

### 6. A process map of Israel's early traditions

The diagram below summarizes the discussion so that the nature of the processes involved may be perceived clearly. It is true that the diagram and, indeed, the whole essay are concerned with generalizations. However, it must be remembered that a preliminary hypothesis is being put forward, not a complete and detailed argument. The writer hopes to proceed to further examinations of the material in order to substantiate or modify the hypothesis and, at the same time, to extend the method of process analysis.

Process analysis, a method of Biblical criticism, is shown to consist of ten basic principles. The method is applied first to the Book of Judges and then, by analogy, to Genesis 12–37. Evidence is found of a process of collecting tribal traditions. The Joseph story, the life and work of Moses, the tabernacle tradition and Gen 1–11 are subjected in turn to process analysis. It is found that an Annalist, probably in Solomon's time, produced a wide ranging history of the Jewish people. A Collector/Annalist hypothesis is formulated. A process map of Israel's early traditions concludes the essay.

## The Traditions Concerning the Inception of the Legal System in Israel: Significance and Dating

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Three biblical sections deal with what we may term »the beginning of the judicial system in Israel:« Exodus 18<sup>12-27</sup>; Numbers 11<sup>16-25</sup>; Deuteronomy 19-17. At the heart of the descriptions lies the point of view which attributes to Moses and his era the beginning of processes, phenomena, and institutions in Israel.<sup>1</sup> The written sources are not homogeneous. There are differences of approach, argumentation, and background which reflect different conditions and indicate different dates of composition. The determination of the historical conditions and date of these sections is treated principally as part of the discussion of the literary sources in the Pentateuch; a treatment of these written sources as a separate topic<sup>2</sup> is still lacking. The use of tried and true criteria and measures

<sup>1</sup> The Hebrew text of this article appeared in *Eretz-Israel*, vol. 14 (H.L. Ginsberg Volume), 1978, 19–22.

<sup>2</sup> The written sources in Ex 18 and Num 11 are generally attributed to the E source or to the early combination JE. And see M. Noth, *Exodus*, 1959, 144; H. Holzinger, *Numeri*, 1903, 42; J.B. Gray, *Numbers*, 1907, 109; N.H. Snaith (ed.), *Leviticus and Numbers*, 1907,

raise too broad chronological boundaries which do not especially aid us in finding a solution to the problem of the precise date of the traditions which are the subject of our discussion. It seems possible to draw essential and more detailed chronological conclusions by means of another criterion, that is, the mention – or the absence of administrative and social bodies in these three passages.

The tradition in Ex 18<sup>12ff.</sup> brings up the establishing of an auxiliary system for judging the Israelites as Jethro proposed to Moses (vv. 13–16).<sup>3</sup> There are two levels to the proposed system: the upper-person with great authority (Moses), and the lower-appointed persons. Verse 21 cites the qualifications and qualities of the appointees and their grading:

Moreover, choose able men from all the people, such as fear God, men who are trustworthy and who hate a bribe; and place such men over the people as rulers of thousands, of hundreds, of fifties, and of tens.

In this section, four characteristics of the system become clear: a. this is a new method which is unknown in Israel before the time of Moses; b. the system is based upon election and appointment; c. it is composed of men from among the people and not from groups with authority and functions in the sphere under discussion which did then exist in Israel; d. the system is constructed along a division of authority and duties according to a fixed system of grading.<sup>4</sup>

The writing reflect, therefore, the beginning of the establishment of a permanent appointed staff of *šarim* (i.e. »officials«) who are intended to deal with topics of judicial character, so serve as arbiters, witnesses, and judges. Their grading matches the ranks of the military command which seemingly do not fit a civilian judicial system. The military grading in the source which we are examining seems intended to illustrate the very exist-

<sup>229</sup>; M. Noth, *Numbers*, 1968, 83. Deut 1 is, of course, attributed to the D source. For its relation to JE see G. v. Rad, *Deuteronomy*, 1966, 37ff.; M. Noth, *Überlieferungsgeschichtliche Studien I*, 1943, 72.

<sup>3</sup> For the relation of Ex 18 to the »political« tradition and to the integration of the topic under discussion and its significance, see A. Cody, »Exodus, 18<sup>12</sup> – Jethro Accepts a Covenant with the Israelites,« *Biblica* 49 (1968), 157f.; C.H.W. Brekelmans, »Exodus XVIII and the Origins of Jahwism in Israel,« *OTS* 10 (1954), 215; G. v. Rad, *Das formgeschichtliche Problem des Hexateuch*, *Gesammelte Studien zum Alten Testament*, 1958, 22f.

<sup>4</sup> These characteristics are sufficient to refute theories which attempt to identify the *šarim* (= officials) who were appointed from the people in various ways, such as R. Knierim, »Exodus 18 und die Neuordnung der Mosaischen Gerichtsbarkeit,« *ZAW* 73 (1961), 150f. who maintains that »the people« are the heads of the families who carried out the judicial duties until the system was established at which time they were given the appropriate justification. We should note that Ex 18<sup>12f.</sup> is devoid of any hint of the fact that the officials were the heads of the families. And cf. also H. Schmid, *Mose. Überlieferung und Geschichte*, 1962, 67f.