

## **Deuteronomy Fiction: Ekev**

### **The Water Swindler**

by Ben-Tzion Spitz

*"And when thy herds and thy flocks multiply, and thy silver and thy gold is multiplied, and all that thou hast is multiplied; then thy heart be lifted up, and thou forget the Lord thy God...and thou say in thy heart: 'My power and the might of my hand hath gotten me this wealth.' ...And it shall be, if thou shalt forget the Lord thy God, and walk after other gods, and serve them, and worship them, I forewarn you this day that ye shall surely perish."*

*from Deuteronomy Chapter 8*

*"And Joshua the son of Nun, the servant of the Lord, died, being a hundred and ten years old...And also all that generation were gathered unto their fathers; and there arose another generation after them, that knew not the Lord, nor yet the work which He had wrought for Israel. And the children of Israel did that which was evil in the sight of the Lord... and followed other gods, of the gods of the peoples that were round about them, and worshipped them; and they provoked the Lord. And they forsook the Lord... and served Baal and the Ashtaroth."*

*from Judges Chapter 2*

Baral of the Tribe of Ephraim paced within the newly built fence that protected his cistern. The hot Canaanite sun beat down on his browned biceps. It is my cistern, he told himself. I dug hard and deep. The stream is in my property and I have the right to it. If I want to narrow the stream and collect the water, it is my business. I need this water. I can't rely just on the rains.

His adventurous goats and the annoying children of his neighbors had been getting closer to the cistern than he liked. He had already lost one young goat this week and didn't want to take chances on losing another. It was strange, though. There had been no wolf sightings and though his cistern was deep and dark, he could not make out any irregularities at its bottom.

"Open the water gate to Talmon's field," he barked at a servant. Baral still held the bag of copper coins Talmon had given him for the water. "You are a thief," Talmon had yelled, his short brown hair glistening in the heat. "But you leave me no choice." Talmon had thrown the bag at Baral and stomped away.

Baral's servant ran down the hill alongside a dry water channel. He passed a series of wooden gates that branched from the channel to neighboring fields. He lifted the gate of Talmon's field and waved at Baral. Baral opened the main gate of the cistern. Water gushed down the channel. Baral counted on

his fingers until he reached ten and then shut the gate. Moments later the servant closed the gate as well. Little children lapped up water that passed them on its way to irrigate Talmon's field.

An elderly white-robed Levite climbed up the mountain towards Baral.

Not again, Baral thought.

"Good day, Baral," the Levite panted. A palsied hand held on to a gnarled oak branch.

"Good day, Yodam," Baral nodded.

"Terrible news about your neighbor's wife," Yodam said, "to die so suddenly."

"Mela was old and infirm, though she did go faster than most," Baral said. "What do you seek in my humble domain?"

"You are delayed in giving your tithe, Baral." The old man wheezed.

"I have told you, Yodam. I can't afford to pay you now. My crops and livestock are tied up. I invested a lot in this watering operation and servants are not cheap. Perhaps next season."

"You are in contravention of God's law. His blessing shall not remain on you if you flaunt His will so easily."

"What blessing?" Baral fumbled inside the opening of his tunic and clutched something hanging from his neck. "Did God dig my cistern? Does he feed my goats? Does he plow my land? I am the one doing all the work. It is only my wits and my labor that has brought me blessing, Yodam. Stop preaching to me. Where is this invisible God that does so much but never shows himself?"

Yodam's tired eyes widened suddenly. His mouth opened and then closed without emitting a sound. Finally he spoke in a harsh whisper. "You are making a grave mistake, Baral. If you turn your back on God, the results cannot be good."

"I don't need you or your God, Levite. Be gone."

Baral still clutched at his necklace and stared at Yodam. Yodam closed his eyes sadly, shook his head and turned to walk slowly down the mountain.

I like the priests of Ashtarte better, Baral thought. They're cheaper. His own Levite brethren demand a full tenth of his produce – an incredible amount. And what did he get in return? An earful of pious monologues and angry warnings. The Ashtartites on the other hand requested much less. A bag of flour or a single goat. And they knew how to show gratitude. They had given

him a beautiful little god. A golden one no less. He had seen people carrying clay figurines of Ashtarte with her fertile stomach and her heavy bosom. But the priests had sensed the potential in Baral. They gave him a golden Ashtarte. Baral appreciated their cunning. They knew a man of his standing among the Israelites required discretion. They cleverly made a hole within the torso of the golden figurine and thread a strong thin leathery rope through it. The idol hung around his neck underneath his tunic.

Baral kissed his Ashtarte often. He made sure no one was looking. He loved the feel of gold on his lips. When he couldn't kiss it, he would stick his hand in his tunic and hold it, enjoying its solid heavy weight.

Talmon stomped up the hill with an ax in one hand, followed by a procession of four other neighbors, and three judges including the panting Yodam. Talmon's going to say I didn't give him enough water, Baral thought. He looks furious. I didn't hold back that much water. Why should he be so mad? Why the whole ensemble?

"You swindler," Talmon yelled as he came within earshot. "You are a thief and an evil man. Your water is making my kids sick."

"What are you talking about?" Baral answered. "There is nothing wrong with my water, and I am not giving your money back."

"You fool. You'll lose much more than your money if I'm right. When is the last time you tasted it?" Talmon grabbed Baral by the tunic.

"Get your hands off of me," Baral pushed Talmon away. "I taste it every day. It is fine. Leave me alone."

"It is not fine. It is poisonous. Do you drink from your fancy cistern, or do you get your water from elsewhere?"

"It's from the same stream. I get mine from an upstream channel. But it's the same water."

"Let's see," Talmon walked towards the gated cistern.

"Wait," Baral stood in front of him. "This is my property and you cannot enter without my leave."

"I have a son dying down there, and it may be your fault." Talmon looked up at bulky Baral who stood almost a head taller than him. "I swear by God," Talmon raised his ax, "if you don't get out of my way I will kill you."

"Okay, okay, no need to get violent." Baral stepped aside. "There is nothing to see anyway."

Talmon approached the cistern and drew water. He swished the water in his mouth and then spit it out with a grimace. "It is rancid," he cried out. "Taste it."

Baral's eyes widened. No, he thought. It's not possible. It would be a disaster.

Baral drank some water. He tried to spit it out casually. "It's not so bad."

"Liar!" Talmon yelled. "Something is poisoning this water and I'm going to find it right now."

Talmon peered deep into the cistern, but could not see anything below, even in the midday sun. The assembly of neighbors and judges also looked in with no success. They walked further upstream and noticed the areas where Baral had narrowed the stream.

Baral followed the group closely, scowling at the intruders backs. In a few areas thick hedges grew wild, obstructing the view. Talmon jumped into the shallow stream, soaking his sandals and the bottom of his tunic. He slogged slowly against the light gurgling current, splashing noisily. Baral and the rest of the group followed him.

"Look. Here it is," Talmon exclaimed.

In the middle of the stream, hidden by thick shrubs was the decomposing carcass of a small goat.

"It is your fault," Talmon pointed at Baral. "Your greed and your negligence have brought us ruin. It's your fault Mela died. It's your fault the children are dying. It's your fault our crops are all ruined. Months of work and money are gone, dying in the sun."

"You can't blame me for this," Baral argued. "I didn't know. It was an accident."

"You are witnesses," Talmon pointed at the group. "By God, I want justice and I want it now. What is the verdict?" Talmon pointed at the judges. "You have all the evidence and all the facts in front of you. Who will pay for our damages? Baral should be exiled for the death of Mela. He won't need his land if he's in exile."

"First take the carcass out of the water," Yodam said. "Then let us find a shady place where we can sit and review the case."

Yodam and a neighbor hauled the soggy carcass out of the water. The group walked to the entrance of Baral's large house as the sun crossed to the west.

Baral fetched three stools for the judges and held on to his necklace. Beads of sweat rolled from his forehead down to his neck. He knew their decision would be final and most likely disastrous.

The judges spoke amongst themselves and then turned to Baral.

"Baral, do you have anything to say in your defense?" Yodam asked.

"Yes. First of all, I did not know the goat was there. Second of all, nobody knows that Mela really died from the water or that the children were sickened because of it. Third of all, I don't see why I should be responsible for any of this. And finally, I think it unfair, that the man who not less than an hour ago came pressing me for my tithe should be the one deciding on the fate of my land and produce."

"Is that all you have to say Baral?" Yodam asked.

"Yes."

"Talmon, you will speak for the other neighbors as well?"

"Yes, sir."

"Proceed."

"For years Baral has been slowly narrowing the stream and deepening his cistern. We did not say anything, as the water which is our right still flowed to us. Last season he stopped the flow. He gave us no choice but to pay for *his* water. We grudgingly agreed. We did not have a choice. If the poisoning would have occurred to public waters, we would have no complaint besides negligence. But it happened in *his* waters. We paid good money to irrigate our crops. A whole season worth of crops are ruined because of *his* water. *His* water killed Mela and sickened my children to the point that I don't know if they will recover. We demand that all our losses and expenses be covered and that this murderer be sent to exile."

The other neighbors murmured their agreement. The judges conveyed. They turned towards each other and spoke heatedly, pointing at each other, nodding and shaking their heads. They counted on their hands and pointed at the fields and land of Baral and his neighbors.

The top of Baral's tunic was wet from sweat and his idol became slick in his hand. He cupped the idol in both hands and brought it to his lips. He kissed it gently with a fervent prayer to Ashtarte. Please help me. These judges will take everything away from me and exile me to Shechem. To be in a Levite city, copperless and surrounded by more Yodams will be unbearable."

The judges faced the growing crowd. News arrived that Talmon's son had died. Talmon ripped the front of his tunic and sat on the ground, red eyed, not shifting his gaze from Baral.

"We are sorry for your loss, Talmon," Yodam stated. "We believe that Baral's dead goat in his water is responsible for your son's death and that of Mela."

The crowd murmured in approval.

"However, this was indirect and not intentional and we do not hold Baral responsible enough to warrant exile for the deaths. He does not even require to be presented in a larger court for capital cases. The main use of the water he sold you was for irrigation, and as such the deaths were accidental."

"What?" Baral called.

"Silence," Yodam put up his hand. "We are not finished." Baral wiped sweat off his forehead with his sleeve.

"We do find Baral responsible for the financial losses. By taking control of what was previously a public water source, he needed to ensure its fitness for use. By charging for the water, he in essence took responsibility for its use. By being the direct cause of the loss of your crops, he must make full restitution and it is considered as if he did intentional damage to your fields. He needed to be much more careful with the water he provided for irrigation."

"But that was accidental too," Baral cried.

"Your scheme to sell free water to your neighbors was no accident. Baral, you have shown a consistent disregard for your neighbors and for your brethren in general, so we are not surprised by your behavior. While it is true that I pressed you for the tithe, I did so only as an agent for my needy Levite brothers, just as I am an agent of our courts in administering justice."

"I cannot pay off everyone's losses; it would leave me with nothing."

"Less than nothing, we calculate. The fair value of your produce, livestock, house and land would perhaps cover half of your neighbor's losses. You shall be sold into servitude for a six year period to help cover the rest of their losses. After the period of servitude you will be free. The land will return to you or your descendants only during the Jubilee."

Baral stood, unmoving, unblinking. I don't believe what they are saying. Copperless? Landless? A servant? Servants work for me. I work for no man. I will not submit to this. They take everything and still want to make me a slave?

Baral spat in Yodam's face. "I work for no man," Baral declared. Baral took his necklace off and waved the golden idol for all to see. It seemed to smile in the glinting sun. "I renounce you. I renounce you and your God. You are the ones who are thieves. You take my ancestral land. You take my hard-earned money and flocks and produce and give it to my friendless neighbors." Baral then kissed his idol. "I shall go to the Ashtartites. They know how to treat me. They give me the proper respect." And then he ran.

He ran down his mountain and into the valley. He ran for miles. He reached the mountain of the Ashtartites. At the top of the mountain Baral could see the tall Ashtartite fortress, all of pink sandstone. The sun was setting giving it a reddish hue. Baral placed his idol back around his neck outside his tunic. He knocked on the heavy door of the fortress. Sentries on the tower reported his approach.

"It's me, Baral," he yelled. "Open up. Please. I need your help."

The high priest, an old man in red robes and a shaven head welcomed Baral into the courtyard of the fortress. Red cobblestones were darkened by the shadow of the fortress walls. Torches on the wall were already lit, lighting the cool courtyard.

"What happened, my son?" the high priest asked.

"Oh, Ashtor. It was horrible. That Levite Yodam took everything away from me. My land, my goats, everything. They wanted to sell me as a servant. Can you believe it?"

"That is indeed terrible." Ashtor looked crestfallen. "I have heard of Israelite justice and it truly is difficult to understand." Ashtor signaled with his fingers to the guard in the courtyard. He touched his thumb to his middle finger making a ring of flesh. The guard nodded and entered a storeroom. "What can we do for you, Baral?"

"I need a place to stay. A home. I have renounced the Israelite God and fully embrace Ashtarte. I need a place to rest and figure out how to get back on my feet."

"It is such a shame you lost everything," Ashtor said. "We had such hopes for you. When you had land and power and wealth we saw a great future for you. Your taking over the stream was particularly cunning and I don't doubt was partly from our influence. But now that you are copperless, you will be mostly a burden." Ashtor approached Baral and ripped the golden idol from his neck.

"My God!" Baral cried. "That is my God. How can you take it away from me?"

"You will not need this one anymore," Ashtor said as he caressed the idol and placed it gingerly in his pocket.

"Why? What are you doing?" Baral asked as the guard returned to the room and approached Baral's back.

"You seek a home. We shall give you one. You will be spending considerable time here." Ashtor said as Baral heard the clink of copper shackles on his ankles. "Take him to the slave pit," Ashtor told the guard.

"The slave pit? I am to become a slave? For how long? I would have been better off with the Levites."

"Our slaves work forever or until they die. So far they have all died first. Some quickly."

Ashtor turned to the guard. "Remember to give the slave a clay Ashtarte. A heavy one. Perhaps he will find it comforting."

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