

THE COMPOSITION OF DEUT 15:1-3

by

WILLIAM MORROW

INTRODUCTION

There is widespread support for the thesis that Deut 15:1-3 is the result of a deuteronomic (hereafter: Dtn) redaction of an old pre-Dtn text now found in 15:1-2. Deut 15:1 is held to be a non-Dtn instruction equivalent to the fallow year legislation in Exod 23:10f, to which v 2 was appended as a pre-Dtn exposition to widen its scope of concern. A Dtn writer is supposed to have adopted these instructions and added v 3 to them when 15:1-3 received its present form in the book of Deuteronomy.¹ The purpose of this article is to suggest that 15:1-3 is best construed as a unified Dtn composition in which the identification of pre-Dtn material must be limited to 15:2. There are indications that v 2a β .b was originally part of a royal decree of debt release.

The investigation of Deut 15:1-3 will proceed on a synchronistic basis. After the text has been established, it will be presented in transcription and translation. The literary organization of the pericope will then be described followed by an analysis of the generic patterns of its components. The concluding discussion will use the accumulated evidence to address questions of diachronic distinction.²

1. This theory received its classical expression in the work of Horst (1930, pp. 65-66). It has influenced a number of commentators up to the present. See, e.g., von Rad (1964, pp. 105-6); Nebeling (1970, pp. 82-83); Seitz (1971, pp. 167-68); and Mayes (1979, p. 247). Buis et Leclercq, (1963, p. 119); Weinfeld, (1972, pp. 223-24); Lemche (1976, p. 43) and Merendino (1969, p. 107) also identify 15:1f. as pre-Dtn material although they do not follow Horst's model precisely.

2. The following abbreviations will be used in the analysis of Deut 15:1-3:

BH	Biblical Hebrew
BHS	<i>Biblia Hebraica Stuttgartensia</i>
c(c)	clause(s)
Co	Coordination
Dtn	Deuteronomic
IVc	Inverted verbal clause, a clause whose first constituent is not a verbal

TEXT OF DEUT 15:1-3

There is one variation in the transmission tradition which may point to a different parent text than the MT as attested by Codex Lenin-gradensis B 19^A:

15:2ba $\text{ }^{\text{p}}\text{t r}^{\text{c}}\text{hw w}^{\text{p}}\text{t }^{\text{p}}\text{hyw}] \text{ }^{\text{p}}\text{t r}^{\text{c}}\text{hw }^{\text{p}}\text{t }^{\text{p}}\text{hyw SP, K}^{5,18,150,228}$
 τὸν ἀδελφόν σου LXX

The LXX has been identified as a witness to the better text by Talmon (1960, p. 168). $\text{ }^{\text{p}}\text{t r}^{\text{c}}\text{hw}$ may have entered the text as a gloss, first asyndetically as attested by the SP but later connected to $\text{ }^{\text{p}}\text{t }^{\text{p}}\text{hyw}$ by the conjunction attested in the MT. This explanation is attractive, for the clause seems to be somewhat overloaded. But the evidence is equivocal. The collocation of r^{c} and $^{\text{p}}\text{h}$ in a context of debt release also occurs in Jer 34:17, so the presence of both terms in 15:2 is not unparalleled. The text in the SP could be secondary as a result of the haplography of *waw*; this is suggested by the Kennicott variants. The LXX has paraphrased the text at this point by putting the third person commands in v 2 into the second person. Elsewhere in Deuteronomy the LXX translator can also be seen shortening a somewhat redundant text while paraphrasing it.³ I conclude that the evidence does not warrant restoring a better reading from the transmission tradition.

TRANSCRIPTION AND TRANSLATION OF 15:1-3

The transcription places each clause of the text on a separate line. Clauses are marked following the versification and accent system of the

K	Mediaeval manuscript collated by Kennicott (1776)
LXX	The Septuagint as edited by Wevers (1977)
MT	Masoretic Text
O	Object
P	Prepositional phrase
Pa	A P acting as an adverb equivalent
Po	A P acting as the direct object of a verb
Pred	Predicate of a verbless clause
RSV	Revised Standard Version of the Bible (1952)
S	Subject
SP	Samaritan Pentateuch as edited by von Gall (1918)
V	Verb
Vc	A clause whose first constituent is a verbal

3. See, e.g., the LXX translation of 14:29b which has ignored the presence of *ydk* and translated the phrase *m^csh ydk* by τοῖς ἔργοις.

MT. In contrast to independent and subordinate clauses, nominalized clauses are indented and marked by the prime sign. This is to indicate that they are imbedded in the text below the clause level of discourse. The right hand column contains a constituent analysis of each clause. In most cases, the constituent analysis can be justified by the accompanying translation. Special discussions of cc. 2aβ and 3b are found in the commentary below.

1	mqs šb ^c šnym t ^c šh šmṯh	Pa V O
2aa	wzh dbr hšmṯh	S Pred
2aβ	šmwṯ kl b ^c l mšh ydw	V S O
2aβ'	ʔšr yšh br ^c hw	V P
2ba	l ^ʔ ygś ʔt r ^c hw w ^ʔ t ʔḥyw	V Po
2bβ	ky qr ^ʔ šmṯh lyhwh	V O P
3a	ʔt hnkry tgś	Po V
3b'	w ^ʔ šr yhyh lk ʔt ʔḥyk	V P S
3b	tšmṯ ydk	O(=c.3b') V O

15:1] At the end of a seven year period, you are to observe a remission. [2] And the following is the procedure for the remission: every creditor must remit his personal loan which he lent to his countryman. He is not to press his countryman and his kinsman for payment, for a remission of Yahweh has been proclaimed. [3] You may press the foreigner for payment, but you are to make your hand let go of the one who is related to you, namely your kinsman.

15:1 Philological study of the root *šmṯ* cannot determine whether the word *šmṯh* denotes a complete cancellation of the debts involved, or only a one year suspension of payment, hence the neutral translation "remission". The translation of *t^cšh* as "observe" follows Merendino's observation (1969, p. 107) that the construction here is similar to Deut 16:1,10,13 where *šh* is used to predicate festival observance.

15:2 Deut 15:2aβ.b is a difficult construction which has given rise to a number of interpretations. See the surveys of North (1954, pp. 196-198) and Cholewiński (1976, pp. 218-219).

The root *nšh* denotes the loan of an interest bearing loan secured by distrained property or collateral held by the creditor (Gibeathi 1979, pp. 172-173). It has been suggested that the idiom *nšh b* used in v 2ba means "to make a contract which involves receiving [pledge acc.] and lending [to, b^c-]". Therefore, *mšh ydw* would refer to the pledge held by the creditor (North 1954, p. 199). But the use of *nšh b* in Deut 24:10 makes it clear that the object of *nšh* is the loan itself: *mš^ʔt m^ʔwmh*. The

same syntax is implied in 15:2ba where ʔsr resumes $mšh ydw$ as the object of $yšh$.

A phrase related to $mšh ydw$ occurs in Neh 10:32: $mšp kl yd$. It is difficult to determine whether the free noun yd refers to the borrower or lender in the context of either Deut 15:2 or Neh 10:32. But cf. $mnt ydw$ in Deut 16:17; $mmšlt ydw$ in Jer 34:1; and $šʔn ydw$ in Ps 95:7 in which ydw refers to the one who has control of the modified noun; hence the translation "his personal loan" in 15:2aβ. Cf. also Dtn phrases such as $trwmt ydk$ (12:17), $mšh ydk$ (e.g., 14:29), and $mšlh ydk$ (15:10).

My translation assumes that $mšh ydw$ is the object of the verb $šmwł$, the phrase $kl bʔl$ being the subject. Normally $bʔl$ occurs in a bound formation in BH (e.g., $bʔl ʔšh$; $bʔl byt$) and it has been suggested that $kl bʔl mšh ydw$ represents one bound formation (e.g., North 1954, p. 199). But the parallels to the use of ydw in a bound formation mentioned above show that $kl bʔl mšh ydw$ would be a transformation of the phrase "every holder of his loan" which is redundant. Here I assume that it is possible for $bʔl$ to stand without qualification in a context where it is clear what $bʔl$ refers to (cf. Lev 21:4). If $bʔl$ cannot stand without qualification in v 2aβ, then one should seriously consider a conjectural emendation of the text and suppose that an original $kl bʔl mšh ʔt mšh ydw$ was corrupted through haplography. See the apparatus of BHS and Merendino's discussion (1969, p. 108).

15:3 Deut 15:3b is difficult to analyze syntactically. Is the subject of $tšmł$ "you" as in c.15:3a or ydk at the end of 15:3b? The translation tradition represented by the RSV assumes that ydk is the subject: ". . . whatever of yours is with your brother your hand shall release." But, this translation requires that the *hifil* of $šmł$ and the *qal* have the same meaning. Unfortunately, 15:3b contains the only attested use of a *hifil* of $šmł$ in BH. The root occurs mainly in the *qal* and, without further evidence available, one should assume that the *hifil* gives a causative nuance to the meaning in the *qal* as it does typically. It is best to regard the subject of $tšmł$ as "you" and the verb as governing two objects.

The nominalized object clause $\text{ʔsr yhyh lk ʔt ʔhyk}$ is also problematic. The constituent analysis accompanying the transcription treats the prepositional phrase ʔt ʔhyk as the subject of the verb $yhyh$ in c.3b'. In this case, the phrase ʔt ʔhyk can be interpreted as an instance of the use of the preposition ʔt to mark the subject of a clause.⁴ The coordination

4. I owe this suggestion to Prof. J. W. Wevers of the Department of Near Eastern Studies, University of Toronto. The phenomenon is well attested in BH, see the article by Blau (1954).

of c.3a and c.3b suggests that there is a parallel concern between the positive and negative formulations in cc. 3a,3b. The object of the verb in 15:3a is *hmkry* "the foreigner." Therefore, the second object of the verb in 15:3b can be construed as "the one who is related to you, namely your brother (*ʔhyk*)."

THE LITERARY ORGANIZATION OF DEUT 15:1-3

Deut 15:1-3 consists of a string of 6 independent clauses (cc. 1, 2a α , 2a β , 2b α , 3a, 3b) of which only one (c.2b α) is modified by a subordinate clause (c.2b β). The text begins with an inverted verbal clause (IVc) which has no formal connexion with the span of discourse which has preceded it (14:28-29). There is linkage between 15:1 and 2a α through the device of coordination (Co). Cohesion between c.2a α and what follows in v 2a β .b is indicated by the kataphoric use of *zh* in v 2a α . Clauses 3a, 3b are also linked by Co.

The clauses in 15:1-3 are related semantically by various forms of the root *šmʔ*. Clauses 2a β and 2b α share the repetition of the word *rʔhw*, in each case governed by a preposition. Clauses 2b α and 3b are connected through repetition of forms of the word *ʔh* modified by the preposition *ʔt*. Seitz (1971, p. 168) has pointed out a chiasmic arrangement of roots which also serves to connect the contents of v 2 and v 3 (*šmʔ ngš : ngš šmʔ*).

GENERIC PATTERNS IN DEUT 15:1-3

15:1 Deut 15:1 is predicated by an IVc structure. This is a typical form of the prescriptive genre described by Richter (1966, pp. 88-91). Gerstenberger (1965, p. 88) suggests that some instructions in the IVc form circulated as isolated Prescriptions independent of their present context, e.g., Exod 34:26a; Lev 19:3a β . Examples of positive IVc instructions which stand at the head of extended spans of discourse as 15:1 does can be found in Exod 23:10, 12; Lev 19:30; Deut 14:28; 15:19; 16:13, 18.

Horst justified his opinion that Deut 15:1 was an old pre-Dtn formulation by the supposition that Exod 23:10-11 and Deut 15:1 addressed the same concern (1930, pp. 56-57). This thesis assumes a correspondence between the noun *šmʔh* in 15:1-3 and the verb *šmʔ* in Exod 23:11 because they share a common etymology. In response, one may cite Barr's critique of the etymological approach to lexical meaning. The etymology of the noun *šmʔh* may be of help for the study of lexical usage, but it cannot impose a sense authoritatively upon known usage. Function in context is the primary ground for determining the meaning of individual words; merely because words are etymologically related

does not mean that they refer to the same thing (1961, pp. 107, 158–59). The noun *šmṯh* does not appear outside Deuteronomy in BH and those contexts (15:1, 2(bis), 9; 31:10) must constitute the primary ground for determining what it means. Only when the inferences of the context have been exhausted is appeal to other sources warranted.

Consequently, one may question if the *šmṯh* in 15:1 refers to an agrarian practice analogous to Exod 23:10–11. In its biblical contexts, the noun *šmṯh* functions as the designation of an economic institution or activity related to the suspension or cancellation of debts. Deut 15:1 has in common with Exod 23:11 the concept of a seven year period. But the name *šmṯh* and the custom involved in 15:1–3 cannot be transparently derived from Exod 23:10–11.

The time expression in 15:1 is different from that in Exod 23:11 where *hšby^ct* is used to denote an activity which is to take place during the seventh year. By contrast, the phrase *mqš šb^c šnym* is ambiguous and may imply either the exact termination of a seven year period, or the final segment of that period, i.e., the seventh year (Driver 1902, p. 174). There are two indications that in the case of 15:1 the time phrase may indicate the seventh year of a seven year period. First, there is a literal allusion to the slave law of Deut 15:12 in Jer 34:14 in which the phrase *mqš šb^c šnym* is used instead of the phrase *bšnh hšby^ct* in Deut 15:12. There are indications that the context of Jer 34:8–20 has been reworked to harmonize with the contents in Deut 15 (Lemche 1976, pp. 51–53). Jer 34:14 is valuable as an early commentary on the meaning of the time phrase in 15:1. Its substitution implies that *mqš šb^c šnym* and *bšnh hšby^ct* are equivalent in meaning. Second, note the qualification of “the year seven” *šnt hšb^c* as the year of the *šmṯh* in Deut 15:9.

Another text which must be compared to 15:1 is Deut 14:28. In Deut 14:28; 15:1 the phrases *mqš* and *mqšh* may be considered as stylistic variants. They differ in BH usage in that *mqš* only governs time words whereas *mqšh* governs space as well as time words. Usually *mqšh* governs time words in narrative statements (Gen 8:3; Jos 3:2; 9:16; 2 Sam 24:8; 1 Kgs 9:10; 2 Kgs 8:3; 18:10; Ezek 3:16; 39:14).

Deut 14:28a is a Dtn composition. The most vigorous opposition to Dtn authorship of 14:28a comes from Merendino who believes that 14:28a, 29* (without v 28b and *hlwy* ‘the Levite’ in v 29) stems from a pre-Dtn text (1969, pp. 102–3). But the phrase *hgr whytwm wh³lmmh šr bš^cryk* “the resident alien, the orphan, and the widow in your gates” which Merendino retains in his reconstructed pre-Dtn text of 14:29aα is a Dtn formula. It is a variant of the motif “the one who is in your gates” (cf. 12:12, 18; 14:21; 16:11, 14; 24:15; 31:12). This motif appears outside Deuteronomy only in Exod 20:10 which is parallel to Deut 5:14. More-

over, the triennial tithe is unique to Deuteronomy in the Pentateuch. Its character as a Dtn motif is underscored by the provisions for the triennial tithe which appear in Deut 26:12-15 as well as in 14:28. Deut 14:28a should be viewed as a Dtn composition (Seitz 1971, p. 200). It introduces a measure meant to ease a social difficulty which was evidently created by the prescriptions in 14:22-27 (Jagersma 1981, pp. 118-19).

The meaning of the phrase *mqsh šlš šnym* 'at the end of three years' in Deut 14:28a is clarified by its reference to tithing. Deuteronomy knows of two agricultural festivals related to the harvest of grain and orchard crops respectively (*hg šbwt* 16:9-12 and *hg hskwt* 16:13-15). Tithes were likely offered during both festivals because Deuteronomy mentions tithes of grain, new wine, and olive oil (cf. 14:23). Also, the festival legislation of 16:11, 14 mentions the same disadvantaged persons who are to benefit from the triennial tithing practice in 14:29a. If the time phrase in 15:1 indicates an action which is to take place during the seventh year, then its nearest analogue is a demonstrably Dtn expression: *mqsh šlš šnym* in Deut 14:28a.

15:2 Deut 15:2aα belongs to a class of statements in which *zh* or *zʔ* begins a verbless clause whose predicate is a bound construction and which introduces or summarizes a span of discourse. Analogous phrases occur both in narrative (e.g., Gen 5:1; Exod 1:1; Num 7 *passim*; 8:4; 1 Kgs 9:15) and instructional contexts. Formulae like *zh dbr hšmth* introduce instructions in Exod 12:43; Lev 6:2, 7, 13, 18; 7:1, 11; Num 4:4, 31; 6:13; Deut 19:4; Ezek 43:13; 47:15. Similar formulae act as concluding remarks to instructions in Lev 7:35; 11:46; 12:7; 13:59; 14:32, 57; 15:32; Num 4:33; 5:29; 6:21 and as inclusions in Num 4:24, 28; Ezek 43:12. All of these examples involved third person contexts except for Lev 11:46. Judging from them, the intention of the formula in 15:2aα is to introduce a span of instructional discourse in the third person as it does typically in BH.

It is difficult to find parallels to the syntax of 15:2aβ. Third person Vc constructions predicated only by an infinitive absolute are rare in BH. Although the infinitive absolute occurs as a predicate in context in several texts in Deuteronomy (5:12, 16; 13:16b; 14:21; 16:1; 24:9; 25:17), these are all in second person contexts. The use of the free infinitive as a clause predicator in a third person context in Deuteronomy is unique to 15:2.

The closest parallel to the syntax of 15:2aβ occurs in Lev 6:7ff. An instruction in the Vc form is predicated by an infinitive absolute in Lev 6:7b. The parallels between this clause and 15:2aβ extend to the structure of their contexts. Lev 6:7b is introduced by the formula *wzʔ twrt hmnth*

“this is the procedure for the meal offering” in Lev 6:7a (cf. Deut 15:2a α). Another parallel can be found in the judgement on the blasphemer in Num 15:35. After declaring the death sentence using the *mwt ywmt* formula (Num 15:35a), the instruction for stoning uses an infinitive absolute as its predicate (Num 15:35b).

These two examples exhaust the list of close parallels to the syntax of Deut 15:2a β in the Pentateuch. Outside the Pentateuch an infinitive absolute begins a third person context in the prophetic utterance of 2 Kgs 3:16b and in Ezek 21:31. This syntactic form can also be found in Ps 17:5 and wisdom instructions such as Prov 12:7; 13:20 (reading the *kētib*); 17:12; 24:4, 5, 23b; 28:21.

Deut 15:2b α is a third person example of the prohibition genre described by Richter (1966, pp. 77, 90–91).

The genre of 15:2b β is that of motive clause (Doron, 1978, pp. 62–63). Deut 15:2b β provides important evidence for the cultural function of the instructions in 15:2a β .b α . Note the following parallel:

Isa 61:2	qr ³ šnt ršwn lyhwh
Deut 15:2b	qr ³ šmḥ lyhwh

The verb *qr³* is used regularly as a verb of proclamation for the act of release known as *drwr* (Lev 25:10; Isa 61:1; Jer 34:8, 15, 17); sacred assemblies including *hg* (Exod 32:5); *šrh* (Joel 1:14; 2:15); *mqr³ qdš* (Lev 23:21); *mw^cd* (Lev 23:2, 37; Lam 1:15); and fasts, *šwm* (1 Kgs 21:9, 12; Jer 36:9; Jonah 3:5; Ezra 8:21; 2 Chron 20:3).

15:3 An unusual feature of 15:3 is the appearance of the short Imperfect (the so-called Jussive) in v 3b. The mood of the verb *tgš* in v 3a is uncertain. The possibility that it is an indicative is indicated by the parallelism between 15:3a and 15:2b α . There is no evidence that variation between instructions in the Imperfect and Jussive is usual in BH. If textual error is ruled out, a case may be found in the parallelism between *tšyb* and *tšb* in Gen 24:6, 8. Sporadic appearances of the Jussive in texts which normally use the indicative are not unknown in BH, however. Driver (1881, §58) observed the following cases in Deut 28: v 8 (*yšw*), v 21 (*ydbq*), and v 36 (*ywlk*). Cases of variation between prohibitive and vetitive instructions can be better documented. See, e.g., Exod 12:9–10; 23:1; Lev 10:6; 11:43; 19:4, 29.

The Structure of 15:1–3 Deut 15:1–2 has been identified as a member of a genre of texts marked by the use of the “detailing formula” *wzh (h)dbr*. This genre is supposed to include the historiographical texts found in the Siloam inscription; Jos 5:3b–7; 1 Kgs 9:15–22; 11:26b–28 and the legal texts of Exod 28:41–29:46; Deut 15:1–2; 19:3b–5. These

texts are typically organized in a four-part composition including a) presentation of the subject; b) the detailing formula; c) details; and d) conclusion (Talshir, 1981. p. IV).

A difficulty with Talshir's thesis is that this genre identification spans both texts of narrative prose and instructional material. Moreover, not all of these texts are embedded in their respective contexts equally. E.g., while Exod 28:41-43 allude to the subject of ordination, they hardly do so on a model equivalent to Deut 15:1. Deut 19:3bff. does not begin a new pericope as does 15:1 but follows from the protasis of a conditional command introduced in 19:1. Nor do all of these texts end the same way. Deut 15:1-3, e.g., has a verse outside the conclusion (v 2b β); but Talshir herself defends the possibility of an original cohesion of v 3 to Deut 15:1-2 (ibid., p. 25).

A text which is quite close in structure to 15:2-3 is found in Lev 6:7-11. It begins with an introductory formula in the form of a verbless clause using the demonstrative pronoun as a kataphoric marker: *wz²t twrt hmn^hh* (Lev 6:7a, cf. Deut 15:2a α). The first instruction is predicated by an infinitive absolute (Lev 6:7b, cf. 15:2a β). The text proceeds as a series of coordinated instructions predicated by finite verb forms in Lev 7:8-9. A related Prohibition follows in Lev 6:10a (cf. Deut 15:2b α) ending with explanatory clauses in Lev 6:10b (cf. Deut 15:2b β). Finally, a further set of clarificatory instructions is found in Lev 6:11 (cf. Deut 15:3). One can identify elements which correspond to Talshir's model including a detailing formula (Lev 6:6a); the details (Lev 6:6b-10a); and a conclusion (Lev 6:10b).

Another text which shows some syntactic parallels to 15:2 is the instructions to the priests about those who may be admitted to the *ps^h* in Exod 12:43-47. The text begins with a detailing formula *z²t hqt hp^{sh}* (Exod 12:43a β) and proceeds as a set of instructions using the Imperfect indicative in the third person. The instructions in Exod 12:43b-45 are arranged in antithetical parallelism, cf. 15:2a β , b α . The subjects of the first two instructions (Exod 12:43b, 44) are marked by the noun *kl* (cf. *kl b⁷* in 15:2a β).

The parallels observed in Exod 12:43ff. and Lev 6:7ff. show distinct similarities to 15:2-3 despite the fact that they use different introductory formulae. They show that there is no genre of text which can be identified on the basis of the phrase *wzh dbr*. Rather, it can be established that the formula *wzh dbr* can introduce an extended instructional discourse which may contain a number of typical constituents. Such a model of composition has parallels in priestly Torah. Following these observations, the discourse structure of 15:1-3 can be described by the following typology:

1	Prescription	Introductory instruction
2a α	Kataphoric nominal clause	Introductory formula
2a β	Infinitive prescription	Details A v 2a β .b
2b α	Prohibition	(third person)
2b β	Motive clause	Conclusion to Details A
3a	Prescription	Details B v 3
3b	Jussive prescription	(second person)

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The various observations made on the structure and genre of 15:1-3 suggest that a Dtn writer composed 15:1-3 at one time. There is evidence that in composing this pericope the Dtn writer cited material from a non-Dtn source now found in v 2.

The nearest parallel to 15:1 in BH is Deut 14:28a which is a Dtn composition. Deut 15:1 also ought to be regarded as a Dtn composition. It is only in 14:28 and 15:1 that one encounters an instruction in the Pentateuch beginning with the phrase *mqsh/mqs*. Besides this unusual lexical feature, 14:28 and 15:1 closely resemble each other in syntactic structure. Both are inverted verbal clauses beginning with a time phrase. Both clauses also begin their respective pericopes.

By contrast, v 2a β .b seems to be a citation of some non-Dtn source.⁵ The use of the infinitive absolute as a third person predicate in context is not typical of Deuteronomy. Its clearest analogues are in priestly material (Lev 6:7ff.; Num 15:35). Analogues with priestly instruction also extend to the use of an introductory formula of the kind *wzh dbr hšmth* (cf. Exod 12:43; 28:41; Lev 6:7). It is unclear, however, whether 15:2a α is a Dtn composition or part of the third person citation taken over by the Dtn writer. In the context of Deut 15:1-3, the device of 15:2a α integrates the third person command in 15:2a β .b into the second person context of v. 1. A Dtn parallel to this technique can be found in 19:4a α .

Verse 3 can be contrasted to 15:2a β .b in terms of syntax and function. To be noted in 15:3 is not only the change in person from 15:2, but also the *binyān* of the verb *šmt*: *qal* in v 2a β , *hifil* in v 3. The switch between

5. Merendino (1969, pp. 107-9) is of the opinion that the composition of 15:2a β .b underwent two stages: a) 15:2a β * (excluding the *šr* clause); b) 15:2a β .b (beginning with the *šr* clause). His main argument is *metri causa* with a putative four-word rhythm he discerns between v 2a β * and 15:1 after emending the text to read *kl b'l mšh 't mšh ydw*. Nevertheless, there are no literary-critical factors which can be discerned in favour of such a view. Even if the text is emended, the syntax of the idiom *nšh b* favours the interpretation of *mšh ydw* in v 2a β as the object of the verb *yšh* in v 2b α .

an expected regular Imperfect and the Jussive form has some parallels in Deut 28. There is also a visible motif of Dtn composition of v 3: the explicit opposition between *ʔhyk* and *hmkry*. This opposition also appears in Deut 17:15 and 23:2 and is implied in 14:21a. It is a characteristic Dtn concern (Mayes 1979, p. 248). In terms of function, v 3 reads as a Dtn commentary added to v 2aβ.b, granting permission to exact debts incurred by foreigners (v 3a) but enjoining its addressees to release their countrymen from obligation (v 3b).

A device which may also be involved in the integration of v 2aβ.b and v 3 is the phrase *wʔt ʔhyw* in c. 2bα. It is possible that the phrase *wʔt ʔhyw* was added by the author of 15:3 to identify *rhw* in v 2 with the preferred Dtn term "your brother" used in v 3b.

Other evidence which suggests that 15:1, 3 are both Dtn compositions can be derived from a consideration of the structures of Exod 12:43ff. and Lev 6:7ff which are parallel to Deut 15:2. The bracket of second person instructions in 15:1, 3 is unparalleled in the genre of third person instructions to which 15:2 belongs.

Parallels to the structure of 15:1-3 within Dtn literature should also be considered. Citation of non-Dtn material in Dtn legislation is a recognizable trait of Dtn composition.⁶ A pattern of composition somewhat analogous to that of 15:1-3 but without an introductory formula occurs in 16:18-20. The Dtn context which can be identified in Deut 16:18, 20 brackets non-Dtn material now found in 16:19.⁷ As in 15:1-3, 16:19 is integrated in its context by a chiasmic structure. In 16:18 the clause *ʔsr yhw ʔlhyk ntn lk* (16:18a) is followed by the phrase *mšp! šdq* (16:18b). In 16:20 a similar phrase *šdq šdq* (16:20a) is followed by the clause *ʔsr yhw ʔlhyk ntn lk* (16:20b). This structure also ties up with vocabulary in 16:19; cf. *mšp!* in v 19a and *šdyqm* in v 19a.

The conclusion that 15:1-3 is a cohesive Dtn composition gives rise to questions about its sources. In particular, the source of the seven year cycle promulgated in Deut 15:1 and the origins of the pre-Dtn instruction in 15:2aβ.b should be explored.

Despite their differences, it is probable that the time phrases in Deut 15:1 and Exod 23:11 have a similar meaning. An allusion to Exod 23:11 is likely indicated by the occurrence of *ʔbywn* in Deut 15:4. The word

6. Deut 14:22 is a good example. It is widely agreed that this verse is at odds with its continuation in 14:23 and is a citation from some pre-Dtn tradition. See, e.g., Horst (1930, p. 152); Mayes (1979, p. 245); Merendino (1969, p. 159); Nebeling (1970, p. 263); and Seitz (1971, p. 200).

7. See von Rad (1953, p. 18); Weinfeld (1972, p. 273); Mayes, (1979, p. 263).

ʔbywn is uncommon in the Pentateuch. It is confined to Exod 23:6, 11; Deut 15:4, 7, 9, 11; 24:14. Deut 15:4 introduces a section of exhortation in 15:4–6 connected to v 3 by the subordinate conjunction *ʔps ky*. Deut 15:1–6 are also connected by *šētūmōt* divisions in the MT. The rarity of the use of *ʔbywn* and its appearance in two contexts which seek to establish septennial institutions for the relief of the socially disadvantaged is striking.

The dependency of Deut 15:1ff. on Exod 23:10ff. might be considered established if Deut 15:4–6 is original to the composition of 15:1–3. But, there are substantial reasons for doubting that 15:1–3 was originally followed by vv 4–6. The relationship between the construction in 15:4–6 and vv 1–3 is loose since no anaphoric or kataphoric markers of cohesion connect them except for the conjunction *ʔps ky*. In addition, there is no significant vocabulary overlap. These sections can also be distinguished by genre. Deut 15:1–3 is series of instructions, but 15:4–6 has its analogues with speeches of the covenant mediator.⁸ Moreover, the hortatory character of 15:4–6 with its use of emphatic infinitive constructions anticipates the instructions of 15:7–11 (cf. also the repetition of *ʔbywn* in 15:7) and 15:12–18 rather than resumes the instructions of 15:1–3.

These observations show that 15:4–6 is an extended span of paraenesis which shows no inner cohesion with 15:1–3. A number of scholars have concluded that 15:4–6 is secondary to the context of 15:1–3.⁹ This is a view which I also favour. The evidence suggests that it is a later stage in the editing of Deuteronomy which made an explicit connexion between 15:1–3 and the provisions for the fallow year in Exod 23:10ff.

Despite this literary-critical conclusion, it remains true that Deut 15:4–6 is an ancient commentary on the origins of the seven year cycle in

8. The protasis of the condition in 15:5 has the form *ʔm šmw^c tšm^c*. It has parallels in Exod 15:26; 19:5; 23:22; Deut 11:13; 28:1; Jer 17:24; Zech 6:15. The analogous texts in the Pentateuch occur within the preamble or conclusion of the speech of the covenant mediator to the proclamation of "law." Another sign of the connexion of 15:4b–5 and speeches of the covenant mediator is the phrase *ʔr ʔnky mšwk hywm*. This phrase belongs to a genre which Lohfink (1963, pp. 59–63) has called the "Promulgation formula" (*Promulgationssatz*). For the identity of the Promulgation formula in 15:5 with the speech of the covenant mediator see the discussions of Braulik (1970, p. 42) and de Vries, (1974, p. 315).

9. See, e.g., Merendino, (1969, pp. 110–11); Nebeling, (1970, p. 84); and Seitz, (1971, p. 169); Mayes (1979, p. 246). It is usually concluded that 15:4–6 is secondary to the context of 15:1–3, 7:11ff. It might be claimed, therefore, that the wording of 15:4–6 is directly dependent on 15:7–11 rather than on Exod 23:10ff. But the combination of debt release in 15:1–3 and the vocabulary item *ʔbywn* in 15:4 suggests that the editor of 15:4–6 made a connexion between 15:1–3 and Exod 23:10ff.

15:1; and it must be given due weight. It indicates that the time frame in 15:1 is related to sabbatical traditions. While a strict appeal to language cannot establish the priority of the sabbatical institution promulgated in Exod 23:10ff. to that in Deut 15:1-3, the early commentary of 15:4f. suggests this.¹⁰ But it is doubtful that the writer of 15:1-3 knew the tradition of the sabbatical year in the form it now has in Exod 23:10-11. The allusive quality of the time phrase in Deut 15:1 is instructive in this regard. While the seven year period may be a derivative of the principle found in Exod 23:10-11, the wording is not. Also, the term *šmṯh* is not associated with Exod 23:10ff. It is likely that the use of the term in 15:1 is dependent on the older context attested in 15:2. If the writer of 15:1 knew the text of Exod 23:10ff, it is strange that he did not cite any of it, especially since citations of non-Dtn instructions are not uncommon in Deuteronomy (cf. 14:22; 16:19).

There are also indications that Dtn legislation was aware of other sabbatical institutions. Cognizance of sabbatical thought is demonstrated by the six-seven motif and the injunction not to work in Deut 16:8 (Andreasen 1972, 162-63). Note also the slave law in Deut 15:12-18 and the seven day motifs in the festival legislation of Deut 16:9-10, 13-15. In Deut 31, the *šmṯh* is coterminous with another seven year institution: the renewal of the covenant. Taken together, the evidence establishes the probability that the writer of 15:1 was aware of a tradition of sabbatical thought, including sabbatical years. But, it is difficult to be sure if any biblical text in its current form was the inspiration for the seven year period set out in 15:1.

It is tempting to speculate on the origins of 15:2aβ.b. I suggest that Deut 15:2aβ.b was originally part of a royal proclamation of *drwr* in ancient Israel or Judah. Third person unconditional instructions or decrees issued under royal aegis are attested in Akkadian literature. Marzal (1971, p. 507) lists the following examples: Laws of Eshnunna §§15,16,51,52; Codex Hammurabi §§36,38,39,40,187; Edict of Ammi-šaduqa §12'; Middle Assyrian Laws §40, F2.

It is known that the custom of remitting debts was subject to decrees of *mīšarum* or *andurāru* by Babylonian and Assyrian monarchs. Old Babylonian *mīšarum* decrees connected with debt release occur in the edicts of Ammi-šaduqa and Samsu-iluna which have been extensively

10. Another text which connects Exod 23:10-11 and Deut 15:1ff. is Neh 10:32. But, this text does not necessarily indicate a dependency of one of these versions of the sabbatical year on the other; see Fishbane (1985, p. 135). Recent views favouring a dependency of Deut 15:1ff. on Exod 23:10-11, but which do not suggest a model of composition like that of Horst et. al., include those of Ginsburg (1982, p. 64) and Kaufman (1984, p. 282).

studied by Kraus (1984, pp. 292–307). While this evidence is considerably older than the biblical material, allusions to the institution of *andurāru* in Neo-Assyrian documents suggest that similar kinds of proclamations were also issued in later eras of Mesopotamian history (Lewy 1958, p. 30*). It is evident that such a practice was not confined to Mesopotamia. Balkan (1974, p. 33) has shown that debt release was proclaimed periodically by Anatolian rulers under the influence of Old Assyrian custom. It is likely that a similar practise also was known in ancient Israel and Judah (Lemche 1976, 40–41).

While the custom is widely mentioned in Mesopotamian sources, few *andurāru* or *mīšarum* decrees have survived. They are best attested by the Old Babylonian examples surveyed by Kraus. Unfortunately such comparative materials shed little light on the origins of 15:2aβ.b. There is no clear biblical equivalent to the *mīšarum* formula described by Kraus (1984, pp. 297–99):

aššum šarrum mīšaram ana mātim iškunu
 'weil der König Gerechtigkeit für das Land wiederhergestellt hat'

Legal formulations of debt release without this formula are also attested in the Old Babylonian material (ibid, pp. 300–2) but their identity as *mīšarum* decrees is guaranteed in the Akkadian context because they can be associated with clauses containing the *mīšarum* formula.

It can be argued that the character of 15:2aβ.b as a decree of *drwr* is implied by the use of *qr³* in 15:2bβ. It is well known that the biblical institution of *drwr* which is analogous to the Akkadian *andurāru* was the object of the verb *qr³* (Willi 1977, p. 544). Moreover, the contents of 15:2aβ.ba concern some kind of debt release, which suggests that 15:2aβ.b belongs to an equivalent to the *mīšarum* and *andurāru* tradition.

The mystery of the origins of 15:2aβ.b deepens, however, when the closest biblical parallels to the syntax of 15:2aβ are surveyed. There is no evidence that the kind of formulation found in 15:2aβ was characteristic of the royal court. Instead, it is best located in priestly torah. Such a cultic context does not seem to be analogous to the Mesopotamian parallels which are represented as royal decrees. The cultic ties of 15:2aβ are reinforced by the motive clause in 15:2bβ which declares that the *šmth* is *lyhwh*. But, such strong ties to priestly and cultic language need not preclude the involvement of a royal figure in such a proclamation in Israel. Compare Exod 32:5 where the reader is told that Aaron proclaimed (*qr³*) *hg lyhwh* and Jehu's proclamation in 2 Kgs 10:19: *zbh gdwl ly lb^{cl}*. It seems that either a cultic or royal figure may have issued

a proclamation such as 15:2a β .b. Aaron is the functionary in Exod 32:5 but it is the elders who proclaim the fast in 1 Kgs 21:9. In 2 Kgs 10:20 the proclamation for the *šrt* comes from Jehu, while Jer 34:8 attributes the proclamation of *drwr* to Zedekiah. There is evidence that royalty had certain priestly functions in pre-exilic times in Israel and Judah (see, e.g., 2 Sam 8:15; 1 Kgs 9:25; 13:1). It is possible that the *šmth* decree was made in Israel by a royal figure who used a torah form (cf. Lev 6:7ff.) in order to undergird the decree with divine (cf. Deut 15:2b β) as well as civil authority.

The Dtn intent in framing 15:1-3 has been ably summarized by Kaufman (1984, p. 282): "Deuteronomy . . . removed the proclamation of דרור from the realm of royal whim and regularized it in the form of the septennial institution of שמתה . . ." It is likely that the author of Deut 15:1-3 incorporated 15:2a β .b into his own legislation in order to show continuity with the older tradition of *drwr*. The motive clause in 15:2b β suggests that this particular form of *drwr* probably had the name *šmth* in pre-Dtn times and that the term as used in 15:1 is dependent on this older context. The writer of 15:1-3 provided the institution of *drwr* with an important innovation in order to create an effective measure for the periodic relief of the disadvantaged. The Dtn writer's choice of a seven year time period was likely influenced by his knowledge of a sabbatical year tradition related to that attested in Exod 23:10-11.

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