

# THE FALSE TORAH OF JEREMIAH 8 IN THE CONTEXT OF SEVENTH CENTURY BCE PSEUDEPIGRAPHY: THE FIRST DOCUMENTED REJECTION OF TRADITION

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*But to make sure he's [Barbarossa is]  
emperor, he has to be crowned by  
the pope, because the law of Christ has  
swept away the false law, the law of liars.*

Umberto Eco, *Baudolino*, p. 32 (trans. William  
Weaver; New York: Harcourt, 2002)

Jer 8:8 reads, famously: *ʿēkā tōmrû ḥākāmīm  
ʾānaḥnū wě-tōrat yhw̄h ittānū ʾākēn laš-šeqer ʾāsāh  
ʿēt šeqer sōpērīm*. A possible rendition might be:  
“How can you say, ‘We are wise men, and the To-  
rah of Yhwh is with us’, even as the pen of deceit of  
scribes made it into deceit (*šeqer*)?”

The text in one sense or another speaks of human  
falsification of Yhwh’s Torah, his oracular teaching,  
Torah being a *ta*-preformative deverbal noun from  
\*wry, Hebrew *yryh*, “to cast (lots), shoot (arrows).”  
The succeeding verses detail that the “wise men”  
had “rejected the word of Yhwh, so what wisdom  
do they have?” They were venal, and they “did  
*šeqer*,” and proclaimed “‘Peace, peace,’ but there is  
no peace,” and did so shamelessly (Jer 8:9–11, with  
the equivalent in 6:12–14).

The preceding verses are given to seemingly tra-  
ditional motifs as well. The emphasis is on a failure  
to repent. And in Jer 8:7, similes turning on the be-  
havior of animals, reminiscent of Isa 1:3, occupy  
the attention of the reader. They refer to birds, as  
in the Deir ‘Alla plaster inscriptions (Hoftijzer and  
van der Kooij 1976), which may suggest a date for  
the latter in the seventh rather than in the late eighth  
century BCE. Isa 1:3, after all, speaks of domestic  
animals as repositories of knowledge concerning  
divine plans.<sup>1</sup>

<sup>1</sup> For further comment, see Lundbom 1999: 510–13.

The central questions in this equation are two:  
what is the meaning of the term *šeqer* and what is  
the context of the address? To answer the former,  
one has first to get at the latter, for the term *šeqer*  
appears in a bewildering array of connections in  
Jeremiah, overlapping in its application with such  
lexemes as *hebel*, “will-o’-the-wisp,” and *baʿal*,  
“deity, deities” (in Jeremiah, other than Yhwh; for  
the translation of *baʿal*, see Halpern 1993). The ora-  
cle seems to cohere with Jeremiah 7, which Chapter  
26 dates to 609/8 BCE, shortly after the death of  
Josiah. In this context, Jeremiah denies the efficacy  
of the protective function of the temple. The death  
of Josiah was, of course, a messianic crisis—as ex-  
emplified later by the cases of Jesus and Shabbetai  
Zvi—for believers, such as Jeremiah, in the reform  
program that Josiah undertook (Halpern 1998).

Still, the elaborate rhetoric in the passage should  
not conceal the fact that the oracle follows a de-  
scription of punishment for particular sins. These  
sins are detailed in Jeremiah 7, and the punishment  
is the exhumation of bones (Jer 8:1–3). What is  
the sin proper? It is that the people have rejected  
“the voice of Yhwh” and “built high places of the  
Tophet,” an action that had never even occurred to  
Yhwh (Jer 7:30–31). In other words, the false Torah  
of Jer 8:8 has something to do with the imperative  
to sacrifice children in the Tophet, in the precinct  
of child sacrifice. Like the Torah, the Tophet is a  
human invention, not a divine one. There are other  
accusations in the vicinity, to be sure—the worship  
of icons and not heeding Yhwh—but the only one  
with any serious physical and behavioral footprint  
concerns the Tophet. It also programs the relief for  
this abomination—defined as the exhumation of

all those already buried—namely, the exposure of corpses, pioneered by Ashurbanipal in Elam and perfected during the Josianic Reformation (2 Kgs 23:6, 14, 16, 19; on the phenomenon of tomb desecration in general, see Halpern 2003a).

The passage in Jeremiah declares that the scribes had falsified Yhwh's Torah. Scholars have taken this to be an attack on Deuteronomy, which had been found in Josiah's temple in 622 BCE, or on the Priestly Source in the Pentateuch. Recognizing that Jeremiah rejects hypostasis generally—that the classical prophets develop a critique, culminating in Jeremiah, of appearance as concealing or disguising essence, of phainomene—Skinner suggested that the very reduction of the Torah to writing (in Deuteronomy) is what elicited Jeremiah's tantrum (1923: 103).<sup>2</sup> In other words, confusing icons with gods, ritual with proper behavior or devotion, and the temple with the truth of Yhwh's abiding among his people is confusing the symbol with the thing—the truth—symbolized (Halpern 1987; 1991; 1993).

For Jeremiah, this falls into the category of *šeqer*. The *ba'als* are *šeqer*, for example—mere appearance, not, in their incarnation as stars, real sources of light in the heavens (Jer 5:2, 16:19; see Halpern 2003a). Icons, too, fall into this class (Jer 10:14, 51:17). Clearly, the term implies falsity, but it also often appears to imply seeming reality (programmatically, as in Isa 28:15 and in Jer 3:10 bis, 7:9, 13:25, 37:14). *Šeqer* is also something that people “do” (Jer 6:13, 8:10), and certainly something they profess (Jer 7:4, 8, 9:2, 4, 40:16, 43:2) or prophesy (Jer 5:31, 20:6, 23:25–26, 32 bis, 27:10, 14, 16, 27:15, 28:15, 29:9, 21, 23, 31, cf. 14:14, 23:32). What does not fit neatly into these categories is closely related to them—Jer 5:2 has to do with swearing by Yhwh; 23:14 is directed more specifically against those who “go in *šeqer*,” that is, probably, after the “appearance” of divinity, especially in light of 23:13, which calls to task those who prophesy “by the *ba'al*” (after all, in the Hebrew, one can “go after” sins or even “the way of Yhwh”). Symbols are *šeqer*, mere appearance, and the scribes have turned the oracular teaching of Yhwh into the same thing.

<sup>2</sup> For other views, see, for example, Bright 1965: *ad loc*; Lundbom 1999: 513.

Hitherto unrelated to this text is a passage in Ezek 20:11–32 that clearly also illuminates the dynamic involved—the rejection of tradition. Ezekiel relates that God had revealed the truth of life to the generation of the Exodus, but it had rejected the laws and statutes by which a man might live. He had adjured that generation's children to break with ancestral traditions and iconographies (20:7) and to consecrate the Sabbath as a sign of their devotion to their god. But the children of the generation of the Exodus refused his orders. Instead, they profaned his Sabbaths and pursued the *gillūlim* (usually icons, and quite possibly, “dingleberries”) of their fathers. Even the children of the generation of the Exodus refused to abide by Yhwh's statutes and judgments (20:5–24). As a result, claims Ezekiel, Yhwh says: “I gave them not-good laws, and judgments/customs that they couldn't live by them.”

And he defiled them, says Yhwh, by their offerings, by their “causing to cross” (implied: into fire) all escapees of the womb (20:25–26; see also 20:31 and below). This led, in turn, to their patronizing hills, trees, and “the ‘high place’,” to their worshiping “wood and stone” (icons) (20:32), and to their devastation (20:27 ff.).<sup>3</sup>

The last part of this passage resonates with yet another text in Jeremiah, in which the prophet castigates, “the house (G: children) of Israel, they, their kings, (G: and) their officials, (MT: and) their priests and their prophets, who say to the wood, ‘You are my father’, and to the stone, ‘You (2 f.s.) bore me’” (Jer 2:26–27).<sup>4</sup>

The significant part of this conjunction is that Jeremiah and Ezekiel both mention the sacrifice of the first-born in connection with their rejection of past revelation. True, Jeremiah claims that the scribes falsified it, and Ezekiel that Yhwh falsified

<sup>3</sup> For further comment, see Greenberg 1983: 368–70. Again, taken alone, the passage in Ezekiel seems to conflict with information in the Pentateuchal sources. In fact, it does not so much conflict with as reject these sources (see further below). It reflects an interpretation of—and probably an esoteric oral commentary on—a tradition resembling P.

<sup>4</sup> For a view maintaining that the order signifies intent, see Olyan 1987; the Ezekiel passage shows that the order of the pair (wood/stone) was fixed in poetry, or else that Ezekiel is engaged in interlocution with Jeremiah.

it. But the two have in common the view that the falsified provisions included Yhwh's demand that the Israelites burn their children for him. Clearly, both relate to the Josianic reform program, which involved the desecration of the Tophet in Jerusalem, whereas human sacrifice had formerly been referred to in the most positive terms (Mic 6:7, Isa 30:33, 2 Kgs 23:10), and even reputedly had been effective for Mesha (2 Kgs 3:26–27, Amos 2:1, reading *shad-day* for *śîd*; this is already part of Amos's indictment, and the phrase *mlk ʾdm* is a pun in context). Conversely, opposition to child sacrifice is almost an obsession for Jeremiah (7:31–32, 19:5, 11–12, 32:32, 35), who refers to it with the charge of spilling “the blood of innocents” (Jer 2:34 [reading with G], 19:4; see also 7:6, 22:3, 17, 26:15), which, in the judicial form of “innocent blood,” becomes crucial to the bill of indictment leveled against Manasseh (2 Kgs 21:16, 24:4).<sup>5</sup> Ezekiel mentions human sacrifice as food for the *gillûlîm* again in 23:37, and, more explicitly, for male statues in 16:17, 20. Jeremiah never claims that the rite is non-Yahwistic.

To sum up to this point, Jeremiah claims that the pen of the deceit of the scribes has falsified the Torah. Ezekiel claims that Yhwh falsified the edicts and laws. Ezekiel links the falsification to the violation of the Sabbath, the use of icons, and performing child sacrifice to feed icons (or, conceivably, beings in the image of Yhwh). Jeremiah links it to child sacrifice and the Tophet, and the worship of the Host of Heaven (8:2). Conversely, Micah refers to child sacrifice as an atonement offering (*pšy*, *hrt npšy*, 6:7). Isaiah refers to Jerusalem as a Tophet awaiting the Assyrians (30:33).

Where is the sacrifice of a child or the equivalent mentioned as required? The passages that might be interpreted as demanding child sacrifice are found principally in E: Exod 13:2, “consecrate to me every firstborn, the escapee of any womb” (E); Exod

13:12, “you will cause to cross (through fire) every escapee of the womb to Yhwh” (E)<sup>6</sup>; Exod 22:28: “the firstborn of your sons/children you will give to me.”

This last represents the Covenant Code embedded in E. Its demand is unqualified. Similarly, the demand in Genesis 22 for the sacrifice of the first-born, or of “your only one,” is unqualified in E, although a J or R narrator rescues the child, Isaac (who never appears again in E). Sakkunyaton indicates that El similarly sacrificed his own first-born, indeed his “only one,” *Iedud*, a term close to the “only one” (*yāhîd*) that describes Isaac in Genesis 22 (Eusebius, *Praep Evang* 1.10:40c–d).<sup>7</sup> He commemorates the event immediately after noting that Kronos (El) was deified *after his death* as Saturn.<sup>8</sup>

There is also another text from J: Exod 34:20 reads: “every firstborn of your sons/children you will redeem.” The assumption that redemption is necessary presupposes a demand for the sacrifice of those who are first-born. It is quite possible that redemption also involved, at least in the minds of the author's audience, the possibility of sacrifice in the absence of redemption.

<sup>6</sup> There is an argument for Deuteronomistic redaction of this text, but this is not only rejected by Friedman (1981: 258) and Propp (1998: 454–56), but also excluded by the subsequent texts and by the Deuteronomist's reluctance to make statements of this sort. The text is followed by an injunction in Exod 13:13–15 to redeem all human first-born. However, the penalty for a failure to redeem (as for a donkey, which cannot be sacrificed because it will not be eaten [v. 13:13]) is the execution of the unredeemed animal. That is, one may redeem or not, as one chooses, and the law does not, thus, truly prohibit child sacrifice.

<sup>7</sup> Compare also 1.10:36c, which is the precedent to Saturn eating his children in Greece, as is the idea of infant sacrifice generally; for the sacrifice, see 1.10:37b–c, an execution.

<sup>8</sup> Eusebius dates Sakkunyaton to before the Trojan War and to the time of Semiramis. These legendary periodizations cannot be relied on to date the figure from Beirut said to have had access to data from Hierombal, priest of Ieuo, that is, of Yhwh. Still, Theophrastus at least seems to have experienced him as a figure of remote antiquity, as perhaps did Philo of Byblos. Because Sakkunyaton appears to have had access to Judean records, a date in the late seventh or sixth century BCE is perhaps to be preferred for his work. Notably, Porphyry claimed that he had dedicated his history to King Abibaal of Beirut, a figure whose dating remains uncertain.

<sup>5</sup> It would seem that “the blood of innocents” refers to true innocents, whereas “innocent blood” can refer to the killing of people who are innocent on particular charges. It is possible, however, that “the blood of innocents” refers to the practice of attainder, outlawed for humans in Deut 24:16. The exception documented in Amaziah's case in 2 Kgs 14:6 must come from a record of some sort—probably a royal inscription detailing an act of mercy.

Many other texts detail compliance with the demand for the sacrifice of the first-born. A number come from 2 Kings: 2 Kgs 16:3, Ahaz, “and also his son he caused to cross in fire”; 2 Kgs 17:17, the Israelites “caused to cross their sons in fire”; 2 Kgs 21:6, Manasseh “caused to cross his son in fire”; and 2 Kgs 23:10, use of the Tophet, “for each man to cause to cross his son and his daughter in fire as a *mulk*(-offering)” (for the rendition of *lmlk*, see especially Olyan and Smith 1987).

But those that explicitly forbid the practice are: Lev 18:21, “from your seed you may not give to cause to cross as a *mulk*(-offering)” (P)<sup>9</sup>; and Deut 18:10, “one who causes to cross his son or daughter in fire shall not be found among you” (D).

Other sources, of course, mention the Tenth Plague in Egypt (e.g., Exod 11:5 [J], 12:29 [E]). But the Priestly source makes a point of indicating that the sparing of Israelite first-born during the Tenth Plague demands reciprocation, and at the same time that the reciprocation comes in forms other than that of the sacrifice of children (Exod 12:12, Lev 27:26–30, Num 3:12–13, 40–46, 50, 8:16–18, 33:4). Not too dissimilar are the implications of some texts in Deuteronomy (15:19, 18:1–8, 25:6). The idea of Israel as Yhwh’s first-born is, of course, more widespread than these citations suggest (see Exod 4:22–23; cf. 1 Kgs 16:34 > Josh 6:26). Yhwh sacrificed, it would seem, the first-born of Egypt as a substitute for sacrificing his own first-born son.

The upshot is that pre-seventh century BCE sources presuppose infant sacrifice, which was of course practiced in Jerusalem until Josiah’s day, at the Tophet that he defiled in the Valley of Hinnom. From a preliminary viewpoint, in other words, it would appear that Jeremiah and Ezekiel, in an age of the rejection of tradition, embrace the rejection of JE, probably already combined and promulgated in

the early seventh century, in favor of the traditions represented by Deuteronomy, the Deuteronomistic History, and P. Ezekiel appears to refer to reports in the Deuteronomistic History, especially Judges, in connection with his assessment of Israelite disobedience after the entry into the land. This is not, however, his main point, but merely supporting evidence for his allegations.

The sequence in Ezekiel’s presentation warrants careful examination. According to this prophet, Yhwh ordered the Israelites to remove iconography (20:7–8). Despite their demurral, Yhwh rescued them, “for my name’s sake” (20:9): he took them to the wilderness instead, a clear reference to Exod 32:11–14 (E) and Num 14:13–19 (J). Ezekiel insists that he had given them a code with Sabbaths included, which permitted life through obedience to the law (20:11–12, at the very least a reference to P’s Exod 20:8–11).

Yhwh, says Ezekiel, acted “for the sake of my name.” Thereafter, he held them up in the wilderness (Numbers 13–14), but he then told their children to obey much the same laws, including keeping the Sabbath (Ezek 20:18–20). When the sons revolted, and also reviled the Sabbath (as Num 15:32 in P), he again “acted for the sake of [my] name” (Ezek 20:22–24).

It was at this juncture, after the revolt of the children of the generation of the Exodus, that Yhwh provided the “laws that were not good and judgments by which they could not live.” These included infant sacrifice, and indeed the sacrifice of all “escapees of the womb” (Ezek 20:25–26), passed through fire. The reference to “all escapees of the womb” would seem to relate specifically to Exod 13:2, 12, 15 (E) and 34:19 (J). The P references (Num 3:12, 8:16, 18:15) are for the most part different in their phraseology. Ezekiel seems, thus, as Jeremiah does, to reject JE.

The overall pattern, in any event, is clear. Both Jeremiah and Ezekiel connect the rejected tradition to the sacrifice of first-born or of children. This is demanded in E, particularly, but in terms of the canonized literature of the late seventh century BCE, also in JE. J, too, permits the sacrifice of “all escapees of the womb,” although the canonical text permits substitution—just as E permits it in Genesis 22, under the appropriate circumstances.

<sup>9</sup> The issue of whether the Hebrew Bible does or does not conceive of a god, Molech, to whom human sacrifices were offered, has typically been a polarized one. In reality, Phoenician and Punic inscriptions clearly attest the term as a type of offering (see Brown 1991: 21–36), and this may also be the case in Amos 2:1, *mlk ʾdm*, meaning a human offering or a substitute for one. However, the latter may also be ambiguous, meaning both a human *mulk*-offering and a king of Edom, and the same applies to *mulk* in P.



It appears, in short, that the reformationists of the late seventh century BCE rejected the previous canonization of tradition in the form of JE. They focused, as Josiah's reform did, on the practice of human (infant) sacrifice in the Tophet. They did not limit themselves to rejecting this practice, of course. To judge from Deuteronomic, Deuteronomistic, and Priestly literature, they also concerned themselves with anthropomorphism, metaphoric language, and the ethereal character of the divine. Still, child sacrifice provided them with a focus on which many could apparently agree. Political analogies and derivatives in this case would be beside the point.

If this progress to a rejection of tradition focused on child sacrifice, a somewhat bizarre parallel also occurs in other literature. Eusebius, citing Porphyry, who in turn refers to Theophrastus, speaks of an originally herbaceous cult; thereafter, humans added the fruits of trees and then animals. But after animal sacrifice came human offerings, which "desecrated altars with blood" (Eusebius, *Praep Evang* 1.9:28c–29c, quoting Porphyry, *On Abstinence from Animal Food* 2:5). Whether the critique originated in Judah, where the theory of an original vegetarianism held from the seventh century BCE at least and possibly earlier (Genesis 1; see also Genesis 2, with animals created originally as potential mates for Adam, and Genesis 4, with Abel's sacrifice as the first bloodletting), cannot be determined on the evidence. Still, it would be wise to take the Judahite texts at least as representative of Levantine culture toward the end of the Iron Age.

Porphyry took Sakkunyaton to have encapsulated the history of the Jews. It is therefore possible that the contact involved stemmed from Judah and spread to Phoenicia. The opposite is also possible, but the horror at infant sacrifice seems to have originated first in Josianic and post-Josianic Jerusalem. It did not gain any early purchase in the Phoenician world, as far as we know, where, at least on the peripheries, it waxed in succeeding centuries (Stager and Wolff 1984).

Jeremiah and Ezekiel, like the authors of the Deuteronomistic History and P, represented very different wings of the Josianic reformation. Ezekiel holds, for example, that if one does not see a vision, one is not a true prophet (similarly, Micaiah in 1 Kings 22). Jeremiah maintains that all visions are

false. Ezekiel maintains that Yhwh never rewarded or punished descendants for their ancestors' sins or merits (contradicting P in Exod 20:6). Jeremiah holds that he will not do so only in the future, in agreement with P and Deuteronomy. Ezekiel maintains that the constellations bear Yhwh's throne aloft and rotate with it, Jeremiah that the stars are mere appearance—but both agree, with P, that there is a dome of the heavens, and that the stars are the conduits of light and of water (Halpern 2003b). Ezekiel claims that JE was Yhwh's vengeance on the Israelites, Jeremiah that it was a human forgery—Jeremiah's stance concurs, more or less, with the claims of the Deuteronomistic History.

This is not unlike the situation in the antecedent Josianic literature. Deuteronomy reformulated the legal materials of JE, significantly expanding on them. The Deuteronomistic History incorporated historical and legendary sources to construct an argument that the history of Israel's occupation of Canaan from its origin to Josiah's time bore out Deuteronomy's claims, namely, that the traditional religion of Judah and Israel was a source of Yhwh's wrath—that the minor gods and the distributed worship of the countryside clans had to cease. P reformulated the lore and speculation regarding the period covered by JE, and probably parts of the story of Israel's conquest of Canaan. Thus, the Deuteronomistic Historian chose to prove his point by reviewing Israel's history starting from after the Exodus. P chose to revise the national myths instead, in a prehistoric past.

But this was also an era of codification—the "rediscovery" of tradition not only in Judah, but in Greece, where we find Mycenaean tombs and Homeric epic harking back to the Late Bronze Age, as well as the first law-codes there; in Phoenicia, where we have a Hesiodic systematization by Sakkunyaton; and in Mesopotamia, where Ashurbanipal's increasing pietism blares from his inscriptions and where Nabonidus was shortly thereafter to rediscover the past, in part archaeologically, and to reinvent all sorts of traditions, based on the secret knowledge, the oral tradition, to which he claimed to be privy as an initiate. It was an era of mystery cults, of the birth of mystery cults. And it is no accident that peoples as disparate as the Etruscans (*trš*), Sardinians (*šrdn*), Sikils (*šklš*),

Mopsides (*mpš*), Teucroi (*tkr*), and Philistines (*prst*) also were in different ways re-engaging their “roots” (see Strobel 1976). This was, in short, a Mediterranean basin-wide phenomenon—rejected traditions, adopted traditions, sometimes forged traditions—because it was an era of reformation throughout the ecumene. Mesopotamia, with its extensive written tradition, was less likely to suffer a complete invention of tradition than the West. The scribal classes would not license it, but insisted on maintaining their secret knowledge. All the same, the cobbling together of ancient customs eventu-

ated, at least under Nabonidus, in a wholly new synthesis of culture.

The rejection of tradition in Judah began with clan religion and the cult of the ancestors and culminated in the rejection of JE, Israel’s sacred history. The rejection actually occurred with the promulgation of Deuteronomy and the writing of DtrH and P. It ramified, however, as did so much else, in the writings of two of the premier intellectuals and philosophers of the early sixth century BCE—Jeremiah and Ezekiel.

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