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Justice for All

Jeremiah Unterman

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Justice for All

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“Justice, justice shall you pursue.”
(Deuteronomy 16:20)

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Justice for All

How the Jewish Bible Revolutionized Ethics

JEREMIAH UNTERMAN



The Jewish Publication Society
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Set in Minion Pro by Rachel Gould.

To my grandchildren and their descendants.
May they all be ethical and devout Jews.

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Introduction

In the late 1960s and early 1970s, when I was a graduate student in the Bible Department of the Hebrew University of Jerusalem in Israel, I became very excited about certain academic studies on biblical ethics that I was reading, as well as by certain courses I was attending which dealt with biblical teachings on morality. At the same time, I was disappointed that these studies were not being made available to the general public but were mostly hidden away in academic journals or dense books virtually inaccessible to all but university scholars. One day I approached a visiting professor from the University of California, Berkeley, Jacob Milgrom, who was writing some of these fascinating ethical studies, and confronted him on why he wasn't translating them into reader-friendly language geared to the interested layperson. He responded, "You do it!"¹

Well, I was a bit taken aback. After all, I was a mere graduate student, and I didn't feel worthy of that task. However, I kept the project in mind, maintained my enthusiasm for it, and never forgot about it. This book is my attempt to fulfill both my original wish and my teacher's directive.

Why I felt that it was necessary to write this book, however, goes back to an earlier historical period. Once upon a time, indeed, until the nine-

teenth century, the Hebrew Bible, as the Old Testament, had an honored place within western civilization. Even after Christianity lost its political power, the stories of Genesis, the Exodus from Egypt, the revelation of the Ten Commandments on Mount Sinai, and other biblical texts too numerous to mention still held powerful sway over American and European imagination. It made little difference whether one believed in the Hebrew Bible as God's word or Divinely inspired, or even if one was an atheist. The Hebrew Bible was viewed as a fount of unparalleled wisdom, values, history, and spirituality that was not duplicated in the only other ancient foundational literatures of the West, that of Greece and Rome. It is not for nothing that the crest of Yale University contains the Hebrew words *Urim* and *Thummim*, the oracle of the breastplate of the Israelite High Priest, or that the crest of Princeton University states in Latin, "Old and New Testament," or that the seal of Dartmouth College has the Hebrew words *El Shaddai* (a biblical name of God).²

However, during the nineteenth century, archaeological discoveries of ancient Egyptian and Mesopotamian artifacts and inscriptions began to capture the imagination of Europe and America. Quickly the traditionalists, predisposed as they were to the superiority of the Bible, scanned some of the newly discovered ancient Near Eastern writings, such as creation and flood stories, and claimed that these polytheistic writings were religiously and ethically inferior to biblical monotheism. On the other hand, other ancient material was also being published, such as prayers and hymns that exhibited a highly developed ethical and spiritual awareness. A watershed moment occurred at the dawn of the twentieth century, on the evening of January 13, 1902, when the foremost German Assyriologist at that time, Professor Friedrich Delitzsch, lectured in Berlin before an august audience of representatives of the Royal Academy of Sciences as well as Germany's ruling elite, including Kaiser Wilhelm II.³ Delitzsch's topic that evening was "Babel und Bibel," that is, "Babylon and the Bible." During the lecture Delitzsch purported to prove that the greatly superior Babylonian civilization had a profound influence on the development of ideas and customs of the Old Testament. Part of what drove Delitzsch to his conclusions was his antisemitism, which prevented him from seeing anything of value in the Hebrew Scriptures.⁴ The lecture, and his two subsequent ones in this series,

received wide publicity and generated a controversy that swept the country, with reverberations throughout western culture.

It matters little that some of the sensational influences that Delitzsch claimed were eventually disproved; more and more academic scholars adopted Delitzsch's general convictions. The pendulum had begun to swing in the other direction, and there it has stayed. Today a million inscriptions have been discovered in the ancient Near East. Even if most of those on clay tablets have still not been studied, a great many have, as well as inscriptions on tombs, palaces, monuments, papyri, parchment, and stelae. The prevailing sentiment today is that the Jewish Bible's ideas, perspectives, and ethics must not only be viewed as part and parcel of the ancient Near East, but are derived from and are subservient to, or at least no better than, the surrounding civilizations.

Indeed, one scholarly perception is that the ancient Israelites were a small, insignificant, semi-pagan society, and their biblical writings had little, if anything, new to add on either spiritual or moral grounds to our knowledge of other ancient Near Eastern cultures. To the contrary, the old Christian triumphal degradation of the God of the Old Testament as being stern and punishing—as opposed to the moral heights attained by the God of Love of the New Testament—has often been adapted to modern scholarship (never mind the frequent expressions of God's love and kindness in the Jewish Bible). The view of God in the Jewish Bible was now seen as “jealous” and “cruel,” commanding the deaths of all who oppose Him (men, women, and children). Think of the flood story, Sodom and Gomorrah, or the command to wipe out the seven Canaanite nations. Thus whatever one finds ethical in the Old Testament is obviated by the immoral behavior of God.

Even when scholars adjudge that some of the Bible's values might actually be ethically superior to those found in polytheistic societies, this evaluation is considered “unfair” to those cultures. After all, the argument goes, once you have only one powerful God, of course that deity will be more moral than the gods who were constantly competing with each other for power and authority. So, in a famous article by Assyriologist Jacob J. Finkelstein published in *Commentary* in 1958 (quite intentionally titled, “Bible and Babel: A Comparative Study of the Hebrew and Babylonian Religious Spirit”), Finkelstein states,

polytheism . . . implies the existence of a plurality of superhuman wills. This very condition precludes the absolute omnipotence of any one of these wills. Even if . . . one of these . . . deities . . . is . . . the head of a pantheon, he must at all times be mindful of the purposes of the other deities which are potentially vitiating to his own designs. . . .

If the first thought of the gods, as that of man, must be “to look out for himself” . . . moral and ethical considerations necessarily become secondary.⁵

He then goes on to posit that monotheism inherently tends “to become an ethical religion.” Since the god has no real rivals, his will cannot be contested. So the god can be viewed as motivated “by the highest ideals.” Furthermore,

he is in a position to lay down a mandate for man’s behavior . . . in accordance with these ideals, and to guarantee man’s well-being if his will is complied with, an advantage which . . . no polytheistic god could possibly enjoy . . . the gods were not absolutely free; the concept of a “covenant” in a polytheistic society is inherently impossible. . . .

The god of Israel is “ethical” precisely because he is the sole deity.

So, Finkelstein is saying, ancient Near East polytheism should not be condemned or denigrated for failing to achieve certain ethical advancements that appear in the Hebrew Bible, for to compare this polytheism with biblical monotheism is like “despising the elephant because he cannot outrace the horse.”⁶ It is in the very nature of the polytheistic system that the gods cannot adhere to ethical standards, just as it is in the nature of monotheism that the one god will be ethical.

Yet why couldn’t *all* the gods be conceived as ethical? Why must their wills be in conflict? Why couldn’t the ancient Near East pantheon have been conceived as a collection of harmonious, complementary wills, where each deity had his or her own role and responsibility and they act in concert to do good for humanity? Why is it impossible for humans to imagine an ethical polytheistic system? After all, conceptions of goodness, justice, peace, and well-being are found throughout the ancient Near East. And if one were to ask how the conquest of one country over

another could not be seen as that victorious country's gods overwhelming the gods of the defeated country, one could respond that the gods of the losers were punishing their people for their sins.

Conversely, why must monotheism be ethical and the only God be caringly concerned with humanity? In the fourteenth century BCE, the pharaoh Akhenaten rejected traditional Egyptian polytheism and centered all worship on the Aten (the sun-disk). Akhenaten's short-lived "monotheistic" religion (eradicated some twenty years later) had no morality; evil simply did not exist. His Atenism ignored suffering and was highly elitist.⁷ Later Aristotle's impersonal god, the supreme unmoving mover, did not care about humanity. Further, the history of monotheistic religions has provided us with irrefutable evidence that at different times people believed in the one God who was seemingly pleased to have His earthly minions oppress, enslave, torture, and slaughter millions of humans—mind you, also His creations—because the victims either did not believe in Him in the "right" way or did not follow His will "correctly." One need only remember centuries of Christian persecutions of the Jews and Muslim subjugations and wars against anybody who wasn't Muslim, to say nothing of the extreme, joyful brutality of radical Islamists today. Indeed, one can make the case that these perversions supported a satanic view of God, for only a demon would want his followers to cause so much suffering and death.

The Purpose of the Book

This book's premise, then, is that ethical principles did exist in significant idealized understandings of ancient Near Eastern human, if not divine, authority. At the same time, this work challenges the scholarly perception that the Jewish Bible has made, at best, only an inconsequential contribution to the ethical development of ancient Near Eastern values. It is the goal of this book to demonstrate by substantial evidence, derived from various sources (Sumerian, Egyptian, Babylonian, Hittite, Ugaritic, Assyrian, and, of course, biblical), that the Jewish Bible not only changed the course of ethical thought but advanced it far beyond ancient Near Eastern society and religion in key ethical areas. The pendulum has swung too far. It is past time to make a more realistic investigation of the data.

The book will seek to explicate some of the most important ethical innovations of Judaism as first presented in the Tanakh.⁸ The goal of the book is neither chauvinistic nor triumphal. It is not an attempt to claim that the Jews are innately morally superior or that the Bible or Judaism is perfect. Indeed, it is an accepted assumption here that the Bible contains some statements that are ethically abhorrent to those who live in the twenty-first century in democracies (although not in terms of the social-cultural norms of biblical times and environment). Rather, what is argued here is that significant portions of the Bible speak in terms of absolute monotheism and that these same portions contain certain specific important ethical advances in contrast to what we know about the ancient Near East. This work is an attempt “to return the crown to its place,” to point out that important ethical values and concepts which were the basis of many of the ideals of western civilization are first found in the Jewish Bible. It is hoped that the book will reinvigorate interest in and appreciation for the ethics of the Tanakh among laypeople (whether secular or religious), students, scholars, and clergy.

The Plan of the Book

No one in the world knows when any book of the Torah or the Torah as a whole was written. Instead, many theories abound. Religious traditionalists believe that the Five Books of Moses were written by Moses at the dictation of God on Mount Sinai alone or on Mount Sinai and throughout the desert wanderings. Many modern academic scholars hold that most of the Torah was written during the First Temple period, 1000–586 BCE, to say nothing of oral traditions that may well have preceded the writing down of the material. In recent decades there has been a minimalist tendency among some academic practitioners (located mostly in central Europe) to portray biblical monotheism as totally an outgrowth of the Persian period (late sixth century BCE and on). In other words, they see most of the literature of the Torah, the Prophets, and the Psalms as entirely the product of the first part of the Second Temple period (and some even wish to see Maccabean influence, that is, second century BCE). In the view of many other scholars in North America, Israel (including the present author), and other locales, such

late dating is based on poor presumptions, inadequate methodology, inattention to contradictory archaeological and inscriptional evidence, and a blatant disregard for any cogent arguments to the contrary. It is beyond the scope of this book to present a detailed refutation of that position, but for those who might be interested, some relevant bibliography has been provided in the endnotes.

In this work, the general approach will not be to arrive at a particular date when a text was written. What a text says is more important than its date of composition. Again, the endnotes will occasionally refer to different scholarly views on dating the material. The approach that will be taken, based on solid scholarly research together with logical understandings, is that the prophets knew the laws of the Torah and either followed them verbatim or expanded and developed them further (see chapters 3–6).

The book progresses in a purposeful sequence. Each chapter will contain a discussion of relevant ancient Near East literature on a specific topic, followed by an examination of pertinent biblical texts.⁹ The first three chapters focus primarily on ideas and laws in the Torah, while the last three delineate prophetic contributions. While that sequence follows the literary order of the Jewish Bible, it also indicates a historical development. Thus chapter 1 compares the creation and flood stories in Mesopotamia and the Torah with a focus on the ethical relationship between divinity and humanity. Chapter 2 delineates four primary understandings in the Torah of God's revelation on Sinai to the Israelites: treaty, law, "kingdom of priests and a holy people," teaching—each in terms of its ancient Near East background and its implications for the ethical relationship between God and the people. Chapter 3 concentrates on how the Torah's treatment of two significant underprivileged societal elements—the resident alien and the poor—is derived from the ethics of the relationship between God and Israel and how it differs from the rest of the ancient Near East. The prophetic innovation of the primacy of morality over ritual is the subject of chapter 4. Chapter 5 illustrates how the prophetic message of repentance exceeds the laws of the Torah and goes far beyond anything imagined in the rest of the ancient Near East. Finally, in chapter 6, the prophetic teaching of redemption enables the people to live with hope for the future despite the tragedies

of destruction and exile, a remedy absent in the rest of the ancient Near East. A conclusion sums up the relationship of the specific ethical findings mentioned in this book to the Jewish Bible's unique concept of God.

The word "Bible" in Israel (and for Jews everywhere) refers to the Hebrew Bible, or what Christians refer to as the Old Testament. "Ethics" is used throughout this book as simply referring to principles of behavior that are altruistic, that is, beneficial to others. Morals are beneficial actions on behalf of others. Sometimes, as in common speech, "ethics" and "morals" will be used interchangeably. All dates are given as BCE (Before the Christian, or Common, Era), or CE (the Christian, or Common Era), as is now accepted academic style.

A note on the English translation used here and the translations of "God" and "the Lord": the primary English translation herein was done by a committee of academic experts in the Hebrew Bible over several decades and is known as the NJPS, New Jewish Publication Society translation (*JPS Hebrew-English Tanakh*), which relies predominantly on medieval Hebrew manuscripts. Occasionally I have tweaked the translation on the basis of the work of different scholars and sometimes on my own understanding.

For the sake of variety, I use the terms "Hebrew Bible," "Tanakh," or "Bible" (or the adjective "biblical") when referring to the Jewish Bible. When referring to a Christian scripture, I use "New Testament" or the name of one of its books.

Following long-standing English custom, the NJPS uses the word "God" to translate the Hebrew *Elohim* (an extremely frequent appellation of the God of Israel) and "the Lord" to translate the proper four-letter name of God, Hebrew *YHWH*, known as the tetragrammaton. The Hebrew root at the basis of the name refers to "being" or "existence." In Hebrew, vowels are not letters but marks or signs that appear beneath, above, or next to a letter. All medieval manuscripts (the first ones that have these signs) use similar marks for the tetragrammaton that appear with the word *Adonai*, meaning "my Lord," indicating that no attempt was made to pronounce *YHWH*. Indeed, there is considerable evidence that the name was considered too holy to pronounce in the pre-Christian period. Here, too, then, it will be translated as "the Lord." Concerning references to God, it is also important to understand that Hebrew gram-

matical form does not necessarily indicate meaning. So Hebrew *nashim* means “women” even though the word is in the masculine plural, and *avot* means “fathers” even though it has a feminine plural ending. Therefore, even though the Hebrew *hu* means “he” and is commonly used to indicate God, God is not a sexual being. True, most metaphors in reference to God use masculine images, but feminine images (particularly that of mother) also occur. Thus here, “He” will be used when designating God, capitalized to indicate that God is wholly other and not like any other “he.”

On Comparing the Jewish Bible to Ancient Near East Literature

Given the biases and excesses mentioned at the beginning of this introduction (sometimes referred to as “parallelomania”), is comparing or contrasting biblical ideology and ethics to those of the ancient Near East a legitimate enterprise? Is there an acceptable method of comparing literatures?¹⁰ In recent decades, serious scholars have responded to this question. Certain reasonable principles have been enunciated, such as the following:¹¹

In comparative studies, differences may be more illuminating than similarities. For example, differing cultural principles are exemplified more in the dissimilarities in the two flood stories compared in chapter 1 than in the commonalities. At the same time, the biblical flood story appears to have modified the Babylonian one.¹²

The interpretation of a feature in a specific culture—whether of a social, political, religious, or literary nature—should always be done with the help of parallels within that culture, before any comparison is made with material from a different culture. For example, law in ancient Near Eastern law collections as opposed to biblical law (see chapter 2).

One should always attempt to understand the historical, social, or literary *development* of a feature within a specific culture before comparing it with the development of the same feature within a different culture. For example, the development of the relationship between ethics and ritual in biblical texts, as opposed to that relationship in other Ancient Near East texts (see chapter 4).

In any comparative study, all the available evidence must be examined. In other words, a phenomenon should be studied within its holistic context—social, religious, political, literary, historical, geographic—if possible. On the other hand, a specific feature or word should not be studied in isolation, that is, out of context. For example, both Babylonian and biblical legal texts mention concern for the poor, but if one does not take note of the elements in the broader literary contexts in which such concern is found, one will fail to understand the significance of that concern in the Jewish Bible as opposed to Hammurabi’s collection (see chapter 3).

This study will make use of the above methodological principles in order to arrive at a fair comparison or contrast between biblical material and the rest of the ancient Near East.

Reading Ancient Materials Carefully, Including the Bible

Further, one needs to be aware of using anachronistic terminology or concepts in relationship to the Jewish Bible and the rest of the ancient Near East. In other words, terms that are in use today can rarely be easily translated into the ancient world. What is meant today by “religion” or the ideal of an “egalitarian” society are hardly applicable to the ancient world. That is why, for example, the word “ethics” in this book refers specifically to principles of benevolent behavior, as opposed to general societal values. Biblical Hebrew has no term for “values-principles,” but it does have terms for behaving well to others, such as “to be good to,” “to show mercy to,” and “to have love for.” In the course of this book, an effort will be made to explain key terminology and concepts within the ancient contexts.

Additionally, it should be noted that a major difference between ancient Near Eastern texts and the Jewish Bible was the purpose of the literature. The texts of the Jewish Bible were designed to be promulgated to the populace, even if they were originally developed primarily by pious minorities. Those in the ancient Near East were never intended to be propagated to the public at large. Rather, they were always written for a select few, an elite. Only a tiny segment of the ancient world was literate, which is why the Jewish Bible depicts texts read aloud to the public.

It is worthwhile for the careful reader to be aware of the above considerations, and how difficult it may be for him or her to fully comprehend ancient literature, including that of the Jewish Bible. The bottom line is that even accomplished scholars can rarely be completely certain that they have fully understood an ancient text.

Additionally, it should be noted that this work consciously uses the English term “Jewish Bible” to refer to the Tanakh. Using “Jewish Bible” counteracts an academic approach that claims that the Babylonian exile (586–539 BCE) was a watershed in biblical history—that the Israelite religion of the First Temple period (approximately 1000–586 BCE) ended with the Babylonian destruction of Jerusalem and the Davidic monarchy, and that what we know as ancient Judaism began only with the beginning of the Second Temple period under Persia in 539 BCE. The assumption is that, during the exile, groups of Jews redefined monotheism, covenant, and law and created a new theology. The assumption further states that the Torah is the product of this new theology. In other words, the Torah was not written down until the Second Temple period, and that pertains also to most of the prophetic works.

This book bases itself on a different supposition: that the Hebrew Bible is the product of ancient Jewish civilization from the second millennium BCE until the latter part of the first millennium BCE. The contention here is that Judaism, that is, monotheism, the Sinaitic Covenant, the law, the tie of the people to the land (including the establishment of all the rituals connected with the land, such as the holidays, tithes, and providing for the poor from the agricultural produce), the Temple (with its priesthood, sacrifices and their intrinsically Jewish significance), the prophetic messages of repentance and redemption, all originated significantly before the end of the First Temple period. Further, these Jewish memories and texts, ideas and practices, were carried on throughout the exile and the restoration to the land at the beginning of the Second Temple period. It is not a coincidence that the first momentous act of the redeemed community was to rebuild the Temple on the exact site of the previous one in Jerusalem. The returnees from exile sought to reconstitute the ideas, practices, and institutions of the First Temple period. Monotheistic Judaism had not changed; only historical circumstances had. Since the Judaism of First Temple times was the model for

Judaism of the Second Temple period, the Bible that encompassed the times of both Temples should be called the *Jewish* Bible.

The ethics of the Jewish Bible have had, unsurprisingly, an enormous influence on later Jewish thought and law, as well as on Christian thought and the development of modern western civilization, and they still influence Judeo-Christian culture today (but that is a topic for a different book). This book is written with the hope that it will encourage Jews, and non-Jews if they wish, to mine the Hebrew Bible for their ethical thinking. Further, may Christians, Muslims, and members of other civilizations be likewise encouraged to investigate their formative texts, too, for ethics that may benefit all of humanity. If that is our goal, then is there a task more worthy?