Jer. 3:8; See Chapter IV:5c).

d) Evidence from Elephantine

We have proved the existence of the divorce formula in the ANE (par. 7 a,g). Three marriage contracts from the Jewish colony at Elephantine, 5th century B.C., throw further light on our topic.³⁰³ In all three the marriage formula is the same:³⁰⁴

hy 'ntty w'nh b'lh mn ywm' znh w'd 'lm.

(She is my wife and I her husband from this day and forever).

The clause ruling divorce is basically the same in all three papyri whether spoken by husband or wife:³⁰⁵

"Tomorrow or another day, if (X) should stand up in the congregation and say: 'I divorce (Y) my husband / wife'..." followed by the compensation to be paid.

One of the papyri has as the precise words spoken:³⁰⁶

"I divorce thee, I will not be a wife to thee," or, "She shall not be a wife to me".

The word used for divorce, śn', to hate, has its parallel in the ANE (par. 7 f) and OT usage (par. 8 b).

It goes without arguing that either the positive marriage formula or the negative divorce formula is basically the same as in Hos. 2:4. The ANE usage of the formula was discussed above (par. 7a,g,h).

It is interesting to note that the formula is a bit expanded and that here, contrary to the OT, the wife may divorce her husband. This is probably due to Egyptian influence (par. 4e and 7h).³⁰⁷

It is not possible to trace the exact line of influence from Sumerian to Elephantine usage of this formula. It might even be wrong to see it as a linear movement. Muffs' study on certain terms in the Aramaic Papyri proved links and influence between them and the Neo-

Assyrian as well as Neo-Babylonian documents and law.³⁰⁸ That the OT also indicates that there was, beside the common juridical background, contact between Jerusalem, Nineveh and Babylon, is common knowledge.

e) The relationship formula

For the third argument we recall our conclusion to par. 7 g

"I am (not) your" is a well known ANE legal formula making or dissolving a relationship.

It was used in the ANE in adoption documents as well as creating or dissolving the relationship between husband and wife, parents and children, brothers and sisters and even between slave-women and their master (par. 7 a,g).

We shall now show that there are next to the divorce formula of Hos. 2:4 several other examples of the relationship formula in the OT.

The widely attested formula: hāyâ lě... 'iš or 'iššâ (the verb 'to be' plus the preposition lě followed by the noun man or wife), describes a marriage relationship. (Cf. Gen. 20:12b; 24:67; Lev. 21:3; 22:12; Nu . 30:7; 36:3,6ff; Deut. 21:13; 24:2; 25:5; Ruth 1:12,13; Jer. 3:1; Ez. 16:8; Hos. 3:3). It is accepted by scholars to be a reminiscence of the marriage formula,³⁰⁹ as it is basically the same as the ANE form.

This brings us to the adoption-formula variation of the relationship formula. The warning against the use of Roman Law terminology (par. 2), makes it necessary for us to define adoption:³⁰

"Adoption is an act by which a man or woman acknowledges a person of different blood as his or her son or daughter, with the legal rights and duties of a true child".

Scholars have argued that adoption in this sense was foreign to Israel:³¹¹

"das Adoptioninstitut in der israelitischen Rechtspraxis und demgemäss im Rechtsdenken keinen Platz hatte".

However, this is overemphasising it. The notion of adoption, in ^ajuridical sense, may not have been in practice in OT times, but it was known (de Vaux).³¹² It was used metaphorically to depict the relationship between God and his chosen king (David) or between God and Israel. The word of the Lord to the chosen king in Psalm 2:7 is the best example:

"You are my son (běni 'attâ), today I have begotten thee".

These words are in accordance with Nathan's prophecy:

"I shall be his Father and he shall be my son".

In Ps. 89:27 David acknowledges the relationship by saying:³¹³

"You are my Father", ('ābī 'attâ).

For the metaphorical Father-son relationship where God is "adopting" Israel as his people, see: Ex. 4:22; Deut. 32:6; Is. 63:16; 64:7; Jer. 3:19; Hos. 11:1; cf. Jer. 31:9:

"I am a Father for Israel, Ephraim is my first-born son".

Donner, in his study on adoption, gives examples of 15 laws and documents on adoption from various times and places, and remarks that only the negative formula ("You are not my ...!") is found.

This fact can hardly serve to **eliminate** the evidence of the OT where the positive formula is attested. The obvious reason why we do not have evidence of the positive formula in the documents is given by Donner himself (though he does not apply it!):³¹⁴

"Zunächst ist festzustellen, dass Adoptionsurkunden objektiv formuliert sind, d.h. sie referieren über das bereits in Kraft getretene Rechtsverhältnis vom Standpunkt des Unparteiischen in der 3. Person,..."

The positive formula is attested, as we have seen, not only in Ps. 2:7, but also in many other variations of the relationship formula.

In all these cases the phrase is explicitly announced, creating a relationship or reaffirming it. It is equally clear that the formula was announced and that this was the important point.

There is another very well known example of the formula. Ruth, the Moabite woman, is explicitly acknowledging her relationship to a people and a God to which she has previously not belonged. Her words are: (1:16)

"Your people (are) my people and your God (is) my God".

f) The covenant formula

This leads us to the best and most attested example of the relationship formula:

"I am your God, you are my people", or "Yahweh is our God".

This formula occurs, with some variations, in all the books of the Pentateuch.³¹⁵ It is most consistently used by Jeremiah (7 times) and Ezekiel (6 times).³¹⁶ It is known as the covenant formula.³¹⁷

Deut. 26:17 and 18 is a good example of how it was used as a declaration:

v. 17: 'et- YHWH he'ěmartā hayyôm lihěyôt lěkâ lē'lōhîm.

v. 18: waYHWH he'ěmirkā hayyôm lihěyôt lô lě'am sěgullâ.

Translated literally:

v. 17: "You today made Yahweh declare to be your God ...".

v. 18: "and Yahweh today made you declare to be a people
possessed by Him ...".

Zech. 13 considers Israel's restoration as Yahweh's people and their new relationship is described thus: (v. 9)

"Then they will invoke me by my name,

and I myself will answer them;

I will say, 'They are my people' ('ammî hû'),

and they shall say, 'The Lord is our God' "(YHWH 'ēlōhāy).

The idea is definitely very old for Ex. 15:2 and Judg. 5:3, 5 (two old poetic passages) have reminiscences of the formula.³¹⁸

It was well known as its wide usage attests.³¹⁹ The formula is also very short and can be abbreviated to "My God" instead of "You are my God". Cf. Ps. 118:28b; Hos. 2:25 (Chapter III: 6d).³²⁰

Hosea used the formula in quite a variety of ways. In Hos. 1:9 lō' 'ammî (not my people) is the abbreviated form of the formula: "You are not my people and I am not your I am" (Hos. 1:9). The abbreviated form of the child's name designates the broken relationship between Yahweh and Israel. Thus the negative formula is used to designate a broken covenant.

The relationship will, however, be restored and Israel will once again be called: (cf. the formula creates the relation)

Hos. 2:1: "Children of the living God".

Hos. 2:25: But I will say to lo'- 'ammî:

'ammî - 'attâ (= You are my people)

and he will say:

'ēlōhāy (= My God; the short form for: You are my God).

The relationship between Israel and Judah will also be restored,
Hos. 2:3:

Say to your brothers: " 'ammî "(You are my people)
and to your sisters : " ruhāmâ"(mercy, loving-care).

(For another example see Cant. 5:1,2 ³²¹).

The divorce formula of Hos. 2:4 is by now well known. It describes the broken relationship between Yahweh and Israel in marriage terminology. The re-established relationship (Hos. 2:16-25) is also described in marriage terminology and once again the formula is used in v. 18. Israel will no longer call Yahweh "my Baal" but will call Him "my husband", 'îšî. It is the abbreviated form of the above-mentioned marriage formula "You are my husband" (as "You are my God" is abbreviated to "My God" in Hos. 2:25).

These passages will be discussed in full in Chapter III. Jeremiah used the same variations of the relationship formula, cf. Jer. 2:27; 3:4,19,22 (Chap. IV : 5b iv). ³²²

After all these examples we can reject the arguments of R. Gordis with great confidence. The divorce formula is part of a general relationship formula that is well attested in the ANE, OT and especially in Hosea.

g) Stripping a person naked

Our last argument against Gordis is that stripping a person naked and taking his clothes away is also a way of breaking or dissolving a relationship. It is attested in Hos. 2:5:

"Otherwise I will strip her naked
and I will leave her like the day of her birth".

Let us summarise our conclusions on the use of this custom in the ANE (par. 7 d). It was a way of punishment and disgrace used by the

law and in treaties.³²³ But it was also used to dissolve a relationship or to prove that a relationship was dissolved.

In the OT, Is. 3:17; 47:3; Jer. 13:22 and Lam. 1:8, stripping is for various reasons an outright punishment and disgrace. In Jer. 13: 25-27; Ez. 16:36-38; 23:10,29 Israel is seen as a prostitute, she is exposed naked to punish and humiliate her.³²⁴ (Nineveh is treated likewise in Nah. 3:5).

Deut. 21:13 gives us an example of the dissolution of a relationship by taking the clothes away. If an Israelite man wants to marry a captive woman ...

"You shall bring her into your house, where she shall shave her head, pare her nails, and discard the clothes which she had when captured. Then she shall stay in your house and mourn for her father and mother for a full month. After that you may have intercourse with her; you shall be her husband and she your wife". NEB.

The relationship between the woman and her previous home is broken by, among others, taking away her clothes.

Hos. 2:5 (cf. v. 12) fits both interpretations of the custom. It certainly is a warning of punishment and disgrace because of Israel's unfaithfulness (Hos. 2:4c), but at the same time it implies the idea of a broken relationship. The image that is used in Hos. 2:4ff. is that of a husband and wife. When a husband sends his wife away naked, leaving her to die, then he is not merely humiliating her, he is divorcing her. (For a detailed discussion of the custom in Hos. 2, see Chapter III: 5e).

h) Conclusions

We conclude with a summary of our arguments against Gordis:

- i) The marriage-divorce formula was known by the Jews of Elephantine.
- ii) The OT uses the relationship formula for "adoption" and especially in covenant terminology.
- iii) Hosea also knew and used the relationship formula in connection with divorce (Hos. 2:4), marriage (Hos. 2:18), covenant (Hos. 1:9; 2:1,25) and family (Hos. 2:3).
- iv) The warning in Hos. 2:5 to expose the woman is a well attested ANE and OT custom to signify a broken relationship and humiliation. In typical Hebrew parallelistic fashion Hos. 2:4 and 5 announce the same message: a broken relationship between God and Israel.

9 Conclusions

- i) The OT moves within the legal orbit of common ANE customary family law. There are, however, important differences.
- ii) Marriage was of the patriarchal order. The husband as ba'al or 'ab held supreme authority over his household. His wife and children were regarded as his property, he has to protect them. Children's names often have a kerygmatic purpose.
- iii) In the ANE and OT betrothal legally effected a marriage. The man became the owner of his wife. The marriage was consummated when she left her father's house and went to stay with her husband. Various gifts were exchanged. Minor detail of this custom often showed changes in both the ANE and OT. The bride-price and dowry were the main gifts.

Some marriages required a marriage contract in the ANE. This custom is never mentioned in the OT.
- iv) In Ancient Egypt the family law of marriage shows a slight variation when compared with the rest of the ANE. The bulk of our information about it dates from the 6th century B.C. onwards (i.e. some-

what younger than most of the other material). The right of the husband over his wife was juridically a right of property - similar to the rest of the ANE. The position of a woman was, however, better. She had equal legal status. Therefore, while marriage was of the patriarchal order and children the purpose of the marriage, the woman played a more important role in the household and in society. She was free to divorce. Her rights and property were much better protected by law. Her maintenance was carefully stipulated. However, adultery was a great sin and through it a woman could lose everything she had. This is the natural implication of a husband's right over the wife being juridically constructed as a right of property.

The relationship formula is well attested in Ancient Egypt.

v) It was in the ANE and OT the husband's duty to provide his wife with food, oil and clothing. If he **refused to support her**, she might leave him. But as long as he provides her with these necessities she has to stay true to him.

vi) In both ANE and OT adultery was a very serious offence. It meant death for both of the culprits although forgiveness was possible. In the ANE it was seen as an offence against the husband's property. The OT added to this view that it was also, and primarily, a sin against God. In the OT adultery was therefore no mere secular offence, it was a moral and religious wrong.

vii) In the ANE a husband may divorce his wife. Some laws and documents had penalties bestowed on him.

A woman may divorce her husband. Sometimes it meant her death, in other cases she was sold, enslaved, stripped, fined or set free.

These detail of the family law differed quite remarkably at various times and places.

Taking someone's clothes away and so exposing him, was a way of breaking the existing relationship as well as humiliating the person.

There is a well attested ANE marriage-divorce formula which is one variation of the general legal formula: "I am (not) your ..." or, "You / he / she are / is (not) my ..." This formula legally effects or dissolves a relationship.

viii) Divorce in the OT. In the Hebrew patriarchal system the husband could divorce his wife at will while she was not allowed to divorce him.

The way to effect a divorce was to send the woman away. In later times a bill of divorce was required (Deut. 24:1ff.).

Hosea made use of the relationship formula to signify divorce. This formula is well attested in the OT.

FOOTNOTES CHAPTER I

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62. Reallexikon der Assyriologie, II, pp. 281-302; III, pp. 100-105.
63. J. Klima, Untersuchungen zum Altbabylonischen Erbrecht, pp. 1ff;
 cf. pp. 8, 14, 37f., 53f.
64. D.R. Mace, op. cit., p. 189; R. de Vaux, op. cit., p. 39.
65. Z.W. Falk, Hebrew Law in Biblical Times, pp. 111-113.
66. A. van Selms, Marriage and Family Life in Ugaritic Literature, pp. 83-93.
- ✓67. R. de Vaux, Israel, p. 41.
68. A. van Selms, op. cit., pp. 113-124.
- ✓69. ANET, p. 175; DMBL, I, pp. 349-411.
70. DMBL, I, p.348ff.

71. R. Yaron, op. cit., p. 96.
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73. ana ittisu, par. 1 and 2; DMBL, II, p.309.
74. For this topic see: H. Schulz, Das Todesrecht im Alten Testament, especially pp. 51-55. His interpretation of Ex. 21:15 is very doubtful.
75. M. Noth, Die Israelitischen Personennamen, p. 1ff.
J.J. Stamm, Die Akkadische Namengebung, p. 1ff.
76. M. Noth, op. cit., p. 5; J.J. Stamm, op. cit., pp. 8-10.
77. R. de Vaux, op. cit., p. 43.
78. J. Pedersen, op. cit., p. 253.
79. J.J. Stamm, op. cit., pp. 11-14.
80. P.W. Pestman, Marriage and Matrimonial Property in Ancient Egypt, pp. 182-184.
81. E. Lüddeckens, Ägyptische Eheverträge, Band I, p. 3.
82. P.W. Pestman, op. cit., p. 17.
83. Ibid., for these "divorce-documents", see diagram Z at the end of the book. It contains the evidence from 10 papyri ranging between 542 - 100 B.C.
84. Ibid., pp. 17, 18.
85. Ibid., see the diagrams at end, A. par. 29, 30; C par. 14, 15.
86. A. Goetze, Laws of Eshnunna, pp. 76, 77; ANET, p. 162.
For a discussion of LE 27, 28 see : B. Landsberger, Symbolae M. David, II, pp. 75-98.
87. DMBL, II, p. 61; ANET, p. 173.
88. DMAL, p. 172; DMBL, I, p. 249ff; A. Goetze, op. cit., p. 80.
E. Neufeld, The Hittite Laws, p. 140ff; R. Yaron: Laws of Eshnunna, pp. 109, 110.
B. Landsberger, op. cit., p. 41ff.
89. M. David, Vorm en Wezen van de Huwelijksluiting naar de Oud-Oostersche Rechtsopvatting, pp. 10-15.
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91. C.J. Gadd, RA, 23, 1926, tablets 12, 31, 42, 52;
M. Schorr, op. cit., pp. 1-15;
E.A. Speiser, AASOR, X, texts 25-32.
92. M. Schorr, op. cit., p. 1; R. Haase, Einführung in das Studium keilschriftlicher Rechtsquellen, p. 61.
J. Klima, op. cit., p. 282.
93. DMBL, I, p. 245ff; cf. also R. Yaron, The Laws of Eshnunna, pp. 131-133.
94. DMBL, I, pp. 246, 247.
95. DMAL, pp. 187 - 189.
96. Cf. LH 137-149 where class distinctions create various situations and rules, cf. also: E.A. Speiser, AASOR, X, p.22.
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98. E. Neufeld, op. cit., p. 125.
99. Cf. par. 6 c.
100. W. Rob. Smith, op. cit., p. 96.
P. Koschaker, Rechtsvergleichende Studien zur Gesetzgebung Hammurapis Königs von Babylon, p. 130ff.
101. P. Koschaker, op. cit., p. 141.
102. A. von Praag, Droit Matrimonial Assyro-Babylonien, pp. 128-166;
DMBL, I. p. 259ff; R. Haase, op. cit., p. 57ff; M. David, op. cit., pp. 9 - 11;
103. M. Burrows, op. cit., p. 13.
104. R. Yaron, The Laws of Eshnunna, p. 111ff.

105. DMBL, II, pp.334, 335.
106. M. David, op. cit., p. 17.
107. R. Haase, op. cit., pp. 62-63; A. Goetze, op. cit., p. 60f.
R. Yaron, op. cit., p. 112.
108. J. Friedrich, Die Hethitischen Gesetze, p. 94.
109. E. Neufeld, op. cit., p. 144.
110. Ibid., p. 143.
111. J. Friedrich, op. cit., p. 95.
112. DMAL, p. 205f; DMBL, I, p. 271ff; A. Goetze, op. cit., p.61f.
113. M. Schorr, op. cit., p. 278f.
114. R. Haase, op. cit., p. 64, DMBL, II, pp. 340-343.
115. E. Neufeld, op. cit., pp. 141, 143.
116. DMBL, I, p.258; I. Mendelsohn, in: Essays on Jewish Life and Thought (for S.W. Barron), pp. 352, 353; R. Yaron, op.cit., p. 113.
117. DMBL, I, p. 265ff.
118. DMAL, p. 198ff.
119. DMBL, II, p.330.
120. E. Neufeld, op. cit., p.142.
121. DMAL, p. 181, DMBL, I, p.249ff.
122. D.R. Mace, op. cit., p. 173.
123. E. Neufeld, Ancient Hebrew Marriage Laws, pp. 145, 146.
124. Ad. loc.
125. R. de Vaux, op. cit., pp. 26, 27.
126. Ibid., p. 27; J. Pedersen, op. cit., p. 68.
127. R. de Vaux, op. cit., p. 32.
128. F.C. Fensham, Exodus, p. 168.
129. Z.W. Falk, Jewish Matrimonial Law in the Middle Ages, pp. 38, 39.
130. E. Neufeld, op. cit., p.144.
131. R. Yaron, JSS, 3, 1958, p. 36ff, but cf.
M. Burrows, op. cit., p. 31 thinks it was most probably known in OT times.
132. R. de Vaux, op. cit., p. 33.
133. Z.W. Falk, Jewish Matrimonial Law in the Middle Ages, p.39.
134. See par. 8 d.
135. J. Pedersen, op. cit., p.298.
136. R. de Vaux, op. cit., p. 28.
137. C.H. Gordon, Ugaritic Textbook, p. 416 word no. 1169.
138. D.R. Mace, op. cit., pp. 176, 177.
139. L.M. Epstein, The Jewish Marriage Contract, p. 78.
140. P.W. Pestman, op. cit., diagram A. nos. 1 - 4;
E. Lüddeckens, op. cit., Urkunden 1, p. 10ff (i.e. P. Berlin 3048).
141. E. Lüddeckens, op. cit., pp. 7, 8.
142. P.W. Pestman, op. cit., pp. 49, 50.
143. Ibid., pp. 20, 52.
144. Ad.loc.
145. E. Lüddeckens, op. cit., pp. 5, 255.
146. P.W. Pestman, op. cit., pp. 31, 37, 42, 47, 73ff.
147. E.Lüddeckens, op. cit., p. 5.
148. P.W. Pestman, op. cit., p. 52.
149. E. Lüddeckens, op. cit., p. 255.
150. See P.W. Pestman, op. cit., diagram A par. 12-15;
also diagram B par. 11-12. The specific papyri are noted.
151. Ibid., diagram Z par. 14.

152. L. Dürr, BZ, 23, 1935, p. 154.
153. DMBL, II, p. 53; ANET, p. 171.
154. DMAL, p. 403; ANET, p. 183.
155. ANET, p. 160.
156. A. Goetze, op. cit., pp. 90, 93, 94; ANET, p. 162.
157. M. Schorr, op. cit., pp. 13, 14, tablet no. 6.
158. C.J. Gadd, op. cit., pp. 127, tablet no. 51.
159. ANET, p. 148; C.H. Gordon, Ugaritic Textbook, p. 193, text 126: 13-16.
160. Eccl. 9:7-9 refer to food, wine, dress and oil as the things necessary if life is to be enjoyed.
161. For the meaning of 'ama, see: F.C. Fensham, VT, 19, 1969, pp. 313-315.
162. S.M. Paul, op. cit., p.60.
163. F.C. Fensham, Exodus, p. 150; E. Neufeld, Ancient Hebrew Marriage Laws, pp. 237, 238.
164. See paragraphs 3 d, 4 e and 7 h.
165. P.W. Pestman, op. cit., Diagram A par. 31; B 21; C 16.
166. E. Lüddeckens, op. cit., p. 259 (cf. 259-263).
167. Same as note 165, for actual texts see E. Lüddeckens, op. cit., Urkunden 10 -14 e.a.
168. DMBL, II, p. 51; ANET, p. 171.
169. DMBL, I. p. 277.
170. LH 108, 129, 133, 143.
171. DMBL, I, pp. 281, 282.
172. DMAL, p. 37ff.
173. A. Goetze, op. cit., p. 76; cf. ANET, p. 162.
174. R. Yaron, The Laws of Eshnunna, p. 131.
175. R. Yaron, JSS, 8, 1963, pp. 7 - 9; Laws of Eshnunna, p.189f.
176. Cf. ANET, p. 162n.9.
177. E. Neufeld, The Hittite Laws, p. 56; cf. ANET, p. 196.
178. P.W. Pestman, op. cit., p. 75; cf. also p. 56 n.2; and diagram A par. 26c. The texts where this formula is found are given in E. Lüddeckens, op. cit., pp. 10 - 15, Urkunden nos. 1: 18-19; 2: 7-8; 3: 6-7; 4: 5-6; See also J.J. Rabinowitz, JNES, 18, 1959, p. 73.
179. L.R. Fisher, The Claremont Ras Shamra Tablets, p. 18; For the texts see PRU IV (VC and VD pp. 125-148).
180. W.L. Moran, JNES, XVIII, pp. 280, 281.
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183. D.R. Mace, op. cit., p. 245; E. Neufeld, Ancient Hebrew Marriage Laws, p. 163ff.
184. A. Phillips, Ancient Israel's Criminal Law, p.110.
185. W. Rob. Smith, op. cit., p.105.
186. K. Kahana, The Theory of Marriage in the Jewish Law, pp.29,30.
187. J. Pedersen, op. cit., p. 254.
188. D.R. Mace, op. cit., p. 242; A. Phillips, op. cit., p. 117.
189. E. Neufeld, op. cit., p. 174.
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191. F.C. Fensham, ZAW, 75, 1963, p. 170; D.R. Hillers, op. cit., p. 63.
192. See footnotes 178 - 180.
193. L.M. Muntingh, OTWSA, 1964-1965, p.78; A. Phillips, op. cit., p.118.
194. R. de Vaux, op. cit., p.37.
195. R. Patai, Family, Love and the Bible, p. 73ff.

196. F.C. Fensham, op. cit., pp. 159, 160, 168;
D.R. Hillers, op. cit., p. 61f.
197. D. Daube, Studies in Biblical Law, pp. 173, 174.
198. A. Phillips, op. cit., p. 118f.
199. G.B. Gray, Numbers, p. 43ff.
200. R. de Vaux, op. cit., p. 36.
201. E. Neufeld, op. cit., p. 168.
202. M. Greenberg in: Yehezkel Kaufmann Jubilee Volume, pp. 12-14;
A. Phillips, op. cit., pp. 117, 118.
203. S.M. Paul, op. cit., p. 98.
204. D.R. Mace, op. cit., p. 249.
205. E. Neufeld, The Hittite Laws, pp. 161, 194;
R. de Vaux, op. cit., p. 37;
H.H. Rowley, Men of God, p. 91.
206. B.S. Jackson, JJS, 24, 1973, p. 34.
W. McKane, Proverbs, p. 33.
207. A. Phillips, op. cit., pp. 110-129.
208. Ibid., p. 2.
209. Ibid., p. 12.
210. Ibid., p. 110.
211. Ibid., pp. 110-112.
212. D. Daube, Studies in Biblical Law, p. 103;
Z.W. Falk, Hebrew Law in Biblical Times, pp. 19, 22.
Cf. B.S. Jackson, JJS, 24, 1973, p. 29ff. He really tears
the arguments of Phillips in favour of a crime-tort
distinction to pieces.
213. A. Phillips, op. cit., p. 129.
214. Phillips bases his view that burning is not a way of punish-
ment in early OT law on Noth's interpretation of Lev. 20:
10, 14; 21:9 which is, according to Noth, secondary inser-
tions in the text. There is, however, ample evidence of
this "savage" form of punishment and retaliation in Judges,
cf. Judg. 9:49; 12:1; 15:6.
215. See: E.A. Speiser, Genesis, p. 299; G. von Rad, Genesis,
pp. 360, 361 see the whole of Gen. 38 as J and v. 24
reflecting the most severe punishment possible.
216. A. Phillips, op. cit., p. 124ff.
217. Phillips again refers to M. Noth, Leviticus, p. 150 who sees
the reference to the adulteress in Lev. 20:10 as a "proba-
ble" later interpretation.
218. A. Phillips, op. cit., p. 111.
219. E.A. Speiser, AASOR, X, 1928-1929, p. 22; DMBL, I, p. 294.
220. DMBL, I, p. 290.
221. DMBL, I, p. 293; DMBL, II, p. 55; ANET, p. 172.
222. DMBL, II, p. 296.
223. For the viewpoints and literature see: R. Yaron, The Laws of
Eshnunna, p. 83ff.
224. ANET, p. 172; DMBL, II, pp. 54-57.
225. S. Greengus, HUCA, 40, 1969, p. 38.
226. See: J.J. Finkelstein, JAOS, 1966, pp. 362, 363;
S. Greengus, op. cit., p. 38 n.11.
227. S.A. Cook, The Laws of Moses and the Code of Hammurabi,
p. 120; DMBL, I, pp. 299, 303.
228. DMBL, II, p. 57.
229. DMBL, I, p. 303.
230. DMAL, p. 405.

231. A. Goetze, op. cit., p.142; ANET, p.163.
232. DMBL, II, pp.310,311.
233. Cf. M. Schorr, op. cit., nos. 1-7.
234. A lack of documents on divorce-clauses and rulings seems to appear in the Nuzi material, cf. E.A. Speiser, AASOR, X and XVI.
235. Compare for instance the documents from Sumerian Nippur with those from Hurrian Nuzi.
236. M. Schorr, op. cit., p.7, no. 2.
237. C. Kuhl, ZAW, 52 (N.F.11), 1934, p.105. The text is from A.T. Clay, Babylonian Records in the Library of J. Pierpont Morgan, Part IV, text 52, p.51 and plate 48.
238. A. Poebel, The Babylonian Expedition of the University of Pennsylvania, Series A, Vol. VI, Part 2: Babylonian Legal and Business Documents, pp.35-37, text 48.
239. Cf. DMAL, pp.269-271.
240. DMBL, I, pp.302,303.
241. M. Schorr, op. cit., nos. 2-5.
242. So against the opinion of M. Schorr, op. cit., p.3.
243. M. Schorr, op. cit., p.6, no. 1 = A. Poebel, op. cit., p.35, text 40.
244. I. Mendelsohn, op. cit., pp. 352, 353. The text is from D.J. Wiseman, The Alalakh Tablets, text 92: 6-14.
245. E.A. Speiser, AASOR, X, 1928, pp. 49, 50, text 19. Cf. also in C. Kuhl, op. cit., p.105.
246. C.H. Gordon, ZAW, 54 (N.F. 13), 1936, p.279. Original text: E. Chiera, Publications of the Baghdad School (ASOR), Vol. V, text 444.
247. E. Neufeld, The Hittite Laws, p.185. Also in: Archiv Orientalni, XVIII, No. 4, 1950, p.121f.
248. R. Yaron, Orientalia, 32, 1963, pp. 21ff., 29. (PRU IV texts 17.159; 17.396). Cf. notes 178ff. for the debate and texts.
249. C.H. Gordon, AASOR, XIV, 1934, pp.141-143; Archiv Orientalni, VI, 1934, pp.466-474; Orientalia, 10, 1941, p.358.
250. C.H. Gordon, Archiv Orientalni, IX, 1937, pp. 92, 93.
251. DMAL, pp. 127, 134.
252. D.R. Hillers, op. cit., pp. 58, 59; text: Sefire I A 40-41.
253. M. Schorr, op. cit., p.3ff. nos. 1, 2, 3, 5-7 (Nippur and Sippar); A. Poebel, op. cit., p. 35ff. nos. 40, 48 (Nippur); I. Mendelsohn, op. cit., pp. 352, 353 (Alalakh).
254. M. Schorr, op. cit., p. 10, no. 4.
255. R. Yaron, The Laws of Eshnunna, pp. 137-145.
256. Cf. LH 142,143: DMBL, I, p.291ff; M. Schorr, op. cit., p.57, no. 33; I. Mendelsohn, op. cit., p. 352, 353.
257. DMBL, I, p.292.
258. C. Kuhl, op. cit., p.102ff; C.H. Gordon, ZAW, 54 (N.F.13), 1936, p.277ff.
259. See par. 8d.
260. D.W. Amram, op. cit., pp. 136, 137.
261. Ibid.
262. Cf. C.J. Gadd, op. cit., p.49ff. (Nos. 9, 11, 12, 34, 42, 51, etc.). E.A. Speiser, AASOR, XVI, 1935-1936, p. 1ff; AASOR, X, 1928 - 1929, p. 1ff; C.H. Gordon, BA iii, 1940, p.8.
263. E. Neufeld, op. cit., p.125.
264. C.J. Gadd, op. cit., nos. 12, 31, 42; E.A. Speiser, AASOR, X, 1928-1929, nos. 25-32. AASOR, XVI, 1935-1936, nos. 54, 55, 57.
265. C.J. Gadd, op. cit., no. 33.

266. DMBL, II, ana ittišu, nos. 1-6, pp.308-311; LH 192.
267. A. Poebel, op. cit., pp.27ff; 35ff, nos. 4, 24, 48, 57 (Examples from Nippur).
M. Schorr, op. cit., nos. (5), 6, 8ff.
H. Ranke, The Babylonian Expedition of the University of Pennsylvania, Babylonian Legal and Business Documents, Vol. VI, Part 1, pp. 27, 28; no. 12 (Examples from Sippar).
268. DMBL, II, no. 1, pp.308,309.
269. A. Poebel, op. cit., no. 57, p.31.
270. E.R. Lacheman, JAOS, 55, 1935, text 1.
E.A. Speiser, JAOS, 55, 1935, p.434.
271. C.H. Gordon, Ugaritic Textbook, p. 249, 3 Aqht rev. 24.
272. A. van Selms, op. cit., p.20.
273. E. Lüddeckens, op. cit., p.276.
274. P.W. Pestman, op. cit., pp. 58-79; cf. the diagrams: A par. 24-28; B par. 14-20; C par. 11-20; also pp. 155-161.
275. Ibid., pp. 60-63.
276. Ibid., pp. 37, 42.
277. Ibid., diagram Z par. 9, 10, 13, 14.
278. Z.W. Falk, Hebrew Law in Biblical Times, p. 154;
see also: E. Neufeld, Ancient Hebrew Marriage Laws, p. 176;
R. de Vaux, op. cit., p. 34ff.
279. S.A. Cook, op. cit., p.124.
280. Z.W. Falk, op. cit., p.154.
281. M. David, De Codex Hammoerabi... p.14.
282. E. Neufeld, op. cit., p.181; D.R. Mace, op. cit., p.252ff.
283. See par. 5a.
284. F.C. Fensham, Dine Israel, I, 1969, p.xi.
285. E. Neufeld, op. cit., p.176ff. Cf. Also: A. Phillips, op.cit., pp. 111,112.
286. W.F. Lofthouse in: Record and Revelation, pp. 472, 473;
D.R. Mace, op. cit., p.175; R. de Vaux, op. cit., p.32.
287. Z.W. Falk, op. cit., p. 156.
288. D.W. Amram, op.cit., p. 55ff.
289. R. Yaron, RIDA, IV, 1957, p. 117ff.
290. E. Neufeld, op. cit., p.180.
291. R. Yaron, op. cit., pp. 125, 126.
292. F.C. Fensham, VT, 19, 1969, pp. 313-315.
293. R. Yaron, ad. loc.
294. Ibid., Z.W. Falk, op. cit., p.155; E. Neufeld, op. cit., p.176ff.
295. R. Yaron, ad. loc.
296. D.W. Amram, op. cit., p.132ff.
297. M. Mielziner, The Jewish Law of Marriage and Divorce, pp.87,88.
298. R. Yaron, op. cit., pp.117-121.
299. For the rendering of these terms by later Jews and the NT see: D. Daube, The NT and Rabbinic Judaism, pp. 362-372.
300. R. Yaron, ad. loc.; R. de Vaux, op. cit., p.35.
301. R. Gordis, HUCA, XXV, 1954, pp. 20,21.
302. See par. 7 a + g.
303. A. Cowley, Aramaic Papyri of the Fifth Century B.C., p.44ff; Papyri no. 15 (C 15).
E.G. Kraeling (ed.), The Brooklyn Museum Aramaic Papyri, pp. 142, 143; 204ff. Papyri no. 2 and 7 (K 2 and K 7).
cf. R. Yaron, Introduction of the Law of the Aramaic Papyri.
304. C 15:4; K 2:3,4; K 7:4 (here without the waw of w'd).
305. C 15:22f and 26f; K 2:7,9.
306. K 7: 21, 22 and 25; pp. 204-207.

307. R. Yaron, Introduction.. p.53; E. Neufeld, op. cit., p.155ff.
308. Y. Muffs, Studies in the Aramaic Legal Papyri from Elephantine, p. 179ff.
309. Z.W. Falk, op. cit., p. 142; L.M. Epstein, op. cit., pp. 1-52, cf. p.55; H.L. Ginsberg in: Yehezkel Kaufmann Jubilee Volume, p.53.
310. R. de Vaux, op. cit., p.51; see also on this topic: H. Donner, Adoption oder Legitimation, Orient Antiquus, 8, 1969, pp. 87-89.
311. H. Donner, op. cit., p.114; see also: M. David, Adoptie in het Oude Israel, Mededelingen der Koninklijke Nederlandse Akademie van Wetenschappen, Afd. Letterkunde, Nieuwe Reeks, Deel 18, No. 4, pp. 1-19 especially pp. 17,18, 1955.
312. R. de Vaux, op. cit., p.52.
313. See also: 1 Chron. 17:13; 22:10; 28:6.
314. H. Donner, op. cit., p. 94.
315. Gen. 17:7; Ex. 6:6; 29:45, 46; Lev. 11:45; 18:30ff.; 25:38; 26:12; 26:44ff; Nu. 15:41; Deut. 26:17, 18; 29: 12,13.
316. Jer. 7:23; 11:4; 24:7; 30:22; 31:1, 33; 32:38. Ez. 11:20; 14:11; 34:24; 36:28; 37:23, 27.
317. A. Jepsen in: Verbannung und Heimkehr, p.171; R. Smend, ThSt, 68, 1963, p.3ff.
318. R. Smend, op. cit., p.11.
319. Ibid., p. 5; cf. Ruth 1:16; 1 Sam. 12:22; 2 Sam. 7:24; 2 Kings 11:17; Zech. 8:8.
320. O. Eissfeldt, ZAW, 61, 1945-1948, pp. 3-16; BK XIV-I, p.67.
321. Z.W. Falk, op. cit., p.135.
322. Ibid.
323. D.R. Hillers, op. cit., p.58ff.
324. Ibid., cf. also R. de Vaux, op. cit., p.37.

CHAPTER II

TERMINOLOGY

1 Purpose

The two key words in the marriage metaphor are the Hebrew words znh and n'f. The meaning of the first is basically:¹

"das ungeregelte, unrechtmässige geschlechtliche Verhalten zwischen Mann und Frau".

n'f means to have sexual intercourse with the wife or betrothed of another man, i.e. to commit adultery.²

These two words are used to describe Israel's unfaithfulness in the marriage metaphor. It is important for our study to determine their exact literal and figurative usage in order to know the precise connotation in which they were used.

To avoid misunderstanding we shall employ the English terminology in the following way:³

Adultery: violation of the marriage bed, one's own or another's.

Fornication: voluntary sexual intercourse of the unmarried.

Harlotry: a term of disgrace applying to men and women, referring to sexual unchastity. A harlot is a whore or a wanton.

Prostitution: to hire out for indiscriminate sexual intercourse
(a prostitute is the person who is hired).

2 The literal use of the verb znh

znh occurs 59 times as a verb in the OT,⁴ only 11 times in its literal meaning. The following table will outline the literal usage.

<u>Text</u>	<u>Subject</u>	<u>Situation</u>	<u>Verdict</u>
Gen. 38:24	Tamar	Pregnant-result of suspected harlotry.	to be burned.
Lev. 19:29	A daughter	May not be used as a prostitute.	-
Lev. 21:9	Daughter of a priest	When she becomes a prostitute	she is to be burned.
Nu. 25:1	Israel	<u>znh</u> with the Moabite women.	Guilty Israelites killed (<u>hrg</u>).
Deut. 22:21	A betrothed woman	When found not a virgin because of harlotry....	to be stoned by men of city.
Judg. 19:2	A concubine	played the harlot.	-
Hos. 3:3	A married woman	is forbidden to <u>znh</u> (cf. she is called adulteress v.1).	-
Hos. 4:(10), 13,14,18	The Israelite women	Actual sexual harlotry at cult worship. ⁵	-
Amos 7:17	Amaziah's wife	she shall <u>znh</u> in a foreign city.	ANE and OT curse formula. ⁶

We can take note of the following aspects:

- a) Any woman, irrespective of her social position, can commit znh.
- b) If an honourable woman, i.e. a betrothed or married woman or a priest's daughter is guilty of znh, she may be punished by death.
- c) The word refers to the act of promiscuous sexual behaviour inside or out of wedlock.
- d) The passages in Lev., Nu., and Hosea show that harlotry was often connected with the cult.

3 The verb znh used metaphorically

The verb znh is used 48 times in a figurative sense. Israel is usually the subject. She znh after other gods ('ahărăê 'ēlōhīm, Deut. 31:16 e.a.). Such a deed was a great sin, it implies transgression of the covenant. Israel is unfaithful in her relationship with Yahweh.

It occurs mostly in the Qal, 39 out of 48 times. The verb does not take a direct object and it usually states that Israel znh "away from Yahweh" or "after other gods". When nothing is mentioned the whole pericope must be taken ^{into} account to see with whom the transgression is committed.

The following explanatory remarks apply to the table: the "cult" column only mentions the cases where a verse or pericope gives more detail about the cult practice. znh with other gods implies in itself that it went hand in hand with cult practices.

The "marriage" column notes cases where znh is used within the marriage metaphor.

The "covenant" column notes cases where there is direct evidence of the covenant in the pericope.

Text	Verb used	Situation	Cult	Cov.	Mar.	Sentence;	remarks
Ex.34: 15,16	3	Non-Israelites <u>znh</u> after their gods (v. 15,16); Israelites <u>znh</u> after foreign gods (v.16)	v.13ff.	v.15	-	-	
Lev.17:7	1	Israel <u>znh</u> with demons	v.7	-	-	None; text probably late, P.	
Lev.19:29	1	The land ('ereẓ) = Israel will <u>znh</u>	-	-	-	-; Either literal or fig.	
Lev.20:5	2	Israel <u>znh</u> with Moloch	v.2,4	-	-	v.2,5; death by stoning.	
20:6	1	Israel <u>znh</u> with ghosts and spirits	v.2,4	-	-	v.2,5; death by stoning.	
Nu.15:39	1	Israel <u>znh</u> after their desires, away from the <u>Torah</u> .	-	v.40, 41	-	-; Compare with Ez.6:9.	
Deut.31:16	1	Israel will <u>znh</u> after foreign gods.	-	v.16	-	-; but see Deut. 28:15ff.	
Judg.2 :17	1	Israel <u>znh</u> after other gods (Baals, v.11,13)	-	v.20	-	Oppressed by other nations.	
8:27	1	Israel <u>znh</u> after an Ephod.	-	-	-	It became a trap to them.	∞ 1
8:33	1	Israel <u>znh</u> after Baal-Berit.	-	-	-	-	
1 Chron.5: 25	1	½ tribe of Manasseh <u>znh</u> after the gods of the nations of the land.	-	-	-	Exile.	
2 Chron.21: 11,13	3	Joram causes (Hif.) Jerusalem and Judah to <u>znh</u> as Ahab did.	v.11,13	-	-	Cf. v.14ff. The maledictions on Joram resemble Ex. 23:25ff.	
Ps.73:27	1	Adv. clause; everyone who <u>znh</u> from God.	-	-	-	Will be destroyed by Him.	
106:37	1	Israel <u>znh</u> with idols and demons (v.36-38)	v.36, 38	v.45	-	v.40ff. oppression (cf. Nu. 20 and 25).	
Is.57:3	1	Israel <u>znh</u> .	v.5,6	-	-	v.3-6; a trail speech, death awaits her.	

Jer.2:20	1	Jerus. <u>znh</u> ; v.8,10,11,23 mention Baals, v.18,36 other nations.	v.20 places	-	v.1-3	v.15,16; land laid waste and hair cut off.
Jer.3:1,6,8	3	Judah(2) and N. Isr. <u>znh</u> with lovers v.1,9= idols; v.13= other nations.	v.2,6, v.13	-	v.1ff. 8	v.1 Judah's position intolerable v.3 rain withheld, v.8 divorce.
Ez. 6:9	2	Isr. <u>znh</u> with heart and eyes away from Yahweh after idols.	v.13	-	-	v.3ff. desolation of the land, v.8 death by sword, exile.
Ez.16:15-17, 26,28,34	7	Jerus. <u>znh</u> with nations: Egypt, Assyria, Chaldaeae.	v.18, 20ff.	v.8, 59ff.	v.8ff. 32	v.35-41: typical adultery-divorce punishments.
Ez.20:30	1	Isr. <u>znh</u> with idols (<u>šiqqûzîm</u>) v. 7,9,14,22 mention nations.	v.31	v.37	-	-
Ez.23:3,5,19, 30,(34,43)	6	The 2 sisters, i.e. Jerus. + Samaria <u>znh</u> with nations = Assyria + Egypt.	v.37- 39	-	v.4ff.	v.22-35;45-47: general covenant maledictions; death.
Hos.1:2	1	The land, i.e. Israel, <u>znh</u> from Yahweh; The covenant is broken: v.9.	-	v.9	-	v.4,5: end to kingdom Israel; v.9: covenant broken.
Hos.2:7	1	Isr., married to Yahweh, <u>znh</u> after Baals.	v.4ff. 13ff.	v.21ff.	v.4ff.	v.5ff. adultery and divorce punishment, support taken away. ∞ ∞
Hos.4:10 ⁵ ,12, 15	3	Israel <u>znh</u> in the fertility cult.	v.4-14	v.1-3	-	v.3: drought, absence of life v.10: hunger and barrenness.
Hos.5:3	1	Ephraim <u>znh</u> (apostasy).	v.1,2	-	-	v.7ff. war and destruction.
Hos.9:1	1	Israel <u>znh</u> away from God (apostasy).	v.1,10	-	-	v.3 Exile to Egypt, Asshur; maledictions v.12,14.
Is.23:17	1	<u>znh</u> used figuratively for trading.	-	-	-	-

From these tables we can outline the following spheres of use for the verb znh:

- a) Basically it means the act of promiscuous sexual behaviour in or out of wedlock (table on literal usage).
- b) Is.23:17 employs the aspect of prostitution to use the verb figuratively for trading.
- c) In Nu.15:39 and Ps.73:27 the emphasis is only on the aspect of general unfaithfulness in a relationship.
- d) In about 30 of the 48 figurative occurrences of znh does the verb refer to idolatry. The stress is on Israel's promiscuous sexual behaviour in the cultic practices of the fertility cult and her unfaithfulness towards Yahweh.

"Der theologische Sprachgebrauch verwendet znh in bildlich übertragenem Sinne zur Bezeichnung des Abwendens von Jahwe und Hinwendens zu anderen Göttern".⁷

- e) In Hos. 2:7; Jer. 3:1,6,8 and Ez. 16; 23 znh as idolatry is employed in the larger framework of the marriage metaphor. This means that Israel's znh is equal to adultery and implies that she is unfaithful towards her husband Yahweh.
- f) In Jer.2;3 and Ez.16;20;23 there is yet another perspective. Because znh means going after any lover, it was used to describe how Israel went after any nation. However, between a nation and its gods is very little difference and it is therefore not always easy to be precise about it.
- g) The cases where znh describes idolatry figuratively usually imply that it went hand in hand with literal harlotry. Thus it is difficult to discern in some cases, like Hos. 4, between literal and figurative usage, the one implies the other.

4 Juridical aspects of znh's metaphorical use

The juridical background of znh's metaphorical use is for our purpose very important.

Israel is in the first place guilty of transgressing the explicit command of the decalogue prohibiting idolatry (Ex. 20:3-5; Deut. 5:7-9). She is therefore guilty of breaking the covenant.

The seriousness of idolatry is very clearly stated by passages like Ex.23:24-33;⁸ Ex. 32 (the golden calf); Nu.25:1ff. The actual text of Ex. 34:12ff. is worth quoting. V. 11 names the nations of Canaan, it then continues: (NEB)

"Be careful not to make a covenant with the natives of the land against which you are going, or they will prove a snare in your midst. (13) No: you shall demolish their altars, smash their sacred pillars and cut down their sacred poles. (14) You shall not prostrate yourself to any other god. For the Lord's name is the Jealous God, and a jealous God he is. (15) Be careful not to make a covenant with the natives of the land, or, when they go wantonly (znh) after their gods and sacrifice to them, you may be invited, any one of you, to partake of their sacrifices, (16) and marry your sons to their daughters, and when their daughters go wantonly (znh) after their gods, they may lead your sons astray too (i.e. Hif, znh)."

znh is used twice to describe the cultic worship of the foreign women and then also of Israel. The exact situation in which the Israelites (will) find themselves is described. They will be confronted with foreign gods and cult practices and will be tempted to indulge in it. If this happens they shall be guilty of znh. It will result in a covenant with the foreign nations and that will imply a breach of the covenant between Yahweh and Israel.

Another important passage is Hos. 4 where znh occurs 6 times. This chapter begins with a covenant lawsuit⁹ and it reveals the fundamental theme in Hosea of the incompatibility between Yahweh and cultic harlotry.¹⁰ It castigates Israel's indulgence in the fertility cult practices. Her guilt is both literal and metaphorical harlotry.

Conclusion: in passages like these the juridical background of znh's metaphorical use lies in Israel's transgression of the covenant.

However, passages like Hos. 2,3; Jer. 2,3 and Ez. 16,23 make use of another aspect of the metaphorical use of znh. In these passages the marriage metaphor is used.

We have outlined in Chapter I : 3 that a husband's right over his wife is juridically a right of property. Sexually she is his sole property. Any respectable woman guilty of znh, when betrothed or married, committed adultery. This was a capital offence and the worst thing a woman could do to her husband (Chapter I : 6).

In the passages of Hos., Jer., and Ez., where the covenant is never completely out of the picture, the verb znh is used to depict Israel's sin against the juridical background of family law.

It is an extremely fit word for this purpose for it alludes at the same time to the very personal relationship between Yahweh and Israel (husband and wife) and also to the bitter unfaithfulness of Israel. Meanwhile it refers to the very sphere in which Israel's transgression was committed, cultic harlotry.

5 The meaning of the noun zěnŭnĭm

The meaning of zěnŭnĭm in Hos. 1:2 is a matter of great dispute.¹¹

The different interpretations of Hos. 1-3 give different shades of

meaning to the words 'ēšet zěñûnîm in Hos. 1:2. We shall therefore have to take a look at the word and how it was used in the OT.

It occurs 12 times in the OT, 6 times in Hosea. Only once, in Gen. 38:24, is the word used in a literal sense. Judah does not recognise his daughter-in-law, Tamar. He thinks she is a wanton (zônâ, v. 15) and sleeps with her. Later when his friend wants to recover the pledge which Judah has given to her, he asks around for the "temple-prostitute" (NEB, qědēšâ, v.21,22), but to no avail. Then, after 3 months, word reaches Judah that his daughter-in-law played the harlot (znh), "and also, look she is pregnant as a result of her zěñûnîm".

It is quite clear that the activities of a zônâ or qědēšâ are described by the verb znh and then referred to by the noun zěñûnîm. This passage and our study of the verb znh lead us to conclude that zěñûnîm means: promiscuous sexual behaviour in or out of wedlock. It is an abstract plural noun (i.e. a plural of abstraction¹²); it denotes the attitude, not the activity as such (for which the verb znh is used).

zěñûnîm is used 11 times in a figurative sense. In Nah. 3:4 and Hos. 2:4 we have zěñûnêhâ, her wantonness. In Nah. 3 it refers to Nineveh, portrayed as the great whore, who beguiled (deceived, seduced, mkr.) and bewitched other nations by her guiles and charms. In Hos. 2 it refers to the signs of harlotry (see Chapter III :5d) carried by the woman Israel and symbolising her attitude.

It is used three times in the status constructus. In the just mentioned Nah. 3:4 with harlot (zônâ); in 2 Kings 9:22 with Jezebel; in Ez. 23:11 with "her sister".

In 2 Kings 9 the zěňûnê 'izebel refers to the example of Jezebel's partaking in the Baal-cult . Her example led Israel astray.

In Ez. 23:11 Oholibah (Jerusalem) is accused of going even further than the zěňûnîm of her elder sister Samaria. The background is the image of a wedlock between Israel and Yahweh. Israel is unfaithful, through her behaviour she is playing the harlot, going after other nations. Therefore Ez. 23:29 warns: the shame (st. cnstr. 'erwat) of her zěňûnîm will be exposed and she will be left naked and exposed.

In all these cases it is clear how the word is used figuratively. It is not in the first place referring to the act of harlotry. It means an attitude of infidelity, lewdness; always alluding to the ways of a harlot. All these passages have some kind of connection with the cult practices.

In the remaining 5 cases, all in Hosea, zěňûnîm is the second noun in a construct-genitive relation.¹³ It qualifies the first noun (which is in construct) adjectivally.

Hos. 1:2: And the Lord said to Hosea: 'Go, take yourself a zěňûnîm wife and zěňûnîm children, for the land do whore away from the Lord'.

Hos. 2:6: And I will have no pity on her sons because they are zěňûnîm sons.

Hos. 4:12: ...my people asks advice from a block of wood and take their orders from a fetish, for a zěňûnîm spirit has led them astray.

Hos. 5:4: Their misdeeds have barred their way back to their God for a zěňûnîm spirit is in them and they care nothing for the Lord.

It is clear that zěňûnîm denotes something else than zōnâ, whore, and it is equally clear that it does not necessarily denote a speci-

fic activity. zēnûnîm refers to an inclination of infidelity, faithlessness, in the behaviour of a human being or a nation. There is no better proof of this than the word rûah, spirit, used with it in the connotation of Hos. 4:12 and 5:4.

6 The verb n'f : its literal use

n'f, meaning to commit adultery, is used 30 times (Qal and Pi.) in the OT,¹⁴ 20 times in its literal sense. We shall pay attention to the following aspects of the literal usage of the verb: the decalogue and covenant connotation; the people who actually commit adultery; the marriage aspects and the cultic connotations.

To commit adultery is explicitly forbidden in the decalogue, 7th commandment, Ex.20:14; Deut.5:18. In the Law of Holiness Lev. 20:10 reads:

"Anyone who commits adultery with the wife of a man or who commits adultery with the wife of his friend- he must surely die, both adulterer and adulteress".

Hos. 4:2; Jer. 7:9 and Mal.3:5 are all referring to this law. Israel is guilty of murdering, stealing and committing adultery. All these sins, taken together, are seen as a gross transgression of the decalogue and as such as a breach of the covenant. This is the actual case of Hos. 4:1-3 where we find a covenant lawsuit.

When n'f is used literally and one man is guilty of trespassing this law, it does not imply the abolition of the covenant. But when a whole nation is guilty of it as well as several other major transgressions, as in the days of Hosea, Jeremiah and Malachi, then the covenant relationship is in danger.

Adultery can be committed by:

men : Lev.20:10; Job.24:15; Ps.50:18; Prov.6:32; Jer.23:14;

women : Lev.20:10, Prov.30:20; Hos.3:1; 4:13; 4:14;

either the one or the other: Ex.20:14; Deut. 5:18; Jer. 23:10;

a nation (implying both the men and women): Hos.4:2; Jer.5:7;

Jer.7:9; 9:1; 29:23.

In these last-mentioned cases the connotation is not metaphorical, the verb refers to the actual sexual sin being committed by the Israelites, men and women.

It is important to note that the verb is only used to describe the sin of a married or betrothed woman. It is ^a violation of the wedlock. A wife is guilty of adultery if anyone, except her husband, has intercourse with her. She is sexually the sole property of her husband (Chap. I:2,3,6). A man commits adultery only when he has intercourse with a married or betrothed woman. Whether the man is married or not makes no difference.

7 The verb n'f : its metaphorical use

Hosea (cf. Hos. 7:4) seems to be the innovator of the metaphorical use of the verb. The leaders of the nation, says Hosea, are like a band of adulterers, they are evil and treacherous, betraying Yahweh in political life and also in the cultic worship.¹⁵ Verses 7-12 make it clear that they, besides stirring internal political trouble, even went to Assyria and Egypt to look for help.

Here the stress on n'f is neither marriage nor cult connotations but the treacherous political manoeuvres which resemble that of an adulterer. The verdict is disaster (v.11,12) and death by sword (v.16).

In Hos.2:4 the derived noun, na'ăfûfêhâ, her adulteries, is used. Yahweh commands his wife to remove her adulteries from between her breasts. The word refers to two things: metaphorically to the marriage metaphor, but also to the cultic "trademarks" of the lewd woman (see Chapter III:5d).

Jeremiah took over the metaphorical usage of the verb in marriage connotation from Hosea. Israel and Judah, both pictured as married to Yahweh, committed adultery with foreign gods and nations. No specific verdict is mentioned. Jer.3:8,9 (NEB):

"That faithless woman, her sister Judah, saw it all; she saw too that I had put apostate Israel away and given her a note of divorce because she had committed adultery (n'f). Yet that faithless woman, her sister Judah, was not afraid; she too has gone and played the whore. She defiled the land with her thoughtless harlotry and her adulterous (n'f) worship of stone and wood".

In Jer. 13:22, 24-27 a verdict is announced over Israel. The marriage metaphor is used. Israel committed ni'ufîm (the noun of n'f). She will be punished by being stripped and her shame exposed (compare Chap. I:7d and 8g). Her sin is also described as harlotry (zēnût, v.27) involving cultic practices (cf. Hos. 2:4,5; Ez.16:37; 23:27).

Then Ezekiel took over the metaphorical usage of n'f. In Ez. 16:32 we read that:

"The adulterous (Pi. part. n'f) wife takes to herself strangers instead of her husband".

v. 38: "... I will judge her according to the laws of adultery (n'f, Qal part.) and murder".

From the context we learn that Jerusalem commits adultery with lovers (v.37), i.e. Egypt, Assyria, Chaldaea (v.26,28,29). It is closely connected with cultic ceremonies (v.36). Because of this the covenant is broken (v.8,59ff.). The verdict in v.35ff. resembles the punishment for both adultery and for breach of covenant.

Ez. 23:37 (NEB):

"They have committed adultery (n'f, Pi.), and there is blood on their hands. They have committed adultery (n'f, Pi.) with their idols and offered my children to them for food, the children they had borne me".

Here the adultery is between the sisters and the idols. In verse 43 (noun ni'ûfim) and v. 45 (verb n'f Qal part., used twice) the adultery is with "men from a far-off country" (v.40), i.e. a foreign nation. The switching within one pericope from idols to a nation confirms that a nation and its gods were closely associated with one another. Verse 37, quoted above, shows that cult practices are again involved in Israel's adultery. The verdict in v. 46ff. is death by stoning and the sword.

Speaking chronologically Is. 57:3 is the last to use the term.

The apostate Israelites are accused that they are sons of a mother (Israel) who committed adultery (n'f Pi. Part.) and harlotry. Cult (v.5) is again mentioned and the verdict is death (v.6a).¹⁶

Our study of n'f shows as a result:

- a) The verb, whether used literally or figuratively, applies only to a violation of the wedlock.
- b) It was first Hosea, then Jeremiah, Ezekiel and Deutero-Isaiah that used the verb figuratively.
- c) In Hos. 7:4 it denotes treacherous political manoeuvres which resemble that of an adulterer.

d) In 9 out of the 10 figurative cases the marriage metaphor is explicitly used. 4 times (Jer. 3:8-9 and Ez.23:37, twice) Israel's adultery is with other gods, idols, and 4 times with other nations (Ez. 16:32, 38; 23:45 twice). They are, however, very closely associated with one another. In Is. 57:3 it is not stated with whom the adultery is committed. In all these cases cult is directly involved and the adultery is accompanied with cult practices. Israel (or Judah, Ephraim, Jerusalem, Samaria) is always the wife guilty of adultery.

e) Juridical background: in its literal usage both the decalogue and the covenant (Hos.4:2; Jer.7:9; Mal.3:5) condemn the deed. When the marriage metaphor is used the family law on adultery serves to condemn it.

8 The origin of the marriage metaphor

We have already shown why znh and zēnûnîm were the ideal words to describe Israel's idolatry and apostasy. The question we are now trying to answer is the relation between znh and n'f in the marriage metaphor. It will give us a vital clue to the origin of the marriage metaphor as such.

The first interesting fact is that n'f is never used figuratively before Hosea's time while the literal and figurative use of znh are used combined.

Note: n'f applies only to a violation of the wedlock while znh means promiscuous sexual behaviour/activity in or out of wedlock.

znh can therefore be used to describe unfaithfulness and licentiousness without implying marriage as background. It still has a very negative connotation. n'f cannot be used in this sense because it always implies a wedlock.

znh also has, as can be seen from Ex.23:24ff. and 34:11ff. strong connections with the covenant. It was the ideal word to describe the spirit of unfaithfulness towards the covenant relationship.

It also has strong cult connotations, making it an even more appropriate word because it hinted at the actual sexual orgies and cultic prostitution of the fertility cult (e.g. Nu. 25:1).

These facts explain why znh is a better word to describe Israel's idolatry and apostasy even when the marriage metaphor was employed. n'f, on the other hand, was juridically a very appropriate word because its emphasis, in both literal and figurative usage, was on the inviolability of the wedlock. The judgment on n'f was in the OT theoretically always death. This cannot be said of zrh.

With this distinction clearly drawn we can ask why both znh and n'f were never used before Hosea's time to describe Israel's sin in the terminology of ^{the} marriage metaphor.

The answer lies in the essence of Israel's faith: monotheism. Yahweh was different from all other gods; no name could characterise him (Ex.3:13ff.¹⁷), no image was to be made of him (Ex.20:3). He had no consort like the other gods of the ANE. How heavy these facts weighed for the Yahwistic Israelite can never be over-estimated, any allusion to an image or consort was carefully avoided.

These facts were the ultimate STOP sign for any further development of the figurative use of znh and also for n'f to be used metaphorically.

However, there was a very real situation which gave rise for this "ban" to be lifted. Israel, in the time of Hosea, was so engrossed by the Canaanite religion, Yahwism was so syncretised and the fertility cult such an accepted fact, that it monopolised the people's way of thinking and outlook on life.¹⁸

The essence of this outlook was that fertility is dependent on the relation between Baal and nature (Baal the Canaanite fertility god;¹⁹ Baal meaning: husband, master, owner; Chap. I:3). To attest this relation between Baal and nature, the cultic practices were employed. Most notably was the prostitution of both sexes. These practices were thought to invoke fertility on earth and in nature.

Hosea's point is: Baal is not Yahweh. Fertility depends not on Baal, but on Yahweh and Israel's relationship with him. Yahweh is Israel's husband, owner, master and to him Israel must be faithful. Thus the relationship between them is like that between husband and wife and if Israel turns to Baal for life's necessities, then she znh and/or n'f.

This is the background against which the marriage metaphor originated. It was not so much an author's originality; it developed out of a situation in life and an interpretation of that situation. It is an interpretation of the relationship between Yahweh and Israel. Therefore: the image is not a rejection of the principles of monotheism, on the contrary, it is a profoundly vivid explanation and realisation thereof.

It is no mere substitute for the covenant image (or covenant way of explaining the relationship between God and Israel). It is an independent way of explaining the relationship against a specific background. Because both images describe the same relationship they will have much in common. Also: because the marriage metaphor is the "younger" of the two, it is bound to use and refer to the terminology of the par excellence way of describing the relationship.

In the following chapters we shall pay more attention to the origin of the image, the Canaanite background thereof and the relation between marriage metaphor and covenant.

FOOTNOTES CHAPTER II

1. E. Jenni e.a. (ed.), Theologisches Handwörterbuch zum Alten Testament, I, p. 519.
2. Koehler, Baumgartner : Lexicon (1958), p. 585.
3. Compare : Chambers Twentieth Century Dictionary (1971); adultery, p. 14; fornication, p. 416; harlotry, p. 481; prostitution, p. 880.
4. G. Lisowsky, Konkordanz zum Hebräischen A.T., 1958, p. 449. S. Mandelkern, Concordantiae, 1955, p. 272.
5. J.L. Mays, Hosea, p. 71ff. Hos. 4:10 and 18 most probably refer to both literal and figurative use of znh.
6. F.C. Fensham, ZAW, 75, 1963, p. 170.
7. E. Jenni e.a. (ed.), op. cit., p. 519.
8. F.C. Fensham, Exodus, p. 144ff., esp. p. 178ff.
9. BK, XIV-1, p. 81ff.; W. Brueggemann, Tradition for Crisis, p. 57ff.
10. J.L. Mays, Hosea, p. 71.
11. See Chapter III: 3a.
12. GKC, Hebrew Grammar, par. 124 d and f.
13. J. Weingreen, A Practical Grammar for Classical Hebrew, p.253.
14. G. Lisowsky, op. cit., p. 888; S. Mandelkern, op. cit., p. 500f.
15. J.L. Mays, Hosea, p. 105.
16. C.Westermann, Isaiah 40-66, pp. 321-322.
17. F.C. Fensham, Exodus, p. 24ff.
18. J. Pedersen, Israel III and IV, 1940, p. 536ff.
M.J. Mulder, Ba'al in het Oude Testament, p. 190ff.; see par. 5 and 6 pp. 87-112.
19. See: P.J. van Zijl, Baal; a Study of Texts in Connexion with Baal in the Ugaritic Epics, passim; Also Chapter III : 2.

CHAPTER III

THE MARRIAGE METAPHOR IN HOSEA

1 Method and approach

In the two previous chapters we outlined the family-law on marriage, adultery and divorce as well as the basic terminology (znh and nlf) of the marriage metaphor. Armed with these we shall try to approach the very vexed problem of Hos. 1-3 from a slightly different angle.

We cannot discuss all the theories on Hos. 1-3, they are outlined and summarised in various excellent articles and commentaries.¹ Our interpretation of Hos. 1-3 and the basic presuppositions of our approach will be outlined below.

In the first place we want to state that we agree with most modern scholars that the Masoretic Text (MT) is basically sound.² Since Nyberg's epochmaking study on the text of Hosea confidence in the MT gained ground and was further solidly established when the results of the Qumran discoveries became known.³ In Nyberg's final conclusions on the text of Hosea he gave a list of the most important emendations to the MT which he will sanction. 48 emendations are given, none of them in Hos. 1-3.⁴ If one has to suggest an emendation:⁵ "it must be laid down as a principle that no significant conclusions ought ever to be based on an emended text".

There are different ways to approach the study of a prophetic book like Hosea. One can use the critical method and try to distinguish between the different layers in the text. Such layers in the text can be ascribed to different sources, oral traditions, authors, redactions, etc. This is a valuable method and without it OT research would have been very much the poorer.

In Hosea critical analysis was vigorously employed. The result is, however, not uniform. The trouble with the method is that it quite often makes use of assumptions that cannot be proved. Take for in-

stance the case of Hos. 1-3 where we have the very complex question of Hosea's family life. Taken literally one cannot get a clear picture of it. Thus, by critical analysis Lindblom distinguished between the autobiographical account (Hos. 3) and the biographical and later account (Hos. 1). However, to make the story run fluently quite a number of emendations to the text ~~are~~ necessary.⁶ Arguing on the same basis of an autobiographical and a biographical account, but making use of tradition-circles, redactors and other aspects, M.J. Buss' study is a variation on the same theme.⁷

Using the same method and principles, changing the text at crucial points to avoid inconsistencies and to suit the interpretation, is the "Solution of Hosea's Marital Problems by Critical Analysis" by F.S. North. Originally Hos. 1 was only an account of his marriage with Gomer and of the children's names with their symbolic meaning. Hos. 2:4ff. had no connection with it. Hos. 3 was a fictitious episode in Hosea's life intended as a prediction of the Exile. Later the marriage with Gomer was given an allegorical meaning on account of Hos. 2.⁸ W. Rudolph in his commentary on Hosea moves basically on the same lines. He wants to remove all traces of a symbolic interpretation of Hosea's marriage. Hos. 1:2b is therefore deleted, and the verse is reconstructed.⁹

One can quote many examples of the different variations and solutions supplied by the results of this method.¹⁰ It does not imply that the method is entirely without merit. Hos. 1:7 is, for example, by common consent, a later insertion by a Judaeen redactor.

If critical scholarship could not arrive at a consensus of opinion on the solution of Hos. 1-3 and if all indications are that no consensus will be gained, then we shall have to look for an alternative method and approach. There is no point in emending a few verses and, with a little ingenuity, reconstructing another alternative solution to the problem. Also: to find fault with the MT is more often than

not an escape to read one's own notions into the text.¹¹ Hosea lived in North Israel and his language and the customs are bound to be a bit different from those of the rest of the OT which was shaped in the South. Nyberg concluded on Hosea:¹²

"Die masoretische Tradition hat eine Reihe seltener Wörter und Wortformen und später ungebräuchlicher Konstruktionen treu bewahrt".

One may argue that the emendations refer only to redaction work done by later editors or compilers. If this was the case in Hos. 1-3 and if it was their aim to give a reinterpretation of Hosea's family life, one may justly ask: why didn't they do it more thoroughly? If Hosea's family life stays a riddle to all who read it, why would the editors of the text, while they were busy reconstructing or connecting the different layers, not give a better and more straightforward account?

To put it differently: which is the more logical answer to the quest of Hosea's family life? Either the compilers (redactors) in their allegorising of Hosea's marriage with Gomer did a very bad job and left the precise flow of events in a completely unsolvable riddle.

Or, the writer of Hos. 1-3 was not interested in Hosea's family life as such. He refers only to those events in Hosea's family life which are necessary for our understanding of the message. The kerygma is what matters, not his family life. We believe the last alternative is the obvious one. It implies that the quest for Hosea's family life through the method of critical analysis is to be missing the point, to be on the wrong track.

Is the method of form-criticism an alternative? We may immediately take heed of the warning:¹³

"Form-critical analysis may often help, but there are so many instances of mixed and extended forms that one has not solved the problem

of the length of a poem by seeing in it an example of a given form".

We may also listen to the words of J. Lindblom:¹⁴

"Eine Methode, die sich mit absoluter Sicherheit verwenden lässt, um ein festes Resultat zu ermitteln, gibt es nicht und kann es nicht geben".

With these words as our starting point we may outline the basic aspects of our method and approach.

In the first place, we do not believe one can go with a single specific method to the text. We must make a study of the text in its context, style, life setting, etc. and then shape the method and approach as required by the passage. In this specific study we paid much attention to the juridical background of the family law on marriage, adultery and divorce. The reason is obvious. Hosea employs the marriage metaphor and it therefore needs to be clarified as well as certain aspects of Hosea's own marriage and family life which play an important role. In the same way terminology (znh and n>f) needs to be clarified and the fertility cult background has to be provided.

These aspects may explain the situation in Hos. 1-3 to such an extent that no scissors and paste method is needed to understand the passage.

In the second place: The words of Hos. 1-3 are a piece of literary work and has to be studied as such. We should be very careful neither to try and force our own ideas into the passage nor to force the words of the prophet into a set scheme, a prescribed Gattung or a specific style. We agree with H. Krszyna:¹⁵

"Der Dichter ist nicht darauf angewiesen, eine bestimmte vorgegebene Stilform bewusst zu wählen, sondern er ist frei, auch verschiedene Formen zu wählen und sie zu entwickeln, so dass kein absolutes und obligatorisches Schema für ihn besteht; ausserdem haben auch die künstlerischen und individuellen Faktoren des Dichters selbst

einen grossen Einfluss auf den Stil; schliesslich ist ein literarisches Werk, und besonders ein Gedicht, kein Handbuch der Logik, und deshalb wird jeder Versuch, die Struktur eines solchen Werkes nach den logischen Prinzipien anzuordnen, gegen die künstlerischen Absichten des Dichters sein. Infolgedessen würde auch die Botschaft des Dichters selbst verkannt werden".

⑥ In the third place: to understand the message of Hosea, especially Hos. 1-3, we must concentrate on the prophet's main concern. This, and not other aspects which arise from curiosity, should be our guiding principle throughout our study.

There can be no doubt whatsoever that the guiding principle, the leading motive, in Hosea's preaching was concentrated on the broken relationship between Yahweh and his people, Israel.¹⁶ It implies that the motive in Hos. 2:4ff is the broken personal relationship between Yahweh and Israel. The account is kerygmatic AND NOT biographical.

"There is a severe concentration on the divine word through the prophet's family life. The very genius of the formal, repetitive style is that it excludes almost everything which does not serve the pattern of command and interpretation. The narrative is kerygmatic, not biographical. Through it, as well as oracle, the word of Yahweh is known - and that is its sole purpose. The details of Hosea's family life are hidden behind the word-function of the narrative. Modern questions formed out of legitimate curiosity about just what happened are frustrated and will never be answered with final certainty because the data are missing".¹⁷

2 Historical and religious situation

Hosea's prophetic career began in the prosperous and peaceful years of Jeroboam II (786-746).¹⁸ After Jeroboam II he saw six kings rule

over Israel in little more than 20 years. He never mentions the actual fall of Samaria in 722 (cf. Hos. 13:16). It is, therefore, reasonable to suppose that his ministry was circa 750-724.¹⁹ Other important historical events were the reign of Tiglath-pileser III (745 onwards) and the upsurge of the Assyrian power. This led to the Syrian-Ephraimite war (733, Hos. 5:8-11) and Israel becoming a vassal of Assyria (Hos. 5:13). A few years later king Hoshea withheld tribute, sought Egyptian help (Hos. 9:3; 11:5; 12:1) and this resulted in the eventual destruction of Samaria and the deportation of large numbers of the population.

The last years of Israel were a time of social disintegration (Amos 2:6f.; 5:11; 8:4-6) and religious decay (Amos 4:4f.; 5:21-24, Hos. 1-3; 4:1ff.). It was during this period that the pre-exilic prophets sounded a warning. Amos and Hosea attacked the widely-held belief that Yahweh's election guaranteed her protection. Israel was unfaithful towards her God, she broke the relationship and would be rejected.²⁰

The main reason for Israel's rejection lies in her adherence to the Canaanite religion. The history of Elijah and Elisha's struggle against Baal and his influence throws light on this subject (1 Kings 16- 2 Kings 10). The Ugaritic Myths and Legends²¹ about Baal and Anath, king Keret and Aqhat, discovered at Ras Shamra, supply us with the background of the religion.²²

Baal, sometimes portrayed as the son of Dagan, the god of corn (ANET : p.130; Judg. 16:23; 1 Sam. 5:2ff.), controls the weather and as such fertility. While he is under the power of Môt, the god of the underworld and death, there can be no rain (dry season); but in springtime Baal returns to the earth and with him fertility in nature. Cultic drama, sacrifices and ritual, combined with sacred prostitution play an important part in invoking the revival and return of Baal and fertility to nature.²³

In the Palestinian^{ian} agricultural society these aspects of religion were very important because they believed that the fertility of man and nature depended on it. It was part of the agriculture.²⁴

Israel, who learned the basic facts of agriculture from the Canaanites, quite naturally got involved in the religious practices and blended them with Yahwism. Seen from this point of view it is clear that they regarded it as necessary to partake in cultic activities in order to ensure rain and a good harvest (Hos. 2:7ff.; Amos 4:1ff.; 2 Kings 18).²⁵

A fundamental presupposition of the fertility religion was the idea of a sexual relationship between Baal and his consort Anath. The outcome was a young bull, the symbol of fertility.²⁶ The theological interpretation of this part of the myth is:²⁷

"In deren Theologie erscheint das Land in der Gestalt einer Muttergöttin, die in der Begegnung mit einem jugendlichen Gott, dem Himmelsbaal oder einem der Ortsbaale, mit dem sperma des Regens ihre Fruchtbarkeit empfängt. In ihrer rituellen Gestaltung wurde der hieros gamos zwischen den kultischen Vertretern der Gottheiten orgiastisch begangen".

A basic summary will be: the "marriage", i.e. sexual relationship, between Baal and nature produces fertility. Cultic activities, especially sacred prostitution, invoke it. Thus Baal (meaning: husband, owner) gives the water, wine, oil, corn, flax and wool to those who turn to him in the cult.

If we now look at Hos. 1:2 and 2:4ff. we will see the same frame of mind. Hos. 1:2b:

"the land (hā'āreš, noun fem.) surely played the harlot, turning away from Yahweh".

"The land", a feminine noun, refers to the whole country, i.e. all the Israelites. These concepts are **closely** linked. The fertility of the land and that of its inhabitants went hand in hand in Canaanite thought. "The land", as a fem. noun, indicates the feminine party in the relationship with Baal.

In Hos. 2:4ff. the point is made that Yahweh and not Baal is Israel's husband (marriage metaphor). He may divorce and punish her because she is going after other lovers, i.e. she is guilty of adultery. These lovers are the Baals whom she follows in the Canaanite cult (Hos. 2:13-15).

Without going into more detail now, we can confirm our statements in Chap. II:8 that the marriage relationship between Yahweh and Israel is not solely a metaphor, figurative speech or a parable. It is a factual rendering of an interpretation of their relationship with Yahweh.

Three facts outlined it: the terminology used (Chap. II); the straightforward way of describing the relationship in Hos. 1:2b and 2:4ff. in the same pattern of thought as Canaanite religion;²⁸ thirdly, the fact that Israel was so absorbed in the Canaanite way of life and agricultural practices that they thought in these terms.

✓ 3 Hos. 1:2-9; the children's names

a) Verse 2

"The beginning of Yahweh's word through Hosea.

And Yahweh said to Hosea:

'Go, take for yourself a harlotrous wife and harlotrous children for the land surely played the harlot, turning away from Yahweh.' "

"The beginning" (tēhillat), refers to the beginning of the prophet's work which took place at the same time as his marriage.²⁹

Hosea's first commission was a fourfold symbolic act,³⁰ a Zeichenhandlung.³¹ Each time the symbolic act is introduced by the words: "And (the Lord) said (to Hosea, to him)" (v.2,4, 6,9). This statement is in every subsequent verse in a more concise form. It is typical of Hosea's short abrupt style where each phrase is loaded with meaning.

In the first command the verbs indicate a very strong command, using double imperatives plus the dativus ethicus.³² The verb lqh, to take, can also mean to marry (Gen. 4:19; 6:2; 19:14; Ex. 21:10; 34:16; 1 Sam. 25:43 etc.³³). It quite often explicitly refers to the consummation, i.e. the first sexual intercourse, of the marriage (Gen. 25:20; Deut. 20:7; 21:11; 25:5). This usage of the verb "to take" can be attested all over the ANE (LH 7, 35, 128, 144-146, 148 as well as in the Nuzi documents, Ass. verb: ahāzu).³⁴ W. Rudolph sees the second part of v. 2 as a later addition. He argues that the verb "to take, i.e. to marry" cannot be followed by a double object: harlotrous wife and harlotrous children. How could Hosea possibly have known the children's habits before they were born?³⁵

This is a typical example of prying for irregularities when an excuse is needed to emend a text. There are at least three simple and straightforward explanations for the construction "to take a harlotrous wife and harlotrous children". (The exact meaning of "harlotrous" will be discussed below).

In the first place: Hosea's short and abrupt style permits this type of construction.

Secondly: the fact that the verb lqh applies strictly to the first noun only, should not prove a difficulty. It is a well-known figure of speech. A verb or word that refers to two or more other words is no unique Hebrew peculiarity, but a linguistic universal. See the Shorter Oxford Dictionary (1964, p.2472):

"Zeugma A figure by which a single word is made to refer to two or more words in the sentence; esp. when applying in sense only to one of them, or applying to them in different senses.

(Example: She came in a flood of tears and a Bath chair)".

Thirdly, it seems as if lqh is used in Hos. 1:2 without the strict, limited, sense of "marriage". In Gen. 21:21; 24:3, 4, 37, 40, 48; and Jer. 29:6 the verb means "to take" in the sense of "to get" a wife for somebody.³⁶ The stress is here not so much on either the marriage or sexual union, but on the aspect of **acquiring** a wife, organising it. Thus in Hos. 1:2 the verb may mean that Hosea is "to obtain" a wife and (through her) children.

This brings us to the discussion of 'ēšet zěñûnîm. H.W. Wolff suggested that it has a :³⁷

"metaphorisch-rituelle Deutung: ein heiratsfähiges israelitisches Mädchen, das sich nachweislich an dem üblich gewordenen kanaänischen bräutlichen Initiationsritus beteiligte".

The virginity of the girl is sacrificed to the god in a cultic rite. The theory met with very strong opposition from W. Rudolph.³⁸ The main argument against it is that there is no evidence in the OT of such a rite and that even Deuteronomy, which came from Northern Israel some years after Hosea, does not contain a single reference to or a law against it. Although we have already seen how strong the cultic connotations are when znh or zěñûnîm is used figuratively, and although we hope to point out that Israel's transgressions on a cultic level are central in Hos. 2:4ff and Hos. 4:1ff; we must agree with Rudolph on this point. There is not enough evidence to make Wolff's theory a definite probability.

Our study on the abstract plural noun zěñûnîm (Chap. II:5), which occurs 12 times in the OT and 6 times in Hosea, has, however, shown that it has a consistent meaning. It describes a spirit of unfaith-

fulness (cf. Hos. 4:12; 5:4), the attitude or behaviour of somebody which resembles the promiscuous sexual behaviour of a woman (a harlot or adulteress).

The fact that zěûnîm describes the attitude or inclination of the woman and children (cf. Hos. 2:6) fits in very well with the whole meaning of Hos. 1:2. Hosea is commanded to go and get a "harlotrous" woman, i.e. a wife who will be inclined to be unfaithful. As such she resembles Israel. It is not possible to define the exact nature of her unfaithfulness. She may have played the harlot, she may have been involved in cultic practices.³⁹ That some association with cult is implied seems obvious from the connotation of zěûnîm.

The children will take after their mother, their inclination will be the same. From the context of Hos. 1 or from the rest of the book nothing more can be inferred about either Gomer or her children. Whether they were Hosea's own legitimate children cannot be concluded with certainty from the absence or not of the lō' (negative) before a name.⁴⁰ The point of the narrative is not biographical, the name does not describe the child, it denotes a message to the nation.

What we can gather from Hosea's marriage with Gomer is that he (being married to an unfaithful harlotrous wife), surely experienced the same "pain" as Israel caused Yahweh. This seems to be one of the reasons for Yahweh's strange command. To venture much further on the topic of Hosea's relation with Gomer is obviously speculation, it cannot be proved (see also discussion on Hos. 3).

The reason (kî, causal conjunction⁴¹) for Hosea's marriage is then clearly stated: "for the land surely played the harlot". This is the absolutely central idea: Israel is guilty, she was unfaithful.

It is because of the harlotry of the land that Hosea is to illustrate it by marrying an 'ēšet zěûnîm, Gomer. The names of his children

explain what will happen to Israel. They illustrate his message of punishment and doom.

To conclude. It seems to us that Hosea is introducing the marriage metaphor in this terribly brief and concise verse 2b. It is only in the light of the detailed development of the metaphor in Hos.2:4ff. that one realises it.

However, all the main elements are given in Hos. 1:2b. The heart of Hosea's message is in the words: "for the land surely played the harlot, turning away from Yahweh". We have pointed out that the verb znh is here used figuratively and denotes the unfaithfulness of Israel (Chap. II:3). This unfaithfulness is to be illustrated through Hosea and his message. He is therefore bidden to get an unfaithful wife and children. The unfaithful wife of the prophet illustrates the unfaithful wife (Israel) of Yahweh. Hosea's children illustrate the judgment in store for Israel. Clearly, the implication of the first symbolic deed of Hosea can be seen as the background to the marriage metaphor used in Hos. 2:4ff. It will, however, be wrong to apply aspects of the marriage metaphor as developed in Hos. 2:4ff. on Hosea's marriage with Gomer. This will be to put the cart before the horse. Therefore: Hosea's marriage to Gomer is no consistent parallel to the marriage metaphor as described in Hos. 2:4ff. The common factor between Hosea's marriage with Gomer, its meaning-message and the marriage-metaphor as used in Hos. 2:4-15, is the element of unfaithfulness described in both.

Thus Hos. 1:2 serves not only as an introduction to Hos. 1, but, also, indirectly, to Hos. 2:4ff. and the whole message of the prophet.

To reconstruct verse 2 leaving out its second part and all allusions to Hosea's marriage having a symbolic meaning (cf. Rudolph),⁴² is to deprive the message of its most vital element.

b) The message of Jezreel (v. 3-5)

In Chap. I:3c we have outlined the background of the use of children's names for kerygmatic purposes. The following discussion on the names of Hosea's children aims only in outlining the main points of his message because the names are used again in Hos. 2 and their meanings are further developed.

v. 3 "So he went and took Gomer, daughter of Diblaim
and she conceived and bore him a son.

v. 4 And the Lord said to him: Call his name Jezreel
because in a short time I will visit
the bloodshed of Jezreel on the house of Jehu
and bring an end to the kingship of the house of Israel.

v. 5 And it will happen on that day:
I will break the bow of Israel
in the valley of Jezreel".

In v. 4 Jezreel does not refer to its literal meaning "God sows", but refers to Jehu's bloody murder of Omri's house at Jezreel (2 Kings : 9-10). Verse 4 explains that Yahweh will not wait long to chastise Jehu's house (dynasty, i.e. Jeroboam II) for the blood-bath of Jezreel. Together with the dynasty the mamlékût, kingship (i.e. the royal office, cf. 1 Sam. 15:28; 2 Sam. 16:3; Jer. 26:1), will be removed from Israel, she will cease to exist (cf. Hos. 3:4; 7:3; 8:4).⁴³

Verse 5 gives a second interpretation of the name.⁴⁴ The reference is to the plain of Jezreel, the historic place of many a battle in Israel (Judg.4:13; 6:33ff.; 7:1ff.; 1 Sam. 29:1ff.; 31:1ff.; 2 Kings 23:29). The bow of Israel will be broken on the plain of Jezreel. "Bow" signifies military strength (Gen. 49:24; 1 Sam. 2:4; Ps.37:15; Jer. 49:35). The warning of a broken bow is a very well-known ANE (covenant) curse formula.⁴⁵ It is equally well attested in the OT

(1 Sam. 2:4; Jer.49:35; 51:56; Ez.39:3; Hos.2:20; Zech.9:10; Ps.46:10; 76:4). Jezreel, therefore, prophesies that in this plain the military strength of Israel will be broken. It actually happened when Tiglath-pileser III conquered vast parts of Israel in 733.

Hosea 2:2 and 2:25 refer again to Jezreel.

c) The message of lō' ruhāmā (v. 6)

v.6 "And she conceived again and she bore a daughter;

and he (i.e. Yahweh) said to him (i.e. Hosea):

Call her name lō' ruhāmā

because I will no longer continue to have pity for the house of Israel

but I will surely remove them".

The strict word-economy is maintained with the birth and message of the second child, a daughter. She is called "Not-pitied". The verb rhm is well outlined in Ps. 103:13 (cf. also Is.30:18):

v. 13 "As a father has compassion (rhm, Pi.) on his children so has the Lord compassion (rhm, Pi.) on all who fear Him". (NEB).

It is the word used to describe the love, care, compassion, pity of a parent for his child when the child is weak and dependent on him. The message proclaimed by this rather shocking name for a girl, is that Yahweh will have no pity for Israel, but that he "will surely remove them".⁴⁶ (cf. v.5). Yahweh is not merely angry with Israel, he withdraws his love and care completely. A Father or God who does this to his children is breaking the relationship between them because love and care are essential to it.⁴⁷

The word is again used in Hos. 2:3, 23 and 25.

Scholars agree that v. 7 is a later expansion of the narrative, it has no connection with the name-messages.⁴⁸

d) The message of lō' 'ammî (v. 8,9)

v. 8 "And after she had weaned lō' ruhāmâ

she conceived and she bore a son.

And he (i.e. Yahweh) said:

v. 9 Call his name lō' 'ammî (not my people)

because you are not my people

and I am not your I am (lō'- 'ehyê)".

In still more concise form the third name-message is delivered. The name and message of the third child is in a way a direct implication of that of the second one. When the Lord no longer has love, compassion, pity for the Israelites, then they are no longer his people. These words must have been a shock to the Israelites. The well-known covenant formula "You are my people ('ammî) and I am your God" was the very basis of Israelite belief in Yahweh and the relationship between them (Chap. I:8e,f). Now the formula is used in the negative to denote a broken relationship.⁴⁹

"Wir sehen an dieser Stelle deutlicher als in 2 und 4, dass Hosea mit den ältesten vorstaatlichen Jahwetraktionen beschäftigt ist... Das neue Jahwewort nötigt ihn aber zugleich, dem volkstümlich-selbstsicheren Verständnis dieser Anfänge ein hartes Nein entgegenzurufen".⁵⁰
We have shown that the negative (covenant) formula legally dissolves a relationship (Chap. I:8e,f). The words of Hos. 1:9 imply that the covenant is broken. Israel is, therefore, as one of the gôyîm (nations).⁵¹

This message was indeed a hard one. If ever there was a basic notion in Israelite belief, then it was that Yahweh was the God of Israel and they were his chosen people.⁵² This relationship was explained and interpreted as a covenant. Through Hosea Yahweh declares the covenant nil and void.

Hosea's masterly technique of word economy laden with allusions is again illustrated by the "unexpected": "and I am not your I am (lō' - 'ehyê)". Normally one would expect "and I am not your God",⁵³ but Hosea uses a verbal form for the divine name which is only found in Ex. 3:14 where the name "Yahweh" is revealed to Moses. Hosea undeniably makes use of the Exodus tradition.⁵⁴ The positive covenant formula is used in Ex. 6:7.⁵⁵ In Ex. 3:7,10,12,14 and 4:12,15 'ammî and 'ehyê are used alternatively; in Hos. 1:9 lō' 'ammî and lō' - 'ehyê are used together!⁵⁶

For the further use of the 'ammî theme see: Hos. 2:1,3,25.

e) The date of the covenant-idea

Hos. 1:9 equips us with the first of several arguments against the views of those scholars who believe that the covenant-idea and terminology are products of the 7th century. J. Begrich sees the berith (covenant) as a relationship between 2 unequal parties where the stronger gave the weaker assurance of help.⁵⁷ It implies no obligation for the weaker party. A. Jepsen continues on these lines but adds that God's promise (Verheissung) to Israel implies an imperative (Geheiss). It is only a moral obligation and not a law.⁵⁸

Hosea and the prophets after him "invented" the idea of an obligation to interpret the history, especially the demolition of Jerusalem and the temple as well as the Exile. R. Smend concentrates on the Bundesformel.⁵⁹ He insists that it existed ONLY as a promise by Yahweh. A real relationship and a real covenant never existed, the covenant was never really enacted. Though God attested himself as Israel's God, Israel could never (or: was never) in a position to conclude their part of the covenant.

Smend argues that what really happened is the following: Amos (Smend, p.23) Isaiah (p.23-24) and especially Hosea (p.24f) announced the shocking news that Yahweh shall no longer attest himself as their God.

However, he promises a day when it will happen (Hos.2:1-3, 18-25 etc.). In 621 B.C. (cf. 2 Kings 23) king Josiah officially enacted the covenant as a Staatsakt, trying to realise the promises of Hosea and the other prophets. For better authority and a historical foundation the whole idea was backprojected to Sinai and canonised as Mosaic history.⁶⁰ The result of this redaction work is to be seen in Josh.24; Deut.26:17ff. et. al. The Deuteronomist added the idea of obligation to explain the broken covenant and exile while the priestly source (P) even took the covenant idea back to the patriarchs. On p.5 Smend gave an analysis of the texts where the covenant formula occurs and by which influence it was inserted in those places (P or D).

We cannot discuss the full debate here. W. Eichrodt explained the relationship between covenant and law over and against the views of J. Begrich and A. Jepsen.⁶¹ For the latest literature and views, see D.J. McCarthy: Old Testament Covenant; A Survey of Current Opinions.⁶² A. Phillips stressed the supreme importance of the covenant being the basic structure in which the decalogue fits.⁶³ F.C. Fensham outlined the covenant-idea in Hosea.⁶⁴

We shall only discuss one aspect of the debate on which our study throws some light.

i) It is clear that the theories outlined above are reconstructions of a hypothetical idea about the origin and use of the covenant and covenant formula. All the evidence in the OT against the 7th^{century} covenant notion is incorporated into the theory by describing it as insertions of later authors (redactors, D or P). It is, therefore, quite difficult to argue against such a theory because all that one produces as evidence against it, is immediately redated and incorporated in the reconstruction as D or P insertions.

ii) We give an example. We argue that the formula in Hos. 1:9 "You are not my people and I am not your I am", refers to two passages from Exodus. In Ex. 6:7 the formula occurs in the positive while the lō'- 'ehyê of Hos. 1:9 is a wordplay on Ex. 3:14 where the name Yahweh is revealed to Israel.⁶⁵

It is, however, re-addressed in the following way: R. Smend places Ex. 6:7 in the time of the Exile reflecting the 3rd stage of the development of the covenant formula.⁶⁶ A. Jepsen classified Ex.6:7 as P, "im weitesten Sinne".⁶⁷ W. Rudolph, whose sympathies lie with these scholars, discusses v. 9 in his Hosea-commentary but does not mention the covenant whatsoever and doubts whether 'ehyê has any reference to Ex. 3:14. The reason: Ex. 3:14 is not a "primärer Text" and Hosea would not have been able to know such a "late" text.⁶⁸

iii) We cannot agree with such a hypothetical reconstruction because, to mention this one aspect only, the evidence from Hosea solidly contradicts it.

iv) In the first place, we have shown that the relationship formula "You are (not) my..." goes back to Sumerian times. It was used in different connotations; marriage, divorce, "adoption", covenant, etc. This type of formula was therefore known before the 7th century and Hosea could have used it (see: Chap. I : 7g 8e, f).

v) Hosea did use it and in quite a variety of ways. (lō') 'ammî, for instance, is used in relationship formulae in Hos. 1:9; 2:3 and 2:25 (see Chap. I:8f). The formula, whether used in covenant, marriage or divorce connotations is an integral part of the message of Hos. 1-3.

Hosea knew, without any doubt, the covenant formula. Hosea was an 8th century prophet in North Israel... the covenant could not have been a 7th century innovation.

vi) Hosea was perfectly aware of Israel's obligations. He proclaimed their unfaithfulness and judgment in Hos. 1 (the four symbolic acts). Without any obligation in the relationship there could hardly have been any judgment. The whole point of the marriage metaphor in Hos. 2:4ff. is that Israel as the adulterous wife wronged her husband. Juridically she was in the wrong and should be divorced. She had not complied with her obligations.

vii) Hosea did not merely invent all these ideas. It is an accepted fact that Hosea knew and used the history and traditions of Israel, especially the Exodus tradition.⁶⁹ The covenant is an integral part of it and numerous references to the different aspects thereof can be found in Hosea.⁷⁰

Points v-vii will be repeatedly stressed and outlined in the rest of this chapter.

Our study of Hosea forces us to conclude that the covenant was an accepted fact and that Hosea based his message upon it (though using different metaphors to explain it).

f) Conclusions and discussion

i) We have seen that Hosea's central concern is the relationship between Yahweh and Israel. In this passage he proclaims through 4 symbolic deeds that Israel was very unfaithful towards Yahweh (v.2) and that as a result, she will be punished and their relationship dissolved (v.3-9).

ii) The narrative is kerygmatic and not biographical. Although Hosea's marriage was the stimulating impetus of his prophetic career and message, and although one can anticipate his personal struggle and grief, the narrative gives us no further information about it, it is simply beside the point. Likewise the names of the children do not reveal anything about their character or who their father is.

The message of warning and doom is the only point.

iii) The narrative explains Israel's legal position, her Rechtslage.⁷¹ "For the land surely played the harlot, turning away from Yahweh" does not only introduce Hosea's main line of thought. It states Israel's offence while using the metaphor which is later (Hos. 2:4ff.) worked out in full.⁷² The three name-messages describe the coming punishment.

iv) In verse 2 the verb lqh means to obtain or acquire. The verb takes a double object (a figure of speech called zeugma) which fits very well with Hosea's word-economy and association-laden words.

The abstract plural noun, zěnûnîm, describes the attitude which resembles promiscuous sexual behaviour. Used figuratively it describes unfaithfulness. It has a very close affinity with cultic practices.

v) This brings us to the punishment symbolised by the children's names. Jezreel: both Jeroboam's dynasty and the institution of kingship will be removed (v.4). V.5 uses an ANE and OT curse formula to describe that Israel's military strength will be broken. For the other interpretations of the word see Hos. 2:2, 25.

lō' ruhāmâ: Yahweh will have no pity for the Israelites and will remove them (as v. 4 and 5 also implied). For the positive interpretation see Hos. 2:3,23,25.

lō' 'ammî: the judgment is confirmed and brought to a climax. The negative covenant formula dissolves the relationship between Yahweh and Israel. For the reverse message, in promise form, see Hos. 2:1, 3,25. The argument of Hos. 1:9 is again taken up in Hos. 2:4, though by using another type of relationship formula and metaphor.

N.B. these punishments are expressed on the political level, i.e. the kingdom and the covenant are referred to.

- vi) Cult-connotations: the root znh occurs 4 times in v.2 (cf. Chap. II:1-5). By using the verb in a figurative sense to describe Israel's offence (v. 2b), one can be assured that when the real offence is described (v. 3-9 concentrate only on the punishment) it will be in ^{the} cultic sphere. Cf. Hos.2:4-15 and 4:1ff.
- vii) Marriage-metaphor: the introductory statement (v.2b) describes Israel's sin as playing the harlot, turning away from Yahweh. These words can be used to describe unfaithfulness in or out of wedlock (Chap. II:3 and 8). The symbolic act of Hosea, however, in marrying a harlotrous woman, more than prepares the ground for the use of the marriage metaphor in Hos.2:4ff. This metaphor will there concentrate not so much on the political level, as on the personal level of the marriage relationship between Yahweh and Israel.
- viii) Covenant: Hosea knew and used the covenant concept as can be seen from the covenant-curse in v.5 and the covenant formula in v. 9. The idea is clearly that of the major partner (Yahweh) punishing the minor partner (Israel) because she broke the stipulations of the covenant.⁷³ What is so interesting is that the breach is described in v.2 in terminology which can be used in both covenant and marriage metaphor sphere ... Hosea's word-function!
- ix) Tradition: Hosea knows the history of Jehu's massacre of Ahab's house (v.4). His knowledge of the Exodus tradition can be seen in v.9 (see again Hos.2:16f.).
- x) Limit of image: the aim of Hos. 1 and its 4 symbolic acts is to proclaim a message, Israel's offence and punishment. It is done in the most concise way possible, making use of every word and condensing every subsequent verse. This makes a reconstruction of Hosea's family life impossible.

4 Hos.2:1-3; the day of salvation

In the first three chapters of Hosea the themes of judgment and salvation alternate.⁷⁴ At the same time Hosea uses the same images alternatively, the marriage metaphor in Hos. 1:2b; 2:4-15; 16-25; and covenant terminology in Hos. 1:5,9; 2:1, 20,25. They describe different aspects of the relationship. The names of the children are used in the same way to describe either judgment or salvation. In this short prophecy the theme is the day of salvation. It is important for our study because it is in some respects parallel to what is described in Hos. 2:16-25 in marriage terminology.

The historical setting is most likely to be during the Syrian-Ephraimite war and the subsequent Assyrian campaign in Israel.⁷⁵

a) Verse 1

"And the number of the Israelites shall be like the sand of the sea which cannot be measured nor counted.

Also: at the place where there was said to them:

You are not my people (lō' 'ammî 'attem)

they shall be called: sons of the living God".

In the opening verse we find one of the about 40 similes⁷⁶ used by Hosea, this time employed in the current sense. In the words of the well-known covenant promise to the Patriarchs (Gen.13:16; 15:5 etc.) Hosea describes the day of salvation. Once again it is clear how Hosea combines the old tradition with his present message.⁷⁷

(See also: Is. 49:18,21; 54:1-3; 48:19).⁷⁸

For the first time we have a direct reference to the fertility theme which will play such an important role in Hos. 2:4ff. The importance of a progeny was discussed in Chap. I:2,3. To have children was regarded as a blessing, to be without it, a curse. In Hos. 4:10; 9:12-16;

14:1 it serves as a curse on Israel, here in Hos. 2:1, obviously as a blessing. The reversal of a curse to a blessing is typical in the OT.⁷⁹ The curse counterpart is well-attested in ANE treaties and also in the OT.⁸⁰ In the marriage metaphor we shall attest the same theme in Hos.2:11-12⁸¹ and 2:25.

Hos.2:1 continues to describe the situation which will exist whenever the relationship between Yahweh and Israel is harmonious.⁸²

"At the place", most probably Jezreel,⁸³ where the relationship was once dissolved by the pronouncement of the negative covenant formula (Hos.1:9), it shall now be renewed.⁸⁴ The relationship formula is again used, this time Israel will be called: "sons of the living God". (běně 'ēl-hāy).

The numerous references to "sons or children of...." need some attention. It was a custom in the Semitic world to call the offspring the sons or daughters of a deity (Nu. 21:20; Mal. 2:11).⁸⁵ Israel, however, was the sons (běně) of Yahweh. Again Hosea's usage of the Exodus tradition is obvious. In Ex. 4:22 the word of Yahweh to Pharaoh is: "Israel is my first-born son". Compare Hosea's use of the image in Hos. 11:1 (see also Deut. 14:1):⁸⁶ "When Israel was a boy, I loved him, I called my son (bēn) out of Egypt".

The meaning of this passage is clear in the light of our discussion in Chap. I:3c. A father has supreme authority over his children. He loves them and cares for them because they are his most precious possession. Through his son his name, his life and progeny are secured. There is much in common between this metaphor and the marriage metaphor. Both describe Yahweh's authority, love and care. In Hos. 11 this aspect is passionately worked out when Ephraim behaved like the prodigal son. In Hos. 2:4ff. Israel behaved like an adulterous wife.

The marriage metaphor is, however, better suited to describe Israel's obligation and transgression in the very sphere where she sinned.

The sharp contrast between judgment (Hos. 1:3-9) and salvation (Hos.2:1-3) is maintained. Instead of "children of harlotry" they are now called "sons of the living God".⁸⁷

With the words "living God" ('ēl hāy) Hosea is preparing the ground for another theme in his polemic against idolatry. He could have used 'ēlōhīm or 'ēl, but he preferred a word with a sting in it. Yahweh was a LIVING God, the God who gives life to everything over and against Baal who was **held** to be the giver of fertility (Hos.2:10-12, 23,24; 6:2; 13:14).

That this expression originated with Hosea is very doubtful.⁸⁸

Yahweh is called a living God in 1 Sam. 17:26; Deut.5:26. It was used as a phrase in oaths: Judg.8:9; 1 Sam.14:39,45. Even a deity could claim to be living: Deut.32:40, Nu. 14:21,28; Amos 8:14.⁸⁹

The expression "living God" occurs in Josh.3:10; Ps.42:3; 84:3.

b) Verse 2

"The children of Judah and Israel shall be assembled together and they shall choose for themselves a single head and they will go up from the land for great is the day of Jezreel".

Hosea's short and abrupt style makes it difficult to pin-point the exact meaning of all the phrases in ~~this~~ verse.⁹⁰ We agree with Mays that:⁹¹

"The three separate acts are successive movements in ~~one~~ process, which is best understood as military in character".

The first part concentrates on the unification between Judah and

Israel which Hosea regarded as absolutely necessary (Hos.3:3ff.; 8:4; 13:10,11). He uses the old term of the premonarchical period to describe the military leader ("head", rō's, see: Nu.14:4; Judg. 11:8). It again shows Hosea's preference for tradition. The main thought is that instead of a divided nation (Judah versus Israel) they will be united. It may also be that this verse alludes to the Syrian-Ephraimite war when Israel and Judah were fighting one another.

"And they will go up from the land" (wē'alû min-hā'āreṣ) is quite a riddle.⁹² If the picture is a military one, it seems to mean (see Ex.1:10) "gain ascendancy over the land" by which a repulsion of the Assyrian power is meant.⁹³

As a result the day of Jezreel will be "great". The verse gives a reversal of the judgment verses in Hos.1:4 and 5. Instead of being broken and destroyed, Jezreel now signifies the opposite, a victorious situation. With the promise of Hos.2:1, the abundant offspring still in mind, Jezreel's literal meaning "God sows", i.e. fertility and prosperity, springs to the mind. This is paralleled by Hos.2:23-25. The image in Hos.2:2 stress^{es}, however, the reversed position of Hos.1:4 and 5 and not so much the fertility side of it which is more in the scope of the marriage-children images (Hos.2:1, 10-12, 23-25).

c) Verse 3

"Say to your brothers: My people (ammi)
and to your sisters: You are loved(ruhamâ)".

The imperative ('imrû, say) call upon Israel to reverse the meaning of the remaining two symbolic names of Hos.1:6 and 9.⁹⁴ Israel and Judah should confirm the promised situation by calling each other

"my brother" and "pitied (or loved)", thus realising the new relationship by using an abbreviated form of the relationship formula (Chap. 1:7g and 8e,f).

d) Conclusions and discussion

i) Theme: "Das beherrschende Thema des ganzen Stückes ist der kommende Heilstag"⁹⁵. Words and images employed in the passage concentrated on the day of salvation. The theme of the passage limits further utilization of the terminology.

ii) Judgment-salvation (curse-blessing) reversal. The judgment or punishment of Hos.1:3-9 is reversed. Hos.1:4 and 5 are on the political level and describe the lost kingdom and broken covenant. Hos. 2:2 stays on the political level but here Jezreel signifies the scene of a united nation with one leader who again gains control of the land. A great day for Jezreel!

Instead of the broken covenant (Hos.1:9) we hear the ancient covenant promise announced (Hos.2:1a) and Israel is again in a restored relationship with the living God (v.1b). Instead of being called harlotrous children they are now called "sons of the living God".

iii) The covenant theme is again attested (Hos.2:1).

iv) Cult: it is not directly mentioned, although the reference to a "living" God may contain the first sign of the polemic against idolatry.

v) There is no reference to the marriage metaphor.

vi) Hosea continues to make use of tradition: "like the sand of the sea" (Hos.2:1a; Gen.32:13 etc.); the son of God image (Hos.2:1; 11:1; Ex.4:22 etc.); one head, rō's (Hos.2:2; 1 Sam.15:7 etc.); go up, 'ālû (Hos.2:2 and Ex.1:10).

5 Hosea 2:4-15; the divorce lawsuit

a) Approach

Hosea's main concern, the broken relationship between Yahweh and Israel, is this time discussed in the marriage metaphor. Hos.1:2b introduces the idea. Israel's actual life situation was interpreted in marriage terminology (Chap.II:8; III:2). There is no reference to Hosea's personal life and marriage.⁹⁶

There is a fundamental difference between the two judgment passages of Hos.1:2-9 and Hos.2:4ff. In Hos.1:2-9 the judgment is described on ^{the} national-political level and the covenant terminology dominates (v.5,9). In Hos.2:4ff. a divorce lawsuit is used and the broken relationship is described in a far more personal and intimate way.

There are usually two approaches to the structure of Hos.2:4ff. Hos.2:4-17⁹⁷ and Hos.2:4-15.⁹⁸ We prefer Hos.2:4-15 as a unit because the divorce lawsuit, the indictment-judgment theme, dominate here. Verses 16-25 can be grouped as an oracle of promise and salvation (the full argument will be given below, Chap.III:6f.). These two parts, Hos.2:4-15, 16-25 correspond with Hos.1:2-9 and 2:1-3 on the aspect of a reversed situation.

Hos.2:4ff. should not be treated as a jigsaw puzzle composed of rib, divorce, cult, polemic, mythology, marriage and tradition pieces. It has one central theme: a broken relationship, described in the terminology of a divorce lawsuit. The metaphor, however, does not dominate the message of Hosea. It merely serves to explain the message and is therefore subject to the message.

The manner in which Hosea delivers his arguments is not a highly logical, schematised argument corresponding to Western notions of jurisprudence.⁹⁹ It is a dialogue with his people, an emphatic plea

to return to Yahweh, a heated controversy with Baal, an "I will spell it out to you" explanation of their transgressions and above all a dire warning of judgment.

These aspects interchange with one another in a flowing discourse. This leads us to disagree with scholars who try to rearrange verses and reconstruct some more "logical" form.¹⁰⁰ Hos.2:4ff. is no schematised approach conforming to a prescribed Gattung. Hosea is not adjusting his message to fit into some kind of prescribed pattern or metaphor. No, his message is delivered in a running dialogue with his people, moving from one aspect of the broken relationship to another. It is delivered in the language and idiom of the unfaithful Israelites.

Our analysis of the passage aims to give a better perspective of the juridical aspects which serve as background to the discourse.

b) The marriage metaphor

In the second section of this chapter (Chap. III:2) we described the religious and historical background of Hos.2:4ff. Israel (the land or people) was pictured as a wife or mother. Some people thought Baal to be her husband, other said it was Yahweh while still other saw Baal and Yahweh as the same God.

In Hos.2:4a and 6 the separate members of the nation are pictured as children (as also in marriage metaphor connotation Jer.3:14ff.; Is.50:1; 54:1-5) while the nation as a whole is the mother.¹⁰¹

The land, the nation, or a city is often described as a mother ('ēm, 2 Sam.20:19; Jer.50:12; Ez.19:2,10). Used in the marriage metaphor it occurs in Hos.2:4,7; Ez.16:3,4,45; 23:2; Is.50:1.

In v.4b the mother is called "my wife" ('iššâ). Yahweh is the husband or man, 'îš, in v.4 and 9. Israel's transgressions are

referred to as harlotry (Hos.1:2b; 2:4,6,7) which can refer to promiscuous sexual acts (the verb) or attitude (the noun) in or out of wedlock (cf. Chap.II:2,3,5). In v. 4 the noun for harlotry, zénûnîm, is paralleled by the noun for adultery, na'ăfûfîm. Adultery is only used for the sexual transgression of a married woman (Chap. II:6) and it therefore implies a marriage relationship.

In Hos.2:15 Israel's sin is summarised as having "forgotten", škh, her husband, Yahweh. For parallel usage of the verb in this connotation see: Jer.3:21; Ez.23:35; Is.49:14f. Verse 9 states that Israel will return to her first husband ('îš).

The other aspects which clearly indicate the marriage metaphor, will be discussed below (i.e. the divorce formula, divorce punishment, husband's duty of support etc.).

c) The divorce lawsuit

One can distinguish between different types of lawsuits¹⁰² and give a description of the typical form.¹⁰³ Hos.2:4ff. is, however, in a class of its own.¹⁰⁴ It is a divorce lawsuit where the reality and the situation, i.e. Hosea's message, shape the form and not a literary device or a prescribed Gattung. We agree with B. Gemser that:¹⁰⁵

"The frequency and diversity of the application of the rîb-phraseology in the OT reveals a frame of mind and not only a way and means of expression the rîb-pattern reveals the undogmatic, unsystematic way of thinking, in religious matters, of the OT. All is ultimately left to, lies in the hands of, the Supreme Judge and Ruler".

The three basic ideas in the divorce lawsuit are: the broken relationship, the reasons therefore (Israel's sin and transgression) and the punishment thereof.

The ultimate goal of the lawsuit is expressed in verses 8 and 9: reconciliation.¹⁰⁶ The unfaithful wife has to return to her husband. Verses 4-15, however, concentrate not on this aspect, but on judgment¹⁰⁷ and it is only in v.16-25 that the theme is turned to salvation. There the reconciled or new relationship is described in a new image. Thus we have the same reversal as between Hos.1:2-9 and Hos.2:1-3.

A further point to note is that Yahweh has more than one role in the lawsuit. He is plaintiff and judge, Strafvollstrecker and Schlichter.¹⁰⁸ The key-word is the double imperative rîb:¹⁰⁹ "Der Gebrauch des Wortes rîb, eines terminus technicus aus dem Rechtsleben zeigt, dass die Auseinander^osetzung zwischen Jahwe und Israel hier in Form eines gerichtlichen Prozesses stattfindet". Hosea then makes a distinction between individual Israelites and the nation as a whole (children-mother, see above par.b). It may be possible that the imperatives in v. 3 and 4 refer to the same people, i.e. the faithful Israelites. They that realise one another as "my people" and "you are loved" must take up a lawsuit against their mother. These children are naturally distinct from the harlotrous children of v. 6 (which resembles Hos.1:2b). This will imply that Hosea differentiates between the true and false children of the one mother Israel.

Let us now concentrate on the second stichos in v. 4. The kî is introducing direct speech.¹¹⁰ It is used here after the double imperatives rîbû .. rîbû. Muilenburg remarks in his study of kî:¹¹¹ "Nothing is more common than the appearance of the particle after an urgent imperative in numerous literary contexts: judgment, warning, expostulation, exhortation ..."

Hos.2:4 "Accuse your mother, accuse,

She is not my wife and I am not her husband".

(kî hî' lō' 'istî wě'anōkî lō' 'îšāh).

We have noted that all scholars in the field of OT family law regarded this formula as the ancient divorce formula (Chap.I:7g,8c). Nevertheless R. Gordis¹¹² did not agree and he is followed by so eminent a scholar as W. Rudolph¹¹³ as well as M.J. Buss.¹¹⁴ The topic was discussed in detail in Chap. I:8c,d,e and f. We recall the most important arguments:

- i) The spoken word had legal validity in the ANE (Chap.I:7g).
- ii) The marriage-divorce formula is well attested in the ANE.

From contemporary sources one can see that it is one variation of a general relationship formula used all over the ANE. In the OT the divorce formula is attested only in Hos.2:4. One of the reasons for the lack of OT information is the scarcity of legislation on these matters. However, it is attested among the Jews of the 5th century Elephantine colony (Chap.I:8d). The strongest argument is that other manifestations of the ANE relationship formula are attested in the OT, notably in Hosea. The best example is the covenant formula. Hosea is alternatively using different variations of the formula in Hos.1:9; 2:1, 3, 4, 18, 25. Hos. 1:9 is parallel in meaning to Hos. 2:4 but different in terms of terminology and image (Chap.I:8c-f).

- iii) The custom of stripping a person naked is a very well-known ANE and OT way of denoting a broken relationship. It also indicates punishment and disgrace and was used in connection with divorce (Chap.I:7d,8g). This is how it was employed in Hos.2:5 (see below par. e).

iv) Jeremiah, who knows Hosea's message and uses the same metaphor, refers to the broken relationship between Yahweh and Northern Israel as a divorce (Jer.3:8).

Only one conclusion is possible. Yahweh is using the divorce formula to portray in very personal terminology¹¹⁵ that the relationship between Israel and their God is legally dissolved.

d) Israel's transgressions

V. 4 continues: "let her remove her harlotry from her face and her adultery from between her breasts".

After the two imperatives "accuse, accuse" in the beginning of the verse, a jussive is used. Yahweh is the subject. The command is to remove (sûr) her harlotry (zěñûnîm) from her face and her adultery (na'ăfûfîm) from between her breasts.

A plain literal meaning will not make sense because both these nouns are plurals of abstraction.¹¹⁶ They are both used figuratively in a marriage connotation. zěñûnîm means a spirit of wantonness, a way of behaviour, unfaithfulness (Chap.II:5). It is used in parallelism with na'ăfûfîm which means unfaithfulness as adultery, i.e. a violation of the wedlock (Chap.II:6,7). It is still rather unnatural to see things as abstract as this on someone's face or between a woman's breasts.

The obvious answer is that they refer to the cult signs which are symbolic of Israel's unfaithfulness and harlotry.¹¹⁷ A look at the pictures in ANEP will confirm this possibility.¹¹⁸

The personal decorations of women and goddesses could well be symbolic. The strongest argument for this interpretation is from Hos. 2:15 and the other marriage metaphor passages. Hos.2:15 states that the Lord will chastise Israel because she "decked herself with rings

and ornaments and went after her lovers". Her decorations were part of her cultic prostitution. In Jer.2:32; Ez.16:8-18, 39; 23:26, 40 Yahweh is pictured as the one who gave his wife (Israel) these decorations. But they have not reminded her of her husband, on the contrary, she used it to adorn herself and attracted lovers with it (see also Jer.3:3b=Chap.IV:3b). Because of this unfaithfulness Yahweh will remove it and punish her (compare: Ez.16:39; 23:26).

In Gen. 4:15 the mark given to Cain may refer to this custom. It will then have the same connotation as in Zech.13:4-6 where members of the temple staff are marked thus. It must have been some kind of tattoo mark indicating a kind of sacred class.¹¹⁹

Thus it is clear from the very verse in which the divorce lawsuit was announced that Israel's transgression is in the cultic sphere and implies sexual lewdness.

Verses 6b and 7. After the sixfold "I will...." of v.5 and 6a which portrays the judgment to be inflicted on Israel, the text once more turns to the transgression side. The terminology used outlines the kind of transgression.

v.6b "because they are children of harlotry"

v.7 "for their mother has played the harlot

she who conceived them disgraced herself.

Because she said: 'I will go

after my lovers

who give me my food and water,

my wool and my flax,

my oil and my drink'".

The children are children of harlotry (zēnûnîm) and the mother who conceived them disgraced herself by playing the harlot (verb znh).

The verb describes the act of sexual lewdness, the noun emphasises the attitude as such (Chap.II:3,4,5). "Children" refer to the individual Israelites, "mother" to the nation or country as a whole. The noun znh, as well as the context, implies cultic associations. If we, therefore, translate these thoughts in plain English we can say: "Israel, the Israelite people, is disgracing themselves by being unfaithful to Yahweh and by partaking in cultic practices." The rest of v. 7 leaves no doubt about this interpretation. Her unfaithfulness and disgrace are characterised by her words: "I will go after my lovers". The verb, rdf, is a technical term for shrine visitation (see Hos.5:6,15).¹²⁰

"My lovers", mě'ahābay, is also used in v. 9,12,14,15. They are the Baals mentioned in v.15¹²¹ and is the same as the "other gods" of Hos. 3:1. Ba'al is also used in v. 10,18,19. This terminology is well attested in prophetic literature. Judah's allies are called lovers (Lam.1:2,19). False leaders are lovers: Jer.22:20,22; other nations are lovers: Jer.30:14; Ez.23:5,9,22 and the gods of other nations are called lovers; cf. Ez.16:33,36,37.¹²² Basically "lovers" are the substitutes for Yahweh¹²³ after which Israel goes awhoring. The term also signifies the cultic male prostitutes of the fertility religion.¹²⁴

In v. 7 the plural "lovers" is used to signify the Canaanite gods at the different cult sites.¹²⁵ It is also interesting how often these places are mentioned when znh is used figuratively (Chap.II:3). Israel's transgression, her harlotry or unfaithfulness is a deadly sin, she broke the commandment of Ex.20:3. She is guilty of idolatry.¹²⁶ However, in this passage the juridical background is the family law on adultery.

Verse 7, as also in v. 9,10,14, explains why Israel went after her lovers. Israel thought her daily support came from them.¹²⁷ This

was explained in Chap. III:2, Baal was god and giver of fertility. Fertility was invoked through cultic rites at the shrines. Put this into the framework of the marriage metaphor and we can see that Israel relied on the support of her husband (Chap. I:5). But, explains Hosea, Israel got it all wrong. By his punitive measures God will show it to her. He will bar her ways and she will not be able to go after the Baals (v. 8, 9).

The two words bqš, seek, and lō' mš', not find (v.9), are used in cultic connotation to denote her going after lovers in the cult. (Compare Cant.3:1,2; 5:6; Prov.7:15; 8:1).¹²⁸ Israel's fault was that she did not know that it was Yahweh who gave her everything she needed (Hosea returns to this fact again and again, Hos. 2:1, 17, 23-25; 3:1).

Verse 10 continues to state Israel's transgressions:

"And she ~~do~~^{es} not know
that it was I who gave her
the corn and the grape-juice and the oil
and I lavished silver upon her
and gold which they made into Baal".

Yahweh lavished silver on her and gave her gold. It portrays her prosperity and wealth (as in Jer.2:31ff; Ez.16:8ff.; 23:26). These they used, say Hos.2:10 and Ez.16:17, "to make" images with. The verb 'šh is difficult to interpret precisely. "To make" seems to be the best translation.¹²⁹ It is followed by the preposition lē plus the definite article plus the noun ba'al. The definite article signifies that the Canaanite fertility god himself is meant.¹³⁰

This is plain harlotry because Yahweh is Israel's husband. If Israel goes after Baal for life's necessities then she is like a whore who is living by her harlot's fee. This word is used in Hos.2:14, 'etnâ, and is derived from the stem ntn, to give. Derivations from this root are not formed uniformly in Biblical Hebrew.¹³¹ May explained:¹³²

"The zōnah received a reward for her services which was technically designated 'etnan (Hos.9:1; Deut.23:19; Ez.16:31,34,41; Is.23:17,18; Mic.1:1) or 'etnâ (Hos. 2:14)".

Because of her unfaithfulness Yahweh will take everything away from her (v. 11-14, see next par.). Then she will realise her mistake and return to him (v.9).

Verses 13 and 15. In these verses, though primarily concerned with her punishment, different feasts are mentioned as part of her transgressions.¹³³

v. 13 "I will stop all her joy

her feasts, her new moons and her sabbaths

and all her festal assemblies."

v. 15 "I will chastise her because of the days of the Baals

on which she burned offerings for them

and decked herself with earrings and ornaments

and went after her lovers.

But me - she has forgotten

says the Lord".

".... in the terms 'feasts', 'new moons', 'Sabbaths' and 'festal assemblies', the prophet has included every variety of sacred feasts; they are all to be brought to an end."¹³⁴

They were the crucial scandal because it was there that Israel sought the Baals (cf. Amos 5:21-23).¹³⁵ It is quite possible that at least some of these feasts were once in honour of Yahweh but were later merged into the fertility cult.¹³⁶

They are collectively called "the days of the Baals".¹³⁷ Amos 5:8ff. supply the necessary background. The "day of Yahweh" was thought to be a day of joy.¹³⁸ But because the festive days were dedicated to Baal and cult it **will** now turn out to be a day of judgment (pqd, Hos.2:15).

Verse 15 gives more information about these cultic activities.

On these days she burned offerings (qtr) for the Baals:¹³⁹

"Die Rauchoffer qtr pi. wird durchweg für den abgöttischen Kult verwandt" (compare: Hos.11:2; 1 Kings 3:3; 11:8; 22:24; 2 Kings 12:4 etc.).

She decked herself with earrings and ornaments. nzm is a ring through the nose often used in the cult associated with bulls (compare: Ex.32:2f.; Gen.24:47). helyâ, ornament, is a hapax legomenon but halî (similar root and meaning) means a beautiful decoration for one's neck in Prov. 25:12 and Cant.7:2.¹⁴⁰ These ornaments were used in the Baal cult. She enticed her lovers with it (Ez.16:39; 23:26, 40; cf. Jer. 4:30). In Hos. 2:4 they are referred to as the very symbols of Israel's harlotry and apostasy.

She went (hlk) after her lovers, the Baals. **This** refers to a cult procession where the people walked after the image, usually the bull image.¹⁴¹

After Israel's transgressions had been spelled out, Yahweh concludes by summarising her offence: she forgot (škh) Yahweh her husband. This verb is often used in marriage metaphor connotation (Jer.3:21; Ez.23:35 and Is.49:14f.). The passage moves to a climax. Verse 10 stated: "she did not know that it was I who gave her...", verse 15 ends sadly and abruptly: "But me- she has forgotten; says the Lord". (škh is also used in covenant terminology in very much the same connotation).¹⁴²

A conclusion or summary of Israel's transgressions in Hos.2:4-15 can group every aspect thereof under cultic abuses. On the whole the passage is a polemic against the fertility cult and the Canaanite religion. It contains a complete disregard of the mythological presuppositions (cf. also v. 23-25).

Yahweh will chastise Israel because of the days of the Baals (v.15), i.e. the misused feastsdays of Yahweh (v.13) on which they burned offerings (v.15), decorated themselves (v.4,15) and took part in processions (v.15). These were all part of the cultic practices. They believed wrongly that through it they would invoke fertility and obtain the necessities of life (v. 7 and 14, carefully explained in v. 9, 10).

The results of these deeds were, in marriage terminology, harlotry (v.4,6,7 and supposing even a harlot's reward, v. 14), adultery (v.4), not knowing the real giver (v.10), forgetting her real husband (v.15), going after lovers (v.7,15). If ever a marriage was on the rocks, then this one was! Israel's apostasy was total.

The juridical background of this passage is important. A husband has to support his wife (Chap.I:5). She is his possession especially in the sexual realm. She has to be faithful and obedient to her lord and master (Chap. I:3). Israel was not; she played the harlot and committed adultery (cf. Chap. I:6). Therefore Yahweh was completely justified to withhold his support and to send her away in disgrace, divorcing her (Chap. I:8).

e) Punishment

By using the first person verb 16 times ("I will ", with Yahweh as subject), Israel's punishment is described. Hos.2:5 starts off with the **conjunction** pen, otherwise. The measures which Yahweh will take against Israel are introduced by this **conjunction**. It is no casual warning or threat, it is an urgent ultimatum.

In v. 8 and 11 lākēn, therefore, (v. 8 plus hinēñî, behold), introduces the other verses describing punishment.

"Bei den älteren Propheten bezeichnet lākēn fast immer den Übergang vom Schuld aufweis zur Androhung der Strafe;"¹⁴³

We shall now concentrate on the first stichos of verse 5 and the verses which lie parallel in meaning to it.

v. 5 "Otherwise- I will strip her naked (ʿārummâ)"

v. 11 ".... I will snatch away my wool and my flax
(given) to cover her nakedness (ʿerwâ)".

v. 12 "And now I will expose her shame (nablût)¹⁴⁴
before the eyes of her lovers".

After the threat of divorce (v.4) the warning of punishment is heard. It begins in v. 5 with: "Otherwise- I will strip her naked", a theme which is repeated in the second stichos of v. 5 as well as in v. 11 and 12. These phrases form part of the marriage metaphor (as in Jer. 13:25-27; Ez.16:36-38; 23:10,29). Stripping someone's clothes is a well-known ANE and OT punishment. It is a way of humiliating someone and breaking an existing relationship (see Chap.I: 7d,8g). It is also known as a curse formula in the ANE¹⁴⁵ and the OT (Is. 3:17; 47:3; Jer.13:22; Lam.1:8; Nah.3:5).

The juridical background is important. It is the husband's duty to support his wife (Chap. I:5). If, however, the wife is unfaithful to him (committed adultery) then this obligation is waived and he may divorce her (Chap.I:6c,7c,8). He may stop supporting her, taking back the things he gave her. Thus she is stripped, exposed, humiliated.

In Hos.2:4ff. the Lord says: Israel was unfaithful, I will stop supporting her thus leaving her exposed, naked, humiliated in sight of her lovers, i.e the people and gods surrounding her.

In Hos. 2:5, 11, 12 these aspects of the act of stripping can be clearly seen. In v. 5 the stress is more on the broken relationship after the divorce formula in v. 4 and the death threat in the last stichos of v. 5. Stripping and ~~the~~ death penalty are legal punishments for Israel's adultery.¹⁴⁶

In v. 11 and 12 it is clear that the measure is aimed at humiliating Israel "in sight of her lovers" (see Deut.28:48).

This brings us to the second stichos of v. 5:

"Otherwise- I will strip her naked
and I will set her like the day of her birth".

"nur die Nacktheit des Neugeborenen Kindes ist der Vergleichungs-
punkt".¹⁴⁷

The first two stichoi of v. 5 are in identical parallelism. I do not think this verse refers to the Egyptian bondage.¹⁴⁸ The idea of helplessness as a child (cf. Hos.11:1ff.) is not in line with the present theme of exposure and aridness in v. 5. It is true that Ezekiel 16:¹⁴⁹

"developes the themes of nakedness at birth, clothing by Yahweh, and exposure to shame because of sin",
but this surely is not implied in Hos. 2:5,11,12. Ezekiel might have drawn his inspiration from here. The second stichos is parallel in meaning to the first and confirms the idea of nakedness as punishment.

Add to these the third stichos of v. 5:

"Otherwise- I will strip her naked
and I will set her like the day of her birth;
(and) I will make her like the wilderness ... (kammidbār)!"

This is one of the many similes of Hošea.¹⁵⁰ He employs a well-known curse formula and links it up with the marriage metaphor. Elsewhere in the OT the world (Is.14:17), the land (Jer.9:11; Ez.33:28,29), a city (Jer.51:43; Zeph.2:13) and a woman (Jer.50:12) are made "like the desert". For an agricultural community these words are meaningful!

It is obvious that:¹⁵¹

"The representation is at first true to the figure, and speaks of Israel as a woman; but almost imperceptibly it passes over in the latter part to the thought of the land".

The fourth stichos adds:

"(and) I will change her to arid land (kě'eres siyyâ)"

It is a synonymous parallelism to "I will make her like the wilderness". Israel thought she might invoke fertility through cultic rites but Yahweh says: on the contrary, you will have none.

This stichos reminds one of the sterility punishment for adultery (Chap. I:6c). The fact that Hosea's words are association-laden as well as the theme of a fruitful progeny in Hos. 2:1 and 25, seems to confirm it. The last two stichoi, if our interpretation is correct, hits it out at both the land (no fertility) and in terms of the marriage metaphor, at the woman Israel (sterility).

The last stichos of v. 5:

" and I will slay her through thirst".

All over the ANE and in the OT the punishment for adultery is theoretically death (Chap. I:6), this stichos confirms it. The warning is in the terminology of the metaphor: the land, i.e. the woman Israel, will be slayed through thirst.... not the usual stoning!¹⁵²

Conclusion verse 5: Yahweh as husband will take the support of his wife away. In terms of Israel as the woman he will divorce her on ground of her adultery. He will strip her, exposing her nakedness, humiliating her (v. 11,12), leaving her sterile. In terms of Israel as the land (noun fem. sing.) his support does not mean clothes but fertility, and this will be taken away. One should be careful not to read too much into a text but the parallel with international law suggests itself. This situation of "nakedness", of drought, is one of the curses in the treaties of the ANE.¹⁵³ Thus the international law

and ^{the} law on marriage complement one another. The woman Israel will die, through thirst, her legal punishment. All this is explained in 5 successive and climatic phrases (stichoi).

Verse 6

"And I will have no pity (verb rh̄m) on her children"

Yahweh will punish his wife, he will show no pity towards her children. The word rh̄m is a word-play on the name of Hosea's second child. In its present context it is used in the marriage metaphor. The rh̄m word-play is continued in v. 21 and 25.

Verse 8

"Therefore, behold, I will bar her way with thorns and I will enclose her with a stone wall so that she will not find her paths".

Yahweh will bar the paths to the cultic sites with fences of thorn and stone walls. Both are well-known ways of barring animals or people from vineyards (Is.5:5; 14:2).¹⁵⁴ The word for thorns, sîrâ, is often used in curses (Is.7:23ff.; 14:3; 32:12; 34:13).¹⁵⁵ Thorns and thornbushes have a negative connotation (Gen.3:18; Is.5:6; 55:13; Judg.9:14, 15) but it does not seem to apply to this verse. It is merely figurative language to say that Israel will find it impossible to maintain the Baal cult.¹⁵⁶

It is interesting that the death sentence is not mentioned again. The measures in v.8ff. and v.11ff. are surely very hard, but its aim is reconciliation (v.9). It seems therefore, that as elsewhere in the ANE and OT (Chap.I:6), adultery need not always be punished by death. Death is, however, not excluded as v. 5 indicates, and what will happen in the end still depends on Israel's repentance. It seems as if Hosea is lingering to announce utter unreversible doom (cf. Hos.1:8).¹⁵⁷

Verse 11 and 12

11 : "Therefore, I will return and take
 my corn at its time
 and my grape-juice in its season.
 I will snatch away my wool and my flax
 (given) to cover her nakedness.

12 : And now I will expose her shame
 before the eyes of her lovers
 and nobody shall snatch **her** from my hand".

The background to these verses is described above. The husband may divorce his wife without any liability to support her when she was unfaithful.¹⁵⁸

The fertility theme is clearly in Hosea's mind.¹⁵⁹ In these verses the agricultural theme dominates (the land as wife). Yahweh can give food and clothing (Deut.26:1ff; 7:13; 11:14f.) but can also refrain from giving it (Lev.26:16; Deut.28:38-41). In these cases it is a curse formula.

Nobody shall snatch or save (nsl, Hi.) them from Yahweh. The picture is astonishingly vivid. The "wife" will be exposed in sight of her lovers. Her shame, the organs of prostitution and fertility, will be opened wide. Nevertheless, her lovers will not be able to invoke fertility on her. Hosea, in his fight against Baalism and mythology, did not mince matters!

Verse 13 "And I will stop all her joy,
 her feasts, her new-moons and her sabbaths,
 yes, all her festal assemblies".

The feasts in which Israel partook, were joyful occasions with singing and dancing (Ex.32:5ff.; Judg.21:19ff.; Hos.9:1). The removal of the joyful sounds from a land was a very common ANE curse formula.¹⁶⁰

It is also well-known in the OT (Amos 6:4-7; 8:10; Is.24:7,8; Jer. 7:34; 16:9; 25:10; 33:11; Lam.5:14,15).

Verse 14

"And I will destroy all her vines and her fig trees

of which she said:

'These are my harlot's reward

which my lovers gave to me';

I will turn them into a forest

and wild beasts shall devour them".

Israel's vine and fig trees (her harlot's reward) will be destroyed by turning it into a forest (ya'ar) and having it devoured by wild animals (ḥayyat ḥaššādê). Hosea is again incorporating familiar curses into the marriage metaphor. Vine, fig and olive trees were the examples of fertility and prosperity in Israel (Deut.8:8ff; 32:13-14; 1 Kings 4:25; 5:5; 2 Kings 18:31; Joel 2:22; Mic.4:4; Zech.3:10).¹⁶¹ In the story of the Egyptian, Sinuhe, he describes Palestine thus:¹⁶²

"Figs were in it, and grapes. It had more wine than water.

Plentiful was its honey, abundant its olives".

Small wonder that one of the most familiar curses describes the destruction thereof, thorns and briars replacing them (cf. above v. 8; also Deut.28:39,40; Amos4:9; Is.5:5; 7:23ff.; 32:12; Joel 1:7; Mic.3:12).

"ya'ar being here, however, not the dignified and stately forest (as in Is.7:2; 10:18; Deut.19:5; Jer.46:23; Ps.96:12), but the inaccessible brushwood (so also in 1 Sam.14:25,26; Is.21:13; Jer. 26:18)".¹⁶³

In Jer. 26:18 it is used as a malediction.

Ravenous wild animals can be brought on a land as a punishment. It is common in the ANE¹⁶⁴ and the OT (Lev.26:6,22; Deut.32:24; 2 Kings 17:26; Jer. 2:15; 5:6; 12:9; Is.32:14; 34:13; 56:9; Ez. 5:17; 14:15,21; 33:27; Yahweh himself is described in these terms: Hos.13:7-8; Lam.3:10,11, etc.).

Verse 15

"I will chastise her" (verb pgd).

"es bezeichnet eine bestimmte Weise der Reaktion Gottes auf Schuld, die ein Verantwortlichkeitsverhältnis voraussetzt".¹⁶⁵

The verb pgd is in a way a conclusion of the actions which Yahweh is to take against Israel, he will punish their transgressions.

f) Conclusions and discussion

By announcing 16 times "I will" Israel's punishment is outlined. The following are the important points:

i) From a juridical point of view we have a divorce formula and a discourse on the lines of a divorce lawsuit. It is no strict legal case with court procedure, Hosea is arguing with his people, not with a judge in a court.

The outlines of the case are: a wedlock is violated; the woman, Israel, is guilty of harlotrous behaviour and adultery. She is to be divorced, the divorce formula is used. She will be exposed naked, humiliated and left sterile. Her husband will not support her any longer.

ii) The metaphor of the land or people Israel as a wife allows a subtle play on varying shades of meaning between "wife" and "land" emphasis. Israel's punishment is portrayed by the alternative use of this difference in emphasis.

iii) In v. 4, 5a, b, 11 end, 12a, b, the emphasis is on Israel as the wife. The husband (Yahweh) takes her clothes away and exposes her nakedness in front of her lovers. Thus he is breaking the relationship and humiliating his ex-wife (Chap. I:7d, 8g). Several statements have a more general trend. v. 6: "I will have no pity on her children"; v.8: "I will bar her way with thorns"; v.13: "I will stop all her joy" (common curse formula); v.15 "I will chastise her"

iv) In the other verses the punishment is outlined in terms of the land Israel. Regular ANE and OT curses are employed. v. 5: Israel will be like the wilderness or an arid land, she will die of thirst. v.11: her corn, grape-juice, wool and flax will be taken away, no harvest. v.14: her wine and fig trees will be destroyed, they will be turned into a forest, wild beasts shall devour them.

v) It is clear that Hosea outlines Israel's punishment in terms of the fate of an unfaithful, adulterous wife by employing traditional curses. These he uses in complete harmony with the marriage metaphor.

The fact that these curses are well-known covenant curses does not imply that Hosea is using terminology exclusive to the covenant (and therefore that Hos.2:4ff. is a covenant lawsuit). Hillers pointed out that curses were used in quite a variety of genres in the ANE:¹⁶⁶ "There was a body of traditional curses on which any writer might draw".

The prophets often employed these curses in covenant connotation (cf. Lev.26; Deut.28; Jos^h 8:34; Jer.34:18; Is.34:16; 2 Kings 22:11, 19). Hosea employed them in the marriage metaphor.

vi) There seems to be a contradiction in the punishment. In v.4 there is a divorce formula and a broken relationship. According to v. 5 and in complete agreement with the law on adultery, the punishment is death. However, v. 9 and the whole argument and explanation in v. 8-15 aim not at death, but at reconciliation. The answer to this question will be given after the following two passages have been discussed.

6 Hos. 2:16-25; a new marriage

a) Approach

This section is in a way the direct opposite of the previous one. The first part (v.4-15) is a divorce lawsuit describing a broken relationship. V.16-25 describe the new relationship or marriage and the basis thereof.

Instead of hearing 16 times "I will...." plus judgment (usually traditional curses), we now hear 16 times "I will....", but with promises (usually traditional blessings).

The major difference between the two passages is, besides the judgment-promise reversal, the clean break with cult and mythology.

This implies a dramatic reïnterpretation of the marriage metaphor.

From a legal point of view v.4-15 is a divorce lawsuit describing Israel's guilt and punishment in terms of the family law. V.16-25 describe the promised new relationship in terms of the family law, but something is added. The reality of the new relationship, although given in the form of the marriage metaphor, surpasses it.

V.16-25 are a very closely integrated oracle. Three times we have God's action and then Israel's positive reaction (v.16-18, 19; 20-22; 23-25). Each section has its climax in Israel's response (v.18, 22, 25).

It is the picture of a developing relationship, from the wooing of the woman (v.16) to the dedication of the husband to his wife and vice versa.

b) Verses 16-19

These verses are naturally divided between 16, 17 and 18, 19.

V. 18,19 are the explanation or the more elaborate description of what Israel's "answer" (v. 17) will be.

v. 16 "Therefore, behold, I will seduce (entice) her
and I will take her into the wilderness
and I will speak to her heart.

v. 17 Then I will give her her vineyards from there
and the valley of Achor as a door of hope.

Then she shall answer from there as in the days of her youth
yes, as ⁱⁿ the day when she went up from the land of Egypt.

v. 18 On that day it shall happen, says the Lord,
you will call me: 'My husband',
indeed, you will no longer call me: 'My Baal'.

v. 19 And I will take the names of the Baals from her mouth,
and they will not be invoked by their names any longer".

Yahweh's action to regain Israel takes place in the wilderness. How is this image to be interpreted?

The wilderness where Israel will find herself¹⁶⁷ need not be any specific place. It is the situation created by the judgment of Hos. 2:4ff., a situation where Israel will be alone with Yahweh and utterly dependent on him. Compare Hos.2:8, Yahweh barred her ways, she has no option but to go to Yahweh (v.9,12). Out of this situation of trouble (v.17: valley of Achor, i.e. trouble, see: Josh.7:24,26) new hope will arrive (v.17: a door of hope).¹⁶⁸

Any wilderness situation where Israel is utterly dependent on Yahweh's help reminds one of the Exodus tradition. Hosea's frequent use of tradition¹⁶⁹ and the specific reference to it in the second half of v. 17 confirms it. The image of v.16-17 therefore explains that Israel, in her desperate wilderness situation, will look **to** Yahweh for help, as in the days of her youth when she went up from Egypt (compare Hos.11:1ff.).

This image is employed within the larger scope of the marriage metaphor. Israel is in a desperate position, forsaken by all lovers (Hos. 2:7-9) but courted by Yahweh (v.16). There is no indication about juridical matters such as remarriage after divorce etc.

The marriage metaphor is merely used again to depict another aspect, the development and termination of a new relationship.

Yahweh, pictured as a man, sets out to win the love of a woman. A very strong verb, pth, persuade, entice, seduce, is used. In Ex.22:16 a virgin is said to be seduced (pth) and in Jer.20:7 the prophet Jeremiah is overpowered (pth) by the divine will to proclaim a bitter message.

"In the wilderness Yahweh will 'make love' to Israel; the expression is literally 'speak to her heart', and we can feel its proper context in the speech of courtship by looking at its use in the talk of a man to a woman whose love he seeks (Gen. 34:3; Ruth 2:13; Judg.19:3)".¹⁷⁰

In her wilderness situation Israel **cannot** depend on her lovers but has to return to Yahweh. He will again restore her prosperity, her vineyards and fig trees (v.17). It is significant how the situation has changed in contrast to v. 4-15. There Yahweh divorced Israel, now he courts her. In Hos. 2:14 it is stated that Israel's vine and fig trees will be destroyed. They were the symbols of her wealth

and prosperity and their destruction was a common curse formula. Now it is used as a blessing (as in Lev.26:4,5; Is.5).¹⁷¹ Once Israel thought the fig trees and vineyards were her harlot's reward (v.14), but now she can clearly see that Yahweh is the real giver of fertility. V.23-25 return to this subject.

Israel's "answer" (v.17), her reaction to Yahweh's overtures, is elaborated upon in v.18 and 19. She will call Yahweh "My husband" and not "My Baal". The explanation of this form of address is unanimous.

i) It shows a clean break with the syncretism of the days when Yahweh was identified with the Canaanite fertility god Baal.¹⁷² This struggle between Yahweh and Baal is clearly attested in the OT where the ba'al part of personal names was changed into bōšet (1 Chron.8:33f.; 2 Sam.2:8; 3:4; 5:16 and 1 Chron.14:7).

ii) ba'al in its secular meaning emphasises the legal rights of the husband, he is the possessor of his wife. 'iš is the man as partner and counterpart of the woman; thus it is a much more intimate word to describe the relationship (see: Gen.2:22ff.; 29:32,34; 30:15,20; 2 Sam.14:5, etc. and also Ex. 21:3,22; Deut. 22:22; 24:4 etc.).¹⁷³

iii) 'iš referred to Yahweh in v. 9.

I do not deny the significance of these explanations. Nevertheless I would like to add to them what seems to me to be the most obvious reason for Hosea's choice of words.

In the whole of Hos. 1 and 2 the relationship between Yahweh and Israel is at stake. It is described as broken and is promised to be restored. In both cases the relationship formula is used, adapted to the metaphor employed. Hos. 1:9 reflects the negative covenant formula: "You are not my people and I am not your 'I am'".

It is abbreviated to lō' ‘ammî, not my people, as a name for Hosea's third child. The situation is reversed in the corresponding promise sections. Israel is called: "Sons of the living God" (Hos. 2:1) and ‘ammî-’attâ, "You are my people" (v.25) on which she answers: ’ēlōhāy, "my God".

In these last mentioned instances the relationship formula is again explicitly announced. That it can be abbreviated is equally clear. (See Chap. I:8e,f).

Exactly the same principle is applicable in Hos. 2:4 and 18. In Hos. 2:4 we have the full divorce formula where the relationship between Yahweh and Israel, his wife, is abolished. In Hos. 2:16 and 17 the position is reversed and we see that Israel is again answering Yahweh's intentions, the relationship can be re-established. This will happen when Israel once again announce the marriage formula. (See: Chap. I:7g, 8e,f). Israel has to say: "You are my husband", or abbreviated as with the covenant formula and in accordance with Hosea's word economy: "My husband", ’îšî.

In Hosea's time the Israelites were going after the Baals, indulging in adulterous cultic worship (v.4-15). They confused Yahweh with Baal (syncretism). However, in the promised new relationship Israel will not address Yahweh as "You are my Baal", or abbreviated, "my Baal" because all traces of Canaanite cult and syncretism will be removed.

This is further explained in v.19. It was a general Semitic belief that by knowing and pronouncing the name of a god, one gets hold of him and is able to invoke him. This can be proved beyond all doubt by looking at Ex.3:12ff. (Moses asking God's name), 1 Kings 18:24, 26 and Zech.13:9. One also acknowledges oneself as a believer by using a god's name.¹⁷⁴ This is the reason why it is explicitly forbidden in the OT (Ex. 23:13; Josh. 23:7; Zech. 13:2).

The verb zkr (v. 19, Ni. often Hif.) is here used in cultic connotation as the ritual summons of the God.¹⁷⁵ (It is used 4 times in the Ni. followed by šēm, name; Jer. 11:19b; Ps.83:5; Hos.2:19; Zech.13:2, compare also Ps. 20:8; 38:1, 70:1; Amos 6:10; Is.26:13; 48:1; Ex.23:13 etc.). This is what happened in the cultic activities described in v.4-15, but it is now to be abolished.

Once again we have the position reversed. In v. 15 Israel is said to have forgotten Yahweh, now Baal will not be remembered any more. Once the relationship between Yahweh and Israel was broken (v.4) and Israel went after lovers (v.7-9), but now it is re-established and she is following her real (first) husband again.

Conclusion: Israel, in her wilderness situation, **will not** be able to resort to the Baals (v.8,19). She will be courted by Yahweh and, answering to it, the relationship will be restored.

c) Verses 20-22

If we divide v. 16-25 ~~into~~ three sections of God's action and Israel's reaction, then v. 19 should be discussed in the second section.

There is, however, an obvious connection in line of thought between v. 18 and 19.

v. 20 "And I will make a covenant for them on that day
with the beasts of the veld
with the birds of the air
and with the reptiles of the land.

Bow, sword and war I will remove (break, šbr)
from the land and give them rest in security.

v. 21 And I will betroth you to me for ever;
I will betroth you to me in righteousness,
in justice, in devotion and in compassion (rh̄m);

v. 22 I will betroth you to me in faithfulness
and you shall know the Lord".

The occurrence of the words kārat-bērît, make (cut) a covenant (v.20), usually tends to draw the attention away from the background and intention of the verse. It then seems to be an isolated covenant verse between v.16-19 and 21,22.

Verse 20 continues to outline Yahweh's action of re-establishing the relationship (cf. the "I will ..." in v. 19, 20, 21). It is continuing the marriage metaphor. Israel answered Yahweh by saying "my husband" and now Yahweh is fulfilling his legal duty. He is supporting his wife (cf. v.17, the vineyards and fig trees) and he gives her security. The verse again describes the changed situation if it is compared with v. 4-15. When the relationship was broken (v.4) there were hostility (Hos.1:4,5), devouring animals (Hos.2:14) and no security. But these traditional curses are now (v.20) changed into blessings. In v. 20 Yahweh is acting as a third party.¹⁷⁶ In his capacity as husband he establishes a covenant between Israel and all living creatures (compare Gen. 1:30; 4:3).¹⁷⁷ By doing so the curse of v.14 is reversed and prosperity will again return to the land (i.e. the husband will once again support his wife and give her security).

Hosea is now incorporating new facets into the metaphor. Peace and security remind one of Hos. 1:5 (cf. Hos.2:2). In the following verses there will be more references to Hos. 1.

When we look at v. 21 it is clear that the new relationship between Yahweh and Israel is again described as a marriage.

Wolff remarked:¹⁷⁸

"nicht wird die alte Ehe wiederhergestellt, sondern eine ganz neue wird begründet".

It is therefore, no second marriage or remarriage, but a new relationship. Israel was courted by Yahweh (v.16), she responded (v.17b) and she took Yahweh to be her husband (v.18). In v.21, 22 the basis of this new relationship or marriage is given.

Yahweh will betroth ('rś, Pi:) Israel.¹⁷⁹ This verb is never used for a restored marriage or remarriage.¹⁸⁰ In Chap. I:4 we have shown that the betrothal, where the terḥatum or mōhar was given, constitutes a legally valid marriage. The woman is called wife and she is the sole property of her husband. Such a marriage is completed with the copula carnalis. It is impossible to incorporate this aspect into the marriage metaphor and neither is it necessary because the point of the promise is: there will be a legal relationship (i.e. marriage) between Yahweh and Israel. This is the exact meaning of the verb 'rś. The modern notion of betrothal is therefore not a very precise rendering of the Hebrew 'rś.¹⁸¹

The new marriage will be "for ever", lē'ōlām. It is a legal¹⁸² term, describing:¹⁸³

"einen durch eine einmalige Handlung bewirkten endgültigen Zustand".

"For ever" is stressing the permanency of the commitment rather than the time factor.¹⁸⁴ This fact is attested in both Elephantine marriage contracts¹⁸⁵ and in an Ugarit bill of divorce.¹⁸⁶

'rś and lē'ōlām are legal terminology and a legal marriage requires a bride-price (but see Chap. I:4c). The 5 nouns in v. 21 and 22 are usually seen as the bride-price presented by Yahweh.¹⁸⁷

Although it is a very reasonable interpretation, there are 2 points which raise a bit of doubt. The mōhar is very seldom mentioned in the OT (Chap. I:4c). When the mōhar was given, it was given not to a girl, but to her father. The present given to the girl is something different and is not the important juridical point.

The 5 nouns in v. 21,22 are not a description of the mōhar but, in line with the trend of argument, a description of the basis of the new relationship or marriage. It is a marriage founded on righteousness, justice, devotion, compassion and faithfulness.

Righteousness, sedeq (see: Hos.10:12 ; Amos 5:7; Judg.5:11; Jer. 23:6; 31:22; Mic.6:5) is the quality of rightness established by Yahweh's election and help which created their relationship. Justice, mišpāt (see: Hos.5:11; 6:5; 10:4; Amos 5:7, 24; 6:12), includes the notions of "govern" and "righteousness":¹⁸⁸

"the meaning to 'govern' is clearly to be discerned mišpāt denotes in certain cases a condition of righteousness or the decision to restore that condition. When people live in a pure relation with God and also with each other, a healthy state of righteousness exists and this is mišpat".

The word hesed is often used in covenant terminology¹⁸⁹ to describe the correct and harmonious relationship between partners. It is also attested in marriage terminology, having a literal (Gen. 20:13) as well as a figurative usage (Hos.2:21; Jer. 3:12,13; Is.54:7,8-10).

"Wie im profanen Leben die Ehegemeinschaft auf der rechtspflichtgemässen Verhaltungsweise hesed beruhte, so wollte Jahwe seinen Ehebund mit Israel durch hesed beschliessen".¹⁹⁰

Hosea uses hesed in Hos. 4:1; 6:4,6; 10:12; 12:7. It describes the right relationship towards God, a relationship of love, devotion, duty and faithfulness which affects all the spheres of life (cf. Hos.4:1,2).¹⁹¹

In Chap. III:3c we discussed the name of Hosea's second child, lō' ruhāmâ. It said that God had no mercy, no loving-care for Israel. In the new relationship God's love and compassion, his mercy, his will and power to forgive and help, will be the basis of the relationship (cf. Ps.103:11-13,17; 51:3; Deut.4:30-31; Jer.31:3).¹⁹²

V. 22 adds to the list: faithfulness, 'ēmûnâ (Compare Jer. 2:21; 4:2; Chap. IV:4d v, 5e).

"Während 'mt das Wesen einer Person umschreibt, auf deren Wort und Tat man sich verlassen kann, bezeichnet 'mwnh das Verhalten einer Person, das ihrem eigenen inneren Sein entspricht. 'mt ist Gottes Wort und Tat, auf die der Mensch sich verlassen kann; 'mwnh ist Gottes Verhalten, in dem er dem Wesen seiner Gottheit entspricht".¹⁹³

These are the elements which constitute the basis of the relationship between Yahweh and Israel, these are the elements lacking in v.4-15. Instead of a broken relationship we have a permanent one. Instead of the many wrongs (her transgressions, see also Hos.4:1-3) there will be righteousness and justice. Once Yahweh had to be hard and discipline Israel, now he can show love and mercy. Once Israel behaved like a harlot, now there will be faithfulness.

There was a time when Israel did not know (verb yd^c) that Yahweh gave her life's necessities (v.10), she forgot her husband (v.15). But now she answers his call (v.17), she acknowledges him as husband (v.18), she knows (yd^c) him (v.22).

"The prophetic preaching contains many expressions for the right relation to Yahweh. The pre-exilic prophets speak frequently of knowing Yahweh (yāda^c yahwê), which is not only to have a correct knowledge of Yahweh's nature and His cultic and moral demands, but also, according to Hebrew linguistic usage, to hold to, be devoted to Yahweh, and to obey His commands."¹⁹⁴

The expressions "know Yahweh" or "knowledge of Yahweh" (Hos. 5:4; 6:3) and "know" or "knowledge of God" (Hos. 4:1; 6:6) are used by Hosea in this sense. yd^c is to be understood in the dynamic Hebrew sense, i.e. a practice of religious and moral integrity.¹⁹⁵

In conclusion to this section it is important to note:

i) Whereas in v.4-15 the cultic aspects dominate the metaphor, they are entirely absent when the basis of the new relationship or marriage is described. The marriage metaphor is maintained throughout v.16-22 but it is getting a new appearance.

ii) V.21,22 are by no means written in legal style, but they nevertheless constitute the basis of the new relationship with Yahweh. It was the absence of these aspects in v.4-15 that gave rise to the relationship being broken. (cf. also Hos.4:1-3).

iii) The new relationship as described in v.21,22 is the first inkling of the new covenant announced by Jeremiah (Jer.31:31-33).¹⁹⁶

d) Verses 23-25

v. 23 "On that day it shall happen;

I will answer, says the Lord,

I will answer the heavens

and they will answer the land,

v. 24 and the land will answer

with corn and grape-juice and oil

and they will answer Jezreel.

v. 25 I will sow her for myself in the land

and I will have pity (rh̄m) on lō' ruhāmā

and I will say to lō' 'ammî:

'You are my people ('ammî 'attâ)'

and he shall say: 'My God' ('ēlōhāy)".

In this final section there is a major break-through. Some of the most fundamental legal points are not only reversed, but also put into a new perspective. Let us outline them again:

i) Israel's transgressions are on the cultic level. Because of all the mythological presuppositions of the fertility cult she forgot Yahweh.

ii) Because of this Yahweh broke the existing relationship.

iii) and took his support away (husband's legal duty).

In v.16-25, however, the picture is changed completely. A new relationship will be founded and its basis is explicitly announced, culminating in Israel's knowledge of Yahweh. The result hereof is spelled out (in terms of the three points mentioned above) in v. 23-25.

i) With all traces of Canaanite cult removed (v.19), there is a clean break with the mythological presuppositions involved in it (v.23-25a).

ii) The new relationship is again confirmed (v.25),

iii) and as a result Yahweh will once more support his wife and bestow on her, through his command of the natural forces, fertility.

Let us now take a closer look at the text. As Israel answered, v.17 ʿnh, that means responded, to Yahweh's call; so Yahweh answers, ʿnh, Israel, i.e. responds by helping her (cf. Hos.14:9; Ps.34:5; 118:5,21; Is.41:17; 49:8; 65:24; Zech.13:9).¹⁹⁷

On Yahweh's command the heaven gives rain and the earth produces crops. Yahweh (not Baal) is in charge of the weather (cf. Ps.29, Amos 9:13; Joel 3:18; Ez.34:25,28; 47:1-8). Fertility is produced through a natural process, no mythology is involved.

"Im hoseanischen Zusammenhang ist es lehrreich zu sehen, wie mit der Befreiung Israels von den Naturmythologien des Baalkultus freies naturkundliches Beobachten aufkeimt (vgl. Gn.1)".¹⁹⁸

It seems as if we have a very good example from the Ugaritic Texts to illustrate the mythological background of Hos.2:23f. Text V AB.C 19-28 (UT, ʿnt, III 19-28, p.253) is translated by Van Zijl:¹⁹⁹

rgm 's	A word of a tree,
wlhšt abn	a whisper of a stone,
tant šmm 'm ars	converse of heaven with earth
thmt 'mn kbkbm	the deeps with the stars.
abn brq dl td' šmm	Thunder-stones ²⁰⁰ which heaven does not know,
rgm ltd' nšm	thunder ²⁰¹ which people do not know,
wltbn hmlt ars	and the multitude of the earth do not understand.
atm wank ibgyh	Come, and I will show it,
btk gry il spn	in the midst of my towering mountain Saphon,
bgdš bgr nhlty	in the sanctuary, on the mountain of my portion,
bn'm bgd' tl'iyt	in the pleasance, on the hill of victory.

These words are meant to show that Baal is the god of lightning and storm; they illustrate his might.²⁰² One might conclude that in Canaanite belief Baal was seen as the one who is in command of the natural forces. This belief is refuted in Hos.2:23,24.

Jezreel (v.24b) is Israel restored. The etymology is now employed, i.e. "God sows". Yahweh responded by helping Israel, by making her fertile again. Thus not only the curse of Hos.2:5 is changed into a blessing, but there is an obvious reference to Hos.1:3,4 (also Hos.2:1). The names of Hosea's children, used to announce doom, are now incorporated into the marriage metaphor to explain a new relationship.²⁰³

Two explicit facts show that the marriage metaphor is still the frame and impetus of the message: Israel answered by saying: "My husband" (v.18), the marriage formula; Yahweh answers by fulfilling his legal duty as a husband, providing her with protection and support (v.20,23-25a).

Verse 25: "I will sow (zr') her for myself in the land". The 3 fem. sing. suffix of zr' refers to Israel as wife of Yahweh.²⁰⁴ He will sow, i.e. impregnate, her in the land. Fertility will not be limited to the agriculture but applies equally to family life. But why is "in the land" added? Most probably because of the deportation of many people by Tiglath-pileser III in 733. In typical short and abrupt style Hosea repeats the promise of Hos.2:1, specifying in both cases that the increase in population will take place "in the same place" (Hos.2:1) or "in the land" (v.25). The curse of sterility (v.5) will be dissolved, the woman Israel will be fertile again. No doubt that Hosea maintains the marriage metaphor!

In this line of thought the metaphor continues. The children of Israel, once symbolised by the names Jezreel, lō' ruḥāmâ, and lō' 'ammî, will in these days of a new relationship, be accepted by Yahweh (cf. Hos.1:3-9 and 24,25). Once, as Hos.1:2 announced and Hos.2:4 and 6 confirmed, they were rejected by Yahweh because they rejected Yahweh. But now, in the new marriage (Hos.2:16-25), the children begotten will be pitied and accepted by Yahweh (v.25) and they will also accept Yahweh (the change from mother to children is also found in Hos.2:4-7).

This new relationship is acknowledged by pronouncing the covenant relationship formula (Chap. I:8f). The children's names and the formula were employed in Hos.1:3-9 in a negative way. Now names and formula are employed in a positive sense. Once again we see how the balance is kept between Hos.2:4-15 and 16-25. There mother and children were rejected (v.4-7), here mother (v.18) and children (v.25) are in a new relationship with Yahweh.

e) Conclusions and discussion

i) A comparison between the 16 "I will ..." phrases in v.4-15 and 16-25 reveals how different the position is. In v.4-15 Yahweh's acts announced judgment, in v.16-25 they describe the realisation and basis of a new relationship. We have blessings promised instead of curses.

ii) V.16-25 are framed by the marriage metaphor. Israel in her wilderness situation, cut off from Baal and cult, was courted by Yahweh. She responded favourably and the marriage was established (v.16-19). Yahweh, as husband, supported her and gave her peace and prosperity (v.20-24). Her children will multiply and they too will resort to Yahweh (v.25).

iii) The marriage metaphor has, however, in comparison with v.4-15, a new appearance. There the metaphor is used to stress the aspects of divorce and harlotry. Here it is used to describe the true nature and basis of the relationship with Yahweh, employing references to Hos. 1.

The marriage is portrayed as broken because Israel had a wrong interpretation thereof. It included the mythological beliefs of the hieros gamos, i.e. that fertility is invoked through sexual methods. V.16-25 constitute the demythologised view of the marriage metaphor. These verses outline its basis as righteousness, justice, compassion, devotion and faithfulness. It is made clear that Yahweh has control over the natural elements through which fertility is produced (v.23-24).

iv) Hosea continues to make use of tradition (v.16-17) and previous prophecies (Hos.1:2-2:15).

v) There are important legal principles attested in v.16-25. In the first place: the relationship formula is used, constituting a legal relationship. Israel (as the wife) uses the marriage formula (v.18), her children (v.25; cf. Hos.1:9) use the covenant formula.

Secondly: the basis of the new relationship is described, viz. righteousness, justice, devotion, compassion and faithfulness, i.e. knowledge of Yahweh. These were absent in the relationship as described in v.4-15.

Thirdly: the principle of security and support which a husband must give to his wife plays an important role in both v.4-15 and 16-25. In v.4-15 it is used to announce Israel's judgment; in v.16-25 the principle is used to announce her promised prosperity and security.

vi) There still seems to be a chronological gap between v.4-15 and v.16-25. V.4-15 is an ultimatum, a warning that the relationship is broken and that punishment is imminent. V.16-25 promise a "new" future relationship. The unanswered question is: what will happen to or in Israel to bridge the gap between these two rather opposite situations. We shall have to look at Hos.3 for an answer.

f) The structure of Hos.2:4-25

When we argue about different units in Hos.2:4-25 we are most probably arguing about things the original author never really thought about. The whole pericope shows such a strong unity, such integrated thought, that it stands above minor differences about the exact verse where the change of viewpoint occurs.

Usually the v.4-17; 18-25 division is defended in literary-criticism style.²⁰⁵ lākēn, v. 8, 11, 16, introduces three times the judgment brought upon Israel, thus including v.16, 17 in the first unit. The formula "On that day it shall happen ...", introduces the second oracle. In v.4-17 Israel is consequently referred to in the third person fem. sing., in v. 18ff. not.

It is correct to say that lākēn introduces some kind of punishment in v.16 (it draws attention to the deplorable wilderness situation of Israel), but the point of view has changed. The wilderness situation is the result of the judgment predicted in Hos.2:5,8,11-15 and symbolically illustrated in Hos. 3. In verses 16, 17 the marriage metaphor is NOT employed from the viewpoint of a divorce lawsuit, but from that of the beginning of a new relationship. The Exodus tradition is POSITIVELY employed, blessings (vineyards and fig trees) and not curses (as in v.4-15) are heard. Instead of Yahweh rejecting Israel (v.4-15) he is courting her (v.16,17).

"Während sich 4-15 als eine Weissagung eines künftigen Gerichts erwiesen hat, haben wir hier eine Heilsweissagung vor uns. Freilich wird auch hier von Strafe gesprochen. Aber die Strafe ist hier nichts als Gericht, sondern als Züchtigung gedacht, nur als ein Durchgang zum Heile. Jahwe ist hier nicht der grimmige Richter, ... sondern der liebevolle und gnädige, der alle Auswege, wäre es auch die Wege der tiefsten Demütigung, benutzt, um dem Volke eine gesegnete Zukunft zu bereiten".²⁰⁶

The reason for the formula ("On that day it shall happen") of v.18 is obviously that it introduces the dramatic announcement (as in v.23 and Hos.1:5) of the marriage formula in this verse. When scholars claim this formula as introducing a new "unit" they forget that v.15 is concluded by an equally strong formula, ně'ûm Yahweh, "said the Lord". The ~~last~~ words of v.15: "but me she has forgotten, said the Lord", clearly concludes the section on the unfaithfulness of Israel.

"But me she has forgotten (škh)" is the dramatic all-inclusive summary of the apostasy of Israel, "said the Lord", emphasises the statement (as in v.23). Verse 15 is then followed by lākēn hinnê,

"therefore look", (v.16) which is a very strong and vivid introduction of what is to follow in the new "unit":

"The connective lākēn is used to introduce the passage".²⁰⁷

The third argument is that Israel is referred to in the 3rd person fem. sing. in v.4-17 while the form of address changes in v.18ff.

The phenomenon of a change in address is, however, a well-known literary device in Hebrew. A look at the Psalms will confirm this. It is also employed in Jer. 2 (cf. Chap. IV:2b vi).

Note how Israel is referred to:

v.16,17 : 3rd person fem. sing.

v.18 : 2nd person fem. sing.

v.19 : 3rd person fem. sing.

v.20 : 3rd person masc. plural

v.21,22 : 2nd person fem. sing.

v.23,24 : not referring to Israel

v.25 : 3rd person fem. sing. and 3rd person masc. sing.

The so called "principle" of a change of address implies that there should be 8 different passages (i.e. 8 sources) in the 10 verses.

Also note: in v.4-15 we heard 16 times "I will..." followed by judgment, usually in the form of traditional curses. In v.16-25 we have 16 times "I will...", but now we hear the traditional blessings (v.17, 23, 25) describing a changed (opposite) situation.

In all 16 cases (v.16-25) Yahweh is the subject and in 11 of them Israel is addressed. All this surely indicates a strong unity in this passage, contrasting it with v.4-15 where the outlook is different.

Our strongest argument, however, for putting the division between v.15 and 16, springs from the very content of the verses themselves.

We can only summarise what was treated above.

Verses 4-15 use the marriage metaphor from the viewpoint of a divorce lawsuit and the subsequent judgment on Israel. In v. 16-25 the stress is on the new relationship. The taking of Israel into the wilderness does not in the first instance depict judgment! It refers to the situation in which the new relationship will germinate, as the rest of v.16 and 17 clearly say. We have promises instead of curses.

The background to v.4-15 is harlotry and the fertility cult but, v.16ff. depict a situation where Israel and Yahweh are alone. A new relationship starts between them (v.18) with a new basis (v.21,22) implying a complete break with mythology (v.23,24). It may be that the juridical viewpoint is the most decisive and clear indication. In v.4-15 the support and security which the husband is due to his wife is taken away by Yahweh on ground of Israel's infidelity. In v.16-25 the situation is changed, a new relationship is described. Yahweh is again caring for Israel and providing her with substance (v.17, 23, 24) and protection (v.20). This means Yahweh is fulfilling his legal duty as husband.

7 Hosea 3; another symbolic act

a) Approach

We shall look at certain aspects of the 5 verses of Hos.3 because they confirm statements previously made. In discussions of Hos.3 most attention is usually drawn on the quest for Hosea's family life.²⁰⁸ It is most unfortunate because:²⁰⁹

"Such questions about the biography of Hosea meet an oblique indifference in the material; it was not formed to assist in the quest for the historical Hosea. The narrative was fashioned to illumine one particular action as a form of proclamation; its con-

nections with the rest of Hosea's life are ignored because the revelation of the divine intent did not require such elaboration".

The narrative was kerygmatic, not biographical.²¹⁰ Hosea's main concern is the relation between Yahweh and Israel (Chap.III:1).

In Hosea 3 there are three integrated sections; Yahweh's command to Hosea (v.1); the execution thereof (v.2,3) and the interpretation of the act (v.4,5). As in Hos. 1 with the children's names, Hosea had to illustrate the message with a Zeichenhandlung.²¹¹

b) Verse 1; the command

"And Yahweh said to me:

'Go again, love a woman

who is loved by a friend and commits adultery

just as Yahweh loves the children of Israel

but they turn to other gods

and love raisin-cakes'".

It is a matter of dispute to which verb ("said" or the impt. "go") ‘ōd (again) refers.²¹² In Ex.4:6; and Zech.1:17; 11:15 ‘ōd stands before imperatives which it qualifies. In Hos. 3:1 lēk, the impt. of hlk, to go, is also directly preceded by ‘od and we can therefore translate it with "go again" (as the LXX also does).

Ex.3:15 gives us an example of "And he said again". There wayy'ōmer is directly followed by ‘ōd.²¹³ This is, however, for two reasons no argument in favour of: "And Yahweh again said to me gó...".

In Ex.3:15 there is no impt. near wayy'ōmer while there are two words between wayy'ōmer and ‘ōd in Hos.3:1.

One of the most interesting points in v.1 (also in v.2,3) is that Hosea nowhere employs terminology which can without doubt be described as referring to marriage.²¹⁴ The typical words like lqh,

nś', b'l, yšb (Hif.), rś (Pi.) and hyh lē are not used.²¹⁵ The

verb in v.1 is none of these but the verb to love, 'hb:²¹⁶

"Denn 'hb meint weder bloss Anknüpfung eines Liebesverhältnisses, noch euphemistisch den Geschlechtsakt, noch den Rechtsakt der Heirat, sondern wie sonst bei Hosea die helfende (11:1) und heilende (14:5) Freiwilligkeit, die den Gegensatz zu Zorn und Hass (9:15) darstellt".

'iṣṣā can be used for a wife, or, in general for a female, a woman.²¹⁷ In Hosea's case the woman must be one who is loved (Qal passive part. 'hb) by a friend or paramour (rēa')²¹⁸ and who commits adultery (n'f, Pi. Part.). These words describe the kind of woman Hosea is to associate with. The use of the verb n'f clearly indicates that she was a married woman, an adulteress (Chap.II:6,7).²¹⁹ She is loved ('hb is here employed in a sexual connotation) by a rēa'. The basic meaning of this word indicates:²²⁰

" a person with whom one is habitually associated; whether this is through friendship (Ex.33:11), geographical location (Ex.11:2), engaging in battle (Judg.7:22) or legal obligation (Ex.20:16)".

In Hos. 3:1; Jer.3:1,20 and Cant.5:16 rēa' refers to the sexual companion. Tushingham argues,²²¹ on account of an article by Van Selms,²²² that these words have a cultic meaning. The woman is married to the god but in the cultic practices the rēa' acts as a substitute for the god.

This interpretation suits the symbolic meaning of the Zeichenhandlung very well (the woman of Hos. 3 represents Israel whose transgressions are described in Hos.2:4-15 in cultic terminology), but cannot be proved beyond all doubt. The basic meaning of the verse is, however, quite clear. Hosea has to associate himself with a married woman who commits adultery.

His love (v.1) is to demonstrate the love (i.e. help, compassion) of Yahweh for the Israelites who nevertheless turn away from him, go after other gods (compare the lovers and Baals of Hos.2:4-15)

and are lovers of raisin-cakes. This last phrase also refers to Israel's participation in the cult, giving raisin-cakes as gifts to the Baals (see: 2 Sam.6:19; 1 Chron.16:3; Is.16:7; Cant.2:5; also Jer.7:18 and 44:19).²²³ The full explanation of Hosea's deed is only given in v.3ff.

c) Verses 2 and 3; the execution of the command

v. 2 "And I acquired her for me

for fifteen silver (shekels) and a homer and a lethech
of barley.

v. 3 And I said to her:

For many days you shall stay with me,
you shall not play the harlot
and you shall not have a man
nor shall I have you".

The key to verse 2 lies in the first word, the verb wā'e(k)kēreha.²²⁴ If the stem is krh (KBL, 1958, p.454, purchase for), then it is a 1st person Qal Impf. plus suff. 3 fem. sing. The dagesh in the kaf will then be a dagesh forte dirimens (GKC, par.20h) which indicates an audible šewa. This verb still does not imply a marriage. W. Plautz has convincingly showed that neither this verb, nor any of the other verbs used for buying or selling in the OT, is used to describe marriage.²²⁵ The price paid by Hosea is therefore not mōhar (bride-price, Chap.I:4c). The verb krh designates that a price was paid²²⁶ (compare Deut. 2:6) and that the woman was legally acquired through a business transaction (cf. krh in Job.6:27; 40:30).²²⁷

A second and better possibility is to derive it from the root nkr, 1st person Hif. (Qal?) Impf. plus suff. 3 fem. sing.

(KBL, 1958, pp.617, 618).²²⁸ This verb has definite legal connotations (Gen.31:32; 37:32ff.; 38:25ff.; 2 Sam.3:36f.; Deut.32:27).²²⁹

The best parallel seems to be 1 Sam.23:7 (nkr in the Pi.): "God has formally given me power over him".²³⁰ Thus the verb in Hos. 3:2, which seems to be in the Qal, implies that Hosea has acquired formal legal possession over the woman.²³¹

Whether the root is nkr or krh, it is clear that Hosea legally acquired a woman; it does not refer to marriage. He probably bought this right over her from her husband. She must have been married because n'f is used to describe her adultery (and this verb is only used when a violation of the wedlock is referred to; Chap.II.6,7). Thus, as even in modern days, it seems that this woman was a prostitute although she was married. She, or her husband, "hired" her out to a souteneur.

There is not enough information about weight and measures to be sure of the value of the price paid by Hosea.²³² It might be 30 shekels, the price of a slave (Ex.21:32).²³³ The important point in this verse is: Hosea acquired this woman by paying for her; thus he had legal authority over her.

In v.3 Hosea tells the woman that she has to stay with him (ysb, as in Lev.12:4f. : stay at home;²³⁴ the connotation of "to marry" applies only to the Hif.).²³⁵ She is to stay with Hosea "for many days", i.e. for an indefinite period.²³⁶ She will not be allowed to play the harlot which again does not necessarily implies marriage (Chap.II:2).

On this restriction Hosea lies special emphasis. "You shall not play the harlot" is paralleled with "and you shall not have a man" (welō' tihyî lē'îš). We have pointed out in Chap.I:8e that the formula hyh + lē + 'îš is a very well-attested way of denoting the beginning of a marriage.²³⁷ Hosea employs it with the negative lō', thereby disallowing not marriage as such, which **will not** make sense in the present context, but any sexual relationship. This

interpretation is confirmed by the following phrase: wěgam-'ānī 'elāyik, "nor shall I have you" (the negative of the previous phrase still applies) which means: nor shall I have any sexual relations with you.

"Mehr als sein Wort und seine Gegenwart erfährt die Frau nicht".²³⁸

She is cut off from all sexual relationships; she is in a similar position **to** Israel in Hos.2:16, in a wilderness situation, alone with Hosea.

d) Verse 4 and 5; the message

v. 4 "For the children of Israel shall live many days
without a king and without a leader
without sacrifice, without pillar and without house-
hold gods ('ēfôd ûtērāfîm)

v. 5 Afterwards the children of Israel shall return
and seek Yahweh their God (and David their king)
and come in trembling awe to the Lord and his goodness
(at the end of the days)".

Without going into detail we shall now look at the meaning of Hosea's Zeichenhandlung. Verse 1 already explained the "love" aspect, i.e. the help and loyalty²³⁹ which Hosea (Yahweh) ^{will} bestow on the woman (Israel).

The woman is isolated for an indefinite period. Israel will also be isolated for an indefinite period (v.4 "many days"). She will be without a king or leader (already announced in Hos.1:3-5). As the woman is without lovers so will it be with Israel (Hos.2:8: her ways will be barred, v.16: she will be in the wilderness).

The words sacrifice, pillar, ephod and teraphim refer to the cultic practices. It is in the same line of thought as the "other gods" of v.1 and the "lovers" or "Baals" of Hos.2:7,9,12,14,15; also 10.²⁴⁰ They (the woman and Israel) are cut off from all possi-

bilities of harlotry. This is exactly the same message as the marriage metaphor of Hos.2:8 and Hos.2:16,19. It is illustrated in this case not with a metaphor, but with a Zeichenhandlung.

Israel's return (šûb) to Yahweh is announced in v.5. It was already promised in Hos.2:1-3, 9, 17, 18, 25. This aspect is however, not illustrated by Hosea's symbolic act. The outcome of his family life or what happened after his involvement with the woman of Hos.3, is not known.

The return of Israel will be in "trembling awe" (phd):²⁴¹

"Das Wort zeigt die dem alten Kultbetrieb fehlende äusserste Erregung im Vorgang der Rückkehr zu Jahwe, bei der Furcht (11:1; Mi.7:17; Jes.19:16) im Blick auf das Ziel (tûbô) schliesslich von Freude überwunden wird (Jer.33:9)".

These last phrases tell us that the Israelites will at long last, one day, understand that Yahweh is the only real God. They learned "the hard way". When they realise their folly they will return to Yahweh and his goodness (tûbô). They know now that the goodness of Yahweh is his love (Hos.3:1; 2:16) and those things mentioned in Hos.2:21-25a.

e) Conclusions and discussion

i) There is no evidence that Hosea actually married the woman of Hos. 3. She was described as one who n'f, which means that she was married. More than this we do not know, and need not know, for it is neither the woman's nor Hosea's personal life that matters. None of the words in v.1-3 implies a marriage between Hosea and the woman. On the contrary, marriage terminology is carefully avoided. Hosea bought a souteneur's right over her which was different from that of a husband (a husband is not allowed to deny his wife con-

jugal rights, Ex.21:10). The woman was explicitly forbidden to have any sexual relationship (v.3). Another fact indicates that Hosea was not married to the woman. She was forbidden (v.3) to play the harlot (znh) which would have been unnecessary to forbid if she was married because marriage ipso facto excluded harlotry. For the same reason it is difficult to see why he should describe the money paid for the woman in such detail when he could have used common marriage terminology.²⁴²

ii) We can now summarise the symbolic act of Hosea and its meaning-message. Hosea is to illustrate some aspects of his metaphor-message of Hos.2.

He is commanded to acquire an adulterous woman through the proper legal channels by the payment of a certain sum. He is thus in the position to make demands on her and control her actions. Thus he isolates her from all men including himself.²⁴³

This explains an important point of the previous chapter (Hos.2). In Hos.2:8 the marriage metaphor calls for a complete isolation from all lovers. Israel will be like one between walls, shut off from her lovers. This happened in 733 and 722 when the Assyrians overran the country and deported the people. They were left without any leaders and removed from the Canaanite cult (Hos.3:4). Hosea was to demonstrate this imminent catastrophe-punishment with the woman of Hos.3.

This also explains why he did not marry her. She has to illustrate Israel's position: between walls, shut away from all lovers, lonely and abandoned (in the wilderness, v.16), unable to commit adultery. But even more important: there was no wedlock between Yahweh and Israel at the stage between the end of Hos.1:9; 2:15 and the promised situation in Hos.2:16ff. There is a wide gap between the

broken relationship and the new promised one. In Hos.1:3-9 and 2:4-15 the broken relationship and the results thereof are described. Hos.2:1-3 and 16-25 promise a situation somewhere in the future when there will be a new relationship. In between the punishment has to occur, the judgment executed and Israel to be isolated by Yahweh. This period of isolation-judgment is demonstrated through Hosea's symbolic act as described in Hos.3.

In all this we can see something of the 'hb (Hos.3:1) of Yahweh. Despite Israel's unfaithfulness, foolishness and obstinacy Yahweh's love and patience endure to lead them through hardship to discipleship.

8 Final conclusions

i) Our two guiding principles were: Hosea's main concern was the relationship between Yahweh and Israel; the account is kerygmatic and not biographical.

ii) Hos.1:2 provides the stimulus for both Hos. 1 and 2. The word zēnûnîm describes the attitude, behaviour, spirit of the Israelites; i.e. one of unfaithfulness and apostasy.

Hosea's wife and children reflect this spirit. Through the symbolic names of his children Hosea preached a message of doom and punishment on the national-political level. The dynasty and kingship will be removed without pity, the relationship (covenant) with Israel is broken.

iii) In Hos.2:1-3 we have the first of a threefold reversed position. Instead of children of harlotry the Israelites will be children of the living God. The doom will be changed to salvation. The position is now reversed on national-political level; the relationship (covenant) is restored (v.1), the great day of Jezreel symbolises a united, victorious nation (v.2,3).

- iv) The idea of Israel's transgressions as harlotry (Hos.1:2) is now taken up and worked out in a full metaphor (Hos.2:4ff.). We have pointed out that the marriage metaphor is no far-fetched image. It was a very real way of interpreting their relationship with Yahweh; it was part of their way of thinking about the relationship.
- v) In Hos.2:4-15 the marriage metaphor is used from the viewpoint of a divorce lawsuit, introduced by a divorce formula (v.4). The whole passage reflects an undogmatic, unsystematic way of thinking. There is no indication of any prescribed Gattung ruling a specific form. Neither is there a proper legal line of thinking nor any court procedure. The passage reveals Hosea's bitter struggle with his people and portrays the broken relationship on a very personal level.
- vi) In Hos.2:4-15 Israel's transgressions are described as cultic abuses: feastdays, decorations, offerings and processions for Baal. These cultic abuses were caused by the mythological presuppositions about fertility. Her punishment is described in terms of adultery-divorce punishments and in terms of general curses. All these aspects fit very well into the marriage metaphor because Israel (as the wife of Yahweh) is seen as the land or its people. She goes after her lovers, the Baals, and is therefore divorced in disgrace, left sterile and with no means of support.
- vii) Hos.2:16-25 give us the reversed position in the form of a promise or prophecy. The marriage metaphor is used again. A great deal of trouble and misunderstanding ~~are~~ aroused when the relation between Hos.2:4-15 and 16-25 is explained as marriage - divorce - remarriage.
- In Hos.2:4-15 the marriage metaphor is used to describe the reasons for the broken relationship and the punishment in store for Israel in terms of a divorce lawsuit.

In v.16-25 the marriage metaphor is used again (independent from v.4-15) to describe the promised new relationship and the basis thereof. Israel is courted, she responds and the marriage is formed.

viii) There are some fundamental legal principles behind Hos.2:4-25 which serve as background to the whole line of argumentation.

a) A husband (Yahweh in this case) has absolute authority over his wife. He is her lord and master; she is part of his property and belongs sexually to him only. It is his duty to protect and support her (Chap.I:2,3,5).

b) Israel (Yahweh's wife) committed adultery by going after the Baals. This "great sin" is punishable by death, divorce, sterility and disgrace (Chap.I:6-8). The husband is no longer compelled to support his wife.

c) In Hos.2:21, 22 the (legal) basis of the new marriage relationship is outlined, summarised by "knowing Yahweh".

d) The negative relationship formula legally dissolved the relationship in Hos.1:9; 2:4. When used again in Hos.2:18 and 25 it re-establishes the relationship.

ix) Hos.2:16-25 provide a reversal of the position of Hos.2:4-15. Instead of having 16 times "I will...." plus judgment we have 16 times "I will...." with a promised new relationship. Instead of a harlotrous mother and children both mother and children are acknowledging Yahweh; the broken relationship is re-established.

The marriage metaphor stressed the divorce-harlotry aspects against the background of mythological beliefs; in v.16-25, however, a harmonious marriage is outlined with a basis and interpretation that show a clean break with mythology.

x) Hos.3 is again a symbolic act which serves to proclaim the punishment to be inflicted on Israel. Whereas Hos.1:3-9 prophesied punishment as such, Hos. 3 does so with the aim of reconciliation. It is

illustrating how the gap between the broken relationship of Hos.2:4-15 and the new relationship of Hos.2:16-25 will be bridged. It links up with the aspect of isolation from all lovers (Hos.2:8, 16) and shows how it will lead to a new relationship.

Neither the symbolic background nor the actual terminology of Hos.3 gives any indication that an actual marriage took place.

xi) The message of Hos.1:2-9 referred to judgment on the national-political level and Hos.2:1-3 gave the opposite position on the same level. So also Hos.3, although there are many associations to the image and terminology of the marriage metaphor passages. In Hos.2:4-25 the message takes a much more intimate trend and outlines the broken and new personal relationship between Yahweh and Israel.

FOOTNOTES CHAPTER III

1. For the earlier views see: International Critical Commentary, i.e. W.R. Harper, Amos and Hosea, pp.208-210; J. Lindblom, Hosea Literarisch Untersucht, pp.3-8.
For a summary of the present debate, see: H.H. Rowley in: Bulletin John Rylands Library, 39, 1956, p.200f.; or in his Men of God, pp.66-97.
Two excellent commentaries which quote extensive literature are H.W. Wolff, Dodekapropheten I, Hosea, Biblischer Kommentar XIV-1 (BK XIV-1), p. XXVII ff. and W. Rudolph, Hosea, Kommentar zum Alten Testament XIII-1 (KAT XIII-1), pp.40-49.
2. H. Krszyna, BZ, 13, 1969, p.42 (see also note 5).
3. H.S. Nyberg, Studien zum Hoseabuche, 1935.
W.L. Brownlee, The Meaning of the Qumran Scrolls for the Bible.
4. H.S. Nyberg, op.cit., pp. 114, 115.
5. E.M. Good, Svensk Exegetisk Årsbok, 31, 1966, p.26.
6. J. Lindblom, Hosea Literarisch Untersucht, pp.17-19, 54, 55, 68.
7. M.J. Buss, The Prophetic Word of Hosea, cf. pp.51-59.
8. F.S. North, JNES, 16, 1957, pp.128-130.
9. W. Rudolph, KAT XIII-1, cf. pp. 39 and 48.
10. For a classical example see ICC, Hosea, pp. 205-248.
Also: A.D. Tushingham, "A Reconstruction of Hosea Chapters 1-3" JNES, 12, 1953, pp.150-159; H.L. Ginsberg, "Studies in Hos. 1-3," in Yehezkel Kaufmann Jubilee Volume, p.56ff.
11. Cf. J. Barr, Comparative Philology and the Text of the OT, pp.34ff, 191ff.
12. H.S. Nyberg, op.cit., p.115.
13. E.M. Good, op.cit., p.26.
14. J. Lindblom, Hosea Literarisch Untersucht, p.53.
15. H. Krszyna, op.cit., p.45.
16. BK XIV-1, p.XXI
17. J.L. Mays, Hosea, p.23.
18. See 2 Kings 14:23-18:12 for the biblical historical account.
19. For the historical background and dates: J. Bright, A History of Israel, 1972, pp.254-263; BK XIV-1, pp. XI-XII; KAT XIII-1, p.22-25.
20. J. Lindblom, Prophecy in Ancient Israel, pp. 311, 312;
J. Bright, op. cit., p.260.
21. ANET, p.129ff.
22. Compare: A.S. Kapelrud, The Ras Shamra Discoveries and the Old Testament; G. Östborn, Yahweh and Baal;
P.J. van Zijl, A Study of Texts in Connexion with Baal in the Ugaritic Epics.
23. ANET, pp. 138-141; C.H. Gordon, Ugaritic Textbook, texts 49, 67.
24. See: 2 Kings 17:1; 18; Amos 4:4-9; L. Bronner, The Stories of Elijah and Elisha as Polemics against Baal Worship;
J. Pedersen, Israel, III & IV, pp.466-476; H.H. Rowley: Men of God, pp.37-65; J.C. de Moor, The Seasonal Pattern in the Ugaritic Myth of Ba'lu, cf. p.245ff.
25. N.C. Habel, Yahweh versus Baal, a Conflict in Religious Cultures, p. 93f.
26. ANET, p.139 (text 67 : V:18ff.).
27. BK XIV-1, p.16.
28. Ibid.
29. BK XIV-1, p.12; ICC, p.209.
30. C. van Leeuwen, Hosea, pp. 32, 33.
31. BK XIV-1, p.9.

32. GKC, par. 105b, p.307; B. Gemser, Hebreeuse Spraakkuns, par.279b, p.233.
33. BK XIV-1, p.13.
34. DMAL, p.169; DMBL. I, p.246; C.J. Gadd, Revue d'assyriologie et d'archeologie orientale, Vol. 23, 1926, pp.111, 112, No.33.
35. KAT XIII-1, p.47.
36. See: H.L. Ginsberg, op. cit., p.58, n.24.
Z.W. Falk, Hebrew Law in Biblical Times, p.138f.
37. BK XIV-1, p.15.
38. KAT XIII-1, pp.42, 43; ZAW, 75, 1963, pp. 65-73.
39. C. van Leeuwen, Hosea, p.33.
40. BK XIV-1, p.15.
41. GKC, par. 158b, p. 492.
42. KAT XIII-1, pp. 47, 48.
43. BK XIV-1, p. 18f.; J.L. Mays, Hosea, p.26f.
44. KAT XIII-1, p.52.
45. F.C. Fensham, OTWSA, 1964-65, p.44.
D.R. Hillers, Treaty-Curses and the Old Testament Prophets, p.60f.
46. BK XIV-1, p.22.
47. KAT XIII-1, p.54; Compare: F.C. Fensham, Near Eastern Studies in Honor of W.F. Albright, p. 128 ff.
48. A. van Selms, OTWSA, 1964-65, p.102.
49. J.L. Mays, Hosea, p.29; C. van Leeuwen, Hosea, p.42.
50. BK XIV-1, p.24.
51. E.A. Speiser, Oriental and Biblical Studies, pp. 161-170.
52. R. Smend, "Die Bundesformel", Th St, Heft 68, p.3ff.
53. O. Eissfeldt, "Mein Gott' im AT", ZAW, 61, 1945-48, pp. 3-16; cf. p.8.
54. W. Brueggemann, Tradition for Crisis, p. 26ff.
55. B.J. van der Merwe, OTWSA, 1964-65, p.91; J.L. Mays, Hosea, p.29; C. van Leeuwen, Hosea, p.42.
56. BK XIV-1, p.24.
57. J. Beggich, ZAW, 60, 1944, pp. 1 - 11.
58. A. Jepsen, "Berith. Ein Beitrag zur Theologie der Exilzeit" in: Verbannung und Heimkehr (Festschrift W. Rudolph), p.161ff.
59. R. Smend, op. cit., p.3ff.
60. For a similar approach see: E. Kutsch, Verheissung und Gesetz, passim; G. Fohrer, TLZ, 91, 1966, p.893ff.
61. W. Eichrodt, Interpretation, 20, 1966, pp. 302-321.
62. Basil Blackwell, Oxford, 1972.
63. A. Phillips, Ancient Israel's Criminal Law.
64. F.C. Fensham, op. cit., pp. 35-49.
65. BK XIV-1, p.24.
66. R. Smend, op. cit., p. 5.
67. A. Jepsen, op. cit., p.171.
68. KAT XIII-1, pp. 54, 55.
69. BK XIV-1, p. XIX ff.; W. Brueggemann, op. cit., p.27ff.
70. W. Brueggemann, op. cit., pp. 26-105; F.C. Fensham, op. cit., p. 35ff.; cf. p.45.
71. BK XIV-1, p. 25.
72. W. Rudolph's (KAT XIII-1, p.46ff.) reconstruction of v.2: "Jahwe sprach zu Hosea: 'Nimm dir eine Frau, dass sie dir Kinder gebäre'" (p.48), omits the central issue of the verse and chapter.
73. F.C. Fensham, op. cit., p.39.
74. For the Hoseanic origin see: A. van Selms, op. cit., p.103.

75. BK XIV-1, p.29f.
76. C.J. Labuschagne, OTWSA, 1964-65, p.64ff., see p. 73.
77. BK XIV-1, p.30.
78. B.J. van der Merwe, OTWSA, 1964-65, pp. 94, 95.
79. F.C. Fensham, ZAW, 75, p.174.
80. Ibid., pp.158-160; D.R. Hillers, Treaty-Curses and the Old Testament Prophets, pp. 61, 62.
81. H.W. Wolff, Ev Th, 12, 1952-53, pp.90-91.
82. BK XIV-1, pp.30-31.
83. Against BK XIV-1, p. 30; cf. KAT XIII-1, p.56; J.L. Mays, Hosea, p.31.
84. J.L. Mays, Hosea, p.32; cf. J. Lindblom, Prophecy in Ancient Israel, pp. 389, 392.
85. ICC, p. 246.
86. C. van Leeuwen, Hosea, p. 47.
87. Ibid.
88. Against BK XIV-1, p. 30; H.W. Wolff, Ev Th 12, 1952-53, p. 92; ICC, p.246. Compare: J.L. Mays, Hosea, p.32.
89. ICC, p.246.
90. For the various interpretations, cf. H.W. Wolff, op. cit., pp. 93-96; BK XIV-1, p.32.
91. J.L. Mays, Hosea, p.32.
92. Cf. note 90.
93. BK XIV-1, p.32; J.L. Mays, Hosea, p.33.
94. J.L. Mays, Hosea, p.34.
95. BK XIV-1, p.33.
96. KAT XIII-1, p.60; Compare: R. Gordis, HUCA, XXV, 1954, p.21ff.
97. BK XIV-1, p.37f.; H. Krszyna, BZ, 13, 1969, pp.42-56.
98. KAT XIII-1, p.59f.; W. Brueggemann, op. cit., p.110ff.
99. H. Krszyna, op. cit., p.58ff.
100. ICC, p. clx; KAT XIII-1, pp. 68, 69.
101. B.J. van der Merwe, op. cit., p.93; BK XIV-1, p.40.
102. H.B. Huffmon, JBL, 78, 1959, pp. 285-295;
C. Westermann, Grundformen prophetischer Rede, pp.92-150;
J. Harvey, Bib., 43, pp.177-180. For the rib pattern in general see: J. Harvey, Le plaidoyer prophétique contre Israël après la rupture de l'alliance, 1967.
103. Compare note 102 and also W. Brueggemann, op. cit., pp.56-71; 110-114.
104. H. Krszyna, BZ, 13, 1969, p.57f.; B. Gemser in: Wisdom in Israel and in the ANE, VT Suppl. III (Ed. M. Noth e.a.), p.129; J.F. Craghan, BTB, 1, 1971, p.147.
105. B. Gemser, op. cit., pp.136, 137; cf. also M.J. Buss, The Prophetic Word of Hosea, p.79.
106. BK XIV-1, p.38.
107. Cf. F.C. Fensham, OTWSA, 1964-65, p.42.
108. BK XIV-1, p.38; J.L. Mays, op. cit., p.36.
109. KAT XIII-1, p.64.
110. GKC, par. 157b, p.491.
111. J. Muilenburg, HUCA, 32, 1961, p.147 n. 17.
112. R. Gordis, HUCA, 25, 1954, p.20ff.
113. KAT XIII-1, p.65.
114. M.J. Buss, op. cit., p.87.
115. J.L. Mays, op. cit., p.37.
116. GKC, par. 124d, f, pp. 397, 398.
117. BK XIV-1, p. 40;
M.J. Mulder, Baal in het Oude Testament, pp. 98, 99.
118. J. Pritchard (ed): The Ancient Near East in Pictures (ANEP):

- figures: 72, 74, 75, pp. 22, 258-259.
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 figure: 509, pp. 173, 309.
 figure: 516, pp. 175, 310.
119. Peake's Commentary, p. 182 and C. Westermann, Genesis, p. 424ff.
 120. J.L. Mays, op. cit., p. 40.
 121. M.J. Mulder, op. cit., pp. 94, 95.
 122. Ibid., p. 89.
 123. J.L. Mays, op. cit., p. 39.
 124. M.J. Mulder, op. cit., p. 191 no. 5c.
 H.G. May, AJSL, 48, 1931-32, p. 89.
 125. J. Pedersen, Israel III-IV, p. 506; BK XIV-1, pp. 46,47;
 J.L. Mays, op. cit., p. 43; M.J. Mulder, op. cit., pp. 98, 99.
 126. J.L. Mays, op. cit., p.57; KAT XIII-1, p. 68.
 127. D.N. Freedman JBL, 74, 1955, p.275.
 128. A. van Selms, OTWSA, 1964-65, p.89; BK XIV-1, p.43.
 J. Lindblom, op. cit., p.341.
 129. For a discussion see: M.J. Mulder, op. cit., pp. 92-94.
 130. Ibid.
 131. D.W. Young, VT, 10, 1960, pp. 457-459.
 132. H.G. May, op. cit., pp. 92, 93.
 133. **Cf.** J. Pedersen, op. cit., pp. 376-465, especially pp. 425-428.
 134. ICC, p. 233.
 135. J.L. Mays, Hosea, p. 42; BK XIV-1, p. 45.
 136. M.J. Mulder, op. cit., pp. 95-97.
 137. J.L. Mays, Hosea, p. 42; BK XIV-1, p. 48; KAT XIII-1, p.71.
 138. J. Lindblom: op. cit., pp. 317, 318; L. Černy, The Day of Yahweh and Some Related Problems; F.C. Fensham, Biblical Essays (OTWSA 1966), pp. 90-97; G. von Rad, Old Testament Theology, Vol. II, pp. 119-125.
 139. BK XIV-1, p. 48.
 140. M.J. Mulder, op. cit., p.99.
 141. BK XIV-1, p. 48; J. Pedersen, op. cit., p. 436ff.
 O. Eissfeldt, ZAW 58, 1940-41, p. 200ff. cf. p.209.
 142. F.C. Fensham, ZAW 74, 1962, p. 4.
 143. BK XIV-1, p. 43.
 144. For the (different) opinion of Rudolph see: KAT XIII-1, p.70;
 cf. M.J. Mulder, op. cit., p.95.
 145. D.R. Hillers, op. cit., p. 58ff.
 146. BK XIV-1, p. 40; C. v. Leeuwen: Hosea, p. 54.
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CHAPTER IV

JEREMIAH 2 AND 3

1 Purpose and approach

In this chapter we shall continue to investigate how the marriage metaphor was used to outline various aspects of the relationship between Yahweh and his people. Our basic presupposition is that Jeremiah was well acquainted with Hosea's teaching. He was inspired by it and made use of the images Hosea employed. This will be discussed in par. 3 while aspects thereof will be referred to throughout the study.

We can get affirmation of our conclusions reached on Hosea's use of the metaphor by looking at the way Jeremiah adopted and interpreted it. Jeremiah is quite specific when it comes to the juridical background of the metaphor.

Any study on Jeremiah is confronted with the perplexing problem of whether a specific chapter, oracle or verse is Jeremian, Deuteronomistic or some later addition. The variety of contradictory opinions leaves one with the uneasy impression that real certainty might lie forever beyond our grasp.

A look at the history of the research on Jeremiah during the last century will confirm this statement.¹ Ever since B. Duhm's epoch-making commentary on Jeremiah (1901), scholarship worked either on or against his presuppositions with some scholars trying to bridge the gap with some modification. We may conclude with Helga Weippert:²
"Wenn siebzig Jahre später noch immer kein Konsens in dieser Frage erzielt und in nächster Zeit auch kaum zu erwarten ist, so stellt sich das Problem, ob überhaupt die Voraussetzungen einer derartigen Fragestellung sinnvoll sind".

Weippert's summary and interpretation of the problem is excellent. Her study is without doubt introducing a new epoch in this field of study. Scholars always tried to discern between different layers in the text of Jeremiah,³ especially between the prose and poetic accounts and the exact contents of the Baruch scroll.⁴

Weippert proved how wrong the very method of differentiating between prose and poetic material (as being non-Jeremian and Jeremian) was. Her conclusion is that:⁵

"Die Prosareden sind samt ihren paränethischen Abschnitten Bestandteil der jeremianischen Verkündigung des Jahwewortes".

We shall, therefore, not pay much attention to the suggested "layers" in the text both because the results of this line of study are so negative and conflicting.

While the approach of Duhm and those who followed him has been proved futile, a new approach is in the air. Many a study is paying more and more attention to the structure and composition of a prophetic book and of individual chapters. This we have noted on Hosea⁶ while it can be attested with Jeremiah as well.⁷

Our study on Jer. 2 and 3 will likewise concentrate on the chapters as a whole and how the line of argument is to be followed. The original oracles constituting a chapter may have been delivered at different times, but the way in which Jeremiah presents them in a chapter or "cycle" is the important point and in that arrangement lies their meaning.

Holladay's warning is very appropriate:⁸

"Let us not underestimate this poet-prophet. The barriers to an understanding of his words and thought may lie not so much in any mangled text, in any lines copied in mistaken order, in any confu-

fusion of glossators, as in the shortsighted insistence that Jeremiah's modes of expression conform to our more pedestrian expectations".

In our opinion Jer. 2 and 3 both have a specific theme. Jer. 2 is concerned with Judah's apostasy, the way they forgot their God and collaborated with idols. It is quite possible that this chapter was originally separate poems, there clearly are some divisions, but the unity of theme and the strong line of argument running through the chapter is positively the more important aspect. Literally the chapter is beautifully designed, it is full of variation and striking images.

In Jer.3:1-4:4 there is even more evidence that it comprised a number of originally separate sayings, some may even be later additions (v.14-18). The chapter is intensely preoccupied with the question of the possibility of true repentance and an honest return to Yahweh. One should note that the line of argument is in the typical elaborate Ancient Near Eastern (and Hebrew) style. These two related aspects, the theme and the way in which it was argued, constitute the unity of the pericope Jer.3:1-4:4.

2 The historical and religious situation

According to Jer.1 the word of the Lord came to Jeremiah when he was only a child (v.6), in the thirteenth year of Josiah, king of Judah (v.1). Scholars are almost unanimous⁹ that the date of this event is 627/8 B.C.¹⁰

Jer. 2 and most of Jer. 3 belong to the early prophecies of Jeremiah and were delivered before the reform of 622 B.C.¹¹ A few important historical facts should be noted. The year 627 B.C. appears to be the year in which the great Assyrian king Assurbanipal died¹² and from then on Assyrian influence diminished until it became total-

ly extinct in 605 B.C. Babylonian power surged under Nabopolassar (626-605), who, with the help of the Medes, destroyed Nineveh in 612. Meanwhile the Twenty-sixth Dynasty brought Egypt strongly back in world politics. Pharaoh Necho II (610-594) tried to assist the dwindling Assyrian power in a bid to regain a free hand in Palestine and Syria. He marched northwards to help the Assyrians to retake their positions and was met by Josiah at Megiddo. Josiah was killed in battle and in that year, 609, Judah became a vassal of Egypt.

While the great powers were struggling with one another to gain the upper hand in the ANE, Judah was free to secure her own independence. All this happened during king Josiah's reign and some of the events are recorded in 2 Kings 22 and 23 and also in 2 Chron. 34 and 35.

According to 2 Chron. 34:3 Josiah "began to seek the God of David his father" in the eighth year of his reign (633/632). This undoubtedly marked a change in national policy, which was, according to the same verse, put into effect in his twelfth year (629/8). This date coincides with the toppling of the Assyrian power. The fact that Josiah indulged in a sweeping reform, clearing away the Assyrian idol practices, indicates a declaration of independence (2 Chron. 34:3-7). As the Assyrians became unable to control their empire, Judah took possession of the provinces of Megiddo, Samaria and probably Gilead.¹³ Meanwhile the lawbook was found and the most thorough reform in Israel's history was underway.¹⁴

It is difficult to establish to what an extent Jeremiah took part in the reform. His speeches in Jer. 2 and probably most of those in Jer. 3 were delivered before the actual reform took place. It definitely created sympathy for it. It is interesting to note that

in his violent attack on Israel's apostasy (Jer.2), the cultic offences mentioned, show a great affinity with those that roused Hosea's wrath. Baal, the fertility cult and syncretism stand in the centre of Israel's transgressions.¹⁵ There is only one, rather uncertain, reference to the Assyrian practice of child sacrifice (Jer.2:23). The purge described in 2 Chron.34:3-7 seems to be directed against the official Assyrian cult, while the rebuke of Jeremiah (Jer.2 and 3) was aimed at the Canaanite elements that usurped Israel's religion.

3 Hosea's influence

Jeremiah knew and was strongly influenced, especially in his younger days, by the teaching of Hosea. The opinion of scholars may be summarised in the words of J. Skinner:¹⁶

"In Hosea he found not only a teacher, but a spirit kindred to his own. Both men were of exceptionally tender and emotional temperament, sympathising intensely with the people on which they were constrained to pour out the vials of divine judgment".

We shall now discuss some of the more important aspects of this influence which has special reference for Jer. 2 and 3. The broad outline of the discussion is taken from the article of K. Gross in NKZ¹⁷ which was a summary of his dissertation.¹⁸

Gross begins by stating that for both these prophets the notion of God centres around his holiness and his love.¹⁹ Hos.11:9 will illustrate what is meant by his holiness:

"I will not let loose my fury,
I will not turn round and destroy Ephraim;
for I am God and not a man,
the Holy One (qādôš) in your midst;" (NEB).

Although Jeremiah never uses the word qādôš for Yahweh, a look at Jer.15:1 will show that the same idea is present. Yahweh is the schlechthinnige Erhabenheit. He is above everything mundane and in this lies his power to rage against sin and to punish it, but at the same time to be able to forgive when it is impossible according to all human standards (cf. Jer.3:1-5,19-25).

Hosea introduces, as we have seen, the metaphor of the marriage relationship between Yahweh and Israel (Hos.2:4-25). With this image he strikingly portrays in a divorce lawsuit (v.4-15) the broken relationship. He goes on to describe the all-conquering love which will restore Israel in a new relationship (v.16-25). This undoubtedly had a very great impact on the young Jeremiah as he uses the same metaphor in Jer. 2 and 3, though with variations. The love of God for his people, his grace (hesed) can be seen from many a passage in Hosea (10:11; 11:1ff;14:5) and Jeremiah (12:7-10; 31:3,20,31ff.). Closely connected with this concept goes the image of Yahweh as the physician, healing (rf') the wounds and apostasy of his people (Hos.5:13; 6:1; 11:3; 14:5; Jer.17:14; 30:17; 33:6).

We now turn to look at Hosea's and Jeremiah's view on the transgressions of their people. Hosea described the overall sinful attitude of his people as a spirit of harlotry (cf. discussion Chap.II:5). Jeremiah continued this line of thought and characterised it with the now famous simile (Jer.13:23; cf. also: 2:22; 8:6; 17:9):

"Can the Nubian change his skin,
or the leopard his spots?
And you? Can you do good,
you who are schooled in evil?" (NEB)

When it comes to specific moral wrongs Hosea undeniably had the decalogue in mind as the final norm. Not only are the sins of Hos.4:2 alluding to the second part of the decalogue but the tôrâ is specifically mentioned in Hos.8:12, cf.6:7a. Jeremiah again follows by mentioning the same sins (Jer.7:9; cf. also: 5:2,12; 9:1; 23:10; 34:16). He also argues that by breaking the decalogue the relationship between Yahweh and Israel, i.e. the covenant, is broken (Jer.11:3ff; cf. also Jer.3:20b; 5:5,11; 31:32; Hos.8:1,2).

Both prophets agree that Israel's worst sin, which is likewise a transgression of the decalogue, is her shameful apostasy. The moral-ethical sins of the people are overshadowed by the way in which they betrayed and forgot their God. They went after other Gods, took part in the cultic practices and syncretised the two religions while trying to gain at both ends (compare Hos.2:7ff. and Jer.44:17ff.). This fact became quite clear in our discussion on Hosea and will prove to be the same in what is to follow on Jeremiah.

The point of the matter is that the right relationship towards God lies in an attitude, in the spirit, in a personal relationship that has as its basic elements: 'hb, love (Hos.3:1; Jer.2:2); hesed, devotion (Hos.2:21; 4:1; Jer.2:2); 'mn or 'emet, faithfulness or truth (Hos.2:22; 4:1; Jer.4:2); da'at 'ēlōhîm, knowledge of God (Hos.2:22; Jer.2:8); sēdāqâ, righteousness (Hos.2:21; Jer.4:2); mišpāt, justice (Hos.2:21; Jer.4:2) - to quote only from the chapters under discussion. That religion is not something only concerned with cultic rites is clear from Hosea's penetrating diction (Hos.6:6; cf. also: 8:13; Jer.6:20; 7:21):

"loyalty (hesed) is my desire, not sacrifice,
not whole-offerings but the knowledge of God (da'at 'ēlōhîm)!" (NEB)

A mutual warning is sounded against the rulers and leaders of the nation; the king (Hos.5:1; Jer.2:8,26; 3:15); the princes (śārîm, Hos.7:16; Jer.4:9); the prophets (Jer.2:8,26) and especially the priests (Hos.4:1-10; 5:1; 6:9; Jer.2:8,26; 4:9,10; 5:31; 8:8 etc.). There are stern warnings against all ties with foreign nations which aim at political gains (Hos.5:10ff; 7:8ff; 8:9 etc.; Jer.2:18,36 etc.).

Based on their concept of God's holiness and love both prophets proclaim the possibility of forgiveness. The tenderness and beauty with which Hosea describes Yahweh's love (Hos.2:16ff; 11:1-5) and his invitation to repentance (Hos.14:1-3) are echoed by Jeremiah (Jer.3:19-25; 4:1). But repentance must be accompanied with an honest acknowledgment and confession of guilt (Hos.5:15; 6:2; 14:2,3; Jer.3:13; 3:23-25; 14:20; 31:18ff.). Repentance must be followed with a new way of life, a change of way (derek), a return to Yahweh and his ways (Hos.2:9,18,19; 3:5; 6:1; Jer.4:1-4; 31:21).

When we take a look at their eschatology, we see the basic views of Hosea repeated. He described the coming judgment as a wilderness situation (Hos.2:16ff.) where Israel will be cut off from all cultural bonds which proved to be such a fatal temptation (Hos.3:4). Jer.31:2,3 seem to be a direct reference to the wilderness image of Hosea although the usual prediction of the judgment is a straightforward prophecy of the exile. In both cases the aim was repentance and a restored situation in Palestine (which, in Jeremiah's case implied a return from the exile, cf. Jer.3:14,18; 12:14ff; 30:2; 31:8-13; 32:15).

The old ideal of a united nation was never abandoned (Hos.2:2; 3:5; Jer.3:18; 30:2). Although the references to a Davidic king (Hos.3:5; Jer.30:9) are under strong suspicion to be later additions, they fit well into the line of thought and in the context.

These times will be marked by prosperity and fertility (Hos.2:1, 23f; Jer.3:16; 23:3).

The best example of Hosea's influence on Jeremiah is, however, their view on the new relationship between God and his people. Both prophets describe it in the most eloquent terminology. Hosea uses the marriage metaphor and tells about a new betrothal (Hos. 2:16-25). Jeremiah uses covenant terminology and tells about a new covenant (Jer.31:31-34). It is also interesting to note (cf. Chap.I:8f) that the covenant form of the relationship formula: "You are my people" and "My God" (Hos.2:25) is abounding in Jeremiah (7:23; 11:4; 24:7; 30:22; 31:1, 33; 32:38).

This sketchy outline shows that the more important thoughts of Hosea and Jeremiah concentrated on the same aspects. One must, however, be careful not to describe everything Jeremiah said as influenced by or copied from Hosea. The genius of Jeremiah's originality in language and thought speaks for itself. The similarity between their understanding of Yahweh, his judgment, his call for repentance and his promises for the future can also be accounted for by the fact that Israel and Judah have the same historical background and were, notwithstanding the 100 odd years in difference, in very much the same situation.

4 Jeremiah 2; Judah's apostasy

a) Theme

Jer.2:1-6:30 constitute a separate section within the book as a whole. These sermons of Jeremiah describe Israel's guilt, Yahweh's call for repentance and a dire warning of the punishment to be inflicted on Israel.²¹ We shall concentrate on Jer.2:1-4:4 because the marriage metaphor figures in this context. Several groupings for the various passages within this section have been suggested.²² We prefer to keep Jer.2 as a unit.

Jer.2:2-3 are in some respects similar to Hos.1:2. It is the "seed oracle" and serves as an introduction to Jer.2 and 3 using the same method or style-figure of contrast as Hosea did.

Jer.2 is an intense argument which deals with the single theme of Israel's flagrant and inexcusable apostasy.²³ It is delivered in a way which reminds one very strongly of a lawsuit. In the first three verses Yahweh addresses Israel, reminding her in the terminology of the marriage metaphor, of the harmonious relationship which once existed between them.²⁴ The passage serves as background for the case which Yahweh argues against Israel. In spite of the once harmonious relationship (v.1-3), in spite of the fact that Yahweh always kept his part (v.3-7,31), Israel did the most insane thing to change their God for worthless gods (v.8-13). The bitter consequences of the apostasy are described (v.14-19). Their apostasy is analysed in the most eloquent and revealing images (v.20-25) and again they are warned against the disillusionment that they will suffer (v.26-28). In the last 9 verses (v.29-37) we come to see more clearly the type of argument that was raging between Jeremiah and the people. They feigned themselves as followers of Yahweh but the prophet unmaskes them as double-minded hypocrites.

b) The marriage metaphor

i) Employing the image

The use of the marriage metaphor to describe a relationship is for various reasons very appropriate. When the adultery aspect thereof is stated it alludes to the very sphere where Israel's transgressions were centred, the Canaanite mythology and their concept of a hieros gamos (cf. Chap.III:2).²⁵ Further, the metaphor is most suited to describe the relationship between Yahweh and Israel because it portrays, better than any other image, the

highly personal side thereof. It is a holy bond, it is based on God's love and grace so that, when Israel plays the harlot, it results, on juridical and personal grounds, in the gravest possible consequences.

There are, however, many sides to a marriage, as there are many **facets** to a relationship. The prophets made use of this fact. Hosea described Israel's religious apostasy as harlotry and adultery and explained the fact that Yahweh had rejected Israel with the image of a divorce lawsuit. The juridical background plays an important role (Hos.2:4ff; Chap.III:5d,e). Hosea prophesied a new relationship and again used the metaphor. This time Yahweh is seen taking Israel back to the wilderness, alluring her and winning her heart. Yahweh marries Israel and the basis of the relationship is described (Hos.2:16-25; Chap.III:6).

Jeremiah, in Jer.2:2,3, utilises this image but employs it in yet another way. The setting is, as in Hos.2:16ff, the wilderness situation and the basic elements of the harmonious relationship, unfaithful devotion (hesed), love (root 'hb) and Israel belonging solely to Yahweh are the same. Hos.2:16ff. is, however, speaking of a future relationship while Jer.2:2,3 is describing the relationship as it existed in the past.

ii) Contrast

The passage serves a distinct purpose in the layout of the chapter as a whole. It is a reminder to the people of their initial faithfulness to God and the happy times that went with it. Thus it serves to point out the sharp contrast with their present-day situation which is revealed as Jeremiah unveils their apostasy. As such it is an integral part of the whole argument (or lawsuit) in Jer.2. Once Israel kept her part in the relationship and so did Yahweh, but Israel failed her God notwithstanding everything he did for her (v.3-7).

Through analysing both the marriage metaphor and the apostasy of Israel in Jer. 2 one gets a clear picture of the basic requirements of a relationship with Yahweh. To compare this with the results of our study on Hosea will be helpful.

iii) An idealised picture

Jeremiah's picture of Israel's wilderness days is without doubt an idealised one. Commentators often debated whether the devotion (hesed) and love ('ahābâ) were referring to Israel's attitude.²⁶ Some scholars argued that Israel was never capable of fulfilling these attitudes.²⁷ **They were** due to Yahweh alone. Hosea (cf. 4:12; 5:4) and Jeremiah (cf. 13:23; 17:9) were both convinced that Israel was unable by her very nature to obey and follow their God. Ezekiel says that Israel played the harlot from the very day that Yahweh took her under his care (Ez. 16:1ff; 20:7ff; 23:19ff.). However, commentators still tried to find a time when Israel was relatively true to Yahweh, e.g. the time between the Exodus and Sinai (Ex. 13ff.).²⁸ Anyone who reads that history **will not** exactly describe it in the words of Jer. 2:2,3.

It is quite clear that Jeremiah's picture of the wilderness was an idealised one and without doubt influenced by Hosea's use of the metaphor. However, the point that both prophets want to make, justifies or explains their use of this image. The wilderness time was the time when Israel was alone with Yahweh, when they were utterly dependent on his help, when there was no strong challenge from other gods and cultures (if compared with the Palestine situation). Those were the days when Israel was still apprentices in faith, they were learning to know Yahweh and to respect him. **There** the covenant was made and the relationship between them formally enacted.

The point of issue is not to give an exact description of an once existing relationship, the point is to give a description of the relationship as symbolised by Israel in the wilderness situation.

iv) Verse 2b

"I remember the loyal affection (hesed)²⁹ of your youth
the love ('ahābâ) of your bridal days".

Yahweh addresses Israel in the second person feminine and states that he remembers.... (zkr + lē). It describes "das Gedenken Gottes an die Taten der Menschen".³⁰ The aspect which the Lord recalls favourably is the hesed of her youth. The same word is used in Hos.2:21 (Chap. III:6c) where it also describes one of the basic constituents of the relationship. Anyone acquainted with covenant terminology knows that hesed is one of the most important words which describe the relationship between covenant partners.³¹ It refers in both cases to the legal duty of the marriage or covenant partners towards one another.³² This obligation or duty is, however, embedded in faithfulness and love which are the constituent parts thereof.

hesed, in religious connotation, does not describe a quality that man exhibits towards God.³³ Hosea finds that there is no hesed and faithfulness ('ēmet) in Israel, but promises that Yahweh will bestow it on Israel in the new relationship (2:21,22).³⁴ Jeremiah, however, says that Israel showed hesed. We have indicated that he did this to portray the idealised harmonious relationship between Yahweh and Israel in order to emphasise, by way of contrast, their apostasy.

"Your youth" describes here and in Hos.2:17 the time "when she (Israel) went up from the land Egypt". The parallel description is "your bridal days". Hosea, followed by Jeremiah, used this

terminology to describe the initial stages of a new relationship.

"the love ('ahābâ), of your bridal days". In accordance with Hosea 'ahābâ is the word used to designate the concept love (Hos.11:1; 14:5).³⁵ 'ahābâ means unreserved, unrestrained, un-failing love. These two words 'ahābâ and hesed describe the beauty and intimacy of the ideal relationship.

v) Verse 2c

"when you went after me in the wilderness (midbār) through a land unsown".

midbār describes here and in Hos.2:16 the Exodus situation where Israel was alone with Yahweh and utterly dependent on him.

"Through a land unsown (lō' zērû'â)" is the parallel expression. It reminds one of the wordplay on the name Jezreel (the same root is employed) in Hos.1 and 2, but this fact should not be stressed too far.

The phrase lektēk 'ahāray, when you went after me or followed me, is interesting. The Qal form of the verb hlk is used 5 times in this chapter and it is always followed by the preposition 'ahārê. It reveals the grave contrast in Israel's behaviour which Jeremiah wants to stress. In Jer.2:2 they still followed Yahweh, but later they are following vanity (v.5), those who cannot help (v.8), the Baals (v.23) and foreign gods (v.25). This phrase also occurs in the same connotation in Hosea. In Hos.2:7 Israel is reported to be stubbornly announcing "I will go after (hlk + 'ahārê) my lovers (the Baals)" and in verse 15 Israel's apostasy is summarised in these words:

"and she went (hlk) after her lovers,
but me - she has forgotten (škh = Jer. 2:32; 3:21)
says the Lord (= Jer. 2:3)".

The similarity between Hosea's and Jeremiah's use of the phrase is obvious.

vi) Verse 3

"Israel was holy (qōdeš) to Yahweh
the first-fruits of his harvest;
everyone who devoured her was held guilty
evil overtook them,
says the Lord".

There can hardly be a more descriptive verse than this one. Note that the address is shifted to the 3rd person fem. and a more objective description of the relationship is given than that of verse 2 where Israel is directly and personally addressed (2nd person fem., see Excursus below).

The word qōdeš with the image of the firstfruits, is in a way an explanation of what Jeremiah wants to say with the marriage metaphor as employed in v.2. When Israel is described to be "holy to Yahweh" it means: they belong solely to Yahweh.³⁶ This is also the case with the firstfruits of the harvest, it is sacred to Yahweh, is to be dedicated to God and must therefore never be touched with impurity (Ex.23:19; 34:26; Lev.2:12; Nu.8:8; Deut. 26).³⁷ Israel was to be a precious possession, a holy people (Ex.19:5ff; Deut.7:6; 14:2), the firstling people of the Lord (Amos 6:1).

The relationship between Israel and Yahweh was like that of a newly-wed couple. They were alone with one another (= in the wilderness). Israel showed loyal affection, love and she followed her Lord. Verse 3 says that she belonged solely to him. Such a happy situation is envisaged by Hosea in Hosea 2:16-25.

The image of the firstfruits is continued with the use of the verb 'kl. Anyone who eats it, i.e. anyone who touches, profanes or attack^s Israel, will encounter evil. The Lord will care for and defend his people (cf. Ex.17:5-8). Similarly in Hos.2:20,23,24 Yahweh promises a day when all of nature as well as personal enemies, will be at peace with Israel.

vii) Excursus, the change of address

A change of address is typical of Hebrew literature. The same phenomenon was encountered in Hos.2:16-25 (Chap.III:6f). Jer. 2 is another good example. Verse 2 is 2nd person fem. while verse 3 uses the 3rd person fem. sing. In the following verses (4-11) Israel is addressed as a nation in the 2nd person (masc. plural). In v.12,13 the heavens ~~are~~ called to witness Israel's sin and Israel is referred to as "my people" and "they". V.14 and 15 ask if Israel is a slave and use the 3rd person masc. sing. V.16-19 continue to address the land of Israel personified as a woman in the 2nd person fem. sing. This form of address is maintained in v.20-25 where Israel's apostasy is analysed in such vivid images. Verses 26, 27 again changes address and warn Israel in the 3rd person masc. plural against the disillusionment their apostasy will bring upon themselves. V. 28 once again changes the address to the 2nd person masc. sing. V.29-32 are in the 2nd person masc. plural and v.33-37, as previously, in the 2nd person fem. sing. (referring to the land Israel as a woman).

Some scholars³⁸ try to use the phenomenon of a change of address as proof for originally separate passages. It can in some cases assist other evidence to indicate the possibility of originally separate units. One should, however, be very careful ^{not} to put too much value on this criterion because the change of address is in Hebrew a typical style-motif.

For example: Jer.2:2,3; 4-13; 14-19; 20-28 are all taken to be originally separate sayings and the argument of a change of address is used to confirm it.³⁹ But, the whole of Jer. 2 is an argument with Israel and the form of address even changes within the so-called "units", i.e. between v. 2 and 3; between v.4-11 and 13,14; between v.14,15 and 16-19; between v.20-25, 26, 27 and 28 (3 times in one "unit").

We conclude that both Hosea and Jeremiah used the method of a change of address as a figure of speech. It is a common phenomenon in the Psalms.

viii) Juridical aspects and conclusion

This situation corresponds with the juridical requirements of a marriage. We have shown in Chap.I:2 and 3 that the husband is the sole possessor and "owner" of his wife. She belongs to him and to him alone. If anybody interferes with her it is a grave offence against the "property" of the husband. The legal obligation of the husband is to support his wife (Chap.I:5). This does not only include clothes and food, but shelter and protection as well. The metaphor of Jer.2:2,3 complies with these juridical requirements. Israel belonged solely to her husband and he cared for her.

Similar to Hosea the juridical requirements formed the integral background to Jeremiah's argument. If the wife is untrue and adulterous she may be severely punished or divorced (Chap.I:6-8) and the husband may stop supporting her.

Jer.2:1-3 describe the harmonious situation when Israel was true to Yahweh and the Lord supported and protected them. The argument of v.5ff. is based on this introduction. Yahweh supported you, he cared for you (v.5-7) and yet you are untrue to him (v.8)!

Why? There is no point in it; look at the consequences you are bringing upon yourselves (v.14-19)! You are doing something utterly stupid and unheard of (v.9-13)!

To conclude this section: the point of v.1-3 is to portray the once harmonious relationship when everybody was happy. Jeremiah idealised the picture to bring out the contrast between the past and present situation. He describes the basis of the harmonious situation, on Israel's side, as hesed, loyal affection, and 'ahăbâ, love. She was dedicated to her husband and she followed him. Yahweh on his side cared for Israel (v.3b).

c) The rîb (lawsuit) in Jer. 2

Scholars agree that Jer. 2 shows strong signs of a prophetic lawsuit (rîb).⁴⁰ It is argued that Jer.2:1-3 is a Verteidigungsrede in which Yahweh is defending his own position before he moves on to the Anklagerede in which he points out the transgressions of his people.⁴¹

I do not deny the fact that many a prophetic discourse can be classified under these headings and that they are to some extent applicable to Jer.2. One should, however, be careful not to picture strict lawproceedings with arguments conforming to an established scheme.

"The frequency and diversity of the application of the rîb-phraseology in the OT reveals a frame of mind and not only a way and means of expression".⁴²

It is not purely a literary style-motif but an undogmatic, unsystematic way of thinking in religious matters. Hosea is quite often described as "the least legal-minded prophet of them all". Nevertheless we have seen how juridical aspects play an important role in Hos.2:4ff. (the divorce lawsuit). The same is true of

of Jer.2:1ff. Although an analysis of Jer.2 defies all attempts to reveal a typical rîb-scheme, the contents contain all the elements thereof. The argument is based on specific legal facts (see above).

It seems to us that the Sitz im Leben of this type of discourse is the debate which was argued in the temple (cf. Jer.19:14; 26:2; 2 Chron.20:5), at the city gate (Jer.19:2) or at the palace (Jer.22:1).

d) Israel's apostasy

To indulge in all the scholarly debates on the different issues of Jer.2; or to give a commentary on the rest of the chapter, will be to evade the present issue. We shall aim to get a picture of Israel's apostasy in Jer.2:4-37 because it stands in contrast to the marriage metaphor of the first three verses and also describes what went wrong, what is lacking in the relationship between Yahweh and his people. It will also confirm Hosea's interpretation of the apostasy.

i) The verbs

Let us begin by taking a look at the verbs which describe how Israel turned away from Yahweh and transgressed. Four verbs have the notion of motion in common. Israel went after (hlk + 'ahãrê; wandered away from (rhq mē'al); changed her honour (ymr, Hif.); turned their back (pnh).

We have already discussed the first verb, hlk (par. 4b v). In her youth Israel followed (hlk) Yahweh (v.2), but she is now following (hlk) other gods. According to v. 5 she is following vanity and according to v. 8 those who cannot help. She is denying that she is following the Baals, but she actually does (v.23). She acknowledges that she cannot resist following the

foreign gods (v.25). We have noted in Hos.2:15 that h_lk is used in a similar connotation and that it sometimes refers to a cultic procession where the people walked after the image of the god (Chap.III:5d).

V. 5 "What fault did your father find in me
that they wandered away (r_hm) from me?
They went (h_lk) after vanity
and became vain".

The verb r_hq is used in parallelism to h_lk. Israel "wandered away" from Yahweh, i.e. she left him, put some distance between them, is irreconcilable with him. This connotation is clear from v. 5 alone. It seems, however, that the real thrust of the root r_hq is to be seen in its connotation as the opposite of q_rb. The verb q_rb, to draw near, approach, is used in the Hif.in cultic connotation (i.e. to approach God and) to offer (Ex.29:3; Nu.29:36; Ez.43:22ff. etc.). In 1 Sam.14:36; Ez.44:15; and Zeph.3:2 q_rb, Qal, means to approach, i.e. stand before God (compare Ps.65:5, q_rb, Pi.).

Thus the line of contrast running through Jer.2 is upheld. Instead of following Yahweh, the verbs quoted above describe how she turned away from the Lord (her back instead of her face, v.27). The cultic or religious connotation is obvious not only in v. 5 but in the whole of Jer.2. Instead of approaching (q_rb) Yahweh, Israel is wandering away (r_hm) from him.

It is therefore clear that Israel changed (y_mr, Hif., v.11) their honour (kābōd, v.11), they changed (š_nh, v.36) their way (derek). In v. 11 Israel is challenged on the basis of "international morality". Has a nation ever changed their gods? Yet Israel did!⁴³

They changed their "honour" for no-gods which cannot help (v.11). According to THAT I, kābôd is used in Jer.2:11 in the connotation of the acts of Yahweh, his historical manifestation (compare Ps.115:1; 106:20; 79:9; Is.42:8; Hos.4:7).

"Jahwe ist Israels Ehre, sofern es sich seiner rühmen kann; gleichzeitig aber ist das Wirken Jahwes an seinem Volk als Erweisen seines kābôd gemeint".⁴⁴ The word "honour" (kābôd) describes the whole being of Yahweh, his majesty,⁴⁵ and serves to heighten the contrast between Yahweh and the helpless no-gods.

Two verbs are used to describe Israel's overtures with other nations. In v.36 the verb šnh (Pi.) is used to describe how Israel changed her way, i.e. her loyalty, from Assyria to Egypt. Israel, according to v. 18, went to drink from the waters of the rivers of Egypt and Assyria. The verb šth, to drink water, means in this connotation to get assistance.⁴⁶ It describes the overtures of the rival political parties in Judah for foreign help.

These verses, v.18,36, are often considered to be later additions to Jeremiah⁴⁷ because the chapter concentrates on religious apostasy. It may be true, but there are strong arguments against it. Religious apostasy went hand in hand with foreign political negotiations. V.13, 14-19 give ample background for these sayings. Egypt and Assur are often referred to by Hosea: 8:8; 9:3; 10:6; 11:5, 11; 12:2.

In all this Israel "turned (pnh) their back on me and not their face" (v.27). There are three passages in the OT which oppose neck and face, all of them in Jeremiah (2:27; 18:17; 32:33).⁴⁸ It is a humiliating way of ignoring someone.

The most important verb to describe Israel's sin is 'zb, forsake, v.13,17,19. Israel forsook Yahweh their God. They forgot, škh (v.32) him days without number. This is parallel to Hos.2:15, Israel is forsaking Yahweh by going after other gods, they then forget him. These two verbs do not only portray the graveness of the transgression, they reflect the sadness of love rejected.

Israel now loved 'hb, v.25, foreign gods;⁴⁹ Israel acted foolishly, hbl, v.5, and transgressed, pš', v. 8, 29, against Yahweh. Those who handle the law, the priests,⁵⁰ do not know Yahweh, lō' yd' (compare Hos.2:8,22).⁵¹ Do not know (lō' yd') is, therefore, more or less similar in meaning to škh, forget (Jer.2:32, Hos. 2:15).

The contrast to Jer.2:2,3 and Israel's apostasy is clear. She is not following Yahweh anymore, there is nothing left of the relationship once marked by loyal affection, love and a people dedicated to the Lord.

ii) The terminology describing idols

Israel forsook Yahweh and went after other gods. The emphasis is not on the other nations, although they are mentioned (v.14-19, 36), but on the idols and foreign cult practices that went with it. Quoting the verses will illustrate the point.

v.5 "they went after vanity (hebel) and became vain (hbl, verb)".

v.8 "the prophets prophesied by Baal (babba'al)

they went after those that cannot help".

v.11 "Has a nation changed their gods - which are no-gods?

but my people changed their Honour

for one who cannot help".

- v.13 "They have forsaken me, the spring of living water,
to hew out cisterns -
cracked cisterns that cannot hold water".
- v.23 "How can you say: 'I am not profaned,
I did not go after the Baals'?"
- v.25 "You say 'I love foreign (zārîm) (gods)
and after them I must go ...'".
- v.27 "(the Israelites) say to a block of wood:
'You are our father'
and to a stone:
'You have brought me forth'".
- v.28 "But where are your gods which you have made
for according to the number of your cities
are your gods, O Judah".
- v.33 "How well you pick your way in search (bqš) of a lover"
('ahăbâ," cf. Hos.2:9 for the verb bqš; Hos.2:7ff. for the
noun).

The terminology with which the idols are described shows two things. In the first place: utter contempt. There can be no doubt that for Jeremiah monotheism was an established fact and all other gods were non-entities. They are described as vanity, those who cannot help, no-gods, cracked cisterns, a block of wood and a stone. This utter contempt for the worthlessness of the idols he shared with Hosea (8:4-7; 13:2 and 2:4ff.) and second Isaiah (44:13ff.).

In the second place: the terminology reveals the identity of the idols. They are referred to in the plural (v.8b, 11, 13, 23, 25, 28). As in Hosea they are her lovers, i.e. the Baals (v.8,23,33). Baal (sing., v. 8) signifies the total idol practice⁵² while the plural form refers to the many local manifestations of the god.⁵³ Wood and stone are also cynical allusion to the fertility god,

reminding one of the highly sarcastic description of Is.44:13ff.⁵⁴ These pillars of stone and wood were found in Canaanite temples and were referred to as šêrâ (Deut.16:21 etc.) or mazzēbâ (Ex.23:24 etc.; compare Hos.3:4).

If there is still any doubt about the cult practices and Jeremiah's attitude towards them, v.20-25 should settle the matter. In v. 20 Israel declares that she will not serve Yahweh and she is likened to an animal which has broken its yoke and traces (cf. Ps.2:3). She is deserting her former husband and plays the harlot "on every high hill and under every spreading⁵⁵ tree". This phrase which occurs 16 times in the OT is referring to the location of the fertility cult practices. Holladay believes that Hosea was the originator of the image (Hos.4:14), but that Jeremiah standardised the phrase in its present form.⁵⁶

The meaning of "look at your way in the valley", v. 23, is not altogether certain.⁵⁷ It may refer to the valley of Hinnom (Jer.7:31) where children were offered to Moloch.⁵⁸ King Josiah destroyed this cult (2 Kings 23:10). It may also refer to some form of Baal cult in that valley⁵⁹ especially since that is what the verse as a whole refers to.

Israel's inveterate propensity to idolatry is further illustrated with the image of the vine (v.21) and the lustful she-camel (v.24, 25). Her sin is unforgivable (v.22).

iii) No judgment

It is interesting that where Hos. 1, 2:4ff. and 3 contain strong and definite warnings of punishment, Jer.2 and 3:1-4:4 do not concentrate on it. However, Jer.4:5ff. is a prophecy on the judgment which is to follow. In Jer. 2 the evil (v. 14,15,30) and shame (v.16, 26, 36, 37) that came upon Israel are portrayed not

so much as judgment, but from the point of view that it is the result of their unbelievable folly.

iv) Syncretism, the difference of opinion

The way in which Jeremiah portrays Israel's insane idolatry makes one ask: how did Israel knowingly walk into a disaster like this one? A closer examination of the text shows that there was a considerable difference of opinion on the religious situation between Jeremiah and the people.

v.23 "How can you say: 'I am not profaned,
I did not go after the Baals'?"

v.25 "But you said: 'No, I am desperate
I love foreign gods and after them I must go'".

v.27 "They say to a block of wood: 'You are my father',
and to a stone: 'You have brought me forth'
for they have turned their backs unto me and not their face.
Yet, in a time of trouble they say (unto me):
'Arise and save us'".

v.29 "Why do you (Israel) argue with me (Yahweh)?"

v.31 "Why do my people say: 'We have broken away,
we will never come back to you'?"

v.35 "You say: 'I am innocent,
surely his anger has passed away'".

It is quite inconceivable that the same person can say that he has not followed Baals, is innocent and asks for help from Yahweh (v.23, 35 and 27) and then turns around and makes exactly the opposite statements (v.20, 25, 31).

Note also: all of these quotations contain direct statements (except v.29). Those in v. 27 remind one of the relationship formula which was so well attested in Hos. 1 and 2. Here Jeremiah

is stating that the Israelites enacted a relationship with the idols (through claiming kinship, see par. 5b iv). The whole chapter is based on a lawsuit, or, depicts that line of thought. Quoting the direct words of someone had a definite juridical value (Chap.I:4b,d,7g,8e,f). These quotations were, therefore, important statements.

These verses reveal two interpretations of a situation. Firstly, that of Jeremiah. The way he felt about Israel's apostasy was described above (par.4). For him the gap between Yahweh and his people was irreconcilable, their sins cannot be washed away (v.22). This view on the inherent propensity of Israel to idolatry is shared by Hosea (4:12; 5:4) and Jeremiah (13:23; 17:9; see par.3). The words of Jer.2:25, 31 are, therefore, his interpretation of Israel's attitude in the relationship with Yahweh (this is also the case with Hosea, he puts the same type of words in Israel's mouth, Hos.2:7, 14, see also v. 9 and 18).

But that this view was not shared by the people is clear from the same chapter in Jeremiah. They believe in their innocence (v.35), that they were not following Baal (v.23) and that Yahweh will help them in times of distress (v.27). There were even times when they argued, complained (v.29) with Yahweh because of the sufferings he inflicted on them (they did not interpret it as Jeremiah did in v.30!).

The reason for their present confidence in their relationship with Yahweh was undoubtedly because of the general peaceful times of prosperity during the reign of King Josiah.⁶⁰ They interpreted it as Yahweh's blessings on their innocence and as a confirmation of their religio-political ways.⁶¹

It needs no arguing that Jeremiah was right and that Israel was on the way of syncretism, absorbing so much of the Canaanite fer-

tility cult that it was not, whatever they called it, true Yahwism!⁶² The alarming fact, which Jeremiah realised so well, was that Israel did not realise her folly and persisted foolhardy in her ways (cf. the use of derek, way, in Jeremiah and the prophets. Hos.2:8; Jer.2:17, 18, 23, 33, 36; 3:2,17).

We have, therefore, much better evidence in Jer. 2 of the type of disagreement on the exact nature of true religion between the prophet and his people. It is not to the same extent clear in Hos. 2 and 3. However, Hos.4:15; 7:14ff.; 8:2; 10:2; 12:1 reveal very much the same picture.

v) Basic elements lacking

Before concluding our discussion on Jer.2:4-37 there is still one aspect that will reveal some important aspects of the relationship between Yahweh and his people.⁶³ The 2 verses of Jer. 2:2,3 did not state all the basic elements in the relationship. The rest of the chapter, concentrating by way of contrast on Israel's apostasy, mentions basic aspects of the relationship with Yahweh which are fatally absent in Israel.

v.6 "(Israel) did not ask ('mr): 'Where is Yahweh who brought us(up) from Egypt....'".

v.8 "The priests no longer asked: 'Where is Yahweh....'".

Compare v. 33:

"How well you pick your way in search (bqš) of a lover"

and Hos.2:9:

"She (Israel) goes after her lovers

..... she seeks (bqš) them".

The contrast between the 2 verbs 'mr, ask, and bqš, seek, is significant. Israel did not ask for Yahweh; even the priests who had to teach the people ~~the~~ law, the way of Yahweh (Deut.33:10;

Lev. 10:11), did not ask ^{for} him.⁶⁴ But when it comes to their lovers,⁶⁵ the Baals, then they search for them. Here bqš has the meaning of: "die Erfüllung eines Wunsches oder die Verwirklichung eines Planes, so bekommt das Verbum eine emotionale Färbung: 'nach etw. trachten, sich befleissigen, besorgt sein'..." The word bqš is used in cultic connotation (Cant.3:1,2; 5:6; Prov.7:15; 8:1⁶⁶). There was a time when Israel followed their God (Jer.2:2,3), but they turned away from him and followed idols, never even asking for their Lord.

v.8 "Those who handle (tps) the law (tōrâ) do not know me (lō' yd')".

This stichos followed the one quoted above (v.8). "Those who handle the law" is a parallel expression for priests (Mic.3:11).⁶⁷ The verb tps means to use skilfully.⁶⁸

The expression "knowledge of Yahweh" (da'at yhwh) is a very important one. In Hos.2:8 the complaint is heard: "She (Israel) did not know" and in Hos.2:22 the new relationship is based on Israel's knowledge of Yahweh (Chap.III:6c). Hosea (4:1,6; 5:4; 6:3,6; 8:2; 11:3; 13:4) and Jeremiah (4:22; 5:4; 8:7; 9:2,5; 22:15ff; 24:7 etc.) frequently used the various forms of this expression. It means a knowledge of the law (tōrâ), of the cultic and moral demands thereof,⁶⁹ as well as doing it.⁷⁰ If this aspect is absent in the relationship then Israel is transgressing the decalogue and breaching the covenant.⁷¹

v.19 "there is no awe (pahādâ) of me with you"

Compare Hos.3:5:

"Afterwards the Israelites shall return (šûb) and seek (bqš) Yahweh their God (and David their king) and come in trembling awe (phd) to Yahweh and to his goodness (at the end of the days)".

Hosea prophesies that in the restored relationship there shall be awe, i.e. something between fear and respect (cf. Mic.7:17), for Yahweh. It is the emotion felt by those who know they did wrong and return trembling to the Creator and Judge of all the universe. Jeremiah knows how fatally guilty Israel is, and yet, there is no awe with them!

v.21 "I planted you as a choice vine
wholly a fruitful seed (zera 'ēmet)
but how have you turned against me
into a wild foreign vine".⁷²

The term 'ēmet, faithful, and the related term 'ēmûnâ with the same meaning, is one of the basic constituents of the relationship.⁷³ Hosea (2:22; 4:1) and Jeremiah (2:21; 4:2; 5:1; 9:2,4) use it to describe the uprightness and sincerity in a relationship; the reliability, i.e. faithfulness (Chap.III:6c).

" 'mt wurde gebraucht von Dingen, die sich als zuverlässig bewähren müssen; vom Wort, das wirklich wahr ist, auf das man sich verlassen kann;

vom Menschen, der wirklich zuverlässig ist allgemein, vom innersten Wesen des Menschen, das ihn und sein Handeln bestimmen sollte".⁷⁴

One should, however, observe the consequent discrepancy between, on the one hand, the idealised past relationship (Jer.2:2,3 and 21a) or the prophesied future relationship (Hos.2:16-25; 3:5) and, on the other hand, the ugly reality of the present relationship in Hos.2:4-15 and Jer.2:4ff.

Israel neither asked ('mr) nor sought (bqš) Yahweh (Jer.2:6,8, 33) but in the true relationship she follows (Jer.2:2) and answers Yahweh (Hos.2:17,18,25). She does not know him (Hos.2:10; Jer.

2:8) but when things are changed, she will (Hos.2:22). There is at present no awe (Jer.2:19), but there will be (Hos.3:5).

e) Comparison and conclusion

i) Jeremiah 2 is a heated dispute with Israel. She spoiled a beautiful relationship by going after helpless gods.

ii) The whole situation, line of thought and terminology show much affinity with Hos.2:4-25. In both Hosea and Jeremiah there runs a line of contrast throughout the chapters. In Hosea between the present (4-15) and future (16-25) situations, in Jeremiah between the past (2, 3) and present (4-37) situation. Hosea uses in both cases the marriage metaphor, Jeremiah only when portraying the past (2, 3) relationship.

iii) The marriage metaphor is used, as in Hosea, against the background of the Exodus-wilderness situation. The main features of Hos.2:16-25 are present: the harmonious relationship is based on specific elements like loyal affection (hesed) and love (Jer. 2:2; Hos.2:21f.). There are no other gods involved (Jer.2:3, Israel is holy to Yahweh; Hos. 2:16,17). Israel is following (Jer.2:2) or answering Yahweh (Hos.2:19, 20, 23-25).

The main difference is that Hosea's picture is a prophesied future relationship while Jeremiah uses the marriage metaphor to depict an idealised past relationship.

iv) When one compares the views of Hosea and Jeremiah on their present day situations, one should remember that it was addressed to different people at different times. The transgressions are, however, very much the same and thus make a comparison useful.

Hos.2:4-15 have a far more integrated, systematic and to the point argument. He employs the marriage metaphor in a free adap-

tion of a divorce lawsuit and argues strongly along juridical lines. The fundamental principle is that Yahweh as husband supported his wife (with food, oil, clothes) but she committed adultery by going after other lovers (Baals). Baal is, however, not the giver of fertility, he did not give Israel her support. Because of this fatal mistake Israel will be punished, i.e. divorced, stripped naked, left without support.

Jer.2:4-37 lack this consistency in argument, the binding factor of one image and the specific point: Yahweh gives fertility, not Baal. Jeremiah's argument runs along the broad theme of Israel's apostasy. The lawsuit of v.4-13 outline the central aspects of the case; v. 14-19 describe the bitter consequences of the apostasy; v.20-25 reveal the inherent propensity of Israel towards idolatry and her unforgivable sin; v.26-28 warn against the disillusionment waiting on Israel while v.29-37 come back to the most of these aspects and give us some clues on the difference of opinion between Jeremiah and the people.

Jer. 2 does not outline any judgment on Israel. However, there are warnings to take heed of what happened to them and that they shall be ashamed (v.16, 26, 35-37). The judgment is described in Jer.4:5ff. However, in both Hosea 2:4-15 and Jeremiah 2:4ff. the door to a return to Yahweh is never really shut (cf. Hos. 2:8,9).

v) Let us now look at the contrast in Jer. 2 between v. 2, 3 and v. 4-37.

In the first place: Israel once followed Yahweh (v. 2, par. 4b v) but she turned to follow the idols. A variety of verbs describe this turn-around which is viewed as flagrant apostasy (par. 4d i and ii).

Secondly, the relationship was based on loyal affection and love (v.2, par. 4b iv). The whole of Jer.2:4-37 concentrates on the lack of these aspects and names other basic elements that are lacking: a quest for Yahweh and his ways, a knowledge of God, awe before the honour of Yahweh, faithfulness (par. 4d v, see also Jer.4:2 and par. 5e).

Thirdly. Israel was holy (qōdes̄) to Yahweh, she was solely dedicated to him (v.3, par. 4b vi), but she turned and forsook him (v.13, 17, 19, see par. 4d i), going after another lover (v.25). Instead of Yahweh she chose to follow the idols, eloquently characterised by the names Jeremiah called them (par. 4d ii).

In the fourth place: when they followed Yahweh, he protected them (v.3, par. 4b vi) but now they are helpless and without someone to care for them (cf. the names of the idols, par. 4d ii). The fatal implications of their apostasy are consequently stated (v. 14-19; 26-39).

vi) Israel's fatal blunder is that she thinks that she is following Yahweh and can rely on his help. The prosperity of the time in which they lived confirmed their belief. However, the basic elements of the relationship are lacking, they are on the wrong way (derek, v.17,18,23,33,36; par. 4d iv).

vii) The juridical background of v.2 and 3 is important. Both bride and bridegroom conformed to the basic legal requirements of the marriage (par. 4b viii). However, the bride (Israel) forsook Yahweh (v. 4ff.). Here the relationship is portrayed against its usual background, the covenant idea.⁷⁵ As major party Yahweh fulfilled his role, v. 4-7, 31, but Israel broke the bond (cf. Jer. 31:31ff. for the specific terminology).

viii) Neither Hos. 2 nor Jer. 2 is concerned with moral-ethical

corruptions. Both passages concentrate on the root of the matter: the distorted personal relationship between Yahweh and Israel. The (distorted) relationship is explained in the terminology of the marriage metaphor. By using the marriage metaphor the very personal aspects of the relationship as well as the juridical aspects thereof are put into perspective.

5 Jeremiah 3; the possibility of repentance

a) Theme

The marriage metaphor is used twice in Jer.3. Like Hos.2:4-15 the accent falls on divorce.

Jer. 2 concentrates on Israel's apostasy and Jer.4:5-6:30 describe the coming judgment. The verses in between discuss the possibility of repentance.

In Jer. 3:1-5 there is a comparison between the law on divorce and remarriage and Judah's intolerable position, the result of her apostasy. Juridically she is in an awful predicament.

Scholars often regarded these verses as a logical summary-conclusion of Jer.2.⁷⁶ In a way it is quite correct, but it is also the introduction to the new theme of repentance which is the unifying factor in Jer.3:1-4:4.⁷⁷

Whether v.6-18 belong to the original unit and whether they were originally written by Jeremiah are highly disputed questions. Opinions range from a complete Jeremian authorship⁷⁸ to a four-phase theory (Jer.3:12ab-13ba = original Jeremian ; 6-12aa, 13bb= Deuteronomistic; v.14-17 and 18 are two after-exilic insertions)⁷⁹. As stated above (par. 1), we believe that there are traces of redactional work and different units. However, to prove the different "insertions", as well as by whom and when they were done, is not always possible. We shall concentrate on the message and how it was argued in the present context.

In v.6-11 Judah's position is compared with that of Northern Israel. The image of divorce is again used. Israel is, on the basis of this comparison, more righteous than Judah and a solemn call for repentance (return, sûb) is directed at Israel (v.12, 13). V.14-18 are almost universally regarded as a later insertion. It is a prose prophecy on the time of restoration when a united people (both kingdoms) will serve Yahweh in Jerusalem. There are some interesting parallels with Hos.2:1-3 and 3:5.

Verses 1-5 say: Judah, look at your unbearable position; legally you are like a divorced woman who belonged to another man (Baal) and therefore cannot return to your first husband Yahweh. Verses 6-11 say: look at the example Judah has in Israel. Israel was divorced because of her adultery. Judah saw it but did not take any heed of it. Surely Israel is more righteous than Judah. This statement surely caused alarm in Judah. Judah ~~claimed~~ to be somewhat superior to the ten tribes because the ten tribes were not faithful to the Davidic kingship and the temple in Jerusalem.

In these two passages two aspects of the marriage metaphor are employed. They will be discussed below. Jeremiah continues in v.11ff. with the theme of repentance but the marriage metaphor is not used again. In v.12,13 Israel is called to return to Yahweh. In v.19 Judah is addressed: "How (gladly) will I set you (2nd person fem. sing.) among sons ..." The 2nd person fem. sing. suffix indicates that an image is used. The point of comparison lies in the fact that a daughter may not legally inherit with the sons (Nu.27:1ff; 36:1ff; Job 42:15).⁸⁰ Legally Judah should, because of her unfaithfulness (v.20), have no claim on her heritage (v.19b) nor on a relationship with Yahweh (v.19c).

In v.21-25 Jeremiah tries to rally the spiritual dissatisfaction and insecurity which must have resulted from a superficial sensual form of religion into a return to Yahweh their God. Jer. 4:1-4 specify this return to Yahweh: not in a double-minded way (cf. Jer.3:4,5,10,13; Jer.2: see par. 4d iv) but with sincerity. Their way of life has to prove it. There is a great similarity between the call for repentance (v.12, 13) and the staged repentance (v.21-25).

However, there should have been little hope for an immediate repentance between Jeremiah's portrayal of Judah's unforgivable sin (Jer.2:22) and the reality of the coming judgment (Jer.4:5-6:30). This turned out to be true and Jeremiah, like Hosea, could only see hope in a new relationship (Hos.2:16ff. and Jer.31:31ff.).

b) Jeremiah 3:1-5

i) Translation and remarks

The law underlying the statement of Jer.3:1 is Deut.24:1-4.⁸¹

We translate the two passages as follows, Jer.3:1:

"If a man divorces (šlh, Pi.) his wife and she leaves (hlk) him and she marries (i.e. belongs to, hyh + le) another man; may he return (šûb, cf. v.12,14,22; 4:1⁸²) to her again? Is this land (LXX has "woman") not terribly profaned (hnf)? You (2 fem. sing.) have played the harlot with many paramours (re'im). Can you come back (šûb) to me? says the Lord".

Cf. Deut.24:1-4:

"When a man takes (lqh)⁸³ a wife and marries (b'1)⁸⁴ her and it so happens that she does not win his favour because he finds something shameful ('erwat dābār)⁸⁵ in her, and he writes her a bill of divorce (sēfer kēritut),⁸⁶ puts (ntn) it in her hand and sends (šlh Pi.) her from his house.

(v.2) Now, she leaves his house, goes off and marries (i.e. belongs to: hyh + lě) another man.

(v.3) This man, however, divorces (śn', to hate, Chap.I:7f,8b) her, writes her a bill of divorce, gives it in her hand and sends her from his house. Or: if this man who took (lqh) her for a wife dies,

(v.4) then her first husband, who divorced (ślh, Pi.) her, may not take (lqh) her back to be his wife (hyh + lě + 'iššâ) as this is abominable to the Lord. She has become unclean. You must not profane (ht', Hif., make sinful) the land which the Lord is giving to you as patrimony".

A few remarks **are** necessary. The verb ślh, Pi., can sometimes be translated **by** divorce (Gen.21:14; Deut.22:19,29; Is.50:1; Mal.2:16).⁸⁷ Especially in earlier times (cf. Abraham's sending away of Hagar) it constituted a legal divorce (cf. Chap. I:8b). In later times the law stipulates three specific requirements for a legal divorce (Deut.24:1,3):

i) a bill of divorce must be written, ii) handed over to the wife and then iii) she must be sent away from her husband's house. As long as a woman was under a man's roof, she was under his responsibility and care (Chap.I:8b).

The phrase hyh + lě + the words man, woman or another man, is common OT terminology for marriage, it was discussed in Chap. I:8e and Chap.III:7c.⁸⁸ The word śn', to hate, is the exact word for divorce and is used thus in the OT (Judg.15:2; Is.60:15; Prov.20:23), Elephantine,⁸⁹ and the ANE laws.⁹⁰

ii) Juridical aspects

The interpretation of the marriage metaphor of Jer.3:1 is quite clear. According to law (Deut.24:1-4) a man may not remarry his divorced wife when she was married to a second husband who divorced

her or who died. Such a thing profaned the land. Jeremiah used a stronger verb (hnf), than Deuteronomy (ht').

Israel was married to Yahweh but she forgot and forsook her Lord (cf. Jer.2; par.4d). She played the harlot and belonged to many lovers (rē'îm). The relationship between Israel and the fertility cult is equal to a marriage. Therefore, according to the law, Yahweh as the former husband may not re-establish a relationship with Israel, i.e. he may not remarry her.

One should not try to find a hundred per cent similarity between the metaphor with its legal background and the actual situation. Jeremiah "is not constructing a forensic allegory... in which every single item of the Deuteronomic law must be matched by a precise incident from the history of Judah".⁹¹

Judah was, for example, not officially divorced from Yahweh nor officially married to the Baal cult ... though that is what happened to their hearts, with their loyalty. The point that Jeremiah wants to bring home is: legally you are in a deplorable situation, you cannot return to Yahweh.⁹²

iii) The apostasy

Israel's (i.e. Judah's) apostasy is again described in Jer.3: 1-5. She played the harlot (znh, Chap.II:3) with many paramours (rē'îm, see Hos.3:1, Chap.III:7b). They were lovers or sexual partners in the fertility practices which took place on the "high bare places" (šĕfayîm, cf. Jer.2:20; 3:6,21; Hos.4:13; 2 Kings 16:4; Ez.6:13; Is.41:18).⁹³ There Israel was ravished (šgl, Pu.). This verb, used here in a striking metaphorical way,⁹⁴ describes Israel's spiritual ravishment, the result of her idolatry. She indulged in it as if in a profitable enterprise (v.2b).

The phrase "yours is a harlot's brow" seems to refer to the cultic marks mentioned in Hos.2:4 and 15. She is marked as a harlot by the decorative signs which she wore on her forehead.⁹⁵ (See Chap.III:5d).

It is interesting to note how often Jeremiah refers to "shame" (Jer.2:18,26,36; 3:3,24,25). Israel is not even ashamed of her idolatry.

Through her apostasy she profaned (hnf) the land. The verb does not only refer to Deut.24:4, but also to the way the actual sexual transgressions profaned the land (cf.v.1,2,9). Yahweh punished them by withholding the rain (v.3). This is also said, metaphorically, in Hos.2:8-15 (compare Jer.5:21ff; 14:1ff; Amos 4:7ff.). It was, however, without effect.

In v. 4 and 5 Jeremiah again turns to their loathsome double-mindedness. Once again the relationship formula is employed. Not long ago they called (qr', as in Hos.2:18 where the formula is also used) Yahweh:

"My father, you are the friend of my youth"

'ābî 'allûf nē'uray 'āttâ

'āb, father, does not always describe a physical father but is often used to describe a close and personal relationship between people or parties (cf. Judg.18:19; 2 Kings 2:12; 5:13; Jer. 2:27; 3:19; for the image, see Hos.11:1ff.).⁹⁶ 'āb refers to the senior member or party in the relationship. Robertson-Smith found evidence in North and South Semitic languages that 'āb was used parallel to ba'al, meaning husband.⁹⁷ The parallel expression in this verse, "friend of youth", seems to indicate, as in Prov.2:17,⁹⁸ the connotation husband. This interpretation is further strengthened by the usage of the marriage metaphor in Jer.2 (v.2: the devotion of her youth, nē'urayik) and Jer. 3

(the unfaithful wife).

To conclude: v.2-5 explain how Israel's unfaithfulness and hypocrisy created an intolerable position.

iv) The relationship formula

The relationship formula discussed above is one of the several variations of the formula found in Jer. 2 and 3. Its usage is, therefore, similar to that in Hos.1-3 (compare Chap.III: 3d, 4a, c, 5d, 6b, d).

In Jer.2:27 Jeremiah reports how the Israelite leaders feigned a relationship with the other gods by using the formula:

"(they) say to a block of wood: 'You are my father ('ābî 'attâ)' and to a stone: 'You have brought me forth'".

In Jer.3:19 the... "prophet uses sarcasm to show how the Lord would have liked to regard the unfaithful Judaeans as 'sons' (bānîm) and how they would have called Him 'my Father' and would not have become apostate".⁹⁹ Israel only has to announce (qr', as in Hos.2:18): "My father ('ābî)". When Hosea uses the marriage metaphor Israel has to say or announce (qr'): "My husband ('îšî)" to restore the relationship.

Jer.3:22 provides us with an example of the relationship formula which is very much similar to Hos.2:25. In Jer.3:22a the Lord summons Israel:

"Return (šûb) rebellious sons, I will heal your apostasy".

V.22b describes Israel's vivid answer in direct speech:

"Behold we (come) to you :¹⁰⁰

you are the Lord our God".

(kî 'attâ Yhwh 'ēlōhênû).

Hosea used, in his typical abrupt style, the abbreviated form of the formula "My God ('ēlōhāy)" (Hos.2:25).

c) Jeremiah 3:6-13.

After Judah's legal position, the result of her persistent idolatry, has been described, Jeremiah recalls how the Lord called his attention to what had happened to the ten tribes of Israel. If one compares their guilt with that of Judah, Judah will be on the losing side (v.11)!

v.6 "And the Lord said to me in the days of king Josiah:

'Have you seen what the apostate one, Israel, did?

She went (h_lk) on every high mountain (cf. Jer.2:20;3:2,21) and played the harlot (z_nh) under every spreading tree.

v.7 So, after she (Israel) had done all this, I said:

She will return to me ... but she did not return.

The faithless one, her sister Judah, saw it.

v.8 She (MT has "I") saw that,

because of the adultery of the apostate one, Israel,

I divorced (š_lh, Pi.) her (i.e. Israel)

and gave (n_tn) a bill of divorce to her.

But that faithless one, Judah her sister, was not afraid!

She too went (h_lk) and played the harlot (z_nh).

v.9 And this happened:

She defiled (h_nf) the land with her thoughtless harlotry, (or: with the sound of her harlotry)

she committed adultery (n'_f) with stone and wood.

v.10 In spite of all this, the faithless one, her sister Judah, did not return to me with all her heart-only in pretence, says the Lord'.

v.11 And the Lord said to me:

'The soul of the apostate one, Israel,

is more righteous than that of the faithless one, Judah!'"

The case of Israel (ten tribes) is summarised: she was guilty of apostasy, she played the harlot (v.6b, cf: Jer.2:20; 3:2, 13,21 and Hos.4:13; cf. par. 4d ii). Because of Israel's adultery (v.8a) and failure to return (šûb, v. 7) to Yahweh she was legally divorced (v.8). All the main elements necessary for a legal divorce are mentioned (cf. Deut.24:1,3): a bill of divorce (sēfer kēřitut) was given (ntn) to her and she was sent (šlh, Pi.) away. Israel's adultery was the something shameful ('erwat dābār, Deut.24:1) which led to her being divorced.¹⁰¹

Basically this is what Hosea said to Israel long ago (Hos.2:4-15): you will be divorced because of your harlotry or adultery. In both cases her harlotry or adultery is seen as her preoccupation with the fertility cult (see par. 4d and Chap.III:5d).

When compared with Jer.3:1 the message of Jer.3:6-8 is simply: adultery and legally divorced according to the law of Deut.24:1 and 3. It does not refer to remarriage as Jer.3:1 does.

The argument continues: Judah has Israel as example, but does not take any heed from it. In v.8-10 the same things mentioned in v.2-5 are repeated: apostasy in the form of harlotry; adultery with stone and wood (v.8,9 as in 1,2; compare Jer.2:27).

Through this she profaned the land (hnf, v. 9 as in v. 1).

She is still serving two lords (v. 10 as in v.4,5; cf.par.4d iv). Yahweh concludes that Israel is under the circumstances more righteous than Judah (v.11). Because of this Israel is called to repentance (v.12,13). In v.14ff. the chapter lapses into a prophecy of the time of restoration when a united people will serve the Lord in Jerusalem.

d) The marriage metaphor

One should state it quite clearly: the marriage metaphor is used in Jer. 3 to illustrate, in each case, one point only. In Jer.3:1-5 the only point is that Israel's (i.e. Judah's) legal position before Yahweh is becoming more intolerable than ever and that she cannot rely on Yahweh again turning (šûb) to her in the relationship of a husband towards his wife. In Jer.3:6-8 the only point is: Israel (ten tribes) was a faithless wife and was, therefore, legally divorced. This was supposed to be an example for Judah, but to no extent. Judah is even more adulterous.

To drive beyond the scope of these metaphors is to end in confusion. There is, for example, no accent on two sisters both being married to Yahweh (as Ezekiel uses the image). There is only a relationship between Judah and Yahweh on the brink of being completely broken as the relationship between Yahweh and Israel once was broken. The present situation and message should rule our interpretation, not deductions and later interpretations of the metaphor.

The fact that Ezekiel used the metaphor of the two sisters (Jerusalem and Samaria, Ez. 23) being married to Yahweh shows that he made use of Jeremiah's words. But we cannot interpret Jer.3:6-10 guided by Ezekiel's usage and interpretation of the marriage metaphor which he adopted and developed in an independent way.

e) Basic elements of the relationship

The call to repentance in Jer.3:12, 13, 21-25 is qualified by the conditions of Jer.4:1-4. It was indeed necessary to qualify it, as one of Judah's major transgressions was double-minded-

ness and deceit (Jer.3:5,10 cf. par. 4d iv).

v.1 "If you return (šûb), o Israel,

says the Lord,

return to me.

If you remove your abominations (šiqqûšîm)

before me and stop wandering (nûd, move to and fro)

v.2 If you swear: 'As Yahweh lives'

in truth ('ēmet), in justice (mišpāt) and in righteousness
(sēdāqâ),

then the nations shall bless themselves in him

and in him (Yahweh) they shall glory.

v.3 For thus says the Lord to the men of Judah

and to Jerusalem:

'Break up your fallow land

and sow not among thorns.

v.4 Circumcise yourselves to the Lord

and take away the foreskin of your heart,

men of Judah and inhabitants of Jerusalem,

lest my fury goes forth like fire

and burn with none to quench it

because of the evil of your deeds'".

If Israel is to return (šûb),¹⁰² she is to return to Yahweh and she must remove her abominations (šiqqûšîm). This word summarises the idols described in Jer. 2 (par.4d ii). She must stop wandering (nûd), i.e. going to and fro between her lovers.

This changing loyalty is well described by the verbs which indicate Israel's apostasy in Jer. 2 (par.4d i).

It is, however, in verse 2 that we again find the basic elements necessary for a harmonious relationship.¹⁰³ It was mentioned in Hos.2:21,22. If Israel swears in the name of Yahweh, which means

to acknowledge him as God,¹⁰⁴ then it must be in truth ('ēmet),¹⁰⁵ in justice (mišpāt),¹⁰⁶ and in righteousness (sēdāqā).¹⁰⁷

Verse 3 and 4 stress the importance of an inward change. Verse 3 employs an image from the agricultural sphere also used by Hosea (10:12). The soil has to be well plowed and the thorns removed if a good crop was needed (cf. Matt.13:17ff.).¹⁰⁸ Verse 4 stresses the fact that more than an outward circumcision is needed, their hearts must be true to Yahweh (cf. Jer.9:25; Deut.10:16).

f) Comparison and conclusion

i) The relationship formula is, similar to Hosea, used in a variety of ways, describing or enacting a relationship (Jer. 2:27; 3:4, 19, 22).

ii) In Jer.4:2 three of the basic elements of a harmonious relationship with Yahweh, mentioned in Hos.2:21,22, are stated again (truth, justice and righteousness). These are, however, demanded from Israel, whereas in Hosea they are given by Yahweh.

iii) When we compare the marriage metaphor in Jeremiah with that in Hosea, we have to keep the two passages where it occurs in Jer. 3 apart.

Jer.3:6-10 show similarity with Hos.2:4-15. Both describe the broken relationship between Yahweh and Northern Israel. Chronologically there is, however, a difference. Hosea is warning of something which is to happen in the future while Jeremiah looks back at it and summarises it.

From a legal point of view their accusation against Israel is very much the same. As the wife of Yahweh she played the harlot, committed adultery and was therefore to be divorced. In

Jer. 3 the execution is strictly according to the law of Deut. 24:1,3. Hosea does not refer to this law. We are unable to say whether he would have known it or not. In any case, Hosea portrays the coming divorce by using the divorce formula and arguing the case in such a way that it reminds one of a divorce lawsuit.

In Jer.3:6-8 we have a 7th century marriage metaphor summary of the transgression of Israel which was outlined by Hosea a century ago (Hos.2:4-15).

iv) Jer.3:1-5 is similar to Hosea in so far as it points out to Judah that her legal position before Yahweh is untenable. In both cases the woman (Israel or Judah) is guilty of harlotry or adultery which implies that she went after lovers (Baals) and partook in the fertility cult. In both cases there is still a glimmer of hope (Hos.2:9; Jer.3:1,19ff.) though all indications are against it (Jer.2:20ff; Hos.1:2ff; 2:7,15).

Juridically, however, the case is different. In Hosea one of the important legal points is: a husband has to support his wife. This Yahweh did, but Israel was confused and looked to Baal for support. As a result two things will happen: Yahweh will divorce Israel because of her adultery and he will withdraw his support. (By doing so he hopes to win her back, but this lies beyond the scope of the metaphor as employed in Hos.2:4-15).

In Jer.3:1 the law of Deut.24:1-4 serves as background. Judah switched in loyalty from one god to another (cf. Jer.2 and 4:2). This fact is illustrated with the marriage metaphor, i.e. Judah went from one husband to another. Put it against the legal background and it explains Judah's intolerable legal position before Yahweh. When a woman married a second husband and he died or

divorced her, her first husband may not remarry her. The point of comparison lies in the question: "may he return to her again?" (Jer.3:1). Can Yahweh continue the relationship with Israel (Judah) after she has changed loyalty so many times? Is it not legally impossible? In terms of the marriage metaphor Yahweh cannot remarry Israel, i.e. juridically the relationship cannot be continued.

v) When we look at Jer.2:1-4:4 as a whole, we can see how Jeremiah first concentrated on Judah's apostasy (Jer.2) and then turned to outline her legal situation and the possibility of repentance (Jer.3:1ff.). In Jer.3 the marriage metaphor is used twice, first to depict Judah's intolerable position (v.1-5) and then to compare her position with that of Northern Israel (v.6-11). Jeremiah then calls on the whole of Israel to return to Yahweh in whole-hearted repentance (v.12,13; 21-25; 4:1-4).

vi) Jer. 2 and 3, in contrast to Hosea 2:4ff., do not adhere to the marriage metaphor. Different images are used alternatively (especially in Jer.2) and the marriage metaphor is only one of several images employed. In contrast to the abrupt Hosean style with its word-economy and closely-knit structure, the Jeremian-passages portray a more elaborate style.

vii) It is clear that Jeremiah knew how Hosea used the marriage metaphor. However, Jeremiah employed it in a new and original way. In very much the same way Ezekiel made use of Jeremiah (Ez. 16, 23).

FOOTNOTES CHAPTER IV

- 1 Helga Weippert, Die Prosareden des Jeremiabuches, pp. 2-25. See the introductory parts of the different commentaries on Jeremiah; also: T.R. Hobbs, "Some Remarks on the Structure and Composition of the Book of Jeremiah", CBQ, 34, 1972, pp. 257 - 275.
- 2 H. Weippert, op. cit., p. 21
- 3 W. Thiel, Die deuteronomische Redaktion von Jeremia 1-25, pp. 80-102.
- 4 J.W. Miller, Das Verhältnis Jeremias und Hezekiels sprachlich und theologisch untersucht, passim; A. van Selms, Jeremia, I. pp. 12-15.
- 5 H. Weippert, op. cit., p. 233.
- 6 E.M. Good, Svensk Exegetisk Årsbok, 31, 1966, p. 21 ff.
- 7 T.R. Hobbs, op. cit., p. 257 f.
- 8 W.L. Holladay, JBL, 81, 1962, p. 54.
- 9 For the debate on the date and early prophecies of Jeremiah see: H.H. Rowley, Men of God, p. 135 ff.
- 10 J. Skinner, Prophecy and Religion, p. 24;
W. Rudolph, Jeremia (1968), p. III;
J. Bright, Jeremiah, p. XXIX.
- 11 W. Rudolph, op. cit., pp. 13,25; J. Bright, op. cit., pp. 16, 26.
- 12 J. Bright, A History of Israel (1972), p. 314.
- 13 A. Alt, Kleine Schriften zur Geschichte des Volkes Israel, II, p. 276 ff, cf. p. 281.
- 14 J. Bright, op. cit., p. 314 ff.
- 15 J. Skinner, op. cit., pp. 60, 61; W. Baumgartner, TZ, 1947, pp. 81-100, cf. p. 97.
- 16 J. Skinner, op. cit., p. 21
- 17 K. Gross, NKZ, 1931, pp. 241-256; 327-343.
- 18 K. Gross, Die literarische Verwandtschaft Jeremias mit Hosea, Diss. Berlin, 1930.
- 19 K. Gross, NKZ, 1931, pp. 241-246.
- 20 For da'at 'ēlōhîm see: Th.C. Vriezen, Hoofdlijnen der Theologie van het Oude Testament (1966), p. 167 ff.
- 21 E.W. Nicholson, Jeremiah 1-25; p. 27.
- 22 C.F. Keil, The prophecies of Jeremiah, passim;
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- 57 J. Skinner, op. cit., p. 62.
- 58 O. Eissfeldt argued that Moloch was a kind of sacrifice, see O. Eissfeldt, Molk als Opferbegriff im Punischen und Hebraïschen und das Ende des Gottes Moloch (Beiträge zur Religionsgeschichte des Altertums, Heft 3), 1935. For the opposite view, see: K. Dronkert, De Molochdienst in het Oude Testament, Leiden, 1953.
- 59 M.J. Mulder, op. cit., p. 72.
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- 63 See G. Fohrer, TZ, 24, 1968, pp. 168-172; according to Fohrer the 2 fundamental themes of the OT theology, which constitute the basis thereof, are Gottesherrschaft und Gottesgemeinschaft. These aspects are entirely absent in Judah according to Jer. 2 (and 3).
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- 78 A. Weiser, op. cit., p. 29 ff.
79 W. Thiel, op. cit., p. 83-93.
80 A. Weiser, op. cit., p. 38.
81 Cf. J.D. Martin, VT, 19, 1969, pp. 82-92.
82 See : W.L. Holladay, The Root sūbh in the OT, passim.
83 On this verb, see our discussion Chap. III : 3a.
84 See Chap. I: 3a and Jer. 3:14.
85 "Something shameful" does not refer to anything specifically and leaves the possibility of divorce open. Cf. A. Phillips, op. cit., pp. 111, 112. According to S.R. Driver, Deuteronomy, p. 271 it means something of immodest or indecent behaviour. For a discussion, see : E. Neufeld, Ancient Hebrew Marriage Laws, p. 178 f.
86 Z.W. Falk, Hebrew Law in Biblical Times, p. 155.
87 Ibid., p. 154.
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92 A. Weiser, op. cit., pp. 32, 33; J. Bright, Jeremiah, p. 23.
93 C.F. Keil, op. cit., p. 79.
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95 So also : E. Nicholson, op. cit., p. 43.
96 Cf. F.C. Fensham in : Near Eastern Studies in Honor of William Foxwell Albright, p. 128 ff.
97 Cf. Chap. I : 3; also: W. Robertson Smith, Kinship and Marriage in Early Arabia, pp. 140-142.
98 For a discussion and another interpretation see: W. McKane, Proverbs, p. 286.
99 F.C. Fensham, op. cit., p. 131.
100 Kî is introducing the formula, compare v. 35a, and is more or less parallel to a colon or a quotation mark; see Chap. III, p. 125.
101 A. Phillips, Ancient Israel's Criminal Law, p. 112.
102 Cf. W.L. Holladay, The Root sūbh in the OT, p. 128 ff.
103 K. Gross, op. cit., p. 252.
104 J. Bright, Jeremiah, p. 24; cf. Hos. 4:15; Jer. 5:2,7; 7:9 etc.
105 Cf. Chap. IV : 4d v and Chap. III : 6c.
106 Cf. Chap. III : 6c.
107 Ibid.
108 W. Rudolph, op. cit., pp. 31, 32.

CHAPTER V

CONCLUSIONS

1) The marriage metaphor describes the relationship between Yahweh and Israel. The framework of the metaphor lies in the institution of marriage. There are, however, many facets to the institution marriage. Chap. I of our study aimed at outlining the different facets of the family law on marriage. Thus the background or framework of the metaphor was sketched.

2) With the juridical background outlined, we turned to discuss, in Chap. II, the basic terminology. One of the facets of the marriage metaphor, the harlotry-adultery motif, plays a dominant role in the passages under discussion. It was, therefore, necessary to determine the exact connotation of the root znh, to play the harlot, and the root n'f, to commit adultery.

znh was used to describe unfaithfulness and licentiousness without implying marriage as background. When the root was used figuratively it always had a cultic and negative connotation. It was an ideal word to describe Israel's idolatry and apostasy because it alludes to the two dominant aspects thereof: unfaithfulness and the cultic-sexual transgressions. znh does not imply that Israel was married to Yahweh, it refers to unfaithfulness (cultic-sexual connotation) in general.

A very real situation gave rise to the employment of the marriage metaphor. Israel was in covenant with Yahweh. It implies that Yahweh alone was her Lord and master (Ex.20:6). But, Israel went after Baal, she partook in the fertility cult. In the fertility cult the ritual of the hieros gamos, the marriage of Baal with nature, was imitated in sacral prostitution. The object was

to invoke fertility in nature. This implied that Israel, who belonged solely to Yahweh, went (in cultic-sexual realm) after Baal. The marriage metaphor suggests itself. Image and reality could, under circumstances, seldom have been in closer agreement. znh was always used to describe Israel's apostasy and idolatry. Hosea was the first prophet to use n'f in this connotation. Juridically it is a better word. It is used to describe the sexual transgression of a married woman, it implies a violation of the wedlock. When n'f is used in the marriage metaphor it stresses that Israel is violating the wedlock (i.e. the exclusive relationship) with Yahweh. According to law the death penalty awaits her.

3) Our study on Hosea was commenced against this background. We approached Hos. 1-3 from the point of view that the account is kerygmatic and not biographical. Hosea's main concern was the relationship between Yahweh and Israel.

The marriage metaphor was suggested by the seed oracle in Hos. 1:2 and developed in Hos. 2:4-25. The first unit, Hos. 2:4-15, is introduced by the divorce formula variation of the relationship formula. Hosea's undogmatic, unsystematic argument with his people resembles a divorce lawsuit. Israel is caught in the mythological beliefs of the fertility cult. The terminology used alludes to the everyday cultic abuses. Her transgression is that she went after the Baals. The juridical background supplies the basis of Hosea's argument. According to this Israel is married to Yahweh but commits adultery with Baal. Further, it is the husband's duty to support his wife. If she is unfaithful to him, he may withdraw it. Israel, however, is under the fatal impression that Baal provides her maintenance and she therefore follows him (and in doing so commits adultery).

The juridical consequences of her deeds are that: i) Yahweh will divorce her, stripping her naked, leaving her sterile, humiliating her; ii) he will take his support away. Through this it is hoped (although these aspects lie beyond the scope of the metaphor as employed in Hos. 2:4-15) that she will realise her folly and return to Yahweh (Hos. 2:9).

Hos. 2:16-25 provide us with a reversed position. Hos. 2:4-15 analysed an existing, more or less broken relationship. Hos. 2:16-25 describe a new harmonious future relationship where all mythological beliefs are abandoned. The Exodus motif is used to describe a situation where Israel will be alone with Yahweh and where she will answer to his call. The positive relationship formula (marriage formula) is used to enact the new relationship. Yahweh will fulfil his legal duty, Israel will be protected and provided with a maintenance. The basis of the new relationship is outlined. Israel will acknowledge this relationship.

Hosea 1-3 is an integrated oracle, marked by its short abrupt style and Hosea's word-economy. The marriage metaphor figures only in Hos. 2:4-25 but is closely integrated with the other passages.

4) In Chap. IV we had a look at the way in which Jeremiah employed the marriage metaphor. It stands above doubt that he was influenced, especially in his younger days, by Hosea. Thus, by looking at the way in which Jeremiah employed the metaphor, we can get an affirmation of our interpretation of Hosea's use thereof.

The national-political-cultural situation between the two prophets was, notwithstanding the century that separated them, very much the same. Israel and Judah were both independent, living in prosperity and ruled by their own king. In both cases the

Baal (fertility) cult proved to be a fatal temptation.

War, defeat and exile were awaiting them both.

In contrast to the abrupt Hosean style with its word-economy and closely-knit structure, the Jeremian passages portray a more elaborate style. Hos. 2:4-25 adhere to the marriage metaphor but in Jer. 2 and 3 it is used three times and then alternatively with plain language and other images. However, the relationship between Yahweh and Israel stays the central concern and the binding factor.

In Jer. 2:2,3 all the main elements of Hos. 2:16-25 are found. The marriage metaphor is used against the background of the Exodus-wilderness situation. The basis of the relationship is referred to. Israel shows loyalty and love, she is faithfully following her husband who protects and supports her. She belongs solely to him. Thus all the juridical requirements are fulfilled.

The main difference is that Hosea pictured a prophesied future relationship while Jeremiah used the marriage metaphor to depict an idealised past relationship.

Jer. 3:6-10 is in a way a 7th century summary of what happened to Israel (ten tribes) a hundred years ~~previously~~. Similar to Hosea (2:4-15) the marriage metaphor is used. Israel played the harlot and was guilty of adultery. It took place in the cultic realm. Yahweh took the necessary legal steps and divorced Israel.

However, Jeremiah employs this reference to Hos. 2:4-15 in a new and original setting. The legal background provided by Deut. 24:1 and 3 is employed. Thus the three legal requirements of giving (ntn, i.e. handing it over) a bill of divorce to the woman and sending the woman away are specifically mentioned. This is meant to be an example for Judah who is guilty of the same

transgressions. Instead of taking heed of what happened to Israel, Judah went even further than her sister Israel.

In Jer. 3:1 (-5) the marriage metaphor is employed in a new way. The law of Deut. 24:1-4 serves as background. Yahweh cannot take Judah back as wife. She cannot return to Yahweh because she belonged to someone else (i.e. other lovers, Baal). The law on divorce and remarriage is employed to explain to Israel that her relationship with Yahweh is becoming impossible. Juridically a relationship cannot exist.

5) In Jer. 2 and 3 the marriage metaphor is used three times. Hosea's influence as well as Jeremiah's originality is clear. Jeremiah is not slavishly imitating Hosea, but employs and develops the metaphor in an independent way. This fact can also be illustrated by the way in which they employed the relationship formula. The different variations of this formula were outlined in Chap. I. Hosea used it in a negative and positive way, i.e. dissolving or enacting the relationship. Jeremiah also used it in this way but with different variations (Jer.2:27; 3:4, 19, 22).

Our study outlined a very important hermeneutic rule for the marriage metaphor. When the metaphor is used, it concentrates in a specific passage on one point only. There is one tertium comparationis. The purpose of the image is to describe in each case one aspect of the relationship between Yahweh and Israel. All the aspects of this relationship and the history thereof, cannot be portrayed by the metaphor of a marriage.

In Hos. 2:4-15 the metaphor describes a broken relationship. The fact that it aims at reconciliation and a harmonious relationship (Hos. 2:9,16 ff.) lies beyond the scope of the metaphor as employed in Hos. 2:4-15. In Hos. 2:16-25 the promised future relationship and the basis thereof is described with the marriage

metaphor. Jer. 2:2,3 draw on Hos. 2:16-25 and describe an idealised past relationship. Jer. 3:1 (-5) uses the marriage metaphor against the background of Deut. 24:1-4 to illustrate Judah's intolerable position. Jer. 3:6-10 is in a way a 7th century summary of Hos. 2:4-15. Its purpose is to explain to Judah in the terms of the marriage metaphor that the fate of Israel should be a lesson and a warning to her.

The marriage metaphor has a limited scope. It describes the very personal side of the relationship between Yahweh and Israel. On the one hand we can see the pain and frustration caused by the broken relationship. The pain of love rejected and goodwill despised. The frustration of the impossible situation into which a headstrong lewd nation is heading. She is not taking heed of all the efforts made to save her from destruction. Her punishment is outlined in terms of the family law on adultery and divorce. But, on the other hand, one can see the love of the Lord. As a husband he protected and supported Israel. He punished her and explained to her what a marriage is all about. We can see the intimacy and harmony of a realised relationship. We can hear the call to Israel "My people" and we may answer "My God".

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