

“...He Laid a Hand to the Other’s Property”: The Suspected Wrongdoing in Exodus 22:7, 10

Yael Landman, Yeshiva University

SBL Annual Meeting, November 23, 2015

Note: Preliminary draft. For citation only with prior written permission of the author.

In a 1962 article, Paul Humbert identified several nuances of the Biblical Hebrew idiom שלח יד, which literally means ‘to lay or extend a hand’.¹ According to Humbert, this idiom has the primary meaning of grabbing forcefully, and typically refers to a physical or hostile act. The idiom appears rarely in the legal sections of the Pentateuch. Two of these attestations occur in the Covenant Code’s law of bailment in Exodus 22:6-14, which includes a number of cases of one person leaving property in another person’s possession for temporary safekeeping. The first two bailment scenarios in the Covenant Code’s law involve the deposit of silver or goods, and a herding arrangement. In both scenarios, something goes awry, and suspicion falls upon the bailee, who watches the owner’s property. An innocent bailee may undergo a cultic procedure to clear himself of a wrongdoing designated by the words שלח יד במלאכת רעהו: having ‘laid his hand’ on the other’s property. In order to clarify the nature of the bailee’s alleged offense, and help inform an understanding of the scope of the bailee’s rights and duties, and of liability in this law, an accurate interpretation of the words שלח יד is necessary. This afternoon, I will revisit the meaning of שלח יד, questioning whether previous interpretations of the idiom fit in the context of this law. Drawing on contextual, linguistic, and comparative evidence, I will argue that שלח יד bears a legal valence in addition to its usual lay senses, so that the words שלח יד במלאכת רעהו should be translated, “he behaved negligently toward the other’s property.”

A translation of *שלה ידו* must fit with the legal contexts of both v.7 and v. 10 – with the deposit of goods and animal herding. For this reason, one cannot translate *שלה יד* simply as “to touch”: The duties of a bailee of goods might never require him to – and indeed, might even forbid him from – touching those goods. However, the bailee of animals’ most basic tasks demand that he physically involve himself in the care of those animals. Right off the bat, then, we can eliminate “touch” as a candidate for translating *שלה ידו*.

Translations of verses 7 and 10 typically render *šālah yādō* as “laid his hands” (or similar), maintaining the hand idiom of the original BH without spelling out what that might mean.ⁱⁱ David Wright’s translation “misappropriated” makes explicit the view of various scholars who preserve the idiom in translation, but describe the crux of the case imagined by v. 7 as whether the bailee himself – and not some third-party thief, as in v. 6 – stole the property.ⁱⁱⁱ This coheres with Humbert’s identification of the primary meaning of *שלה יד* as grabbing forcefully: the bailee is accused of taking the property with force; that is, he is suspected of fraud in the form of theft.

While an interpretation of *שלה ידו* in v. 7 as relating to theft is semantically and contextually sound, it does not fit with the legal situation of v. 10, which uses the same language. The bailee of v. 10 stands accused of wrongdoing in the case of an animal’s death, capture, or injury. Of these, only capture may be construed as related to theft, or forceful taking. Diachronic analyses resolve this discrepancy by attributing death and injury on the one hand, and capture on the other, to separate stages in the composition of the law.^{iv} While acknowledging textual development of the law as a plausible alternative, this paper follows the lead of Westbrook and others, in considering whether the law as it stands may be explained as internally consistent, such that the language *שלה ידו* coheres with all of the legal situations to which it refers.

A number of scholars have tackled the apparent incompatibility of *יד שלח* with death and injury in v. 10. Seebass, for example, despite analyzing the pericope diachronically, interprets the idiom more generally (than misappropriation or theft) as doing anything – whether through ineptitude or malice – that brings about harm to the bailed animal.^v Sprinkle similarly views *שלח* *יד* as a broad term, which he translates “trespass,” but interprets as theft in v. 7 and as either negligence (for death or injury) or fraud (for capture) in v. 10.^{vi} Both Seebass and Sprinkle view *יד שלח* as an idiom for committing any sort of wrongdoing. However, neither justifies the lumping together of negligence with intentional wrongdoing.

In order to reconcile the use of *יד שלח* with death and injury, Westbrook points to the distinction between the bailee and hirer of animals, addressed in the final section of the Covenant Code’s bailment law.^{vii} The hirer, or renter, pays to use the animal for his own benefit; the bailee, on the other hand, watches the animal for the benefit of the bailor. The hirer is liable for death or injury to the animal during the period of hire because such risks naturally accompany his use of the animal. The law holds the bailee, on the other hand, to a lower standard, exempting him from liability for death or injury – unless he has appropriated the animal for his own use, in which case the same risks that apply to the hirer apply to him as well.^{viii}

Westbrook’s analysis of *יד שלח* in v. 10 thus distinguishes between the wrong committed by the bailee (i.e., misappropriation) and the ensuing event for which he is then liable (i.e., death, injury, or capture).^{ix} He defines the wrongdoing of the bailee reflected by *יד שלח* in both v. 7 and v. 10 as one of misappropriation. Yet this reading is inconsistent: In v. 7, the bailee seeks to clear himself of misappropriating (i.e. *stealing*) the bailed item; in v. 10, he seeks to clear himself of misappropriating (i.e. *illicitly using*) the bailed animal. The use of the same English term

“misappropriation” in both cases masks the discrepancy between Westbrook’s understanding of שלח יד in the two verses.

In order to read שלח יד consistently in the pericope, while resolving the contextual problems of vv. 9-10 as Westbrook does, one would have to understand v. 7 as follows: The bailee seeks to clear himself of illicit use of the items bailed to him, which were subsequently stolen by a third party thief who has not been found. In this reading, the crux of the law in vv. 6-7 is not whether the bailee is the thief or not, but whether the bailee illicitly used the goods, such that he is liable for theft regardless of whether or not he is the thief. The difference between v. 7 and v. 6 would remain that if the thief is found, he pays double – and only then the bailee is exempt from payment. Otherwise, the bailee is liable for theft – even by a third party – because he illicitly used the goods while they were in his care.

While Westbrook’s interpretation, or a modification thereof, indeed resolves the problem of how שלח יד fits with death and injury, it creates an unnecessary complication: One would expect the bailee’s alleged wrongdoing to relate more directly to whatever mishap befell the item or animal bailed. The preceding resolution requires an additional step of the bailee becoming liable for the mishap once he has breached his obligations by committing a wrongdoing, without that wrongdoing being the direct cause of the mishap per se; presumably, the animal’s death, injury, or capture would not need to be the result of the bailee’s misappropriation in order to hold him liable.^x Despite the brevity of the biblical laws, we ought to prefer an explanation that requires a closer connection between the wrongdoing and what goes wrong.^{xi}

Let us consider another option. Without addressing the language שלח יד, Charles Fensham has cast the herding law specifically as one treating scenarios where the bailee is suspected of negligence.^{xii} In fact, from a contextual perspective, negligence best fits the

scenarios attached to the bailee of animals. It is highly unlikely that a shepherd would deliberately kill or wound an animal in his care: He does not stand to benefit personally from this action,^{xiii} and it is implausible that a flock-owner would entrust his animals with someone who would maliciously kill or wound them. On the other hand, it is perfectly plausible for a shepherd to slack off and negligently allow an animal in his care to die, suffer an injury, or be captured. Furthermore, although a negligence reading has not been applied to the case of deposit of goods, such an interpretation is plausible in v. 7: The bailee is accused not of stealing the goods himself, but of negligently allowing for a theft to transpire.

While contextually, a negligence reading fits both v. 7 and v. 10, some have ruled out this option on linguistic grounds. Westbrook, for example, argues that “the language of the phrase [šālah yādô] excludes negligence.” Presumably, this is because throughout the Bible שלח יד represents a physical and often aggressive action, whereas negligence indicates, in Westbrook’s words, “an omission on the herdsman’s part.”^{xiv}

If we take a broader look at the biblical Hebrew root ש-ל-ח, we find that it can refer not only to sending or extending in general, but also to actions with a specifically projectile or downward orientation. For example, in both the G and D stems, ש-ל-ח is used of casting arrows^{xv} or fire.^{xvi} Numerous Psalms refer to God reaching down (ש-ל-ח) from the skies and sending down (ש-ל-ח) various gifts and blessings.^{xvii} ש-ל-ח occurs in conjunction with other downwardly oriented roots, such as מ-ט-ר ‘to rain down’ and נ-פ-ל ‘to cause to fall’.^{xviii} Psalm 147:15-18 likewise collocates the divine actions of ‘sending down’ (שלח) God’s word with various acts of precipitation; as God sends down his word to the earth, he also sends down snow, frost, and hail.^{xix} In the D-stem, further examples of downwardly oriented actions include dropping a

person down into a pit.^{xx} In fact, the noun שֶׁלַח may refer in some contexts to a pit or the underworld, parallel to שַׁחַח.^{xxi}

In returning to the idiom יד שלח, let us consider that שלח sometimes carries a connotation of downward or projectile motion. This suggests that, in addition to the better-known literal sense of “reaching out the hand,” there may be an alternative literal translation of יד שלח as “cast down or drop the hand.” This alternative literal understanding of יד שלח may allow us to identify a new idiomatic understanding of יד שלח as well, based on an Akkadian interdialectal semantic equivalent, namely the Akkadian phrase *aḥa nadû*.

Akkadian *aḥa nadû* literally means ‘to cast down or drop the arm’, but is widely attested as an idiom for negligence or generally lax behavior.^{xxii} It occurs frequently in both legal and extralegal contexts (e.g. letters, wisdom literature) across periods,^{xxiii} and is often paired with *egû*, another Akkadian term for negligence.^{xxiv} While the verbal idiom *aḥa nadû* and its related nominal idiom *nīdi aḥi* occur in various contexts, one finds numerous cases of their collocation with verbs meaning ‘to guard, watch over’ (especially *naṣāru*).^{xxv} Take, for example, this directive in a letter to refrain from negligence, [in source 2 on the handout]:

Place into safekeeping (**naṣāru*) 10 sheqels silver worth of dry bran...Do not be negligent (**nīdi aḥi*) about safeguarding (**naṣāru*) the dry bran (CT 52 183:15-16, 19-20)^{xxvi xxvii xxviii}

At first glance, the comparison of *aḥa nadû* with *šālah yād* might raise doubts. The nouns *yād* ‘hand’ and *aḥa* ‘arm’ do not seem an exact semantic match; one might prefer a parallel between BH *yād* and Akkadian *qātu* (‘hand’) or between BH *zērôa* ‘ and Akkadian *aḥu* (‘arm’). Yet the words *yād* ‘hand’ and *aḥu* ‘arm’ are not too far apart. While one might think of ‘hand’ and ‘arm’ as distinct terms, both BH and Akkadian blur this distinction, and in fact, hand/arm

polysemy is well-documented cross-linguistically.^{xxxix} Thus there are cases where *yād* refers to the arm, and *aḥu* may also refer to the hand.^{xxx} Further, in addition to *aḥu*, Akkadian has a second term for ‘arm’ – *idu* – which is cognate to BH *yād* ‘hand’, and indeed, *idu* is sometimes best translated ‘hand’ as well.^{xxxix} Thus, a biblical idiom could utilize the word *yād* where Akkadian uses *aḥu*.^{xxxii}

Moreover, the verbs שָׁלַח and *nadû* bear numerous semantic overlaps: Both may refer to casting arrows or fires, or casting into fire; both are used of throwing into a pit; and both can refer to letting water flow.^{xxxiii}

The idioms *aḥa nadû* and **šālah yād* thus correspond on multiple levels: In terms of the individual components that comprise the verbal idioms, we have demonstrated the equivalence of verbal elements *nadû* and *šālah* and of nominal elements *aḥu* and *yād*. As for the idiom as a whole, while *aḥa nadû* occurs in varied contexts, it frequently refers to negligence in contexts of watching property. The interpretation of *šālah yādô* in Exodus 22:7, 10 as referring to negligence allows for a coherent reading of the laws. With the correspondence of individual elements of the idiom and the contextual reading of negligence in the context of bailment in Exodus 22:7, 10, we surmise that *šālah yādô*, like *aḥa nadû*, refers to negligent behavior.

If *šālah yādô* means “behaved negligently,” and **mēleket rē‘ehû* means “the property of the other,” we are left with the task of interpreting the preposition *b-* of *bimle’ket rē‘ehû*. The simplest translation of *b-* in this case is “with respect to,”^{xxxiv} though the preposition may have an adversative sense (he commits negligence *against* his fellow’s property).^{xxxv} Because the preposition modifies property, rather than the wronged party, I prefer to translate “with respect to.” I propose, then, the following translation of *šālah yādô bimle’ket rē‘ehû*: “he behaved negligently toward the other’s property.”^{xxxvi} Verse 7 and v. 10 thus both reflect the suspicion

that the bailee has committed negligence and thereby allowed for theft of goods, or death, injury, or capture of animals in his care.

This understanding of the biblical bailment law as engaging negligence also accords well with Mesopotamian legal concepts of bailment. LH 125 [handout], states that

If a man gives his property for safekeeping and his property together with the householder's property is lost either by (theft achieved through) a breach or by scaling over a wall, the householder who was careless (*ša īgūma*) shall make restitution and shall restore to the owner of the property that which was given to him for safekeeping and which he allowed to be lost

Although LH 125 introduces elements absent from the law in Exodus, such as the criterion of joint loss, it treats essentially the same premise that we have identified in v. 7: A bailee incurs liability for negligently allowing a thief to come and steal the property in his care.

Hammurabi's laws relating to herding similarly consider negligence as a criterion for liability: LH 267, for example, holds liable "a shepherd [who] behaves negligently (*īgūma*) and allows mange/*pissatum* to develop in the enclosure." The interpretation of *שלח יד* as relating to negligence thus fits well within a broader ANE context of bailment, both in practice documents including directives to refrain from negligence while watching another's property, and in laws that hold bailees of goods and of animals accountable for negligence.

In sum, I have argued that previous interpretations of *שלח יד* inadequately fit both of the legal situations in which the idiom occurs in the biblical law of bailment. Based on contextual evidence and legal logic, linguistic consideration of the biblical Hebrew root *שלח*, and an Akkadian interdialectal semantic equivalent *aḥa nadû*, I have argued that the idiom *שלח יד* bears a legal nuance, to behave negligently, in addition to its lay meanings. This interpretation allows

for a coherent reading of the law, and also finds a contextual parallel in the Laws of Hammurabi's treatment of bailment.

Preliminary draft- handout

“...He Laid a Hand to the Other’s Property”: The Suspected Wrongdoing in Exodus 22:7, 10
 Yael Landman, Yeshiva University
 SBL Annual Meeting, November 23, 2015

1. Exodus 22:6-12 (deposit of silver and goods; herding)

- (ו) כִּי יִתֵּן אִישׁ אֶל רֵעֵהוּ כֶּסֶף אוֹ כְּלִים לְשֹׁמֵר וְגָנַב מִבֵּית הָאִישׁ אִם יִמָּצָא הַגָּנֵב יִשְׁלַם שְׁנַיִם
 (ז) אִם לֹא יִמָּצָא הַגָּנֵב וְנִקְרַב בְּעַל הַבַּיִת אֶל הָאֱלֹהִים אִם לֹא שָׁלַח יָדוֹ בְּמִלְאֲכַת רֵעֵהוּ
 (ח) עַל כָּל דְּבַר פְּשַׁע עַל שׂוֹר עַל חֲמוֹר עַל שֶׂה עַל שְׁלֵמָה עַל כָּל אֲבֹדָה אֲשֶׁר יֹאמֵר כִּי הוּא זֶה עַד הָאֱלֹהִים
 יָבֹא דְבַר שְׁנֵיהֶם אֲשֶׁר יִרְשִׁיעַן אֱלֹהִים יִשְׁלַם שְׁנַיִם לְרֵעֵהוּ ס
 (ט) כִּי יִתֵּן אִישׁ אֶל רֵעֵהוּ חֲמוֹר אוֹ שׂוֹר אוֹ שֶׂה וְכָל בְּהֵמָה לְשֹׁמֵר וּמֵת אוֹ נִשְׁבַּר אוֹ נִשְׁבָּה אִין רֹאֵה
 (י) שְׁבַעַת ה' תִּהְיֶה בֵּין שְׁנֵיהֶם אִם לֹא שָׁלַח יָדוֹ בְּמִלְאֲכַת רֵעֵהוּ וְלִקַּח בְּעֵלְיוֹ וְלֹא יִשְׁלַם
 (יא) וְאִם גָּנַב יִגְנַב מֵעִמּוֹ יִשְׁלַם לְבַעְלָיו
 (יב) אִם טָרַף יִטְרַף יִבְאֵהוּ עַד הַטְּרִפָּה לֹא יִשְׁלַם פ

NJPS tr.

6. When a man gives money or goods to another for safekeeping, and they are stolen from the man’s house – if the thief is caught, he shall pay double;
7. if the thief is not caught, the owner of the house shall depose before God that he has not laid hands on the other’s property.
8. In all charges of misappropriation – pertaining to an ox, an ass, a sheep, a garment, or any other loss, whereof one party alleges, “This is it” – the case of both parties shall come before God: he whom God declares guilty shall pay double to the other.
9. when a man gives to another an ass, an ox, a sheep or any other animal to guard, and it dies or is injured or is carried off, with no witness about,
10. an oath before the Lord shall decide between the two of them that the one has not laid hands on the property of the other; the owner must acquiesce, and no restitution shall be made.
11. But if [the animal] was stolen from him, he shall make restitution to its owner.
12. If it was torn by beasts, he shall bring it as evidence; he need not replace what has been torn by beasts.

2. CT 52 183:15-16, 19-20

Place into safekeeping (*šušširma*) 10 sheqels silver worth of dry bran...Do not be negligent (*nīdi aḥim*) about safeguarding the dry bran.

3. Laws of Hammurabi 125 (Roth tr.)

If a man gives his property for safekeeping and his property together with the householder’s property is lost either by (theft achieved through) a breach or by scaling over a wall, the householder who was careless (*ša īgūma*) shall make restitution and shall restore to the owner of the property that which was given to him for safekeeping and which he allowed to be lost...

ⁱ Paul Humbert, “‘Etendre la main’ (Note de lexicographie hébraïque),” *VT* 12 (1962), 383-395. The idiomatic or metaphoric use of the hand, like many other body parts, is a productive phenomenon cross-linguistically. For a cognitive linguistics account of hand idioms in English – a number of which have parallels in Hebrew and other Semitic languages– see Zoltan Kovecses, *Metaphor: A Practical Introduction* (New York: Oxford UP, 2002), 207-211. Of the prevalence and nature of idioms with body parts in Semitic languages, see Greenstein, “Trans-Semitic,” 331; Greenstein, “Trans-Semitic,” 329 also gives examples of similar hand idioms in BH and Akkadian.

ⁱⁱ See e.g. NJPS; NRSV; NIV; and similarly ‘put his hand’ in KJV.

ⁱⁱⁱ See Wright, *Inventing God’s Law*, 242 (v. 7), 266 (v. 10); and cf. David Daube, “Negligence in the Early Talmudic Law of Contract (*Peshi’ah*),” in H. Niedermeyer and W. Flume, eds., *Festschrift Fritz Schulz* (Weimar: H. Böhlhaus Nachfolger, 1951) 1: 127-28. JPS translates *peša’* in v. 8 as ‘misappropriation’, and various discussions of v. 7 describe the wrong envisioned there as misappropriation or theft. See for example Paul, *Studies*, 90, who cites the JPS translation of v. 7 (“laid hands”) but then paraphrases “the bailee must depose... that he has not misappropriated the articles given to him for safekeeping”; Martin Noth, *Exodus* (J. S. Bowden, tr.; OTL; Philadelphia: Westminster P, 1962), 184; B. S. Childs, *The Book of Exodus: A Critical, Theological Commentary* (OTL; Philadelphia: Westminster P, 1974), 475-77; Otto, “Die rechtshistorische Entwicklung,” 152-154; idem., *Wandel*, 17; Westbrook, “Deposit Law,” 363. See also Sprinkle, *Book of the Covenant*, 150, who does not maintain a hand idiom in translation (“trespass”) but interprets similarly: “the bailee swears... that he did not ‘trespass against his fellow’s property’, that is, he did not steal it.” Jackson, *Semiotics*, 95 uses the term “conversion” to describe the action denoted by the verbal expression *יד שלח b-*, which effectively refers to the same kind of malfeasance envisioned by the above commentaries. See Garner, ed., *Black’s Law Dictionary*, s.v. “conversion”: “The wrongful possession or disposition of another’s property as if it were one’s own; an act or series of acts of willful interference, without lawful justification, with an item of property in a manner inconsistent with another’s right, whereby that other person is deprived of the use and possession of the property.”

Note also the language of Philo of Alexandria, who likewise identifies the alleged wrongdoing of the bailee as deliberate theft or involvement in theft, but perhaps draws on *šālah yādō* in his depiction of the bailee who “must go of his own freewill to the court of God and with hands stretched out to heaven swear under the pain of his own perdition that he has not embezzled any part of the deposit nor abetted another in so doing nor joined at all in inventing a theft which never took place.” See Philo, *Spec. Laws* 4.34, Colson tr., cited by Greengus, *Laws in the Bible*, 188 n. 2.

^{iv} See e.g. Schwienhorst-Schönberger, *Das Bundesbuch*, 196-200; Seebass, “Noch einmal zum Depositenrecht,” 22-23; and see Westbrook, “Deposit Law,” 370-77.

^v Seebass, “Noch einmal zum Depositenrecht,” 23: “...nicht durch eigene Ungeschicklichkeit oder in Böswilligkeit den Tod, Bruch oder Raub eines Tieres gefördert hatte.”

^{vi} Sprinkle, *Book of the Covenant*, 149-50.

^{vii} Note that Westbrook considers the subject of v. 13 a hirer, who pays the animal’s owner in order to use it, rather than a borrower. See Westbrook, “Deposit Law,” 371.

^{viii} Note the relevance of the distinction between misappropriation and theft here: The bailee does not steal the animal but illicitly “borrows” it for his own use, without intending to deprive its owner of it permanently. That the owner may never see his animal again as a consequence is not inherent to the wrongdoing intended by *יד שלח*.

^{ix} For a similar understanding see Rashi, v. 10; Nahmanides, v. 7; and compare their language to *bBQ* 105b. See also *mBM* 3:12. Though Rashi and Nahmanides disagree about the interpretation of the preceding words *’im lō’*, their understanding of *יד שלח* is the same.

^x Westbrook characterizes the distinction between the liability of the shepherd-bailee of vv. 9-10 and the hirer (or borrower) of v. 13 as one based on whether the risks of death and injury naturally accompany the shepherd’s tasks: In his view, death and injury are not risks that naturally accompany watching an animal (without using it for one’s own benefit), whereas they do arise naturally from using the animal for oneself as the hirer/borrower would (371). Yet it seems that death, injury, and capture are natural risks of taking an animal out to graze in the open – something that would surely be within the scope of the bailee-shepherd’s responsibilities – and that the difference in liability stems from something other than expected risk (e.g. perhaps that liability correlates to personal gain).

^{xi} On the other hand, under Roman law, the borrower in a *commodatum* arrangement (a gratuitous loan of a material object for use) would be liable for any damage that occurred during unauthorized use of the item loaned, regardless of fault. See Andrew Borkowski and Paul du Plessis, *Textbook on Roman Law* (Oxford : Oxford UP, 2005), 299-

300. Although *commodatum* reflects a different situation from the bailment relationships in Exod 22:6-12, the law indicates that in principle a sizable gap could separate the illicit act from the wrong for which one can then be held liable. Without further evidence of this phenomenon in biblical or ANE law, however, it is preferable to pursue a more conservative interpretation.

^{xiii} Fensham, “Liability in Case of Negligence in the OT CC and Ancient Legal Traditions,” 288.

^{xiii} For this point see Schwienhorst-Schönberger, *Das Bundesbuch*, 199; Seebass, “Noch einmal zum Depositenrecht,” 23; Westbrook, “Deposit Law,” 371.

^{xiv} Westbrook, “Deposit Law,” 371. Compare Daube, “Negligence,” 127-8 who claims the language is “unambiguous,” and Jackson, *Wisdom Laws*, 340 n. 46: “Negligence on the part of the depositor does not appear to be contemplated by the language of *shalah yād* here.”

^{xv} For the G-stem see e.g. 2 Sam 22:15, 17= Ps 18:15, 17; Ps 144:6; in the D-stem see e.g. 1 Sam 20:20; Ezek 5:16.

^{xvi} For the G-stem see Lam 1:13; for the D-stem see Ezek 39:6; Hos 8:14; Amos 1:4, 7, 10, 12; 2:2, 5; for the similar phrase ‘cast into (-ב) fire’ see Judg 1:8; 15:5; 20:48; 2 Kgs 8:12; Ps 74:7.

^{xvii} See e.g. Ps 57:4; 78:25; 147:15-18; cf. Job 5:10.

^{xviii} Ps 78:23-28.

^{xix} Cf. Job 5:10 **הָתָנוּ מִטֶּר עַל־פְּנֵי־אָרֶץ וְשָׁלַח מִיָּם עַל־פְּנֵי חַיּוֹת**

^{xx} Jer 38:6, 11 (**וַיִּקְחוּ אֶת־יְרֵמְיָהוּ וַיְשַׁלְּחוּ אֶת־יְרֵמְיָהוּ בְּהַבְּלִים וּבְבוֹר**) and the similar use of **שָׁלַח** in 33:18 (**אִי־מִיָּם כִּי אִם־טִיט וַיִּטְבַּע יְרֵמְיָהוּ בְּטִיט: ס**

(**יא**) **וַיִּקַּח עֲבַד־מֶלֶךְ אֶת־הָאֲנָשִׁים בְּיָדוֹ וַיָּבֵא בֵּית־הַמֶּלֶךְ אֶל־תַּחַת הָאוֹצָר וַיִּקַּח מִשָּׁם בְּלוֹי הַסַּחֲבוֹת סָחָבוֹת וּבְלוֹי**

^{xxi} See especially Job 33:18; 36:12, and see Held, “Pits and Pitfalls in Akkadian and Biblical Hebrew,” especially at 174 n. 12. Held takes **שָׁלַח** more abstractly as ‘death, destruction’, but note the parallel of **שָׁלַח** in Job 33:18 (**פָּדָה נַפְשִׁי מִנְּפִשׁוֹ מִקְּבֹר מִקְּשָׁחַת וְחַיִּיתִי וְחַיִּיתוֹ**), and the similar use of **שָׁחַת** in 33:28 (**וְחַיִּיתִי וְחַיִּיתוֹ**). See further Tsevat, “The Canaanite God Šālāh,” *VT* 4 (1954), 41-49. It is quite possible that the noun **שָׁלַח** derived from the root **ש-ל-ח** in a similar way to the noun **שָׁחַת** or **שָׁחָה**’s development from **ח-ח-ח**.

^{xxii} CAD N1, s.v. *nadû* 6; see also Oppenheim, “Idiomatic Accadian,” 269.

^{xxiii} For the idiom *aḥṣu iddīma* in a law collection see LH 44, 53, 55; and see all citations under CAD N1, s.v. *nadû* 6.

^{xxiv} See e.g. LH xlvi 9-58 – the epilogue to LH in which Hammurabi states: “I have not been careless (*ul ēgu*) or negligent (*aḥī ul addi*) toward humankind.” For this translation see Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* (SBLWAW 6; Atlanta: Scholars P, 1997).

^{xxv} *Našāru* is related to Akkadian *maššartu* ‘goods kept in safekeeping’; *maššarūtu* ‘safekeeping’. The nominal idiom *nīdi aḥi* often (though not always) occurs with negated verb *rašū* forming a verbal expression meaning ‘to be lax, careless’.

^{xxvi} See Kraus, AbB 7 183. The translation is my own. Note that *našāru* occurs in the Š-stem here: 10 GÍN

KÙ.BABBAR DUḤ.UD.DU *šusširma... ana DUḤ.UD.DU šusšūrim nīdi aḥim la tarašši//*

10 *šiqil kaspim tuḥḥī ablī šusširma... ana tuḥḥī ablī šusšūrim nīdi aḥim la tarašši*

^{xxvii} One finds similar instructions in other contexts pertaining to bailment arrangements, which use terms for negligence other than *aḥa nadū*. For example: “keep (**našāru*) that silver in your hand; do not be negligent (**egū*) in guarding (**našāru*) the silver” (YOS 2 11:10; translation is that of Greengus, *Laws in the Bible*, 190); “do not be negligent (**šelū*) about guarding (**maššartu*) the dates” (PBS 1/2 43 no.90; translation is my own).

^{xxviii} Other examples of ‘dropping the arm’ in ‘watching’-related contexts: I don’t neglect (**aḥa nadū*) to watch (**našāru*) my body, I am very careful (ARM 10, 142: 9-11) [For this translation see Christian W. Hess, “Oblique Core Arguments in Akkadian,” in L. Kogan et al eds., *Proceedings of the 53e Rencontre Assyriologique Internationale, Vol. 1: Language in the Ancient Near East, Babel und Bibel 4* (Winona Lake: Eisenbrauns, 2010), 735.]

[Do] not be negligent about looking after (**našāru*) the personnel of the house/ and do not be careless (**nīdi aḥi*) about guarding (**našāru*) PN (especially) (A 3520:17, 20) [See translation in CAD N2, s.v. *našāru*.]

[Do] not grow lax (**nīdi aḥi*) in watching over (**našāru*) the house, the boy, and the girl (A 3530:8) [ibid.]

Do not be careless (**nīdi aḥi*) about looking after (**parāsu*) the interests of the house or about watching over (**ḥātu*) the house constantly during the night (AbB 9 117:12-16) [For this translation see M. Stol, *Letters from Yale* (AbB 9; Leiden: Brill, 1981), 77.]

^{xxix} See Stanley R. Witkowski and Cecil H. Brown, “Climate, Clothing, and Body-Part Nomenclature,” *Ethnology* 24 (1985), 197-214; Cecil H. Brown, “Hand and Arm,” in M. S. Dryer and M. Haspelmath, eds., *The World Atlas of*

Language Structures Online (Leipzig: Max Planck Institute for Evolutionary Anthropology, 2013), available online at <http://wals.info/chapter/129>, accessed 5/18/14.

^{xxx} See P. R. Ackroyd, “*yād*,” in G. J. Botterweck and H. Ringgren, eds., *Theological Dictionary of the Old Testament* (Grand Rapids: Eerdmans, 1986), 5: 400; Cornelis Houtman, *Exodus*, vol. 1 (Kampen: Kok, 1993), 24. For *aḥu* with the meaning hand, see e.g. ABL 110 r. 8, cited in CAD A1, s.v. *aḥu* B 1a, with the note that the “context [requires] the mng. ‘hand’” – specifically ‘hand’, and not ‘arm (including the hand)’.

In addition to Ackroyd and Houtman’s evidence for hand/arm polysemy in BH, consider that the BH term that specifically means ‘arm’ – *zērôa* – occurs mostly in parallelism with *yād* (mostly in contexts of poetry or other “elevated language,” e.g. in speeches) or in poetry, and only rarely occurs alone in regular BH prose. *Yād* is significantly more productive than *zērôa*; thus Even-Shoshan cites 91 attestations of BH **zērôa* ‘ compared to 1,617 attestations of BH **yād* [Avraham Even-Shoshan, ed., *A New Concordance of the Bible* (Jerusalem: Kiryat Sefer, 1993), s.v. *zērôa*; *yād* 1]. *Yād* also shares with Akkadian *aḥu* and *idu* a number of senses not shared by *zērôa* ‘, including ‘side’ (also not shared by Akk. *qātu*) and ‘handle’.

^{xxxii} CAD I-J, s.v. *idu* A. Cognates of *yād* are well-attested in languages deriving from Proto-Semitic, sometimes with the meaning ‘hand’, sometimes with ‘arm’, and sometimes with both. See A. Murtonen, ed., *Hebrew in Its West Semitic Setting* (Leiden: Brill, 1989) Part 1, section Bb, 211, for an overview.

^{xxxiii} This is true regardless of the source of connection between the idioms: A direct calque could allow for this variation, given the blurred distinction between hand and arm in both BH and Akkadian conceptions; idioms deriving from a shared ancestor could likewise result in this divergence; and idioms developing autonomously in separate places of a common culture could just as easily vary in this way.

^{xxxiii} For *šillah* with arrows as the object see 1 Sam 20:20; Ezek 5:16; for *nadû* see HSS 13 195:5; JEN 519:7. For *šillah* with fire see e.g. Judg 1:8; 20:48; 2 Kgs 8:12; Ezek 39:6; Hos 8:14; Amos 1:4, 7, 10, 12; 2:2, 5; Ps 74:7; for *nadû* with fire see the many citations under CAD N1, s.v. *nadû*. **šillah* also occurs in the context of letting a part of the body (hair) grow long in Ezek 44:20 (and compare Ezek 17:6, where the subject is not hair but a plant), which might be compared to the Akkadian idiom under consideration: The sense of Ezek 44:20 is to let the hair grow by refraining from cutting it, i.e. by not doing anything – an image similar to that invoked by ‘dropping the arm’, i.e. doing nothing (which seems to be the root of the association with negligence). Note that the arm is not the only body part + *nadû* idiom for negligence; see also *lêta nadû* (lit. ‘drop the cheek’). This is not to suggest that letting the hair grow is an idiom for negligence, but to point out that it, like some instances of ‘dropping the arm’ or ‘dropping the cheek’, occurs in relation to refraining from taking some action.

^{xxxiv} Cf. Lev 5:22.

^{xxxv} This meaning of *b-* is well attested in BH, and is especially common with verbs of transgression; e.g. *ḥt’* (e.g. Gen 42:22); *m’l* (e.g. Lev 5:21); *pš’* (e.g. Isa 43:27). In these citations, though, *b-* modifies the person (or deity) against whom the person commits some wrong. For adversative *b-* following a body part see e.g. Gen 16:12; Ps 73:9.

^{xxxvi} Compare the use of prepositions *ana* and *eli* with *aḥa nadû* in Akkadian; see citations under CAD N1, s.v. *nadû*.