

Dylan R. Johnson*

The Torah and the King: Zedekiah's Edict (Jer 34) and Deuteronomistic Redaction

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1 Introduction

In his comparative study, *The Origins of Political Order*, Francis Fukuyama proposed that the »great world religions« were unique in their ability to muster the social and spiritual forces necessary to limit the power of sovereign rulers.¹ In these traditions, a »rule of law« emerged when social norms crystalized into formal written laws that organized the distribution of political and legal power, becoming the supreme authority in a given society that was superior to the rulers who temporarily controlled a coercive administrative bureaucracy. Fukuyama never tested his theory against the Hebrew Bible, but it raises an important question about the authoritative basis for biblical law: does the Bible contain a conception of the »rule of law«, and if so, how does it relate to the legal traditions of ancient Israel and Judah? One can make the claim that Jewish tradition, as a transcendent religion, did impose limitations on the power of its political leaders through the concept of a written Torah, which God gave to the people of Israel at the Revelation of Sinai. Yet, the notion of the Torah as a supervening moral and legal order to which even kings must submit is a late development in biblical tradition. It stands at odds with texts espousing an older view that held kings as the temporal representatives of God on earth, whose divine election and mandate to

¹ Francis Fukuyama, *The Origins of Political Order: From Prehuman Times to the French Revolution* (New York, NY: Farrar, Straus and Giroux, 2011), 15; 246; 262.

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***Kontakt:** Dylan R. Johnson, Postdoctoral researcher, Theological Faculty of the University of Zürich, Kirchgasse 9, Zürich, CH 8001, Switzerland, E-Mail: Dylan.johnson@uzh.ch

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protect the marginal of society set them above the rank of their peers.² The rejection of the monarchy as an authoritative basis of biblical law occurred long after the end of the Davidic dynasty, in Deuteronomistic scribal circles that had a hand in redacting and recasting the place of kingship in the legal order of Israel. This study explores how Deuteronomistic redactors transformed the final normative act of an independent Judahite king, that of King Zedekiah in 587 BCE (Jer 34), to bring this historical memory in line with their utopian view of the Torah as a supervening rule of law.

2 The Torah as a Rule of Law

The problem with totalizing theories of social order, lawmaking, or political authority is their inability to account for heterogeneous legal traditions with internal contradictions. This is especially true for the depiction of law and law-giving in the Hebrew Bible. A substantial body of biblical literature emerged from kingdoms of Israel and Judah, but all of this material eventually passed into the hands of scribes who lived after the last native king of these polities had been deposed. The biblical texts that would fit Fukuyama's definition of the »rule of law« stem from scribal circles working long after the end of the monarchy. These redactors subordinated the traditional judicial prerogatives of the king under the new reified authority of Yahweh and his »Torah«.

No text exhibits this mentality more clearly than the so-called »Law of the King« (Deut 17:14–20), found in the legal collection of the Book of Deuteronomy.³ The narrative is set in the premonarchic age, when the Israelites request a king to rule over them like the nations that surround them (אֲשִׁימָה עָלַי מֶלֶךְ כְּכָל-הַגּוֹיִם) (Deut 17:14b). Yahweh consents to the Israelite's demand but takes care to subordinate any future king under the authority of »this Torah« (הַתּוֹרָה, the law), a copy of which must be written under the supervision of the Levitical priests.⁴ What this text implies, and what others make explicit (1Kgs 2:3; 3:14;

² Bernard Levinson, »The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History's Transformation of Torah,« *VT* 51 (2001) 511–534.

³ On the (post)exilic dating of Deut 17:14–20 (esp. vv. 18–20) see Reinhard Achenbach, »Das sogenannte Königsgesetz in Deuteronomium 17,14–20,« *ZAR* 15 (2009) 216–233; Christophe Nihan, »Rewriting Kingship in Samuel: 1 Samuel 8 and 12 and the Law of the King (Deuteronomy 17),« *HeBAI* 2 (2003) 328 f., n. 41; Eckart Otto, *Deuteronomium*, vol. 2, 12,1–23,15, HThKAT (Freiburg im Breisgau: Herder, 2016), 1455.

⁴ The expression, »this Torah« (הַתּוֹרָה הַזֹּאת), likely refers to the text of Deut 12–26 (Georg Braulik, »Die Ausdrücke für »Gesetz« im Buch Deuteronomium,« *Biblica* 51 [1970] 39–66; Levinson, »Kingship in Deuteronomy«: 522).

6:11–12; 9:4–6; 11:11–13), is that the continuity of the royal line depended on royal observance of the Torah; deviation from its precepts would bring ruin upon the dynasty. The political order envisioned in this statute not only subordinates the king to the divine Torah, but also denies him the status of *primus inter pares* within this system: לבלתי רוֹם־לבבו מאַחֲיוּ (v. 20a). Based on this text, the Hebrew Bible does seem to preserve a clear conception of the rule of law that promises divine protection for the ruling elite only so long as they abide by this supervening political order.⁵

But this text and others like it espouse a view of Israel's normative order that is at odds with other texts in Samuel and Kings—the so-called Deuteronomistic History—that considers kingship a foundational institution of Israelite society.⁶ Like their counterparts throughout the ancient Near East, the kings of Israel and Judah almost certainly presented themselves as temporal mediators between the divine and human worlds (e.g., 1Kgs 3; 2Kgs 7:12–16; 11:17). Even within the narratives of Samuel and Kings, the depictions of kingship oscillate dramatically.⁷ This manifests in the thinly veiled Deuteronomistic polemic against Solomon's opulent court, wealth, and foreign wives (Deut 17:15–17; 1Sam 11), elements of which are depicted elsewhere in positive terms: as a divine reward for the king's altruism and wisdom (1Kgs 3; 10).⁸ Through the archetypal figure of Solomon, some Deuteronomistic authors attacked the central motifs of Near Eastern royal ideology, depicting it as something foreign and something that must be constrained.⁹ While Deut 17 in its current form is perhaps the clearest articulation of

⁵ Gary Knoppers characterized this position in the following terms: »like the authors of Deuteronomy, the Deuteronomist believes in a constitutional theocracy, a society in which the king is allowed to play a restricted role. But the king, no less than anyone else in Israelite society, is subject to *the rule of law* [emphasis mine]. By markedly reducing royal powers, the Deuteronomist makes kingship compatible with traditional Yahwism« (»The Deuteronomist and the Deuteronomistic Law of the King: A Reexamination of a Relationship,« *ZAW* 108 [1996] 332). However, both Knoppers and Levinson convincingly showed that the Deuteronomistic history *does not promote a reduced power of the king*, at least not the one espoused in Deut 17:14–20 (Levinson, »Kingship in Deuteronomy«: 529).

⁶ Levinson, »Kingship in Deuteronomy«: 529; Otto, *Deuteronomium*, 1454.

⁷ Thomas Römer, »Salomon d'après les deutéronomistes: Un roi ambigu,« in *Le Roi Salomon un héritage en question Hommage à Jacques Vermeylen*, eds. Claude Lichtert and Dany Nocquet (Brussels: Lessius, 2008) 98–130.

⁸ Knoppers, »The Deuteronomist«: 337–344; Römer, »Un roi ambigu«: 98.

⁹ The same condemnation levelled against Solomon can be found in Ezekiel's prophecy against the King of Tyre (Ezek 28:1–10). In this text, the prophet depicts the normally positive characteristics of the ideal near Eastern king—wisdom (חכָּם), wealth (חֵיל/אִצְרוּת), mercantilism (רִכְלִיָּה), and even divinity—as misplaced arrogance, of which the Tyrian king would soon be disabused by the impending Babylonian conquest.

this idea, it reflects similar sentiments found in other texts attributed to Deuteronomistic circles.

In 1Sam 8, a text many consider related to Deut 17,¹⁰ the Israelites again demand a king from Samuel in order to resemble the nations around them: (שימרה־לנו מלך לשפטנו ככל־הגוים) (v. 5b). The Israelite's motivation evokes the traditional motifs of judicial and military leadership (ושפטנו ויצא לפנינו ונלחם את־מלחמתנו) [v. 20b]), as found in Near Eastern royal ideology throughout all historical periods. Unlike in the Law of the King (Deut 17:14–20), which in its current form limits the king's responsibilities to reading the Torah, 1Sam 8 at least begrudgingly accepts the office of kingship and accords it its traditional judicial and military prerogatives. Thus, 1Sam 8 reflects a limitation of royal power at an anterior stage to its subjugation under the Torah and exhibits no sense of a supervening moral order embodied in anything like the Torah.¹¹ Nevertheless, 1Sam 8 does present a concept without precedent in the ancient Near East: that the existence of an earthly ruler was tantamount to the rejection of Israel's divine king Yahweh (v. 7). There is no shortage of divine kings in Mesopotamian history (e. g., Enki, Enlil, Marduk, Assur), and the existence of a human ruler was never understood to be in any tension with them. According to many Mesopotamian literary and legal texts, the office of kingship was of divine origin, descending from the heavens to mankind.¹² Kingship was one part of a complex differentiated system of social and cosmic regulation that kept the world in order. Thus, the notion that divine and human kingship were somehow incompatible is perplexing—and not a very common outlook among biblical writers either. Another important theme in this text is the depiction of kingship as an office or institution foreign to the people

¹⁰ For priority of 1Sam 8 to Deut 17:14–20, see Achenbach, »Königsgesetz«: 216–233; Horst Dietrich Preuß, *Deuteronomium*, EdF 164 (Darmstadt: Wissenschaftliche Buchgesellschaft, 1982), 137; Otto, *Deuteronomium*, 1454. Cf. Nihan, »Rewriting Kingship«: 315–350.

¹¹ Although conflicting views of kingship are not entirely reducible to chronological considerations (contemporary scribal circles could have differing views on the matter), it is striking to see that even an exilic text like 2Chr 19 still maintains the king's superiority to the Levitical priesthood, whom he (not God) appoints to their judicial functions.

¹² This notion is best known from the Sumerian King List (ETCSL 2.1.1): »After the kingship descended from heaven, the kingship was in Eridu« ([nam]-lugal an-ta ed₃-de₃-a-ba). Near Eastern kings also relied on this mythology in the promulgation of their law collections, claiming that divine kingship had passed from the astral heads of the pantheon (Anu and Enlil) to the capitals of each king: Ur-Namma of Ur (CU Epilogue A: i 31'–35'), Lipit-Ishtar of Isin (CL Epilogue: i 1'–19'), and Hammurabi of Babylon (CH Epilogue: i 1'–26'). Gerhard Ries argued that this signified that lawgiving was intimately tied to local political ambitions, and not reflections of some received theological tradition (*Prolog und Epilog in Gesetzen des Altertums*, MBPAR 76 [Munich: C. H. Beck, 1983], 42).

of Israel, a notion it shares with Deut 17.¹³ Unlike the Torah and Yahweh's divine sovereignty, a human king undermined the distinctiveness of Israel. But this apprehension not only towards specific kings, but also the office of kingship itself, stands in stark contrast to memories of another normative order in which the human ruler was the delegated representative of Yahweh on earth (1Kgs 3; 11; Ps 72).

The remainder of this study is devoted to memories of this older judicial mentality in a small set of biblical texts that offer a representative cross-section of the history of the Davidic monarchy. Perhaps due to their prestige in biblical memory, some narratives, hymns, and psalms dedicated to David and Solomon preserved certain motifs that celebrate the legal authority of these kings.¹⁴ Additionally, the Book of Jeremiah recounts the final judicial act of an independent king of the Davidic line, when King Zedekiah declared a remission edict on the eve of Jerusalem's destruction (Jer 34). This narrative further illustrates how Deuteronomistic editors subordinated the normative authority of kings under the concept of the rule of law—embodied through Yahweh's exclusive sovereignty and the authority of a written Torah.

3 Vestiges of Royal Judicial Authority

The judicial authority of biblical kings was validated by an outside source, but seldom in the form articulated in the texts examined thus far. In the ancient Near East, the judicial authority of kings operated according to a mandate model: by virtue of his office, the human king had a divinely mandated obligation to enact law, protect the marginal of society, and render justice whenever it had been corrupted. This mandate model defined royal judicial ideology from the earliest Sumerian texts of the mid-third millennium BCE to the Hellenistic age. Although traces of this model appear within biblical tradition, the metaphor of Yahweh's divine kingship and his role as Israel's lawgiver have largely displaced the judicial ideology of human rulers.¹⁵

¹³ Nihan, »Rewriting Kingship«: 329.

¹⁴ Identifying three depictions of Solomon, Römer argues for monarchic, exilic, and Persian redactional strata in the depiction of Israel's famous king. It is only in this latest Persian-era stage that the king's observance of the Torah and the separateness of Israel from other peoples becomes an important theme (»Un roi ambigu«).

¹⁵ Bernard Jackson deemed these two normative orders as the monistic and dualistic models of biblical law. The monistic system understands the abstract ideal of justice, divine law, and the resolution of conflict between people as a single system operating under the direct authority of

Offering some indication of royal ideology in ancient Israel and Judah, Psalm 72 demonstrates how judicial motifs contributed to the process of political image building. Yahweh gives the king justice and righteousness, by which God's temporal representative is able to execute his judicial functions and fulfill his mandated role to protect the marginal of society: the orphan, the widow, the weak, the poor, and the needy:

Psalm 72

לְשִׁלְמָה אֱלֹהִים מִשְׁפָּטִיד לְמֶלֶךְ תֵּן וְצִדְקָתְךָ לְבֶן־מֶלֶךְ: ⁽²⁾ יְדִין עַמְךָ בַּצֶּדֶק וְעֲנִיִּים בַּמִּשְׁפָּט:

⁽¹⁾ For Solomon: O God, give your justice to the king and your righteousness to the son of the king. ⁽²⁾ Let him judge your people righteously and your afflicted justly.

The notion that God (or the gods) »give justice« to the king, enabling or obligating him to render justice, is a stock legal motif in Near Eastern royal ideology.¹⁶ This idea not only elevated the king above his human peers, but it also brought him into closer proximity with the gods—especially solar gods of justice.¹⁷ The solarization of ancient Near Eastern lawgivers is a prominent motif extending across all historical periods for which we have documentation—not to mention a totalizing principle in Egyptian notions of kingship.¹⁸ Less widely understood is how biblical kings similarly likened themselves to the sun/sun god in their judicial

Yahweh alone. The dualistic (mandate) model outlines an important role for the human king, who mediated the human world that he governed, and a supervening moral order located in the divine realm (»Human Law And Divine Justice: Towards The Institutionalisation of Halakhah,« *JSIJ* 9 [2010] 223).

16 Several Mesopotamian kings claimed that the gods had »gifted them justice and equity« (*kītu[m] u mišāru[m]* ... *šerēku[m]*): Hammurabi (CH Epilogue: xlviii 95'–99'), Esarhaddon (RINAP 4.33 [= ZA 40, 234 ff]): rev. iii 31'–36'), and Assurbanipal (SAA 3 11: 8').

17 Just like temporal rulers, the sun-god Šamaš also received the »gift« of justice from unknown donors according to an inscription from Mari dating to the reign of Yaḥdun-lim: »to Šamaš, king of heaven and earth, judge of the gods and humanity, whose allotment is *mišārum*, to whom *kīnātum* has been given as a gift« (RIME 4.6.8.2: 1'–6').

18 See Dominique Charpin, »I am the Sun of Babylon«: Solar Aspects of Royal Power in Old Babylonian Mesopotamia, in *Experiencing Power, Generating Authority: Cosmos, Politics, and the Ideology of Kingship in Ancient Egypt and Mesopotamia*, eds. J. A. Hill, P. Jones and A. J. Morales (Philadelphia, PA: University of Pennsylvania Museum of Archaeology and Anthropology, 2013): 65–96; Ekhardt Frahm, »Rising Suns and Falling Stars: Assyrian Kings and the Cosmos,« in *Experiencing Power, Generating Authority: Cosmos, Politics, and the Ideology of Kingship in Ancient Egypt and Mesopotamia*, eds. J. A. Hill, P. Jones and A. J. Morales (Philadelphia: University of Pennsylvania Museum of Archaeology and Anthropology, 2013): 97–120.

capacities.¹⁹ In King David's farewell speech (2Sam 23:1–7), for example, the motif of just human rule moves seamlessly to the image of the rising sun and fecundity:

2 Sam 23:3–4

אמר אלהי ישראל לי דבר צור ישראל מושל באדם צדיק מושל יראת אלהים: ⁽⁴⁾ וכאור בקר יזרח־שמש
בקר לא עבות מנגה ממטר דשא מארץ:

⁽³⁾ The God of Israel spoke to me; the Rock of Israel said: »He who rules over humanity justly, is he who rules (in) reverence of God. ⁽⁴⁾ Like light of (the) morning, the Sun rises on a morning without clouds. From shining (and) from rain, grass (grows/emerges) from the earth.«²⁰

Thus, Israelite and Judahite kingship likely did resemble that of »all the other nations around them« (Deut 17:14; 1Sam 8:5, 20), albeit with certain idiosyncrasies resulting from a cult centered on the god Yahweh.

Mesopotamian and biblical traditions agree that the ability of kings to perceive justice, to differentiate between right and wrong, and to adjudicate legal cases equitably was a divine gift. In narratives about David and Solomon exercising judicial authority, biblical authors allude to a divine wisdom enabling them to render justice in difficult cases. This wisdom was as much a practical know-how of judicial procedure as it was an abstract or philosophical knowledge. In the judicial ideology of Near Eastern kings, the capacity to render judgment did not only (or even primarily) refer to the personal abilities of the individual kings, but rather the judicial powers individual rulers possessed by virtue of their royal office. Thus, the great lawgiver Hammurabi calls himself »a capable king« (*šarrum lē'ûm*) and invites future kings »with discernment and the ability to render justice« (*awilum šû tašimtam išûma mässu šutēšûram*) to heed the statutes of his famous law collection.²¹ In the story of the Wise Woman from Tekoa (2Sam 14), David is said to possess a wisdom that is »like the wisdom of a messenger of God« (כחכמת מלאך האלהים [vv. 17, 20]), whereas in the Judgment of Solomon (1Kgs 3:16–28), the Israelites recognize that »the wisdom of God was within him to execute justice« (כי חכמת אלהים בקרבו לעשות משפט [v. 28]).

¹⁹ However, see Martin Arneth, »Sonne der Gerechtigkeit:« *Studien zur Solarisierung der Jahwe-Religion im Lichte von Psalm 72*, ZABRB 1 (Wiesbaden: Harrassowitz, 2000).

²⁰ On equating references to the sun and light with the human king, compare Pss 72:5–7; 89:36.

²¹ CH Epilogue: xlvii 4'; xlviii 59'–62', 75'–77'.

3 Zedekiah's Edict: Historical Memory and Deuteronomistic Redaction

The legal authority of biblical kings is remembered not only in the archetypical figures of David and Solomon, but also in the last independent ruler of Judah: King Zedekiah. On the eve of Jerusalem's destruction, in the midst of a famine caused by a yearlong siege (2Kgs 25:1–3; Jer 39:1–2), the narrative recalls the last recorded legal act of King Zedekiah:

Jer 34:7–8

(7) וחיל מלך־בבל נלחמים על־ירושלם ועל כל־ערי יהודה הנותרות אל־לכיש ואל־עזקה כי הנה נשארו בערי יהודה ערי מבצר: (8) הדבר אשר היה אל־ירמיהו מאת יהוה אחרי כרת המלך צדקיהו ברית את־כל־העם אשר בירושלם לקרא להם דרור:

(7) The army of the king of Babylon was fighting against Jerusalem and all the remaining cities of Judah—against Lachish and against Azekah—now there remained among the towns of Judah (only) fortified towns. (8) Word came to Jeremiah from Yahweh, after Zedekiah had made a covenant with all the people who were in Jerusalem, to declare for them a remission edict.

The edict that Zedekiah declares for the people of Jerusalem is deemed a דרור, which was an Akkadian loanword into Hebrew that would have been well known to the Babylonians who surrounded the city.²² In Mesopotamia, *durāru* or *andurāru*-edicts were normative royal acts attested between the 25th and 7th centuries

²² The parallel between Hebrew דרור and Akkadian (*an*)*durāru* was first observed by Friedrich Delitzsch, *Prolegomena eines neuen Hebräisch-Aramäischen Wörterbuchs zum Alten Testament* (Leipzig: J. C. Hinrichs, 1886), 46; idem, *Assyrisches Handwörterbuch* (Leipzig: J. C. Hinrichs, 1896), 228. For studies that compare Zedekiah's remission edict with Mesopotamian parallels, see Niels Peter Lemche, »The Manumission of Slaves: The Fallow Year, the Sabbatical Year, the Jubel Year,« *VT* 26 (1976) 38–59; idem, »*Andurārum* and *Mišarum*: Comments on the Problem of Social Edicts and their Application in the Ancient Near East,« *JNES* 38 (1979) 11–22; Julius Lewy, »The Biblical Institution of D^rrōr in Light of the Akkadian Documents,« *IES* 5 (1958) 21–31; Philip J. Nel, »Social Justice as Religious Responsibility in Near Eastern Religions: Historic Ideal and Ideological Illusion,« *JNSL* 26 (2000) 143–153; Nahum Sarna, »Zedekiah's Emancipation of Slaves and the Sabbatical Year,« in *Studies in Biblical Interpretation*, ed. Nahum Sarna, JPS Scholar of Distinction Series (Philadelphia, PA: The Jewish Publication Society, 2000) 300 f. On the Mesopotamian (*an*)*durāru*-edicts in their primary context, see Dominique Charpin, »L'*andurārum* à Mari,« *M.A.R.I.* 6 (1990) 253–270; idem, »L'*andurārum* à l'époque médio-babylonienne: Une attestation dans le royaume d'Emar,« *NABU* 2002/1 (2002) 23; Frederick Mario Fales, *L'impero assiro: Storia e amministrazione (IX–VII secolo a.C.)* (Roma-Bari, 2001), 199; 332; Brigitte Lion, »L'*andurāru* à l'époque médio-babylonienne d'après les documents de Terqa, Nuzi et Arrapha,« in *Nuzi at Seventy-Five*, eds. David I. Owen and Gernot Wilhelm, *SCCNH* 10 (1999) 313–327; J. Nicholas Postgate, *The Governor's Palace Archive, Cuneiform Texts from Nimrud II* (London: British Institute for the Study of Iraq, 1973), 38 f.; 230–232; Karen Radner, *Die neuassyrischen Privatrechtsurkunden als*

BCE,²³ which annulled debts, returned alienated property, and freed debt slaves.²⁴ Numerous Old Babylonian kings (Hammurabi, Samsu-iluna, and Ammi-šaduqa) used *andurāru*-edicts to remit free men who had sold their wives, children, or even themselves into debt slavery.²⁵ Neo-Assyrian kings also enacted *andurāru*-edicts that remitted debt and returned alienated property, though they also used them to affirm the social privileges of inhabitants of various sacred cities.²⁶

The effect of Zedekiah's edict (vv. 9–10) was the emancipation of all Hebrew/Judahite male and female slaves within Jerusalem. But scholars have long identified the ethnic stipulations of the edict (עבריה, עבריה) as secondary Deuteronomistic additions pulled straight from Deut 15:12.²⁷ Removing these secondary additions and the obvious redactional reduplications (*Wiederaufnahme*) that frame them, the edict concerns the remission of male and female slaves and the violation of this agreement by Jerusalem's elite.

Jer 34:10aβ–11

לשלח איש את-עבדו ואיש את-שפחתו חפשים לבלתי עבד-בם עוד וישמעו וישלחו: (11) וישבו אחרי כן וישבו את העבדים ואת השפחות אשר שלחו חפשים וכבישום לעבדים ולשפחות:
 »(The edict:) every man (must) free his male and female slave, not enslaving them again. They listened and they set (them free). (11) But afterward they turned back (on their agree-

Quelle für Mensch und Umwelt, SAAS VI (Helsinki: State Archives of Assyria, 1997), 70, n. 354 and 355; Pierre Villard, »L'(an)durāru à l'époque néo-assyrienne,« *RA* 101 (2007) 107–124.

23 Lemche proposed that the word דרור would have entered Hebrew sometime in the 7th or 6th centuries BCE, with a *terminus ante quem* of 650 BCE when it fell out of usage in Akkadian scribal circles (»*Andurārum* and *Mišarum*«: 15; 22). A Neo-Assyrian vector of transmission is quite likely given that Hebrew דרור seems to reflect the loss of the performative /an-/, as seen in the practical legal documents of the Neo-Assyrian period (Dominique Charpin, »Les décrets royaux à l'époque paléo-babylonienne, à propos d'un ouvrage récent,« *AfO* 34 [1987] 40, esp. n. 27). Interestingly, biblical authors would not have learned this word from royal inscriptions of the first millennium BCE, which continued to use the older nominal form *andurāru* (Villard, »L'[an]durāru«: 107).

24 Dominique Charpin, »Les édits de ›restauration‹ des rois babyloniens et leur application,« in *Du pouvoir dans l'antiquité: Mots et réalités*, Hautes Études du monde Gréco-Romain 16 (Geneva: Librairie Droz, 1990) 13–24; Villard, L'(an)durāru«: 107.

25 The stipulations appear in the Edict of Ammi-šaduqa §§ 20–21 (Fritz Rudolf Kraus, *Königliche Verfügungen in altbabylonischer Zeit*, SD 11 [Leiden: Brill, 1984], 265–284); the Code of Hammurabi (§ 117); and, in the fragmentary Edict of Samsu-iluna (Kraus, *Königliche Verfügungen*, 155–157; 276 f.). The *andurāru*-edict was not an universal emancipation proclamation, it merely reverted the status of people and property to their previous status: whether that was as a free man or a slave (Charpin, »Les édits«: 13–24; Lemche, »*Andurārum* and *Mišarum*«: 18).

26 See Lemche, »*Andurārum* and *Mišarum*«: 20 f. A royal inscription of King Esarhaddon (RINAP 4.105: vii 12'–24') mentions the manumission of enslaved Babylonians, though the actual *andurāru*-edict seems to affirm the privileged *kidinnu*-status of the inhabitants of Babylon and Assur.

27 Lemche, »*Andurārum* and *Mišarum*«: 52.

ment), they returned their male and female slaves whom they had set free, enslaving them (again) as male and female slaves.»²⁸

Scholars have proposed essentially three motivations behind Zedekiah's edict.²⁹ First, the manumission of slaves would have replenished the ranks of soldiers repelling Nebuchadnezzar's siege.³⁰ Second, Jerusalem's elite may have requested the manumission of slaves whom they could no longer feed.³¹ Third, King Zedekiah proclaimed this edict to fulfill his divine judicial mandate towards the needy of society.³² The latter two possibilities seem the most likely, as comparative data (discussed below) points towards the social conditions of the siege itself as the primary factor necessitating the king's normative act.³³

Zedekiah's edict is presented as a covenant (ברית) between the king and the people/elites (שרים/כל־העם) of Jerusalem.³⁴ There are only a few examples of Israelite or Judahite leaders making covenants with their subjects (Josh 24:25; 2Sam 3:21; 5:3; 1Kgs 11), where royal power is depicted as reliant on the support of localized corporate authorities. As social and legal institutions, ancient Near

²⁸ The MT version of v. 11 has several additions to the short form preserved in the LXX, though it contains essentially the same information (Shirley Lal Wijesinghe, *Jeremiah 34,8–22: Structure, and Redactional History of the Masoretic Text and of the Septuagint Hebrew Vorlage*, Logos 37/1–2 [Colombo: The Centre for Society & Religion, 1999], 9).

²⁹ See the summary of opinions in Wijesinghe, *Jeremiah*, 38–48.

³⁰ See Martin David, »The Manumission of Slaves Under Zedekiah,« *OS* 5 (1948) 63–79; Lemche, »Manumission of Slaves«: 51; Bernard Levinson, »The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,« *Congress Volume Leiden 2004*, ed. André Lemaire [Leiden: Brill, 2006], 283; Moshe Weinfeld, »Sabbatical Year and the Jubilee in the Pentateuchal Laws and their Ancient Near Eastern Background,« in *The Law in the Bible and in its Environment*, ed. Timo Veijola (Helsinki: The Finnish Exegetical Society, 1990) 39–62. However, the inclusion of female slaves in this remission edict strongly implies other motivations were also at work (see Chavel, »Let My People Go! Emancipation, Revelation, and Scribal Activity in Jeremiah 34.8–14,« *JSOT* 76 [1997] 71).

³¹ Lemche, »Manumission of Slaves«: 51.

³² Martin Kessler, »The Law of Manumission in Jer 34,« *BZ* 15 (1971) 105–108; Lemche, »Manumission of Slaves«: 51; Artur Weiser, *Das Buch Jeremia: Kapitel 1–25,14*, ATD 20/21 (Göttingen: Vandenhoeck & Ruprecht, 1966), 311f. Weiser considered Zedekiah intended to fulfill specific statutes of Pentateuchal law—but this reads the text according in light of the Deuteronomistic revisions. Instead, the original religious motivations of Zedekiah most likely derived from the same ideological impulses that made all Near Eastern sovereigns proclaim normative acts: to ensure the ordered operation of society, to reaffirm their judicial authority, and to demonstrate the fulfillment of their divine mandate to God/the gods.

³³ *Contra* Wijesinghe, who thought Jer 34:8–34 described a remission edict declared in a time of peace (*Jeremiah*, 116).

³⁴ There is no parallel to אשר בירושלם or שרי ירושלם in Jer (LXX) 41:8, 19.

Eastern towns consisted of various *ad hoc* and permanent collective decision-making bodies, whose loyalty and obeisance kings had to earn by reinforcing certain privileges. In fact, several (an)*durāru*-edicts of Neo-Assyrian kings like Sargon II and Esarhaddon were meant solely to reaffirm the special *kidinnu*-privileges of the inhabitants of sacred cities like Assur, Babylon, Sippar, and others—freeing them from royal corvée duty and tax obligations.³⁵ Beyond the emancipation of these slaves, no details of the covenant agreement between Zedekiah and the elites of Jerusalem are mentioned. Most importantly, however, the interests of the king and the elites *are not the same in this episode*—even though they ultimately share in the same fate according to the Deuteronomistic editor of this text (v. 21). Moreover, this covenant is a political-legal agreement between the king and the Jerusalem elite with reference to neither the divine covenant with God, nor any allusion to Pentateuchal law. Zedekiah's motivation to emancipate the slaves of Jerusalem was not to fulfill the rule of law (i. e., the Torah), but a response to the historical circumstance of the city in 587 BCE.

Cities under siege experience incredible humanitarian and social chaos; what is seldom considered are the effects of siege and famine on the legal life of the people living under such conditions.³⁶ This is precisely the situation recounted in nine cuneiform tablets dating to 626 BCE (only forty years before the siege of Jerusalem), which describe the dire situation of Assyrian-controlled Nippur as it too suffered under a six-month siege from the Babylonian army under the command of King Nabopolassar.³⁷ As the inhabitants of Nippur desperately tried to secure food for themselves and their families, they sold heritable property well under market value and they were forced to sell themselves or their children in order to survive.³⁸ It is not hard to imagine that the inhabitants of Jerusalem would have found themselves in the same situation as the inhabitants of Nippur. Zedekiah's remission edict, therefore, may have represented a desperate attempt to control

³⁵ See Villard, »L'(an)*durāru*«: 110; 123.

³⁶ See Shai André Divon, »A Survey of the Textual Evidence for »Food Shortage« from the Late Hittite Empire,« in *The City of Emar Among the Late Bronze Age Empires: History, Landscape, and Society. Proceedings of the Konstanz Emar Conference 25.–26.04.2006*, eds. Lorenzo D'Alphonso, Yoram Cohen and Dietrich Sürenhagen, AOAT 349 (Münster: Ugarit-Verlag, 2008) 101–109; A. Leo Oppenheim, »Siege Documents« from Nippur,« *Iraq* 17 (1955) 67–89; Villard, »L'(an)*durāru*«: 119 f.

³⁷ Oppenheim, »Siege Documents«: 85.

³⁸ As Nebuchadnezzar laid siege to Jerusalem, the prophet Jeremiah purchases his paternal cousin's estate to prevent it from passing outside the family (Jer 32:7–16). One hundred years after the siege, Nehemiah encounters this same problem in the midst of a famine (עֵרֵב) where Judeans sold their possessions, their children, and themselves into debt slavery in order to survive (Neh 5:1–13).

runaway debt slavery, maintain some semblance of social order, and live up to his divine mandate to protect the socially marginalized—all with the view of currying divine favor.³⁹ Without discounting the possibility that the elites could still be profiteering from the chaos, the re-enslavement of the population may have been the only available option in the absence of any other forms of social security. Based on the comparative evidence, Zedekiah's edict and its violation by Jerusalem's elite seem to reflect the historical realities of debt-slavery during sieges and the use of (*an*)*durāru*-edicts to resolve humanitarian crises. The *circumstances of siege* prompted Zedekiah to issue his edict, rather than his adherence to any sort of calendrical manumission cycle as found in the Pentateuch.⁴⁰

In contrast to this historical reconstruction, most analyses of Jer 34 focus on potential intertextual parallels between Zedekiah's edict and the Pentateuchal laws of manumission ([i] Exod 21:2–11; 23:10–12; [ii] Deut 15:1–18; 31:9–13; [iii] Lev 25).⁴¹ Evidence for a direct textual relationship between Zedekiah's edict (namely, vv. 9 and 14) and Deut 15:1, 12 is beyond dispute. However, these parallels are secondary additions to this text, which share the same view about the Torah's supervening authority over human kings as reflected in texts like Deut 17:18–19 and Deut 31:9–11. By coordinating Zedekiah's edict with the Deuteronomistic manumission laws, this redactor circumscribed the normative author-

³⁹ Pierre Villard has tentatively connected several *andurāru*-edicts proclaimed in these moments of economic crisis (»L'[an]durāru«: 119 f.).

⁴⁰ *Contra* Adrian Schenker, »La liberazione degli schiavi a Gerusalemme secondo Ger 34, 8–22,« *RivB* 41 (1991) 454–457. This is not to deny any connection between the septennial system of manumission (Ex 21:2; Deut 15:12; Lev 25) and the Mesopotamian (*an*)*durāru*-edicts. The Code of Hammurabi (§ 117), for instance, limits the duration of debt slavery to three years, after which the debt-slaves must be released (*andurāršunu iššakkan*). Yet, elsewhere the CH provisions for spontaneous acts of remission (§ 171 and § 280), like the Neo-Assyrian examples, implying both were potentially known to Judahite kings as well.

⁴¹ Levinson provided an excellent literature review of the relevant models for the development of the biblical manumission laws (»Manumission of Hermeneutics«: 283–293). He outlined the sequence proposed by the traditional source-critical model—(i) Exod 21:2–11/23:10–12 → (ii) Deut 15:1–18/31:9–13 → (iii) Jer 34 → (iv) Lev 25—summarized dissenting views that switched the order or denied any textual relationship, before ultimately reaffirming the traditional sequence (p. 292). More recent studies have proposed alternative sources for Jer 34, such as Deut 31:9–13 (Mark Leuchter, »The Manumission Laws in Leviticus and Deuteronomy: The Jeremiah Connection,« *JBL* 127 [2008] 635–653). The overarching analysis of Deuteronomistic revision of royal ideology proposed in the current study fits best with Simeon Chavel's analysis of Jer 34. Chavel identified a core historical memory of a royal edict that was spliced together with Deuteronomistic manumission laws (Jer 34:14//Deut 15:1, 12) and then later harmonized with the Priestly manumission laws (Lev 25:39, 46b). Less convincing is his claim that this was done to legitimize the activities of Nehemiah (Neh 5:1–13) in the 5th century BCE (»Let My People Go«: 71–95).

ity of the king by the divine law of the Torah under the control of the Levitical priests.

The first and most obvious sign that a redactor was trying to coordinate an independent narrative in Jer 34 with the Deuteronomic law of manumission is the clumsy insertion addressing the ethnicity of the slaves (v. 9). However, it is through the prophetic voice of Jeremiah (vv. 12–22) that this redactor (or redactors) most profoundly reinterpreted Zedekiah's edict.⁴² First, the redactor takes aim at the peculiar concept of covenant found in v. 8, claiming that the agreement between Zedekiah and the Jerusalemite elite was concluded in the temple of Yahweh (v. 15). Although this may be a plausible scenario, it nonetheless reminds the people of their earlier (and one gets the sense superior) covenant at Sinai (v. 13). Zedekiah may have freed the slaves of Jerusalem, but God had liberated all Israel from bondage (בית עבדים) in Egypt. Second, this Deuteronomistic redactor cites extensive sections of the Deuteronomic law on manumission (Jer 34:14//Deut 15:1, 12), equating Zedekiah's one-time remission edict declared in the context of a siege with the fixed calendrical cycle system of שמיטה that God established at Sinai. Zedekiah's edict becomes his dutiful application of the Torah, granted *ex post facto* legitimacy by Jeremiah. A Deuteronomistic redactor transformed the king's divinely mandated prerogative to enact a דרור-edict into his pious observance of Deuteronom(ist)ic law: subordinating the king to the rule of law embodied in the Torah.⁴³ In spite of this considerable effort to make Zedekiah into a pious Torah observer, the king—who by the text's own description had enacted a »just« (הישר) edict—is nevertheless condemned along with *his elites* to suffer the punishment they had »inflicted« on the people of Jerusalem: enslavement, and ultimately, exile (v. 21).⁴⁴

From this perspective, the intertextual parallels between Jer 34 and Deut 15/31 are secondary additions to a literary core that recalled a genuine historical event in 587 BCE. Thus, the purpose of this redaction was not simply to castigate the enslavement of fellow Jews, but to call into question the office of kingship as a foundation of legal authority. Sharing similar sentiments as other authors who subsumed the authority of the king under the Torah and even the Levitical priest-

⁴² Despite opening with a prophetic formula (הבדור אשר יהיה אליימיהו מאת יהוה), vv. 8–11 is a third-person prose narrative, whereas vv. 12–22 is quoted divine speech.

⁴³ Chavel, »Let My People Go«: 74.

⁴⁴ Thus, I would expand Chavel's claim that Jeremiah's critique reaffirms Yahweh as the sole authority behind the right of Hebrew slaves to freedom (»Let My People Go«: 85), to say that this is only one example of a much larger project criticizing the king and the office of kingship as a normative source of authority separate from God and Pentateuchal law. According to this new view, King Zedekiah inexplicably becomes culpable for the Jerusalem elite's re-enslavement of the people whom he had emancipated with his royal order.

hood,⁴⁵ a Deuteronomistic redactor of this text transformed a rare description of the Judahite king exercising his normative authority into a cautionary tale about the failure to observe Pentateuchal law. The Deuteronomistic redaction of this text obscures the original intent and effects of Zedekiah's remission edict, which was a temporary solution to the legal ramifications of a city under siege, suffering from widespread famine, and experiencing run-away debt-slavery.

4 Conclusion

The texts that subordinate the office of kingship under the authority of the Torah (Deut 17:14–20; 31:9; 1Sam 8; Jer 34:12–22) all stem from a community experiencing a crisis of identity: the loss of political autonomy. This experience began with the fall of the Kingdom of Israel to Neo-Assyrian Empire in 722 BCE, but fully culminated in the Babylonian destruction of Jerusalem, the loss of the temple, and the end of the Davidic dynasty in 587 BCE. This trauma forced exilic and postexilic Judahite elites to rethink the authoritative basis of the literary legal tradition that they possessed. The traditional mandate model, where the king stood as the connection between social norms and a supervening moral order was no longer viable. In fact, there was probably a certain level of animosity towards the royal house that had failed in its divine obligation to ensure the security of the people of Israel. In this context, kingship was recast as a foreign institution that the Israelites had inadvisably demanded, thereby rejecting their divine sovereign. In the vacuum of political authority, religious elites like the Levitical priests could step into the void and assume important roles in the administration of justice and promote their image in the biblical text.

This turn against the monarchy as a foundation of legal order was extensive, but not totalizing. Solomon was still remembered as a shrewd and wise ruler, though those narratives now stand adjacent to texts that express a deep apprehension for his international connections, his pretensions to a pharaonic system

⁴⁵ On the motivation behind the scribal activity found in Jer 34, Chavel observed, »gradually yoking together various Pentateuchal laws regarding slavery with different historical counterparts allowed those laws to play an active role in commenting upon and ultimately shaping historical events, while this influence of the laws on history lent them and the scribes who controlled them greater prestige and authority« (»Let My People Go«: 76). Similarly, Leuchter connected the reference to *מִקֵּץ שִׁבְעַת שָׁנִים* in Jer 34:14 not to Deut 15:1, 12, but to Deut 31:9–11 where the »Year of Release« (*שָׁנַת הַשְׁמִטָּה*) is connected to the written Torah and the Levitical priesthood—the same legal authorities mentioned in Deut 17:18 (»Manumission Laws«: 642–646). He concluded that Jer 34:14a was an interpolation by a redactor »advancing Levitical interests and authority« (p. 645).

of forced labor, and his auspicious displays of wealth. Royal psalms and isolated narratives preserved vestiges of royal judicial ideology, though even the motifs of wisdom, beauty, and prosperity would be recast as arrogance and idolatry in some prophetic traditions (Ezek 28:1–19; Zech 9:2). By redefining Israel's normative order exclusively in terms of Yahweh's divine sovereignty and the Torah as a rule of law, a small circle of Deuteronomistic redactors chose to recast the loss of the Davidic kingship in a positive light: as a return to a purer Israelite society, one where the Torah, promulgated by Israel's true king Yahweh, was the ultimate source of legal authority, a rule of law to which even kings (both foreign and domestic) were subject.

Abstract: The notion that the Torah represents a supervening »rule of law« that circumscribes the political and legal authority of the king stems from a particular Deuteronomistic scribal circle that worked long after the Davidic monarchy had ended. Using Zedekiah's edict (Jer 34:8–22) as a case study, this paper examines how Deuteronomistic redactors recast the final normative legal act of an independent Judahite king as his pious application of Pentateuchal law.

Keywords: Rule of Law, Torah, Kingship, דָּרוֹר, Francis Fukuyama, Jeremiah

Zusammenfassung: Die Vorstellung, dass die Tora eine übergeordnete »Rechtsstaatlichkeit« darstellt, die die politische und rechtliche Autorität des Königs umschreibt, stammt aus einem bestimmten deuteronomistischen Schreiberkreis, der lange nach dem Ende der davidischen Monarchie tätig war. Anhand des Edikts von Zedekia (Jer 34,8–22) wird in diesem Beitrag untersucht, wie deuteronomistische Redaktoren/Fortschreiber den letzten normativen Rechtsakt eines unabhängigen jüdischen Königs zu seiner frommen Anwendung des pentateuchischen Gesetzes umgestalteten.

Schlagwörter: Rechtsstaatlichkeit, Tora, Königtum, דָּרוֹר, Francis Fukuyama, Jeremia

Résumé : Le concept selon lequel la Torah représente une »prééminence du droit« qui circonscrit l'autorité politique et légale du roi provient d'un cercle particulier de scribes deutéronomistes qui ont exercé bien après la fin de la monarchie davidique. En utilisant l'édit de Sédécias (Jr 34,8–22) comme étude de cas, cet article examine comment les rédacteurs deutéronomistes ont reformulé le dernier acte juridique normatif d'un roi judéen autonome comme étant une pieuse application de la loi du Pentateuque.

Mots-clés : prééminence du droit, Torah, royauté, דָּרוֹר, Francis Fukuyama, Jérémie.