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Of Shoes and Shekels

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Closely related to this type of relationship is the kind of sororate marriage described in § 31 of the Assyrian laws. According to this law, if a bride for whom the marriage-gift has been given, sealing the wedding-contract, dies before being given to her bridegroom, the latter may either marry another daughter of his father-in-law or demand the return of the marriage-gift. The former alternative, however, is qualified by the clause, "if his father-in-law pleases." Koschaker<sup>65</sup> and apparently Driver and Miles<sup>66</sup> regard this as an interpolation which nullifies the bridegroom's right, but it is quite possible that the original intention was to leave the choice between the alternative methods of settlement to the father of the bride.<sup>67</sup> In other words, the bride's father was required to give some adequate compensation for the girl who had died, but was allowed to choose in which of two possible ways he would do this.<sup>68</sup> There is no need to resort to Koschaker's suggestion<sup>69</sup> that the younger sister may have been already in the bridegroom's power through having been adopted along with her sister to serve as a maid for the latter.

#### SUMMARY

From all the facts cited it appears that normally the father's authority over his daughter and his responsibility for her support passed to her husband, and from him to his sons, brothers, or father in the order stated. In this respect there appears to have been, in Assyrian law, no difference between the wife living in her father's house and the wife who had gone to her husband's home. This fact supports the conjecture that the Assyrian laws were meant in part to carry over to *errēbu*-marriage what was acknowledged custom in the other and more usual type of marriage.

In conclusion we may observe that, except among the Hebrews and perhaps the Canaanites, levirate marriage was not in the ancient Near East a means of securing a son for the dead. It was rather a part of the whole system of family relationships, authority, and inheritance. At the same time, the object sought by the Hebrews through levirate marriage was sought by other peoples also, but in different ways.

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### OF SHOES AND SHEKELS

(I Samuel 12: 3; 13: 21)

E. A. SPEISER

#### I

Shoes were used in the Ancient Orient not only as an article of dress but also for symbolical purposes. One of these was plainly of a legal nature.

<sup>65</sup> *Zeitschr. für Assyriologie* xli, p. 23.

<sup>66</sup> *Op. cit.*, pp. 174, 179.

<sup>67</sup> Taking *ib-ba-az* to mean "he shall marry" rather than "he may marry" and assuming that *ba-di-ma* in both instances refers to the girl's father. [In my judgment Professor Burrows has adopted the only interpretation of *ibbaz* and of *hadi-ma emu . . . u hadi-ma* which is both logically and syntactically possible.—W. F. A.]

<sup>68</sup> Compare Laban's assumption of the right to substitute one daughter for another (Gen. 29: 21-8). For other cases involving similar conceptions see *Basis of Israelite Marriage*, pp. 25 f.

<sup>69</sup> *Loc. cit.* (v. s., note 65).

This is evident from the well-known statement in Ruth 7:4 that ". . . to confirm anything, a man would take off his shoe and give it to his neighbor; and this was the attestation in Israel." According to Deut. 25:9 the removal of the shoe serves to disgrace publicly the man who has refused to discharge his obligation under the levirate law. These two occurrences have in common the same outward symbol. They differ, however, in substance according to the attitude of the parties involved. In the passage in Ruth there is complete agreement among the participants; in Deuteronomy the action is strictly one-sided. We shall see presently that the mention of "a pair of shoes" in Amos 2:6 and 8:6 harks back to an analogous usage.

At the beginning of the statement in Ruth just cited we are told that the act of taking off the shoe was a custom once prevalent in Israel. As a matter of fact, there is one other passage, in addition to the above occurrences, which alludes to this custom: I Samuel 12:3. That this passage is not linked generally with Ruth 4:7 is due to our present Masoretic text. The ceremony of the shoe is introduced as obsolete at the time of Ruth; it may have become restricted in course of time to a special connection with the levirate marriage. All traces of a wider legal application in early times tended to disappear, until the ceremony was lost entirely to later tradition. But the Septuagint still preserves the original reading of the passage, and a related statement in Ben Sira bears out the Greek version.

The passage in question gives us Samuel's farewell address to the people. According to the present Hebrew text, this address ends as follows: ". . . or from whose hands have I taken ransom that I might hide my eyes with it? And I will restore it to you." In spite of the abruptness of the concluding sentence, the great majority of the modern commentators lean towards the Masoretic text. To be sure, the Targum had to amplify the phrase "that I might hide my eyes with it" by adding significantly "in a lawsuit." But the phrase happens to make sense, which cannot be said offhand about the reading of the Septuagint (followed by Old Latin) and its independent confirmation in Ben Sira. The Masoretic text offers

*kofer,\* w<sup>e</sup>a'lm 'eynay bō.*

The Septuagint presupposes instead <sup>1</sup>

*kofer w<sup>e</sup>na'al (ayim) ; 'anū vī.*

The paraphrase in Ben Sira furnishes for the disputed words the letters <sup>2</sup>

*wn'lm . . . 'nh bw,*

thus agreeing with the Septuagint in all respects, since the substitution of the third person for the first does not affect the context. Reduced to a purely consonantal basic text, the two rival readings involve only the difference between ' and n. But the Greek version presents a radical difference in context: ". . . (for from whose hand have I taken) ransom and a shoe?

\* To conform to BULLETIN practice I have modified the author's transcription by substituting *f* for *φ*, *v* for *β*, *e* for *ε*, etc.—W. F. A.

<sup>1</sup> ἔξλασμα καὶ ὑπόδημα; ἀποκρίθητε κατ' ἐμοῦ.

<sup>2</sup> This passage (46: 19) is available both in Greek and in Hebrew in identical versions.

Testify against me and I will return it to you." While "testify against me" is an excellent antecedent to "I will return it to you," one that is lacking in the traditional text,<sup>3</sup> what would "a shoe" (or Ben Sira's "pair of shoes") mean in apposition to "ransom"? This difficulty explains the rather unusual preference of the critics for the Masoretic Hebrew reading as against the Septuagint,<sup>4</sup> reinforced so unexpectedly by Ben Sira. The tested principle of textual criticism that the more difficult reading deserves preference was not applied in this instance. It could not be without some outside support. Such support is now found in the Nuzi texts.

Among the Nuzi documents published so far there are two which mention shoes not as items in the local economy<sup>5</sup> but as legal symbols. In H(arvard) S(emitic) S(eries) V, 76<sup>6</sup> we are told of a dowry (*mulugu*) which consists of real estate. We know that such property was inalienable under the law of the land, the only sanctioned method of transfer being formal adoption in cases where the law of inheritance did not operate automatically. In this instance the assignee is the owner's daughter who would not ordinarily share in the inheritance; moreover, a dowry represents an outright gift effective while the donor was alive. In short, the transaction does not fall under the head of normal legal practice. Now the daughter reciprocates with a present consisting of "one pair of shoes, one garment, one sheep, one sow with her ten pigs" (lines 6-8). The barter value of animals is self-evident, but the gift of a garment and, particularly, of shoes is difficult to explain in this connection on a purely economic basis. Even more suggestive is HSS V, 17<sup>7</sup> where a man receives from another the latter's daughter as an outright gift (*makannu*), this gift having some relation to a pending lawsuit. In return for this *makannu* the father gets only "a cloak and a pair of shoes" (lines 9-10). There can be no question in this case of an ordinary exchange, and P. Koschaker is clearly right when he holds that shoes and garments must be regarded in such instances as token payments to validate special transactions by lending them the appearance of normal business practice.<sup>8</sup>

Reviewing the two documents together, we find that in both cases there are elements which do not fall within the regular legal framework. What saves them from being irregular under the law is the ceremonial transfer of shoes to the party that might otherwise have been guilty of an illegal practice. This transfer may accompany a gift (called *qistu*, HSS V, 76), or it may be made in consideration of a "gift" (*makannu*, HSS V, 17; this term is a close analogue to Akk. *tātu* which means both "gift" and "bribe");<sup>9</sup> and it may be connected specifically with lawsuits on which the verdict is pending.

These two Nuzi documents involving shoes provide now a common basis

<sup>3</sup> Cf. S. R. Driver, *Notes on the Hebrew Text of the Books of Samuel* (2nd ed.), p. 89.

<sup>4</sup> Kittel-Kahle, *Biblia Hebraica*, ad loc. weighs the Greek reading as "perhaps right."

<sup>5</sup> Cf. D. Cross, *Movable Property in the Nuzi Documents*, p. 52.

<sup>6</sup> Translated by Speiser, in *Annual X*, p. 66.

<sup>7</sup> *Ibid.*, pp. 63-4. The translation of both these texts will now bear improvement.

<sup>8</sup> Cf. ZA XLI, p. 27, note. Koschaker translates *iltenu šenu* as "one shoe," but this usage is idiomatic for "a pair of shoes"; see Cross, *op. cit.* and Goetze, ZA XL, p. 79 f.

<sup>9</sup> Cf. *Annual XVI*, p. 86.

for Ruth 4: 7 as well as I Sam. 12: 3. In the former instance Boaz cannot claim a legal right to Ruth until he had "purchased" that right (verse 8) from the next-of-kin. The "price" is a shoe, which serves "to confirm all things" and as "attestation." Here the Biblical verse gives us a definition of the ceremony of the shoe which applies admirably to the above cuneiform passages: it is to validate arrangements by circumventing legal obstacles. But the same definition imparts now unusual force to Samuel's final remarks. In his capacity as judge he had never accepted bribes or gratuities from any litigant; what is more, he had had nothing to do with cases where the law could be circumvented through some technicality.

In the light of these remarks the allusions in Amos to "the selling of the needy for a pair of shoes" can easily be appreciated. We have here a proverbial saying which refers to the oppression of the poor by means which may be legal but do not conform to the spirit of the law. The ordinary interpretation of this saying that the poor could be enslaved for so trifling a thing as a pair of shoes is unconvincing, by comparison, and economically improbable.

It is hardly necessary to repeat that this particular type of the ceremonial use of the shoe does not exhaust the symbolical application of the object even in the legal-economic sphere. Dr. E. R. Lacheman has attempted recently to connect the above passage in Ruth with the Nuzi custom of "lifting up the foot" as a symbol of property release.<sup>10</sup> This was undoubtedly true in certain dealings of a normal business nature. In the above instances, however, this explanation is colorless and irrelevant.

## II

Until quite recently, the text of I Sam. 13: 21 was regarded by all critics as hopelessly corrupt. The passage to which this verse belongs speaks of the lack of smiths among the Israelites and the consequent dependence of the people upon Philistine artisans who took full advantage of their profitable monopoly. The verse itself described apparently in detail the exorbitant charges of the Philistine smiths;<sup>11</sup> but the situation was obscured by the occurrence of several words of unknown meaning. The chief difficulty lay in the word which is represented in the Hebrew text by the letters *pym*. The logical derivation of this word would seem to be from *pê* "mouth, edge." It was clear, however, that the plural of *pê* is attested nowhere else in the masculine form; moreover, "edges" did not yield a suitable meaning in this particular context. That the crux was a very old one indeed is shown by the versions, all of which grope hopelessly and along diverse lines towards the elusive solution.

The correct solution was reserved for modern archaeology. Once again etymologized—incorrectly, of course—as *šinā* "two" + *\*pū* "a third," i. e., the text is upheld against ancient and modern editors alike. For we have

<sup>10</sup> See *JBL* LVI, 53 ff.

<sup>11</sup> Incidentally, the statement in I Sam. 13: 19 that "there was no smith found throughout all the land of Israel" has to be interpreted with the aid of archaeology. If we take this statement literally, we borrow trouble unnecessarily. There can be no doubt that Palestine did not lack copper-smiths at the time of Samuel. What the text wants to convey is that iron-smiths could not be found among the Israelites, but had to be sought in Philistine settlements. This corresponds closely enough to the known cultural conditions.

now specimens of actual weights inscribed with the letters *pym*,<sup>12</sup> precisely as in the Samuel verse under discussion. The actual weight of these specimens shows that the term denoted "two-thirds (of a shekel)." The verse tells us, therefore, that some of the simple repairs of implements and weapons cost as much as two-thirds of a shekel, while others required one-third,<sup>13</sup> very considerable amounts in either case.

But this welcome demonstration of the significance of the term *pym* does not account for its etymology. The derivation from *pê*, always questionable on morphological grounds, is even less probable now for semantic reasons: *pê* is not used to denote fractions. There is, however, another way to settle this problem. It must be sought in the cultural background, specifically in the field of metrology.

It is a well-known fact that the names for cultural importations frequently accompany the articles imported. This is true especially of such concrete items as weights and measures. The spread of the Sumerian term *mana*, which designates 1/60th of a talent, throughout the Near East and thence to the Graeco-Roman world (Akk. *manû*, Heb. *mānê*, Latin *mina*, etc.) is a case in point. Such borrowings are natural for fractional values based on the sexagesimal system, since this system is characteristic of the Sumerian culture.<sup>14</sup> Now "two-thirds" is a fraction of the sexagesimal system,<sup>15</sup> being properly another formulation of "four-sixths." If these premises are right, our *pym* should have a good Sumerian etymology.

As a matter of fact, such an etymology can be proposed. It is indirect, but the intermediate steps are all clear, so that the ultimate derivation is plausible enough. We know that Sumerian had special terms for all fractions from 1/6 to 5/6, and we know also that these terms were applied to the respective subdivisions of the shekel (Sumerian *gin*) without the mention of the weight-unit in question.<sup>16</sup> In other words, a term like *kingusila* meant not only "5/6," but also specifically "5/6 shekel." The corresponding term for "4/6" was *šanabi*. This was taken over into Akkadian as *šinipû*, where it was used for "two-thirds." So far the entire process has been relatively simple. It so happens, however, that the Akkadian word for "two" is *šinā*. Inevitably, the loanword *šinipû*, was

<sup>12</sup> Cf. G. A. Barton, *Archaeology and the Bible* (6th ed.), p. 207; A. Barrois, *Revue Biblique*, 1932, pp. 67 f., 76.

<sup>13</sup> This plausible interpretation was suggested by Pilcher in the *Quarterly Statement of the Palestine Exploration Fund*, 1914, p. 99.

<sup>14</sup> The term *pi-šenayim*, which might be adduced in this connection, is not a real objection to this statement. For Deut. 21: 17 shows that this phrase was applied to the inheritance share of the first-born, which was twice as large as that of the other heirs. The division was thus two-thirds as against one-third; hence *pi-šenayim* comes to be used derivatively for "two-thirds" in general (cf. Zech. 13: 8; II Kings 2: 9). The origin of this expression may be sought in phrases like *kfti nahalathô* "according to his inheritance" Numbers 35: 8; it corresponds in substance to Akk. *kimā šinnišū* "according to his double (portion)" which is used specifically of the part of the eldest son. There is no connection, therefore, between *pi-* "according to" and the singular of *pym*.

<sup>15</sup> For the latest discussion of this subject see F. Thureau-Dangin, "Sketch of the History of the Sexagesimal System," *Ostris*, Vol. VII (1939), pp. 95-141.

<sup>16</sup> Cf. A. Poebel, *Sumerische Grammatik*, p. 122.

<sup>17</sup> For its actual occurrence in West Semitic as *snb* see M. Lidzbarski, *Handbuch der nordsemitischen Epigraphik*, 329. But the identification with *pi-šenayim* (cf. H. Zimmern, *Ber. d. Sächs. Ges. d. Wiss.* 53, p. 51) is erroneous; see above, note 14.

“two-thirds.” The *Glossar* of Bezold still gives this etymology, but the more recent work of Deimel traces *šinipû* back to its proper Sumerian prototype *šanabi*.

The fate of this term on Canaanite soil<sup>17</sup> could have been predicted by any student of the language. While Akkadian uses the dual exclusively for things which occur in pairs, Canaanite will express by the dual any two identical objects. Since *šinipû* “two-thirds of a shekel” was analyzed as *šinā* + \**pû*, with the latter abstraction being understood as the word for “a third,” the Canaanite form for the whole was naturally the dual of \**pû*, i. e., *payim*. That this dual need not be connected with the Semitic word for “mouth” has already been indicated. If the view expressed above is right, this form had nothing to do with any Semitic word or, for that matter, with any known Sumerian independent vocable. It would be a secretion pure and simple, much like the *-en* in English *oxen* or the *-er* in German *Bücher*.\*

## NEW LIGHT ON THE HISTORY OF WESTERN ASIA IN THE SECOND MILLENNIUM B. C.

W. F. ALBRIGHT

### RECENT EXCAVATIONS AT MARI, ALALAKH AND UGARIT

During the past four years the most extraordinary progress has been made in recovering the lost history of Syria in the second millennium B. C., thanks mainly to MM. André Parrot, C. F. A. Schaeffer, Sir Leonard Woolley and their collaborators. Syria and Northwestern Mesopotamia prove to have been quite as much given to writing at this period as were Babylonia and Assyria themselves. In material civilization they stood as high, if not higher, during a period of several centuries. Moreover, Syria was the meeting place of races and civilizations; in its rich cities Accadians, Horites and Hittites rubbed shoulders and exchanged greetings with Canaanites, Amorites, and Egyptians.

### EXCAVATIONS AT MARI, 1936-1939

Since the beginning of the year 1936 M. Parrot (now professor in the Protestant theological faculty of Paris) has directed four campaigns (the third to the sixth, inclusive) at Tell el-Ḥarīrī, the site of ancient Mari on the Middle Euphrates.<sup>1</sup> Early in 1936 were found the royal archives of the last native king of Mari, Zimrī-Lim (cir. 1800-1770 B. C.), on which M. Dossin reported in January, 1937 (see *BULLETIN*, No. 67, pp. 26 ff.). In four campaigns (1935-8) a great palace containing nearly 300 rooms

\* Linguistically there can be no objection to Professor Speiser's derivation of *pym* from a misunderstood *šinipû* (also *šinipdt*). However, the matter is more complex, since similar expressions for “two-thirds” appears in Egyptian (*r3wt*, “two mouths,” i. e. “two parts”) since the Fifth Dynasty, in Biblical Hebrew, and elsewhere; see the discussion by K. Sethe, *Von Zahlen und Zahlworten bei den alten Ägyptern* (Strassburg, 1916), pp. 91 ff.—W. F. A.

<sup>1</sup> For the official reports see Parrot in *Syria*, Vols. XVIII-XX (third to fifth campaigns).