

# Introduction

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JOHN HAYES'S SCHOLARSHIP HAS had an important and wide-ranging influence on scholars and students in the field of Hebrew Bible study for more than five decades. Many of his published works on Israelite history, prophecy, law, and the history of biblical interpretation made timely contributions at crucial moments in the field and have proven to have lasting value for scholars working in those areas today.

Hayes began life as the seventh of eight children born into an Alabama sharecropper's home in 1934. Seventy-three years later, he retired in 2007 as the Franklin N. Parker Professor of Old Testament at the Candler School of Theology at Emory University. In the intervening years, he served Baptist congregations in three states, earned degrees from three institutions, taught at two universities, published over forty books and numerous scholarly articles, and even operated a small beef-cattle farm in rural Alabama, where he continues to enjoy his retirement years. This unique blend of personal and professional experiences gave Hayes an approach to Hebrew Bible scholarship that not only resulted in new ideas that continue to inform the scholarly conversation today but also provided needed clarity on developments that were occurring in the field at various moments and turned out to be of continuing importance in the early decades of this new millennium.

This volume collects ten scholarly essays written by Hayes from 1968 to 1995. Some of these originated as papers given at scholarly meetings such as the Society of Biblical Literature or addresses delivered in public lecture series. Others represent essays solicited for particular volumes or articles from major scholarly journals in Hebrew Bible study. The pieces here are organized loosely in three topic areas, corresponding to each

## Introduction

piece's primary focus: Israelite/Judean history, prophets, and law. During the later phases of his teaching career, Hayes was famous in the classroom for his graduate seminars on the History of Hebrew Bible Interpretation, Leviticus, Deuteronomy, and Isaiah. Students knew each of these seminars to bring a new breadth and depth to the material, and many of the articles in the present volume reflect these long-standing interests and the unique, sometimes provocative, approaches that Hayes employed. The goal of this volume is to make available some of Hayes's scholarly articles that provided important perspectives within mid- to late-twentieth-century interpretation when they first appeared and helped to shape the scholarly discussion of these topics that one now finds in the field. These articles allow current scholars to see the emergence and development of some important ideas and trends still present in contemporary scholarship and to envision potentially new avenues and perspectives for advancing the critical discussion.

The contemporary relevance of the articles included here is apparent on several counts. At the most basic level, some of the articles proposed new theories, explanations, and interpretations of issues that were at the center of Hebrew Bible scholarship throughout the last half of the twentieth century (e.g., the formation of early Israel, form-criticism of the prophetic literature, the history of the Israelite and Judean kingdoms). Some of Hayes's proposals helped to solidify emerging consensus, while others offered new, sometimes daring interpretations. He exemplified a scholar who is willing to move outside of and challenge the mainstream of scholarship, nudging his field toward greater self-reflection. While Hayes's specific proposals concerning such things as historical reconstruction or prophetic interpretation received a variety of responses from acceptance to modification to rejection, each helped to move the critical conversation of its topic forward toward some of the forms one sees today. One such specific proposal evidenced in some of the articles included here is Hayes's unique approach to understanding the prophets and the importance of history for them, an approach that might be called the direct rhetorical-historical approach.<sup>1</sup> In this view, nearly every element of books such as Amos and Isaiah needs to be understood as connected to a particular historical occasion, with much of the material constituting rhetorical compositions that reference a chain of closely related political-historical circumstances in the ancient Near

1. See Kelle and Moore, "Introduction," in *Israel's Prophets and Israel's Past*.

East. While not immune to disagreement, the manifestations and ramifications of Hayes's specific proposals have been evidenced in relevant scholarly work up to the present.

Beyond the first level of the specific proposals made in some of Hayes's work, the timing and context of many of the articles included here constitute a second, broader factor that commends their ongoing consideration. Several of these articles emerged at crucial moments in the discipline of Hebrew Bible study, when many long-standing interpretive settlements were being reconsidered and, in some cases, set aside. These essays identified, clarified, and further developed several of the major trends that have shaped the study of Israelite history, prophets, and law throughout the later twentieth and now early twenty-first century. Regardless of the specific proposals advanced by a particular article, Hayes's work in this way provides contemporary interpreters with glimpses of key moments in the development of particular methods, trends, and models that have given shape to current approaches in Hebrew Bible study. For instance, in the mid-1970s and 1980s, the discipline of Israelite history (and the question of the usefulness of the Hebrew Bible as a historical source) was entering a time of unprecedented change, a period in which Hayes (along with his colleague, J. Maxwell Miller) would make several significant contributions.<sup>2</sup> During this time, various perspectives and approaches emerged that ultimately came to fruition in the so-called "minimalist controversy" of the 1990s.<sup>3</sup> Several of Hayes's articles in this volume originated during this crucial period of the 1970s, 80s, and 90s, and still offer valuable, often uniquely clear insights that help contextualize developments whose effects remain formative in historical study today.

A third, and perhaps most significant, factor that commends this volume's articles for renewed consideration is the potential importance of the general *way* in which Hayes approached the study of Israelite history, prophecy, and law and the model it may provide. The diverse topics covered by the included articles find their unity in a particular posture and ethos from which Hayes's work operated. Hayes consistently engages in a "thick analysis" that embeds the topic under consideration within broader interpretive contexts. More so than any one particular proposal, this way in which Hayes approached the study of specific methods, seminal

2. See, for example, the comprehensive history volume originally published in 1986: Miller and Hayes, *A History of Ancient Israel and Judah*.

3. See Moore and Kelle, *Biblical History and Israel's Past*.

## Introduction

figures, biblical texts, and historical reconstructions has potentially lasting implications for contemporary scholarship. The thick, embedded analysis represented by Hayes's articles here takes two forms. First, one finds in Hayes's work a dogged insistence that biblical texts must be understood as firmly embedded within particular historical, social, cultural, and political matrices out of which they emerged and within which they functioned. Following from this, at times when it was not always popular to do so, Hayes argued that the biblical texts must be taken seriously (but not uncritically) as yielding important data to be used in various ways for historical interpretation. Whether exploring the social formation of early Israel, the final years of Samaria, or the social concept of covenant, Hayes demonstrated a textually focused and exegetically based approach. In this way, several of the articles included here both anticipated and helped to shape the robust discussions about the nature and usefulness of the biblical texts that came to dominate the last years of the 1990s and the opening decades of the 2000s.

A second manner in which Hayes's work models a thick and embedded approach to the critical study of ancient Israelite history, prophets, and law appears in the way that these articles consistently, often comprehensively, place the topic being considered within the long-view of the history of interpretation, both ancient and modern, Christian and Jewish, and otherwise.<sup>4</sup> While Hayes cannot be said to have moved outside of a historicist framework, his work displays sympathy to certain trends in postmodernist interpretation, particularly the contextual and constructed nature of knowledge. Hayes repeatedly seeks to move every topic of discussion from the general to the specific, embedding it not just into the immediate context of scholarship at the time, but into the larger intellectual currents that both shaped that topic and render it understandable within different intellectual discourses. In this way, Hayes often accomplishes the desired outcome of providing insights from the history of so-called "pre-modern" interpretation and Jewish exegesis, two areas often neglected by modern biblical criticism. The comprehensiveness with which Hayes's work embeds figures, theories, and trends within a fully orbed history of interpretation constitutes an impressive intellectual endeavor and a needed model for today's increasingly specialized biblical criticism.

4. This characteristic of Hayes's scholarship finds its fullest expression in his work as general editor on a major reception history resource. See Hayes, ed., *Dictionary of Biblical Interpretation*.

Each article in this volume contributes in some way to the lines of significance outlined above. The articles do not proceed in strict chronological order, nor does the diversity of materials lend itself to systematic description. Hence, it may be helpful to conclude this introduction by briefly locating each article within the larger landscape of the interpretive currents of its time and the contours of Hayes's work more broadly.

The first four articles relate to the study of Israelite and Judean history in the second half of the twentieth century. "The History of the Study of Israelite and Judaeon History" (orig. 1977) served as the introductory essay for the ground-breaking *Israelite and Judaeon History* that Hayes co-edited with J. Maxwell Miller.<sup>5</sup> This comprehensive essay provided the context for the discussions of the current state of research on each of the major eras of Israelite and Judean history that followed in the volume. This work appeared at a time when the study of the history of Israel and Judah was entering a type of adolescence, and Hayes's article still offers one of the most comprehensive examinations of the development of that field through the mid-1970s.<sup>6</sup> At the time of the essay's appearance, the two schools of thought that had dominated academic discussions related to biblical archaeology and history from the 1940s to the 1960s—largely associated with Albrecht Alt and Martin Noth on the one hand and William Foxwell Albright and his students on the other hand—were coming under increasing methodological scrutiny and losing their epistemological hegemony in the field. The time was ripe for a volume that would evaluate the current status of research and gesture toward new directions. Hayes's opening article offered a rare moment of comprehensive self-reflection for the discipline, outlining the development of the study of Israelite and Judean history from its origins and locating it within the intellectual currents of the first half of the twentieth century. The essay embeds the modern critical discipline within the trends of history writing that existed from the time of the earliest Jewish, Christian, and other thinkers, including special consideration of historiography's interests and aims in various time periods. In Hayes's discussion of the field, one sees a helpful snapshot of where the study of Israelite and Judean history was as it entered the last few decades of the twentieth century. At the time, as Hayes indicates, four main approaches (conservative, archaeological, tradition-critical, and socio-economic) set the framework for most

5. Hayes and Miller, eds., *Israelite and Judaeon History*.

6. For the continuation of this kind of survey up to the present, see Moore and Kelle, *Biblical History and Israel's Past*.

## Introduction

scholarship and the pre-monarchical period was the primary focus of attention. These realities soon became the starting point for the robust and contested debates over history that emerged in the following decades. In this article, Hayes already identified several of the changing trends that would come to fruition throughout the 1980s and 1990s, most notably the problem of the character and usefulness of the biblical texts within historical study.

The second article related to historical study, “Wellhausen as a Historian of Israel,” originated as a presentation given at the 1978 Society of Biblical Literature meeting (later published in 1982) as part of the 100th anniversary celebration of the publication of Wellhausen’s *Geschichte Israel*. It reflects a time of new directions in the field of Israelite and Judean history prompted especially by the appearance of Thomas Thompson’s *The Historicity of the Patriarchal Narratives* (1974) and John Van Seter’s *Abraham in History and Tradition* (1975).<sup>7</sup> These works were among the catalysts that loosened the dominance of the older Alt-Noth and Albright paradigms for historical study and featured a reworking of some of Wellhausen’s older perspectives on questions such as the historicity of the patriarchs and matriarchs. In this climate, Hayes’s article embedded one of the seminal figures in the history of the discipline within the intellectual and interpretive currents that shaped his methods and conclusions. By offering this long view, Hayes located Wellhausen’s work as a historian within the context of his work as a literary (source) critic, demonstrating the unity of these two activities in Wellhausen’s intellectual climate and interpretive approach. The article provides today’s readers with a sense of the development present within Wellhausen’s work and cautions against seeing him as an isolated figure with static ideas.

The third article related to historical study, “The Twelve-Tribe Israelite Amphictyony: An Appraisal,” provides an illuminating glimpse into the new assessments and challenges that emerged in the 1970s to this long-dominant interpretive notion in the field. The article originated in 1972 as a paper delivered to the departmental faculties at Trinity University and St. Mary’s University (later published in 1975). The original goal was to describe and contribute to the then-current rethinking of early Israelite history. The article appeared at the time when long-regnant theories from the work of Alt and Noth concerning the origins and sociological realities of early Israel were being subject to intense methodological

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7. Thompson, *The Historicity of the Patriarchal Narratives: The Quest for the Historical Abraham*; Van Seters, *Abraham in History and Tradition*.

scrutiny. Hayes's work captured the major criticisms that precipitated this change, assessed their weight, and, rightly, pronounced the collapse of the older theory. By comparing this essay with the preceding examination of Wellhausen, readers can identify important ways in which Noth both built upon and moved beyond Wellhausen's approaches. Moreover, this essay once again embeds a seminal figure and theory within the context of the wider interpretive trends that preceded and gave shape to more well-known formulations.

The last article related to historical study, "The Final Years of Samaria (730–720 BC)" (co-authored with Jeffrey K. Kuan in 1991), has become established as one of several major studies that deal with the historical reconstruction of the fall of the northern kingdom of Israel in the late eighth century BCE.<sup>8</sup> What made this study unique, however, was that it emerged directly from work Hayes had recently undertaken on the historical background of the prophetic literature.<sup>9</sup> Hence, in addition to embedding this topic into historical perspectives informed by Assyrian royal inscriptions, Hayes's approach featured extensive and bold use of Hebrew Bible prophetic texts for historical reconstruction, with a willingness to take these texts—and the specificity one finds within them—seriously as some kind of data for historical reconstruction. This approach rested on Hayes's conviction that the prophetic literature could best be thought of as rhetorical discourses shaped to function within particular social and political circumstances. The article thus provides contemporary readers with an example of the way some scholars employed certain biblical texts just prior to the full outbreak of the so-called minimalist controversy in the 1990s. Additionally, it makes a thought-provoking case for approaching topics of historical reconstruction from a different angle than that provided by the use of archaeology or an emphasis on the Hebrew Bible's historiographical texts.

The first article devoted specifically to prophetic interpretation, "The History of the Form-Critical Study of Prophecy," reflects one of the

8. Along with the Hayes and Kuan article, discussions of the final years of the northern kingdom commonly cite the following among others: Na'aman, "The Historical Background to the Conquest of Samaria (720 BC)"; Becking, *The Fall of Samaria*; Younger, "The Fall of Samaria in Light of Recent Research"; Tetley, "The Date of Samaria's Fall as a Reason for Rejecting the Hypothesis of Two Conquests." See also Kelle, "Hoshea, Sargon, and the Final Destruction of Samaria"; and Kelle, "What's in a Name?" Most recently, see Park, "A New Historical Reconstruction of the Fall of Samaria."

9. E.g., Hayes and Irvine, *Isaiah, the Eighth Century Prophet*; and Hayes, *Amos*.



## Introduction

primary areas of scholarship to which Hayes contributed over his career. Hayes wrote this essay while editing a volume devoted to new approaches to Hebrew Bible form criticism, and the paper served as the basis for discussion in the form criticism section at the 1973 Society of Biblical Literature Annual Meeting.<sup>10</sup> At a crucial moment in the reconsideration of methods and practices related to prophetic interpretation, the paper embedded this important method and its major practitioners within the full context of the history of scholarship up through the 1970s. Hayes highlighted the place of Hermann Gunkel within the larger intellectual movements of the early nineteenth century and provided a thick description that illuminated other important, but perhaps lesser known, figures. He demonstrated their connections to one another and their significance for the method that became established in modern scholarship. This article familiarizes contemporary readers with the major developments in form-critical study from the 1940s to the 1970s and reveals some of the background that helps to contextualize new approaches to form criticism that have emerged in the 1990s and beyond.<sup>11</sup>

In relationship to the general discussion of the previous article, the next two studies represent form-critical analyses that helped to shape scholarship's approaches to one prophetic genre in particular, namely, the oracles against the nations. The first article, "The Usage of Oracles against Foreign Nations in Ancient Israel," constituted a summary of Hayes's unpublished 1964 Princeton dissertation and remains one of the most commonly cited sources in discussions of this particular prophetic genre. This genre provided key material for early form-critical explorations, with Gunkel and others proposing that the oracles against the nations were the oldest form of prophetic material. Hayes built upon earlier scholarship to propose that the rhetorical function of these oracles within ancient Israelite society was linked with the preparation and execution of warfare. Through comparison with a variety of ancient Near Eastern textual traditions, he further suggested that this genre typically functioned in cultic lamentation services or royal contexts such as coronation rituals. Similarly, in the next article, "Amos's Oracles against the Nations (1:2—2:16)," Hayes applied his general treatment of the rhetorical function of the oracles against the nations to the specific collection in the opening chapters of Amos. The article (published in 1995) originated as

10. See Hayes, ed., *Old Testament Form Criticism*.

11. See, for example, Sweeney and Ben Zvi, eds., *The Changing Face of Form Criticism for the Twenty-first Century*.



an invited follow-up to Hayes's then recently published commentary on Amos.<sup>12</sup> The discussion remains one of the clearest examples of a rhetorical-historical approach to the prophetic texts. This approach, which has generated a number of similar studies by Hayes's students and colleagues, seeks to identify the rhetorical functions of the prophetic speeches as embedded within the historical-political realities of their time.<sup>13</sup> The article provided a new perspective on Amos's use of the oracles against the nations genre by approaching Amos 1:2—2:16 as a coherent unit with specific rhetorical purposes related to political developments in the mid-eighth century BCE.

The final three articles in this collection relate to Hayes's work on the legal texts in the Hebrew Bible, exemplified throughout his teaching career by his popular graduate seminars on Leviticus and Deuteronomy. "Restitution, Forgiveness, and the Victim in Old Testament Law" originated in 1982 as part of a Festschrift for a retiring colleague at Trinity University and appeared in *Trinity University Studies in Religion*. Given his colleague's interest in Christian ethics, the article adopted an explicitly ethical engagement with the Hebrew Bible laws concerning cases between persons, and it remains a suggestive model of what such engagement may look like. Hayes proposed that the focus of the Hebrew Bible's formulations in such cases was primarily, if not solely, on the restoration of the victim rather than the punishment of the perpetrator. The article once again exemplifies the effort to embed such analysis within the reception history of the relevant laws, with a special eye to post-biblical Jewish writings.

The remaining two articles in the volume offer a similar reexamination of the interpretive issues connected with the long-standing scholarly notion of covenant and its origins within ancient Israelite culture and the biblical literature. The first article originated as the dictionary entry for "Covenant" in the *Mercer Dictionary of the Bible* (1990). Following his thick-description approach to the history and formulation of such concepts, Hayes offered a general survey of covenant as both a term and idea within the Hebrew Bible and its ancient Near Eastern background. The discussion remains one of the clearest surveys of the concept, which stresses the diversity of the ways covenant was understood and employed. Moreover, Hayes advanced a theory that remains significant for current study of covenant as an idea, as well as the

12. Hayes, *Amos*.

13. See also Gitay, *Prophecy and Persuasion*; Shaw, *The Speeches of Micah*; Kelle, *Hosea 2*.

## Introduction

conceptual background of the prophets in particular. The historical and literary analysis led Hayes to endorse the conclusion that the idea of a bi-lateral covenant between Yahweh and Israel was not known before the work of deuteronomistic circles of the seventh century BCE. Rather, the eighth-century prophets in particular drew upon conceptions associated with international political treaties and assumed a triangular covenant notion in which Yahweh was the guarantor of Israel's treaty with partners such as Assyria and Babylonia.

Similarly, the final essay here, "Covenant and *Hesed*: The Status of the Discussion," provided a critical evaluation of the popular connections long-made in scholarship between the concept of covenant and the Hebrew term, *hesed*. This piece is the only article included in the volume that was not published previously. It originated as the Boone M. Bowen lecture given at the First Methodist Church in Clemson, South Carolina shortly after Bowen's death in 1987. In the true spirit of Hayes's consistent emphasis on evaluating ideas of scholarship within their formative intellectual currents, the article offers one of the most comprehensive assessments of the development of the notion of covenant within Hebrew Bible scholarship from the 1920s to the mid-1980s—a virtual snapshot of how covenant as a theological, social, and institutional concept emerged from Max Weber forward and where that discussion stood near the end of the twentieth century. Additionally, Hayes successfully set out the history of the connection of the term *hesed* with the concept of covenant before explaining the more recent challenges to this association. For today's reader, this article, like several others included here, provides the background for understanding much of what one finds in current scholarly discussions of covenant and *hesed*.

Taken together, the articles included in this volume provide a valuable resource to today's students and scholars working with Israelite history, prophecy, and law. At a number of points, they provide succinct yet comprehensive snapshots of the background of ideas that underwent significant changes in the field in the late twentieth century and help to explain some of the methods and perspectives that characterize current scholarship. At other points, they propose innovative approaches that were new at the time and have since become part of theories and proposals whose weight is still recognizable today. In every case, however, Hayes's work in these studies encourages both present and future scholars to be candid and courageous, to undertake their task with a healthy, gadfly-like skepticism toward taken-for-granted settlements and consensuses,

and to offer boldly new ideas that, at times, go against the mainstream of scholarly opinion. Even more, throughout the articles included here one senses a kind of good humor that characterized Hayes's career as a scholar and teacher. This good humor is a spirit that refuses to take any concept or convention—including one's own, sometimes innovative and daring, proposals—as unquestionable “givens” that stand apart from the human, social, and intellectual influences that shaped them. Surely this kind of good humor and broad perspective is a happy byproduct of a life lived in settings as wide-ranging as an academic classroom and a share-cropper's field, a university faculty and a rural beef-cattle farm. It represents a healthy understanding of the human and embedded nature of all scholarly pursuits—an understanding that Hayes has expressed even more explicitly in his post-retirement writings, producing a witty book of earthy thoughts about the road of life and a novel reflecting the struggles and triumphs of life in rural southern cultures.<sup>14</sup> Seen in Hayes's way, all students and scholars should approach the past, present, and future ideas of their discipline for what they are—honest, but limited efforts to make sense of available data undertaken by real-life human beings, who are embedded in a host of social, cultural, and intellectual realities.

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14. Hayes, *If You Don't Like the Possum, Enjoy the Sweet Potatoes*; Hayes, *Abanda: A Novel*.

## Introduction

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