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Scribes (*šōṭē rîm*) in Deuteronomy

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ABSTRACT: A review of the seven uses of *šōṭēr* in Deuteronomy and the eighteen occurrences elsewhere in the Hebrew Bible indicates that the best translation in all cases is “scribe.” By the Hellenistic period and the writing of Chronicles, *šōṭē rîm* were classified as Levites, i.e. those “bound” by oath to royal or imperial service but based in principle in the temple, even though, like judges and possibly some gate-keepers, many worked “externally.” The temple cult is of little interest to those whose ideology is reflected in most of Deuteronomy. Nevertheless, it is possible to suggest that the Levites, who may contrast with the priests and the Levitical priests in the book, were conceived of more specifically as scribes, *šōṭē rîm*, by profession.

Key words: *šōṭēr*, Deuteronomy, scribes, Levites, *sōpēr*

Introduction

The term *šōṭēr* occurs seven times in Deuteronomy, always in the plural (*šōṭē rîm*; 1,15; 16,18; 20,5.8.9; 29,9; 31,28). It appears elsewhere in the HB another eighteen times (Exod 5,6.10.14.15.19; Num 11,16; Josh 1,10; 3,2; 8,33; 23,2; 24,1; Prov 6,7; 1 Chr 23,4; 26,29; 27,1; 2 Chr 19,11; 26,11; 34,13). Of those, only two uses are singular in form (Prov 6,7; 2 Chr 26,11). The root שטר means “to write”; *šōṭēr* is a *qal* participle designating “a writing one” i.e. a scribe, a trained member of a profession that set him apart from the illiterate majority. Yet, all the uses in Deuteronomy are routinely translated into English as “officials,” not “scribes,” as are all eighteen of the remaining uses in the HB, overlooking the ancient translations into Greek and Latin that rendered it correctly as scribe in many instances. In his massive German 4-volume commentary, Eckart Otto has understood that the term’s meaning is scribe; he renders it *Schreiber* in five of the occurrences (16,18; 20,5.9; 29,9; 31,28) but contextualizes it as “court scribes” in 1,15 and “those in charge of the [muster]-roll” (*Listenführer*) in 29,8 subsequently referred to as scribes.¹

English and French-speaking scholars have concluded the term designates “court officials who would have been in charge of all aspects of its admin-

1. E. Otto, *Deuteronomium*, 4 vols. (Freiburg: Herder, 2012-2017), pp. 342, 357, 436, 461, 1,562-63, 2,031, 2,088. I only gained access to his work after I completed the article.

istration including the enforcement of judgement”;² “subordinate officials, employed partly in the administration of justice, partly in the maintenance of civil order and of military discipline, whose duty it was to put in force the mandates issued by their superiors”;³ “secondary functionaries who would assist judges, army commanders, the organizers of corvée etc.,” who would pass on official communications to the Israelites and instruct them on how they should act;⁴ or more simply, “clerks.”⁵ On the one hand, they perform all the scribal, administrative, and policing/attending tasks needed to assist judges in courts”;⁶ on the other, they are “royal officials whose sphere, so far as we can see, lay chiefly in the affairs of the army.”⁷ “Always the term supposes an administration where writing plays an important role. We are in the milieu of scribes and no longer in the milieu of tribal chiefs.”⁸ Yet it is far from certain that all appointed officials would have been able to write proficiently enough to produce records of the business or duties they oversaw, which would be the logical basis that would allow the expansion of a narrow, professional meaning to a wider, more generalized one in which people bearing this designation would have served in an official capacity.⁹

2. P.C. Craigie, *The Book of Deuteronomy* (Grand Rapids, MI: Eerdmans, 1973), p. 16.

3. S.R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (Edinburgh: T. & T. Clark, 1902), pp. 17-18, 200.

4. P. van der Ploeg, “Les *šōṭērîm* d’Israel,” *OTS* 10 (1954), pp. 185-196; quote from p. 196 (my translation).

5. J.R. Bartlett, “The Use of the Word שָׂרָף as a Title in the Old Testament,” *VT* 19 (1969), pp. 1-10; quote from p. 4, n. 3.

6. M. Weinfeld, “Judge and Officer in Ancient Israel and in the Ancient Near East,” *Israel Oriental Studies* 7 (1977), pp. 65-88; quote from p. 86.

7. G. von Rad, *Deuteronomy: A Commentary* (trans. D. Barton; London: SCM, 1966), pp. 114, 132.

8. H. Cazelles, “Institutions et terminologie en Deutéronome 1,6-17,” in G.W. Anderson, et al. (eds.), *Congress Volume Rome 1968* (Leiden: Brill, 1966), pp. 97-11; quote from p. 105.

9. Thus, I resist the trend among traditional Jewish commentators to overlook the etymology of the noun and its connection with writing in favor of an emphasis on duties other than writing and to use instead the category of “official” who would enforce the orders of higher officials (J. Tigay, *Deuteronomy* דְּבָרֵי, The JPS Torah Commentary [New York: The Jewish Publication Society, 1996]), p. 12. Also, the same observation concerning the possible appointment of non-literate individuals to judiciary positions, who could draw on the services of scribes to keep records, cautions against assuming that judges would all have received formal scribal training. In a monarchic setting, this likely would have been the trend, as suggested by H. Neumann, “Proceßführung im Edubba’a. Zu einigen Aspekten der Aneignung juristischer Kenntnisse im Rahmen des Curriculums babylonischer Schreiber-ausbildung,” *ZAR* 10 (2004), pp. 71-92 and Otto, *Deuteronomium*, p. 1,461, but in the story world, it is not clear the writer is envisioning such a system in place in tribal Israel.

In this contribution I will explore the impact that translating *šōṭērîm* as scribes has, first and foremost, in understanding Deuteronomy. At the same time, I will need to look at the uses in other books to determine if there might be discernible factors that have affected its development and use over time. I hope to convince readers that scribes is the correct and preferred meaning.

The same root, *štr*, with the same meaning occurs in Akkadian, but only as a verb.¹⁰ In Aramaic, the *šōṭēr* is a scribe, likely one who wrote in pen and ink on papyrus, vs. the Akkadian *tupšarru*, who wrote by pressing a stylus into wet clay. The noun שטר *šetār* from the same root refers to a document in the Aramaic papyri from Egypt (TADAE) and in later Hebrew. These facts raise two questions. In biblical Hebrew, does the *qal* participle *sōṭēr* from the root ספר, “to count,” designate an accountant or administrator rather than a scribe, as the term commonly has been rendered?¹¹ Was *šōṭēr* a native Judahite term for a professional scribe or was it a term borrowed from Aramaic, once that language became the *lingua franca* for the western areas of the Assyrian, Neo-Babylonian, and Achaemenid Empires, which then led to a possible narrowing in meaning of the former native term, *sōṭēr*? Neither question is the main focus of this paper, but observations relating to both will be made during the course of this investigation.

1. *Šōṭērîm* in Deuteronomy

The term occurs in the “frames” (1-11 and 16,16-34) three times, in 1,15; 29,9; 31,28, and four times in the “core” (12,1-26,15) in connection with two separate situations, in 16,18 and 20,5.8.9. Thus, it would not be logical to argue that scribes were original in one setting only and then were added to one or more settings secondarily. They appear across the full range of the book, as an integral group assigned various tasks concerning Israel, to which they belong. I will work systematically through the occurrences but will leave the discussion of the first one in 1,15 until the end, since it is the most complex, involving intertextual allusion and likely textual alteration.

10. Weinfeld, “Judge and Officer,” p. 86. J. van der Ploeg, “*Šoṭerîm*,” p. 190 proposed that the root was Akkadian in origin and was adopted into other Semitic languages over time, including Hebrew, Syriac, Nabatean, Judeo-Aramaic at Elephantine, and Arabic. But he went on to note that in Akkadian, scribe was *tupšarru*, not *šāṭîru*, so he hesitated to derive *šōṭēr* directly from Akkadian (p. 191). Cazelles, *ibid.*, pp.104-105 made similar observations. See also the discussion in P.V. Mankowski, *Akkadian Loanwords in Biblical Hebrew* (Winona Lake, IN: Eisenbrauns, 2000), pp. 142-144, who argues the Hebrew likely derives from Akkadian and refers to “one who puts things down in writing.”

11. Weinfeld notes that in Old Babylonian documents that deal with judgment, personnel who assist the judges include the *šāpir*, who handled administrative tasks of the court, the *tupšarrum*, the scribe, and the *rēdum*, the policeman/attendant. Here the cognates of the two Hebrew participles designate separate types of professionals (*ibid.*, p. 84). He goes on to suggest that the *šōṭēr* could have handled all three of these functions normally needed to assist a judge (pp. 85-86).

1.1 Deut 16,18

In 16,18 the Israelites are to “give” (נתן) or appoint for themselves, to/for their tribes, שפטים and שטררים, judges and scribes, in all the town gates; they shall judge the people by righteous judgment. Both groups are to be involved in the dispensing of judgment and resolution of legal disputes. While the specific duties are not delineated, logically, the judges will hear the evidence, perhaps question witnesses, and render a verdict. The scribes will read out any documents being used as evidence and record the court case, including the nature of the dispute, the parties involved, and the verdict. They are commonly understood in this verse to be administrative assistants to the judges;¹² they are unlikely to be analogous to the modern policeman, however, as suggested by P.C. Craigie,¹³ since the tasks of escorting, detaining, and possibly of administering physical punishment would not have required the ability to write.

The LXX renders שטררים here and also in 1,15; 29,10, and 31,38 by the compound noun οἱ γραμματῶσιςαγωγῆς, which does not occur outside the LXX. M. Weinfeld has provided a plausible explanation of the underlying meaning and source of the term. It appears the translators assumed that members of the *šōṭēr*-profession fulfilled two of the three typical subordinate roles associated with the Egyptian legal system in the Hellenistic period. The scribes (οἱ γραμματεῖς) did the secretarial work and the administrators (οἱ εἰσαγωγῆς) prepared cases, presented them to the judges, cared for witnesses, and read out the verdicts.¹⁴

Since the story is set in a pre-monarchic world where a future king is allowed but not a necessity, the people become responsible for ensuring that justice will be dispensed by putting in place duly selected and appointed judges and scribes. They will operate out of the town gate, as happens in the story of Ruth, if one takes the term literally and not synecdochally, except now, records will be kept. The writer is assuming practices and procedures familiar in a monarchic or imperial setting. The text also assumes that scribes will be resident in every walled Israelite town. This system of justice is to apply throughout Israelite towns only after the conquest and settlement of Cisjordan.

This judicial system will replace an earlier system described in 1,12-15, which functioned during the wilderness wandering and conquest periods. A number of scholars contrast officially appointed judges with a former system

12. So e.g. *ibid.*, p. 85; A.D.H. Mayes, *Deuteronomy* (London: Marshall, Morgan & Scott, 1979), p. 264.

13. Craigie, *Book of Deuteronomy*, p. 247.

14. Weinfeld, “Judge and Officer,” p. 85. The third role was attendant, who “sees to the invitation of the parties to the court, the distribution of the charge sheets, etc.” Contrast the proposed translation in the Lidell-Scott *Lexicon*, “school-master, governor,” cited by von der Ploeg, “*Šōṭērîm*,” p. 192. Otto, *Deuteronomium*, p. 1,431-32 adopts this understanding.

in which elders heard cases and resolved disputes in the local community.¹⁵ However, in the story worlds of Deuteronomy (1,8-18) and Exodus (18,13-27), it was Moses, not the elders, who used to serve as sole judge in all disputes from the time the Israelite tribes left Egypt until he adapted the system and put military commanders in charge of disputes and only handled big cases (Exod 18,22.26) or cases the commander-judges could not resolve (Deut 1,17-18).¹⁶

Yet the book is somewhat inconsistent, because it anticipates the future inclusion of elders in legal matters to some extent, which is not formally endorsed in the system established by Moses in 1,12-15 or 16,18. They are to handle issues of family honor involving the rebellious son (21,18-21), the claim that a bride was not a virgin on the wedding night (22,13-21), and the brother who refuses to impregnate his dead brother's wife to produce an heir for the dead man (25,5-10). In the case of an intentional murder, it apparently is only after a trial has been conducted and a man has been found guilty in his home town that the elders of that town are to go retrieve him from the city of refuge where he has been dwelling and then turn him over to the avenger of blood to be put to death (19,1-13). This is another instance involving family honor, and the elders are held responsible for seeing that a legally declared death sentence is carried out; the case will have been heard by the judge of the court in the home town.¹⁷ The final instance involves the finding of a dead body in the countryside, where the elders of the two closest towns are to help the judges of those towns measure to determine which town is closest. That group of elders then is to perform an atonement ritual on behalf of its inhabitants that declares they did not shed the innocent blood (21,1-9). Here they are not hearing a case but rather, acting as representatives of their town in the performance of a ritual of atonement. The judges apparently were to hear cases involving contracts, torts, and wrongful death primarily, leaving family matters to the local elders to resolve.¹⁸

It is only in Numbers that elders are endorsed for some sort of additional support for Moses after he complains he can no longer carry the burden of the people alone (11,14), echoing similar sentiments voiced in Exod 18,18 and Deut 1,9.12. God tells Moses to gather at the tent of meeting seventy men he knows from the elders of Israel, because they are elders of the people, and their scribes (11,16),¹⁹ and he will descend and put some of the spirit on Mo-

15. E.g. von Rad, *Deuteronomy*, p. 114; A. Phillips, *Deuteronomy* (Cambridge: Cambridge University Press, 1973), pp. 15, 115; Mayes, *Deuteronomy*, p. 264; R.E. Clements, *The Book of Deuteronomy* (Peterborough: Epworth, 2001), p. 76.

16. One of the few commentators to note this is Clements, *ibid*.

17. Contra e.g. Peter Vogt, *Deuteronomical Theology and the Significance of Torah: A Reappraisal* (Winona Lake, IN: Eisenbrauns, 2006), pp. 62, 207, who argues, "But this text seems to presuppose that the elders are in fact are establishing the guilt or innocence of the offender" (p. 62).

18. Weinfeld, "Judge and Officer," p. 81 also has noted this involvement of elders.

19. The syntax of "their scribes" is not clear. They either belong to the people or to the elders. M. Noth considers the phrase "'officers—literally 'writers'—" to be a

ses upon them and they shall share the burden of the people (11,18). He does this (11,24); God places spirit on them and they prophesy temporarily (11,25). Yet nowhere in this passage does it state explicitly that this select council of elders will judge the people, and there is no blanket endorsement of all elders as arbiters of disputes. N. Sarna has noted that the practice of having a council of seventy peers or “brothers” who advised a ruler or king is attested in the inscription of Barrakab, king of Yaudi in northern Syria (eighth c. BCE) and twice elsewhere in the Hebrew Bible, in Judg 9,5 and 2 Kgs 10,6. The institution survived the loss of monarchy as the Sanhedrin, the supreme judicial body in Roman Palestine.²⁰ Yet is not self-evident that the members of this council were drawn from the ranks of elders only in the ancient Near East. The bestowal of divine spirit in Num 11 is a way to have Yhwh endorse the authoritative decisions or pronouncements of a more limited advisory council of elders.

1.2. Deut 20,5.8.9

In 20,5.8.9, scribes are to address the assembled tribal armies before each battle in Cisjordan after the priest has spoken, giving the various categories of exemptions (vv. 5.8). Then, when they have finished their task, they either will place commanders of the (remaining host) in charge of (“at the head of”) the people, or commanders of the host will muster at the head of the people (והיה ככלות השטרים לדבר אל העם ופקדו שרי צבאות בראש העם) (5,9). The LXX renders all three occurrences with οἱ γραμματεῖς, “the scribes.” It is unlikely P.C. Craigie is correct that these scribes are military representatives of the tribes, although his additional observation that they have primarily an administrative function within the military is probably accurate, if not limited to their only professional duties or setting.²¹ Neither should they be seen solely to be “regional appointees who served as marshals to ensure that those eligible for military service fulfilled their duty.”²² The explanation that in this case they are “royal officials entrusted with the task of recruiting an army” is correct as far as it goes, but it overlooks their additional association in 16,18 with the judiciary and fails to see or acknowledge the underlying professional category of scribe that is the common denominator.²³

The inclusion of scribes as non-combatative personnel in an army was a logical and regular practice in the ancient Near Eastern world. They would be needed to read out commands or rules that applied to the entire group and

secondary insertion based on later concepts meant to characterize the elders (*Numbers: A Commentary* [Philadelphia: Westminster, 1968], p. 87).

20. N. Sarna, *Numbers* 2722, The JPS Torah Commentary (New York: The Jewish Publication Society, 1990), p. 86.

21. Craigie, *Book of Deuteronomy*, p. 273.

22. Clements, *Book Deuteronomy*, p. 92.

23. Phillips, *Deuteronomy*, p. 136. The same critique applies to von Rad, *Deuteronomy*, p. 114, and to Tigay, *Deuteronomy*, p. 187, who considers them “civilian officials responsible for mobilization, perhaps in each town,” to ensure that the military personnel did not ignore the rights of those entitled to deferral.

exemptions, as well as to record the names of those exempted and why, deaths, and in the case of mercenaries or professional soldiers, salaries due to widows. They also would probably keep lists of booty and provisions and send and receive messages from scouts or patrols.²⁴

Although the story world is set within premonarchic Israel, the writer almost certainly lived in an imperial setting and was adapting the practices of his time to this imagined, earlier era and setting. The three forms of exemption to be announced by the scribes in vv. 6-8 before finalizing levies for war presuppose settlement in the land, in spite of being spoken on the eve of the occupation. Anyone who has built a house but not yet dedicated it is exempt (v. 5), as is any man who has planted a vineyard but not yet enjoyed its fruit (v. 6) or any man who is betrothed, who should go back to his house and take his woman (v. 7).

1.3 *Deut 29,9 [10]*

Deut 29,9-11 [10-12] list the constituents who comprise “all of you” standing here “today” to enter the binding agreement of Yhwh your Elohim and the oath. In the MT and SP versions, this list includes four groups: your heads, your tribes, your elders, and your scribes, (i.e.) every man of Israel. They are accompanied by your little ones, your wives, and the non-native who is in the midst of your camp, from the one who chops your wood to the one who draws your water (v. 10). There is no hierarchical order to the list of those comprising Israel, since the reference to your tribes, which represents the majority numerically but also those who are otherwise undistinguished, appears second, ahead of the elders and scribes, both of whom would have been considered persons to be honored or respected by virtue of their office or profession.

The LXX renders השטר״ים as οἱ γραμματοεισαγωγεῖς, “the scribe-administrators,” assuming they were functioning as court personnel (see §1.1). If one adopts the LXX and Peshitta versions of v. 9, however, which is frequently done, the scribes appear as a third (Peshitta) or fourth (LXX) subgroup within the leadership of Israel after your heads of tribes (οἱ ἀρχίφουλοι ὑμῶν), your elders (ἡ γερουσία ὑμῶν), and your judges (ἡ γερουσία ὑμῶν) in the LXX, but before the fourth element in the list, “every man of Israel,” who constitute the commoners who form the majority. The tribes disappear from second position and become part of a construct chain defining the heads more specifically. If there is a hierarchy within the leadership, the scribes are the

24. In Herodotus, scribes write down interviews the king conducted with men from various nations who served within continents of the imperial army (*Hist.* VII, 100, 1-2) and also record any feat a member of the Persian army accomplished during the battle of Salamis (VIII, 90, 4) (thanks to B. Rossi for the references). On this topic, see also Cazelles, “Institutions et terminologie,” 106; N. Allon and H. Navratilova, *Ancient Egyptian Scribes: A Cultural Exploration* (London: Bloomsbury, 2017), pp. 41-52; C. Trimm, *Fighting for the King and the Gods: A Survey of Warfare in the Ancient Near East* (Atlanta: SBL Press, 2017), pp. 473-480.

lowest level. Verse 10 then continues the list of those standing with the men, listing native dependents and non-native elements.

S.R. Driver proposed that “your tribes” was a mistaken reading for an earlier “your judges,” where an original medial *peh* was misconstrued as a *bet*.²⁵ While not supported by any manuscript evidence, it is possible that the proposed change would have taken place quite early. The resulting reading then eventually would have prompted the additional alteration seen in the LXX and Peshitta versions to restore the sense of a hierarchy of leaders and professionals mentioned before the common Israelites. Interestingly, the addition of “judges” in the LXX version would then have restored the original element, either unknowingly, influenced perhaps by the mention of judges and scribes in 16,18 and the Greek version of 1,15 as well, or possibly influenced by a Hebrew ms. that had maintained the original reading alongside another that already contained the change.

In all versions, the text singles out scribes as a recognizable category or professional grouping within Israel. They do not function as leaders, as do the heads of tribes and the elders, yet by implication, they play an equally vital role in various aspects of administration by virtue of their ability to read and write. Scribes have already appeared in connection with heads of tribes in 1,15, but this is the first time they are mentioned alongside elders. Noticeably absent from this list are priests, who also comprised a professional group within Israel.

1.4 Deut 31,28

In 31,28, Moses seems to ask the Levites in charge of the Ark to assemble “all the elders of your tribes and the scribes” so that he can speak in their hearing “these words” and call heaven and earth to witness against them. He says he knows that after his death “you will act corruptly, turn aside from the path I have commanded you by provoking Yhwh to anger through the work of your hands,” which is an idiom for making deity statues. However, the MT and SP texts differ from those in other versions about who is to be assembled. S.R. Driver noted that the construct chain, “elders of tribes,” is not otherwise attested, which may explain some of the variants.²⁶ In twelve Vulgate mss, elders is missing, so that it is “all your tribes” that are to be gathered with the scribes, while the LXX has a more extensive list that presumes an underlying Hebrew text that read “all your tribal heads, all your elders, and all your judges and all your scribes.” The LXX list duplicates the list it gives in 29,9 but designates the elders as τὸν πρεσβυτέρους ὑμῶν instead of ἡ γερουσία ὑμῶν. In both cases, it translates *השטררים* as οἱ γραμματσοισαγωγῶν, “scribe-administrators,” as it does also in 1,15, 16,18, and 29,9 [10] but not in 20,5.8.9, where οἱ γραμματεῖς, “scribes,” is used.

25. Driver, *Deuteronomy*, p. 322. He is followed by e.g. G.A. Smith, *The Book of Deuteronomy* (Cambridge: Cambridge University Press, 1918), p. 322 and Mayes, *Deuteronomy*, p. 363.

26. Driver, *Deuteronomy*, p. 343.

Scribes would not have been needed in this situation, unless they were to repeat or relay Moses' words to smaller clusters of tribal elders (MT and SP), tribal members (some Vulgate mss), or tribal heads, elders, and judges (LXX) to ensure that all present would hear the message. Some suggest that "these words" refer in this case to the ensuing song in 32,1-43, "Give Ear, O heavens," so that the scribes would have taught the words and melody to that new composition until the assembled group of leaders had memorized both.²⁷ Another group argues instead that "these words" refer to the preceding Torah, as in v. 24, and that the natural continuation of vv. 24-29 was once 32,45-47, which likewise refers to Torah. They view 31,30-32,44 as a late insertion.²⁸ In this case, in addition to relaying the words as Moses spoke, a scribe might have been expected to explain anything the people in his group did not understand. The LXX translators clearly assumed either scenario in their decision to portray the *šōf'rim* as instructors rather than scribes.

If one opts for the scribes as Torah-relayers and explainers, then their role would parallel that assigned to the priests, the sons of Levi, and the elders at the reading out of the Torah scroll every seven years at the pilgrimage festival of Sukkot in 31,9-13. One can note that in the book of Nehemiah, probably written in the Hellenistic period, where such an occasion takes place (8,1-12), the Levites "gave the sense" so that the people understood the reading (8,7-9) being done from a wooden platform by Ezra, who was flanked by priests it seems (8,4).

1.5 Deut 1,15

The very first appearance of *šōf'rim* in the book is in a unit of text that begins with Moses identifying a problem and proposing a solution in 1,12-13, the people's endorsement of that plan in 1,14, and its implementation in 1,15. Moses asks, "How can I carry by myself your burden and your load and your disputing/quarreling?" (v. 12). He then proposes a solution: "Give/put forward for yourselves men who are wise (חכמים), perceptive (נבונים), and knowledgeable (ידעים) for/belonging to your tribes so that I may appoint them as (lit. into) your heads/chiefs (v. 13). You answered me and said, "Good is the thing you have said to do" (v. 14). Then, in v. 15, the execution of that plan is described. In the MT and SP, "I took the heads of your tribes, men who were wise (חכמים) and knowledgeable (ידעים) and I set them (ואתן אתם) (as) heads over you.

The execution of the plan begins with the heads already in place, so that the report that follows where Moses confirmed or set them as heads seems redundant. Assuming the repetition is intentional²⁹ and not a scribal duplica-

27. E.g. *ibid.*, p. 343; Smith, *Book of Deuteronomy*, p. 341; Craigie, *Book of Deuteronomy*, p. 373.

28. E.g. Mayes, *Deuteronomy*, p. 380.

29. D.L. Christensen, *Deuteronomy 1-11* (Dallas: Word Books, 1991), p. 20 suggests the repetition might function to set the stage for the explicit military organization that ensues; his meaning is unclear.

tion, what the text says is that the existing heads of tribes that had been elected by whatever internal tribal means were deemed by the people to possess at least two of the three attributes identified by Moses (wise and knowledgeable), so Moses endorsed them to continue in their existing roles as heads.³⁰ At this point, the plan laid out in v. 13 has been completed. There has been no change in leadership. The only difference is that Moses has authorized the heads, possibly expanding their influence from individual tribes to having jurisdiction over all the people. Logically, the text should continue with their assuming responsibility for some of the judging of the people to relieve the burden Moses felt. J.R. Bartlett has shown that the title “head” is associated with judicial functions in a number of texts in the Hebrew Bible.³¹

Instead, however, Moses moves on to appoint a new tier of leadership, consisting of leaders/commanders (שרי) of thousands, leaders of hundreds, leaders of fifties, and leaders of tens.³² S.R. Driver noted that the text does not state the entire people also were divided into these divisions under the commanders, only that commanders who typically led such military divisions were to act as judges, but not necessarily over those under their immediate command.³³ R. Knierim tried to eliminate this apparent discrepancy by suggesting these military tiers were added secondarily to the text and J.R. Bartlett accepted his assessment, pointing out that “heads” routinely have both judicial and military functions in the Hebrew Bible, which would readily account for the secondary addition of military roles here.³⁴ However, their close connection with both judicial and military functions could equally ex-

30. E.g. Driver, *Deuteronomy*, p. 17.

31. Bartlett, “Use of the Word ראש,” pp. 4-10.

32. Smith, *Book of Deuteronomy*, p. 11 pointed out that captains of tens are not attested elsewhere in the HB, while captains of thousands, hundreds, and fifties are; he noted this does not mean such a division never existed because the mentions of the others in Samuel, Kings, and Isaiah (excluding the parallel text in Exod 18,25) are incidental. References to a division of ten have turned up in the al-Yahudu documents. There, under Achaemenid administration, estates granted to “horse-trainers” in exchange for obligatory military service were administered in groupings of ten; so T. Alstola, *Judeans in Babylonia: A Study of Deportees in the Sixth and Fifth Centuries BCE* (Leiden: Brill, 2020), p. 143 and n. 786. The same units of ten are known from Babylonian cities and temples; the unit was responsible for the payment of taxes and for work (*corvée*) or military service. See M. Jursa, “Taxation and Service Obligations in Babylonia from Nebuchadnezzar to Darius and the Evidence for Darius’ Tax Reform,” in R. Rollinger, et. al. (eds.), *Herodot und das Persische Weltreich – Herodotus and the Persian Empire: Akten des 3. Internationalen Kolloquiums zum Thema “Vorderasien im Spannungsfeld klassischer und altorientalischer Überlieferung,” Innsbruck, 24.-28. November, 2008* (Wiesbaden: Harrassowitz, 2011), pp. 431-448, esp. 439-441. Examples also occur at Mari and in Neo-Assyrian texts. For a sampling, see e.g. Cazelles, “Institutions et terminologie,” pp. 107-108; Weinfeld, “Judge and Officer,” pp. 72-75.

33. Driver, *Deuteronomy*, p. 18.

34. R. Knierim, “Exodus 18 und die Neuordnung der mosaischen Gerichtsbarkeit,” *ZAW* 73 (1969), pp. 146-171; Bartlett, “Use of the Word ראש,” pp. 1, 4.

plain why the heads would be assigned the additional titles in the original text.

But why appoint this new tier? Was Moses concerned that the people had felt compelled to nominate only those already serving as heads out of fear of reprisal, and that some of these men would not have possessed any of the three requisite traits? Or, are we meant to understand that these new appointments were made from that same pool of heads, who now were given a second, military-type role by Moses that somehow would involve judging as well, to solve the initial predicament?³⁵ Or, should we now see the confirmation of the heads of tribes to solve only the first two sources of stress Moses identified, the people constituting a burden and load, with the military commanders being the solution to the third element, the quarreling?³⁶ We could fill the textual gap in any of these ways.³⁷

Finally, the sentence ends with Moses setting “scribes for your tribes.” It is left open for the reader to decide how they had been identified, and by whom. As a specialized profession, it seems likely in the story world that Moses identified the scribes himself, being aware of the few who had these skills among the people, and assigned them to work directly with the tribes. Once again, we are left to infer their specific role in the solution to lessening Moses’ three burdens and whether they served both the heads of tribes and the commander-judges in a two-pronged solution or whether they served only the commander-judges who were now responsible for hearing legal disputes. The sparse information provided (i.e. they could write) would point to their recording the decisions made by the heads as they assumed their commander-judge roles and heard cases among the men in their assigned tribal levies. It has been suggested that their mention has been added secondarily to the text.³⁸

The LXX offers another wording of the text. After the opening “I took,” it reads “from you” in place of “(with) the heads of your tribes.” This removes the awkwardness involving the repetition of “the heads” and even allows one to assume that “from you” means from a pool of candidates identified by the people, as they had agreed to do. Thus, Moses would be taking candidates from this pool and not directly from the people, in which case he himself

35. E.g. Smith, *Book of Deuteronomy*, p. 11.

36. E.g. von Rad, *Deuteronomy*, p. 40.

37. While he does not discuss this gap, P.T. Vogt suggests that the function of 1:9-18, which interrupts the narrative flow, is to emphasize how a new order was established in a moment of transition in departing Horeb. This then anticipates the upcoming transition to the occupation of the promised land and another necessary change in the structure of society, without Moses assuming all the institutional roles. Instead, several new institutions and office-holders will all be expected to conform to Yhwh’s will as expressed in Torah (*Deuteronomical Theology*, pp. 107-112).

38. E.g. van der Ploeg, “*Šoṭerîm*,” p. 187. Contrast H. Cazelles, “Institutions et terminologie,” p. 106: “Our historian in Deut. 1,16 therefore records the custom of the royal era to join to military or non-military officers a scribe capable of putting in writing a census, an accounting, or a sentence [i.e. verdict]” (my translation).

would be doing the sorting he had asked the people to do for him, which is otherwise the plain sense of the statement. This reading might well be an attempt to create a *lectio facilior* by adopting the phrasing *ואקה מכם* found in 1,23, which follows immediately after Moses confirms that a plan the people have proposed is a good idea (1,22-23).³⁹ It is equally plausible, however, to consider it the original reading that created intentional parallelism within the chapter. If so, the eye of a later scribe copying the text could have jumped ahead inadvertently to the reference to the heads and mistakenly wrote it a first time ahead of where it was intended to occur, creating the current text that was left with the duplication unchanged. It is possible to make some sense of the MT and SP text as it stands.

Finally, instead of “scribes for your tribes” (שטררים לשבטיכם), the Greek version reflects an underlying Hebrew text that read “scribes for/to your judges (שטררים לשפטיכם). The LXX translators assumed this group would fulfil the role of two types of court personnel familiar in Egypt at the time they lived and rendered השטררים as οἱ γραμματοεισαγωγεῖς. The Hebrew words could also be rendered as an independent clause, “and scribes became your judges,” rather than as the final element in a list governed by the verb *nātan*, with Moses as subject. The difference between “for/to your tribes” and “for/to your judges” involves a single middle radical letter, *peh* in the MT and SP vs. *tet* in the Greek. The Greek versions would be consistent with the subsequent charge to the people from Moses in 16,18 to appoint שפטים and שטררים in all your gates to dispense justice. The scribes record on behalf of the judges, so the assigning of a scribe to each judge or panel of judges would make sense.

The textual unit concerning the reform of the court system in Deut 1,9-18 interacts with a similar reform recounted in Exod 18,13-24 and from a Pentateuchal perspective, is meant to be Moses’ memory of that event that took place at the mountain of God. The role of Jethro, Moses’ father-in-law, is forgotten, however; Moses remembers instead that he initiated a plan to deal with the overburdensome hearing of disputes. Another noteworthy point is that Moses’ father-in-law tells him to look out for, from all the people, men of strength/wealth/substance (אנשי היל) (who are) fearers of God (יראי אלהים), men of truth (אנשי אמת) (who are) haters of a bribe (שנאי בצע) (Exod 18,21). The four traits differ from the three traits identified by Moses that the people are to use to give forth candidates for his confirmation: wise (חכמים), perceptive (נבונים), and knowledgeable (ידעים) (Deut 1,13).

In Exodus, Moses chooses (root בחר) and then appoints (root נתן) the men with that book’s four qualifications over the people as commanders of thousands, of hundreds, of fifties, and of tens (18,21.25)⁴⁰ i.e. to leadership within divisions of the tribal levies. They are to judge the people at all times in small matters, sharing the burden with Moses, who now only will hear big cases (18,22). In v. 26, these commander-judges hear small cases but refer difficult

39. So e.g. Mayes, *Deuteronomy*, p. 123.

40. The entirety of v. 25 is lacking in the SP. It is replaced by a long plus.

cases to Moses. It is possible to understand הדבר הקשה here to be synonymous with הדבר הגדול in v. 22. The Hittite royal instructions to garrison commanders contain the same command to judge cases fairly in their region but to refer any matter that is above their ability directly to the king for resolution, and the edict of the Hittite King Muršiliš states that priests are routinely to investigate law-suits, but when the matter is “too big” and they are unable to treat it, it is to be sent to the king, who will decide.⁴¹

In Exod 18, Moses does not appoint any heads of tribes, as in Deut 1,13--15, or any scribes. The system put in place is consistent with the military imagery⁴² used especially in Numbers, where twelve-tribe Israel behaves like a well-oiled military machine during its wilderness wanderings. Soldiers would be expected to defer to a decision of their superior officers in a case of dispute. The use of military officers as judges was a widespread phenomenon throughout the ancient Near East, as M. Weinfeld has demonstrated. He also notes, “in the Neo-Assyrian judicial documents, we do not find the *dayyānu* ‘judge’, as a professional term; the men acting in the capacity of judge are officers (sic!): *hazannu*, *sartinnu*, *sukkalu*, etc.”⁴³ Yet his gathered data also shows that many kingdoms used the same terminology to designate military leaders and what appear to have been royally appointed civil leaders. It seems to be the case that such royal *sārīm* came to be in charge of taxable village or land districts, and when men were gathered for their mandatory free labor service (*corvée*), some were sent to provide physical labor for building or road projects while others were sent to the army as conscripts for a period of time.⁴⁴ Thus, the overlap in functions of these officers in the civil and military spheres, where they also would resolve disputes, was widespread in the ancient Near East.

Deut 1,16-18 then specify how the new system will relieve the judicial burden on Moses. Moses states, “At that time I commanded your judges (שפטיכם), ‘Listen between your brothers and judge righteously/fairly between a man and his brother and a man and his non-native resident (גרי) (v. 16). Never show partiality (lit. recognize a face) in the decision/verdict; you hear the small (matter) as well as the big (matter). Never be intimidated by any

41. Both examples are quoted in Weinfeld, “Judge and Officer,” p. 75. An Egyptian example of judicial reform under Pharaoh Haremhab (ca. 1333-1306 BCE) involved his placement of “persons of integrity, good in character” in towns in Egypt. He charged them, “Do not enter into close relations with other people, do not accept a gift from another.” So N. Sarna, *Exodus שמות*, The JPS Torah Commentary (New York: The Jewish Publication Society, 1991), p. 102.

42. The presence of a quasi-military chain of command has been noted by e.g. Hyatt 1971, p. 194 and is one of two options given by W.H.C. Propp, *Exodus 1-18: A New Translation with Introduction and Commentary*, AB 2 (New York: Doubleday, 1999), pp. 632-633, alongside the possibility that the numbers refer to clans, not men. He notes that men would not need their own judge.

43. Weinfeld, “Judge and Officer,” p. 72.

44. For Neo-Assyrian practice, see e.g. J.N. Postgate, *Taxation and Conscription in the Assyrian Empire* (Rome: Biblical Institute Press, 1974), pp. 218-229.

man, because the decision belongs to God. Any case that is too difficult you shall bring near to me and I will hear it" (v. 17). Here we find overlapping concepts with the traits of a judge in Exod 18,21: god-fearing/the decision is God's, lover of truth/listening with fairness/not being intimidated, and hater of a bribe/not recognizing a face. There is no direct repetition of wording, however. The referral of cases that are too difficult to Moses to hear personally also occurs in both (1,17; 18,26). However, unlike in Exod 18,22.26 where the judges only hear small cases, here, they handle both small and big matters, referring only those that are too difficult for them to render a decision to Moses.

An immediate problem surfaces with the mention of "your judges" out of the blue in v. 16 in the MT and SP. Either one is to presume that the newly appointed military leaders are serving as judges, as they do in Exod 18,22.26, that the heads, who might or might not be co-extensive with the commander-judges, are functioning judicially, or one needs to adopt the Hebrew underlying the LXX reading. In the latter case, one could understand it to say either that scribes became judges or that Moses appointed scribes for the judges. The first option would leave unanswered how the scribes had been selected and who made them judges. The second would lead one to identify the preceding four levels of military leaders as the judges and would prepare the reader adequately for v. 16.

G. von Rad suggested that 1,9-14, which narrate Moses' complaint about his unmanageable burden and how it was relieved, recalls Moses' similar complaint in Num 11,14-16, while 1,15b-18 corresponds to Exod 18,13-25. In his view, it is possible that the writer of Deut 1,9-18 used only the opening of the story about the commissioning of the seventy elders in Num 11 and combined it with the ending of the story about Moses' father-in-law proposing that Moses appoint additional trustworthy men to hear and decide small legal disputes in Exod 18.⁴⁵ Another look at Num 11 (cf. §1.1) is in order.

The proposed overlap involves only three of thirty verses. Von Rad correctly left out vv. 1-13 because, as he clearly recognized, they frame underlying circumstances that led to the people becoming a burden differently. They highlight the people's complaints about misfortunes generally in v. 1 and about a craving for meat in 4-6 that led to widespread weeping, which angered both Yhwh and Moses alike. Basically, the people act like children needing constant attention. In v. 13 Moses tell God he cannot carry (root נשא) the entire people, I alone (אנכי לבדי), meaning, there are too many of them to cope with; it is too heavy (כי כבד ממני). Implicitly, the message carries over that there are too many whiners acting like children and complaining constantly about one thing or another.

45. Von Rad, *Deuteronomy*, pp. 39-40. His suggestion, anticipated already by Driver, *Deuteronomy*, p. 15, has been adopted by a number of subsequent commentary-writers, e.g. Mayes, *Deuteronomy*, p. 122; P.D. Miller, *Deuteronomy* (Louisville: John Knox Press, 1990), p. 28; Clements, *Book of Deuteronomy*, pp. 3-4.

In Deut 1,9-12, on the other hand, one finds a framed allusion to Gen 15,5; 22,17; 26,4 (cf. Exod 32,13; 1 Chr 27,23) about Israel becoming in the future “as numerous as the stars of heaven”; Moses notes this promise has been fulfilled and hopes that the God of your ancestors will continue to increase your numbers (vv. 10-11). Before the allusion, he says that even while at Horeb, he told the people, “I am unable alone (לְבַדִּי) to bear you (root נָשָׂא) (v. 9). He resumes the same point in v. 12, after the allusion: “How can I alone (אֲנִי לְבַדִּי), bear (root נָשָׂא) your burden/weight (טַרְהַכָּם), your load (מִשְׁאָכָם), and/or your disputing/lawsuits (רִיבֵכֶם)?” Here, the burden seems due to sheer numbers in the first two cases; there is no overtly whining or childish behavior. Instead, however, there are lawsuits, which there were not in Numbers. Also, the reference to the matter (judging the people) being too heavy (כִּבְד מִמֶּךָ) for Moses so that he cannot do it alone (לְבַדִּי) is put in the mouth of Jethro in Exod 18,18, in connection specifically with Moses hearing legal disputes. In light of the likely late origin of Num 11,1-30 (§1.1), one needs to be cautious when trying to sort out which text might be dependent on one or more others. It is possible that the composer of Num 11,1-30 has drawn from both Exod 18,13-25 and Deut 1,9-18.

Returning to Deut 1,9-18 after an examination of Num 11,1-30 and Exod 18,13-25, does anything need to be assessed differently? It would now be possible to suggest that the reference to the four-tiered military commanders who implicitly are to serve as judges in v. 15 is a secondary insertion by a later scribe who wanted to harmonize an earlier form of this passage with Exod 18,13-25. That would mean, then, that the text originally told of Moses appointing heads of tribes only to serve as judges. The ending reference to שְׂטָרִים לְשִׁבְטֵיכֶם might also have been part of that arrangement, where the scribes would assist the heads with anything involving reading or writing. However, if one adopts the LXX reading, it would also be possible to suggest that the phrase was a subsequent addition meant to point forward to the new situation that would apply after settlement in the promised land in 16,18, where the people will appoint judges and scribes to hear both big and small cases in the town gates.

This diachronic approach is not necessarily helpful, however. There are other examples where the same topic is developed or handled differently within Exodus and Deuteronomy, even though the texts share overlapping wording. Thus, one could argue that appointment of the four-tiered military commanders to execute justice has deliberately been repeated here because it was the system designed for the period of the wilderness wanderings, which is about to end in the story world. Moses is looking back to the early part of that era, recalling events that are recounted in the story world of the book of Exodus, but at the same time, he might use the final reference to scribes for judges (LXX version) to anticipate the change detailed in 16,18 for the new era that will begin after settlement. In this case, the proposal concerning the heads of tribes in 1,13 and its execution as the first act in v. 15 becomes even more anomalous than it already is, since they were not mentioned at all in Exod 18,13-25.

Two further observations need to be made yet concerning the scribes in Deut 1,12-18. The first is that the so-called war regulations in Deut 20 also include scribes performing official duties associated with exempting Israelites from fighting in a particular battle, before they hand over to the commanders, as discussed above. This is a different role, but scribes are playing an integral part in the process of mustering the troops. So, one could ask if scribes could not then be expected to be active in the context of Exod 18 as well. They could, of course, unless that writer is assuming primarily an oral culture in the tribal story world. It might also be the case, if the reference to “scribes for judges” is meant to anticipate 16,18, that their absence in Exod 18 is due to that being part of the past era of wandering in the wilderness and not a future era, after the settlement, when the military organization will yield to civilian life and its own form of justice.⁴⁶

The other point is that *šōḏrîm* are not absent altogether from Exodus; they appear five times, in 5,6.10.14.15.19, in the story of Israel’s slavery and brick-making quotas. After Pharaoh denies the request of Moses and Aaron to allow the people to journey into the wilderness for three days to sacrifice to Yhwh their Elohim, he punishes the people by leaving their brick-making quota in place but no longer supplying the needed straw (5,1-9). He delivers the instructions personally to the taskmasters over the people (נגשים בעם) and “their *šōḏrîm*” (v. 6). Both groups (נגשי העם ושוטריו) in turn relay these commands to the people (v. 10). Then, in vv. 14-16, the *šōḏrîm* of the children of Israel, whom the taskmasters of pharaoh had set over them, are beaten and asked why they have not met their brick quota in two days, as in the past. They go to pharaoh and ask why he is treating his servants/slaves in this way by not supplying straw. They tell him they have been beaten, but the fault is with his people. When pharaoh calls them lazy for wanting to go and sacrifice to Yhwh and confirms his earlier decision not to supply straw (vv. 17-18), the *šōḏrîm* of the children of Israel see that they are in trouble (v. 19).

While the first two occurrences of *šōḏrîm* in vv. 6 and 10 could be construed to refer to Egyptian scribes who were assigned to work with the Egyptian taskmasters and record production efficiency and other relevant information rather than some sort of native officials of the people, the remaining three uses make it clear that they are being depicted as Israelites who have been placed into positions of responsibility over fellow Israelites by the taskmasters. The question then becomes, are the readers supposed to assume that at this point in time, Israel would not yet have had any professional scribes, so that these *šōḏrîm* must have been appointed foremen with no special skills?⁴⁷ Or, were they expected to suspend such disbelief or suspicion

46. Von Rad’s instincts about an old tradition being made to fit a new situation here were good, even if his dating of that change historically to the early monarchy is unlikely (*Deuteronomy*, p. 40). It is more appropriate to track changes in eras in the story world as one progresses through the Enneateuch.

47. Those who understand the term to mean foremen or lesser inspectors include e.g. van der Ploeg, “*Šōḏrîm*,” p. 186; Sarna, *Exodus*, p. 28 ; and C. Houtman, *Exodus*,

and enter into a story world where the children of Israel would include scribal families already, which then would logically be appointed by the Egyptians to record the daily quotas and other relevant information, communicate with the slaves in their native language, and be held accountable by the Egyptian taskmasters if anything went awry? If the latter case is entertained as likely, then the translation “scribes” can be maintained, and I think it can.

Might there be any sort of hidden agenda in Exod 5 where scribes in particular are singled out to be beaten by Egyptian authorities? At first sight such an idea might seem far-fetched, but in light of the rivalry elsewhere in the biblical texts between priestly personnel more specifically and scribes, this possibility should not be dismissed. While both groups come to be integral members of the tribe of Levi, the priests, who claim Aaron as their eponymous ancestor, claim superior status over the scribes, who logically would have claimed Moses as their eponymous ancestor.⁴⁸ They come to be subsumed under the generic category, Levites, alongside other categories of personnel working with the temple as its base. Deuteronomy has been widely recognized to reflect a “Levitical” or scribal agenda in opposition to a priestly agenda found in many sections of Exodus-Numbers. It is not beyond the realm of possibility that a person sympathetic to the priestly agenda took this opportunity to depict ancestors of the rival scribal faction as being “put in their place” by being beaten. The story required some sort of Israelite foremen to be punished; why not make them scribes specifically? The same prejudice could easily have led to a failure to include scribes as assistants to the military commander-judges in Exod 18,13-26.

2. Šōṭrîm in Other Biblical Books

The seven instances of scribes in Deuteronomy have been examined, as have the five in Exod 5,6,10,14,15,19 and the one in Num 11,16. The remaining twelve occurrences should be quickly reviewed to determine if the meaning “scribe(s)” would be inappropriate and to see what implications they might carry that might shed light on the history of the term more generally.

2.1 Joshua

Šōṭrîm appear five times in Joshua (1,10; 3,2; 8,33; 23,2; 24,1). In 1,10, Joshua commands the scribes of the people (שְׂרֵי הָעָם) to pass through the

volume 1, Historical Commentary on the Old Testament (Kampen: Kok, 1993), p. 469. The latter two associate the ability to read and write as necessary for handling organizational details and keeping logs, however. On the other hand, Cazelles, “Institutions et terminologie,” pp. 105-106 finds v. 21 to point to their having military associations. Propp, *Exodus 1-18*, p. 254 thinks the term designates elders who enjoyed broader authority than scribes would have.

48. For a sustained argument of Moses as the eponymous ancestor of scribes, see B. Rossi, “Master Scribe and Forefather of a Scribal Guild: Moses in Deuteronomy,” in D. Edelman and P. Guillaume (eds.), *Deuteronomy: Outside the Box* (Sheffield: Equinox, 2023), print version forthcoming; e-version available at <https://www.equinoxpub.com/home/view-chapter/?id=44605>.

camp and command the people to prepare provisions, because in three days they will cross the Jordan to enter to inherit the land Yhwh your Elohim is giving you to possess. This is in response to Yhwh's direct command to Joshua to cross the Jordan, since he is the new leader after Moses' death (1,1-2). The LXX renders the term scribes. On military campaigns, provisions were managed by scribes, so this detail likely reflects monarchic or imperial practice. This is the first time the *šōfērim* are linked with the people more generally.

In 3,2 the scribes return at the end of the three days mentioned in v. 10 to command the people once more concerning how to proceed with the crossing of the Jordan. The LXX once again renders the term by "scribes." In both cases there is no need to render it "officer" or "foremen," as is suggested in the NRSV and other versions, for example.

In 8,30-35, the fulfillment of the ceremony Moses commands the Israelites to perform near Mt. Ebal/Mt. Gerizim in Deut 11,28-31 and 27,1-8 is narrated. The scribes are mentioned in v. 33 in the description of how all Israel stood on either side of the Ark, half in front of Mt. Gerizim and half in front of Mt. Ebal, during the ceremony. The list of Israelites participating builds directly on Deut 31,28 (see §1.4) It also builds on Deut 29,10, which recounts those assembled to enter the covenant on the plains of Moab, and on 31,12 concerning those to be assembled every seven years to hear the reading out of the Torah scroll at Sukkot. Both passages include children, women, and the non-native (גר) and native (אזרה) alike, where the *gērim* are to be included in the reading out of the Torah scroll every seven years at the festival of Sukkot. The MT lacks the 3rd person singular pronomial suffix on "scribes," which is present otherwise in the case of both elders and judges, but some Greek, Syriac, and Targum mss. add it. Most LXX mss. omit it, however, suggesting it was not present originally. This would either indicate that scribes is in apposition to elders, or that the scribes were not envisioned to have been all native Israelites but included some of the *gērim*. This usage is derivative from Deuteronomy, then.

Finally, both appearances of scribes in a list of assembled people in 23,2 and 24,1 are dependent on texts in Deuteronomy as well. An aged Joshua "calls to" all Israel, its elders and its heads and its judges and its scribes, to review their current situation with allotments within the promised land but further conquest to take place with Yhwh's help and to warn them to follow Yhwh alone or there will be dire consequences. In 24,1 he subsequently gathers all the tribes of Israel to Shechem and once again "calls to" the elders, the heads, the judges, and the scribes of Israel and enters into a covenant there. With slight changes in word order in the groups, the list reproduces the LXX version of the list in Deut 29,9 [10] (§1.3) and 31,28 (§1.4).

The writer of Joshua has relied heavily on passages in Deuteronomy that describe who was included in assemblies called by Moses to reduplicate them under his successor, Joshua. Bearing this in mind, it is unlikely that the references to scribes in 1,10 and 3,2 were taken from any independent source. Rather, they probably are derived from the seven occurrences of scribes in

Deuteronomy and applied to the context in the story world of the people moving like a citizen militia to cross the Jordan and take possession of the promised land. The military context could have included the three references in ch. 20 more generally as well as the various assemblies, prompting the writer to assign them another task consistent with the role of scribes on campaigns here that was not mentioned specifically in Deut 20. All five references are rendered “scribes” in the LXX.

2.2 *Prov 6,7*

In a proverb of chastisement about the industriousness of the ant vs. a lazy human in 6,6-11, the point is made that the ant prepares her bread in summer and gathers her food in harvest without having a *qāšîn*, a person in charge, a *šōtēr*, scribe, or a *mōšēl*, ruler. All three categories of humans are authorities who tell people what they need to do and when. The implication is that humans need to take initiative to secure their welfare.⁴⁹ They are not limited to whatever constraints these three groups impose on them in a taxable system but can still prosper if they find ways to enhance income streams, perhaps in ways that skirt taxes on produce and livestock. Here, then, a scribe is a professional who, by implication, is involved in tax-collecting.

2.3 *Chronicles*

The remaining six uses are in the books of Chronicles, all in passages that are not found in 1-2 Kings and so are likely to reflect practices and conditions in the Hellenistic period, when the Chronicler probably produced these books.

In 1 Chr 23,4, after crowning Solomon king over Israel, David, at the end of his life, gathered the leaders of Israel, the priests and the Levites and set them in their appointed divisions, rotations, and offices (1 Chr 23,1-27,34). He began with a census of the Levites, thirty and older, who numbered 38,000 men (23,3). Of these, 24,000 were to oversee the work in the house of Yhwh, while 6,000 were to be scribes and judges (23,4), 4,000 gate-keepers, and 4,000 musicians (23,5). The LXX translates the 6,000 scribes and judges with *καὶ γραμματεῖς καὶ κριταὶ*. One-quarter of those with Levitical standing were to function in the judiciary, and they appear to have been the only ones who were not directly based at the temple, although the latter possibility cannot be ruled out. In the former case, there is an echo of Deut 16,18 here, where these two types of appointed personnel will hear legal disputes in walled settlements. Perhaps some of the gate-keepers also were to serve outside Jerusalem proper.

For the first time, we find scribes classified specifically as Levites. It is probably best to understand the term Levite to designate those who were “bound” by oath to royal or imperial service, who retrospectively, were made into one of the twelve tribes of Israel. The so-called “Hittite Instructions”

49. For a discussion of this proverb and its affinities to others in the book, see e.g. B.K.Waltke, *The Book of Proverbs: Chapters 1–15*, NICOT (Grand Rapids, MI: William B. Eerdmans, 2004), p 335-341.

provide evidence of how various classes of professionals who were paid by the king were bound by oath to perform specified duties written down in a formal statement that presumably was read out periodically.⁵⁰ Such a practice would not likely have been limited to the Hittites alone.

In 1 Chr 26,29, we learn Chenaniah and his sons, who belonged to the Izharites, were appointed to “external work” (למלאכה החיצונית) concerning Israel, as scribes and judges. The LXX changes the nouns to infinitives: “to write” and “to judge.” They then illustrate David’s appointment in 23,4, even though no specific number count is given, as it is for the ensuing Hebronites in 26,30. Chenaiah and his sons are the only group singled out for scribal and judging duties, so they either were supposed to have numbered 6,000 strong or were but a sample illustration of such families that comprised the alleged 6,000.

In both 1 Chr 23,4 and 26,29, the scribes are mentioned ahead of the judges, while in Deut 16,18 and Josh 23,2; 24,1, the judges are mentioned first. Since the scribes are to serve in a clerical capacity to the judges, one would expect them to be listed second. Perhaps by reversing the order of the two groups (Seidel’s law), both texts in Chronicles are intentionally quoting Deut 16,18, to demonstrate how David enacted this mandate, rather than the people.

In 1 Chr 27,1, a listing of groups comprising Israelites who were numbered appears: heads of households, leaders (*šārē*) of thousands and hundreds, and their scribes who were working for (המשרתים) the king over every matter of the divisions, the one coming in and the one going out, month after month, throughout the months of the year, one division of 24,000. In this passage, it seems the scribes were responsible for seeing to the smooth monthly rotation of teams that likely reflected the later monarchic practice of *corvée* laborers, who were set to do a certain number of days of free labor annually for the king, but which might also include their being conscripted into military service as needed, and all the details that involved.

2 Chr 19,8, King Jehoshaphat reforms the judicial system by appointing some from the Levites and the priests and from the heads of households of Israel to (render) the judgment of Yhwh and to (resolve) the dispute. They had their seat in Jerusalem. The ensuing verses describe how they are to act in the fear of Yhwh, in faithfulness (באמונה) and in loyalty (“with all your heart”) (19,9), which recalls some of the language in Exod 18,19-21, but probably is not echoing it intentionally. The qualifications desired for judges are fairly standard, so one would expect some repetition wherever they were presented.

50. See conveniently, J.L. Miller, *Royal Hittite Instructions and Related Administrative Texts* (Atlanta: Society of Biblical Literature, 2013).

Cases from “brothers” in their cities will come to them, so this is to be a court of appeals it seems (19,10). Amariah, the “head” priest⁵¹ will oversee any matter relating to Yhwh, while Zebadiah the son of Ishmael, the appointed official (נגיד) over the house of Judah, (will oversee) any matter relating to the king. The Levites will serve the newly appointed court members as scribes (19,11). The LXX translates οἱ γραμματεῖς. These apparently fall outside the selected pool of Levites who are serving alongside some priests and heads of households as judges. Rather, these Levitical scribes will handle whatever needs arise involving reading or writing during the court sessions. Once again, the Chronicler assigns scribes to the ranks of the Levites. Rather than try to tie an envisioned future judicial system to a specific historical realization during the reign of Jehoshaphat,⁵² it is better to focus on the specific inclusion of scribes among the Levites here and in 1 Chr 23,4 and 26,29. During the monarchy, scribes might have been associated with both the court and the temple, as depicted here, as royal appointees bound by oath to loyal service to the king. Once the monarchy no longer existed, as in other former political units that became subsumed into an imperial system, scribes, who worked for the imperial ruler, ended up being reassigned to temples as their bases.

In 2 Chr 26,11, the Chronicler reports that Uzziah had an army of war-makers; those going out (in) the host (belonged) to the troop/band according to the number of their oversight by the direction of Jeiel, the administrator/accountant (הסופר) and Maaseiah, the scribe, under the direction of Hananiah, (one of) the officials of the king (משרי המלך). In the ensuing verse, we learn that the entire number of heads of households of the divisions of the force was 2,600. Here for the first time a clear distinction is made between the professions of *sōpēr* (administrator/accountant) and *šōtēr* (scribe).⁵³ The LXX uncharacteristically renders Jeiel’s status of *sōpēr* as “scribe” and Maaseiah’s status of *šōtēr* as “judge.”

Finally, in 2 Chr 34,13, it is said that in his eighteenth year, after a religious reform that had cleansed the land and the temple (34,1-7), King Josiah sent various officials to repair the temple of Yhwh his God (34,8). who included craftsmen and builders (34,10-11). The Levites who were skillful with musical instruments oversaw the burden-bearers, while other Levites in

51. After a survey of the uses of ראש, Bartlett, “Use of the Word ראש,” pp. 5-6 has concluded that the title “head priest” refers to the leading priest by virtue of his judicial functions specifically.

52. E.g. Von Rad, *Deuteronomy*, p. 114; Phillips, *Deuteronomy*, p. 115; Mayes, *Deuteronomy*, p. 264; Miller, *Deuteronomy*, p. 141.

53. This distinction led van der Ploeg, “*Šoterîm*,” pp. 190, 192 to conclude a *šōtēr* could not have been a scribe because that was what a *sōpēr* had been. In his conclusion he suggested, “One could say that the ministry of the word that they exercised distinguished them from the *sōperîm*, ordinary scribes” (p. 196). I am suggesting two possible other solutions to this apparent overlap. B. Levine, on the other hand, considers the two terms to be synonyms in this verse (*Numbers 1-20: A New Translation with Introduction and Commentary*, AB 4A [New York: Doubleday, 1993], p. 324).

charge were accountants, scribes, and gate-keepers (34,12-13). The LXX renders the term “scribes.” Once again, a clear distinction is made between the profession of scribe and accountant, as in 2 Chr 26,11, and once again, the scribes are counted as Levites (cf. 1 Chr 23,4; 26,29; 2 Chr 19,8), as are now accountants also.⁵⁴ The temple musicians and gate-keepers already were classified as Levites in 1 Chr 23,1-27,34 alongside the scribes.

Four of the six references to scribes in Chronicles specify that they are counted as Levites. They appear as one of a group of professions subsumed under that heading, alongside priests, judges, temple musicians, gate-keepers, accountants, treasurers, and those who are to assist the sons of Aaron for the service of the house of Yhwh, having the care of the courts and the chambers, the cleansing of all that is holy, and any work for the service of the divine house. They are to assist with the showbread, the flour for the grain offering, the wafers of unleavened bread, the baked offering, the offering mixed with oil, and all measures of quantity or size. They are to stand every morning, thanking and praising Yhwh, and likewise at evening, and to assist whenever burnt offerings are offered to the Yhwh on Sabbaths, new moons, and feast days (1 Chr 23,3-5; 23,28-32; 25,1; 26,1.20.29). Most but not all work within the temple itself; only scribes, judges, and possibly some gate-keepers work “externally.” Nevertheless, that distinction implies that their base or the source of their orders was the temple, which would have been the case in the Hellenistic period.

3. Implications

All instances of *šōṭēr* in the Hebrew Bible associate them with clerical tasks, where they primarily record information that readers are to assume would later be archived. They also read out or repeat information and help explain it to the larger public. The writer of Deuteronomy envisions that once settled in the promised land, Israel will inhabit a heavily bureaucratic world where legal decisions, exemptions from military service, and booty must be accounted for in writing that could subsequently be checked, as necessary. The people’s appointment of judges, elders, and scribes in all their cities will ensure that the necessary bureaucracy will run smoothly, allowing the king to devote his time to the study of *tôrâ* (17,14-20).

The eventual classification of professional scribes as Levites has important ramifications for references to Levites, priests, Levitical priests, and priests sons of Levi and in Deuteronomy.⁵⁵ Can we understand the Levites in your gates in Deut 12,12.18; 14,27.29; 16,11; 18,6; 26,12 and perhaps implicitly, the references where no mention is made of gates, like 12,19 and

54. Bartlett, “Use of the Word שֹׁטֵר,” p. 3 cites this passage as proof that the *šōṭērîm* cannot have been mere scribes because they appear here alongside scribes—*sōṭperîm*.

55. For a recent reconsideration of this issue, see B. Rossi, “‘Not by Bread Alone’ (Deut 8,3): Elite Struggles over Cultic Prebends and Moses’s Torah in Deuteronomy,” in D. Edelman, et al. (eds.), *Deuteronomy in the Making: Studies in the Production of Debarim* (Berlin: de Gruyter, 2021), pp. 329-363.

26,11,13, all to refer to the scribes as well as perhaps, the judges the people are to appoint in 16,18, then, in light of later developments? If so, why has not the adjective or qualifier “Levitical” been attached to some of the references to the scribes, as it has to the priests, for example, in 17,9; 18,1; 24,8; and 27,9 but not in 10,6; 17,12; 18,3; 19,17; 20,2; 26,3,4? Or, why is there no characterization of the scribes as sons of Levi, as there is twice for the priests, in 21,5 and 31,9? Might these last two references originally have read sons of Levi instead, with priests added secondarily? The fulfillment of the command made in 31,9 to the priests the sons of Levi involves Levites in 31,25-26.

It is clear that eventually a scheme was agreed that made Moses and Aaron both sons of an eponymous “tribal” ancestor Levi (“the bound one”) with the Levitical priests descending through Aaron and some sort of non-priestly personnel classified under Levite looking to Moses as their founder. Since Moses personally knows how to write in Deuteronomy (31,9,24), it makes sense to see the scribes to be his descendants. In 1,15 he commissions scribes, apparently on his own authority without deferring to the pool of candidates the people have identified for leadership roles. In 16,18, on the other hand, the people are subsequently to appoint scribes to work alongside judges in their town gates. Thus, in this book, scribes receive both formal, top-down endorsement of their professional status and authority from Moses as well as informal, bottom-up endorsement from the people. In the Song of Moses, the blessing bestowed on Levi in Deut 33,8-11 contains functions to be performed by both scribes and priests. In v. 10, teaching Jacob your judgments and Israel your law arguably is a scribal function, while putting incense in your nose and whole offerings on your altar are definitely priestly functions.

It is probably significant that the scroll Moses writes is to be deposited beside the Ark, not in it; in the story world of Deuteronomy, the Levitical priests (or perhaps in an earlier form of the book the sons of Levi) control the Ark that contains the tablets of stone written by the finger of God (31,9). In the real Achaemenid world, however, there was no Ark containing holy relics in the rebuilt temple. The scroll of Moses’ teaching that was to be deposited beside the ark endures, however, and is read out every seventh year at Sukkot. By the Hellenistic period, its interpretation is entrusted to the Levites, who “gave the sense” so that the people understood the reading (Neh 8,7-9) by Ezra, who was flanked by priests on the wooden podium on which he stood above the assembled people (Neh 8,4).⁵⁶ In light of the preceding discussion, it is likely “Levitical” scribes who are to perform this instruction. The writer of Nehemiah assumes this was the case already in the Achaemenid

56. The MT text names thirteen individuals who, alongside the Levites, stood among the people and helped them understand. The *waw* before “the Levites” is missing in the LXX. If it is construed as an explicative *waw*, it would be identifying those thirteen individuals as Levites; if construed as a copulative *waw*, it would be setting the named individuals apart from the Levites, perhaps seeing them to be priests, like those flanking Ezra on the podium.

period when the temple is rebuilt; whether that is accurate or not is another question.

The 25 occurrences of the term *šōṭēr/šōṭērîm* do not allow a determination as to whether it was a native Hebrew term or a loan-word taken over from Aramaic or ultimately from Akkadian and treated like a Hebrew noun. The term is not used to describe any royal scribes during the time of the kingdoms of Israel or Judah in the books of Samuel or Kings, however; yet the Chronicler applies it to this period in six passages he writes that are not found in parallel texts in those other books. That factor could point to it being a post-monarchic term introduced by the Neo-Babylonian or Achaemenid imperial administration, which has been retrojected in time to the premonarchic period in the few biblical books where it is used: Exodus (5 times), Numbers (once), Deuteronomy (7 times), and Joshua (5 times, but all likely dependent on Deuteronomy). The single use in Proverbs might be monarchic in date but could be later.

It might be possible to propose that in monarchic Judah, the term *sōpēr* had been used to designate the profession of the scribe, who had formal training in “counting” as well as reading and writing; the profession may have been designated by the root associated with counting because it could include accounting skills alongside the ability to “recount” in writing. After the introduction of the imperial term *šōṭēr*, which might have covered the same skill set involving accounting as well as reading and writing, the biblical writers may have used the two interchangeably, or they may have limited the meaning of each to distinguish between accountants/ administrators and “recorders”, i.e. those who created documents and literature; in Chronicles, the two occur side by side as offices held by different individuals, and the LXX translation of Jeiel the *sōpēr* in 2 Chr 26,11 as *Ἰηλ τοῦ γραμματέως* could also be cited in support of this proposal.

When we render all seven occurrences of *šōṭēr/šōṭērîm* in Deuteronomy as scribes rather than “officers” or “officials,” neither of which would have necessitated writing or reading skills, we can uncover new nuances in the text. With the help of the LXX’s tendency to render most of the 25 occurrences of the term in the HB as scribes and the specific classification of *šōṭērîm* as Levites in four of the six uses in Chronicles, we can draw the same link also in Deuteronomy in the MT and SP versions as they were worded by the Hellenistic period. This may not always have been the case; earlier versions might have lacked one or the other term, or there might have been additional uses of both added, especially of Levites, as a distinction was drawn over time among priests, Levitical priests, Levites, and sons of Levi. In Deuteronomy at least, there is no indication that Levites included the multiple, non-priestly but temple-associated categories detailed in Chronicles; there is only a single reference to the temple in the book (23,16). The cult is of little interest to those whose ideology is reflected in most of this book. Nevertheless, it is possible to suggest the Levites, who contrast with the priests and the Levitical priests in the book, are more specifically scribes, *šōṭērîm*, by profession.