

proposed.⁹ Many scholars emphasize that *mišpāʾ* derives from the exercise of authority in general and should not be limited to the judicial process in the strict sense.¹⁰ K. H. Fahlgren does not accept the basic meaning of "judgment," preferring to take the *mišpāʾ* of the individual as his starting point, although he rejects Hertzberg's view that every *mišpāʾ* should be based on a particular "volitional proclivity."¹¹ As the basic meaning, Fahlgren prefers "manner, characteristic." Similar meanings are proposed by Osborne Booth and Eliezer Berkovits.¹²

No semantic development of *mišpāʾ* can be detected when one compares its occurrences in earlier and later texts, although certain specialized meanings or specific constructions may be present in particular texts.¹³

II. OT Usage.

1. *Oracles and Casting Lots.* Reaching decisions is an important aspect of *mišpāʾ*. But caution is advisable in proposing this as the "basic meaning," even when the verb is also considered. Liedke comments: "*špʾ* seems to belong to the category of roots in which the search for a 'basic meaning' is not illuminating."¹⁴ Despite this reservation, however, it must be said that this meaning provides a good starting point for access to the various usages of *mišpāʾ*.

This is clear, first, from the use of *mišpāʾ* in the context of casting lots, where it stands for the decision of a priest reached by lot. The priest is to inquire "by the *mišpāʾ* of Urim" (Nu. 27:21). In Ex. 28:15,29f., the breastpiece of the high priest, which contains the oracular lots Urim and Thummim, is called *hōšen (ham)mišpāʾ*.¹⁵ In this way Aaron is to "bear the *mišpāʾ* of the Israelites on his heart continually" (28:30).

The result of casting lots is also called *mišpāʾ* (Prov. 16:33). Jgs. 4:5 is cited as an example of a text that associates *mišpāʾ* with oracles: Deborah spoke *mišpāʾ* under the "palm of Deborah."¹⁶ Hertzberg goes a step further, theorizing that the judicial system as such emerged from consultation of oracles.¹⁷ In these examples, however, it is better to understand *mišpāʾ* as meaning "decision, answer, opinion." Even if the answer was given within the framework of an oracle, the suggested translation

der vorstaatl. Zeit," ZAW, 57 (1939), 110-121. For the latter see J. Begrich, *Studien zu Deuterogesaia*. BWANT, 77 (1938), 161ff.

9. E.g., van der Ploeg, *OTS*, 2 (1943), 144-155; *idem*, *CBQ*, 12 (1950), 248-259; Thomson, 84; L. L. Seeligmann, "Zur Terminologie für Gerichtsverfahren im Wortschatz des biblischen Hebräisch," *Hebräische Wortforschung. Festschrift W. Baumgartner*. SVT, 16 (1967), 251-278, esp. 273, n. 1; L. Monsengwo Palsinya, *La notion de nomos dans le Pentateuque grec*. AnBibl, 52 (1973), 97ff.; de Vaux; and HAL, II, 651, which cites "ruling" as its point of departure.

10. E.g., Rozenberg.

11. P. 124.

12. Booth, 107; Berkovits, 188-209.

13. See below.

14. *TLOT*, III, 1393.

15. → *יָשָׁן hōšen* (V, 259-261).

16. Rozenberg, *Erlsr*, 12 (1975), 77f.*; Whitelam, 66, 84.

17. ZAW, 40 (1922), 269.

suffices. One might also add that God's *mišpāt* is autonomous and not limited by oracular technique.¹⁸

2. *Jurisprudence. a. General.* Like oracles, judicial dicta have the nature of decisions. When a judge has chosen between the available alternatives, he renders his decision, which is called *mišpāt*. This decision, however, also entails the substance and consequences of the decision. Therefore, *mišpāt* often stands for the entire judicial procedure, the forensic situation in its widest sense, as in Ps. 1:5.¹⁹ Even in cases where *mišpāt* refers to a particular element of the forensic process, other semantic nuances are in the background.

In many texts *mišpāt* has the general meaning "justice." One comes before the king or judge *lammišpāt*, for a judicial decision (Jgs. 4:5; 2 S. 15:2,6); a slayer must stand before the congregation *lammišpāt* (Nu. 35:12; Josh. 20:6); parties draw together *lammišpāt* (Isa. 41:1; 54:17). The judge (divine or human) also comes *l'mišpāt/lammišpāt* (Ps. 9:8[Eng. v. 7]; 76:10[9]; 122:5; Isa. 3:14; Ezk. 44:24; Mal. 3:5). In Job 9:19 *l'mišpāt* means "if it is a matter of justice."

When *mišpāt* is used in the general sense of "justice," it often follows the prep. *bē*. Injustice must not be done *hammišpāt*, in judgment, in court (Lev. 19:15; Dt. 1:17; Prov. 24:23); by *mišpāt* a king gives stability to the land (Prov. 29:4). Here the general sense of "administration of justice" suggests itself.²⁰ The prep. *el* can also precede *mišpāt*: in Dt. 25:1 the parties come *el-hammišpāt*, "to court." Here the meaning is almost locative, a sense expressed elsewhere by further qualifying the more general term *mišpāt*: *'ulām hammišpāt*, "hall of justice" (1 K. 7:7); *mēqôm hammišpāt*, "place of justice" (Eccl. 3:16). The construction with the prep. *al* probably belongs here as well: "the one who sits in judgment (*'al-hammišpāt*)" (Isa. 28:6). The toponym *'ēn mišpāt* (Gen. 14:7) can also be explained in this way.²¹

b. *Legal Case.* In some passages the best translation appears to be "(legal) case." Moses brings the *mišpāt* of Zelophehad's daughters before Yahweh (Nu. 27:5). Job wants to bring his case before God (Job 13:18; 23:4). In 2 S. 15:4 this sense of *mišpāt* is defined more precisely by association with → *רִיב* *riḥ*, "lawsuit." Similar parallelism appears in Isa. 50:8, where "Who will contend (*yārīḥ*) with me?" parallels "Who is my adversary (*ba'al mišpāt*)?" The Levitical priests and the judge are to announce *dēḥar hammišpāt* (Dt. 17:9). Here the legal case issues in a decision. These meanings coalesce in the same way in 2 Ch. 19:6.

A legal case always includes a claim.²² In this context, Liedke, following Hans-Jochen Boecker, proposes to give *mišpāt* the specific meaning "proposed verdict," "pleading."²³ This proposal, Liedke avers, was occasionally put forward both by the

18. Gese, 48.

19. See R. P. Merendino, VT, 29 (1979), 51.

20. See below.

21. G. von Rad, OT Theology (Eng. trans., 2 vols., New York, 1962-65), I, 12.

22. See II.3 below.

23. Liedke, Gestalt, 88-92; idem, TLOT, III, 1396-97; Boecker, Redeformen, 72.

parties involved and by the judge. Such a theory seems hardly necessary, since the meaning "case" or "claim" is sufficient in these passages.

c. *Verdict*. Among the texts using *mišpāt* in a general forensic context, one group has special reference to the decision reached, the verdict. Of course the whole judicial process cannot be divorced from the verdict, not even in those passages stating in general terms that God or the king administers justice (2 S. 8:15; 1 K. 3:28; Jer. 9:23[24], where the verb *ʾāsā* is used). But this more general activity issues in a decision, a verdict, that summarizes the proceedings. Judgment is God's (Dt. 1:17); a case (*dāḥār*) can be too difficult to decide (*lammišpāt*) (Dt. 17:8); God leaves judgment to Oholibah's enemies (Ezk. 23:24).

The oral, audible nature of *mišpāt* sometimes finds expression: the Levites "announce" *mišpāt* (Dt. 17:11); it is on the lips of the king (Prov. 16:10) and is uttered by God (Ps. 105:5 = 1 Ch. 16:12). In Zeph. 3:8 Yahweh says: "For my *mišpāt* is to gather nations." Here *mišpāt* can be understood as "decision, determination"; its substance, however, is defined by the gathering of the nations.

That *mišpāt* sometimes has only the formal sense of "decision, verdict" is also clear from texts where it is qualified by other terms, positive or negative: *mišpāt-māweṭ*, "sentence of death" (Dt. 19:6; 21:22; Jer. 26:11,16); *mišpāt dāmīm*, "blood-guilt" (Ezk. 7:23); *mišpāt-šedeq*, "just decision" (Dt. 16:18); *mišpāt ʿmeṭ*, "true decision" (Ezk. 18:8; Zec. 7:9); *mišpāt šālôm*, "decision making for peace" (Zec. 8:16). In 2 Ch. 19:8 *mišpāt YHWH*, "judgment of Yahweh," is conjoined with *riḥ* to describe the judicial function of the Levites. The phrase might emphasize that the Levites are responsible before God when they utter judgments (cf. 2 Ch. 19:6); or it might refer to different types of cases, some being matters of God and others matters of the king (cf. v. 11).

d. *Punishment and Deliverance*. A verdict or judgment can also refer to the nature of the judgment: positive for those who are just and innocent, but negative for the wicked and sinful. With respect to the latter, several passages use *mišpāt* without further qualification to mean "sentence" or "punishment." When *mišpāt* has this meaning, it is synonymous with *šepet* and *špôt*, both of which have only this negative sense. The noun *šepet* is found only in the plural: Yahweh will intervene in Egypt with mighty acts of punishment (Ex. 6:6; 7:4); punishments await fools (Prov. 19:29); Yahweh will send four punishments (Ezk. 14:21). The usual construction is *ʾāsā špāṭīm bʿ*, "execute punishments upon (someone)" (Ex. 12:12; Nu. 33:4; 2 Ch. 24:24; and frequently in Ezekiel: 5:10,15; 11:9; 16:41; 25:11; 28:22,26; 30:14,19). Ezk. 23:10 uses the plural of *špôt* in the same construction; the singular appears in 2 Ch. 20:9, in a list of punishments.

When *mišpāt* is used in the sense of sentence or punishment, it is usually in the singular. The Babylonian foe passes *mišpāt* on the captive King Zedekiah (2 K. 25:6; the parallel text Jer. 39:5; 52:9 uses the pl. *mišpāṭīm*). The sword of Yahweh descends on Edom (*mišpāt*) (Isa. 34:5; cf. also Dt. 32:41). When the oracle of disaster against Moab in Jer. 48:47 ends with the words "thus far is Moab's *mišpāt*," this refers not just to the verdict, the decision reached concerning Moab, but also to all the disasters listed, the entire fate of Moab. In Jer. 49:12, too, *mišpāt* means "fate, lot": "Those

whose *mišpāt* was not to drink the cup."²⁴ The punishment of Yahweh strikes the wicked among the people of Israel (Ps. 1:5; Isa. 5:16; Ezk. 5:8; Hos. 5:1; 6:5), the enemy (Ps. 7:7[6]; 9:17[16]; Jer. 48:21; 51:9; Ezk. 39:21), the whole earth (Isa. 26:9 [pl.]). In executing sentence, Yahweh can make use of the enemy: he has established them *l'mišpāt*, for punishment (Hab. 1:12).

One can pray to God but not enter into judgment with God (Ps. 143:2). Here *bō' b'mišpāt* (*bammišpāt*) is used; cf. Job 9:32; 22:4; hiphil: Job 14:3; Eccl. 11:9; 12:14; *hālak 'el-'ēl bammišpāt*: Job 34:23). In Zeph. 3:15 Jerusalem is told that Yahweh has taken away her *mišpāṭim* and (in parallel) turned away her enemies. Finally, *mišpāt* as punishment can be presented and understood as chastisement with a positive goal, as illustrated by Job 36:17 in its context.

When God's punishment strikes the enemy, it means salvation and deliverance for the innocent and oppressed. Thus punitive *mišpāt* can also have positive content. The psalmist waits for God's *mišpāt* against the enemy (Ps. 119:84; 149:9). God's people execute the righteousness (*šiddqat*) of Yahweh and his sentences (*mišpātāyw*: Dt. 33:21). Therefore, they wait for God's *mišpāṭim* and rejoice over them (Ps. 48:12[11]; 97:8; Isa. 26:8). Less clear is the reference to a forensic situation in 1 Ch. 16:14; Ps. 10:5; 105:7; here the meaning "law, ordinances" seems more apposite.²⁵

Isa. 53:8 remains uncertain: "From 'ōšer and *mišpāt* he was taken (away)." Was the servant deprived of a saving verdict or judgment, or was he delivered from punishment? J. A. Soggin suggests understanding the text as meaning that the servant was led away after a sentence that was formally unimpeachable.²⁶

3. *Right*. a. *Legal Right*. A positive verdict in favor of one party in a case vindicates that party's claim to be right, but the claim was valid even before the verdict was pronounced. Although a just verdict vindicates the right of the innocent, it is also true that it merely confirms an already existing right. Used in this sense, *mišpāt* stands for the rightful claim of the innocent party. Yahweh upholds the just cause of the oppressed or of his people (1 K. 8:45,49,59; 2 Ch. 6:35,39; Ps. 9:5[4]; 140:13[12]; 146:7; Mic. 7:9). Here the work of Yahweh is expressed by 'āsā *mišpāt*. With the same meaning, we also find *mišpāt* as the object of *šāpaṭ* (Jer. 5:28; Lam. 3:59) or *nāṭan* (Job 36:6). The psalmist prays that Yahweh will arise for his *mišpāt* (Ps. 35:23). A person's *mišpāt* can come from God (17:2) like the noonday (37:6); it is found with God (Prov. 29:26; Isa. 49:4) but can also be hidden (Isa. 40:27; Job 19:7). A female slave intended for the son of the house is to be dealt with *k'mišpāt habbānōt*: she can claim the rights of the daughters (Ex. 21:9). Jer. 30:18 says of the citadel that it shall be set on its rightful place ('*al-mišpāṭō*).²⁷ This is its prescribed place, but also the place that it may claim.

It is also possible to deprive individuals of their right, the *mišpāt* that is properly

24. Cf. also the examples cited in II.5 below.

25. See II.4 below.

26. Soggin, ZAW, 87 (1975), 347. For further discussion see Liedke, *Gestalt*, 87.

27. See van der Ploeg, OTS, 2 (1943), 154.

theirs. Various constructions express this idea. God asks Job whether he wants to "break" God's *mišpāṭ*, put God in the wrong (*prr* hiphil: Job 40:8); Job insists that God has taken away his right (*sūr* hiphil: 27:2; 34:5f.). Other expressions for violating or infringing on someone's right include *gzl* (Isa. 10:2); *ršš* (Hos. 5:11); *m's* (Job 31:13); and above all *nḥ* hiphil, "pervert someone's right" (Ex. 23:6; Dt. 16:19; 24:17; 27:19; 1 S. 8:3; Prov. 18:5; Lam. 3:35).

The noun *mišpāṭ* can also denote the right or authority that emanates from the power of a ruler. In Ezk. 21:32(27) the prophet speaks of the coming ruler to whom *mišpāṭ* belongs; Hab. 1:7 says of the Chaldeans that they cause *mišpāṭ* to proceed from themselves or seize *mišpāṭ* for themselves. Here we are close to the development from "legal right" to "law." Other passages use *mišpāṭ* in this sense with a further qualification to denote a particular right: *mišpaṭ habb'kōrā*, "right of the firstborn" (Dt. 21:17); *mišpaṭ hagg'ullā*, "right of redemption" (Jer. 32:7); *mišpaṭ hay'ruššā*, "right of possession" (Jer. 32:8; "right of first refusal" is also possible here).

To this category also belong *mišpaṭ hammelek*, "right of the king" (1 S. 8:9,11), and *mišpāṭ hamm'luḳā*, "right of kingship" (1 S. 10:25). In this context *mišpāṭ* can be understood as the king's right or as the law governing the king and kingship. Dt. 18:3 employs a similar usage: *mišpaṭ hakkōh'nīm*, the right of the priests to a share of the sacrifice. In the Samuel passages, Berkovits argues for the possibility that *mišpāṭ* should be understood to mean "the manner of the king," the way kings behave.²⁸ Especially in the case of *mišpaṭ hamm'luḳā*, a royal compact or "constitution of the monarchy" is a real possibility.²⁹ Z. Ben-Barak sees in *mišpaṭ hammelek* the Canaanite conception of kingship, and in *mišpaṭ hamm'luḳā* the specific form in which it developed in the Israelite monarchy.³⁰

b. *Righteousness*. A just cause coincides with the substance of a right verdict. In this context *mišpāṭ* often has the meaning "what is right and proper, righteousness." Here *mišpāṭ* stands as an absolute entity, almost "world order," "the God-given norm to ensure a well-ordered society."³¹ Proper conduct in all spheres is to be done in *mišpāṭ* or in conformity with *mišpāṭ*. The king is to reign *l'mišpāṭ* (Isa. 32:1); "in *mišpāṭ*" you shall swear (Jer. 4:2); Yahweh leads the humble in *mišpāṭ* (Ps. 25:9); Elihu asks whether Job's claim is real *l'mišpāṭ*, i.e., justified (Job 35:2). The devout psalmist expects help from God *k'mišpāṭ* (Ps. 119:132).

28. Pp. 199f.

29. H. J. Boecker, *Die Beurteilung der Anfänge des Königtums in den deuteronomistischen Abschnitten des 1. Samuelbuches*. WMANT, 31 (1969), 56; for further discussion, see Horst, *Gottes Recht*, 107ff.; A. Alt, "Der Anteil des Königtums an der sozialen Entwicklung in den Reichen Israel und Juda," *KISchr*, III (1959), 367; H. Wildberger, "Samuel und die Entstehung des israelitischen Königtums," *TZ*, 13 (1957), 442-469, esp. 458; Liedke, *Gestalt*, 93; T. Mettinger, *King and Messiah*. CB, 8 (1976), 80-88.

30. Z. Ben-Barak, "The Manner of the King" and "The Manner of the Kingdom" (diss., Jerusalem, 1972). On the problem see also W. I. Wolverton, "The King's 'Justice' in Pre-Exilic Israel," *ATR*, 41 (1959), 276-286.

31. P. Uys, *NedGTT*, 9 (1968), 185.

In a series of passages *mišpāṭ* in this sense takes on overtones of deliverance, emphasized by the parallel use of the root → *שָׁדַק* *šdq* (Job 29:14; Ps. 72:2; 89:15[14]; 97:2; Isa. 1:27; 5:7; 9:6[7]; Hos. 2:21[19]) or *yš'* (Isa. 59:11). Ezk. 34:16 summarizes the actions of the good shepherd thus: "I will feed them *b'mišpāṭ*, 'as is right.'" Ps. 111:7 describes the works of Yahweh's hands as *mišpāṭ* and "*meṭ*," the thoughts of the righteous are *mišpāṭ* (Prov. 12:5); *mišpāṭ* (par. *g'ḥūrā*) can fill the prophet (Mic. 3:8) or (together with *šdq*) Jerusalem/Zion (Isa. 1:21; 33:5). As the "right way," *mišpāṭ* can be conjoined with *derek* (Dt. 32:4; Jer. 5:4,5), *nāṭīb* (Prov. 8:20), and "*ōrah*" (Isa. 40:14; Prov. 2:8; 17:23). The *mišpāṭ* in a land may be snatched away (Eccl. 5:7[8]) and not be found (Isa. 59:8,15). Honest balances (*mō'z'ne mišpāṭ*) are from Yahweh (Prov. 16:11); cf. *mō'z'ne šedeq* with the same meaning. The people ask, "Where is the God of justice ('*lōhē hammišpāṭ*)?" (Mal. 2:17). God acts with a spirit of justice (*rūah mišpāṭ*, Isa. 4:4; 28:6).

In the two last examples, the meaning tends in the direction of God's active intervention, to deliver or to punish. Even when *mišpāṭ* has the general sense of "right," predicate verbs and metaphors suggest activity. For example, Am. 5:24 looks for *mišpāṭ* (in parallel with *š'ḏāqā*) to roll down like waters.³² Aberrant *mišpāṭ* springs up like poisonous weeds (Hos. 10:4). It is impossible for *mišpāṭ* to come forth, because it is perverted (Hab. 1:4); it will dwell in the wilderness (Isa. 32:16); it is far away and turned back (59:9,14). These last three passages in Isaiah use *š'ḏāqā* in parallel with *mišpāṭ*. Ps. 94:15 says that *mišpāṭ* will return to *šedeq*. Here *šedeq* is understood as the normative principle and *mišpāṭ* as the principle of conduct, which must conform to *šedeq* (cf. Ps. 119:160). M. Weber defines the relationship between *šedeq* and *mišpāṭ* with the aid of the conceptual pair "subjective/objective": *šedeq* is "the subjective sense of right, righteousness," and *mišpāṭ* is "objective right, the universally binding norm of justice."³³

In the sense of right as a principle, *mišpāṭ* appears as the object of various verbs: Yahweh or the king loves *mišpāṭ* (Isa. 61:8; Ps. 33:5; 37:28; 99:4); *mišpāṭ* can be chosen (Job 34:4), sought (Isa. 1:17; 16:5), known (Mic. 3:1; Eccl. 8:5), heard (1 K. 3:11), learned (Prov. 1:3), sung of (Ps. 101:1). Right as a normative principle also appears as a decision reached in a concrete situation.³⁴ It can serve as a plumb line (Isa. 28:17; here again in parallel with *š'ḏāqā*). Negatively, *mišpāṭ* can be mocked (Prov. 19:28), abhorred (Mic. 3:9), hated (Job 34:17), perverted (Job 8:3; 34:12; 37:23), or turned to wormwood and poison (Am. 5:7; 6:12). The active nature of *mišpāṭ* often comes to the fore: *mišpāṭ* can be spoken (Isa. 32:7; Ps. 37:30; Jer. 12:1³⁵), established (Am. 5:15; Isa. 42:4), brought forth (42:1,3).³⁶ It serves as a light (51:4; Zeph. 3:5; cf. Isa. 59:9;

32. On the position and development of *mišpāṭ* in this parallel, see H. W. Wolff, *Joel and Amos. Herm* (Eng. trans. 1977), 264.

33. M. Weber, *Jüdisches Lexikon*, IV/1 (Berlin, 1930), 1277.

34. See M. Noth, *Könige. BK*, IX/1 (1968), 51, on 1 K. 3:11.

35. S. Blank, *Jeremiah: Man and Prophet* (Cincinnati, 1961), 119, understands *mišpāṭ* here as "certain cases" that the prophet brings before God.

36. The broad meaning of *mišpāṭ* in Isa. 42 is underlined by W. A. M. Beuken, "Mišpāṭ: The First Servant Song and Its Context," *VT*, 22 (1972), 1-30; and J. Jeremias, "Mišpāṭ im ersten Gottesknechtstied," *VT*, 22 (1972), 31-42.

Mic. 7:9; Ps. 37:6). Here it is common for *mišpāṭ* to appear with a form of *šdq*. Above all, *mišpāṭ* as a principle is the object of '*āsâ*, "do"' (Gen. 18:19,25; Dt. 10:18; 1 K. 10:9; Jer. 5:1; 7:5; 22:3,15; 23:5; 33:15; Mic. 6:8; Ps. 99:4; 103:6; 119:121; Prov. 21:3,7,15; 1 Ch. 18:14; 2 Ch. 9:8). Here too it is common to find *mišpāṭ* in parallel with a form of *šdq*: the righteous man does *mišpāṭ* and *š'ḏāqâ* (Ezk. 18:5,19,21,27; 33:14,16,19; 45:9). Ps. 106:3 uses the parallelism "observe *mišpāṭ* and do *š'ḏāqâ*"; here the meaning "law, commandment" suggests itself.³⁷

4. *Law. a. God's mišpāṭim*. The meaning "law, commandment" occupies an important place in the usage of *mišpāṭ*. When it denotes that which has been established, the law, *mišpāṭ* usually appears in the plural. God's *mišpāṭim* are the individual commandments as well as the summary of the entire law. Moses or God in person commanded these laws (*šiwwâ*: Nu. 36:13; Dt. 6:1,20; Mal. 3:22[4:4]; 2 Ch. 33:8), gave them (*nāyan*: Lev. 26:46; Ezk. 20:25; Ps. 72:1; Neh. 9:13), spoke them (*dibbēr*: Dt. 4:45; 5:31[28]; Jer. 1:16; 4:12), set them (*šim*: Ex. 21:1), declared them (Ps. 147:19), and taught them (*limmaḏ*: Dt. 4:1,5,14; Ps. 119:108; *hōrâ*: Dt. 33:10; *hōḏia'*: Ezk. 20:11). Moses tells (*sippēr*) the people all the *mišpāṭim* of Yahweh (Ex. 24:3; the same verb is used in Ps. 119:13 for counting all the *mišpāṭim* from God's mouth). Israel is to hear God's *mišpāṭim* (*šama'*: Dt. 5:1; 7:12; with 'el, Dt. 4:1), keep them (*šamar*: Lev. 18:5,26; 19:37; 20:22; 25:18; Dt. 7:11; 11:1; 12:1; 26:17; 30:16; 1 K. 2:3; 8:58; 9:4; 2 K. 17:37; Ezk. 11:20; 18:9; 20:19; 36:27; 2 Ch. 7:17), and do them ('*āsâ*: Lev. 18:4; Dt. 11:32; 26:16; 1 K. 6:12; 11:33; Ezk. 18:17; Neh. 10:30; 1 Ch. 22:13; 28:7). Judgment shall conform to these *mišpāṭim* (Nu. 35:24; Ezk. 44:24; 2 Ch. 19:10); in the happy future, people will walk in God's *mišpāṭim* (Ezk. 37:24). The *mišpāṭim* of Yahweh are found in Israel in contrast to the other nations (Dt. 4:8); they are plain to see (2 S. 22:23 = Ps. 18:23[22]). God's *mišpāṭim* are described in more detail by association with other concepts: they are truth ('*meṭ*: Ps. 19:10[9]), like the great deep (36:7[6]), good (*tôḥim*: 119:39), right (*yāšār*: 119:137), and righteous (*šedeq*: 119:75). The construct phrase *mišp'ṭe-šedeq*, "laws of righteousness," appears in Isa. 58:2; Ps. 119:7,106.

Various expressions are used to denote contempt for and rejection of God's *mišpāṭim* and disobedience toward them: *gā'al* (Lev. 26:15), *mā'as* (*b'*) (Lev. 26:43; Ezk. 5:6; 20:13,16), *mārâ* hiphil (Ezk. 5:6), *ḥātā' b'* (Neh. 9:29), *sār min* (Dnl. 9:5), *lō' ḥālak b'* (Ps. 89:31[30]), *bal yāda'* (Ps. 147:20), *lō' (l'ḥilti) šamar* (Dt. 8:11; Ezk. 20:21; Neh. 1:7), *lō' 'āsâ* (Ezk. 5:7; 11:12; 20:24).

Other words besides *mišpāṭim* are used for God's commandments and ordinances, e.g., *tôrâ*, *ḥōq*, and *mišwâ*. Albrecht Alt identified the *mišpāṭim* with casuistic law;³⁸ but further attempts to find apodictic law in *ḥōq*, e.g., must rely on the argument from silence.³⁹ As Sigmund Mowinckel notes, the *mišpāṭ* form and the apodictic form have

37. See below.

38. Alt, 92.

39. Liedke, *Gestalt*, 177ff. For further discussion → פקדון *ḥāqāq* (V, 139-147).

influenced each other mutually.⁴⁰ We can say in general that the wide range of usage of *mišpāt* displays very little difference in meaning between *mišpāt* and the other words for "commandment"; *mišpāt* repeatedly transcends the boundaries of the various specialized meanings. The conjoining of synonyms serves to emphasize the multitude or totality of the commandments rather the specific meanings of the individual words. A good example is Ps. 119, where the various terms of *tôrâ* piety are woven into a pattern so artful that the possible differences between *mišpāt* and other terms for the law pale into insignificance.⁴¹

b. *Human mišpāṭim*. Ezekiel also uses the pl. *mišpāṭim* in the sense of human laws and ordinances. These *mišpāṭim* stand in negative contrast to God's *mišpāṭim*: "You have acted according to the *mišpāṭim* of the pagan nations" (Ezk. 11:12); "Do not follow the *mišpāṭim* of your fathers" (20:18). Relatively speaking, however, these human *mišpāṭim* can constitute a good: "You have not followed my commandments and have not [even] acted according to the commandments of pagan nations" (5:7); "According to their own *mišpāṭim* I will judge them" (7:27); "They will judge you according to their *mišpāṭim*" (23:24). In some of these passages, the translation "custom, practice" is also possible; this leads to another section of our discussion.⁴²

c. *Commandment, Statute*. In a series of texts, the sg. *mišpāt*, "right," appears in the specific sense of "law, commandment, statute." If an ox gores a boy or a girl, the owner shall be dealt with according to the same *mišpā*, the same rule laid down in the preceding discussion (Ex. 21:31). One and the same *mišpāt* is to govern both the alien and the citizen (Lev. 24:22; Nu. 15:16). God's *mišpāt* is to be done (Zeph. 2:3), maintained (Isa. 56:1; Hos. 12:7[6]), known (Jer. 5:4,5; 8:7⁴³), and not forsaken (Isa. 58:2). In this context, *mišpāt* may parallel *ḥōq* (Ex. 15:25; Josh. 24:25; Ps. 81:5[4]; Ezr. 7:10) or appear in the construct phrase *ḥuqqat mišpāt* (Nu. 27:11; 35:29).

In cultic contexts an appended *k^cmišpāt* or *kammišpāt* often indicates that a sacrifice or ceremony is to be carried out "according to regulation" (Lev. 5:10; 9:16; Nu. 9:3,14; 15:24; 29:6ff.; Ezr. 3:4; Neh. 8:18; 1 Ch. 6:17[32]; 15:13; 23:31; 24:19; 2 Ch. 30:16; 35:13). Discussing the celebration of Passover, Nu. 9:3 says that it is to be kept at the appointed time *k^ckol-mišpāṭāyw* (par. *k^ckol-ḥuqqōṭāyw*). The lampstands in 2 Ch. 4:7,20 are likewise made "as prescribed." In Ex. 26:30 *mišpāt* apparently stands for the plan or model of the tabernacle. The preceding text uses the word *tabnūt* twice in this sense (25:9,40). This often leads to the assumption that *mišpāt* and *tabnūt* here have the same meaning. We must note, however, that *mišpāt* is not used here simply as a full synonym of *tabnūt*; it moves away from the concrete in the direction of a summary specification.

40. S. Mowinckel, *Israels opphav og eldste Historie* (Oslo, 1967), 215ff. On the subject see also Östborn, 45f.; E. Gerstenberger, *Wesen und Herkunft des sogenannten apodiktischen Rechts im AT*, WMANT 2 (1965); Hentschke, 112f.; Richter, 82, n. 119; Braulik, 61ff.; Boecker, *Law*, esp. 191-97.

41. S. Bergler, "Der längste Psalm — Anthologie oder Liturgie?" VT, 29 (1979), 257-288.

42. See II.5 below.

43. According to R. Albertz, ZAW, 94 (1982), 41f., *mišpāt* here refers to an early form of the Deuteronomic law.

The words are also translated differently by the LXX (*parádeigma*, *týpon* vs. *eídos*). Note also the translation of the two words as "model — ordinance" and "design — pattern,"⁴⁴ as well as the listing of the passage under "סדר ומנהג קבוע" by Ben-Yehuda.⁴⁵ The same usage appears in 1 K. 6:38 (cf. also Jer. 30:18; Ezk. 42:11).

Position in a series can also be defined by regulation. The priests were assigned to divisions according to the ordinance of David (2 Ch. 8:14), and barley and straw were delivered from time to time *k'mišpāt* (1 K. 5:8).

5. *Custom*. In 2 K. 17:26f. we are told that the new settlers in Samaria brought there by the Assyrians did not know the *mišpāt* of the god of the land and were therefore attacked by lions. After receiving proper instruction, they worshiped Yahweh but continued also to worship the gods according to the *mišpāt* of the nations (v. 33). They continued to practice their former customs (*kammišpāṭim hāri'sōnīm*) and did not follow the *mišpāt* of Israel (v. 34). In this account *mišpāt* clearly means not only "law" but also "procedure, custom, tradition, manner."

In the same way *mišpāt* is used in Ezk. 16:38 (pl.) and 23:45 (sg.) for "the law of women who commit adultery and murder." This *mišpāt* does not issue from legislators but from the situation; it denotes the proper procedure to be followed in this case. Here *mišpāt* also has overtones of "fate, lot." In Jgs. 13:12 Manoah asks the angel what should be the child's rule of life: "What should be the *mišpāt* of the boy and his conduct (*ma'asēhū*)?" The parallel here suggests the meaning "proper procedure." God has taught the farmer the proper procedure (*lammišpāt*) (Isa. 28:26). Every matter has its time and its *mišpāt*, "manner" (Eccl. 8:6).

Several texts suggest the translation "custom, usage, manner, practice" (cf. *dereḵ*): the people live securely, after the manner of the Sidonians (Jgs. 18:7); they cut themselves with swords and lances, as was their custom (1 K. 18:28); such was David's practice all the time (1 S. 27:11); David established this as a rule and practice (*l'hōq ūl'mišpāt*: 1 S. 30:25); the king stood by the pillar, according to custom (2 K. 11:14). In Gen. 40:13 the chief cupbearer is told that he will serve Pharaoh in "the previous manner" (*kammišpāt hāri'sōn*). Here the meaning is simply "as before." The Israelites marched around the city in the same manner (*kammišpāt hazzeh*) seven times (Josh. 6:15). In 2 K. 1:7 the question is asked: "What was the *mišpāt* of the man?" The answer is that he wore a hairy cloak and a leather belt around his waist. The man's *mišpāt* is thus understood as his characteristic appearance, his particular demeanor.

6. *Moderation*. In some passages *mišpāt* means "moderation." Jer. 10:24 speaks of chastisement *b'mišpāt*, and 30:11; 46:28, *lammišpāt*. All three passages represent this chastisement as being less than total destruction: it is chastisement "in just measure, in equity." This meaning also appears in negations: "Like a bird sitting upon eggs that

44. For the former see K. Galling, *Exodus*. HAT, III (1939), 130, 132; for the latter, B. Childs, *The Book of Exodus*. OTL (1974), 513f., 523.

45. E. Ben-Yehuda, *Thesaurus totius hebraeatis*, 8 vols. (repr. New York, 1960), VII, 3410.