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Reviewed work(s):

Source: *Journal of Biblical Literature*, Vol. 54, No. 3 (Sep., 1935), pp. 139-144

Published by: [The Society of Biblical Literature](#)

Stable URL: <http://www.jstor.org/stable/3259316>

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אלהים IN ITS REPUTED MEANING OF RULERS, JUDGES

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The very first definition under אלהים in Brown-Driver-Briggs (p. 43) is *rulers, judges*.

The word occurs in the ceremony of making a permanent slave of the Hebrew slave who does not wish to go free in the sabbatical year (Ex. 21 6): "And his master shall bring him unto האלהים and shall bring him to the door or unto the doorpost, and his master shall bore through his ear with an awl, and he shall serve him forever." Aquila and Symmachus (πρὸς τοὺς θεοῦς) and the Vulgate (*diis*) are happily satisfied with a literal translation. Onkelos, who would naturally be shocked by the implications of the literal meaning, reads דיניא *judges* (= Peshitto ܕܢܝܐ). The Septaugint attempts, after a fashion, to combine both of these translations: πρὸς τὸ κριτήριον τοῦ θεοῦ.

It has been suggested that האלהים means *the sanctuary*, where the juridical as well as the oracular word was sought.¹ However, it is a canon of criticism not to seek an unusual meaning, if the plain one makes sense. Schwally made the interesting suggestion that the אלהים in Ex. 21 6 are תרפים *penates, household gods*.² Baentsch³ also holds that *penates* are meant, whose figures were set upon the door. Ex. 21 6 is in the Covenant Code, which

¹ *Exodus und Leviticus*, von August Knobel neu bearbeitet von August Dillmann (2 ed.), Leipzig, 1880, p. 226.

² *ZATW*, 1891, pp. 181 ff.

³ *Exodus-Leviticus-Numeri* (in Nowack's *Handkommentar zum AT* series), Göttingen, 1903, p. 190.

harks back to ancient times when the Israelites still held on to certain heathen survivals.⁴ It is significant that in the later Deuteronomic recension of this law (Dt. 15 17) the ceremony is purged of האלהים *the penates*: "And thou shalt take the awl and thrust it through his ear and into the door and he shall be a slave unto thee forever."

A second instance of the usage in point is found in Ex. 22 6-7: "If a man deliver unto his neighbor money or stuff to keep, and it be stolen out of the man's house; if the thief shall be found, he shall pay double. If the thief be not found, then the master of the house shall come near to האלהים (to swear) that he did not put his hand upon his neighbor's good." The Septuagint reads for אלהים אלהים *ἐνώπιον τοῦ θεοῦ* with the addition *καὶ ὀμῶμαι* and the Vulgate, *ad deos* adding *et jurabit*, and this interpretation that an oath is meant is borne out by the parallel in v. 10: "And the oath of the Lord shall be between them both (to see) whether he did not put his hand upon his neighbor's goods." However, Onkelos renders אלהים אלהים in v. 7 as לקדם דיניא "before the judges;" cf. Peshitto ܕܢܝܐ ܕܡܘܠܝܢ.

It is my contention that here אלהים does not mean *God* as the Septuagint translates, nor *judges*, which is the interpretation of the Peshitto and Targum Onkelos, followed by Rashi and Ibn Ezra (הרד"ק), by several of the English versions and by the lexicon. The literal translation, *gods*⁵ (plural.), found in the Vulgate (*ad deos*) and Luther's version (*vor die Götter*) is better suited to what appears to be the real meaning of the passage in the light of newly discovered material.

The Nuzi⁶ court records frequently mention the administering

⁴ The Covenant Code must be older than J and E, since it was incorporated in them. J and E date from the latter part of the ninth or the early part of the eighth century B. C., J being about a half century earlier than E. See J. M. P. Smith, *Origin and History of Hebrew Law*, Chicago, 1931, p. 15.

⁵ Note that האלהים in Ex. 22 7, 8 are court חרפים, while in Ex. 21 6 they are properly household gods.

⁶ Nuzi is a mound ten miles southwest of Kirkuk, Iraq. The tablets found there date from about the fifteenth century B. C. and are written in a corrupt dialect of Akkadian. For the bearing of these documents on the Old Testament, cf. Gordon, "Parallèles nouziens aux lois et coutumes de l'Ancien Testament," *Revue Biblique*, XLIV (1935), pp. 34-41; and "A New Akkadian

of the oath of the gods; i. e., the *ilāni*, the etymological equivalent of אלהים. These gods were idols in conjunction with which the oaths were made. I have elsewhere demonstrated the equation *ilāni* = אלהים = תרפים for another context,⁷ and it seems that this equation is valid for Ex. 22 7 as well.

Since most of the Nuzi tablets are still untranslated and inaccessible to the Bible student, I shall give a few examples of the *ilāni* oath in transliteration and translation.

Text N IV, 347⁸ is a court record of a lawsuit brought by one Tehiptilla against Arshimika on account of a sheep that had been stolen. Arshimika does not admit his guilt, whereupon:

14) <i>daiānimeš a-na</i>	The judges to
15) <i>ar-ši-mi-ka₄ iq-ta-bu-ú</i>	Arshimika said:
<i>ilānimeš a-na</i>	"Swear by the
<i>awēlemeš zi-el-li-ku-uḫ-li-emeš⁹</i>	gods against (the plaintiff's)
<i>i-ši-mi¹⁰ ū</i>	witnesses. And
<i>ar-ši-mi-ka₄</i>	Arshimika
20) <i>ilānimeš a-na awēlemeš</i>	swore by the gods
<i>zi-el-li-ku-uḫ-li-emeš</i>	against the
<i>it-ta-ši</i>	witnesses.

Parallel to Deuteronomy 25 11–12," *Journal of the Palestine Oriental Society*, XV (1935).

⁷ Namely, for Gn. 31 19, 32; see *Revue Biblique*, XLIV, p. 36. It was Sidney Smith who first identified תרפים with the *ilāni* of the Nuzi tablets; *apud* C. J. Gadd, *Revue d'Assyriologie*, XXIII (1926), p. 127.

⁸ The following abbreviations are used in citing Nuzi tablets:
N I and N IV: Nuzi texts appearing in *Publications of the Baghdad School* (American Schools of Oriental Research) by Edward Chiera; vol. I, Paris, 1927 and vol. IV, Philadelphia, 1934.

H V and H IX: *Harvard Semitic Series*, vol. V (by Chiera, 1929) and vol. IX (by Robert Pfeiffer, 1932).

⁹ *Zilikuhlu* is the native (i. e., Hurrian) Nuzi word for *witness*. The ending *-uhlu* is that of the *nomen agentis*; cf. *ma(n)zatuḫlu* below. The normal Akkadian word for witness is *šubu*; cf. H V 47:32–33 cited below.

¹⁰ The root is *našū*. The corresponding expression in Hammurabi's Code is *ni-iš i-lim i-za-kar-ma* "he shall pronounce the oath of the god" (I rev. 29–30; V rev. 74–75; XXI rev. 41–42). Cf. *ma-ḫar i-lim* (VII 36), *i-na ma-ḫar i-lim* (V rev. 18) and *i-na ma-ḫar i-lim ū ši-bi* "in the presence of the god and the witnesses" (I rev. 61, II rev. 7). It is worthy of note that in Hammurabi's Code it is a single god, whereas in the Nuzi tablets it is the plural *ilānimeš* that regularly occurs.

Text H V 47 is a lawsuit brought by Shurihi against his adopted son, Hupita. Hupita is accused of robbing Shurihi's house. After Shurihi and his witnesses testify:

- 31) *daiāni^{meš} a-na* The judges to
ḥu-pi-ta iq-ta-bu-ú ṣu-ri-hi-ma Hupita said: "Swear by the
qa-du ši-bu-ti-šu ilāni^{meš} gods (against) Shurihi with
i-si-šu-mi his witnesses."
ù ḥu-pi-ta ṣu-ri-hi qa-du And Hupita swore (against)
ši-bu-ti-šu Shurihi with his
 35) *it-ta-ši-iš* witnesses.

In these two tablets the defendants accept the right of swearing the oath of the gods (and incidentally lose the case both times). However, in nearly every other instance in the Nuzi court records, the defendant "fears the gods" or "does not agree to take the oath of the gods," upon which the plaintiff is awarded the verdict. Thus, in H V 52, Akapshenni brings charges against Akkapu including that of assault and battery. On being ordered to take the oath of the gods, Akkapu breaks down and confesses his guilt:

- 20) *ù daiāni^{meš}* And the judges
a-na mak-kà-pu iq-tá-bu-ú said to Akkapu:
a-na ši-bu-ti ilāni^{meš} i-ši-mi "Take the oath of the gods
 against the witnesses."
ù lišān-šu ša mak-kà-pu And (this is) the declaration
 of Akkapu.
a-na pa-ni daiāni^{meš} it-tà-ra[—] Before the judges he replies
 (?):
 25) *ḥa-kap-še-e-šn-ni ar-tá-pi-is-mi* "I struck Akapshenni."
a-šar ilāni^{meš} mak-kà-pu id-dú-ra Akkapu was afraid of the gods.
ḥa-kap-še-en-ni ina di-ni Akapshenni won the
il-te-e-ma case.

Compare also the following:

H IX 12:34) *ilāni^{meš} ḥdu-ra-ar-te-šup id-du-ur-ra* "Durarteshup was afraid of the gods."

N IV 353:16) *ilāni^{meš} ṣtil-li-ia la im-gus-ur* (17) *a-na na-še-e*
 "Tilliya would not agree to swear by the gods."

N IV 326:16) *a-na ilâni^{meš} na-še-e* (17) *la im-gur uš-tu* (18) *ilâni^{meš} miil-li-ia* (19) *id-du-ra* "To swear by the gods he would not agree. Of the gods Tilliya was afraid."

Thus the oath of the gods¹¹ is a well attested ceremony in ancient oriental court procedure and there is no doubt that the same ceremony is indicated by בעליהבית אלהיהים. It is interesting to note that this idiom, קרב אלהיהים, is found in its exact Akkadian counterpart in the Nuzi tablets (N I 89:10-12) *ana ilâni qarâbu*, where the *ilâni* mean the תרפים.¹²

There is another instance of אלהים in the sense of court תרפים; to wit, Ex. 22 8 עד האלהים יבא דברי שניהם אשר ירשיען אלהים ישלם שנים לרעהו. "The cause of both of them shall come unto the gods. He whom the gods condemn shall pay double unto his neighbor." The context indicates an oath, and again the analogy with the *ilâni*-oath holds.

The remaining passages listed in BDB as examples of אלהים *rulers, judges* offer no serious difficulty; e. g., in the case of I Sam. 2 25 אם יחטא איש לאיש ופללו אלהים ואם ליהוה יחטא איש מי (יחפלילו) if אלהים is translated simply as *God*, the verse makes perfect sense and there is no need of ascribing an unusual meaning to אלהים. The other passages (Ex. 2 27, Ju. 5 8, Ps. 82 1, 6, 138 1) are given as dubious by BDB, some scholars interpreting אלהים as *angels* or *gods*.

How did the meaning *rulers, judges* come to be attached to אלהים in these passages? The plain, and doubtless the true, translation of Ex. 22 27 לא תאר לא אלהים לא תקלל ונשיא בעמך לא תאר is "Thou shalt not revile God nor curse a ruler of thy people." The Septuagint and the Vulgate translate אלהים as *gods*. Unable to tolerate the thought of reviling God, Onkelos translates אלהים as *judges*. Naturally, the Jewish expositors, such as Rashi and Ibn Ezra, approved of this translation. It received the kindred meaning of *rulers* since it is parallel to נשיא. Thus on the basis

¹¹ It should be pointed out in passing that in Nuzi the oath of the gods is sometimes administered by officers called *ma(n)zatuḫlu*; e. g., H IX 12:28-34, H IX 108:34:41, N IV 46:48. These officers are appointed by the judges.

¹² The *ilâni* are here the household gods, possession of which is tantamount to the title-deed of an estate. This is the significance of the תרפים אלהים which Rachel stole from Laban (Gn. 31).

of such a passage, where the meaning *ruler* is totally unnecessary, *ruler* became the first definition for אלהים in BDB. Similarly, because the heathenish rite of the אלהים in the sense of חרפים in Ex. 21 6 and 22 7, 8 offended Onkelos, he interpreted it as *judges*, again to be followed by medieval and modern commentators (listed in BDB) and finally to be adopted even by the lexicon.

It is significant that the ancient oath of the gods is limited to Ex. 22 7, 8 occurring in the Covenant Code. This heathen survival was naturally obliterated in the puritanic laws of the later Deuteronomic and Priestly rescensions.