The Relevance of Creation and Righteousness
to Intervention for the Poor and Needy
in the Old Testament

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Summary

The text of the dissertation divides into two parts. Part One examines the relevance of human creation to intervention for the poor and needy in the Old Testament, and Part Two investigates the relevance of the roots צדק and שפט to the same theme.

The study of the relevance of human creation to the concern for the poor and needy in the Old Testament (Part One) takes into account two streams of tradition. The first of these is centred on Genesis 1 and the creation of אָדָם. The relevance of this theme to the ethic of concern for the poor is never made explicit. Nevertheless, Genesis 9:6 clearly advocates a moral principle intended to govern the treatment of human beings, and it does so on the basis of human creation. This investigation concludes that the link between creation and the value God places on human life in this text owes something to the fact that creation established a relationship between God and mankind that is analogous to that of a father and child.

The second stream of tradition, within the theme of human creation, deals with the creation of individuals in the womb. This tradition is explicitly related to the ethic of concern for the poor and needy, and is most clearly attested in Old Testament Wisdom literature. It is concluded that this theme is best understood in the context of family religion and the commitment of an individual's personal god to the protection of the individual.

The association between the roots צדק and שפט and intervention for the poor and needy in the Old Testament is relatively easy to demonstrate, but more difficult to explain. Part Two of this dissertation investigates the connection. The meaning of the derivatives of each of these roots is examined in contexts dealing with intervention for the poor and needy. It is concluded that these terms have a strong juridical flavour in these contexts, and that this reflects how much the poor and needy depended on the judicial system to deliver them when they are in need of intervention by someone more powerful.

Declarations

This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration.

The text of this dissertation does not exceed 80,000 words, including footnotes and references but excluding the bibliography and prefatory material.

This dissertation is not substantially the same as any that I have submitted for a degree or diploma or other qualifications at any other university. No part of my dissertation has already been, or is concurrently being, submitted for any such degree, diploma or other qualification.

Signed: _J. W. Neill._   Date: May 31ˢᵗ, 2000

Addenda et Corrigenda

p.16 "…zum **Whole** der Menschen;". Read **Wohle**.

p.47 "…like the image of God". Add a full stop after "God".

p.55. "…*manifest certain characteristics*…". Read *manifests*.

p.61 n.10. "…in Genesis 1974…". Add a comma after "Genesis".

p.82 n.55. וְהָיִיתֶם should appear at the end of the previous line after כֵּאלֹהִים. Also, כְּאַחַד should appear at the end of the previous line, after מִמֶּנּוּ.

p.86. "…legitimate alternatives צֶלֶם…". Read "…legitimate alternatives **to** צֶלֶם…".

p.89. The extra blank line in the first full paragraph should be omitted.

p.98. (14**b**) = (14**c**).

p.99. (v.13) = (v.14).

p.101. וַתֵּרָאֶה should appear at the end of the previous line after הַיַּבָּשָׁה.

p.103. "…in our image **and** in our likeness". Replace the **and** with a comma.

p.132. "…**jussive** sequence…". Read "…**volitive** sequence…".

p.145. "**jussive** sequence…". Read "…**volitive** sequence…".

p.233. הֵסִיר should appear at the end of the previous line after מִשְׁפָּט.

pp.238, 243 and 246. References to "section **1**" and "section **2**" should appear as "section **i**" and "section **ii**" respectively.

p.246. נָטָה should appear at the end of the previous line after מִשְׁפָּט.

p.274. "…viewed as **a** salvific…". Omit "**a**".

p.281. "…God and his people**..**". Omit the second full stop.

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for the Poor and Needy in the Old Testament

Abbreviations

Bibliography.

ABD	D. N. Freedman (ed.), *Anchor Bible Dictionary*.
AHw	W. von Soden, *Akkadisches Handwörterbuch*.
ANET	J. B. Pritchard (ed.), *Ancient Near Eastern Texts Relating to the Old Testament*.
BDB	F. Brown, S. R. Driver, and C. A. Briggs, *A Hebrew and English Lexicon of the Old Testament*.
BM	B. J. Foster, *Before the Muses: An Anthology of Akkadian Literature*.
CAD	*The Assyrian Dictionary of the Oriental Institute of the University of Chicago*.
CDA	J. Black, A. George, and N. Postgate (eds.), *A Concise Dictionary of Akkadian*, Wiesbaden: Harrassowitz (1999).
CS	W. W. Hallo and K. L. Younger, Jr. (eds.), *The Context of Scripture*.
DNWSI	J. Hoftijzer and K. Jongeling, *Dictionary of the North-West Semitic Inscriptions*.
GKC	E. Kautzsch (ed.) and A. E. Cowley (rev.), *Gesenius' Hebrew Grammar*.
HAL	L. Koehler, W. Baumgartner and J. J. Stamm, *Hebräisches und aramäisches Lexicon zum Alten Testament*.
Jastrow	Marcus Jastrow, *A Dictionary of the Targumim. The Talmud Babli and Yerushalmi, and the Midrashic Literature*.
KAI	H. Donner and W. Röllig, *Kanaanäische und aramäische Inschriften*.
KBS	L. Koehler, W. Baumgartner and J. J. Stamm, *The Hebrew and Aramaic Lexicon of the Old Testament*.
KTU	M. Dietrich, O. Loretz, J. Sanmartín (eds.), *The Cuneiform Alphabetic Texts from Ugarit, Ras Ibn Hari and Other Places*.
MVAG	Mitteilungen der Vorderasiatischen Gesellschaft.
NIDOTTE	W. A. VanGemeren (ed.), *New International Dictionary of Old Testament Theology and Exegesis*.
TDOT	G. J. Botterweck, H. Ringgren, and H.-J. Fabry (eds.), *Theological Dictionary of the Old Testament*.
THAT	E. Jenni with C. Westermann (eds.), *Theologisches Handwörterbuch zum Alten Testament*.
TWAT	G. J. Botterweck, H. Ringgren, and H.-J. Fabry (eds.), *Theologisches Wörterbuch zum Alten Testament*.
Waltke-O'Connor	B. K. Waltke and M. O'Connor, *An Introduction to Biblical Hebrew Syntax*.

Translations and Texts.

BHS	*Biblia Hebraica Stuttgartensia*.
CD	Code of Discipline.
CH	Code of Hammurabi.
KJV	King James Version.
LXX	Septuagint.
MT	Masoretic Text.

NASB   New American Standard Bible.
NEB   New English Bible.
NIV   New International Version.
NJB   New Jerusalem Bible.
NKJV   New King James Version.
NLT   New Living Translation.
NRSV   New Revised Standard Version.
REB   Revised English Bible.
RSV   Revised Standard Version.
RV   Revised Version.
SP   Samaritan Pentateuch.

Other Abbreviations

DN   Divine name.
MA   Middle Assyrian.
NA   Neo-Assyrian.
OB   Old Babylonian.
PN   Personal name.
RN   Royal name.

References in which a number is underlined indicate the number of a text rather than a page number, e.g., King 1896: 22, 17-18.

List of Figures

List of Excursuses

Preface

This thesis represents the realisation of a long held goal of carrying out research in the Hebrew Bible under the supervision of Professor John Emerton at the University of Cambridge. The possibility of this endeavour was first raised by a previous student of Professor Emerton's, Allen Ross, to whom I am indebted for his encouragement in this regard. Professor Emerton's eye for detail, his prodigious knowledge of Hebrew, and his commitment to a rigorous and honest dealing with the Hebrew text have provided me with a tremendous environment in which to pursue my research, and an example which I hope this thesis honours.

My research was aided significantly by the use of a study carrel in Tyndale House library, Cambridge, and by the helpful staff. The opportunity for interaction with peers and friends during the morning coffee break at Tyndale House provided a much appreciated context for the rather solitary work of research.

In this regard I am also grateful to Dr. Graham Davies who hosted the graduate seminar in his office at Fitzwilliam College. His generosity provided a forum for graduate students to discuss our research, and we also enjoyed some very pleasant tea and cakes at Dr. Davies' expense.

I would also like to gratefully acknowledge the generous financial help of several people. This includes grants from the Cambridge Commonwealth Trust and from Selwyn College, Cambridge. I was also fortunate to receive a generous grant from the Frazer-Peckham Trust in Cambridge. Thanks are also due to Peter and Ann Wells, and to David and Janet Bousfield, and to a generous anonymous benefactor, all of whom made it possible for me to see out my three year residency in Cambridge.

The pleasure of embarking on this long anticipated research project was matched by finding that my family and I enjoyed three of our happiest years together while living in the village of Lode, just outside Cambridge. Our gratitude goes to the people of Lode, and especially to Lode Chapel, a small church family of which we were a part during those three delightful years.

Thanks are also due my parents for their support and encouragement, and to Paul and Ali Coghlan for innumerable kindnesses to my family during our stay in Lode.

I would also like to acknowledge my four children, Molly-Rose, Rose-Maree, Micah and Isabelle, who have struggled to understand just what Dad has been doing for these past three and a half years, but have nevertheless taken it all on as an adventure, and have made their parents proud.

Most importantly, I would like to acknowledge the immense sacrifice and effort of my wife Barbara. I cannot begin to convey all that she has so willingly sacrificed and endured to see this project through. I dedicate this thesis to Barbara as a token of my gratitude and affection.

Soli Deo gloria

Introduction

This study originated with an interest in explaining the fact that intervention for the vulnerable elements of society in the Old Testament is frequently associated with the roots צדק and שׁפט. It eventually led to a broader interest in the basis of intervention for the poor and needy in the Old Testament. Both the spatial and temporal constraints of this dissertation meant it was necessary to narrow the area of study considerably. The original interest in the relevance of the roots צדק and שׁפט to intervention for the poor and needy was retained. To this was added a study of the relevance of human creation to the ethic of intervention for the vulnerable in the Old Testament.

The text of the dissertation divides naturally into two parts. Part One examines the relevance of human creation to intervention for the poor and needy in the Old Testament, and Part Two investigates the relevance of the roots צדק and שׁפט to the same theme.

The association between the root צדק and salvation is widely acknowledged in Old Testament scholarship. The use of salvation terminology to translate צדק in certain contexts attests to this fact. What is less well understood is the reason for the association between צדק and deliverance. Part Two of this study seeks to explore this connection *in the context of intervention for the poor and needy*, and to discover why it is that צדק and שׁפט are so often associated with aiding the poor and needy in the Old Testament.

The study of the relevance of human creation to the concern for the poor and needy in the Old Testament (Part One) takes into account two streams of tradition. The first of these is centred on Genesis 1 and the creation of אָדָם. The relevance of this theme to the ethic of concern for the poor is never made explicit. Nevertheless, Genesis 9:6 clearly advocates a moral principle intended to govern the treatment of human beings, and it does so on the basis of human creation. This kind of argumentation, which advocates the proper treatment of human beings based on human creation, is of direct interest to the present study.

The second stream of tradition, within the theme of human creation, deals with the creation of individuals in the womb. This tradition is explicitly related to the ethic of concern for the poor and needy, and is most clearly attested in Old Testament Wisdom literature.

In seeking to examine the relevance of creation and the roots צדק and שפט to intervention for the poor and needy in the Old Testament, this study attempts to accomplish twin goals. In addition to establishing (or discounting) the relevance of these themes to the concern for the poor in the Old Testament, this study seeks to explain the logic of the connection. In other words it seeks to answer the question, "How did the various authors responsible for these texts understand the connection between human creation and the treatment of the poor?" Similarly, "How did the various authors who linked the roots צדק and שפט with intervention for the poor understand this association?" The concern for the poor and needy in the Old Testament is clear enough. The purpose of this study is to gain some insight into the nature and reason for this concern by examining these two themes.

Outside biblical scholarship, discussions of intervention on behalf of the poor and oppressed have frequently invoked the notion of rights, and the belief that all human beings are created equal.[1] Both of these arguments for the proper treatment of the poor are also discernible in Bible translations and in scholarly discussions of the texts examined in this study. In seeking to understand what underlies the concern for the disadvantaged in the Old Testament, the present study will try to discover to what extent these kinds of arguments are present in the text.

The reference to the "poor and needy" in the title of this dissertation serves as a useful shorthand for those individuals that were typically viewed as dependent and vulnerable in the ancient Near East. These included the widow (אַלְמָנָה), fatherless (יָתוֹם) and alien (גֵּר). At least one text that deals with the treatment of slaves (a group of people who were vulnerable with respect to their masters) will also provide useful information for the present study.

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[1] Both arguments feature in the American Declaration of Independence, a response by the thirteen Colonies to a "long train of abuses and usurpations" resulting in their "patient sufferance": "We hold these truths to be self-evident, that all men are created equal and that they are endowed by their Creator with certain unalienable rights…".

Part One

Introduction to Part One

The Relevance of Human Creation to Intervention
for the Poor and Needy

Part One of this dissertation investigates the theme of the relevance of human creation to intervention for the poor and needy, and consists of nine chapters. The first six chapters are concerned with human creation as it is presented in Genesis 1, and the last three chapters are concerned with the creation of human beings in the womb.

Genesis 1 records the creation of man in Gods image and this idea is echoed in Chapters 5 and 9. These three texts exhaust the biblical references to the concept of man as created in God's image. Nevertheless, the fact that man is created in God's image is potentially a powerful basis for advocating the proper treatment of human beings. Surprisingly, Genesis 9:6 is the only Old Testament text to explicitly invoke man's creation in God's image to establish a principle governing the treatment of human beings. This is enough, however, to justify an examination of Genesis 9:1-6 in an attempt to understand the nature of the connection the writer makes between human creation and the treatment of human beings.

In order to understand Genesis 9:6 it is also necessary to come to some kind of understanding of Genesis 1:26-28 and Genesis 5:1-3. In order to understand how human creation can serve as a basis for the proper treatment of human beings, it is necessary to understand how the writer of these texts (all belong to the priestly source) portrays human creation. How is it that human creation has endowed human life with the value it appears to have in Genesis 9:6? Simply pointing out that humans were "created in God's image" only begs the further question, "what does 'created in God's image' mean?" Chapters 1 to 6 take up these questions in an attempt to understand the connection between human creation and the treatment of human beings in Genesis 9:6.

The other important tradition within the theme of human creation in the Old Testament is concerned with the creation of the individual in the womb. Several texts invoke this tradition as a basis for the proper treatment of the vulnerable. Once again this study proceeds

with an investigation of the nature and significance of this kind of creation, before considering how it came to function as the basis for the proper treatment of the vulnerable.

Chapter 1

The Language of Image-Likeness in Egypt

Introduction.

Egypt is the obvious place to begin a study of the application of image-likeness[1] terminology to human beings. Mesopotamian sources currently provide seven clear examples of this language applied to human beings, and the Old Testament has three. By contrast Egyptian sources contain dozens of examples of the application of this language to human beings.[2] The Akkadian examples utilise three terms,[3] and the Old Testament two.[4] Again by way of contrast, the Egyptian sources use at least seven terms in this manner.[5]

Egypt, then, will provide the starting point for this investigation into the meaning of the language of divine images and the significance of its application to human beings. Fortunately there have been two particularly helpful studies by Egyptologists on the subject. Hornung investigated 12 Egyptian image-likeness terms with particular attention to how several of these terms were used of human beings.[6] Ockinga's published PhD thesis is limited to the seven image-likeness terms that are used of human beings, and he concludes with a section on the implications of his findings for the interpretation of creation in God's image-likeness in Genesis 1.[7] His work builds on, and at several points disagrees with, Hornung's earlier study.

Ockinga decides in favour of a functional interpretation of the image in Genesis 1 and in so doing provides strong support for what had already become the majority view among Old Testament scholars writing on the subject. This chapter summarises Ockinga's work. By so doing it provides an overview of the application of image-likeness language to human beings in Egypt. It also provides an opportunity to present the functional or royal interpretation of

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[1] The hyphenated term "image-likeness" is used as an inclusive label for terms that are usually translated "image" (e.g., Hebrew צֶלֶם) and terms that are usually translated "likeness" (e.g., Hebrew דְּמוּת). The significance of the distinction between these two kinds of terms will become evident later in this chapter.
[2] Curtis provides a list of 18 kings who are referred to in this manner. For king Amenophis III alone he cites 25 instances of this language, Curtis 1984: 226, n.262.
[3] The terms ṣalmu, tamšīlu, and muššulu.
[4] The terms צֶלֶם and דְּמוּת.
[5] The terms twt.w, ẖn.ti, šzp, sšm.w, znn, mi.ti (mi.tt, mi.tw), and ti.t.
[6] Hornung 1967.

man's creation in God's image in Genesis 1, in preparation for an investigation of that passage in Chapters 4-6.

I. Ockinga's Analysis of Seven Egyptian Image-Likeness Terms and Their Application to Human Beings.

A significant portion of Ockinga's study relates his work on the image-likeness terminology to developments within Egyptian royal ideology. This aspect of his study is not reflected in this summary of his work. Ockinga deals with the first two terms in tandem.

1. and 2. The terms *twt.w* and *ḫn.ti*.

The noun *twt.w* is derived from the verbal stem *twt*, "to be like" in much the same way that דְּמוּת is derived from דָּמָה. It served as a generic term for "image"[8] and could function in parallel with other more specific terms such as *ḫn.ti* to refer to the same statue. It is first used of a king in the second intermediate period, and the divinity concerned will be one of the solar deities (Re, Atum, Amun, or Shesepu).

The term *ḫn.ti* is a nisbe form of the word *ḫn.t* which means "departure" (die Ausfahrt), and in the appropriate context, "festival journey" (die Festfahrt). As such *ḫn.ti* initially designated a statue that was carried in a festival procession. As with *twt.w*, *ḫn.ti* is used of the king in relation to the solar deities Re, Atum and Amun-Re.

The *ḫn.ti* statue eventually lost its association with the processions from which it derived its name. Ockinga explains that the important factors continued to be its public or visible character (in contrast to the "hidden" *sšm.w* statue), and the fact that by means of this kind of statue a person's presence could be in a place even when he was not there physically.

> Durch seine Statuen konnte der Besitzer an einem Ort anwesend sein, wo er "im Fleisch" nicht gegenwärtig sein konnte.[9]

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[7] Ockinga 1984.
[8] Ockinga describes it as, "der allgemeine Obergriff 'Abbild'", 1984: 5.
[9] Ockinga 1984: 19.

By means of his *ḫn.ti* a private person could participate in worship and a king could receive veneration. A king's protective presence could also be manifest in a distant part of his empire by means of his *ḫn.ti* statue.[10]

When a king was referred to as the *ḫn.ti* or *twt.w* of a god the point was that in the king the god expressed his immediate presence on earth, and fulfilled a function for the god just as the statue fulfilled a function for the king or the private individual.[11] The duty of the king to fulfil a particular task is evident in the words of a courtier to the king,

> Als sein Abbild hat Re dich eingesetzt, zur Rettung des Schiffbrüchigen[12]

A private individual was not referred to as the *ḫn.ti* or *twt.w* of a god.

3. The term *šzp*.

The noun *šzp* is derived from the verbal root *šzp*, "to receive". The statue in this instance serves as a recipient of offerings, and so it came to be called a "receiver" or "recipient".[13] Such statues could also be referred to using the generic term *twt.w* discussed in the previous section. The same statue could also be called a *šzp* and a *ḫn.ti* since they shared an essential characterisitc: they were the recipients of both cult offerings and veneration.[14]

The designation of the king as the *šzp* of a god is a late development[15] that came to be closely associated with the older idea of the king as the *twt.w* or *ḫn.ti* of a god. As with these two other terms, *šzp* was used to describe the king in relation to the sun god, but was not used in this way of private individuals.

4. The term *sšm.w*.

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[10] Ockinga 1984: 19.
[11] Ockinga 1984: 29.
[12] Ockinga 1984: 21. Ockinga explains the reference here to the deliverance of the shipwrecked as the deliverance of the weak, who are floundering in life.
[13] Ockinga 1984: 33-34.
[14] Ockinga 1984: 36. The *ḫn.ti* could do so because the image was associated with the individual's *presence*, and the *šzp* could do so in its capacity as the *receiver* of offerings and veneration.
[15] The stages in this development are given by Ockinga 1984: 36-38.

The term *sšm.w* is derived from the verb *sšm* "to lead" and has been explained as a "procession image". Its "leading" role in the procession can be explained in terms of its location within the procession, or in terms of its role in giving an oracle, by means of which it provided leadership. One of the features that distinguished the *sšm* from the *hn.ti* and other procession images was the fact that the former was always enclosed in a shrine. The door of the shrine remained closed even in procession.

It is this secretive element that is distinctive to the *sšm*, and it also comes out clearly in a number of texts.[16] Because of this, other images that had no association with a procession, but which were in some sense secret or hidden, could also be called a *sšm*.

The king was only infrequently referred to as the *sšm* of a god. When this use occurred it reflected the concept of the king concealed or secluded in his palace. In this respect he was like a god concealed in his shrine. Ockinga also suggests that this language presented the king as the oracle giving image of a god, and as the one who made known the god's will. This terminology was not used of private individuals either.

5. The term *znn*.

The noun *znn* is derived from the verb *znj* "to imitate". Ockinga considers "imitator" the basic or original meaning (Grundbedeutung) of the noun *znn*,[17] though it came to be used of concrete statues.

The verb *znj* was closely allied with the ideals of sonship. He lists numerous texts to establish the point that obedience was an essential feature of sonship, and that obedience amounts to the emulation (imitation) of the father.

> Es hat sich gezeigt, dass es eine Reihe von Texten gibt, alle aus dem MR oder früher, die darauf hindeuten, dass der Gehorsam eine wesentliche Eigenschaft des idealen Sohnes war und dass dieser Gehorsam auf das Nachahmen des Vaters hinauslief. Das Verbum *znj* also auch eine Rolle in der ägyptischen Auffassung von Sohnschaft…[18]

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[16] Ockinga 1984: 42-44.
[17] Ockinga 1984: 71.
[18] Ockinga 1984: 70-71. Ockinga shows from lines 197-215 of the Teaching of Ptahhotep (the classic depiction of the ancient Egyptian understanding of the father-son relationship) that the key terms are *qd* "character" and

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Similarly, the noun *znn* belonged to the semantic domain of sonship. In the Inscription of Toas, governor of Tanis in the early Ptolemaic period, the connection between *znn* and sonship is evident.

> Ich bin dein *znn*, aus dir hervorgekommen,
> dein grosser Sohn, der Tut, was du liebst.

This link is also evident in a passage from the Teaching for King Merikare. The passage represents the climax of this work, "a hymn to the creator god".[19]

> Well tended is mankind - god's cattle,
> He made sky and earth for their sake,
> He subdued the water monster,
> He made breath for their noses to live.
> They are his images (*znn.w*), who came from his body,
> He shines in the sky for their sake;
> He made for them plants and cattle,
> Fowl and fish to feed them.
> He slew his foes, reduced his children,
> When they thought of making rebellion.
> He makes daylight for their sake,
> He sails by to see them.
> He has built his shrine around them,
> When they weep he hears.
> He made for them rulers in the egg,
> Leaders to raise the back of the weak.
> He made for them magic as weapons
> To ward off the blow of events,
> Guarding them by day and by night.
> He has slain the traitors among them,
> As a man beats his son for his brother's sake,
> For god knows every name.[20]

It is evident from the context that *znn* does not refer to concrete statues, and this is confirmed by the fact that *znn* is determined with a book roll, indicating an abstract noun.[21] Man as a god's *znn* (i.e. one who *emulates* the god) is presented as the focal point of the god's creative work in this text, and all creation is to be understood in relation to him. Man is said to

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shr "counsel". He notes that the son should appropriate his father's kind of character and follow his advice. The quintessence of Ptahhotep's teaching is given in a brief statement from the "loyalist teaching" which shows evidence of dependence on the former, "Ahme meinen Charakter nach, vernachlässige nicht meine Worte!", 1984: 60.
[19] M. Lichtheim, in *CS*: 61.
[20] This is Lichtheim's translation in, *CS*: 65-66.
[21] Ockinga 1984: 52.

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proceed from the god's body (cf. the Inscription of Toas above in which sonship is explicit), and the god knows each person's name, that is, he cares for each individual. Those who fail to obey the god are punished, but even here it is "die Strafe in Liebe" since the god punishes, "as a man beats his son for his brother's sake". He concludes that the entire tenor of the text fits well with the sense of *znn* as he has explained it.

In contrast to the previous terms, *znn* is rarely used of a divine statue,[22] and only seldom is it used of a king in relationship to a god.[23] An example of the latter comes from an inscription of Rameses IV,

> Was aber diesen vollkommenen Gott betrifft,
> er ist das *znn* Thots durch seine Gesetze,
> der Allherr, nachdem er geboren wurde mit dem Uräus auf dem Kopf,
> indem seine Macht bis zum Himmel reicht;
> Der Spross Maats, der Unrecht vernichtet,
> der die Falschheit austreibt,
> der veranlasst, dass die beiden Länder in Frieden sind in der Zeit seiner
> Königsherrschaft.

The significance of the language "*znn* of Thot" is evident from Thot's association with the law. Thot's epithets include, "He who establishes the law", "Lord of the law", and "He who gives the law". In this text it is in his activity as "lawgiver" that Rameses IV is the *znn* of Thot.

Ockinga concludes,

> Die besprochenen Belege zeigen uns, dass *znn*, wenn es auf den König bezogen ist,
> die gleiche Aussage macht, wie wenn es auf nichtkönigliche Personen bezogen ist -
> die angesprochene Ähnlichkeit bezieht sich auf Charaktereigenschaften und
> Handeln.[24]

This is the first of the terms studied so far that could be used of either kings or private individuals.

6. The terms *mi.ti*, *mi.tt*, and *mi.tw*.

The form *mi.ti* is a nisbe form of the substantive *mr.wt* "likeness", which is related in turn to the preposition *mr* (>*mi*) "as". *mi.tw* is probably also derived from *mr.wt* "likeness". The synonym *mi.tt* is considered a nisbe form related to the preposition *mi*.

Each of these terms conveys the idea of "likeness", and can be used of the king or private person. When the person is compared to someone of higher position such as a god, king or father, the likeness points to qualities or characteristics, and since these are known through behaviour, it also points to deeds.[25] When the king is compared to a god the comparison will attribute to the king a quality which is characteristic of the god. A dominant and frequently expressed concept is that of the king as the *mi.ti* of Re. In this case it is as king and ruler *per se* that he is called the *mi.ti* of Re.

7. The term *ti.t*.

The basic meaning of *ti.t* is "sign, or hieroglyph", and since writing and drawing were not distinguished in Egypt it can also serve as a general term for "picture, image" (Bild).

A private individual can be called the *ti.t* of god, and Ockinga cites an instance in which it is used of a priest. The deity most often appearing in this connection is Iunmutef. Ockinga concludes that the person bearing the designation *ti.t* of Iunmutef is the earthly executor of the god's *role*. In the case of a priest the likeness consists of the priest's behaviour in the performance of his ritual activities.[26]

The king, however, in the vast majority of cases, is again referred to as the *ti.t* of the sun-god Re (Amun or Atum). Re is the divine model (Vorbild) for the ruler, and the king is consequently his earthly role bearer. As Re is primary, and ruler among gods, so the king is primary, and ruler among men. Thus, when the king was carrying out his duties and behaving in a manner like Re, he was Re's earthly "sign" (*ti.t*). In many instances, "Die 'Ebenbildlichkeit', die durch *ti.t* ausgedrückt wird, ist also eine Wesensähnlichkeit".[27] Once

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[22] Ockinga 1984: 57.
[23] The lack of instances is due to the use of other terminology to express the same idea, including the preposition, *mi* "like", and the forms, *mi.ti* or *mi.tt*, Ockinga 1984: 79.
[24] Ockinga 1984: 78.

[25] Ockinga 1984: 88 and 91.
[26] Ockinga 1984: 102-103, 106, and on page 112 he notes, "…haben wir gesehen dass der Priester irdischer Träger der Rolle des Gottes ist und dass die Ähnlichkeit zwischen Gott und Mensch auf die rituellen Handlungen des letzteren bezogen ist".
[27] Ockinga 1984: 115.

again, "imageness" involves resemblance in both the realm of essence (being) and the realm of behaviour.

II. Ockinga's Summary.

Unlike previous attempts to distinguish the various terms for image and likeness which tended to focus on the outward nature of the image, Ockinga has presented a series of distinctions based on function. He argues that if function and not appearance were essential to an image,[28] then it was also the case that if a king is designated the image of a god, this too spoke of function rather than appearance.

Ockinga proceeds to divide the seven terms into two groups:

> Group 1 terms (*twt.w*, *ḫn.ti*, *šzp*, *sšm.w*) were only used of the king, and always as the concrete image of god. The king functioned as god's representative on earth, and in the person of the king the god was present on earth. In the vast majority of cases the king was the image of Re or some form of the sun-god. This means that in his capacity as king he represented (not just any god, but) the ruler of all.

> Group 2 terms (*znn*, *mi.ti* [*mi.tt*, *mi.tw*], and *ti.t*) differ from group 1 terms in three respects. Firstly, they were not limited to the king, but were also used of private individuals. In addition they did not present the individual as a concrete image of god. Instead these terms pointed out the individual's resemblance to god in terms of both behaviour and being. Finally, when these terms were used of the king it was frequently to compare him with a deity other than Re.[29]

These word groups complement one another. The king's Gottebenbildlichkeit meant he represented the god on earth, and his Gottähnlichkeit meant he possessed the prerequisites to carry out his office. The showcase example of these terms used together in this manner comes from a conversation between the ageing Vizier Iahmes and the king. The latter speaks of the suitability of Iahmes' son to serve as Iahme's assistant and successor.

> Ich habe deinen Sohn User als tüchtig, als zuverlässig (?) erkannt,
> als aufrichtig und froh über deine Lehre,
> als einen, der sein Herz deiner Klugheit geöffnet hat.
> Lass seine Tüchtigkeit dir dienen,

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[28] He includes here a comment from Hornung, "Die ägyptischen Statuen wollen keine äusserlichen Züge, keinen Ausschnitt der Wirklichkeit konservieren, sondern der Gottheit, dem König oder dem Privatmann ein Mehr an Wirklichkeit, ein Mehr an Gegenwart schenken; sie sind keine Abbilder im Sinne porträthafter 'Ähnlichkeit'", 1967: 154-155.

[29] The king could also be the son of other gods, but he was only the concrete image of a solar deity.

> möge er dir als Stab des Alters dienen, wie getan wird für einen,
> der löblich gehandelt hat,
> der <mit> Gutem versehen wird (?) …
> Eine gute Sache ist das Ersetztwerden durch Seinesgleichen (*mi.ti =f*)

Ockinga notes that in his behaviour, knowledge and being, User has become the *likeness* of his father (*mi.ti =f*). Immediately following this comparison the king says to Iahmes, "unveil your *image* (*šzp*)!", by which he means, (since he has the necessary *qualities*) "your son User can function as your *representative*".

References to god-likeness and divine sonship were interchangeable and tended to imply one another. It is not surprising, then, to find individuals could be ascribed divine likeness as well as divine sonship. Only kings, however, could function as a god's concrete *image* (representative).

Ockinga concludes this section with four observations on the resemblance of private individuals to a god:

> 1. According to the Teaching for King Merikare people are "his (god's) *znn.w*, who came from his body". This suggests humans are god's offspring, not in a literal sense, but in the sense that they are "emulators" of god both in their behaviour and being.

> 2. The instances from the First Intermediate period in which people were called the *mi.ti* or *sn.nw*[30] of a god all make the same point: a person is a "resembler" (Gleicher) or "doubler" (Zweiter) of god, since, in a particular situation, he behaves like god, or because he possesses certain traits (Wesenszüge).

> 3. In the Instruction of Ani the wise man is called a *sn.nw* and *mi.ti* of god in as much as he is a thinking being who possesses reason. The Instruction of Ani insists all people have this god-likeness and capacity for reason, and this distinguishes them from animals. Ockinga translates the relevant passage, "Nicht allein der Weise ist sein (Gottes) Zweiter (*sn.nw*) (während) die Menge lauter Vieh wäre; nicht allein der Weise ist sein Zögling (*sb3*), der einzige mit Verstand, während die ganze Masse töricht wäre".[31]

> 4. In texts from the New Kingdom private individuals are called the *ti.t*, *znn*, or *ir* of a god, since, as priests on earth, they play the role of god in the ritual (sometimes being clothed in a manner reminiscent of the god), and are thus godlike in their behaviour.

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[30] This term means "double" and occurs in parallel with *mi.ti* on several occasions. See Ockinga's excursus, 1984: 88-89.

[31] Ockinga 1984: 139. But compare Lichtheim's rather different translation in, *CS*: 114.

III. Ockinga's Application of the Results of His Egyptian Work to Man's Creation in Genesis 1.

On the question of Egyptian influence on the creation of man in God's image in Genesis 1, Ockinga concludes that the transfer of the divine image to all mankind cannot have been through Egyptian influence. There is never any mention of mankind as the divine image. Instead there are only references to mankind's godlikeness. Nevertheless, he argues that there is a clear connection between ancient Egyptian royal theology and Genesis 1:26. The democratisation of the image language may have been an Old Testament phenomenon, but the language itself had its origin in Egypt.

As evidence for this Ockinga presents the following texts:[32]

In an inscription of King Rahotep from Coptos an officer eulogises the king saying,

> Als sein Abbild hat Re dich eingesetzt, zur Rettung des Schiffbrüchigen (d.h. des Schwachen, im Leben Gescheiterten).

In an inscription of Amenophis III the god Amun says to the king,

> Du beherrschst es (das Land) als König, so wie (zu der Zeit) als ich König von Ober- und Unterägypten war;
> Du bewirtschaftest es für mich aus liebendem Herzen,
> denn du bist mein geliebter Sohn, der aus meinem Leibe hervorgegangen ist,
> mein Abbild, das ich auf Erden gestellt habe.
> In Frieden lasse ich dich das Land regieren,
> indem du die Häupter aller fremdländer tilgst.

Finally, on the Obelisk of Hatshepsut in Karnak there are the following lines concerning the queen,

> Erstgeborene Kamutefs,
> die Re erzeugt hat, um gute Fruchte für ihn auf Erden hervorzubringen,
> zum Whole der Menschen;
> sein lebendes Abbild.

Ockinga tabulates the results of a comparison between these three texts and Genesis 1:26 (Table 1) and concludes that every element in the Hebrew text has its corresponding element

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[32] Ockinga (1984) provides the texts on pages 146 and 147.

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in the Egyptian texts. The only difference lies in the fact that the Old Testament concept of the *imago dei* is transferred from the context of royal theology to the creation of mankind.

Table 1. Ockinga's Comparison of Three Egyptian Texts and Genesis 1:26.

	Genesis	Rahotep	Amenophis III	Hatshepsut
Subject	Elohim	Re	Amun	Re
Behaviour	Creation	Setting in place	Setting in place	Begetting
Object	Mankind	King	King	Queen
Description of the object	Image	Image	Image	Firstborn// Image
Task of the object	Rule over the animals	Saving rule over people	To rule Egypt in peace and cut off enemies	Rule promoting well-being

Ockinga goes on to discuss the terms צֶלֶם and דְּמוּת used in Genesis 1:26. He begins with the "less problematic term" צֶלֶם which "certainly designates a concrete image", and therefore corresponds to the Egyptian Group 1 terms.[33]

Since צֶלֶם corresponds to the Egyptian Group 1 terms Ockinga raises the possibility that דְּמוּת corresponds to the Egyptian Group 2 terms. He concludes that this is likely given the fact that Genesis 1:26 is anchored in Egyptian royal theology, and in that context the two ideas are closely connected. To establish this point Ockinga draws another series of comparisons between Genesis 1:26 and two[34] of the Egyptian texts already mentioned. All three texts refer to both divine likeness[35] and the divine image (Table 2).

This line of argumentation is further supported by the fact that in Genesis 5:3 there is a precise (genau) parallel to the Inscription of the Vizier User mentioned above. User was the likeness and image of his father. As צֶלֶם Seth was his father's deputy (Stellvertreter), and as דְּמוּת he was like (wesenähnlich) his father.

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[33] Ockinga 1984: 148.
[34] The inscription of Amenophis III, and the text from the Obelisk of Hatshepsut in Karnak.
[35] Recall that Ockinga has argued that divine sonship implies divine likeness.

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Table 2. Ockinga's Comparison of "Likeness" and "Image" in Two Egyptian Texts and Genesis 1:26.

Genesis	Amenophis	Hatshepsut
demut	beloved son, who came from his (Amun's) body	eldest (daughter) of Kamutef, whom Re has begotten
ṣelem	*ḥn.ti*-image	*ḥn.ti*-image

Ockinga also notes that in Ben Sira 17:3f. mankind is given power and understanding. Wisdom in particular is associated with kings in Egyptian royal ideology.

These observations lead Ockinga to conclude that the parallels between the Old Testament and Egyptian concepts of the image-likeness of a god (imago-dei Vorstellungen) prove to be very close. The function of the Egyptian king as representative of the king of the gods on earth is in the Old Testament transferred to all people by Elohim. The Egyptian king and Old Testament person are alike equipped with divine capacities which qualify them to carry our their commissioned function. In Egypt this function consists of the king's rule over men, but in the Old Testament, since man as a species (genus) is God's representative, it refers to his rule over creation.[36]

IV. Comments Arising from Ockinga's Work.

The most fundamental observation in Ockinga's thesis, and perhaps the most important for the present project is the fact that the application of image-likeness language to human beings in Egypt is concerned with matters of function, behaviour and being. The king functioned as the solar deity's earthly representative, and both royalty and private individuals resemble various deities in terms of particular qualities and behaviours. In no instance is the interest exclusively an interest in outward appearance in which a person is said merely to resemble a deity physically.

Also important is the largely overlooked fact that likeness language (Group 2 terms) in Egypt is regularly applied to private individuals. In discussions of the image-likeness language in Genesis 1:26, Old Testament scholars regularly cite the fact that the language appears in the

royal ideology of Egypt and Mesopotamia. Ockinga's work[37] demonstrates that likeness language (Group 2 terms) is as relevant to descriptions of a private person as it is to descriptions of royalty.

Ockinga's division of the image-likeness vocabulary into two groups is also important. He makes a strong case for an analogous distinction in the image-likeness language of Genesis 1:26. Although it has not been noted in the summary of Ockinga's work presented above, at several points he indicates that his conclusions concerning the image-likeness language of Genesis 1:26 confirm or modify the work of such Old Testament scholars as W. Gross, H. Wildberger and W. H. Schmidt.

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[36] Ockinga 1984: 153.

[37] Hornung's work also provided evidence for the use of this kind of language in connection with priests and other non-royalty, 1967: 130f., 136f. and 151.

Chapter 2

The Language of Image-Likeness in Mesopotamia

Introduction.

The judgements of Assyriologists on the application of divine image language to human beings are limited to a handful of comments, and are largely confined to footnotes. This is no doubt a reflection of the relative unimportance of this phenomenon in sources from Mesopotamia. In contrast to Egypt where the language is both diverse and common, Mesopotamia has so far provided only seven instances of the expression "*ṣalmu* DN" in six cuneiform documents ascribed to five writers.

The more extensive work on this subject has been carried out by Old Testament scholars seeking to clarify the significance of comparable language in Genesis. Old Testament scholars have tended to conclude that the application of this language to a king is intended to present him as the representative of a god.[1] In his PhD dissertation, *Man as the image of God in Genesis in the Light of Ancient Near Eastern Parallels*, Curtis notes that this is the view of several Old Testament scholars who have worked in the Mesopotamian material, and concludes, "this is quite possibly correct, though the small number of examples makes it difficult to establish the point conclusively".[2]

The opinions of Assyriologists on the subject are so succinctly put that it is difficult to be sure precisely how they explain the application of this language to human beings. Hallo considers the descriptions of kings as the image or likeness of a deity as evidence for the exaltation of kingship in Mesopotamia in which the conceptions of deity and kingship converged.

> In Mesopotamia, kingship became so exalted as to lead to apotheosis and to virtual if temporary equation of royal and divine cult. As a letter addressed to a neo-Assyrian

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[1] Tigay is something of an exception. He explains that the language is used metaphorically to compare the king to a god in terms of certain "divine qualities", 1984: 172.

[2] Curtis, 1984: 160. Wildberger (whom Curtis cites in this regard) does not actually use the term "Repräsentant" in his discussion of the Mesopotamian material. He emphasises that the language speaks of *function* rather than essence or being (Wesen). However, he will use the term "Repräsentant" in his discussion of the Genesis material.

king put it, proverbially: 'Man is the shadow of god, and a slave is the shadow of man, but the king is the mirror image (*q[ê] muššuli*) of god.[3]

Hallo appends a footnote in which he cites other examples in which a king is described as the "likeness" (*ṣalmu*) of a specific god. His brief comments suggest he considers the king's role as the divine image to be more than that of a representative.

Machinist explains that this kind of language appears to compare the king to the cult image of a deity. He does not speak of the king's function as the representative of the god, but rather as the god's embodiment. Commenting on the term *ṣalmu* he writes,

> The word normally describes a cult statue of a god; and so when used with the king, it seems to imply that the king stands as the embodiment of the god - at least in terms of some of the god's qualities - just as a cult statue does.[4]

Parpola has had a bit more to say on the subject. He begins by affirming that the king, "was conceived of as the representative of God on earth".[5] He bases this in part on his interpretation of the "Tree of Life" in Mesopotamian sources, including Assyrian imperial art. He points to the investigation carried out by Winter on the relief in the throneroom of Assubanipal's palace in Calah. The relief shows the king in mirror image flanking a tree over which there is hovering a winged sundisk. In her interpretation of this scene Winter has shown that it corresponds to the epithet *iššiʾak Aššur* in the accompanying inscription.[6] Parpola translates this title "vice-regent of Aššur"[7] and explains, "the Tree here represents the divine world order maintained by the king as the representative of the god Aššur, embodied in the winged disk hovering above the Tree".[8]

Parpola proceeds to make a point of the fact that in some reliefs the king also appears between the winged genies in the place of the tree.

> Whatever the precise implications of this fact, it is evident that in such scenes the king is portrayed as the human personification of the Tree. Thus if the Tree

symbolized the divine world order, then the king himself represented the realization of that order in man, a true image of God, the Perfect Man.[9]

It is at this point that he invokes the references to the king as the image (*ṣalmu*) of God, "which abound in Neo-Assyrian royal correspondence".[10] In other words, Parpola appears to argue that the king is the image of God *essentially*, as the Perfect Man, and not just *functionally* as God's representative.

It is apparent from what can be gleaned from the comments made by Assyriologists on the subject, that the descriptions of the king as the image of god are understood in terms that go beyond his function as god's representative, and take in qualities that in some manner bear a resemblance to a deity.[11]

This chapter surveys the material from Mesopotamia in order to discover the factors that suggest this language presents the king as in some manner resembling a deity. As it happens this is not a difficult task. There is a second concern, however, that is more problematic.

The difficulty is twofold. Firstly, there is evidence to suggest that the metaphor presented the king as *representative* of a god, *and* there is evidence to suggest it could be used to present the king as in some manner *resembling* the god. Since the clearest example of the former is the only example of this metaphor from the MA period, and the Neo-Assyrian uses are much more oriented towards the communication of resemblance, the question arises, did the metaphor change in its primary significance over time, or was it capable of being used in two different ways during both periods?

Secondly, does the metaphor depend on the lexical meaning of the term *ṣalmu* or on the function of images in Mesopotamia? In other words:

> 1. When the king is presented as resembling a god, is it because the *ṣalmu* means the king is the "likeness" (=*ṣalmu*) of the deity (Figure 2)?

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[3] Hallo 1988: 64.
[4] Machinist 1976: 467, n.79.
[5] Parpola 1997: xxi.
[6] Winter 1983: 15-32. Cited in Parpola 1993: 167.
[7] Probably intending, "vice-*gerent*".
[8] Parpola 1993: 167.

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[9] Parpola 1993: 167-168.
[10] Parpola's estimate of the frequency with which this language occurs in letters to the Neo-Assyrian kings is too generous. He goes on to provide references to the same five texts that were already known nine years earlier in an article by Tigay 1984. Since Parpola's article Cole and Machinist have edited a volume of 211 letters to two Neo-Assyrian kings in which there is one fragmentary text that uses this language, 1998: 46, 11.
[11] These uses of *ṣalmu* are listed under "likeness (in transferred meanings)" in *CAD*, Ṣ: 85.

2. When the king is presented as the representative of the deity with no apparent reference to resemblance, does "ṣalam DN" present the king as carrying out the same function vis à vis the deity that a divine image carries out (Figure 1)?

Is the phrase "ṣalam DN" a lexical matter in which ṣalmu indicates resemblance, or a metaphor comparing the king's function to that of a divine statue?

Figure 1. The Phrase "Image (ṣalam) of DN" Explained as a Metaphor in which a Person Functions Like a Divine Image.
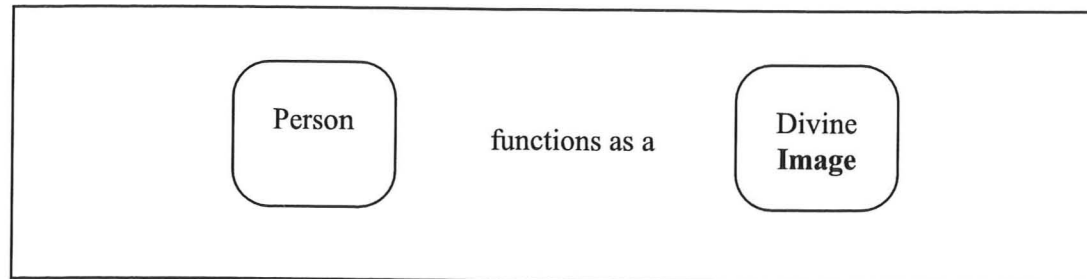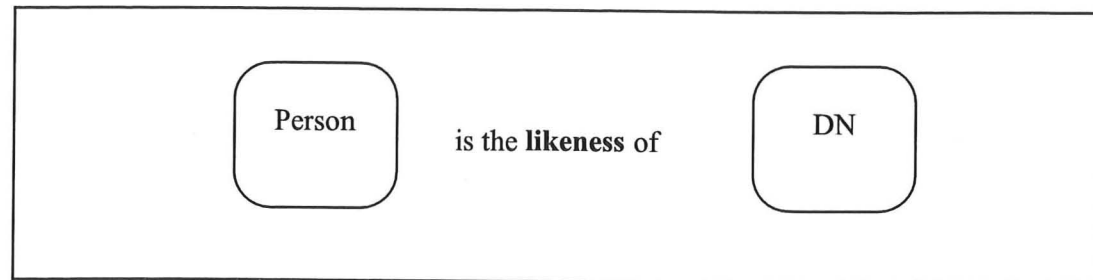
One further point of interest is whether or not the person designated the "image (ṣalam) of DN" is being compared particularly to the *cult statue* of the deity.

I. The Ruler as the Representative of God in Mesopotamia.

In defence of the opinion that this language is a reference to the ruler functioning as the representative of a god, it is certainly the case that this idea is in keeping with how rulers were viewed in Mesopotamia.

According to Mesopotamian royal ideology rulers were chosen by gods and functioned as their representatives on earth. In his book on the Old Assyrian city-state Larsen discusses various titles for the ruler of *Aššur*. The title "king" (LUGAL/*šarrum*) which was typical in the south, was reserved in Assyria for the gods. The traditional Assyrian title was *iššiʾak Aššur* (ENS *Aššur*), which he translates as "steward of Aššur", and in this capacity the ruler functioned as an intermediary between the god and the community.[12] Similarly, in his discussion of the early period in Sumer and Akkad Postgate notes that the ruler was chosen by the state's patron deity and that, "In acting as agent of the popular will, the ruler is fulfilling his commission as representative of the god".[13]

This thought is explicit in Assurbanipal's Hymn to Aššur,

> They ordered that Assurbanipal, the representative of Aššur (GÌR.NITÁ ANŠÁR), alone should be the provider (for the shrines).[14]

In principle, then, the suggestion that references to the king as the image of god present him as a representative of the god, are attractive given the nature of Mesopotamian royal ideology.

II. The Meaning of the Phrase "Image (ṣalam) of DN".

It is sometimes assumed, and at other times asserted, that the only (or "normal"[15]) referent for the phrase "image of DN" is the cult statue of a deity. This section gives examples of the various kinds of objects, other than divine cult statues, which are designated an "image of DN".

1. The use of the phrase "image (ṣalam) of DN" to refer to the likeness on a relief, plaque, or seal.

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[12] Larsen 1976: 117, 119 and 149.
[13] Postgate 1995: 397. Also see Jacobsen's references to rulers as divine representatives in, Frankfort, et al. 1949: 210.
[14] Livingstone 1989: 1, r.8. Compare "Aššur is king - indeed Aššur is king! Assurbanipal is the [representative] of Aššur, the creation of his hands", 11, 15.
[15] "The word normally describes a cult statue of a god", Machinist 1976: 467, n.39.

One of Assurbanipal's inscriptions provides an example of the expression, used of the gods' images on a relief.[16] In this instance it occurs with the plural "gods" (*ilāni*), and is accompanied by *ṣalmu* used of the king's own likeness on the relief.

> *ṣalam ilāni rabûti bēlēja ēsiqa ṣēruššu ṣalam šarrūtija musappū ilūtišun maḫaršun ulziz*
> I engraved upon it the images of the great gods, my lords, and had the likeness of myself as king depicted standing in supplication to their divinity in their presence.[17]

The annals of Sennacherib provide a similar example of this language.

> *6 narê dannūti ṣalam ilāni rabûti bēlēja abtani qerebšun u ṣalam šarrūtija*
> I made six great stelas (stela shaped rock reliefs) with the images of the great gods, my lords, on them, and the likeness of myself as king…[18]

An inscription intended for a foundation stela for Sennacherib's Akītu Temple provides some clear examples of the phrase "image of god" used with reference to a divine likeness inscribed on the bronze plating of a gate.[19]

> …and the image of Assur (*ṣalam* ᵈ*Aššur*), who is advancing to battle into the midst of Tiamat, as he raises his bow, riding in a chariot, bringing on the storm, (and the image of) Amurru, who rides with him as a charioteer (holder of the reins), (these) I engraved upon the gate at the command of Shamash and Adad, as they gave it through the oracle.[20]

In the following text the likeness of the moon god Sin is inscribed on a seal,

> *kunukku…ša* RN…*ṣalam* ᵈ*Sin…ibnû ṣēruššu*
> the seal on which Assurbanipal (had) the image of Sin engraved.[21]

In summary. In the uses of the phrase "image of DN" presented here the "*ṣalam* DN" is the god's "likeness" or "image" represented on a stone relief, bronze gate relief, or seal.

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[16] The singular construct *ṣalam* is probably used because he only engraves one image for each god (in the same way that the singular *libbu* is used to refer to the "hearts" of the people). That the intention is not to refer to a single likeness of all the great gods is evident from the same use of the singular when referring to the cult images of the gods, e.g., "after I had made the image of Assur, the great lord, and the images (*ṣalam*) of the great gods, had caused them to take up their abodes in their shrines of peace…", Luckenbill 1924: 136, 22b-23. The singular is translated by the plural here according to English idiom.

[17] Streck 1916: 270-271, IV, 2-3, and *CAD*: Ṣ, 82.

[18] Luckenbill 1924: 84, 55.

[19] The text refers to a "bronze gate", but it should probably be understood as referring to a wooden gate with *bronze repoussé* affixed, such as the Balāwāt (=Imgur-Enlil) gate in the British Museum. See King 1915: 9.

[20] Luckenbill 1924: 140, 5b-9a.

[21] *CAD*: Ṣ, 84.

Translations of this use of the phrase fluctuate between those focusing on the medium ("a relief of DN"), and those which focus on the resemblance to the god ("a likeness of DN").

2. The use of the phrase "image of DN" to refer to a "drawn" likeness.

There are numerous instances in which the verb *eṣēru* is used with *ṣalmu*.[22] One text from the incantation series *Maqlû* reads, "you draw with flour a picture of the sorcerer and the sorceress (*ṣalam kaššāpi u kaššāpti*) inside a copper basin".[23] The same verb is used with the phrase "image of god" in the following text,

> [*ana ma*]*ḫar ṣalam* DN *ša ina igāri eṣ-ru* [*š*]*ipta*…
> (you recite) the incantation [in fr]ont of the picture of DN which is drawn upon the wall.[24]

Incantation texts provide numerous examples of drawings of deities referred to as the "image of DN". Wiggermann notes the use of gypsum and black paste to draw these divine images on a wall.[25] The following example is one of two instances of divine figures drawn on a wall found in the second tablet of the series *bīt mēseri*,

> [recite as follows] in front of the likeness (*ṣalmu*) of Lugalgirra that is d[rawn] (*eṣēru*) at the top of the wall.[26]

In the following instance the verb is used of a depiction of Ištar on a bronze plaque,

> NA₄ *asumīt ša siparri ša ṣalam* ᵈ*Ištar ša* UR.MAḪ *ṣinditu ina muḫḫi eṣri*
> the bronze plaque upon which is drawn a likeness of Ištar driving a lion.[27]

In summary. From these examples it is evident that "*ṣalam* DN" could be used of a drawing or etching which depicted the "likeness" of the deity. As with the previous category the translation can focus on the medium used ("a drawing of Lugalgirra"), or on the image's correspondence to the original ("a likeness of Lugalgirra").

3. The use of the phrase "image of DN" to refer to figurines.

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[22] See for example Parpola 1970: 188, r.7-8, "I draw a picture of the sta[r…]"(*ṣalam* ᴹᵁ[ᴸᴵSN] *ú-ta-aṣ-ṣer*).

[23] Meier, 1937: 62-63, ix, 153 and 157, and 48-49, vii, 67; and *CAD*: E, 346.

[24] Zimmern 1901: 166-167, 53, no. 12 and cf. 14 and 16.

[25] Wiggermann 1992: 108, 110 and note the inventory of figures on page 116.

[26] *CAD*: E, 346. Cf. Meier 1941-44: 144, 60 and 146, 132.

[27] *CAD*: Ṣ, 84, cf. *MVAG*, 12/4 (1907): 157-158, 16.

The phrase "image of god" is also commonly used of figurines, especially in texts pertaining to the work of the incantation priests (Beschwörungspriest, also referred to as "exorcists" in the literature). These texts record the rituals associated with exorcism, fortune-telling, healing, and various other practices of this kind, and include numerous references to figurines.

These figurines were made of several materials,[28] and served a number of purposes. Some were apotropaic in function such as the wax figurine of a witch that would be destroyed in the course of the ritual. There were also prophylactic figurines such as divine figurines used to protect someone or drive away evil from a house.

The material used for a figurine corresponded to its function.[29] Figurines intended to be destroyed by fire, such as the witch just mentioned, would usually be composed of wax. The divine statues were not intended for destruction, though they were frequently buried, and so were made of more durable materials such as clay or wood (preferably tamarisk). In the case of the prophylactic figurines studied by Wiggermann almost all the anthropomorphic divine figurines were made of tamarisk.[30]

The following text is representative of a large number of texts in which a figurine is referred to as the "image of DN",

> ṣa-lam ᵈnergal ina re-ši-šú-nu ul-ziz
> I have set up the figure of Nergal at their head.[31]

In summary. The phrase "image of DN" also does service in those instances where the referent is a figurine, and is commonplace in incantation literature. In order to indicate the type of image it is usual to translate the phrase "*figure* of DN", but this should not obscure the fact that the figure serves as a likeness, or image of the relevant deity. This likeness must have been minimal, however, given the simple nature of these figurines.

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[28] Including, clay and clay mixed with tallow and wax, or ox blood; flour mixed with urine, or straw mixed with excrement and urine, or wax, Scurlock 1988: 52-53. Also wood (tamarisk, juniper or cedar) and bitumen, and frequently covered with a coloured paste, Wiggermann 1992: 102 and 110-111.
[29] Wiggermann 1992: 58ff., and Scurlock 1988: 131-132.
[30] Wiggermann 1992: 60.
[31] Meier 1941-1944: 150, 195ff.

Conclusion.

There are instances in which *ṣalmu* is used of representations of gods in the form of statues, stone reliefs, bronze reliefs, figurines, seals, and drawings. Without a context it would be impossible to determine which of these the phrase "image of DN" means. Therefore, when a king is described as the "image of a DN" there is nothing inherent in the phrase itself that would lead to the conclusion that it is comparing the king or priest to a cult-image. The phrase is not limited to the meaning "cult statue", but refers to divine images and likenesses composed of various media.

Given the common and diverse use of the terminology "*ṣalam* DN", "cult statue" cannot be considered the "normal" use of the phrase in all contexts (figurines and drawings normally feature in incantations), but it may prove feasible to argue that such a usage is normal in a particular context, or literary genre.

The fact that *ṣalmu* could designate everything from drawings to figures in the round has another important implication. Its capacity to move across media in this manner suggests that it expresses something that is common currency to all of these objects. As with the English term "image", *ṣalmu* also serves to designate an object as "likeness" bearing. In English the sentence, "he saw an image of John" might refer to a photograph, a computer generated image, a painting, a statuette, or a mental image (etc.). Without identifying the medium it is apparent that the speaker saw something that resembled John. So too, in Akkadian, the expression "image of PN" implies that the object resembles PN. At times this element of resemblance is latent, but in some contexts it becomes dominant, and it is impossible to tell from the context whether the object is a statue or a drawing. Irrespective of the medium, the object resembles the original on which it was patterned.

The element of resemblance in the creation of a "*ṣalam* DN" varies. At times it is minimal, but at other times it is evident that great care was taken in creating statues. This is clear from the following lines taken from a priest's correspondence with the king concerning the fashioning of a royal image.

We have now sent two ro[yal im]ages to the king. I myself sketched the royal image which is an *outline*. They fashioned the royal image which is *in the round*. The king should examine them, and whichever the king finds acceptable we will execute accordingly. Let the king pay attention to the hands, the chin, and the hair.[32]

There is also the celebrated instance of the rediscovery by Nabu-apal-iddina of a representation of the cult image of Šamaš on the western bank of the Euphrates near Sippar. After a period of time in which there was no cult image of Šamaš and no knowledge of what it should look like, the discovery of the plaque of baked clay bearing his likeness made it possible for a cult image to be made and restored to his temple Ebabbara in Sippar.[33]

A particularly clear example of the concern for resemblance in a statue comes from the Annals of Sennacherib.

> In times past, when the kings, my fathers, fashioned a bronze image (*ṣalmu*) in the likeness (*tamšīlu*) of their members, to set up in their temples, the labour on them exhausted every workman.[34]

Resemblance was a feature of images, certainly for some kinds of image more than others.

The possible referents for *ṣalmu* are evident from this survey, but its meaning is not so clear. It may have been within the semantic range of *ṣalmu* to indicate resemblance when the context required it. Sometimes the idea of resemblance is absent (or latent), and so it can be translated statue, picture, relief or drawing. At other times the idea of resemblance is more prominent and so it has been translated image and even likeness.

On the one hand, it is consistent with Mesopotamian royal ideology to suggest that "*ṣalam* DN" presents the king as the representative of a god. On the other hand the proposal that it expresses resemblance is consistent with the nature of Mesopotamian images and the range of meaning that *ṣalmu* appears to carry.

If a decision is to be made on the precise meaning of the phrase "*ṣalam* DN" when it is applied to a human being, and on the mechanics of the metaphor, then it will have to come

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[32] Cole and Machinist 1998: 34, 11-23; similarly, 178, 10ff. Admittedly this interest also involved conventions and matters of posture.
[33] King 1912: 120-127. For a discussion of the use of *ṣalmu* in this text see Jacobsen 1987: 20-23.
[34] Luckenbill 1924: 108, vi, 80-84; similarly 122, 15.

from an investigation of its actual uses. Unfortunately, the uses are few in number and while they employ the metaphor they show no interest in explaining it.

III. Instances of the Phrase "Image (*ṣalam*) of DN" When It Is Used to Designate a Human Being.

Seven instances of the expression "image (*ṣalam*) of DN" have been identified in six cuneiform documents ascribed to five different writers.[35] The texts are: *The Epic of Tukulti-Ninurta I* (MA); two letters written by Adad-šumu-uṣur to the Assyrian king Esarhaddon (NA); a report written by Ašarīdu to a king of Assyria (NA); a letter written by a priest to an Assyrian king (NA), and a passage from the second tablet of the incantation series *bīt mēseri* (OB?).[36]

1. The Epic of Tukulti-Ninurta I.

The Epic of Tukulti-Ninurta records the victory of the Assyrian king Tukulti-Ninurta I over Kaštiliaš, the Kassite king of Babylon. As Machinist has demonstrated, the Epic serves political ends. "The Epic… is the work of a victor, aiming to justify and explain his king's conquest".[37] In particular the Epic presents Kaštiliaš as a treaty-breaker, and the battle as an ordeal overseen by the god of justice, Šamaš. The wrath of the gods against Kaštiliaš is also evident from the references to their departure from their cities, signalling their abandonment of Kaštiliaš. By contrast, the victor, Tukulti-Ninurta, is presented as the recipient of several forms of divine approbation. The description of Tukulti-Ninurta as the image of Enlil is part of the expression of divine approval that provides a theological explanation of the king's conquest.

> 16' AŠ *ši-mat* ^d*Nu-dím-mud ma-ni it-ti* UZU DINGIR.MEŠ *mi-na-a-šu.*
> 16' Through the destiny of Nudimmud (=Ea as creator), he (=Tukulti-Ninurta) is reckoned as flesh godly in his limbs.
> 17' AŠ EŠ.BAR EN KUR.KUR AŠ *ra-a-aṭ* ŠÀ.TÙR DINGIR.MEŠ *ši-pi-ik-šu i-te-eš-ra*

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[35] Parpola has published an edition of a Babylonian text in which "*ṣalam* DN" may be used of several high officials. The text is essentially a list and its interpretation and significance are uncertain. See Parpola 1995: 379-399.
[36] The process of compilation and canonisation of a series like *bīt mēseri* makes it difficult to date the component incantations. However, it was not until the Old Babylonian period that Marduk occurs in the context of helpful divine intervention, Cunningham 1997: 98 and 114-115.
[37] Machinist 1976: 464.

17' By fiat of the lord of all the world, he was cast sublimely from the womb of the
   gods.
18' *šu-ú-ma ṣa-lam* ^dBE *da-ru-u še-e-mu pi-i* UN. MEŠ *mi-lik* KUR
18' It is he who is the eternal image of Enlil, attentive to the people's voice, the
   counsel of the land.
19' *ki-ma šá-a-šú ana* IGI *re-de-e* EN.KUR.KUR *ú-man-du-ú-uš i-ud i-na šap-ti*
19' Because the lord of the world appointed him to lead the troops, he praised him
   with his very lips.
20' *ú-šar-bi-šu-ma* ^dBE *ki-ma a-bi a-li-di ar-ki* DUMU *bu-uk-ri-šu*
20' Enlil exalted[38] him as if he (Enlil) were his (Tukulti-Ninurta's) own father, right
   after his first-born son (=Ninurta).
21' *a-qar ina lì-me-šu a-šar šit-nu-ni ra-ša-aš-šu an-dil-la*
21' Precious is he in (Enlil's) family, for where there is competition, he has of him
   protection.
22' *ul iš-nun ma-ti-ma ina* MAN.MEŠ-*ni kúl-la-ti*
22' No one of all kings was ever rival to him.[39]

The description of the king as the image of Enlil is part of the writer's concern in the
immediate context to associate Tukulti-Ninurta as closely as possible with Enlil. The intent
appears to be to legitimise Tukulti-Ninurta's kingship and the extension of his rule into
Babylonia by means of the conquest described in the Epic. In the context Enlil ("lord of the
land") determined Tukulti-Ninurta's divine birth (17'), he appointed Tukulti-Ninurta to lead
the troops (19'), he exalted (or raised) Tukulti-Ninurta as his own father would (20'), and
Tukulti-Ninurta is precious in Enlil's family[40] (21'). Even Tukulti-Ninurta's name associates
him with Enlil's firstborn son, Ninurta.

The references to Tukulti-Ninurta's divine birth and up-bringing reflect a tradition among
southern kings who claimed divinity. The implication of such conventions was that the king
had been divinely selected and was thus the legitimate occupant of the throne.[41] The writer
of the Epic has here applied these conventions to a northern king, though not without some
modification.[42]

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[38] Perhaps better, "raised", and so referring to the fact that Enlil raised him as his son. See Machinist 1976:
466.
[39] *BM*: I, 213. Also see Machinist: 1976: 465-66, and Lambert 1957-58: 50-51.
[40] The text at this point, however, is obscure.
[41] Postgate 1992: 268-269.
[42] Machinist notes that the writer of the epic, "evinces certain hesitations about the divine-royal relationship,
such as we would not always expect in the underlying southern matrix", 1976: 467. The Epic, for example,
does not prefix DINGIR to Tukulti-Ninurta's name, and says only that Enlil raised him "like" (*kīma*) a natural
father.

The decision to associate Tukulti-Ninurta with Enlil is due to the latter's supremacy among
the gods during this period, and particularly his role in determining human government.[43]
Lugalzagesi of Umma credits Enlil for his kingship,[44] and in the prologue to his law code
Hammurabi recalls,

> When lofty Anum, king of the Anunnaki (and) Enlil, lord of heaven and earth, the
> determiner of the destinies of the land, determined for Marduk, the first-born Enki
> (Ea), the Enlil functions (Enlilship) over all mankind, made him great among the
> Igigi, called Babylon by its exalted name, made it supreme in the world, established
> for him in its midst an enduring kingship whose foundations are as firm as heaven
> and earth…[45]

Sherwin notes the prominence given to Enlil here in his role as the god of human
government.

> When describing Marduk's (and Babylon's) rise to prominence and the greatness and
> dominion which it has achieved, Marduk is said to have been given the 'Enlilship'.
> That this is not 'Anuship', or 'Eaship' or related to any other deity says much about
> the position and function of Enlil. He is the god of human government, the god of
> political supremacy. Any claims to dominion (in this period at least) must be
> validated by him, and be described in terms of him.[46]

The description of Tukulti-Ninurta as the image of Enlil, along with references to his divine
birth and up-bringing, served to legitimise his rule. This fact, along with his appointment by
Enlil to lead the troops (19') provided a theological justification for his conquest of the
southern king Kaštiliaš.

This legitimising function of the image language here appears likely. What is not so clear is
whether the language simply presents him as Enlil's representative, or if there is an element
of comparison present. The latter is suggested by the description of Tukulti-Ninurta that
immediately follows the reference to him as Enlil's image, "attentive to the people's voice,
the counsel of the land". Machinist apparently does see an element of comparison here since
at this point he observes that the reference to the king as a divine image here (and elsewhere),

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[43] Enlil is traditionally a southern deity, but came to occupy an important position in the north through
syncretism with Aššur. See Sherwin 2000: 172-175.
[44] "When Enlil, king of all the lands, had given the kingship of the land to Lugalzagesi…", Lugalzagesi 1, i, 36-
41, in Steible 1982: 316-317. Cited by Sherwin 2000: 137.
[45] After T. J. Meek "The Code of Hammurabi", i 1-26, in *ANET*: 164.
[46] Sherwin 2000: 141.

"seems to imply that the king stands as the embodiment of the god - at least in terms of some of the god's qualities".[47]

The choice is between two possible understandings of the relationship between the reference to Tukulti-Ninurta as Enlil's image, and the words that follow:

> 1. It is he who is the eternal image of Enlil, (that is) he is attentive to the people's voice, the counsel of the land (image = resemblance of Enlil, a worthy ruler).
> 2. It is he who is the eternal image of Enlil (and) he is attentive to the people's voice, the counsel of the land (image = representative of Enlil, a legitimate ruler).

In the first option the king has shown himself to be Enlil's image by the nature of his rule. The entire line is a positive description of his rule expressed in terms of resemblance of Enlil. In the second option the king is Enlil's true representative (image) and, in addition, he has shown himself to be a worthy ruler.

In the context of divine legitimisation of Tukulti-Ninurta's rule it is preferable to see in the image metaphor a reference to Enlil's choice of Tukulti-Ninurta as his representative.[48] The grammar suggests the emphasis lies on who was chosen.[49] The use of "eternal" (*dārû*) to modify the image is also significant. This adjective is sometimes used of an image, but is also associated with kingship.[50] To be Enlil's eternal image is to enjoy eternal kingship.

It is just possible that having established Enlil's choice of Tukulti-Ninurta in the first part of line 18', the rest of the line develops the metaphor in terms of resemblance. This would require a translation of the sort, "It is he who is the image of Enlil, (and like Enlil he is) attentive to the people's voice, the counsel of the land".

In summary. The reference to Tukulti-Ninurta as Enlil's image is part of the presentation of Tukulti-Ninurta as Enlil's chosen representative (=ruler). The second half of line 18' presents Tukulti-Ninurta as a worthy ruler, but this is probably a consequence of his being

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[47] Machinist 1976: 467, n.39.
[48] It will be suggested later that "representation" is preferable to "representative" as a translation of *ṣalmu*. "Representative" is retained here as it has no connotations of resemblance and so provides a convenient contrast to "image" as an indicator of resemblance.
[49] Suggested by the placement of the non-co-ordinating -*ma* on the pronoun *šu*. The emphasis is reflected in Foster's translation, "*It is he who* is the eternal image of Enlil…" (italics added). Emphasis on the nature of the image would require a translation of the kind, "He is the *very image* of Enlil, attentive to the voice of the land".
[50] "RN, whom the great gods decided (to appoint) for an enduring (*dārīti*) kingship", *CAD*: D, 116.

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chosen (2), rather than an argument for his legitimacy (1). If there is any element of resemblance in this text, it is secondary.

2. An astrological report from the scholar Ašarīdu to the king of Assyria.

In an astrological report written by the scholar Ašarīdu, he refers to the king as the image (*ṣalam*) of Marduk.

> r. 2 LUGAL ŠÚ *ṣa-lam* ᵈAMAR.UTU *at-ta*
> 3 *a-na* ŠÀ-*bi* ARAD.MEŠ-*ni-i-ka*
> 4 *ki-i tar-ʾu-ú-bu ru-ʾu-ub-ti*
> 5*ša* LUGAL EN-*ni ni-il-ta-da-ad*
> 6 *u su-lum-mu-ú šá* LUGAL *ni-ta-mar*
> You, O king of the world, are an image of Marduk; when you are angry with your servants, we suffered the anger of the king, our lord, and we saw the reconciliation of the king.[51]

Ašarīdu compares the king to Marduk (or Marduk's cult-image). In this instance, the context does provide some hints as to Ašarīdu's meaning. He clearly intends to express an element of resemblance between Marduk and the king. These few lines show that the likeness between the king and Marduk lies in the treatment people experience at the hands of the king. Oppenheim, in his discussion of the relationship between the scholars and the king, suggests that Ašarīdu was writing of "the dependence of the scholars on royal whim".[52] However, if the context is expanded to include the immediately preceding lines, Ašarīdu's intention becomes evident, and it does not appear to be so much a complaint as a compliment.

> 4' *ap-kal-lu* IGI.GÁL.LA
> 5' ᵈEN *re-mi-nu-ú qar-rad* ᵈAMAR.UTU
> 6' *ina* MI *i-zu-uz-ma*
> r. 1 *ina še-e-ri it-tap-šar*
> The wisest, merciful Bel, the warrior Marduk, became angry at night, but relented in the morning.[53]

It is evident from these additional lines[54] that the point of Ašarīdu's comparison was not the scholars' dependence on royal whim, but the fact that the king, like Marduk, was merciful.

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[51] Hunger 1992: 333, 2-6. Cf. Parpola 1983: 112, and Thompson 1900: 58, 170.
[52] Oppenheim 1969: 116. He translates this text, "we do not (only) have to suffer the anger of the king our lord when you are angry with your servants, but we also experience the mercy of the king".
[53] Hunger 1992: 333, 4'-r.1.

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In both the god and the king anger is said to give way to reconciliation and mercy. This is consistent with the fact that mercy features as a dominant characteristic of Marduk in the first Millennium.[55]

In summary. Ašarīdu draws a clear comparison between Marduk and the king. There is no doubt in this instance that something more than being a representative is intended. The king in his merciful treatment of his "servants" resembles Marduk.

3. A letter from the scholar Adad-šumu-uṣur to the Assyrian king Esarhaddon.

In his letter to the king, Adad-šumu-uṣur thanks Esarhaddon for granting him a favour, and responds with various laudatory remarks including what appears to be a comparison of the king to the god Bel (=Marduk).

> 18 AD-*šú-ša* LUGAL *be-lí-ya ṣa-lam* ^{d}EN *šu-u*
> 19 *ù* LUGAL *be-lí ṣa-lam* ^{d}EN-*ma šu-ú*
> The father of the king, my lord, was the very image of the god Bel, and the king, my lord, is likewise the very image of Bel.[56]

The context of this attribution of the divine image to Esarhaddon is significant. Adad-šumu-uṣur's letter is in response to a letter from the king in which Esarhaddon wrote, "I heard from the mouth of my father that you are a loyal family, but now I know it from my own experience" (14-17). Adad-šumu-uṣur quotes these lines from the king's letter before responding with the words describing the king (and the king's father) as the image of Bel.

The letter, then, refers to two kings who have considered Adad-šumu-uṣur's family a loyal one. Corresponding to this the same two kings are each described as "the very image of Bel". It is the experience of the kings' favour that leads Adad-šumu-uṣur to describe them in this manner. Given that Bel is Marduk these two uses of the phrase constitute further examples of a king being compared to Marduk because of this shared characteristic of beneficence.[57]

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[54] They occur immediately *prior* to the reference to the king as Marduk's image, see the line numbering.
[55] Parpola 1993: 178, n.71.
[56] Parpola 1970: 125.
[57] Parpola writes of this text, "The present context confirms what was already suggested... that the king was likened to Marduk (or Bēl) especially when it was appropriate to extol his *goodness* and *mercifulness*...", 1983: 112.

In summary. Once again a king's favour results in his adulation. As Ašaridu's king showed him mercy, so too Esarhaddon and his father treat one of their subjects with favour and receive the accolade "image of Bel/Marduk". Again, nothing is made of the idea that the king is a representative image of the god.

4. A second letter from the scholar Adad-šumu-uṣur to the Assyrian king Esarhaddon.

In another letter Adad-šumu-uṣur encourages the king to eat in order to recover from an illness. He then establishes an analogy between the king and the sun god in order to convince the king to break his fast.

> 14 *a-ta-a šá-ni-ú ina u₄-mi*
> 15 *an-ni-e* ^{GIŠ}BANŠUR *ina pa-an*
> 16 LUGAL *be-lí-ja la e-rab*
> edge 17 *ana* ^{d}UTU
> 18 LUGAL DINGIR.MEŠ
> 19 *man-nu id-du-ru*
> r. 1 *u₄-mu k[al] mu-šu*
> 2 *e-da-ar tu-ú-ra*
> 3 *ši-it-ta ú-ma-ti*
> 4 LUGAL EN KUR.KUR *ṣa-al-mu*
> 5 *ša* ^{d}UTU *šu-ú mi-ši-il*
> 6 *u₄-me ú-ta-da-*ar[58]
> Why, today already for the second day, is the table not brought to the king, my lord? Who (now) stays in the dark much longer than Šamaš, the king of the gods; stays in the dark a whole day and a night, and again two days? The king, the lord of the world, is the very image of Šamaš. He (should) keep in the dark for half a day only.[59]

It is clear from a letter written a day later that the king was seriously ill and this accounts for the king's isolation and lack of appetite.[60] Adad-šumu-uṣur writes to encourage the king to eat, using both medical and ideological inducements, as Parpola notes.

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[58] Parpola 1970: 143.
[59] Parpola 1993: 196. This translation is different from Parpola's earlier translation of this letter (1970: 113) and perhaps reflects the work of Deller 1969, especially Deller's translation on page 63, "Wer wird denn finsterer als der Götterkönig Šamaš sein wollen? (Dass) er (Ash) sich einen Tag und die ganze Nacht verfinstert, und das noch zwei weitere Tage lang! Der König, der Herr der Länder, ist doch das Abbild des Šamaš! Darum soll er auch nur (wie die Sonne) einen halben (24-Stunden) tag verfinstert werden". This translation is preferred over Waterman's in Waterman 1930: 7, which was followed by *CAD*: A/I, 104.
[60] See Parpola's discussion of letter 51 in Parpola 1983: 57ff.

The arguments by which Adad-šumu-uṣur tries to induce the king to stop his isolation and fasting are partly medical (cf. r.10ff.), but above all ideological: as a roi-soleil, the king should not "keep in the dark" longer than just for half a day, the period the sun remains invisible daily.[61]

The ideological argument centres on the designation of the king as "the image of Šamaš" and the use of the verb *adāru* in lines 19, r.2 and r.6. The verb can mean both, "to be worried, disturbed, restless" and, when used of heavenly bodies, "to become obscured" as in an eclipse.[62] Adad-šumu-uṣur's cleverly made point is that since Šamaš is only ever darkened (obscured) for half a day (during the night or possibly by eclipse[63]), so too the king, who is the image of Šamaš, should only be darkened (isolated, fast) for half a day as well. In the same vein Deller suggests that the preposition *ana* in line 17 serves to express the comparison between the fasting king and the setting sun.[64] And so Adad-šumu-uṣur advises the king to end his fast, and eat and drink.

The importance of this for the present study lies in the nature of Adad-šumu-uṣur's argument. The one who is the "image of Šamaš" behaves like (imitates) Šamaš. This argument would not work if the king was merely the representative of Šamaš. The scholar here is playing on the notion of resemblance conveyed by the expression "image of Šamaš".

Behind this argument from Adad-šumu-uṣur stands the frequent comparison of the king to the sun/sun god. Among other things, the comparison recognises the king's justice and righteousness as ruler of his people. In the following lines from the preface to Hammurabi's laws, for example, it is clear that Hammurabi functions like the sun by providing justice for the people of the land.

> At that time Anum and Enlil named me
> to promote the welfare of the people,
> me, Hammurabi, the devout, god-fearing prince,
> to cause justice to prevail in the land,
> to destroy the wicked and the evil,
> that the strong might not oppress the weak,
> to rise like the sun over the black-headed (people),

and to light up the land.[65]

This common comparison of the king to the sun/sun god is the reason Adad-šumu-uṣur can argue the way he does. Since the king is the very image of UTU (=Šamaš) he should act, even in his illness, in the same manner as Šamaš.

In summary. The expression "image of god" carries the same idea of resemblance that has been noted in the previous instances. What is unique to this text is that whereas elsewhere the phrase was accompanied by an indication of what justified such a compliment, in this instance the likeness is affirmed without being justified. What follows instead is an exhortation for the king to extend this "likeness" even in the matter of his fasting. Here too he should be the likeness of Šamaš, and remain "dark" for only half a day. The firmly established tradition of the king as the "sun" made this kind of ideological argumentation possible. While the phrase is clearly complimentary, its primary purpose here is not praise but exhortation, and so it is accompanied, not by further praise specifying the likeness between Šamaš and the king, but by an exhortation for the king to keep acting like Šamaš even in the matter of his being "dark".

Nothing is said of the king being a representative of the sun god and there is nothing explicit concerning the mechanics of the metaphor. The overriding significance is again the likeness of behaviour.

5. A letter from a priest to the king of Assyria.

It is once again in the course of a letter to a Neo-Assyrian king[66] that he is extolled as the "image of DN", and once again, the god concerned is Marduk. The text in this instance is very broken and the editors have provided a good deal of restoration.

> 11 [LUGAL *be-lí ṣa-la*]m ᵈAMAR.UTU *šu-ú*
> 12 [LUGAL] *be-lí a-bat-su ki-i ša* DINGIR.MEŠ
> 13 [*ga-am-rat x x*]*x* UZU.MEŠ DINGIR.MEŠ ᵈUTU
> [The king, my lord], is the [ima]ge of Marduk. The word of [the king], my lord, [is] just as [final] as that of the gods. […] the flesh of the gods, Šamaš…[67]

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[61] Parpola 1983: 129. And note his discussion of similar ideological reasoning used elsewhere.
[62] *CAD*: A, 103.
[63] The latter is proposed by Curtis 1984: 83, but this does not fit as well with the duration of half a day.
[64] Deller 1969: 63.

[65] After Meeks in, *ANET*: 164. For examples of the frequent designation of the king as "the sun" in contemporary literature see Parpola 1983: 130.
[66] Either Assurbanipal or Esarhaddon, both of whom ruled in the seventh century.
[67] Cole and Machinist 1998: 46, r.11-13.

The text contains two comparisons. The priest follows his description of the king as the "image of Marduk" with a further comparison also involving deities. The second comparison further explains the first, or else the reader is left wondering why the king is called the image of Marduk. The second comparison is the particular point of resemblance to Marduk that the priest wants to identify. This is also supported by the context.

Twice in the letter before this point the writer has called on the king to issue instructions on matters pertaining to future sacrifices, "[Wha]t is it that the king, my lord [com]mands?", and [The king, my lord], should decide and write about it [t]o his servant". The second of these occurs immediately before the address to the king as Marduk's image whose word is final.

The reference to the king's word as being final (*gamru*)[68] is part of the letter writer's interest in receiving the decisions and instructions from the king, and he flatters the king with the fact that when the decision comes it will be like the word of the gods. It is also an expression of his own submission to the king's will.

In summary. The reference to the king as Marduk's image is again an expression of resemblance. The king's command, like Marduk's, has a divine quality about it.

6. The second tablet of the incantation series *bīt mēseri*.

A passage from the second tablet of the incantation series *bīt mēseri*[69] also uses the phrase "image of Marduk" with reference to a person. This is an undisputed example of the phrase being used of someone other than the king.

> *šip-tum ši-pat* ^d^*Marduk a-ši-pu ṣa-lam* ^d^*Marduk*[70]
> The incantation is the incantation of Marduk
> The incantation priest is the image of Marduk

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[68] *gamru* is used of "settled" legal disputes, *CAD*: G, 38. The term is supplied by the editors, but something of this nature is required by the context. They compare this text to another letter in which the writer says, "What the king, my lord, has said is as perfect as (the word of) the god", Parpola 1993: 191, r.6-7. Also compare, "Your word is as pleasing as that of Aššur (*ki-ma ša Aššur awa[t]ka damqat*)", *CAD*: K, 367.
[69] Meier 1941-1944. Cf. Borger 1974.
[70] Meier 1941-1944: 150-151, 11, 225-226.

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The idea that an incantation is received from Marduk, "the exorcist among the gods",[71] or that it is the incantation of Ea (Marduk's father) is regularly expressed by incantation priests in order to establish the legitimacy of their incantations.

> My spell is the spell of Ea,
> My incantation is the incantation of Marduk.[72]

> For the great lord Ea has sent me;
> He has prepared his spell for my mouth.[73]

On other occasions the incantation is legitimised by denying its human origin.

> The two incantations (are) not mine.
> (They are) two incantations of Ningirim, the goddess.[74]

The most elaborate means of legitimising an incantation is the divine dialogue. In a number of texts the incantation includes a dialogue between two deities, sometimes by means of a messenger, in which the senior deity is approached for therapeutic advice. The senior deity gives the appropriate response including an incantation and sometimes also instructions for a ritual. Evidently the incantation priest recited this entire dialogue while carrying out the instructions given by the senior deity to the junior deity or messenger. By this means the activity of the incantation priest is given divine authentication.[75]

The priest also sought legitimisation for himself. This was achieved by various means in order to establish himself as a true priest of the deity.

> Several of the Sumerian incantations are concerned with establishing the officiating priest's identity as a representative of a deity, providing him with divine protection and establishing his ability to mediate between the temporal and divine domains. Thus, for example, in Text 176 the priest declares: "I am the incantation priest… of Enki"… In other incantations, for example Text 75, the priest emphasises his mediating role by describing himself as a messenger: "I am the man of Enki, I am his messenger. The great lord Enki sent me to heal the man's illness"… The verb used in these contexts for sending - gi$_4$ - is the same as that used for sending a messenger in the divine dialogues.[76]

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[71] A role he assumed from Asalluhi. For the expression, "exorcist among the gods" see, *CAD*: A/II, 431-432.
[72] Thompson 1903: 207-209.
[73] *CAD*: B, 59-60.
[74] Cunningham 1997: 57 (cf. 31, 83-84, 118-120).
[75] Cunningham 1997: 24 (bibliography in n.1), 25, 79-80, 120-122.
[76] Cunningham 1997: 118.

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In another text the priest claims, "I am the pure (priest) of Ea, the messenger of Marduk".[77]

The incantation priest's desire to identify himself with the realm of the divine takes in another set of associations in the incantation literature. Tamarisk was the wood of preference for the statues of deities and so it was closely associated with the divine realm. In a first millennium incantation this association between tamarisk and the divine is expressed by the words, "the bone of divinity, the holy tamarisk, the pure wood".[78] Cunningham notes how this association is further developed to describe the incantation priest himself, who declares,

"My fingers are tamarisk, the bone of the Igigi".[79]

It is precisely this concern to identify himself with the realm of the divine that led the incantation priest to assert that he is "the image of Marduk". In the divine dialogues between Ea and Marduk, it is Marduk who approaches his father Ea for advice and then carries it out.[80] It is consistent with Marduk's role as the exorcist among the gods that the priest (exorcist) should adopt the metaphor "image of Marduk". Like Marduk the priest carries out the ritual and incantation prescribed by Ea. He gives himself the closest possible link with Marduk by calling himself "the image of Marduk" just as he also claimed his incantation "is the incantation of Marduk".

There remains the problem of determining the nature of the metaphor in this instance. It is unlikely that an incantation priest would compare himself to the cult image of Marduk, something that is not particularly relevant in the context of incantations. The interest here is in apotropaic images (*salmū*) of wood, clay and gypsum (the last being drawn on walls), and an image of Marduk does feature in the descriptions of some incantations. It would also be rather audacious for a priest to claim that he is Marduk's cult image, especially if this is what is claimed for the king. The possible options for the metaphor in this instance are:

1. The priest claims to be, or compares himself to, a figurine of Marduk that features in descriptions of incantations.

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[77] Reiner 1960: 26. Cf. "The man of Damkina am I, The messenger of Marduk am I", Thompson 1903: III, 207-209.
[78] See for this text Wiggermann 1992: 9.
[79] Cunningham 1997: 28.
[80] For an example of a lengthy divine dialogue involving Ea and Marduk see the text, "The Ritual for Healing a Sick Man", edited by Gurney 1935: 77ff., with a summary of its contents on pages 35-37.

2. The priest does not compare himself to any particular image of Marduk. The priest is claiming to function on the earthly realm in a manner analogous to Marduk in the heavenly realm, and to mimic the ritual behaviour of Marduk, the exorcist among the gods.

One attempt to make a specific identification of the image concerned, claims that the priest is comparing himself to the figurine of Marduk placed in the doorway (lines 221-223). However, this is unlikely. The reference to this image reads,

2 ṣa-lam ma-aṣ-ṣa-ri šá ᵈ*É-a u* ᵈ*Marduk*
Two guardian figures, of Ea and Marduk.

In another text a similar construction is used in which it is evident that the statues are related to Ea and Marduk in some way, but they are not images of (representing) Ea and Marduk. In this text several clay figurines of various creatures are called *ṣalmū sākip lemnūti ša Ea u Marduk*, "the statues repelling the evil ones, of Ea and Marduk".[81] Clearly they are related to Ea and Marduk in some manner, but they are not images of Ea and Marduk. The same expression occurs in another text which reads, "you, *anḫullu*-plant, are the guardian for well-being and good health (installed) by Ea and Asalluhi". The last phrase is *CAD*'s translation of the same construction, *ša* DN₁ *u* DN₂.[82] Furthermore, in an earlier incantation on the second tablet of the series *bīt mēseri* Marduk (but not his image[83]) is said to stand at the right (150-151) or left (174-175) of the sick person, and Ea at his right (170-173) or head (148-149). The two images in lines 221-223 stand to the right and left of the door. The figurines in the doorway are not representations of Marduk and Ea, and so this cannot be what the priest compares himself to when he calls himself the "image of Marduk".

There does not appear to be a particular image of Marduk with which the priest might compare himself. Marduk is said to be present, but there is no mention of his figurine.

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[81] Wiggermann 1992: 65, cf. 111.
[82] *CAD*: M/1, 343, and note in the same entry the text addressing the figurine of a dog and using the phrase *ša Marduk u Erua*.
[83] No figure or drawing of Marduk is mentioned in this series of incantations. The first incantation on the tablet is recited "before Marduk" and not his image. The absence of an image of Marduk is evident in the words following the incantation, "As soon as you have recited this before Marduk, speak before the *image* of Lugalgirra... as follows..."(lines 22-24, *emphasis added*). Cf. Wiggermann's note that the incantation is to Marduk, "not a statue or figure", 1992: 107.

The incantation text in which the expression occurs comes from a genre in which there is a multiplicity of images of various materials[84] and function. It is also relevant to note that the divine images in these kinds of texts can be figures in the round or drawings. Earlier, on the same tablet there is an instruction to recite an incantation before the "image of Lugalgirra" (*ṣalam lugalgirra*) which is drawn at the top of the wall,[85] and the "twins" of lines 215-216 are drawn with gypsum-paste on the door.[86] It is not obvious, then, that the phrase "image of DN" in such a context refers to a figure in the round, though these do appear to be in the majority.

Thirdly, it was noted earlier that Marduk is the exorcist among the gods and that there are examples of "divine dialogues" in which Marduk goes to his father Ea for advice on how to help the afflicted person. Ea responds with directions concerning such things as the relevant incantation and ritual. It is likely that the incantation priest carries out the instructions even as he recites the divine dialogue, and it is clear that he carries out in the human realm what Marduk does in the divine realm. Given these considerations it is possible to view the incantation priest as a reflection of Marduk. The priest's incantation and ritual actions correspond to those of Marduk. This is what Wiggermann appears to affirm when he equates Marduk and the priest and uses the term "imitates" in his discussion of the ritual carried out by the priest.

> In rituals the *banduddû*[87] was filled with water (cf. *CAD* B 97f.): the exorcist *imitates* Marduk, who, on the advice of Ea, takes water from the 'mouth of the twin rivers', casts his spell over it, and sprinkles it over the sick man:...[88] (emphasis added)
> The e'ru stick, often defined as "charred at both ends"... is held by the exorcist, *imitating* Marduk, in his left hand...[89] (emphasis added)
> *Marduk* (/the exorcist) is advised by Ea to split (*salātu*) a date palm frond and bind it on the limbs of the sick man... In (4), a similar incantation, *Marduk* (/the exorcist) is urged to hit the bed of the sick man with the date palm frond which he holds in his

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[84] On the materials and other physical properties of the figurines see Wiggermann 1992: 53ff., 58ff. 65ff., 102, 116, and 139.

[85] Line 60, cf. 132. See Meier 1941-44: 144-145.

[86] An interesting text from Sultantepe sheds some light on what is intended by such drawings. The text prescribes an incantation for speaking with one's personal god in order to learn the future. It includes the instruction, "...draw the figures of Ea and Marduk, then you will see your personal god and goddess face to face and they will reveal your future. Make this drawing that I have drawn for you (as a model)", Reiner 1960: 26-27. Included in the text are two anthropomorphic drawings to serve as examples or models. The drawings (GIŠ.ḪUR.MEŠ = *uṣurtu*) of this text correspond to the "image" (*ṣalmu*) of Lugalgirra in the *bīt mēseri* text, and the same verb "to draw" (*eṣēru*) is used in both texts.

[87] A "bucket", Wiggermann 1992: 66.

[88] Wiggermann 1992: 66.

[89] Wiggermann 1992: 68.

right hand.[90] (emphasis added)

If it is correct to understand the priest as "imitating" and not just "representing" Marduk in these texts then the sense of *ṣalmu* in the phrase "image of Marduk" would include resemblance to Marduk since the priest (like the Neo-Assyrian kings) is acting in a manner resembling that of Marduk, the exorcist among the gods.[91]

In summary. This use of the phrase "image of DN" is the only one of the seven occurrences (and only one of six texts) that is not used of a king. Given the context of this occurrence (in the incantation series *bīt mēseri*) it is unlikely that the priest is being compared to a cult statue. Neither does there appear to be a particular figurine in the context with which the priest can compare himself.

It is not possible to be certain whether the metaphor presents the priest as the representative of Marduk, or whether the idea is one of resemblance or imitation. The incantation priest can be related to Marduk by either function (representative) or resemblance (imitation of Marduk's activity).

Conclusion.

None of these texts directly addressed the *mechanics* of the metaphor. There is nothing explicit in any of these seven instances that suggests the person is compared to a cult image, and there is nothing explicit to preclude the possibility. However, it is particularly unlikely in the case of the incantation priest.

The seven uses (representing six texts) are more helpful in the matter of the actual meaning of the phrase. In five instances a Neo-Assyrian king is compared to a divinity and the context supplies a divine attribute or a behaviour that serves as a point of resemblance between the god and his human image. The element of likeness that is mentioned need not

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[90] Wiggermann 1992: 69-70.

[91] In his study of the Egyptian terms used to describe individuals as images of gods Ockinga notes that the term *tit* "hieroglyph, image, picture" is used to describe priests in this way, and that the god concerned is regularly Iunmutef. The priest is presented as the earthly executor of the god's role and it is this that accounts for the resemblance. He explains, "...haben wir gesehen dass der Priester irdischer Träger der Rolle des Gottes ist und dass die Ähnlichkeit zwischen Gott und Mensch auf die rituellen Handlungen des letzteren bezogen ist", 1984: 112. The other term occasionally used of priests is *znn*, a term that also carries the idea of resemblance and is derived from the verb *znj* "to imitate".

exhaust the resemblance between the deity and the king,[92] but instead serves as the point of resemblance relevant to the writer's immediate concerns.

Table 3. Summary Table of the Uses of the Phrase "Image of God" Referring to a Person.

Person	God	Date	Genre	Significance
King	Enlil	13th Century	Epic (Hymn)	Ruler is Enlil's appointed ruler
King	Bel (=Marduk)	7th Century	Letter	Behave like Marduk - beneficence
King	Bel (=Marduk)	7th Century	Letter	Behave like Marduk - beneficence
King	Marduk	7th-8th Century	Report	Behave like Marduk - merciful
King	Šamaš	7th Century	Letter	Behave like Šamaš - (already = just rule) now = dark half a day
King	Marduk	7th Century	Letter	King's word has a divine quality like Marduk's
Priest	Marduk	Old Babylonian	Incantation	Perform incantation = mimic Marduk, or represent Marduk

In one of the texts a MA king appears to be presented as a "representative" of a deity, and this may well be the case when the incantation priest uses the metaphor of himself.

It is not correct to assert that the phrase is a conventional royal designation, as though this implies the term was not used of other individuals. The phrase was also used of an incantation priest. This would be most unlikely if the terminology were seen as distinctly royal in nature. This suggests the expression "image of DN" was still a "living" expression that could be adapted to use with non-royal individuals.

IV. Evidence for Interpersonal Resemblance from the Synonyms *muššulu* and *tamšīlu*.

This section presents evidence from two of the synonyms of *ṣalmu* which suggest the phrase "image of X" (where X is a divine or human person) indicates a resemblance between two people.

1. The use of the synonym *muššulu*.

The two instances of the phrase "image (*ṣalam*) of DN" in the letters of the scholar Adad-šumu-uṣur have already been noted. It is of interest to the present study to consider how he used the synonym *muššulu* ("likeness", "mirror", cf. Hebrew. מָשָׁל)[93] in another one of his letters with the meaning, "perfect likeness of a god" ([k]al! mu-uš-šu-li šá DINGIR).

The numerous translations of this text tend to understand the term *ṣillu* (=GIŠ.MI, "shadow") in two distinct ways. Some scholars have translated it as though it reflects the relationship ("likeness"[94]) between god and king (="Man"), and then king and mankind. Other scholars have interpreted the "shadow" as a metaphor for protection. The text, along with two representative translations, are as follows,

> [š]a qa-bu-u-ni am-mì-ú [m]a-a GIŠ.MI DINGIR a-me-lu [u] GIŠ.MI LÚa-me-le-e[95]
> [a]-me-lu : LUGAL : šu-ú [k]al! mu-uš-šu-li šá DINGIR.[96]

> [omits first words] The shadow of God is Man, and men are the shadow of Man. Man, that is the King, (who is) like the image of God[97]

> (It is really) like this saying: 'The *amêlu* (lives in) the shadow of god, and mankind (in the) shadow of *amêlu*' (and) *amêlu* means 'king' (in this context) because he (i.e. the king) is (for us human beings) just like a god![98]

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[93] The related noun (possibly the plural form of the same noun, *CAD*: M/2, 281) *muššultu* is used of clay "replicas", *CAD*: M/II, 281.
[94] *CAD*: Ṣ, 190 (4. "likeness").
[95] Some scholars (e.g. Parpola) takes this LÚ prior to *a-me-le-e* as a determinative, whereas others (e.g. Oppenheim) render it "*amêlu*".
[96] Parpola 1970: 145, r9-13.
[97] Engnell 1967: vi. Lambert translates it, "As people say: 'Man is the shadow of a god, and a slave is the shadow of a man'; but the king is the mirror of a god", 1960: 282. Hallo quotes Lambert's translation, but notes that neither *CAD*: M/II, 281, nor Q, 291 accept Lambert's restoration of *[q]ê*, 1988: 64, and 64, n.59. Pfeiffer has, "Man is the shadow of a god, a slave is the shadow of a man; but the king is like the (very) image of a god", *ANET*: 426a.
[98] Oppenheim 1947: 9, n.6. Frankfort 1948: 406, n.35, relates the view communicated to him by F. W. Geers and T. Jacobsen, "Geers and Jacobsen would view the last two lines as a gloss on the first two. This gloss explains that the king (Man) represents the protection which God provides - the king is the executor of the God's protection". Curtis concludes in favour of Oppenheim, 1984: 174ff. Curtis is right when he observes that "shadow" elsewhere in Adad-šumu-uṣur's letters, and even in this letter is used as a metaphor for the king's protective and beneficial presence. However, given the fact that the use under discussion is contained in a well

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[92] Otherwise the writer could simply have used the prepositions *kīma* or *kî* ("like").

The syntax of the text is difficult and it is not clear where the proverb ends and Adad-šumu-uṣur's comment on it begins.[99] If the second translation is adopted there is a comparison between the way the king lives in the protective shadow of the god, and the way mankind lives in the protective shadow of the king.[100] If the first translation is adopted there is a comparison between the king's "likeness" to god and mankind's "likeness" to the king.

Parpola's translation has some unique elements, but still falls within the category of translations that take "shadow" as an indicator of some kind of "likeness". His translation is given here primarily as a means of introducing his useful comments on the logic of the text.

> The well-known proverb says: "Man is a shadow of a god". [But] is man a shadow of a man too? The king is the perfect likeness of the god"[101]

Parpola explains the logic of the text as follows,

> …the writer starts with the (implicit) proposition that the simple man (the writer himself) is only a shadow of the king (A<B); since the proverb quoted states that the same relation also holds between man and god (A<C), it 'follows' that B ('king') = C ('god'). This kind of logic is well known from Akkadian commentary and theological expositions of the 2nd and 1st millennia B.C.[102]

Parpola's explanation of the text is attractive. Fortunately, however, certainty on the meaning of this text is not essential to the present study. Both interpretations understand the phrase "perfect likeness of god"[103] as an expression of the king's peculiar resemblance to the deity. Parpola's view argues that the resemblance between king and god (B=C) is based on a logic that demonstrates that mankind is the shadow of the king (A<B) just as mankind is the shadow of a god (A<C). Oppenheim's view bases the resemblance on the protective role for

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known proverb, it is entirely possible that the proverb introduces a different usage from the one Adad-šumu-uṣur had used earlier in the letter.

[99] Lambert notes, "It is not clear whether the last clause is an addition of the flattering writer, for he was addressing the Assyrian king, perhaps Esarhaddon, or whether it is really part of a proverb. The difficulty of the proverb lies in [lú]a-me-le-e [a]-me-lu, and though the rendering given makes sense, 'slave' is amēlūtu, not amēlu", 1960: 282. Parpola argues, "From the viewpoint of NA grammar, the proverb comprises only r10 headed by the quotative particle mā; the immediate continuation (r11f) is a philosophic question posed by the writer on account of the proverb (note the lengthened final wovel [sic] in [LÚ]a-me-le-e); the rest (r12f) gives the 'logical' answer to the problem", 1983: 132.
[100] On the shadow as a metaphor of protection see Oppenheim 1947: 8.
[101] Parpola 1993: 166.
[102] Parpola 1983: 132.
[103] Taking Parpola's kal muššuli ("perfect likeness"), over Oppenheim's restoration of qê ("copper") muššuli, which the latter explains as "reflecting copper", which, "is presumably Akkadian for 'mirror'", 1960: 282.

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mankind that is common to both god and king.[104] Parpola's view emphasises the uniqueness of the king's resemblance (in contrast to mankind), whereas Oppenheim's view emphasises one feature in which the resemblance consists (protection of mankind).

This use of muššulu demonstrates that the idea of a king as "the likeness of god" (in some capacity such as protection) was part of Adad-šumu-uṣur's thought world and vocabulary. While it does not demonstrate that Adad-šumu-uṣur meant the same thing when he used a similar phrase with the noun ṣalmu, it does show that the concept was known to him, and used by him.

This penchant for comparing the king to a god is evident elsewhere in Adad-šumu-uṣur's writings,[105] and in one other place he likens the king's speech to that of a god, "what the king (my) lord has said is perfect as (the word) of god" (ki-i ša DINGIR gam-rat).[106]

In summary. Adad-šumu-uṣur's use of the phrase "perfect likeness of god" shows him capable of comparing a king to a divinity without reference to a cult statue. The problems of interpretation make it difficult to say any more than this with certainty. One possible interpretation suggests that the comparison serves to bring out the resemblance between the king and god in functioning to protect mankind. Another emphasises the strong divine resemblance of the king in contrast to the more limited divine "likeness" (=shadow) of humanity.

2. The use of the synonym tamšīlu.

The second synonym of interest here is the term tamšīlu, "image, likeness",[107] also from the root mšl. A relevant use of the term occurs in Enūma Elish (I, 16) to describe the "likeness" that exists between Ea and Anu.

> And Anu begot Nudimmud (=Ea), his likeness (tamšīlašu).[108]

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[104] The use of ilu (rather than a divine name) in the context of protection may be linked to the widely held belief in what has been designated "the personal god". The relevance of the personal god to our study will be explored in Chapter 7.
[105] Deller observes, "Adad-šumu-uṣur wendet oft das Stilmittel des Vergleichs an, der meist einen religiosen Hintergrund hat", "Die Briefe des Adad-šumu-uṣur", 1969: 50.
[106] Parpola 1970: 144, r.7.
[107] AHw: III, 1316, "Abbild".

The likeness between Anu and Ea is related to the fact that Anu engendered Ea. It is the resemblance of father and son.

The incantation series *Maqlû* (I, 123) includes a similar example of family likeness, this time between the father Enlil and his son Nusku.

> Likeness of (his) father (*tamšīl abi*), first born of Enlil.[109]

Two further texts of interest come from the reign of Assurbanipal. The first comes from the cylinder B text of his annals.

> *arka* ¹*te-um-man tam-šil gallê ú-šib ina* ᵍⁱˢ*kussî* ¹*ur-ta-ki*
> Later Teumman, the likeness of a *gallû-demon*, placed himself on the throne of Urtaku[110]

The text goes on to describe how Teumman[111] devised an evil plot to murder the sons of Urtaku, the king, and the sons of Ummanaldâše, the king's brother. The point of the description, then, is not physical appearance, but the fact that Teumman behaved like an evil demon.[112]

A second example of this usage during the reign of Assurbanipal comes from a votive inscription to Marduk.

> *ù* ¹*tug-dam-me-i šar ummān-man-da tab-nit ti-amat tam-šil* ᵈ[*gallê?*]
> And Tugdammê, the king of Ummân-Manda, the creation of Tiâmat, the likeness [of a *gallû-demon*?][113]

Once again the context goes on to speak of evil deeds, suggesting that the description of Tugdammê as the creation of the sea monster Tiâmat, and the likeness of a *gallû-demon* is intended to indicate that he is evil in nature, and not just physically abhorrent.

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[108] Heidel 1951: 18, and, more recently, *ANET*: 61, and Foster's translation, "Anu begot his own image Nudimmud", in *CS*: 391.
[109] Meier 1937: 11.
[110] Streck 1916: II, 108-109.
[111] This is the Teumman who had the dubious privilege of having his head hung from a tree in Assurbanipal's garden. The head is shown hanging from a tree in a relief which portrays Assurbanipal and his queen dining nearby, Barnett 1976: pl.LXV.
[112] This is also the explanation of the language offered by Streck 1916: II, 109, n.9, "D.h. der handelte wie ein gallû d.h. ein böser Dämon".
[113] Streck 1916: II, 280-281.

The conceptual link between these texts and texts referring to the king as the image of one of the great gods is significant. A good king is praised as being the image of a great god, whereas an enemy king is described as the likeness of a demon. A good king, like Tukulti-Ninurta I is lauded as one who originated in the womb of the gods and was raised as the son of Enlil. An enemy king, by contrast, is reckoned to be the creation of the chaos monster Tiâmat.

In summary. The synonym *tamšīlu* provides clear examples of the expression "replica of DN" in which the phrase serves to indicate interpersonal resemblance without recourse to a cult statue. In two instances it is used of the resemblance between a god and his divine son. In another two instances it is used of the resemblance between a demon and a king. In one of these last two instances there was also a reference to the creative activity of the chaos monster which suggests that both *origin* and *resemblance* can be used to explain the character or behaviour of a person.

Conclusion.

The uses of the phrase "*tamšīl gallê*" confirm what the "*ṣalmu* (*ša*) DN" texts suggested. When the metaphor expresses resemblance the emphasis can be on quality of character or action, rather than physical appearance.

The identity of a person's creator or progenitor is also significant in determining that person's quality of character. Thus, good king Tukulti-Ninurta I had his origins in the great gods, while the wicked king Tugdammê was the creation of the chaos monster.

V. The Ideology of Images in Mesopotamia.

An investigation of the way in which images were thought to function in ancient Mesopotamia will help clarify much of what has been observed in the course of this chapter.

1. A ṣalmu is a visible manifestation of a particular person.

In his analysis of a number of clay artefacts from the third millennium city of Abu Salabikh, Postgate made several observations of some importance to the understanding of images in Mesopotamia. Among the clay artefacts were a number of human and animal figurines. Postgate noted that the animal and human figurines had quite different functions as was evident from the inscriptions on these and similar figurines.[114] The animals were gifts to the deity, whereas the human figurines were images of worshippers suffering from ailments which the worshipper hoped the deity would cure. To this artefactual evidence of distinctive functions for the animal and human figurines, Postgate adds the following textual evidence involving the term ṣalmu.

> That there is a significant difference between the two classes may also be gathered from what is, at first sight, a trivial difference in terminology. Whenever the texts talk of dedicating an animal figurine, it is not referred to as "the figure of a dog", or "a dog figurine", but merely as "a dog".[115]

Postgate goes on to note that the texts do refer to various anthropomorphic figurines as images (ṣalmū). The terminological distinction arises from the fact that the anthropomorphic figurine is an effigy of a *particular* being, whether a god, demon, or human. The animal figurine, however, "is described as just an animal. It is not, we all know, a real live (or dead) animal, but neither is it the effigy of a specific animal: although clay, or metal or stone, it is an animal in its own right".[116]

The difference then is that the animal figurines are treated as animals in their own right whereas the anthropomorphic figurine is an image of a *specific* individual. The anthropomorphic image is not, in itself, that individual,

> but a projection of it - to use a modern analogy, it is a "terminal", connected to the individual entity itself in such a way that influences on one are transmitted to the other.[117]

From these observations it is evident that a ṣalmu was an effigy of a particular individual, and that this image was "linked" to the "original" individual in such a way that what was done to the image was "transmitted" to the original.[118]

[114] Postgate cites the work of Mustafa on figurines from 'Aqar Quf, 1947: 19-22.
[115] Postgate 1994: 178.
[116] Postgate 1994: 178.
[117] Postgate 1994: 178.

2. The cult image is not usually designated a "ṣalmu DN".

The cult image was distinct from other images in a number of ways. Most important for this study, it appears the cult image was frequently treated as the original entity rather than the "terminal".[119] This would explain why the cult image is usually referred to as the god and rather than the "image (ṣalmu)" of the god.[120] This is consistent with Postgate's observations concerning the animal figurines which were treated as animals in their own right and not as images (ṣalmū) of particular individuals.

Summary and Conclusions.

1. The nature of the metaphor "image (ṣalmu) of DN".

One point of uncertainty is whether or not the term "image" refers to the god's cult-image. This is doubtful in the case of the incantation priest. It is unlikely he would call himself Marduk's cult-image, and it is not clear to what other image of Marduk he could be referring. Marduk appeared to be present in the incantation setting but without a figurine. The priest, then, does not appear to compare himself to any particular image or figurine.

Was it necessary to invoke the cult-image when explaining the references to the king as the image of Marduk, Šamaš, or Enlil? It is possible to interpret these texts without recourse to the cult-image, and as was noted previously, the cult image was usually treated as the god himself (or herself) and was not usually referred to using the term "image (ṣalmu) of DN". There is further incidental support for this in Machinist's suggestion that the Epic of Tukulti-Ninurta presents the king as poured like metal into the form of an image.[121] Cult images were not poured from metal in this manner, but had wooden cores to which were attached

[118] In fact, the movement can be in either direction. The image can be the recipient of actions (and/or speech, etc.) which is transmitted to the original, or the image transmits the powers and wishes of the original entity to a human recipient. The latter is rare. Professor J. N. Postgate, Cambridge, personal communication.
[119] Jacobsen presents the complicated, and at times contradictory evidence, and concludes that the cult image, "becomes transubstantiated, a divine being, the god it represents", Jacobsen 1987: 23.
[120] Another distinctive of the cult statue was the mīs pî ritual for which see, Smith 1925: 37-61; Ebeling 1931: 100-122; Berlejung 1997: 45-72, and literature cited 47, n.7; and Dick 1999.
[121] "The imagery of the line is two-fold: Tukulti-Ninurta is both born through the birth canal of the mother goddess and cast as though he were metal being formed into a statue", Machinist 1976: 462, n.23.

precious materials.[122] If Machinist is correct, the king is presented as a metal image, and therefore, a non-cult image.

The reference to a human being as an "image of DN" probably does not compare that person to the cult-image of a god.

2. The meaning of the phrases "image (*ṣalmu*) of DN".

In the process of working through the various texts that referred to a person as the image of a deity, it was evident that some indicated an element of resemblance while others were limited to the idea that a person represented the deity.

The discussion of the ideology of images in Mesopotamia, however, provides some additional information on the function of images that puts a different slant on some of what has been said to this point.

The ideology of images in Mesopotamia raises questions concerning the suitability of the term "representative" that has tended to be the term of choice among Old Testament scholars, and is also used by Parpola. A divine image did not serve as a "representative" of a god, but a "representation" of a god. The image was neither a delegate (*qībum*), nor a substitute (*pūḫum*). The image was a visible manifestation of a particular god, and the primary significance of a divine image is its function as a "terminal" through which a person (deity or human) receives or conveys actions (speech, etc.). This idea is different from that of a person functioning as a representative of the god. It is better, then, to explain both Tukulti-Ninurta and the incantation priest as the visible manifestations of a particular god on earth, through whom the character or quality (or qualities) of that god are evident.

In the five instances of this language which described Neo-Assyrian kings it was argued that the primary concern was to present the king as in some manner resembling a deity.

Once again, however, the ideology of divine images provides an alternative. It is possible the resemblance between a king and a particular god is not expressed by means of *ṣalmu* as a

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[122] The perishable nature of the core, and the re-usability of the precious materials explain why these cult statues

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lexical item meaning "likeness". Rather, a king functioning as a god's image manifests that god, and in so doing partakes of the character and qualities of that god. This function renders it inevitable that there will be resemblance. In designating a king the "image of DN" a writer is not necessarily saying the king is the "likeness of DN", but that he is functioning as the image of DN, and thus manifesting some characteristic(s) of that god.

The advantage of this explanation, and what makes it the more probable solution,[123] is that it is able to explain both those instances in which "image of DN" appears to present the person as a *representative*, and those instances in which it appears to indicate *resemblance*. By functioning as the image of a particular deity a person functioned as the *visible representation* of that deity (=what was previously rendered "representative"), *and* as the visible representation of the deity that person *manifest certain characteristics or qualities* of that deity (=what was previously rendered "resemblance").

In contexts involving legitimisation (Tukulti-Ninurta I, and the incantation priest) the metaphor is used to present someone as though they were functioning as the god's visible representation, while in contexts where the king is being praised the metaphor becomes a basis for expressing the king's manifestation of character traits and qualities associated with the deity. The former establishes a point (legitimisation), whereas the latter assumes it, and uses it as a point of departure for praise.[124]

This study supports the view expressed by Assyriologists[125] that something more is communicated by the phrase "image of DN" than the notion that a person is a "representative" of a deity. The evidence also favours one of the two explanations of the "mechanics" of the phrase "image of DN" presented earlier in this chapter (Figure 1 and Figure 2, with comment page 24). It appears "image of DN" is a metaphor in which a person's function is compared to that of a divine statue. It is less likely that "image of DN" relies on the lexical value of the term *ṣalmu* to indicate comparison or resemblance (e.g., X is like [=the likeness of] Y). It has not been possible to demonstrate that *ṣalmu* has the requisite lexical value, though it cannot be ruled out.

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have not survived, J. N. Postgate, lecture notes, University of Cambridge, 1997.
[123] In addition to the fact that it takes into account the ideology associated with images in Mesopotamia.
[124] In one instance as a point of departure for advice.
[125] See the Introduction to this chapter.

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3. The significance of the synonyms *tamšīlu* and *muššulu*.

The term *muššulu* is used to compare the king to god. This likeness was taken by some writers to consist of the king's protective role towards mankind. Parpola suggested that the text meant that in contrast to mankind the king is the very likeness of a god.

The term *tamšīlu* was used twice to convey the resemblance between a god and his father. More significant was the use of this term to convey the resemblance between an enemy king and a *gallû* demon. In both instances the resemblance was expressed in terms of evil behaviour.

In all of the uses of *muššulu*, and *tamšīlu* in this study which indicate some kind of resemblance between a deity (or demon) and a human being, there is no instance in which image-likeness language is used exclusively, or even primarily, of a physical resemblance between a person and a deity. The concern is primarily or exclusively with resemblance in terms of qualities and behaviour. Similarly, in presenting a person as the image of a god *ṣalmu* is consistently accompanied by references to characteristics and qualities of the deity that are exhibited by the human "terminal".

This finding is consistent with the use of image-likeness language in Egypt. In Ockinga's research into the Egyptian material he found the language there was also used of qualities and behaviour.

Excursus 1. The Application of Ockinga's Group Theory to the Mesopotamian Material.

Ockinga concluded that there were two kinds of image-likeness language in Egypt and these corresponded to the two Hebrew terms צֶלֶם and דְּמוּת. Group 1 terms (=צֶלֶם) presented the king as a concrete image, they were only used of the king, and portrayed him as the representative of one of the solar deities (Re, Atum, etc.). It was in his role as king *per se*, and not in terms of any specific quality or behaviour, that he was the image of Re. Group 2 terms (=דְּמוּת), on the other hand, were used of both royalty and private individuals. They were used to indicate resemblance with deities other than the solar deities and the

resemblance could be in terms of behaviour, qualities, or capacities of various kinds. When used of the king these terms frequently compared him to a deity other than Re (Atum, etc.).

The Mesopotamian material provides an opportunity to test Ockinga's proposal on a Semitic language other than Hebrew. The equivalent of צֶלֶם (=Group 1) in Akkadian is *ṣalmu*, and the Akkadian equivalents of דְּמוּת (=Group 2) studied here are *muššulu* and *tamšilu*.

Ockinga's proposal has mixed results when applied to the Akkadian material. If it is correct to explain the expression "image of DN" in Mesopotamia as a reference to a person as functioning in the same manner as a divine image, then this is consistent with Ockinga's proposal that Group 1 terms refer to concrete images (Gottebenbildlichkeit). Similarly, *muššulu* and *tamšilu* do indicate comparison as Ockinga claims for Group 2 terms (Gottähnlichkeit).

However, *ṣalmu* is not confined to presenting the king as king *per se*. It is used instead to show how the king does or should manifest specific characteristics or behaviours associated with Marduk or Šamaš.[126] In Egypt it was Group 2 terms that compared the king to different deities[127] in terms of specific behaviours and qualities.

Furthermore, Ockinga observed that Group 1 terms were used only of the king, and priests were referred to using only Group 2 terms. This is clearly not the case in Akkadian since *ṣalmu* is used of an incantation priest.[128]

In fact there are a number of differences between Egyptian Group 1 terms and the Mesopotamian expression "*ṣalam* DN" which caution against expecting precise equivalence in terminology across linguistic and cultural boundaries.

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[126] Alternatively, *ṣalmu* ("likeness") was used to indicate resemblance between the king and a deity.

[127] Enlil, Marduk and Šamaš are approximately equivalent to the Egyptian solar deities in their roles as rulers in the pantheon, and in their link with human kingship. Ockinga's argument breaks down, however, in that Akkadian will use "*ṣalam* DN" to convey specific points in which the king manifests the character or behaviour of Marduk and Šamaš.

[128] If Parpola is correct in his interpretation of the relevant text, there are a further eight high officials who are designated the image (*ṣalmu*) of a particular deity. See page 31, n.35.

In Egypt Group 1 language identified the solar god's representative on earth. Group 1 language was (therefore) exclusively royal, occurred frequently, and eventually became part of a royal title ("image of Re").

In Mesopotamia Group 1 language identified the king as the representation (not strictly the representative) of a particular god (Enlil, Marduk or Šamaš), and could indicate participation in the character and qualities of that god. Group 1 language was used of non-royalty, occurred relatively infrequently, and never appeared in a royal title or epithet. [129]

In Mesopotamia (especially during the Neo-Assyrian period) there is the sense that the language reflects the creativity of learned individuals using the resources of the metaphor, whereas in Egypt Group 1 terms have the character of a well established royal convention.

Any application of Ockinga's theory of equivalence between Group 1 terms and Groups 2 terms, and the language of Genesis 1:26 must proceed with due caution. In Akkadian, the realisation of the root ṢLM as the noun ṣalmu provides only qualified support for Ockinga's theory.

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[129] Seux 1967, and Hallo 1957.

Chapter 3

The Relevance of Man's Creation in Genesis 1:26-28 to the Value of Human Life in Genesis 9:4-6

Introduction.

Commentators are agreed that Genesis 9:4-6 favourably contrasts the value God has placed on human life with the value he has placed on animal life. It is also clear that the reason for this difference is the distinctive nature of man's creation.[1] What is not so evident, in the light of a proliferation of views on the meaning of man's creation in God's image, is *how* the peculiar character of man's creation serves as a basis for the premium God placed on human life in Genesis 9:6.

The closing decades of the nineteenth century and the whole of the twentieth century have seen an effort among Old Testament specialists to avoid the speculation that had characterised discussions of the image of God in Genesis.[2] As a result there has been a move to restrict the discussion to data that are more relevant to discovering what the ancient writer intended by the phrase "in our image". It is reflected in several lexical studies which concluded that the language of God's image referred to a physical resemblance between God and mankind.[3] In addition there have been two quite different tendencies.

First of all, there has been an attempt to interpret the image of God in its literary context and to avoid claiming more than the context justifies. In a number of instances the contextual argument has taken in the structure and theology of P.[4] In other cases the primary contextual clue has been the plural ("Let us") of Genesis 1:26 in conjunction with the parallelism

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[1] A dissenting opinion is considered in the analysis of Gen 9:4-6 in Chapter 6, page 141.
[2] Outside Old Testament scholarship this speculation continues unabated. Bird 1994: 331, n.3. Jónsson 1988: 202-203, also notes that Old Testament studies and dogmatics have in general gone their separate ways. He adds, however, that Karl Barth served as a link between the two and that on the subject of God's image in Genesis Barth has had a significant impact on Old Testament scholarship. This is evident in Horst 1950.
[3] Briefly in Nöldeke 1897: 183-187; and more extensively in Humbert 1940, and Koehler 1948. This was also the view taken by Gunkel 1902: 98-99.
[4] The most thoroughgoing example of this approach is Gross 1981. Jónsson comments that this approach was surprisingly slow to develop and it was not until the publication of von Rad's theology in 1957, and especially Barr's article in 1968 that, "the P document becomes an important factor in the interpretation of the divine image", 1988: 192 (cf. 196-198).

between the image and the male-female duality of Genesis 1:27.[5] Some scholars have placed the emphasis on God's address to man ("and God said to them"),[6] and others have argued by analogy from woman's correspondence to man (Genesis 2:20).[7] A few have noted the relevance of Genesis 5:3 in which Adam is said to beget Seth in his likeness.[8] In the majority of studies and commentaries that have addressed the issue over the last forty years, however, the determinative contextual clue has been, "and let them rule over…" (Genesis 1:26b).

In addition, there has been an attempt to interpret the image of God in its ancient Near Eastern context.[9] A growing awareness of image-likeness language in Mesopotamia and Egypt has made it possible to define this language more carefully and persuasively than had been possible previously. Surprisingly the search for parallels has rarely led scholars to other creation accounts.[10] Instead, attention has been directed towards expressions of Mesopotamian and Egyptian royal ideology in which the language of divine images is used of human monarchs. Scholars impressed by the use of divine image terminology in the context of ancient Near Eastern royal ideology have concluded that אָדָם is portrayed as God's vice-gerent representing him on earth.

The fact that the most clearly relevant contextual evidence ("and let him rule over…") and the Mesopotamian and Egyptian material (the king functioning as god's image or representative on earth) point in the same direction (אָדָם rules as God's representative on earth) has served to establish the validity of these arguments. As a result, the majority view on the image of God in Genesis among Old Testament scholars maintains that the image of God must be understood in terms of mankind's rule on the earth in Genesis 1:26b, and the use of similar terminology within ancient Mesopotamian and Egyptian royal ideology. This approach has come to be known as the *functional* view.

For those who espouse the functional view there is little point in pursuing speculative ontological definitions of the image. Snaith objects,

> Biblically speaking, the phrase "image of God" has nothing to do with morals or any sort of ideals; it refers only to man's domination of the world and everything that is in it. It says nothing about the nature of God, but everything concerning the function of man.[11]

Gross is equally adamant as to the functional nature of the language in Genesis 1:26.

> Der Mensch ist als Bild Elohims erschaffen - das bedeutet: er ist dazu erschaffen, über die Tiere zu herrschen. Das ist die einzige inhaltliche Füllung der Gottebenbildlichkeit, die P nennt.[12]

For many other Old Testament scholars the significance of the image is exclusively functional, and is nothing more than man's rule on earth.

The predominance of the functional view has been recognised by several scholars working in the area. In his PhD thesis on the history of the interpretation of the image of God in Genesis 1 Jónsson asserts the predominance of the functional view.

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[5] This view owed its popularity to Barth's development of it. He pointed out that the parallelism in Genesis 1:27 places man's creation in God's image alongside man's creation as male and female. In conjunction with this Barth noted the plural "Let us" of verse 26 along with the plural אֱלֹהִים. The plurality within the godhead, he argued, allowed for an "I and Thou", and this capacity for relationship is reproduced in the creation of mankind "male and female". "But what is the original in which, or the prototype according to which, man was created? We have argued already that it is the relationship and differentiation between the I and Thou in God Himself. Man is created by God in correspondence with this relationship and differentiation in God Himself: created as a Thou that can be addressed by God but also as an I responsible to God; in the relationship of man and woman in which man is a Thou to his fellow and therefore an I in responsibility to this claim", Barth 1956-77: 198. Barth's view has been criticised by Old Testament scholars including Stamm 1956, and Bird 1995:6 and n.3.
[6] Commenting on the words "he said to them" (Gen 1:28), Stendebach writes, "Damit wird der Mensch also Ansprechpartner Gottes angezeigt", *TWAT*: VI, 1054. Stendebach cites with approval the work of Ebach, who writes, "*Die Voraussetzung dafür, dass der Mensch von Gott in dieser Weise angeredet werden kann, ist seine Erschaffung als Gegenüber Gottes. Sie ist ausgedrückt in der Aussage, dass der Mensch als Bild Gottes erschaffen ist*" (emphasis original), 1977: 208.
[7] Horst has much in common with Barth, and further develops his approach by introducing Genesis 2:20 in which the woman is made "as over against" (im Gegenüber) man. "Just as man needs and should have a vis-à-vis, one corresponding to him, so God also will have a vis-à-vis, one corresponding to him, an image and a likeness", 1950: 265.
[8] "So kann P in der Genealogie in Gen 5, nachdem er zunächst in V.1 noch einmal die Erschaffung Adams nach der Gestalt (bidmūtô kᵉṣalmô) Gottes betont, in V.3 sagen: Adam zeugte den Seth als sein Bild (bidmūtô). Das Verhältnis von Gott und Mensch setzt sich fort im Verhältnis von Väter und Sohn", Ebach 1977: 210.
[9] The first scholar to note that a king could be referred to as the image of a god, and the first to translate Genesis 1:26 "*as our image*" was Hehn 1915. Background material of this kind remained important at the end of the First World War, but then declined in importance. With notable exceptions such as von Rad, little more was made of the extra-biblical material until the 1960s. This reluctance to use the ancient Near Eastern materials has been traced to Barth's dialectical theology with its emphasis on the uniqueness of the biblical revelation, Jónsson 1988: 56-58, and 202. In 1965 Wildberger published a two-part article on the image of God which used background material extensively, and Schmidt (1967) likewise drew on ancient Near Eastern material, 127-149. Since that time the ancient Near Eastern material has featured more consistently and prominently in discussions of the image of God.

[10] This failure to locate the language in a genre equivalent to that of Genesis 1 was one of Westermann's objections to the functional explanation of the image of God in Genesis 1974: 212-213.
[11] Snaith 1974: 24.
[12] Gross 1981: 259.

The functional interpretation which appeared only very rarely during the period 1882-1960 is now the predominant view. Were it not for the fact that a few influential OT scholars such as Barr and Westermann do not agree with this dominant understanding, we would be able to speak of a complete consensus among OT scholars on this problem.[13]

Stendebach recognised two dominant approaches to the subject over the last century, a functional approach and a relational one.

> Das erste Modell sieht den Menschen als Repräsentanten Gottes auf Erden, beauftragt mit Herrschaft über die nicht-menschliche Schöpfung; das zweite Modell versteht den Menschen als Gegenüber Gottes, so dass ein dialogisches Verhältnis zwischen Gott und Mensch möglich ist.[14]

Stendebach expresses misgivings about the functional approach and prefers a relational explanation of the image in which man is seen to correspond to God (Gegenüber Gottes) as his dialogue partner (Ansprechpartner Gottes).[15]

In spite of criticisms expressed by Stendebach and others, notably Westermann, the functional view continues to attract supporters. In 1996 Matthews re-iterated what Jónsson had said twelve years earlier.

> During this latter half of our century the dominant interpretation… has become the "functional" one, that the "image" is humanity's divinely ordained role to rule over the lower orders.[16]

Like many other Old Testament scholars Matthews seeks to avoid the speculation of the past, and rests his own conclusions primarily on ancient Near Eastern royal ideology and the reference to mankind's rule in Genesis 1:26.

> Traditionally, commentators have said that the "image" must consist of noncorporeal features (cf. John 4:24), such as moral, intellectual, and personality characteristics

that are shared with God. Genesis, however, says nothing about the "image of God" as to its ontological content, and therefore to develop an anthropology rooted in this phrase is speculative. Genesis 1:26-28 concerns itself primarily with the consequence of this special creation, the rule of human life over the terrestrial order, rather than defining the identity of the "image"… The language of 1:26 reflects this idea of a royal figure representing God as his appointed ruler… Our passage declares that all people, not just kings, have the special status of royalty in the eyes of God.[17]

The tenacity of the functional view is hardly surprising. It is based on the corroborating evidence of large numbers of parallel texts (primarily Egyptian) and a closely related feature of the context ("and let him rule"). These constitute argumentation of the kind that carries significant evidential weight in modern Old Testament scholarship.

There is, however, an important difference in thinking among scholars who maintain a functional interpretation. Some scholars while advocating a functional approach, do not deny the possibility of an element of resemblance in the language of Genesis 1. This is suggested by Matthews' use of the term "primarily". He eschews speculation about the image's ontological content, and places the emphasis on the expression of man's rule in Genesis 1:26-28, but he does not argue that this exhausts the significance of the language.[18]

Clines provides another example of a mixed-functional view. In a lecture delivered in 1967[19] he includes the following summary of the image doctrine.

> Man is created not *in* God's image, since God has no image of His own, but *as* God's image,[20] or rather *to be* God's image, that is to deputise in the created world for the transcendent God who remains outside the world order. That man is God's image means that he is the visible corporeal representative of the invisible, bodiless God; he is representative rather than representation, since the idea of portrayal is secondary in the significance of the image. However, the term 'likeness' is an assurance that man is an adequate and faithful representative of God on earth. The whole man is the image of God without distinction of spirit and body…The image is to be understood not so much ontologically as existentially: it comes to expression not in the nature of man so much as in his activity and function. This function is to represent God's

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[13] Jónsson 1988: 219. As a means of demonstrating the support this functional view enjoys among Old Testament scholars, Jónsson provides a collage of quotations from scholars including R. W. Klein, W. Janzen, H. W. Wolff, H. D. Preuss, J. Goldingay, G. H. Hasel, B. W. Anderson, J. C. L. Gibson, N. H. Snaith and E. Nielsen, 1988: 220. Middleton chides theologians for their ignorance of what he calls a 'royal reading of the image'. This ignorance of the functional interpretation is particularly 'shameful', he argues, given that it is the view espoused by the vast majority of Old Testament scholars. "Before reading Jónsson, I would have said that perhaps 85% of Old Testament scholars were in agreement with the interpretation proposed here. Jónnsson [sic], however… portrays the degree of consensus as considerably higher", 1994: 11, n.9. Strictly speaking these kinds of estimates can only claim to indicate the views of Old Testament scholars who have written on this subject, and not Old Testament scholars in general.

[14] Stendebach, *TWAT*: VI, 1052.

[15] Stendebach, *TWAT*: VI, 1054.

[16] Matthews 1996: 166.

[17] Matthews 1996: 168-169.

[18] Matthews goes on to suggest, on the basis of Genesis 5:3, that the image also involves sonship.

[19] This lecture was published the next year as, "The Image of God in Man", Clines 1968.

[20] The *beth essentiae* (*GKC*: 379, §119i) interpretation of the ב in the descriptions of man's creation is crucial to the functional approach. Anderson, for example writes, "The preposition here translated 'as' (*bᵉ*) refers to Man's function: hence God's decision is to give Man dominion over fish, birds, cattle, wild animals, and land reptiles", 1975: 36. Clines cites several other Old Testament scholars who support this interpretation of the preposition including E. Jacob, G. von Rad, N. W. Gross, N. W. Porteous, and H Wildberger, 1968: 76, n.110. This is also the position taken by Jenni in his volume on the preposition ב, 1992: 84.

lordship to the lower orders of creation. The dominion of man over creation can hardly be excluded from the content of the image itself.[21]

While severely limited, the notion of resemblance is not finally removed.

The position espoused by the Egyptologist Ockinga takes this mixed-functional view a step further. Not only does Ockinga allow for an element of ontology, but makes it an equal partner with the notion of man as God's representative. As God's image man is his vice-gerent on earth, and as God's likeness man has received the necessary qualities or capacities to carry out that rule.

This variety within the functional camp is important to the present investigation. The evaluation of the relationship between man's creation in God's image and the value of human life cannot proceed on the assumption that the "consensus" view is unified in its rejection of any element of ontology or resemblance. Instead three possibilities will be considered: The image-likeness terminology of Genesis 1 expresses only function (the "pure-functional" view);[22] the image-likeness language of Genesis 1 expresses both function and ontology (the "mixed-functional" view); and the creation of man is purely a matter of ontology (the "resemblance" view).

Given these three options for interpreting the image-likeness language of Genesis 1, the alternatives for relating man's creation to the value of human life are relatively straightforward. The pure-functional view would argue that man's life is valued by God because of the pre-eminent function man carries out in creation as God's representative. The resemblance view would advocate that the value of man's life is derived from his ontological superiority over all other creatures. And the mixed-functional view has the liberty to argue in terms of man's superior role, his superior ontology, or both.

The goal of the next few chapters is to determine the credibility of these three explanations of the value placed on human life in Genesis 9:6. The first step will be an evaluation of the

relative merits of the pure-functional view, mixed-functional view, and resemblance view as interpretations of man's creation in Genesis 1.[23]

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[21] Clines 1968: 101.

[22] For a novel explanation of the significance of man's creation in Genesis for its exilic audience, based on a functional interpretation, see Middleton 1994.

[23] Many points of interpretation relevant to other views of man's creation will be addressed during this study, but it will not be possible to interact directly with the multiplicity of theories. The views that represent the focus of this study commend themselves as having the greatest claim to textual and contextual support, and the two functional views have the added virtue of representing the opinion of so many Old Testament scholars. The next few chapters will attempt to justify this selectivity.

Chapter 4

The Creation of Mankind in Genesis 1:
The Language of Image-Likeness

I. The Meaning of the Term דְּמוּת.

1. Observations on the constructions in which דְּמוּת occurs.

דְּמוּת is an abstract noun from the verb דָּמָה ("to be like, resemble"),[1] and occurs 25 times in the Hebrew text of *BHS*. It is in the absolute state 6 times, and in the construct state the remaining 19 times, 17 times followed by a genitive noun, and twice with a pronominal suffix. There are two instances with a prefixed בְּ and three with a prefixed כְּ.

דְּמוּת is usually followed by a noun in the genitive. This construction is well suited to indicating comparisons between two objects. "O^1 is the likeness of O^2", is an acceptable way of expressing comparison between O^1 and O^2, and it means O^1 is like O^2. There are several variations on this basic construction (Table 4).

In three variations of this construction (Table 4, categories 1-3) the object described ("O^1") is explicitly stated as well as the object to which it is being compared ("O^2"). The noun דְּמוּת is in construct with "O^2" in the first two categories,[2] and it is in the construct state with "O^1" in the third.[3] All three categories signify that O^1 partakes of the likeness of O^2, and דְּמוּת carries the sense, "likeness", or, "appearance".

In a fourth variation (Table 4, no 4) O^1 is not explicitly identified. Instead, O^1 is designated "the likeness of O^2". English syntax tends to mark the existence of O^1 more explicitly by

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[1] Barth 1889: §82e.

[2] This category includes constructions of the kind:

מַרְאֵיהֶן	דְּמוּת	O^2 (Ezek 1:5a)
הוּא מַרְאֶה	דְּמוּת	O^2 (Ezek 1:28)

The same construction also occurs using מַרְאֶה with כְּ instead of דְּמוּת in Ezek 1:16[x2] and 10:10.

מַרְאֵיהֶם	(דְּמוּת אֶחָד לְאַרְבַּעְתָּם)	כְּ	O^2 (= אֲשֶׁר clause) (Ezek 10:10)
וּמַרְאֵיהֶם וּמַעֲשֵׂיהֶם		כְּ	O^2 (Ezek 1:16b)
מַרְאֵה הָאוֹפַנִּים וּמַעֲשֵׂיהֶם		כְּ	O^2 (Ezek 1:16a)

[3] The placement of דְּמוּת with "O^1" in the third category is due to the complex nature of the thing to which "O^1" is being compared. Rather than repeating דְּמוּת with "O^2", "O^3", etc., דְּמוּת is placed on "O^1". It avoids the need to repeat דְּמוּת and does not produce any noticeable difference in meaning.

Table 4. Constructions in Which דְּמוּת Occurs.

Construction	Reference
1. O^1 is the likeness of O^2 O^1 דְּמוּת of O^2 O^1 כִּדְמוּת of O^2	Isa 13:4 Ps 58:5[//כְּמוֹ]
2. O^1 is made in the likeness of O^2 O^1 בִּדְמוּת of O^2 O^1 כִּדְמוּת of O^2	Gen 5:1,3 Gen 1:26
3. The likeness of O^1 is $O^2(O^3, O^4,$ and $O^5)$ דְּמוּת of O^1 O^2, O^3, O^4, O^5 דְּמוּת of O^1 מַרְאֵיהֶם כְּ O^2 כְּ O^3	Ezek 1:10 Ezek 1:13
4. The likeness of O^2 דְּמוּת of O^2 כִּדְמוּת of O^2	Ezek 1:26[x2]; 2Kings 16:10; Ezek 1:5b; Ezek 10:1; Ezek 23:5[//מַרְאֶה]; 10:21;2Chron 4:3 Dan 10:16
5. What likeness…? וּמַה־דְּמוּת תַּעַרְכוּ לֹו Category 5 converted to a statement: דְּמוּת of O^2(מָה) compares to O^1	Isa 40:18
6. A likeness,… דְּמוּת (parenthesis) O^1 כְּ O^2 דְּמוּת כְּמַרְאֵה O^2	Ezek 1:22 Ezek 1:26;8:2

using an indefinite pronoun, "I saw *something* (which looked) like a man…", or, "I saw *something* with the appearance of a man…", or, "*One* like the son of man touched me…". Where possible English translations also prefer to use a more specific term than likeness. In 2 Kings 16:10, for example, by translating דְּמוּת "model", or "picture", the English identifies the *means of representation* (the referent of דְּמוּת) as well as implying the idea of *resemblance* (the sense of דְּמוּת).

In two further variations (Table 4, categories 5 and 6) דְּמוּת is absolute. Category 5 is a question. When it is transformed into its equivalent statement it has a structure similar to categories 1-3 in which דְּמוּת is in the construct state with O^2. In category 6 דְּמוּת introduces O^1 into the text as a "likeness", and is followed by a circumlocution instead of a genitive to compare it to O^2. The circumlocution can be either an appositional construction, or a prepositional phrase.

2. Observations on the meaning of דְּמוּת.

In all these uses דְּמוּת functions in a comparison to indicate resemblance. This is most evident in those instances in which it is followed by a genitive: O^1 is the likeness of O^2 (1-2), the likeness of O^1 is O^2 (3), and I saw [something] the likeness of O^2 (4). The element of comparison is less evident in a "מָה-question" (5), and in instances when circumlocutions are used instead of a genitive (6), but here too the comparison is present.

The comparative nature of דְּמוּת is also evident from the other constructions with which it occurs. There is little difference between דְּמוּת in category 1 (Table 4) and the preposition כְּ when it is used to indicate a comparison. Both are usually placed immediately before the object (O^2) to which something (O^1) is being compared, and in Psalm 58:5 כִּדְמוּת occurs in parallel with כְּמוֹ. Similarly, in Ezekiel 1:14,26, and 8:2 דְּמוּת is used synonymously with a form of מַרְאֶה in conjunction with the preposition כְּ.

In 2 Kings 16:10 דְּמוּת means the "likeness" of an altar and refers to a plan (i.e. picture), or model.[4] In Ezekiel 23:15 it refers to the "likeness" of a human being and refers to an image on a relief (or an image in a painting).

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[4] Possibly a sketch.

דְּמוּת is most often used to identify a visionary object by stating that it is the "likeness" of something familiar. This is common in Ezekiel's visionary experiences. When the description is a visual one the English terms "appearance", or "shape" are appropriate equivalents. In this way Ezekiel speaks of objects that have the "appearance" of an expanse (Ezekiel 1:22), a throne (Ezekiel 1:26), a man (Ezekiel 1:5), human hands (Ezekiel 10:21), faces (Ezekiel 1:10), and living creatures (Ezekiel 1:13).[5]

In two instances דְּמוּת is used to designate a "likeness" that is non-visual. Psalm 58:5 compares the venom of the wicked to the venom of a cobra (חֲמַת־לָמוֹ כִּדְמוּת חֲמַת־נָחָשׁ), and Isaiah 13:4 speaks of a noise in the mountains like that of a great multitude (הָמוֹן בֶּהָרִים דְּמוּת עַם־רָב).

There is nothing to suggest that דְּמוּת, any more than כְּ, has restrictions on the kinds of resemblance that it can convey. With regard to its use in Genesis, this means that the nature of the resemblance conveyed by דְּמוּת must be determined on grounds other than the mere use of the term דְּמוּת. דְּמוּת is quite capable of conveying either physical and visible resemblance or non-physical and invisible resemblance.

II. The Meaning of the Term צֶלֶם.

1. The etymology of צֶלֶם.

Older works identified צֶלֶם with the root ṣlm "to be dark, to turn black",[6] and Eybers has argued the case for this etymology more recently.[7] The trend, however, has been away from the root ṣlm "to be dark", in favour of a link with the verb ṣalama "to cut off", attested in Arabic.[8]

The root ṣlm is widely attested in Semitic languages as a noun with the meaning "statue, image". Epigraphic South Arabian (=Old South Arabic) has both ẓlm and ṣlm with the meaning "image, statue".[9] Arabic is a notable exception. It attests ṣanam "idol" as an Aramaic loan-word,[10] and ṣlm as verbs meaning, "to cut off", "to cut off so as to extirpate",[11] but no noun form ṣlm with a meaning remotely resembling "statue, image".

Stendebach connects Hebrew צֶלֶם to the Arabic verb ṣalama, "abhauen, behauen, schneiden, schnitzen".[12] These four glosses differ from the definitions given by Lane (footnote 11) and Dozy,[13] which attest a meaning "to cut off, to cut off so as to extirpate", but not, "to hew, to cut, to carve". The origin of these four glosses (listed each time in the same order) can be traced from Stendebach to KBS,[14] and from KBS to Wildberger in THAT,[15] and his earlier article on the image of God in Genesis.[16] Wildberger in turn credits Nöldeke with first proposing the Arabic cognate.

Nöldeke makes two brief comments on the etymology of ṣlm. Against Delitzsch's proposal that it is a Babylonian loan-word, Nöldeke suggested the link with Arabic ṣalama, "ab-, ausschneiden". He noted that there was a good analogy for this kind of semantic development with the noun פֶּסֶל and verb פָּסַל.[17]

It is not clear whether or not Wildberger also intends to credit Nöldeke with the four glosses "abhauen, behauen, schneiden, schnitzen". Nöldeke only uses the terms "abhauen" ("to cut off") and "ausschneiden" ("to cut out, to cut away"). Neither Wildberger, nor Nöldeke, provides evidence for the meanings they list, and without this or the support of the relevant lexicons it is difficult to be sure that the definitions they give are accurate.

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[5] Sometimes דְּמוּת occurs in conjunction with מַרְאֶה ("appearance"). The construction can take the form דְּמוּת כְּמַרְאֵה אָדָם ("a figure with the appearance of a man", Ezek. 1:26), or מַרְאֵיהֶן דְּמוּת אָדָם ("their form had the appearance of a man", Ezek 1:5), with no significant change in meaning.
[6] This root is widely attested among the Semitic languages, including Akkadian (CAD: Ṣ, 70). Numerous examples are given in KBS: III, 1028.
[7] Eybers 1972: 31-32.
[8] Some who argue for this etymology have retained the idea that the two instances of צֶלֶם in the Psalms (39:7 and 73:20) are from a second root, ṣlm "to be dark" (see the discussion of Koehler's work on page 81). More recent works tend to view this two root hypothesis as unnecessary.

[9] Beeston, et al., 1982: 143 and 172; Biella 1982: 226 and 425.
[10] Fraenkel 1886: 273.
[11] Lane 1863-1893: 1719.
[12] Stendebach in, TWAT: VI, 1048.
[13] Dozy 1881: 843.
[14] KBS: III, 963.
[15] THAT: II, 556.
[16] Wildberger 1965: 251.
[17] Nöldeke 1886: 733.

The problem is compounded by an article Nöldeke wrote eleven years later. In this article Nöldeke continues to affirm the link between the Hebrew and Arabic roots, but this time his language appears more tentative, "Vielleicht darf man צֶלֶם mit ṣlm "abschneiden" zusammenstellen".[18] In this proposal he only gives a single gloss for the Arabic verb, and this time it agrees with the definitions found in the lexicons. He goes on to suggest that zlm and znm may be variant forms (Spielformen sein mögen),[19] and it is only to these forms that he attributes the additional meaning "einschneiden" ("to cut, to carve"), with a footnote stating, "Ich könnte die Bedeutungen reichlich belegen".[20]

In spite of the frequent definition of the Arabic ṣlm as "abhauen, behauen, schneiden, schnitzen", the evidence for these glosses is uncertain. The only basis for them appears to be an unsubstantiated note in a discussion by Nöldeke in which he defines ṣlm as, "abschneiden" and "ausschneiden". The uncertainty of the suggestion is compounded by Nöldeke's more tentative statement in a subsequent article and the single gloss "abschneiden" in that instance.

More than sixty years later Barr described as "thin",[21] the basis for Nöldeke's claim that a צֶלֶם is "ein Schnitzbild". Barr went on to dispute the etymology proposed by Nöldeke.

> The Arabic verb cited is said to mean "cut off" or rather "pluck out", with the usual object an ear or nose, and it is quite uncertain whether this would have been significant for our purposes. Moreover, Arabic itself formed no word "image" from this root, but used ṣanam, which can be plausibly explained as an adoption of the Aramaic word, cognate with the Hebrew.[22]

Eybers expressed similar misgivings about Nöldeke's proposal, noting that a term meaning "cut off (so as to extirpate)" and "destroy" is "hardly an appropriate word to denote the making of an image".[23] He also observed that the verb is found in Arabic only whereas the noun is found in Akkadian and Aramaic.

More recently Clines has noted that ṣlm and its cognate nouns are found in Semitic as general nouns for "image", without particular reference to one kind of image. He acknowledges that it is possible for what was once the word for a particular type of image to become the general word for "image", but, he notes, "there is no evidence of this".[24] Clines also points out that the analogy with פֶּסֶל and פְּסַל is questionable. The noun and verb of the root פסל appear in Hebrew, Aramaic and Syriac, "but there is no language in which ṣelem and its supposedly cognate ṣlm appear together".[25]

There is also a difficulty accounting for the semantic range of צֶלֶם based on a development beginning with "carved image/statue" ("Schnitzbild"). It is conceivable that the term could come to be used of idols made of materials other than wood ("molten images", Numbers 33:52). It is more difficult to explain how a term for statue came to be used of a painting or relief (Ezekiel 23:14). This breadth of usage is also apparent in Aramaic, Hatra, and Akkadian,[26] and here too it is difficult to credit a development from a term signifying a carved statue or idol.

It is also problematic for Nöldeke's etymology that צֶלֶם appears to have the capacity to refer to a person's "image" in an *untransferred* state. The clearest example is the use of the Aramaic noun צְלֵם in Daniel 3:19. The text records that the "*image* of the king's face changed". צֶלֶם does not refer to a statue bearing the king's likeness, but to the king himself as the bearer of his own likeness. This also seems to be the case in Genesis 5:3. Unless the כְּ is understood as a *kaph essentiae*,[27] Adam fathers Seth "in his likeness, *according to his image*". The reference to "his image" is not a reference to a statue of Adam, but to an image that Adam himself bears. Seth is fathered in accordance with this "image".

[18] Nöldeke 1897: 186.
[19] Nöldeke 1897: 186.
[20] Nöldeke 1897: 186, n.1. A note of this kind suggests he was aware he was suggesting a meaning for zlm and znm not found in the lexicons, and yet no such note was given when he introduced a new meaning in his reference to ṣalama in his earlier article.
[21] Barr 1968-69: 18.
[22] Barr 1968-69: 18.
[23] Eybers 1972: 31, n.2. Of course, those who propose a link with the Arabic verb do not do so on the basis that it means "cut off (so as to extirpate)", but on the basis that it also means "to cut, to hew, to cut out". This

combination of meanings is attested for Hebrew כָּרַת. The question is whether or not the Arabic verb ṣlm also has all these meanings.
[24] Clines 1974: 19.
[25] Clines 1974: 21.
[26] For ṣlm in these languages see page 81.
[27] Clines suggests this category for the כְּ in Gen 5:3 (1974: 78, n.118). Dohmen (1983) and Ockinga (1984) both propose an interpretation of Gen 5:3 that assumes כְּ is functioning in this manner. *BDB* refers to the *kaph veritatis*, but the use in Gen 5:3 does not fit the description of the category given there. Similarly, Waltke-O'Connor 1990: 203-204, *GKC*: 376, and the "asseverative" use of the preposition in Williams 1976: 47. Each of these indicate an element of emphasis in the use of the כְּ when it indicates identity.

By contrast, פֶּסֶל never refers to images other than statues or idols, and it cannot designate untransferred images. The fact that צֶלֶם has these capacities suggests it did not begin life with the meaning "carved statue", and that it is not derived from a term designating the means by which the statue was manufactured.

In summary. On the whole the evidence for a link between Hebrew צֶלֶם and Arabic *ṣalama* is weak. If it could be shown that the Arabic term does mean "to cut, to hew", the case for this link would be strengthened. There still remains, however, the fact that the verb only occurs in Arabic (except as the Aramaic loan word *ṣanam*), whereas the noun only occurs in non-Arabic Semitic languages. To this can be added the complication that the semantic range for the noun is not what one would expect of a noun meaning "hewn statue/image" that came into being as a result of a verb indicating the means of production ("to hew").

The meaning of צֶלֶם, its referents, and the kinds of relationships it sustains with other terms are discussed below. The evidence suggests that צֶלֶם is not derived from a verb.[28]

2. Observations on the constructions in which צֶלֶם occurs.

The noun צֶלֶם occurs 17 times in the text of *BHS*. 5 of these 17 instances are in the Genesis passages relating to the creation of Adam or the birth of Seth.

All the uses of צֶלֶם with a prefixed preposition occur in the Genesis passages, except for Psalm 39:7[6]. In Psalm 39 בְּ functions as a *beth essentiae*, "man wanders to and fro *as* a (fleeting) image".[29]

צֶלֶם occurs in several constructions (Table 5) which, with a single exception (Table 5, category 5), place צֶלֶם in the construct state. Category 1 corresponds to דְּמוּת category 2 (Table 4), and categories 2 and 3 correspond to דְּמוּת category 4 (Table 4).

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[28] The verbs which are related to צֶלֶם are all clearly dependent on the noun. Krupnik and Silbermann list צֶלֶם "to paint", 1927: II, 270. In modern Hebrew the Piel is denominative and means "to photograph" (nominal forms are used for "photographer", and for "photographer's studio"), Avinoam n.d.: 315. There is also Syriac *ṣillem* "to form", and Jewish Aramaic *ṣallem* "provide with sculpture", Barr 1968-1969: 18. He also concludes, "The probability is that the past history of *ṣelem* is a noun history".

[29] This is the interpretation of most recent commentaries. Jenni has, "nur als ein (vergängliches) Bild wandelt der Mann dahin", 1992: 82.

Table 5. Constructions in Which צֶלֶם Occurs.

Construction	Reference
1. O^1 is made in the image of O^2 O^1 (כְּ/בְּ)צֶלֶם of O^2	Gen 1:26,27[x2]; 5:3;9:6
2. The images of O^2 צַלְמֵי of O^2	1Sam 6:5[x2],11; Ezek 16:17;23:14
3. The image of O^2 צֶלֶם of O^2	Ps 73:20
4a. Its/your images צַלְמֵי of P*	2Kings 11:18; 2Chron 23:17; Amos 5:26
4b. Their molten/detestable images צַלְמֵי of D† P*	Num 33:52; Ezek 7:20
5. As a fleeting image בְּצֶלֶם	Ps 39:7[6]

* P = Possessor. The genitive indicates the possessor of the image ("your images", Amos 5:26).
† D = Descriptive term. The genitive indicates the means of manufacture (מַסֵּכָה, Num 33:52), or evaluation of image (תּוֹעֵבָה, Ezek 7:20).

3. The significance of the genitives following צֶלֶם.

Of the nine instances in which צֶלֶם is followed by a noun in the genitive (or equivalent), five[7][30] times the genitive indicates the object which the image represents (Genesis 1:27;

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[30] A numeral in square brackets indicates the total when the instances of צֶלֶם in Gen 1, 5 and 9 are interpreted according to the functional views.

9:6; 1 Samuel 6:5[x2], 11; Ezekiel 16:17; 23:14). Once the genitive indicates how the image was made ("cast images", Numbers 33:52) and once it indicates Yahweh's evaluation of the image ("detestable images", Ezekiel 7:20).

Of the seven instances in which צֶלֶם carries a pronominal suffix, once [4 times] the suffix indicates the object represented by the image (Genesis 1:26, 27; 5:3; Psalm 73:20), and three times the suffix indicates possession (2 Kings 11:18; 2 Chronicles 23:17; Amos 5:26).

According to the resemblance view the genitive on the five uses of צֶלֶם in Genesis refer to the person whose untransferred likeness serves as the model for Adam (God) and Seth (Adam).

4. The referents of צֶלֶם.

In nine instances צֶלֶם refers to images in the round. Six of these images are idols (Numbers 33:52; 2 Kings 11:18; 2 Chronicles 23:17; Ezekiel 7:20; 16:17; Amos 5:26) and three are "models" (1 Samuel 6:5[x2], 11). According to the functional views there are also four instances in which human beings are compared to images in the round (Genesis 1:26,27[x2]; 9:6).[31]

In one instance צֶלֶם refers to human images in a relief or painting (Ezekiel 23:14). According to the resemblance view the five uses of צֶלֶם in Genesis refer either to the image of God in accordance with which man is made, or the image of Adam in accordance with which Seth is begotten.

The remaining two uses of צֶלֶם are in the Psalms. The context of the first (Psalm 39:7[6]) describes the transient nature of man's life. It is described as הֶבֶל, and man is said to walk about "as a צֶלֶם". The reference here is to a transient image, and probably a dream image. Stendebach translates it as such (Traumbild),[32] as does Kraus, who cites an Egyptian text which makes the same comparison between the brevity of man's life and a dream vision. The text reads, "Die Zeit, die man auf Erden zubringt, ist nur ein Traumbild".[33]

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[31] If the כְּ in Gen 5:3 indicates identity, this would bring the number upto five.
[32] Stendebach in, *TWAT*: VI, 1051.
[33] Kraus 1978: 454.

The context of the second (Psalm 73:20b) makes explicit reference to waking from a dream (חֲלוֹם), and in this context the wicked are compared to a dream image which is scorned when the person arises (= awakes). The text has some textual problems, but the general sense is clear enough, "the wicked who seem so prosperous and stable can disappear as quickly as a dream and have no more real substance than the 'mere images' of a troublesome dream".[34]

In both instances of צֶלֶם in the Psalms, it refers to an image that is fleeting and transient, and is very likely a dream image. This interpretation is supported by the explicit reference to a dream/vision in Psalm 73:20a. Furthermore, the use of צֶלֶם to refer to a dream image would account for the development of the connotation of "transitoriness" since dream images are short-lived.

צֶלֶם demonstrates notable flexibility in the variety of referents with which it is associated. Statues, models, relief or painted images, and mental images are all accommodated.

A second distinctive of צֶלֶם, if it can be established, is its ability to carry an untransferred as well as a transferred sense. The transferred sense is beyond dispute. The untransferred sense, however, is most clearly attested in the Aramaic of Daniel 3:19. According to the resemblance צֶלֶם also carries an untransferred sense in Genesis 1:26, 27; 5:3 and 9:6. In Daniel 3:19 צֶלֶם is used to describe Nebuchadnezzar's changed attitude towards Shadrach, Meshach and Abednego,[35] וּצְלֵם אַנְפּוֹהִי אֶשְׁתַּנּוֹ ("the image of his face changed").[36] Here צֶלֶם refers to the appearance or likeness ("form"?) of Nebuchadnezzar's face, and not to a representation of it. It is this "likeness" that a statue would attempt to reproduce. Formally, the transferred and untransferred uses can be indistinguishable.

Transferred usage	צֶלֶם מֶלֶךְ	"*statue* (likeness/image) of the king"
Untransferred usage	צֶלֶם מֶלֶךְ	"*appearance* (likeness/form) of the king"

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[34] Tate 1990: 230.
[35] The Qere is the 3ms אֶשְׁתַּנִּי.
[36] "Then Nebuchadnezzar was so filled with rage against Shadrach, Meshach and Abednego, that his face was distorted", NRSV. Cf. Jeffrey 1956: 401.

The referent must be known in order to discover whether or not צֶלֶם is transferred in any given instance.[37]

5. The meaning of צֶלֶם.[38]

In attempting to define the term צֶלֶם it is useful to distinguish the three groups of usage already noted, the ten references to statues, models and an image on a wall, the two uses in the Psalms, and the five uses in Genesis.

The 10 instances in which צֶלֶם refers to inanimate material objects exhibit some variety. Six of the instances refer to idols (Numbers 33:52; 2 Kings 11:18; 2 Chronicles 23:17; Ezekiel 7:20; 16:17; Amos 5:26), and three to models or replicas (1 Samuel 6:5[x2] and 11). More significantly, there is an instance in which צֶלֶם refers to human images on a wall (Ezekiel 23:14). This may be a reference to painted images or to images etched into a relief. This capacity to designate images of various kinds is shared by the Aramaic noun צֶלֶם[39] as well as the Akkadian cognate. The Akkadian noun ṣalmu is used of images ranging from wall drawings in gypsum and black paste, to engravings on stelas, plaques and seals, to figurines made of numerous materials, and to cult statues.[40] Hoftijzer and Jongeling also give examples from Hatra[41] in which ṣlm refers to an image in bas-relief, and an image painted on a wall.[42]

It is the meaning "image" to signify a visible representation of an original entity that gives צֶלֶם its versatility. This versatility is possible because the only criterion required of a referent

for צֶלֶם is that it serves as a visible representation of someone or something.[43] The *medium* is secondary. In this respect it is quite different from terms such as מַסֵּכָה, פֶּסֶל, and סֵמֶל which require that the referent is a figure in the round.

Table 6. The Four Possible Ways in Which to Interpret צֶלֶם in Genesis.

> a. The five uses in Genesis represent *transferred* uses of צֶלֶם. Man *is* God's image.[44]
>
> > i. Man is God's statue and so *man looks like God*. This position is not advocated by anyone. It is theoretically possible, but has nothing to commend it.
> >
> > ii. Man is God's statue, that is, *man functions as God's representative*. This is the consensus view.
>
> b. The five uses in Genesis represent *untransferred* uses of צֶלֶם. Man resembles God.
>
> > i. Man resembles God in terms of his *visible* qualities and characteristics. This is the position of scholars like Koehler and Nöldeke who focused on the lexical questions surrounding צֶלֶם, and concluded that it has to do with physical form.[45]
> >
> > ii. Man resembles God in terms of his *invisible* qualities and characteristics. This tends to be the working hypothesis of most dogmatic and theological discussions of the subject, but it is generally assumed rather than defended.

Because צֶלֶם is not tied to any particular kind of representation, it is possible to explain how it came to be used twice of dream images. These images do serve as representations of something and so they are legitimate referents for the term צֶלֶם. The particular connotation

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[37] It is the identity of the referent that accounts for the difference between the functional view of Genesis 1:26 and the resemblance view. The functional view makes *man* the referent of צֶלֶם in a metaphor which has man function as a statue bearing God's likeness. The resemblance view makes God the referent, and man is made in accordance with God's image. Compare Table 5 categories 3 and 4a, on page 75.

[38] The view that צֶלֶם is cognate to the Arabic ṣalama was discussed in the section on etymology. Though it involves a degree of repetition, it is necessary at this point to summarise Humbert's and Koehler's view on the etymology of צֶלֶם (I and II) as it is important to their explanation of the meaning of צֶלֶם.

[39] It is used of an upright statue 13 times in Daniel, but Jastrow notes an instance in Baba Kamma 23b, "When the animal rubbed paintings (צלמא) off the wall", Jastrow: 1285.

[40] Examples of each of these uses are given in *CAD*: Ṣ. 78-85. For further uses of ṣalmê see van Buren 1941: esp. 81ff.

[41] These are Aramaic epigraphic texts found at Hatra, as well as some other linguistically similar Aramaic texts found elsewhere, *DNWSI*: I, xiii.

[42] *DNWSI*: II, 968, cf. the relief images of two priests on basalt steles from Nĕrab, *KAI*: 225.3.6.12 and 226.2.

[43] Over time a term like צֶלֶם can become so closely associated with a certain kind of material object that, even if the object ceases to bear any resemblance to something, it continues to be called a צֶלֶם. A possible example of this has occurred in Akkadian. Ṣalmu was used of steles bearing royal images, but eventually came to refer to royal steles even when they no longer carried a relief image of the king. See *CAD*: Ṣ, 84.

[44] The language "image of God" is employed for convenience. The table is also intended to represent the language of Genesis 5:3, "the image of Adam".

[45] More recently Bird has also advocated this view, "The adverbial modifier *bĕṣelem-*, further qualified by *kidmût-* in vs. 26 describes a correspondence of being, a resemblance - not a relationship nor an identity, even partial identity. And it is a resemblance described in terms of form, not character or substance (Humbert 1940; Koehler 1948)", 1991: 8.

of "fleeting" image could easily develop from the transient nature of dream images, and mental images in general.[46]

It remains to explain the five instances of צֶלֶם in Genesis. There are four possibilities (Table 6.), one of which can be disregarded immediately (Table 6. category a, i).

i. צֶלֶם refers to man functioning as God's image (Table 6. category a, ii).

The consensus view is *lexically* unobjectionable. It proceeds on the basis that צֶלֶם is regularly used to refer to a "statue" or (transferred) "image", and that this is its significance in Genesis 1:26. The difficulty with the use of צֶלֶם in this instance is the fact that the *metaphor* in which a man is compared to a divine image (or any image) is found nowhere else in the Old Testament.[47] There is no evidence that the language was ever used of an Israelite king as it was of kings in Mesopotamia and Egypt. Instead, it is usually maintained that the metaphor was adopted from a foreign source by the writer and adapted for use in a description of man's creation.

ii. צֶלֶם refers to God's physical "form" (Table 6. category b, i).

This view argues that צֶלֶם is only ever used of visible and physical form and that this must determine how it is understood in Genesis. A key element of this for Nöldeke and Koehler was the proposed etymological link between צֶלֶם and the Arabic verb *ṣalama* (defined as "to cut off, to cut, to hew, to cut out").

Humbert concluded that צֶלֶם is a concrete noun,[48] and that the two occurrences of צֶלֶם in the Psalms must represent a different root, with a verb "to be dark, to become dark", and noun, "shadow, transient image".[49] In his lexical study Koehler agreed with Humbert on both

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[46] Clines notes that in both Greek and Latin, terms for images show a similar shift, 1974: 23, n.17. The Greek εἰκών means "likeness, image", also, "image in the mind", and "semblance, phantom", Liddell, Scott, and Jones 1996: 485. Latin *imago*, 'statue, picture', can also mean '*an image* or *likeness* of a thing formed in the mind", and, "With the idea predominating of mere imitation, in opp. to what is original or real, *a mere form, image, semblance, appearance, shadow*", Lewis and Short 1896: 888.

[47] There is only the equally uncertain use of this language in the reference to Gen 1:26-27 in Gen 9:6.

[48] Humbert 1940: 153-175. Similarly, Humbert 1955: 88-90; Angerstorfer 1984: 36; Nöldeke 1897: 186; Koehler 1948: 18-21; Clines 1968: 61, and 73-75.

[49] Humbert 1940: 156. This etymology for צֶלֶם in the Psalms is considered less probable by Stendebach, *TWAT*: VI, 1051, and *KBS* retains it as a possibility, III, 1029. Clines has argued strongly against this

counts.[50] As a result Koehler concluded that the terminology in Genesis 1 means that man was created in God's form (Gestalt), and that this referred to man's upright posture.

Koehler's method was to begin with cognate material and list several Semitic languages in which צֶלֶם meant "statue".[51] He then categorised all the instances of צֶלֶם in the Hebrew Bible except those in Genesis. He suggested all these represent I צֶלֶם from the root *ṣālam, "to cut", except for the occurrences in Psalm 39:7 and 73:20. He thought these two instances represented the root II צֶלֶם, "shadow", which is related to the Akkadian cognate, "to be black" and Arabic cognates "to be dark" and "darkness". Koehler then assigned the occurrences in Genesis to I צֶלֶם and concluded that they refer to man's upright posture (aufrecht Gestalt) and to Seth's resemblance of his father's form (Gestalt).[52]

Koehler's study has a reductionistic tendency. On the one hand the two terms that do not conform to the "concrete" meaning of צֶלֶם are assigned to a different root. On the other hand the five uses of צֶלֶם in Genesis which do not require a concrete meaning are made to have one. The net result is that 10 uses of צֶלֶם are allowed to determine the fate of the remaining 7 instances. This is mitigated to some degree by the fact that he is attempting to move from what is better understood to what is more obscure. The danger is that legitimate, though poorly attested meanings are eradicated.

It cannot be doubted that צֶלֶם can *refer* to physical or concrete images. However, this does not constitute conclusive evidence that the term *means* "form" (Gestalt). As the term דְּמוּת demonstrates, a concrete object can be referred to using an abstract term (e.g., when a statue is referred to as "a likeness").

In the end etymology and usage neither prove nor disprove the meaning "form" for צֶלֶם. However, the greatest challenge to this explanation of צֶלֶם *in its occurrences in Genesis* is its failure to do justice to its context in Genesis 1:26. The description of man as created in

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[50] Koehler 1948: 18-19.

[51] He concludes, "Somit ergibt sich für den ganzen örtlichen und zeitlichen Bereich der semitischen Sprachen, dass ṣäläm - im Arabsichen zu ṣanam geworden - Statue bedeutet", 1948: 18.

etymology both for the root I צֶלֶם (an older view attributed all instances of צֶלֶם to a root "to be dark", so Tregelles 1857: DCCX), and as a basis for a II צֶלֶם in the two uses in the Psalms, 1974: 19-25.

[52] Koehler 1948: 20-21. Koehler concludes, "An all diesen Stellen ist 'Gestalt' die richtige Übersetzung und eigentlich gemeint", 1948: 19.

God's image presents this fact as the basis for mankind's rule over the other creatures. A physical resemblance to God is hardly an adequate qualification. The text itself requires something more than mere physical resemblance to God.

This explanation of צֶלֶם also fails to do justice to the larger ancient Near Eastern context in which Genesis 1:26 should be understood. In particular, the uses of צֶלֶם in Genesis 1, 5 and 9 should be understood in the light of what the people of the ancient Near East wrote about the resemblance between man and God, and the resemblance between father and son, and the role of image language in expressing these ideas. Koehler, for example, locates the resemblance in man's upright posture because this is how man resembles God and it is also what distinguishes man from all other creatures. And yet there is no evidence that this was ever espoused as a significant point of resemblance with the gods in any of the known uses of this language from the ancient Near East, or that man's upright posture was ever seen as a point of crucial distinction from the other creatures. In both Mesopotamia and Egypt when image-likeness language was used to compare a human being to a god the interest was primarily or exclusively in matters of being, quality and behaviour. In his study of this language in ancient Egypt Ockinga concluded that it is man's rational qualities that he shares with the gods and which distinguish him from the animals.

> Nach der ägyptischen Weisheitstradition, der wir im Epilog der Lehre des Ani begegnen, ist es seine Vernunft, die den Menschen zu Gottes "Gleichem" bzw. "Zweitem" macht; sie ist ebenfalls das, was den Menschen von den Tieren unterscheidet.[53]

Far from being an expression of a naïve view of God's form[54] this kind of language in the ancient Near East is frequently associated with descriptions of individuals, especially kings, who partake of the qualities and behaviour of gods.[55]

It is just possible to retain the view that צֶלֶם refers to God's physical form[56] if this primary referent is seen as pointing beyond itself. Even if it is maintained that man resembles God physically, it is possible to see this as indicative of a more profound resemblance.[57] Otherwise the interpretation of Genesis 1:26a will appear trivial as preparation for man's role in 1:26b. And against its ancient Near Eastern context, it will also appear to be a superficial expression of mankind's resemblance to his creator. Once again this kind of usage is not attested elsewhere for צֶלֶם.

iii. An abstract sense "likeness" for צֶלֶם (Table 6. category b, ii).[58]

A case can be made from the known uses of the noun צֶלֶם that a meaning "image/likeness" accommodates all 17 uses of the term in the Old Testament. No etymological considerations or elements of its usage preclude attributing the sense "likeness/image" to the term. The problem is more a lack of evidence for or against this possibility.

It has already been noted that צֶלֶם clearly designates an object that functions as a visible representation of someone or something. It is the element of representation, and the fact that it is not tied to any particular medium, that explains why it can be used of a figure in the round, a relief, a drawing, and even a mental image.

In its more concrete applications the referential meaning of צֶלֶם is "figurine/idol", "statue", "picture", and "mental image", but the meaning it brings when applied to these referents might well be "likeness". While the referent may be concrete (but even here "mental image" is an exception), the sense of צֶלֶם need not be. When the context does not require it, this

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[53] Ockinga 1984: 154.
[54] Gunkel 1902: 99. Cf. von Rad, who considers bodily appearance (leiblichen Erscheinung) to be the original understanding (ursprüngliche Verständnis), 1976: 37.
[55] This is consistent with the evidence provided by J in Genesis 3. The resemblance between אֱלֹהִים and man is expressed by means of the preposition כְּ, and clearly bears a *non-physical* and *non-visible* significance. In Genesis 3:5 the serpent assures Eve that eating the fruit will result in Adam and herself becoming likeאֱלֹהִים. This is further explained as an opening of their eyes, and "knowing good and evil" (כֵּאלֹהִים יֹדְעֵי טוֹב וָרָע). This understanding of likeness to אֱלֹהִים is re-iterated in 3:22, "he has become like one of us (מִמֶּנּוּ וְהָיְיָם), (כְּאַחַד), knowing good and evil". Whatever the identity of אֱלֹהִים, the likeness involves a non-physical capacity. For an interpretation of the image of God in Genesis 1 in conjunction with the divine likeness of Genesis 3 see Sawyer 1992: 64-73.

[56] In spite of strong Jewish and Christian traditions affirming the non-corporeal nature of God, it continues to be a debated question. Part of Clines' argument for a functional interpretation of the image involved the denial that צֶלֶם could refer to God's physical form, 1968: 70-75. Schart, however, has recently carried forward the argument to the contrary. He maintains the Old Testament does conceive of God as having a physical form. "Für unseren Zusammenhang ist festzuhalten, dass der Text in allen Details die Vorstellung impliziert, dass Gott eine Gestalt hat, die nach dem Modell eines menschlichen Körpers gedacht ist", 1999: 37.
[57] On the close connection between external appearance and being in Egypt see Ockinga 1984: 116.
[58] Sawyer (1974) has argued for a "fossilized" sense "likeness" for צֶלֶם in Genesis. The diachronic element of his argument develops Barr's thesis (see below, page 85) that צֶלֶם had fewer associations with idolarty than other terms in the same semantic field. Sawyer argues that the Genesis passages reflect a transitional period between old Hebrew when צֶלֶם meant "likeness" and late Hebrew when it was so strongly associated with idols. The validity of this "association with idolatry" argument is considered in the evaluation of Barr's proposal below, page 86.

element of resemblance is latent, and remains in the background. At other times, however, the more abstract sense predominates and the translation "likeness" becomes appropriate.

A similar argument was made in Chapter 2 concerning the Akkadian term *ṣalmu* when it was observed how that term was applied to numerous kinds of resemblance-bearing images, including drawings and reliefs.[59]

In summary. Three explanations of the use of צֶלֶם in Genesis have been considered. One of these solutions (solution i) requires a transferred use of the term. According to this view man is made *as* God's image. The significance of the use of צֶלֶם has less to do with the meaning of the term צֶלֶם, and more to do with the function of images.

The two remaining proposals both require an untransferred use of the term צֶלֶם. The argument that צֶלֶם means "form" (solution iii) in Genesis 1:26-27 is possible, but problematic. There is a precedent for a term that is used of images to also carry the meaning "form",[60] but in the context of Genesis 1 the limitation of man's resemblance to physical form does not provide the profound distinction between man and animals that the context requires, nor does it provide a good basis for man's rule. In addition it does not fit well with the kinds of comparisons made in the ancient Near East between gods and men, and the kinds of contrasts made in the ancient Near East between men and animals.[61]

On the other hand etymology and usage also allow the more abstract meaning "likeness/image" (solution iii),[62] and nothing has been noted at this point that would preclude such a meaning in Genesis 1.

The most likely options for explaining צֶלֶם in Genesis 1 at this point are:

1. צֶלֶם *refers* to man as God's image/statue (transferred use).

2. צֶלֶם *means* "likeness (image)" and presents man as resembling God in some non-visible and non-physical manner (untransferred use).

It is worth re-iterating, that clear evidence for *any* untransferred use of צֶלֶם is rather sparse. The Aramaic example from Daniel 3:19 (the צֶלֶם of the king's face became distorted with anger) appears to be beyond dispute. In the Hebrew text of the Old Testament, however, the potential candidates for this use are in Genesis 1, 5 and 9. Of these, Genesis 5:3 (Adam fathered Seth according to his צֶלֶם) provides the most likely example, but even this is not beyond dispute.[63]

III. The Meaning of צֶלֶם and דְּמוּת in Genesis: Considerations in the Light of Other Terms in the Same Semantic Domain.

Barr has carried out a study of eight terms which belong to the same semantic field as צֶלֶם and דְּמוּת.[64] The value of this kind of approach is its recognition that the writer in choosing to use צֶלֶם and דְּמוּת selected them from a range of terms that belong to the same semantic field. A study of this kind can help to discover those features of the term or terms chosen that set them apart from the other terms in the same semantic field, and in so doing it can suggest the particular meaning that qualified it (or them) for use in a particular context.

Barr's conclusion is that P as a "traditionalist writer" tried to express himself in ways that had continuity with what had been said before his time.

> What I suggest is that, given this traditionalist approach, the choice of *ṣelem* as the major word for the relation between God and man becomes intelligible, even at a stage at which we have still not determined what entity constituted the image of God in man, and even granting the possibility that the P writer himself did not know.[65]

Barr explains the attractiveness of צֶלֶם to the traditionalist P on the basis that the term, "furnished a component which was in no way linked to the matter of idols and idolatry, which thereby reduced the statistical degree to which *ṣelem* suggested these undesirable

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[59] Also the name *ṣal-mu*-PAP.MEŠ, "likeness of his brothers", *CAD*: Ṣ, 85. This is an instance of a "replacement name", given to a son following the death of his brothers, di Vito 1993: 284, and see "10. Namen für spätere Kinder", in Stamm 1968: 146.
[60] The term תַּבְנִית can mean "form" (Isa 44:3), but is also used of replica (Josh 22:28), and image (Ps 106:20).
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[64] Barr 1968-1969: 11-26.

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[63] I have not been able to locate a single sure example of an untransferred use of ṣalmu in Akkadian. The entry for ṣalmu in *CAD* has a category "e. body, bodily shape, stature" that contains one example from a broken text in the Epic of Gilgamesh, "the *shape* of his body" (Ṣ, 85, emphasis added). The text is part of the description of Gilgamesh's creation. George's recent translation of a fuller text reads, "It was the Lady of the Gods drew the *form* of his figure" (emphasis added), 1999, 3. The reference to drawing complicates the matter, but since Gilgamesh did not yet exist, the use of ṣalmu may be a reference to the *form* of Gilgamesh's body, and not a transferred likeness of it.

[64] Barr 1968-1969: 11-26.

entities, and which thereby possibly made it more suitable as a term to indicate the relation between God and man".[66] In this way Barr makes a case for his view that P's use of צֶלֶם has less to do with its referential value, and more to do with its freedom from associations that P would have considered negative. P manages to say, using the least offensive terminology, that man has a relationship of likeness to God.

The suggestion that צֶלֶם had fewer negative associations for a traditionalist is open to question.[67] Even if this could be demonstrated, it is probably only incidental to the writer's reason for choosing צֶלֶם. A revisiting of the eight terms Barr proposed as belonging to the same semantic field suggests P may have chosen his terms with referential considerations in mind.

Barr proposes the following list of Hebrew terms with English glosses:

צֶלֶם	image
דְּמוּת	likeness
מַרְאֶה	appearance
תְּמוּנָה	shape
תַּבְנִית	design
פֶּסֶל	graven idol
מַסֵּכָה	cast idol
סֵמֶל	statue

The last three terms listed could not be used in Genesis if the intention were to refer to a person's untransferred likeness. These terms are only ever used of transferred likeness (see the lower shaded area in Table 7).[68] Making someone in accordance with God's *likeness* is quite different from making someone in accordance with God's *statue* or *idol*. If צֶלֶם can also only refer to transferred likeness (i.e. to statues, pictures, etc.) the decision to use צֶלֶם is more likely to have been on non-referential grounds, as Barr suggests. However, if צֶלֶם is capable of an untransferred use (as דְּמוּת certainly is), and this was the sense intended in Genesis 1, then פֶּסֶל, מַסֵּכָה, and סֵמֶל never were legitimate alternatives צֶלֶם for use in Genesis

[65] Barr 1968-1969: 22.
[66] Barr 1968-1969: 22.
[67] Miller criticises Barr's position, claiming in particular, that, "…the same sort of arguments [sic] which Barr uses to disqualify these other terms could be used to disqualify צֶלֶם as well", 1972: 298.
[68] In Deuteronomy 4:16 סֵמֶל has sometimes been taken to mean "figure" (*BDB*: 702 and RSV). It is preferable with *KBS*: II, 760 to take it consistently in the sense "divine image".

1. The choice to use צֶלֶם in this case would have been based on the fact that צֶלֶם can bear an untransferred meaning, whereas these other terms cannot.

On the other hand, there are the three terms תְּמוּנָה, מַרְאֶה, and תַּבְנִית. All three of these are capable of expressing an untransferred sense (see the upper shaded area in Table 7). When used in this manner they refer to the form of the original entity and not to any representation of it. If this is how צֶלֶם is being used in Genesis 1, then its choice ahead of these other three terms cannot be for non-referential reasons. When referring to the untransferred "form" of something they have no particular connection with idolatry. Both תַּבְנִית and תְּמוּנָה are used in the context of idols and yet תַּבְנִית is used in an untransferred sense of the *pattern* for the tabernacle and its furnishings that God showed Moses on Mount Sinai (Exodus 25:9,40), and תְּמוּנָה is used in an untransferred sense to designate God's physical appearance (Psalm 17:15 and Numbers 12:8[69] [with רָאָה]).[70] The preference for צֶלֶם over these other three terms must have been based on the meaning of צֶלֶם, not the presence or absence of negative associations.

Since Barr does appear to think צֶלֶם is used in an untransferred sense (to indicate "a relationship of likeness to God"), he cannot, with consistency, also claim that the choice of צֶלֶם was based on non-referential considerations. Three of the terms in the same semantic field cannot be used in an untransferred sense, and the three that can (תַּבְנִית, תְּמוּנָה, מַרְאֶה), do not exhibit negative connotations when used in that manner.

Why then was צֶלֶם used in Genesis 1? Unfortunately it is easier to fault the attempts of others, than to provide a convincing alternative.

It does seem likely that if the author of Genesis 1 were looking for a term that conveyed physical resemblance, he would have used one of the three terms תְּמוּנָה, מַרְאֶה, and תַּבְנִית. All of them are used to refer to the physical appearance of an original entity, and as has already been noted, תְּמוּנָה is actually used twice of God's "form". Furthermore, תְּמוּנָה, and תַּבְנִית are the terms typically used in descriptions of making something *in*, or *according to*, a particular form.

[69] The term מַרְאֶה features in the same verse.
[70] In Deut 4:12 the term is again associated with a divine visitation, but this time Moses reminds the people that they heard God's voice but did not see a form (תְּמוּנָה).

1. Examples of תַּבְנִית used in descriptions of making something *in*, or *according to* a particular form.

> Exodus 25:9 "according to everything (כְּכֹל) which I have shown you, the form of the tabernacle (תַּבְנִית הַמִּשְׁכָּן) and the form of all its furnishings (תַּבְנִית כָּל־כֵּלָיו), so shall you make it".

> Deuteronomy 4:16 "so that you do not become corrupt and make (וַעֲשִׂיתֶם) for yourselves an idol the form of any divine image (in) the form of male or female (זָכָר אוֹ נְקֵבָה תַּבְנִית)".

> Deuteronomy 4:17 "(that is in) the form of any animal (תַּבְנִת כָּל־בְּהֵמָה) on the earth…".

> Deuteronomy 4:18 "(that is in) the form of anything that crawls (תַּבְנִית כָּל־רֹמֵשׂ) on the ground, (or that is in) the form of any fish (תַּבְנִית כָּל־דָּגָה) which is in the waters under the earth".

> Isaiah 44:13 "…He makes it in the form of a man (וַיַּעֲשֵׂהוּ כְּתַבְנִית אִישׁ)…".

> Exodus 25:40 "See that you make them according to the pattern (וַעֲשֵׂה בְּתַבְנִיתָם) (which was) shown you on the mountain".

2. Examples of תְּמוּנָה used in descriptions of making something *in* a particular form.

> Deuteronomy 4:23 "…and make for yourselves an idol (that is in) the form of anything (פֶּסֶל תְּמוּנַת כֹּל) which the LORD your God has forbidden".

> Deuteronomy 4:25 "…and you make an idol (that is in) the form of anything (פֶּסֶל תְּמוּנַת כֹּל) the LORD your God has forbidden you".

Remarkably, a search for instances in which צֶלֶם and דְּמוּת are used in this manner does not turn up even a single instance outside the references to man's creation and Seth's birth in Genesis 1, 5 and 9. If the intent in these Genesis passages were to express the creation of man in accordance with a physical model then the choice of terminology is difficult to explain.

This difficulty with physical and visible resemblance is compounded by two further observations concerning the choice of צֶלֶם. תְּמוּנָה is transparently related to the noun מִין that is used in the descriptions of the creation of animal and plant life, prior to the creation of man. If the concern was to present man as superior to the other forms (מִינִים) of life because

he was created in accordance with God's "form", then תְּמוּנָה would have been a natural choice.

In addition, a comparison of the eight nouns in this semantic domain (Table 7) indicates that מַרְאֶה with the preposition כְּ is the closest synonym for דְּמוּת, when designating visible "likeness". The construction O^1 is the "likeness" (דְּמוּת) of O^2 is equivalent to the construction O^1 is "like the appearance" (כְּמַרְאֶה) of O^2. Similarly, the construction, the "likeness" (דְּמוּת) of O^1 is O^2 is equivalent to the construction, the "appearance" (מַרְאֶה) of O^1

is "like" (כְּ) O^2. This equivalence is confirmed by the use of דְּמוּת and מַרְאֶה (with כְּ) in parallel expressions (Ezek 1:14, 26 and 8:2).

By contrast צֶלֶם only occurs once in the context of דְּמוּת, and not in parallel with it (Ezek 23:14-15). The choice of צֶלֶם over מַרְאֶה in Genesis suggests the basis for choosing was not simply the ability to convey visible likeness. If the criterion for choosing required a term suited to conveying God's physical appearance, then מַרְאֶה would have been a more obvious choice than צֶלֶם. Once again, we are left with two possibilities. Either צֶלֶם is used to convey resemblance in terms of non-visible and non-physical qualities and capacities (*in* our image), or it is being used in a transferred sense as a metaphor in which mankind is compared to a divine image (*as* our image).

Conclusion.

This chapter has analysed the terms צֶלֶם and דְּמוּת in an attempt to define them in their general usage, and especially as they are used in the description of man's creation. The problem term is צֶלֶם. How it is defined determines the kinds of interpretation that can legitimately be proposed for man's creation in Genesis 1.

Etymology and usage were not definitive for צֶלֶם. The meanings "form" and "likeness" are both conceivable on this basis, although the sparse evidence for *any* untransferred meaning is troubling. On the other hand the transferred sense "statue/image" is clearly established for צֶלֶם.

Table 7. Comparison of Terms in the Same Semantic Domain as צֶלֶם and דְּמוּת Based on the Constructions in Which צֶלֶם and דְּמוּת Occur.

Construction	דְּמוּת	תַּבְנִית	תְּמוּנָה	צֶלֶם	סֶמֶל	פֶּסֶל	מַסֵּכָה	פְּסִילִים
O¹ is the *likeness* of O²	✓	✓ (ב)						
O¹ is made in the *likeness* of O²	✓		✓	✓				
The *likeness* of O¹ is O² (O³, O⁴, O⁵)	✓	✓ (ב)	✓	✓				
The *likeness* of O² (untransferred)	✓			✓ (Dan 3:19)				
The *image* of O² (transferred)	✓		✓	✓		✓		
The *image*	✓ ?		✓	✓		✓		
Image of P*				✓ ?	✓	✓		
Image of D†				✓	✓	✓	✓	✓

Transferred use only   ▓ Visible only

* P = Possessor. The genitive indicates the possessor of the image (Amos 5:26).
† D = Descriptive term. The genitive indicates the material (Isa 30:22), means of manufacture (Num 33:52), or evaluation (Ezek 7:20) of the image.

It is unlikely that צֶלֶם would mean "form" in Genesis 1, on the grounds that it is inadequate for expressing the basis for man's rule, the distinction between mankind and animal life, and the nature of the resemblance between man and the divine. This was further confirmed by the choice of צֶלֶם and דְּמוּת instead of terms used elsewhere to express physical resemblance in the context of manufacture and images.

On the other hand the meaning "likeness" for צֶלֶם lacks a clear precedent. This may be due to the limited nature of the ancient Hebrew corpus, but it is also possible that such a meaning did not exist for צֶלֶם.

The evidence to this point suggests that the proposed meanings for צֶלֶם *in Genesis 1* can be ordered from most likely to least likely as follows:

1. צֶלֶם means "image/statue".
2. צֶלֶם means "likeness".
3. צֶלֶם means "form".

Excursus 2. The Translation of the Four Terms ב, כ, דְּמוּת, and צֶלֶם in the Septuagint and Targums.

I. The translation of the four terms ב, כ, דְּמוּת, and צֶלֶם in the LXX.

The Greek translations render the preposition ב with κατά (4x) or ἐν (8x). On one occasion Symmachus translates it with ὡς. This last use is of interest since it might suggest Symmachus understood the ב as something like a *beth essentiae*. While it is possible to translate this "as our image", such a translation is precluded by Symmachus' rendering of the following verse in which he speaks of God creating man, ἐν εἰκόνι διαφόρῳ, ὄρθιον ὁ θεὸς ἔκτισεν αὐτόν. The image as Symmachus interprets it is not "functional" but consists in mans erect posture. The ὡς must mean "like" rather than "as".

The translators render the preposition כ with κατά four times. In one of these (5:3) a single occurrence of κατά does double duty for both ב and כ. Theodotian uses the rather unusual ὡς ἐν to translate כ in 1:26.

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צֶלֶם is consistently translated as εἰκόνα (12 times), while דְּמוּת is translated as ὁμοίωσιν five times (and once as ὁμοιώματι), as εἰκόνα once, and as ἰδέαν (Cambridge = εἰδέαν) once. In 1:27 Symmachus gives a rather interpretative and expansive translation ("God created him upright").

The manner in which these terms are translated demonstrates that the translators of the LXX did not have a functional interpretation of the texts. According to the LXX man was made "in", "like", or "according to" God's "image" and God's "likeness". For Symmachus, at least, this meant man's upright posture.

II. The translation of the four terms בְּ, כְּ, דְּמוּת, and צֶלֶם in the Targums.

Targum Neophyti 1 uses the expression "in a likeness from before the Lord". This indirect manner of expressing the resemblance introduces a greater distance between God and man. Interestingly, Neophyti uses the same construction to translate mankind's creation in God's image ("in our likeness, similar to ourselves", 1:26a) and Seth's birth in Adam's image ("in his likeness, similar to himself", 5:3) in spite of the different order of the terms in the MT.

Targum Onkelos renders the four Hebrew terms by means of the equivalent Aramaic term in every instance except 5:3,[1] and even preserves the plural "*our* image" and "*our* likeness" in 1:26.[2]

Targum Pseudo-Jonathan, like Onkelos, uses different terminology to describe Adam's creation in God's image (צלם and דיוקן), and Seth's birth in Adam's image (דמות and איקון). Pseudo-Jonathan also makes some interesting expansions in the text of Genesis 5:3.

> When Adam had lived a hundred and thirty years, he begot Seth, who resembled his image and likeness (דדמי לאיקוניה ולדמותיה). For before that, Eve had borne Cain, who was not from him and who did not resemble him (ולא דמי ליה). Abel was killed by Cain, and Cain was banished, and his descendants are not recorded in the book of the genealogy of Adam. But afterwards he begot one who resembled him (דדמי ליה) and he called his name Seth.

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[1] Some Targum Onkelos texts read בצלמיה or כצלמיה, Aberbach and Grossfeld 1982: 47, n.3. Aberbach and Grossfeld also remark that, "Targum Onkelos evidently considers that man is made in the image of God..., but merely resembles his human progenitor".

[2] On which see, Aberbach and Grossfeld 1982: 25, n.17.

Table 8. The LXX Translations of the בְּ, כְּ, דְּמוּת, and צֶלֶם in Genesis.[3]

Text	Hebrew	Vaticanus and Göttingen Texts	Aquilla, Symmachus and Theodotian
1:26	בְּצַלְמֵנוּ כִּדְמוּתֵנוּ	κατ' εἰκόνα ἡμετέραν καὶ καθ' ὁμοίωσιν	α΄ ἐν εἰκόνι ἡμῶν καὶ καθ' ὁμοίωσιν ἡμῶν... σ΄ ὡς εἰκόνα ἡμῶν καθ' ὁμοίωσιν ἡμῶν... θ΄ ἐν εἰκόνι ἡμῶν ὡς ἐν ὁμοιώσει ἡμῶν...
1:27	בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים	κατ' εἰκόνα θεοῦ[4]	α΄ ἐν εἰκόνι αὐτοῦ, ἐν εἰκόνι θεοῦ... σ΄ ἐν εἰκόνι διαφόρῳ,[5] ὄρθιον ὁ θεὸς ἔκτισεν αὐτόν... θ΄ ἐν εἰκόνι αὐτοῦ, ἐν εἰκόνι θεοῦ...
5:1	בִּדְמוּת אֱלֹהִים	κατ' εἰκόνα θεοῦ	α΄ ἐν ὁμοιώματι σ΄ ἐν ὁμοιώσει
5:3	בִּדְמוּתוֹ כְּצַלְמוֹ	κατὰ τὴν ἰδέαν[6] αὐτοῦ καὶ τὴν εἰκόνα αὐτοῦ	
9:6	בְּצֶלֶם אֱלֹהִים	ἐν εἰκόνι θεοῦ	

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[3] The chart presents the Greek texts of the LXX represented in Vaticanus, Aquilla, Symmachus, and Theodotian. In these five texts the reading of the Göttingen Septuagint is identical with that of the Cambridge (Vaticanus) with the exception of one spelling difference in 5:3 (see n.6). There are a few minor variants that have not been noted here, but these do not reflect a different understanding of the text from the LXX texts given in the chart.

[4] It is clear from the sentence structure of the Greek text that this is a translation of the second occurrence of the Hebrew noun. This is consistent with the use of the genitive θεοῦ to translate the Hebrew genitive אֱלֹהִים which also occurs with the second occurrence of the noun צֶלֶם. Either way, κατ' renders the preposition בְּ.

[5] Symmachus adds, ὄρθιον ὁ θεὸς ἔκτισεν αὐτόν. This serves to explain the difference (διάφορος) between man and the animals that God created.

[6] The Cambridge text reads εἰδέαν for ἰδέαν.

The significance of this is evident from Targum Pseudo-Jonathan's rendering of Genesis 4:1-2a.

> 1. Adam knew his wife Eve who had conceived from Sammael, the angel of the Lord. 2a. Then, from Adam her husband she bore his twin sister and Abel...

In Genesis 5:3 Seth is said to be in the likeness, according to the image of Adam, whereas in 4:1 Cain is not said to resemble Adam. Pseudo-Jonathan has concluded that Cain, therefore, was not Adam's son and says as much in the translation of 5:3, "who was not from him and did not resemble him".[7]

McNamara makes the following observations on the language used in Neophyti 1.

> When reference is to God, Nf avoids use of the word "image" (ṣlm), which Hebrew term it renders by the more abstract "likeness" (dmwt), as in Gen 1:26,27; 9:6. It retains HT [=Hebrew Text] in 5:1. When the two are used in conjunction, Nf renders the second word of the pair as "similar to ourselves" (1:26; 5:3), kd npq b-, which corresponds to the common Hebrew Mishnaic idiom kywṣh b-".[8]

The Targums exhibit the following tendencies in the translation of the prepositions and nouns.

1. The translation of the prepositions. The Targums give some indication of how the prepositions בְּ and כְּ were understood. The least helpful on this point is the literal rendering of Targum Onkelos which reproduces the same constructions as the MT, except in 5:3 where בִּדְמוּתֹ כְּצַלְמוֹ is rendered, בדמותיה דדמיה ליה. Targum Neophyti 1 uses the expression "a likeness from before himself" (esp. v.27), and this makes it clear that man was made to resemble a likeness in God's presence. The בְּ is understood as a *beth of the norm*, not a *beth essentiae*. Pseudo-Jonathan preserves the same prepositions as the MT except in 5:3 where בִּדְמוּתֹ כְּצַלְמוֹ is translated, דדמי לאיקוניה ולדמותיה ("who resembled his image and his likeness"). At this point at least the translation understands the MT in terms of resemblance (*beth of the norm*) and not representation (*beth essentiae*).

In those instances that are explicit in their translation of the prepositions, the בְּ is understood as a *beth of the norm*.

2. The interpretation of the nouns. Onkelos uses the cognate terms except in 5:3 where it renders בְּצַלְמוֹ with דדמיה ליה ("who resembled him"). In this instance צֶלֶם is understood in terms of resemblance not representation. Neophyti 1 translates בצלם with בדמות or בדמו, while translating דְּמוּת with the phrase כד נפק בה. Pseudo-

Jonathan translates צֶלֶם with צֶלֶם, or דִּיוקֹן[9] when used of God, and with דמות in Genesis 5:3 when used of Adam.[10]

Onkelos and Neophyti 1 clearly take צֶלֶם to indicate resemblance. Pseudo-Jonathan is more ambiguous except in Seth's birth (Gen 5:3). None of the Targums, however, use any language that would suggest they understood צֶלֶם as though it were designating man (or Adam) as God's representative.

Table 9. Translations of צֶלֶם, דְּמוּת, כְּ, and בְּ in the Targums of Genesis.

Location	Text	Translation
Onkelos 1:26 1:27 5:1 5:3 9:6	בצלמנא כדמותנא בצלמיה בצלם אלהים בדמות אלהים בדמותיה דדמיה ליה בצלם אלהים	in our image, according to our likeness in his image, in the image of God in the likeness of God in his likeness who resembled him[11] in the image of God
Neophyti 1 1:26 1:27 5:1 5:3 9:6	בדמותן כד נפק בן בדמותיה בדמו מן קדם ייי בדמו מן קדם ייי בדמותיה כד נפק בה בדמו מן קדם ייי	in our likeness, similar to ourselves[12] in his (own) likeness, in a likeness from before the Lord"[13] in a likeness from before the Lord in his likeness, similar to himself in a likeness from before the Lord
Pseudo-Jonathan 1:26 1:27 5:1 5:3 9:6	בצלמנא כדיוקננא בדיוקניה בצילמא אלקים בדיוקנא דה׳ דדמי לאיקוניה ולדמותיה בדיוקנא אלקים	in our image, according to our likeness in his own likeness, in the image of God in the likeness of the Lord who resembled his image and his likeness in the likeness of God

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[7] See further, Maher 1992: 31, n.2.
[8] McNamara 1992: 55, n.15.

[9] This term has been explained as a reverential transformation of איקֹן (=εἰκών, used of Adam in 5:3), and as a combination of two Greek words, δύο and εἰκών. See Maher 1992: 20, n.44.
[10] Unless the word order has been reversed and איקֹן (=εἰκών) is used to translate צֶלֶם.
[11] "...and begat in his resemblance (one) who was like to himself", Etheridge 1968: 44.
[12] On the idiom used here see McNamara's comments quoted on page 9494.
[13] McNamara 1992: 55.

Pseudo-Jonathan's expansion on Seth's birth suggests the resemblance was physical, at least between Adam and Seth. The importance of resemblance between father and son is also evident from Pseudo-Jonathan. Failure to resemble Adam meant Seth was considered the son of Sammael.

Neither the Greek translations, nor the Targums provide any support for a functional interpretation of the image of God in Genesis. Every indication is that mankind was made *in* God's image, and this meant man resembled God.

Chapter 5

The Creation of Mankind in Genesis 1:
Observations on the Text of Genesis 1

I. The Relationship between God's Creative Acts and God's Creative Purposes in Genesis 1.

Given the importance of function in the consensus view of man's creation, it is of some interest to see how function is expressed in the creation account of Genesis 1.

The creation account contains several instances in which a purpose or function is expressed for God's creative activity. Sometimes God's creative purpose is expressed as an immediate consequence of God's creative act (God expresses his intention to gather the water into one place [creative act] and thereby produce dry land [creative purpose]). At other times it is expressed as the ongoing role of what God created (God expresses his intention to create the great lights [creative act] so that they can give light to the earth [creative purpose]). In both cases the description of God's creative activity is accompanied by a statement of his creative purpose.

1. The purpose of the heavenly lights on day 4.

The expression of function on day four is complex. The description of the creation of the heavenly bodies consists of an announcement (1:14-15) and an execution report (1:16-18). The nature of the case, however, requires that the execution consists not only of making (עָשָׂה) the lights (1:16), but also of placing (נָתַן) them in the heavens (1:17-18). The purpose of these lights is given in some detail in both the announcement and the execution report.

<u>Announcement</u>

14 וַיֹּאמֶר אֱלֹאהִים
יְהִי מְאֹרֹת בִּרְקִיעַ הַשָּׁמַיִם
לְהַבְדִּיל בֵּין הַיּוֹם וּבֵין הַלָּיְלָה
וְהָיוּ לְאֹתֹת וּלְמוֹעֲדִים וּלְיָמִים וְשָׁנִים
15 וְהָיוּ לִמְאוֹרֹת בִּרְקִיעַ הַשָּׁמַיִם
לְהָאִיר עַל־הָאָרֶץ

<u>Execution Report</u>

Making

16 וַיַּעַשׂ אֱלֹהִים אֶת־שְׁנֵי הַמְּאֹרֹת הַגְּדֹלִים
אֶת־הַמָּאוֹר הַגָּדֹל לְמֶמְשֶׁלֶת הַיּוֹם

אֶת־הַמָּאוֹר הַקָּטֹן לְמֶמְשֶׁלֶת הַלַּיְלָה
וְאֵת הַכּוֹכָבִים

Placing

17 וַיִּתֵּן אֹתָם אֱלֹהִים בִּרְקִיעַ הַשָּׁמָיִם
לְהָאִיר עַל־הָאָרֶץ
18 וְלִמְשֹׁל בַּיּוֹם וּבַלַּיְלָה
וּלֲהַבְדִּיל בֵּין הָאוֹר וּבֵין הַחֹשֶׁךְ

Beauchamp,[1] followed by Matthews,[2] noted the inverted nature of these verses and proposed the following structure.

v.14 לְהַבְדִּיל
v.15 לְהָאִיר
v.16a לְמֶמְשֶׁלֶת
v.16b לְמֶמְשֶׁלֶת
v.17 לְהָאִיר
v.18 [לִמְשֹׁל]
לְהַבְדִּיל

This analysis of the structure takes into consideration those instances in which function is indicated by the preposition לְ followed by the infinitive construct. In so doing it omits the second half of verse 14, and the resulting structure is still imperfect.[3] Wenham improved on this analysis, but still did not take account of some features in the text.[4] It is possible to devise an alternative analysis in which creative act and creative purpose are clearly identifiable both within the announcement and the execution (Figure 3).

According to this analysis the elements of the purpose given in the announcement (A, B, C) and the elements of the purpose given in the execution correspond, though they are listed in reverse order in the execution (C ', B ', A '). This arrangement suggests that "ruling" (v.18a) corresponds to functioning as indicators of "signs, appointed times, days and years" (v.14b). These functions are crucial to creation and to human life in particular. The lights govern the temporal movements of creation and so can properly be represented as "ruling".[5]

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[1] Beauchamp 1969: 94.
[2] Matthews 1996: 153, n.156.
[3] The presence of לִמְשֹׁל in verse 18 is unaccounted for in this analysis, which is why these scholars set it off in brackets. The limiting factor of this approach is that it only appears to take into consideration expressions of purpose which use the grammatical form לְ + infinitive construct.
[4] Wenham 1987: 22. Wenham takes into account the expression of purpose using a volitive sequence and so is able to identify the correspondence between A, B, C and C', B', A' as set out in Figure 3.
[5] "Day and night" indicate time periods in a phenomenological view of the world. "Ruling" during the time periods day and night, appears to be distinguished from functioning as "lights" which divide between "light and dark", and give light to the earth.

Figure 3. Creative Act and Creative Purpose in the Creation of the Heavenly Lights in Genesis 1:14-18.
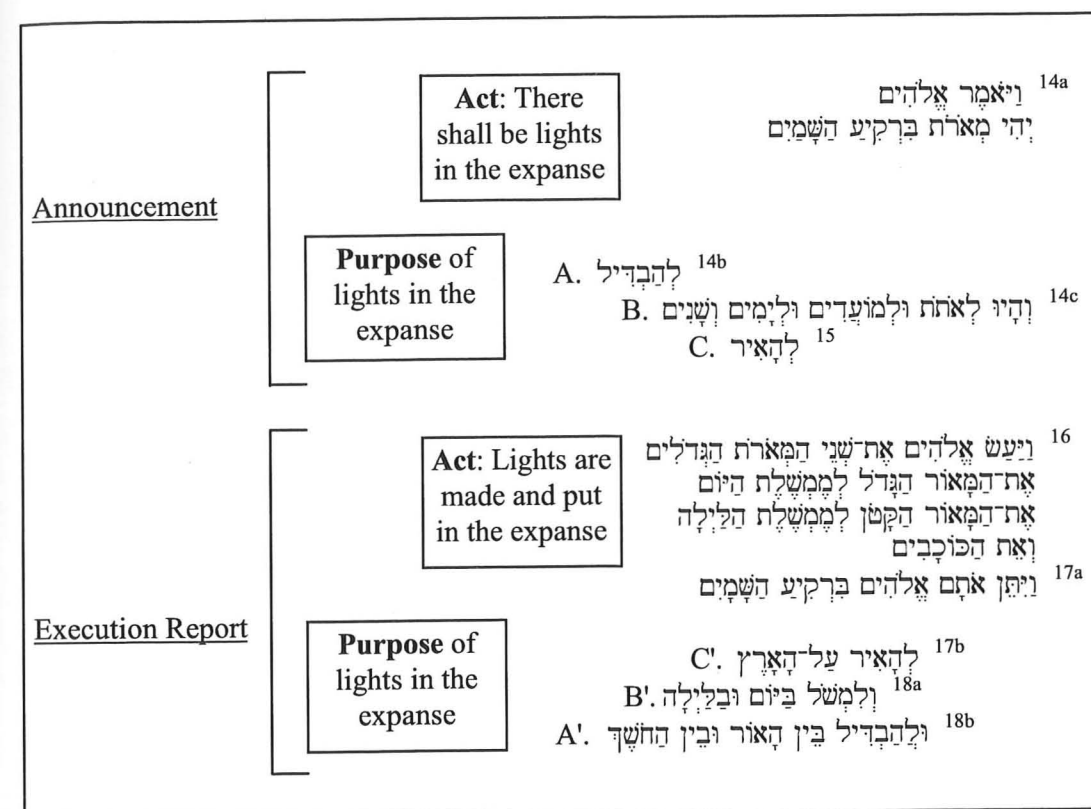
As would be expected, there is also a correspondence between the announcement of the creative act and the execution of the creative act. The latter is more detailed in that it not only provides more information about the lights that are made, but also divides the activity into "making" (עָשָׂה) and "placing" (נָתַן) the lights in the expanse. In both the announcement and the execution, the phrase which serves as the departure point for taking up the expression of purpose are the words "in the expanse" (בִּרְקִיעַ הַשָּׁמָיִם). In the first place the announcement states there are to be lights "in the expanse" (v.13), and in the second instance there is the actual placement of these lights "in the expanse" (v.17).

What is evident from this analysis of the creation of the heavenly lights, is the writer's interest in the function of what is created. It is also clear that he does not confuse the creative act with the creative purpose.[6]

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[6] The phrases לְמֶמְשֶׁלֶת הַלַּיְלָה and לְמֶמְשֶׁלֶת הַיּוֹם in verse 16 are apparent exceptions to this since they occur within the record of the *act* of creation in verse 16. There is a particular reason for this exception. The creative act in verse 16 is a complex one that is divided into three smaller creative acts involving the sun, moon and

b. The purpose of the gathering of the waters on day 3.

Day three records the gathering of the lower waters into one place. It also records that the intended purpose of this gathering is the appearance of dry land. The announcement of these events exhibits the structure:

וַיֹּאמֶר אֱלֹהִים → jussive → waw → jussive.

The relevant portion of verse 9 reads,

וַיֹּאמֶר אֱלֹהִים
יִקָּווּ הַמַּיִם מִתַּחַת הַשָּׁמַיִם אֶל־מָקוֹם אֶחָד
וְתֵרָאֶה הַיַּבָּשָׁה

The creation of vegetation, also on day three, is recorded in 1:11. The introductory formula (וַיֹּאמֶר אֱלֹהִים) and initial jussive occur as expected, but the second jussive is notably absent. This is because the vegetation functions as food for animal and human life, and these have not yet been created. Instead, at the close of the account of the sixth day, man is informed that the vegetation is for food for himself and the other animals (1:29-30).[7]

3. The purpose of the expanse of heaven on day 2.

The first expression of function in the creation account is given on day two. The expanse of heaven serves to divide between the waters above and the waters below (announcement 1:6, and execution report 1:7). The announcement exhibits exactly the same structure as the announcement in 1:9.

וַיֹּאמֶר אֱלֹהִים → jussive → waw → jussive.

The text of verse 6 reads,

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stars. The writer does this in order to be able to link a specific purpose with a specific light. This more detailed assignment is absent in the two statements of purpose in verses 14-15 and 17-18. It is this phenomenon of specific creative acts within the record of a larger creative act that has introduced the statements of function in verse 16. Once again, within the record of a specific creative act, such as the creation of the sun, the creative act (the making of the greater light) is related to, but clearly distinguished from its purpose (to rule the day).

[7] In the overall structure of creation in Genesis 1 day three is also recognised as corresponding to day six. Matthews notes, "There is correspondence between the first group of three and the second group so as to form three co-ordinated pairs. Days one and four regard light and the light bearers; days two and five speak of the skies and waters that are filled with fowl and fish; and the third couple, *days three and six, concern the productivity of the land that sprouts its flora for the sustenance of the created beast and huma*" (emphasis added), 1996: 144.

וַיֹּאמֶר אֱלֹהִים
יְהִי רָקִיעַ בְּתוֹךְ הַמָּיִם
וִיהִי מַבְדִּיל בֵּין מַיִם לָמָיִם

Once again, a volitive sequence is used to express the creative act and the creative purpose.

An almost identical structure occurs in 1:26 in the announcement of man's creation.

וַיֹּאמֶר אֱלֹהִים → cohortative (נַעֲשֶׂה) → waw → jussive (יִרְדּוּ).

These three instances of a volitive sequence occur in an announcement of God's intention to carry out a creative act, and all three express God's purpose in carrying out that act of creation. Significantly, the three announcements share a common structure (Table 10).

Table 10. The Announcements in Genesis 1:6, 9 and 26.

Text	Introductory Formula	First Volitive	Conjunctive waw	Second Volitive
1:6	וַיֹּאמֶר אֱלֹהִים	יְהִי	ו	יְהִי
1:9	וַיֹּאמֶר אֱלֹהִים	יִקָּווּ	ו	תֵּרָאֶה
1:26	וַיֹּאמֶר אֱלֹהִים	נַעֲשֶׂה	ו	יִרְדּוּ

In summary. Creative purpose is an important element of the record of creation in chapter 1 of Genesis. The record is concerned not only with *what* was made, but *why* it was made, but it consistently distinguishes the two.

There are three instances in which a single entity or event is described and followed by a single statement of its function. This occurs on day two with the formation of the רָקִיעַ which serves to divide (מַבְדִּיל) the waters (1:6). It also occurs on day three with the gathering (יִקָּווּ) of the waters to one place in order that dry ground would appear (הַיַּבָּשָׁה וְתֵרָאֶה, 1:9). Finally, it occurs on day six with the creation (נַעֲשֶׂה) of man in order that they can rule (יִרְדּוּ, 1:26). The construction in each instance is וַיֹּאמֶר אֱלֹהִים followed by a volitive sequence, and in all three instances it appears that a description of *what* was made (ontology) precedes an explanation of *why* it was made (function).

Man's rule in Genesis 1:26 indicates God's purpose (intended function) for man in creation. As with the creation of the firmament (רָקִיעַ) and the gathering of the waters, man's creation in God's image was purposeful. Just as God created *a greater light* to rule (מָשַׁל) the day, and *a lesser light* to rule (מָשַׁל) the night, so too God fashioned *man in his image*[8] to rule (רָדָה) the animals. In each instance ontology and function appear distinct.

II. The Relationship between the Divine Image and Man's Responsibility to Rule over the Animal Life in Genesis 1:26-28.

The observations in the previous section are corroborated by a closer analysis of Genesis 1:26-28. God's creation of man in his image and his commissioning of man to rule over the animals are two related yet distinct ideas.[9] Man's rule (function) is possible because God created man in his image, according to his likeness (ontology).

The structure of Genesis 1:26-28 makes it clear that mankind's rule is not given as a definition of the divine image. The reference to dominion over the animals is intended to give man's role in creation. Creation in God's image is necessary for that role, but the text never equates the two.

וַיֹּאמֶר אֱלֹהִים נַעֲשֶׂה אָדָם בְּצַלְמֵנוּ כִּדְמוּתֵנוּ ²⁶
וְיִרְדּוּ בִדְגַת הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבַבְּהֵמָה וּבְכָל־הָאָרֶץ וּבְכָל־הָרֶמֶשׂ עַל־הָאָרֶץ
וַיִּבְרָא אֱלֹהִים אֶת־הָאָדָם בְּצַלְמוֹ ²⁷
בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ
זָכָר וּנְקֵבָה בָּרָא אֹתָם
וַיְבָרֶךְ אֹתָם אֱלֹהִים וַיֹּאמֶר לָהֶם אֱלֹהִים פְּרוּ וּרְבוּ וּמִלְאוּ אֶת־הָאָרֶץ וְכִבְשֻׁהָ ²⁸
וּרְדוּ בִּדְגַת הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבְכָל־חַיָּה הָרֹמֶשֶׂת עַל־הָאָרֶץ

²⁶ Then God said, "Let us make man in our image, according to our likeness,
and let them rule over the fish of the sea and the birds of the air, over the livestock,
over all the earth and over all the creatures that move along the ground."
²⁷ So God created man in his own image,
in the image of God he created him;
male and female he created them.
²⁸ God blessed them and said to them, "Be fruitful and increase in number; fill the earth
and subdue it.
Rule over the fish of the sea and the birds of the air and over every living creature
that moves on the ground.

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[8] The translation "in" is used as an interim translation here and at several subsequent points when presenting an observation that suggests man's creation included an element of resemblance.
[9] A distinction pure functionalism does not permit.

Genesis 1:26-28 is comprised of three parts: the announcement (v.26), the execution (v.27), and the blessing (v.28).[10] These three verses exhibit a structure in which God's *act* of creation (A,B,C) and man's *role* in creation (A^R, B^R, C^R) are distinguished (Figure 4).

Figure 4. The Distinction between God's Act of Creation and Man's Role in Creation.

v.26	**Creation**	A. Let us make (עשׂה) man in our image and in our likeness
	Role	A^R. Let them rule over sea, sky and land
v.27	**Creation**	B. God created (ברא) man in his image
		C. God created (ברא) them male and female
v.28	**Role**	C^R. Be fruitful and fill the whole earth (and subdue it)
		B^R. Rule over sea, sky and land

This structure exhibits two fundamental elements. Firstly, verse 26 is restated and expanded in the execution report of verse 27 and the blessing of verse 28. In particular, 26a corresponds to 27, and 26b corresponds to 28.

Secondly, the execution report of verse 27 and the blessing of verse 28 are arranged chiastically. The acts of creation (B and C) in the execution report correspond to the role (C^R and B^R) in the blessing (Figure 5).

The significance of this structure for the present discussion lies in the fact that it exhibits a clear distinction between God's *act* of creating man (A, B, C) and man's *role* in creation (A^R, B^R, C^R). The *act* is announced in verse 26a and executed in verse 27. The *role* is announced in verse 26b and re-expressed as a responsibility in the blessing of verse 28 (Figure 5).

The text uses two distinct verbs in verses 27 and 28 for the matters of ontology and the matters of function. In verse 27 God *creates* (בָּרָא) mankind in his image, and God *creates* (בָּרָא) mankind male and female. In verse 28 God *blesses* (בֵּרַךְ) mankind with regard to man's rule and with regard to mankind's reproduction.

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[10] In fact, the blessing extends beyond verse 28, but this is the portion of the blessing of primary interest to the present discussion. The structural analysis given here resembles an earlier one by Schmidt, but is independent

Figure 5. The Structure of Genesis 1:26-28.
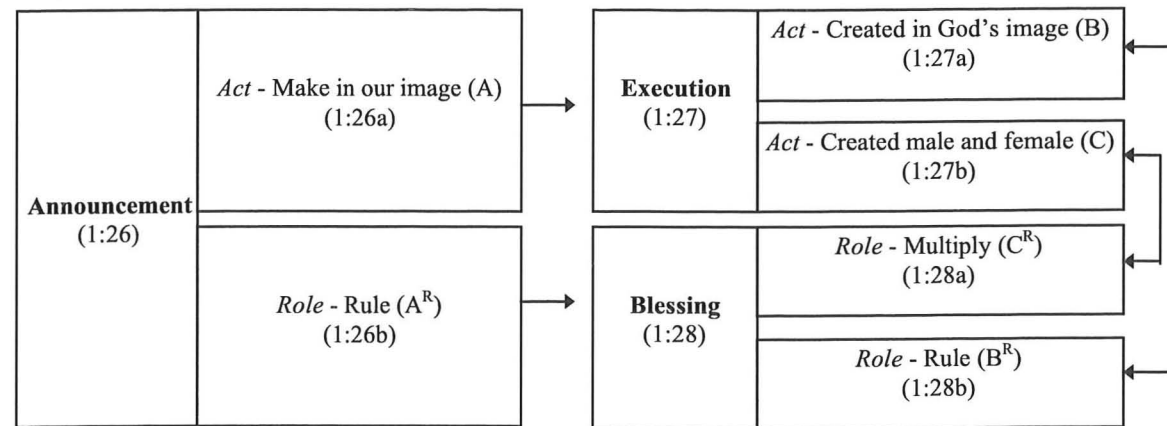
Furthermore, whereas man's divine likeness and sexual differentiation are acts of God described with indicative verbs (verse 27), man's rule and reproduction are human duties conveyed by imperative verbs (verse 28).

This analysis of the text is consistent with Genesis 5:1b-2a,

בְּיוֹם בְּרֹא אֱלֹהִים אָדָם ¹ᵇ
בִּדְמוּת אֱלֹהִים עָשָׂה אֹתוֹ
זָכָר וּנְקֵבָה בְּרָאָם ²ᵃ
וַיְבָרֶךְ אֹתָם

These lines exhibit the same distinction between the two elements of God's creative act (likeness and sexual distinctions) and the blessing (rule and reproduction) that occurs in 1:27-28. Likeness to God and sexuality are both mentioned without reference to rule or reproduction. The latter are here subsumed, without explicit mention, under the blessing as in 1:28. Likeness and sexual differentiation are ontological matters, and the proper objects of God's creative activity (בְּרָא), whereas ruling and reproduction are matters of role or function, and the proper objects of God's blessing (בְּרַךְ).

This distinction between God's acts of creation (made in his image, and male and female), and man's role in creation (rule over the animals, and procreation) is also evident in Genesis 9. The text of Genesis 9:1-7 records God's blessing on Noah and his sons, and, like the

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of it, 1967: 147.

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blessing of Genesis 1:28-29, it is primarily concerned with man's *role* in creation.[11] There is no need for God to repeat his *acts* of creation which serve as the basis for man's role, and so that element of Genesis 1:26-28 is omitted from Genesis 9:1-7.[12]

This supports the contention that God's creation of man in his image and God's creation of man as male and female are matters of ontology, not function. The functional elements are expressed in the blessings of 1:28-29 and 9:1-3 whereas the ontological elements are confined to God's initial creation (1:26-27a,b).

The creative work of God provides what is necessary to carry out the duties expressed in the blessing. Ruling is no more the meaning of "image", than being fruitful is the meaning of "male and female". The blessing expresses God's purpose for his creation and therefore man's duty to his creator. This is evident if the text of Genesis 1:26-28 is rearranged as follows:

B. *God's Provision* (בְּרָא): God created mankind in his image, according to his likeness.
Bᴿ. *Man's duty* (בְּרַךְ followed by imperative): Rule the creatures of sea, sky and land.
C. *God's Provision* (בְּרָא): God created male and female.
Cᴿ. *Man's duty* (בְּרַךְ followed by imperative): Be fruitful and fill the earth and subdue it.

In summary. Genesis 1:26-28 distinguishes divine likeness from human rule in the same way that it distinguishes sexual differentiation from reproduction. Divine resemblance and sexual differences are matters of ontology and are the result of God's creative activity (בְּרָא and עָשָׂה). Human rule and reproduction are God given roles and responsibilities, and are the object of God's blessing (בְּרַךְ). The former provide what is essential for carrying out the latter. This is why the text relates these ideas but never equates them.

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[11] The blessing of Genesis 9:1-3 is clearly modelled on the blessing of Genesis 1:28-29. Both blessings contain the same three elements in the same order: human reproduction (1:28a and 9:1), man's relationship to the animals (1:28b and 9:2), and the provision of food (1:29 and 9:3).

[12] Verse 6 does contain a reference to God making man in his image, but this verse is part of a rider clause that is distinct from the functional elements of the blessing in 9:1-3. In this instance the reference to creation in God's image has no connection with mankind's rule over the animals. It serves instead to express God's peculiar concern for life that is made in his image.

This distinction between ontology and function in Genesis 1:26-28 is precisely the same distinction as the one noted in the study of creative act and creative purpose elsewhere in Genesis 1 (pages 97ff.).

III. The Nature of Man's Creation in the Light of the Construction לְמִין־ in Genesis 1.

From time to time writers have suggested a link between the use of לְמִין־ and בְּצַלְמֵנוּ/כִּדְמוּתֵנוּ in Genesis 1.[13] If the text supports the idea, a contrast between the creation of animals "according to their kind", and the creation of man "according to God's image" would be a useful contribution to an understanding of what it means to be made in God's image.

1. The relevance of בְּצַלְמֵנוּ and כִּדְמוּתֵנוּ for understanding לְמִינָה, לְמִינוֹ, לְמִינֵהוּ and לְמִינֵהֶם in Genesis 1.

There is an inherent plausibility to the proposal that there is a contrast between these prepositional phrases, used as they are to describe the origin of plant and animal life on the one hand, and human life on the other.

Table 11. The Constituent Parts of the Prepositional Phrases לְמִין־, כְּ/בְּצַלְמ־, and כִּדְמוּת־/בְּ.

Pronominal suffix	Noun	Preposition
־ָה, ־וֹ, ־ֵהוּ, ־ֶם־	מִין	ל
־נוּ	צֶלֶם	בְּ
־נוּ	דְּמוּת	כְּ

The most obvious formal similarity between the two constructions is their three constituent parts (Table 11). All three phrases (כִּדְמוּתֵנוּ, בְּצַלְמֵנוּ, and לְמִינָה) exhibit the same tripartite structure. In the creation account this structure is confined to מִין, דְּמוּת and צֶלֶם, a limitation which is consistent with the claim that these constructions play analogous roles in the creation account. However, this sort of tripartite construction is sufficiently common in the Hebrew Bible to preclude any conclusions as to their relatedness without further evidence.

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[13] "…in contrast to the lower animals, which are made each after its kind or type, man is made in the image of God", Skinner 1930: 30.

The function of the prepositional phrases appears analogous in the announcement of 1:26 and the announcement of 1:24, and they appear to fill the same slot.[14]

לְמִינָה	נֶפֶשׁ חַיָּה	תּוֹצֵא הָאָרֶץ	וַיֹּאמֶר אֱלֹהִים	24
בְּצַלְמֵנוּ כִּדְמוּתֵנוּ	אָדָם	נַעֲשֶׂה	וַיֹּאמֶר אֱלֹהִים	26

The structural parallels between these two verses are not surprising given the fact that they both occupy the "announcement" slot in the creation account. But this is precisely the point. The announcements should be studied in the light of one another, and the corresponding elements of the announcements should be compared and contrasted. For the present investigation this suggests that לְמִין־ is relevant to the study of כִּדְמוּת־ and בְּצַלְמ־.

The same sort of comparison can be made between the execution report of 1:25 and the execution report of 1:27.

לְמִינָה	אֶת־חַיַּת הָאָרֶץ	אֱלֹהִים	וַיַּעַשׂ	25
בְּצַלְמוֹ	אֶת־הָאָדָם	אֱלֹהִים	וַיִּבְרָא	27

Once again the construction בְּצַלְמוֹ functions in a manner that is analogous to לְמִינָה. Scholars have noted a number of distinctive elements in the account of human creation on day six. The announcement of man's creation portrays God as more directly involved (נַעֲשֶׂה versus תּוֹצֵא הָאָרֶץ), and man is addressed by God in a manner that no previous creature has been.[15] The prepositional phrases בְּצַלְמ־ and כִּדְמוּת־ also represent an element of contrast between man and the other creatures, and point to mankind's uniqueness.

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[14] The notion of a "slot" is borrowed from Tagmemic grammatical analysis, though it is not confined to that linguistic model. It is adopted here as a convenient term to describe the way in which two different words or constructions can function in the same way. Thus, in the sentences "The dog ate his dinner" and "The cat ate his dinner", the nouns "dog" and "cat" occupy the same (subject) slot in the sentence. A noun phrase such as "The man with a bow tie" could also fill that same slot. According to Tagmemic analysis these two nouns and the noun phrase "are analogous in their relation to the containing structure", Pike and Pike 1977: 2. In the present instance the point of interest is whether or not "after their kinds" and "in our image" are analogous in their function within the creation account.

[15] It is questionable whether or not the difference is sufficient to sustain some of the interpretations built on this point. Compare, for example, the address to the aquatic and bird life in 1:22 (…וַיְבָרֶךְ אֹתָם אֱלֹהִים לֵאמֹר פְּרוּ) and the address to mankind in 1:28 (…וַיְבָרֶךְ אֹתָם אֱלֹהִים וַיֹּאמֶר לָהֶם אֱלֹהִים פְּרוּ). Both are addressed directly using imperative verbs following forms of the verbs אָמַר and בָּרַךְ. The presence of לָהֶם in 1:28 is the only additional factor in God's address to mankind.

Table 12. The Ten Occurrences of the Construction לְמִי־.

Vegetation
11 וַיֹּאמֶר אֱלֹהִים תַּדְשֵׁא הָאָרֶץ דֶּשֶׁא עֵשֶׂב מַזְרִיעַ זֶרַע עֵץ פְּרִי עֹשֶׂה פְּרִי לְמִינוֹ אֲשֶׁר זַרְעוֹ־בוֹ
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Sea creatures
21 וַיִּבְרָא אֱלֹהִים אֶת־הַתַּנִּינִם הַגְּדֹלִים וְאֵת כָּל־נֶפֶשׁ הַחַיָּה הָרֹמֶשֶׂת אֲשֶׁר שָׁרְצוּ הַמַּיִם לְמִינֵהֶם
Birds
21 (וַיִּבְרָא אֱלֹהִים)... וְאֵת כָּל־עוֹף כָּנָף לְמִינֵהוּ
Terrestrial animals
24 וַיֹּאמֶר אֱלֹהִים תּוֹצֵא הָאָרֶץ נֶפֶשׁ חַיָּה לְמִינָהּ
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The analogous role of לְמִי־ and כִּדְמוּת־/בְּצֶלֶם־ suggests that the introduction of the language of human creation is intended as a significant contrast to the language of creation for plants and animals. The construction לְמִי־ occurs ten times in Genesis 1 in the descriptions of the creation of vegetation, sea creatures, birds and terrestrial animals (Table 12), before being replaced by the phrases בְּצֶלֶם־ and כִּדְמוּת־. This ten-fold use of לְמִי־ establishes a pattern in which the production of new creatures is accompanied by the qualifying phrase "after their kinds". The established pattern becomes the expectation of the reader, especially after the five consecutive uses of the expression in verses 24 and 25.[16]

The introduction of the new terminology (כִּדְמוּתֵנוּ/בְּצַלְמֵנוּ) in verse 26 is a significant shift in the narrative, and one that is informed by the established pattern of using לְמִי־ in the preceding verses.

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In summary. There are reasons to consider the construction לְמִי־ relevant to the study of בְּצֶלֶם־ in Genesis 1.[17] The account of creation in Genesis 1 uses three comparable constructions to describe God's creative acts. The constructions share a tripartite structure, and they appear to occupy the same slot in the announcement reports and execution reports of the creation account. There is also reason to suggest the writer uses a literary technique in which a repeated pattern is used to establish expectation and then a novel element is introduced to draw a contrast.

These preliminary observations suggest that a closer study of the use of לְמִי־ is warranted as part of the present attempt to understand the significance of צֶלֶם and דְּמוּת in Genesis.

2. The meaning of מִין.

The term means "kind" or "type",[18] and, when used of animal life, it is essentially equivalent to the modern notion of "genus," or "species".[19]

The etymology of מִין is uncertain.[20] The only undisputed point is its link with תְּמוּנָה ("likeness, form").[21] In addition to the evidence for this in the Hebrew lexicon,[22] a connection between these two nouns is also evident in Ugaritic.[23]

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[19] This does not suggest that the ancient categories or methods of categorisation correspond to the modern ones, but only that both are attempts to identify low order classes of animal and plant life based on similarities and differences. Similarity of form or being is also suggested by Ben Sira 13:14, in which the parallelism suggests likeness is a feature of belonging to the same מִין (כל הבשר יאהב מינו / וכל אדם את / הדומה לו מִין).

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מִין occurs 31 times in the Hebrew Bible in five contexts. It is used in the creation account of Genesis 1, in the accounts of the assembling of the animals to the ark in Genesis 6:20 and 7:14, in lists of clean and unclean animals in Leviticus 11 and Deuteronomy 14, and it occurs once in Ezekiel 47:10 with reference to fish.[24] Every Biblical occurrence concerns categories of plant life (Genesis 1:11 and 12 only), and animal life.

Outside the Hebrew Bible the term occurs 3 times in Ben Sira, twice in CD, once in 1QS, three times in 4QJub[a], and once in 4Q384. In these texts the term can refer to kinds of grasshoppers, kinds of people, kinds of spirits, kinds of deeds, kinds of angels, and kinds of righteousness. Jastrow also notes several instances of the term in the Mishnah and Talmud.[25] The only significant semantic development in this later literature is its use of certain people with the meaning "sectarian, infidel".[26]

There is ample evidence, particularly in the biblical dietary laws[27] and the Wisdom tradition,[28] that the ancient Israelites made detailed observations on the behaviour, and anatomy of animals[29] and insects,[30] and were no less aware of the varieties and qualities of plant life.[31] None of this is surprising for an ancient agrarian people who were in a better position to observe creation than most moderns. Their Wisdom tradition esteemed such observations, while their laws assumed them.

The term מִין reflects the categories of animal and plant life that are detected by these kinds of observations and distinctions, and Genesis 1 records the origin of these categories in God's creative acts as he makes the plants and animals in all their various kinds.

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[24] This is the only instance in which the Masoretic text has the form לְמִינָה without the mappiq.
[25] Jastrow: 775-776.
[26] Jastrow: 776.
[27] Leviticus 11:1-47 and Deuteronomy 14:3-21.
[28] The description of Solomon's wisdom in 1Kings 4:33 notes that, "He discoursed of trees, from the cedar of Lebanon down to the marjoram that grows out of the wall, of beasts and birds, of reptiles and fishes" (NEB).
[29] Instances of this include references to the ostrich's plumage and how she cares for her eggs and young (Job 39:13-18), distinctions between animals on the basis of their hoofs/feet and how they eat (Lev 11:3-8), and distinctions in aquatic life on the basis of fins and scales (Lev 11:9-12).
[30] Instances of this include references to the behaviour of insects such as the ant and locust (Prov 30:24-28), and distinctions among winged insects that crawl, based on a peculiarity of their anatomy and how they move about (Lev 11:20-25).
[31] This is evident from the fundamental distinction between seed-bearing plants and trees bearing fruit with their seeds in them (Gen 1:11), and the description of Solomon's wisdom in 1Kings 4:33.

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3. The syntax of the מִין constructions in Genesis 1.

The constructions used with ־לְמִינ are typically of the kind,

וַיַּעַשׂ אֱלֹהִים ... וְאֶת־הַבְּהֵמָה לְמִינָהּ

An analysis of the three elements of the construction לְמִינָהּ is more difficult than it at first appears, but it is essential to discovering the relevance of the phrase for the interpretation of צֶלֶם and דְּמוּת in Genesis.

i. The use of the pronominal suffixes in the מִין constructions of Genesis 1.

Every instance of the noun מִין in the creation account of Genesis one has a pronominal suffix (Table 13).[32]

If the pronominal suffix is treated as a distributive it results in a translation of the kind, "God made the cattle… *each* after *its own* kind". This approach needs to supply the English term *each*, and requires that the Hebrew move seamlessly from the collective (הַבְּהֵמָה) to the distributive (הּ, -).[33] The pronominal suffix refers to each animal within the collective "cattle".

If the pronominal suffix is treated as though it has a plural referent it results in the translation, "God made the cattle… after *their* kind(s)". The antecedent for the pronominal suffix is the collective הַבְּהֵמָה. Since the referent is a collective the pronominal suffix can be translated with the plural "their".[34]

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[32] This is also true of all biblical uses of the term.
[33] For distributive pronouns following a plural see *GKC*: §145m (Gen. 2:19; 1Sam. 5:10; Job 24:5; Isa. 2:20; 5:23,26; 8:20). It is also possible to have collectives with predicates in the singular, *GKC*: §145f. (Gn 35:11; Ex 10:24; 14:10; Deut 1:39).
[34] While he does not provide a justification for his translation, Williams appears to adopt this analysis when he translates עֵץ פְּרִי עֹשֶׂה פְּרִי לְמִינוֹ in Gen 1:11, "fruit-trees producing fruit according to their types", 1976: §274.

It is difficult to choose between these two options on the basis of the nine instances of the singular pronominal suffix. There is, however, a significant point in favour of a plural translation of the pronominal suffix.[35]

Table 13. The Pronominal Suffixes on ‎לְמִינ־‎, ‎בְּצֶלֶם־‎, and ‎כִּדְמוּת־‎ and Their Antecedents in Genesis 1.

Text	Pronominal Suffix	Gender and No. of Antecedent Noun(s)	Antecedent
v.11 ‎לְמִינוֹ‎	3ms	ms	‎פְּרִי‎
v.12 ‎לְמִינֵהוּ‎	3ms	ms	‎דֶּשֶׁא עֵשֶׂב מַזְרִיעַ זֶרַע‎
v.12 ‎לְמִינֵהוּ‎	3ms	ms	‎וְעֵץ עֹשֶׂה פְּרִי אֲשֶׁר זַרְעוֹ־בוֹ‎
v.21 ‎לְמִינֵהֶם‎	3mp	mp and fs[36]	‎אֶת־הַתַּנִּינִם הַגְּדֹלִים וְאֵת כָּל־נֶפֶשׁ הַחַיָּה הָרֹמֶשֶׂת אֲשֶׁר שָׁרְצוּ הַמַּיִם‎
v.21 ‎לְמִינֵהוּ‎	3ms	ms	‎כָּל־עוֹף כָּנָף‎
v.24 ‎לְמִינָהּ‎	3fs	fs	‎נֶפֶשׁ חַיָּה‎
v.24 ‎לְמִינָהּ‎	3fs	fs	‎בְּהֵמָה וָרֶמֶשׂ וְחַיְתוֹ־אֶרֶץ‎
v.25 ‎לְמִינָהּ‎	3fs	fs	‎חַיַּת הָאָרֶץ‎
v.25 ‎לְמִינָהּ‎	3fs	fs	‎הַבְּהֵמָה‎
v.25 ‎לְמִינֵהוּ‎	3ms	ms	‎כָּל־רֶמֶשׂ הָאֲדָמָה‎
v.26 ‎בְּצַלְמֵנוּ‎	1cp	mp	‎אֱלֹהִים‎
v.26 ‎כִּדְמוּתֵנוּ‎	1cp	mp	‎אֱלֹהִים‎

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[35] In addition to the point made here, it is also noteworthy that in all nine occurrences of the singular pronominal suffix the suffix agrees in gender with its antecedent. While there does not appear to have been a thorough study of the subject, there is reason to suggest that the distributive construction might function *ad sensum*, in which case the pronominal suffix would be masculine even when the antecedent plural or collective singular noun is feminine. The examples of the distributive cited in the standard grammars lack clear instances in which the antecedent noun is feminine. The only evidence for the *ad sensum* nature of the distributive pronoun is Genesis 2:19, and it is not conclusive. In Genesis 2:19 the feminine collective ‎חַיָּה‎ and the masculine collective ‎עוֹף‎ are followed by the distributive ‎לֹ‎. In this instance the masculine pronoun agrees with the closer (masculine) antecedent and is unexceptional. However, the final clause of the verse has the feminine ‎נֶפֶשׁ חַיָּה‎ followed by the masculine pronoun functioning distributively,

‎וְכֹל אֲשֶׁר יִקְרָא־לוֹ הָאָדָם נֶפֶשׁ חַיָּה הוּא שְׁמוֹ‎

The RSV translates this text, "and whatever the man called every living creature, that was its name". In Gen 1, however, the singular pronominal suffix always agrees with its antecedent in gender, and in four of these nine instances the pronominal suffix agrees with a *feminine* antecedent. In verse 24 ‎ה ָ‎-, rather than ‎וֹ‎- (as in Gen 2:19), follows ‎נֶפֶשׁ הָיָה‎.

[36] The third person masculine plural pronominal suffix is not related to the subject of the third person masculine plural verb. The subject of the latter is ‎הַמַּיִם‎ as in verse 20. The verb ‎שָׁרַץ‎ can be used of the swarming creatures themselves, or of the sea or land in which they swarm. When humans or animals are the subjects, the land on which they swarm is prefixed with ‎עַל‎ (Gen 7:21; 8:17; Lev 11:29,41,42,46; Ezek 47:9), or ‎בְּ‎ (Gen 9:7), or left unstated (Lev 11:43; Ex 1:7). When land (Ps 105:30), water (Gen 1:20,21) or the Nile (Ex 7:28) function as subjects the creatures are in the accusative. Since the closest antecedent for the third person pronominal suffix in Gen 1:21 is feminine singular, the suffix must refer to both the more distant ‎הַתַּנִּינִם‎ and the closer ‎כָּל־נֶפֶשׁ הַחַיָּה‎.

Genesis 1:21 contains the only instance of the ‎מִין‎ construction in which there is a plural pronominal suffix. It is plural for one of two reasons. The most obvious explanation is the plural noun ‎תַּנִּינִם‎ in 1:21a. In every other use of the ‎מִין‎ construction the antecedent is a collective singular, but in 1:21 the head noun is morphologically plural, since no collective exists for the great sea creatures.[37] The second explanation is that the pronominal suffix is plural because this is the only instance in which it has *two* antecedent head nouns (‎הַתַּנִּינִם‎ and ‎נֶפֶשׁ הַחַיָּה הָרֹמֶשֶׂת‎). In this case the plurality of ‎תַּנִּינִם‎ is incidental.

The second explanation is probably correct. In each execution report in which ‎מִין‎ is used the ‎מִין‎ construction is studiously applied to each category of creatures (1:12 and 1:25).[38] Genesis 1:21 would constitute the exception unless ‎לְמִינֵיהֶם‎ applies to both classes of sea creature. In the announcement of 1:20 the writer referred to sea creatures in general and it is only in 1:21 that the ‎תַּנִּינִם‎ are singled out. This is why the writer uses the ‎מִין‎ construction to govern two classes of creature in 1:21. They represent two *related* classes to which a single instance of the ‎מִין‎ construction is applied. Over against these are the birds in 1:21b for which a separate use of the ‎מִין‎ construction is used.[39]

The telling point is that two antecedent collective singulars (or the plural ‎תַּנִּינִם‎) resulted in the use of a plural pronominal suffix. This would not have been necessary had the author been using the pronominal suffix as a distributive. The shift to plural suggests, then, that the nine instances of *singular* pronominal suffixes disguise a *plural* referent, and are not distributive.

This suggests the singular pronominal suffix is motivated by grammatical agreement with its collective singular antecedent and does not represent a significant difference in meaning from the plural.[40] The "plural" understanding of the singular pronominal suffixes makes it

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[37] This is König's explanation of the plural suffix, 1911: 136.

[38] This is not the case in the *announcements* (1:11,20 and 24).

[39] This explanation of the plural pronominal suffix is confirmed by the form ‎לְמִשְׁפְּחֹתֵיהֶם‎ in Gen 8:19 which has only collective singular antecedents.

[40] Waltke-O'Connor's comment on the relationship between grammar and thought illustrates how this can be the case, "… a noun's grammatical number is determined by the language's lexical structure, and thus it does not represent the speaker's thought or experience directly. For example, English lexical structure demands that 'oats' be represented as plural ('The oats are in the field') but 'wheat' as singular ('The wheat is in the barn'). We cannot argue that speakers of English think of 'oats' as plural and 'wheat' as singular; this is simply

possible to understand all ten instances (morphologically plural and morphologically singular) in a consistent manner.[41] All are *referentially* plural. It is preferable to use the English plural for both the collective singular noun (unless their is an equivalent collective singular in English) and the singular pronominal suffix, "God made the *birds* according to *their* kind(s)".

ii. The use of the noun מִין in Genesis 1.

The analysis of the noun מִין is more problematic. It too is morphologically singular in every instance except Genesis 1:21. In the nine singular uses the head noun is a collective singular and this has led scholars to attempt an explanation of how the singular form מִין can be possessed by a plural possessor[42] as it is in the sentence, "God made birds after *their* kind". Three explanations have been proposed. It is possible that the term מִין is itself a collective singular, or that it behaves like an abstract noun. It is also possible that "kind" is "intrinsically proper to its possessor" and is thus an "inalienable possession". This puts it in the same class as nouns like "mouth", "heart" and "voice" which can be morphologically singular when appended with a plural pronominal suffix.[43] It is also possible that more than one of these three explanations is relevant to an understanding of מִין in Genesis 1.

Inalienable possession[44] is intrinsic possession of the kind that exists between a person and his or her mouth, voice, head, etc. As such it is distinguishable from acquired possession of the kind that exists between a person and his house or car. In languages that observe this distinction, the category of inalienable possession exhibits peculiarities in syntax. It has already been noted that in Hebrew inalienable possession accounts for the tendency to use nouns like פֶּה, יָד, כַּף, קוֹל, לָשׁוֹן, לֵב, and רֹאשׁ in the singular even when the possessor is plural.[45] The noun לֵב, for example, occurs 57 times in the Hebrew Bible in the singular

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[41] König likewise concludes, "Aber zugleich und in schliesslicher Wirklichkeit prägte jene Aussage den Sinn 'lebendige Wesen je nach ihren Arten' aus", 1911: 136.
[42] Recall that the pronouns are referentially plural.
[43] Waltke-M. O'Connor include the category "genitive of inalienable possession" in their discussion of the genitive, 1990: 145.
[44] The possible relevance of inalienable possession to the syntax of מִין was proposed by Dr. P. Williams (Cambridge) in a conversation. Dr. Williams also kindly supplied a copy of an article by W. Diem on the subject of inalienable possession, 1986: 227-291.
[45] Davidson provides additional examples of this phenomenon, 1896: §17, R.4.

false…Grammatical number thus does not directly and necessarily represent 'thought'. It is rather a language- and cultural-specific [sic] system", Waltke-O'Connor 1990: 112.

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while carrying a plural suffix, לְבָּם. The plural forms לְבוֹתָם and לְבָּם, on the other hand, only occur once each.[46]

This feature of inalienable possession could account for the use of the singular מִין in the nine instances in which the head noun and pronominal suffix are morphologically singular, but referentially plural. Intrinsic possession would explain why מִין is singular in spite of the fact that it refers to the מִין of numerous animals or plants. If the relationship of an animal to its מִין is intrinsic in a manner analogous to its mouth or voice (etc.), then an animal's מִין is its inalienable possession. As such מִין could be singular in conjunction with a plural possessor as it is in the expression, "after *their* kind".

It is also possible to explain the use of a morphologically singular מִין with a plural "possessor" by two other means. The singular form of מִין could be accounted for in these nine instances if מִין were either an abstract noun or a collective noun. Driver has already suggested the latter,[47] while König, in the only extended treatment of the subject, has suggested that מִין is a collective which also carries an abstract sense.[48]

König gives the term both a concrete meaning (Spezies, Art), and an abstract one (Beschaffenheit, Qualität).[49] He suggests מִין is singular because of an attraction to the singular form of the possessor under the influence of a natural congruence between the number of the possessor and the number of the thing possessed (מִין).

> Vielmehr steht in 1:24 zunächst 'lebendige Seele (je) nach ihrer Art' (zugleich Qualität und Spezies), und wieder ist der Singular des Besitztums מִין teils durch den Singular des Besitzers und teils durch seinen eigenen ursprünglichen abstrakten Begriff motiviert… Vielmehr zeigt diese Tatsache, das der Singular des Besitztums *mîn* in den andern ällen auch und zunächst von der singularischen Form des Besitzers attrahiert wurde, weil so eine natürliche Kongruenz zwischen der Numerusform Besitzer und Besitztum vorhanden war.[50]

Once again, the nine instances of מִין in the singular do not provide sufficient information to decide between these alternative explanations. The data can be accounted for in terms of

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[46] After Williams, see n.44. Cf. *BDB*: 524.
[47] Driver does not elaborate on the reasons for this choice, "*after its kind*. Rather, *after its* kinds (the word being collective), i.e. according to its various species: so *vv.* 12, 24, 25", 1915: 9.
[48] König 1911: 135.
[49] He suggests the concrete sense developed by a process of metonymy from the abstract sense, 1911: 134.
[50] König 1911: 136.

inalienable possession. It can also be explained by calling מִין a collective (Driver), or by calling it a collective-abstract noun exhibiting attraction to the singular "possessor" (König).

Table 14. Extra-Biblical Occurrences of מִין and a Plural Use of מִין in the Samaritan Pentateuch.

Location	Text
Ben Sira 13:14 13:15 43:25	כל הבשר יאהב מינו / וכל אדם את / הדומה לו מין כל בשר אצלו ואל מינו יחובר אדם (space for four characters) שם פלאות תמהי מעשהו מין כל חי וגבורות רבה
Dead Sea Scrolls 1QS 3:14 CD 4:16 CD 12:14 4QJub[a] 7:4 4QJub[a] 7:9 4QJub[a] 7:15 4Q384 8:3	לכול מיני רוחותם באותותם למעשיהם בדורותם ולפקודת נגועיהם עם אשר הוא תפש בהם בישראל ויתנם פניהם לשלושת מיני (17) [הצדק] חיים ונשפך דמם וכל החגבים במיניהם יבאו באש או במים [את ארבעה] (4) המנים האלה עשה ב[יום הששי (3)... ...המינים האלה (9) שנין[...(8) ...נעשו משה [יני]מ ועשרים וש<כ>ים... [מעשיהם למינ]הם (51)...
Samaritan Pentateuch 6:20	והיה מן העוף למינהו ומן הבהמה למינה ומכל אשר רמש על האדמה למיניהם...

Fortunately, Genesis 1:21 contains an occurrence of מִין in the plural.[52] In fact this is the only plural of מִין in the Hebrew Bible, giving it the appearance of an exceptional use of the noun מִין. However, several observations suggest it may not be as exceptional as it appears. The thirty instances of singular מִין have a singular pronominal suffix with a singular antecedent, and it is always prefixed with לְ. This represents a very specific syntactical environment that may account for the predominance of the singular מִין. The one instance in which the pronominal suffix and its antecedent are plural is also the one instance in which מִין

[51] This is all that is legible on line 3. The only legible term on line four is למשפחותהם (cf. Gen 7:14).
[52] König notes the plural is not only supported by the Samaritan Pentateuch and Targum Onqelos, but also by the Septuagint and the Arabic (he does not specify which), 1911: 136, n.1. This reading is also supported by the Vulgate.

is plural. This suggests the sample is a not a representative one, and that מִין might otherwise occur frequently in the plural.

This bias is confirmed by the extra-biblical occurrences of מִין from Ben Sira and the Dead Sea Scrolls (Table 14),[53] and by a noteworthy variant from the Samaritan Pentateuch.

Table 15. Number Agreement for מִין in Ben Sira, the DSS, and its Plural Occurrence in the Samaritan Pentateuch.

Location	Text	Agreement in Number
Ben Sira 13:14 13:15 13:15 43:25	כל הבשר יאהב מינו ואל מינו יחובר אדם מין כל בשר אצלו מין כל חי	Singular with singular pronominal suffix Singular with singular pronominal suffix Singular followed by כל with a collective singular (and singular pr. sf. on prep) Singular followed by כל with a collective singular
Dead Sea Scrolls 1QS 3:14 CD 4:16 CD 12:14 4Qjub[a] 7:4 4Qjub[a] 7:9 4Qjub[a] 7:15 4Q384 8:3	לכול מיני רוחותם לשלושת מיני [הצדק] וכל החגבים במיניהם את ארבעה] המנים האלה שנין] המינים האלה ועשרים [יני]מ מעשה נעשו וש<כ>ים [מעשיהם למינ]הם...	Plural followed by plural genitive Plural with plural cardinal number Plural with plural pronominal suffix and head noun Plural with *plural cardinal number and plural demonstrative Plural with *plural cardinal number and plural demonstrative *Plural with plural cardinal number Plural with *plural pronominal suffix and plural head noun
Samaritan Pentateuch 6:20	ומכל אשר רמש על האדמה למיניהם	Plural with plural pronominal suffix

* Indicates a reference to a reconstructed form.

[53] Including the Damascus document (CD) attested from the Cairo Geniza.

When the extra-biblical occurrences are analysed for number agreement they exhibit a consistent pattern (Table 15). מִין is singular when:

it occurs with a *singular* pronominal suffix - Ben Sira 13:14,15.

it occurs before כֹּל with a *collective singular* noun - Ben Sira 13:15; 43:25.

מִין is plural when:

it occurs with a *plural* pronominal suffix - CD 12:14; 4Q384 8:3.

it is in construct with a genitive *plural* possessor - 1QS 3:14.

it occurs with a *plural* numeral - CD 4:16; 4QJub[a] 7:9,15.

The pattern of number concord exhibited by the noun מִין is that of a common countable noun.[54] It shows none of the peculiarities associated with collective or abstract nouns, and possesses none of the peculiarities of inalienable possession. All three of these kinds of noun tend to remain singular with a plural pronominal suffix, and yet this never occurs with מִין.

The Samaritan Pentateuch variant in Genesis 6:20 confirms that מִין behaves as a countable noun. The variant is consistent with the pattern of number concord exhibited elsewhere in constructions with מִין. The variant has changed *both* the singular pronominal suffix *and* singular מִין of the MT to plural forms, thereby maintaining number concord.

SP [6:20] ‏והיה מן העוף למינהו ומן הבהמה למינה ומכל אשר רמש על האדמה למיניהם...
MT [6:20] ‏מהעוף למינהו ומן הבהמה למינה ומכל רמש האדמה למינהו...

By changing both the pronominal suffix and מִין in this manner the SP text exhibits a consistency of number concord between the pronominal suffix and מִין. This is also evident from a comparison between the SP text of 6:20 and the text of Genesis 7:14 in the SP.

SP [7:14] ‏הם וכל החיה למינה וכל הבהמה למינה וכל הרמש הרמש על הארץ למינהו...

This text records the carrying out of the instructions God gave in 6:20 and is parallel in many ways to the earlier text. The use of the plurals in 6:20 and the singulars in 7:14 in essentially

the same construction in parallel texts suggests they carry the same meaning. The use of the plural forms in 6:20 appears to be an intuitive use of a *constructio ad sensum* in which the pronoun indicates the plural referent for the morphologically singular antecedent noun (cf. the English sentence, "The cattle trampled *their* fence").

What, then, is to be made of the proposals that מִין is a collective noun (Driver), collective and abstract noun (König), or that it is inalienably possessed? The data on number concord, some of which were unavailable to Driver and König, are unequivocal. The noun מִין is a count noun and any explanation of its grammatical form cannot proceed on the basis that it is a collective singular, an abstract-collective noun, or a noun susceptible to the grammatical peculiarities of inalienable possession.

The problem with these three proposals lies in the fact that they treat a *constructio ad formam*[55] (morphologically motivated construction) as though it was a *constructio ad sensum* (referentially motivated construction). There are at least three ways in which grammatical number can relate to referential number.

1. The morphology can correspond consistently with the referent. The referent is plural and the grammatical number is consistently plural, "The apples were sorted according to their kinds".

2. The grammatical number can follow the referent rather than rules of grammatical agreement. This is a form of *constructio ad sensum*, and is common with pronouns whose antecedent is a collective. "The jury (singular) considered their (plural) verdicts (plural)"[56] (cf. "*That which* crawls on the ground according to *their kinds*", Genesis 6:20 in the SP).

3. The grammatical number can be maintained irrespective of the number of the referent. This is *constructio ad formam*, and it occurs nine times in Genesis 1, "God made cattle (singular) after its (singular) kind (singular)".

Nine times in Genesis 1 the pronominal suffix is morphologically singular because its antecedent is morphologically singular, and nine times מִין is morphologically singular under the influence of a morphologically singular pronominal suffix. König's suggestion that מִין is

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[54] "Dog" is a countable noun. "Bread" usually functions as an uncountable (or mass) noun, and when used in this manner is always singular and does not occur with the indefinite article. See further, Thomson and Martinet 1986: 15 and 28f.

[55] This expression is coined for the present purposes as a useful way of expressing a contrast with the recognised grammatical term *constructio ad sensum.*

[56] Grammatical agreement would require, "The jury (singular) considered its (singular) verdict (singular)".

singular because it is attracted to the singular form of the possessor under the natural congruence between the number of the possessor and the number of the thing possessed, has already been noted. This may be correct. But, whatever the motivation, the noteworthy point in this instance is that *the rule is applied on the basis of the morphological form* (which is singular*) and not on the basis of the number of the referent* (which is plural). In other words, the מִין construction in Genesis 1 is functioning at the level of morphology and not at the level of referent. Usually these two levels agree in number, but in this instance they do not, and the point that has caused most difficulty for grammarians has been the fact that normal rules do apply to the construction, but they are applied at the morphological level.

It is a mixing of categories to explain a morphologically motivated (*ad formam*) construction (type iii) as though it were an *ad sensum* construction (type ii). It is mixing categories to explain the singular form of מִין by suggesting it is a collective noun, or an abstract-collective noun, or in terms of inalienable possession, when these are categories designed to explain why certain nouns do *not* conform to normal grammatical agreement in number. There is not a single case in which מִין fails to exhibit normal grammatical agreement in number (Table 15). It is a countable noun behaving in a predictable way once it is realised that the rules governing its behaviour are applied at the level of morphology and not at the level of referent.

In the מִין constructions the collective singular noun used of the possessor (סוּף, etc.) breaks the correspondence between grammatical and referential number. Once this is done, the writer had the choice of using a *constructio ad sensum* by using a plural pronominal suffix (and, by the application of König's rule,[57] a plural מִין), or a *constructio ad formam* by using a singular pronominal suffix (and, by the application of König's rule, a singular מִין). In Genesis 1 the writer consistently chooses the latter option and it is this choice, and not any peculiarity of the noun מִין, that explains why מִין is singular even though its possessor is *referentially* plural.

English cannot reproduce the singular constructions of Genesis 1,[58] and so it must use plurals.

> God made the crawling creatures according to *their kinds*

This translation is justifiable given the fact that the writer of Genesis 1 uses plurals when the antecedent for the pronoun is plural and compound, as is the case in 1:21.

iii. The use of the preposition לְ in the מִין constructions of Genesis 1.

Every biblical occurrence of מִין occurs in a construction of the kind,

$$\text{לְ} + \text{מִין} + \text{pronominal suffix}$$

This construction is listed in the grammars[59] and *BDB*[60] as an example of the preposition לְ when it indicates the norm governing the verbal action. When the noun to which לְ is prefixed indicates a quality the phrase functions like an accusative of manner:[61] לְאַט, "gently" (Isaiah 8:6), לֶאֱמֶת, faithfully (Isaiah 42:3), לְצֶדֶק, "righteously" (Isaiah 32:1), לֶאֱמוּנָה, "honestly" (Jeremiah 9:2). When the noun to which the לְ is prefixed is plural the phrase is distributive: לִשְׁבָטָיו, "by its tribes", i.e., "tribe by tribe" (Numbers 24:2), לְבֵית אֲבוֹתָם, "by their fathers' houses", i.e., "father's house by father's house" (Numbers 1:2), לְמִשְׁפְּחֹתֵיהֶם, "by their families", i.e., "family by family" (Genesis 8:19).

The last example in particular has affinities with the phrase לְמִינ-. Genesis 6:20 and 7:14 record the gathering of the animals to enter the ark using the phrase לְמִינ-, and Genesis 8:19 records the animals' departure from the ark using the phrase לְמִשְׁפְּחֹתֵיהֶם. Nevertheless, the phrase לְמִינ- functions quite differently from לְמִשְׁפְּחֹתֵיהֶם and the other prepositional phrases discussed to this point.

All the instances given above, except those using מִין, are adverbial in nature and indicate a norm that governs the verbal action. לְמִינ-, on the other hand, functions more like an

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57 Or a rule of this nature.

[57] Or a rule of this nature.

[58] It can do something similar with a "mass" (uncountable) noun like "grain" in the sentence, "The farmer sowed the *grain* according to *its kind*".
[59] Davidson 1901: §101, R.1(*b*); Williams 1976: §274.
[60] *BDB*: 516 (לְ, 5, i).
[61] Williams 1976: §274.

adjective modifying the noun. In 6:20, for example, לְמִינֵ־ does not modify the verb בּוֹא as though it indicates how the animals were to enter the ark, "according to their kinds". Rather, it indicates that the animals that entered the ark were of every kind: birds according to their kinds, cattle according to their kinds, and crawlers according to their kinds.[62] The phrase indicates *which* animals entered the ark not *how* they entered the ark. This difference is particularly evident in the enumeration of clean and unclean animals in Leviticus 11 and Deuteronomy 14. In Leviticus 11:13-14, for example, Israelites are told to detest (שָׁקַץ) certain birds and not to eat (אָכַל) them. Verse 14 lists the offending birds including, "the black-kite according to its kind"[63] (הָאַיָּה לְמִינָהּ). The prepositional phrase does not indicate *how* the black-kite is to be detested (שָׁקַץ) or *how* it is not to be eaten (אָכַל). Instead, it indicates *which* birds are to be detested and not eaten. "Do not eat the black-kite *according to its kind*", is literally correct, but a bit obscure.[64] The text requires a meaning of the kind, "do not eat black-kites *of any variety*" (emphasis added).[65]

It remains to discover what sense לְמִינֵ־ carries in Genesis 1. If it is adverbial in nature it tells *how* God made the various creatures and conveys the sense, "God made the cattle according to their kinds (kind by kind, or, conforming them to their various kinds)". If on the other hand, it is more closely related to the noun it tells *what* God created and means, "God made cattle of every kind".

A characteristic of the לְמִינֵ־ construction that distinguishes it from the adverbial uses of לְ is its frequent appearance in lists. This minimises any verbal ideas and in many instances leaves no alternative but to link לְמִינֵ־ with the noun. A comparison of Genesis 6:19-20 and Genesis 8:19 illustrates the point.

Genesis 8:18-19
וַיֵּצֵא־נֹחַ וּבָנָיו וְאִשְׁתּוֹ וּנְשֵׁי־בָנָיו אִתּוֹ
כָּל־הַחַיָּה כָּל־הָרֶמֶשׂ וְכָל־הָעוֹף כֹּל רוֹמֵשׂ עַל־הָאָרֶץ לְמִשְׁפְּחֹתֵיהֶם יָצְאוּ

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[62] If לְמִינֵ־ was functioning adverbially one occurrence with the verb would be sufficient, whereas the text has an occurrence of the term with each noun.

[63] This is probably better rendered in English, "black-kites according to *their* kinds", or, "black kites in all their varieties".

[64] The RSV reads, "they shall not be eaten, they are an abomination: the eagle, the vulture, the osprey, the kite, the falcon according to its kind, every raven according to its kind..." (Leviticus 11:13b-15a), but it is difficult to be sure just what the phrase "the falcon according to its kind" means in this context.

[65] Cf. "the falcon in its various kinds", Driver and White 1898: 18.

Genesis 6:19-20
וּמִכָּל־הָחַי מִכָּל־בָּשָׂר שְׁנַיִם מִכֹּל תָּבִיא אֶל־הַתֵּבָה לְהַחֲיֹת אִתָּךְ זָכָר וּנְקֵבָה יִהְיוּ
מֵהָעוֹף לְמִינֵהוּ וּמִן־הַבְּהֵמָה לְמִינָהּ מִכֹּל רֶמֶשׂ הָאֲדָמָה לְמִינֵהוּ שְׁנַיִם מִכֹּל יָבֹאוּ אֵלֶיךָ
לְהַחֲיוֹת

In Genesis 8:18-19 לְמִשְׁפְּחֹתֵיהֶם occurs once and is associated with the verb יָצְאוּ following the list. In 6:19-20 the verbs precede and follow the list, whereas לְמִינֵ־ is repeated and imbedded in the list itself, and the phrase לְמִינֵ־ always occurs immediately after the noun it modifies. This pattern of occurrence is consistent for all the uses of לְמִינֵ־ in Genesis 6:20, Genesis 7:14, Leviticus 11, and Deuteronomy 14.[66]

Genesis 1 follows this pattern of use for לְמִינֵ־. Without exception לְמִינֵ־ occurs immediately following the noun (or noun phrase) it modifies,[67] and is never located adjacent to the verb. With only one exception,[68] there is an initial verb followed by a *repeated* use of לְמִינֵ־ in conjunction with the listed nouns. It is evident from this pattern of usage that לְמִינֵ־ is modifying the nouns rather than governing the action of the verbs, and that it should be translated, "Trees that produce fruit with their seed in it, in all their varieties", "Cattle in all their varieties", and "Birds in all their varieties".

In summary. An analysis of the constituent parts of the phrase לְמִינֵ־ suggests that the phrase is idiomatic in a number of respects. The pronominal suffix is singular in 9 of its 10 occurrences in Genesis 1 because in all 9 of these instances the antecedent is a collective singular. Similarly the noun מִין is singular in 9 of the 10 instances under the influence of the singular pronominal suffix.[69] The result is that the head noun, the pronominal suffix, and מִין

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adjective modifying the noun. In 6:20, for example, לְמִינֵ־ does not modify the verb בּוֹא as though it indicates how the animals were to enter the ark, "according to their kinds". Rather, it indicates that the animals that entered the ark were of every kind: birds according to their kinds, cattle according to their kinds, and crawlers according to their kinds.[62] The phrase indicates *which* animals entered the ark not *how* they entered the ark. This difference is particularly evident in the enumeration of clean and unclean animals in Leviticus 11 and Deuteronomy 14. In Leviticus 11:13-14, for example, Israelites are told to detest (שָׁקַץ) certain birds and not to eat (אָכַל) them. Verse 14 lists the offending birds including, "the black-kite according to its kind"[63] (הָאַיָּה לְמִינָהּ). The prepositional phrase does not indicate *how* the black-kite is to be detested (שָׁקַץ) or *how* it is not to be eaten (אָכַל). Instead, it indicates *which* birds are to be detested and not eaten. "Do not eat the black-kite *according to its kind*", is literally correct, but a bit obscure.[64] The text requires a meaning of the kind, "do not eat black-kites *of any variety*" (emphasis added).[65]

It remains to discover what sense לְמִינֵ־ carries in Genesis 1. If it is adverbial in nature it tells *how* God made the various creatures and conveys the sense, "God made the cattle according to their kinds (kind by kind, or, conforming them to their various kinds)". If on the other hand, it is more closely related to the noun it tells *what* God created and means, "God made cattle of every kind".

A characteristic of the לְמִינֵ־ construction that distinguishes it from the adverbial uses of לְ is its frequent appearance in lists. This minimises any verbal ideas and in many instances leaves no alternative but to link לְמִינֵ־ with the noun. A comparison of Genesis 6:19-20 and Genesis 8:19 illustrates the point.

Genesis 8:18-19
וַיֵּצֵא־נֹחַ וּבָנָיו וְאִשְׁתּוֹ וּנְשֵׁי־בָנָיו אִתּוֹ
כָּל־הַחַיָּה כָּל־הָרֶמֶשׂ וְכָל־הָעוֹף כֹּל רוֹמֵשׂ עַל־הָאָרֶץ לְמִשְׁפְּחֹתֵיהֶם יָצְאוּ

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[62] If לְמִינֵ־ was functioning adverbially one occurrence with the verb would be sufficient, whereas the text has an occurrence of the term with each noun.

[63] This is probably better rendered in English, "black-kites according to *their* kinds", or, "black kites in all their varieties".

[64] The RSV reads, "they shall not be eaten, they are an abomination: the eagle, the vulture, the osprey, the kite, the falcon according to its kind, every raven according to its kind..." (Leviticus 11:13b-15a), but it is difficult to be sure just what the phrase "the falcon according to its kind" means in this context.

[65] Cf. "the falcon in its various kinds", Driver and White 1898: 18.

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Genesis 6:19-20
וּמִכָּל־הָחַי מִכָּל־בָּשָׂר שְׁנַיִם מִכֹּל תָּבִיא אֶל־הַתֵּבָה לְהַחֲיֹת אִתָּךְ זָכָר וּנְקֵבָה יִהְיוּ
מֵהָעוֹף לְמִינֵהוּ וּמִן־הַבְּהֵמָה לְמִינָהּ מִכֹּל רֶמֶשׂ הָאֲדָמָה לְמִינֵהוּ שְׁנַיִם מִכֹּל יָבֹאוּ אֵלֶיךָ
לְהַחֲיוֹת

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are all singular in form and yet are associated with plural referents. This is confirmed by Genesis 1:21 in which the two head nouns result in a plural pronominal suffix and a plural form of מִין.

The unique plurals in Genesis 1:21 suggested something exceptional was producing the grammatical number of מִין, and this was confirmed by the extra-biblical uses of the noun. The reason for the singular forms of מִין does not lie in any peculiarity of מִין, which is a countable noun. Rather, the writer of Genesis 1 chose to use a *constructio ad formam* rather than a *constructio ad sensum*. Any rules of government were applied at the morphological level irrespective of the number of the referent.

Figure 6. The Phrase לְמִין Used Adverbially and Adjectivally.
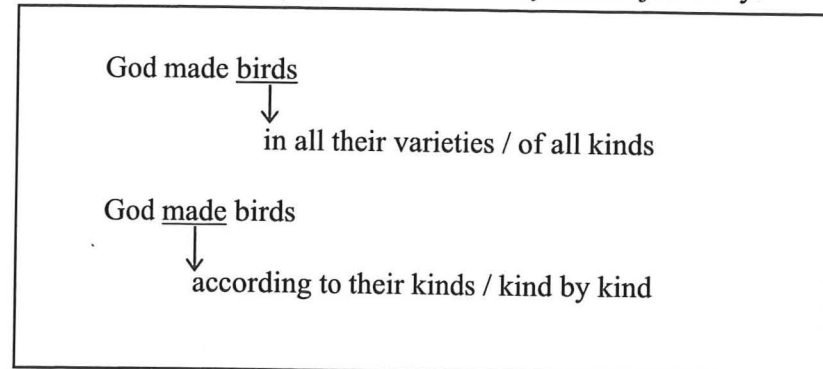
Finally, the preposition לְ does not serve to indicate a norm governing the verb when it occurs in the construction לְמִינ־. Instead, it establishes a relationship between the מִין phrase and the head noun (Figure 6).[70] This, together with the other elements of this analysis, suggests the phrase is to be translated, "God made *birds* in all *their varieties*", unless their is an equivalent English collective singular, in which case it can be translated, "God made *cattle* in all *their varieties*".

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[70] *KBS* places לְמִינוֹ (Gen 1:11) under a category of usage in which לְ, "divides a whole into its parts", 509. This category puts together uses of לְ that are adverbial (1Sam 10:19) as well as adjectival (Gen 1:11). It translates לְמִין, "according to its kinds".

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4. Conclusions: The meaning of כִּדְמוּת־/בְּצֶלֶם־ in the light of the מִין constructions.

Reasons have already been given for supposing that the use of מִין in Genesis 1 is relevant to an understanding of צֶלֶם and דְּמוּת in the account of man's creation. Having defined more closely the role and meaning of לְמִינ־ in Genesis 1 it is now possible to consider its implications for discovering the significance of צֶלֶם and דְּמוּת in Genesis 1.

The contrast between the לְמִינ־ construction and בְּצֶלֶם־ is not precise in structural terms. The former is an adjectival modifier whereas the latter is adverbial (Table 16).

Table 16. The Contrast between the Creation of Non-Human Life and Human Life in Genesis 1.

Interpretation	Construction	Grammatical Relation	Significance
	God made birds ↳in all their varieties	Adjectival	Ontological
Resemblance View	God made man → *in* the image of God	Adverbial	Ontological
Functional Views	God made man → *as* the image of God	Adverbial	Functional

The contrast in meaning depends on which view of man's creation is adopted. The functional interpretation establishes a contrast between the variety of created life and the function of man as God's representative (over the rest of the created life). In this way the functional view places the creation of man on a different axis from the creation of animal life. The creation of the non-human life is presented as an ontological matter, whereas the

creation of man is a functional one. The two do not so much contrast as deal with different issues.

The resemblance view establishes a contrast between the creation of animals and the creation of human life along a shared ontological axis. Non-human and human creation are matters of ontology, but they are carried out differently. In contrast to the account of the creation of non-human life, which uses an adjectival construction to express their variety, the account of man's creation uses an adverbial expression to focus on the peculiar nature of the creative process. In this way the unique creation of man is brought into bold relief against the creation of all other life. According to this interpretation the multiplication of terms in Genesis 1:26 and 27 is effectively repetition and is likely the result of this emphasis on the uniqueness of man's creation vis à vis other creatures, rather than on any intended distinction in meaning between the terms צֶלֶם and דְּמוּת.

IV. The Nature of Man's Creation in the Light of the Distribution of the Four Terms בְּ, כְּ, דְּמוּת, and צֶלֶם in Genesis 1, 5 and 9.

The mixed-functional interpretation of Genesis 1:26-27 requires a careful distinction between the meanings of two nouns (דְּמוּת, צֶלֶם) and a careful distinction between the meanings of two prepositions (בְּ, כְּ).[71] This section evaluates the evidence for these distinctions.

The four terms occur together in three passages:

Genesis 1:26-27,

וַיֹּאמֶר אֱלֹהִים נַעֲשֶׂה אָדָם בְּצַלְמֵנוּ כִּדְמוּתֵנוּ [26]
וְיִרְדּוּ בִדְגַת הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבַבְּהֵמָה וּבְכָל־הָאָרֶץ וּבְכָל־הָרֶמֶשׂ עַל־הָאָרֶץ
וַיִּבְרָא אֱלֹהִים אֶת־הָאָדָם בְּצַלְמוֹ [27]
בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ
זָכָר וּנְקֵבָה בָּרָא אֹתָם

Genesis 5:1-3,

זֶה סֵפֶר תּוֹלְדֹת אָדָם [1]

[71] Cf. Sawyer 1974: 421.

בְּיוֹם בְּרֹא אֱלֹהִים אָדָם בִּדְמוּת אֱלֹהִים עָשָׂה אֹתוֹ
זָכָר וּנְקֵבָה בְּרָאָם וַיְבָרֶךְ אֹתָם [2]
וַיִּקְרָא אֶת־שְׁמָם אָדָם בְּיוֹם הִבָּרְאָם
וַיְחִי אָדָם שְׁלֹשִׁים וּמְאַת שָׁנָה וַיּוֹלֶד בִּדְמוּתוֹ כְּצַלְמוֹ [3]
וַיִּקְרָא אֶת־שְׁמוֹ שֵׁת

Genesis 9:6,

שֹׁפֵךְ דַּם הָאָדָם בָּאָדָם דָּמוֹ יִשָּׁפֵךְ כִּי בְּצֶלֶם אֱלֹהִים עָשָׂה אֶת־הָאָדָם

A difficulty for the mixed-functional approach arises because the nouns appear to be used interchangeably with the result that any distinction between צֶלֶם (to designate a representative), and דְּמוּת (to indicate resemblance) is blurred. The synonymity is most striking in 5:1 and 9:6, each of which contains a recapitulation of the account of man's creation in Genesis 1.

בִּדְמוּת אֱלֹהִים עָשָׂה אֹתוֹ [5:1]
בְּצֶלֶם אֱלֹהִים עָשָׂה אֶת־הָאָדָם [9:6]

Similarly, the careful distinction between the *beth essentiae* and the *kaph of the norm* is not maintained. As a result, the distinctions that have been proposed for these four terms in Genesis 1 do not predict the actual distribution of these terms in Genesis 5:1-3 and 9:6.

The interpretation of Genesis 1 which the mixed-functional view proposes predicts that the recapitulation in Genesis 5:1 should read,

When God created man, he made him *as the image* of God (בְּצֶלֶם אֱלֹהִים).
   or
When God created man, he made him *according to the likeness* of God (כִּדְמוּת אֱלֹהִים).

The text in fact mixes the terminology in an unexpected way when it records that God made man "as the likeness of God" (בִּדְמוּת אֱלֹהִים). If בְּ here is a *beth essentiae* as it is in Genesis 1:26 (according to the functional interpretation), then דְּמוּת must refer to man as God's "representative", and thus carry a meaning different from the meaning it carried in Genesis 1. On the other hand, if דְּמוּת means "likeness" here in the same way as it did in 1:26, then the בְּ is a *beth* of *norm*, and it carries a meaning different from that which it carried in 1:26. One or other of the terms is being used differently from Genesis 1. This is problematic given the fact that the terms are being used here in a recapitulation of Genesis 1:26-27, and the author

might easily have written בְּצֶלֶם or כִּדְמוּת if he wished to maintain the careful distinction of terms that the functional interpretation proposes.

Similarly, the functional interpretation of Genesis 1 predicts that Genesis 5:3 should read,

> Adam begot (a son) *according to his likeness* (כִּדְמוּתוֹ), *as his image* (בְּצַלְמוֹ)
> or
> Adam begot (a son) *as his image* (בְּצַלְמוֹ), *according to his likeness* (כִּדְמוּתוֹ)

It would not predict the apparent mismatching of nouns and prepositions that occurs in 5:3 (בִּדְמוּתוֹ כְּצַלְמוֹ).

The theory is more successful in predicting the language of Genesis 9:6 in which reference is made to man's creation בְּצֶלֶם אֱלֹהִים. But it is not clear why the references back to Genesis 1:26-27 in this passage and in 5:1 should characterise it once with the phrase בִּדְמוּת (5:1), and a second time with the phrase בְּצֶלֶם (9:6) if the two nouns are carefully distinguished in Genesis 1. If the answer is that 9:6 focuses on man as God's representative and 5:1 focuses on man as God's likeness,[72] then it is still necessary to explain why the author obscured this distinction by using the preposition בְּ on דְּמוּת twice in chapter five (5:1 and 3) and reserved the preposition כְּ for צֶלֶם. If the author wished to focus on resemblance to God the functional interpretation would predict that the writer would use כִּדְמוּתוֹ alone, or place כִּדְמוּתוֹ before בְּצַלְמוֹ. It would not predict "Adam begot (a son) as his likeness (בִּדְמוּתוֹ), according to his image" (כְּצַלְמוֹ).

The functional interpretation is at odds with the data and cannot explain satisfactorily the distribution of these four terms in Genesis 1:26-27, 5:1-3 and 9:6. The author does not use them in the manner that this theory suggests.

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[72] Dohmen (1983) suggests that the order of the nouns is significant. In Gen 1 the emphasis lies on Adam as a representative since the first noun is צֶלֶם. In Gen 5 the emphasis lies on likeness since the first noun is דְּמוּת. However, if this was the intention the author would also have reversed the prepositions. Why place כְּ on צֶלֶם to present Seth as Adam's representative (even in a secondary sense) when the preposition used for that meaning in chapter 1 was בְּ? Dohmen's interpretation requires that כְּ be understood as a *kaph essentiae* even though בְּ and not כְּ has functioned that way in chapter 1. Particularly problematic for Dohmen is the fact that 5:1 summarises 1:26-27 with the focus on "likeness" (בִּדְמוּת) whereas 1:26-27 itself places the focus, according to his theory, on mankind as "representative" (בְּצַלְמוֹ).

Table 17. The Collocations of the Terms בְּ, כְּ, דְּמוּת, and צֶלֶם in Genesis 1, 5 and 9, and the Associated Verbs.

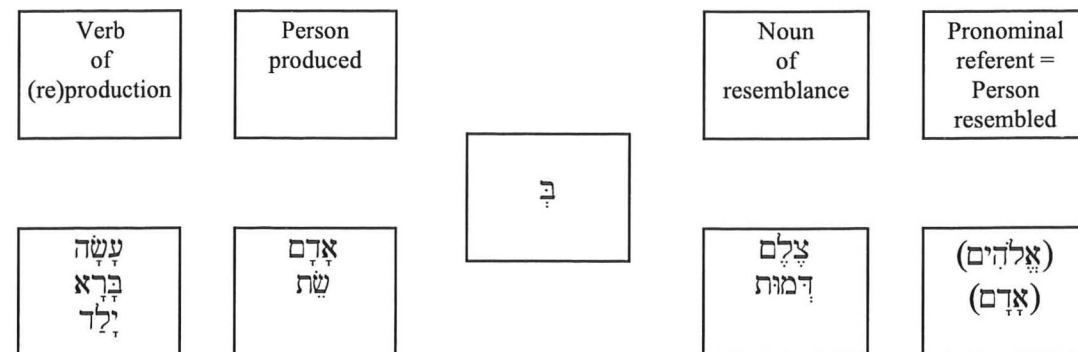| Reference	Text	Preposition	Verb
1:26	בְּצַלְמֵנוּ כִּדְמוּתֵנוּ	בְּ and כְּ	עָשָׂה
1:27a	בְּצַלְמוֹ	בְּ	בָּרָא
1:27b	בְּצֶלֶם אֱלֹהִים	בְּ	בָּרָא
5:1	בִּדְמוּת אֱלֹהִים	בְּ	עָשָׂה
5:3	בִּדְמוּתוֹ כְּצַלְמוֹ	בְּ and כְּ	יָלַד
9:6	בְּצֶלֶם אֱלֹהִים	בְּ	עָשָׂה

How then are the four key terms to be explained in Genesis 1:26-27, 5:1-3 and 9:6? The relevant data (Table 17) can be divided into three classes on the basis of whether they pertain to the nouns, the prepositions, or both.

1. The data for the nouns are as follows. Either term can be used alone to recapitulate Genesis 1:26-27 (Genesis 5:1 and 9:6). Either term can occur first, when the two terms are used together, with no apparent change in meaning (Genesis 1:26, and 5:3). These observations suggest the nouns are essentially synonymous and vary freely.

2. The data for the two prepositions are as follows. The preposition בְּ always occurs first in the asyndetic construction (1:26 and 5:3). The preposition בְּ is always used when there is only one noun (1:27; 5:1; 9:6). The preposition כְּ is only used twice and is limited to those instances in which a second preposition is required (1:26 and 5:3). This suggests the primary preposition is בְּ, and that כְּ is introduced when there is a preposition on two successive nouns.

3. The data for the collocation of the nouns and prepositions are as follows. The prepositions can be prefixed to either דְּמוּת or צֶלֶם when the nouns occur together (1:26 cf. 5:3), and בְּ can occur with either noun alone (5:1 cf. 9:6).

These data allow for two conclusions. First, the data from 1 and 3 indicate that there is free variation in the distribution of the nouns in general, and in their collocation with the two prepositions in particular. Either noun can be used in a recapitulation of Genesis 1:26-28, either noun can come first in the asyndetic construction, and either noun can occur with either preposition.
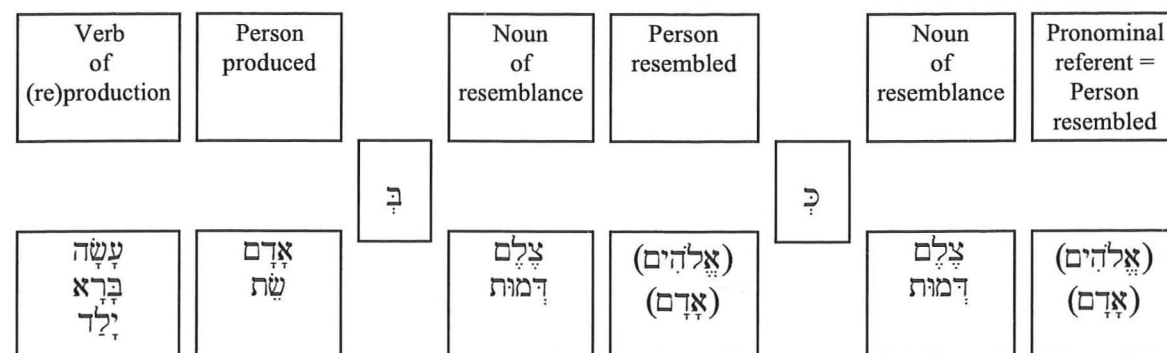
Second, the data from 2 indicate that the distribution of the prepositions is governed by the author's predilection for בְּ in the (re)production construction. The strength of this predilection is evident from the fact that כְּ never occurs first or on its own (Table 17). The writer uses the prepositions in a fixed manner that appears to have no correlation with the noun to which it is prefixed (Figure 7 and Figure 8).

Figure 7. The Consistent Use of בְּ in the (Re)production Construction.

Verb of (re)production	Person produced		Noun of resemblance	Pronominal referent = Person resembled
		בְּ		
עָשָׂה בָּרָא יָלַד	אָדָם שֵׁת		צֶלֶם דְּמוּת	(אֱלֹהִים) (אָדָם)

Each slot in the construction is capable of at least two fillers with the exception of the prepositional slot for which there is only one filler, בְּ. This selectivity is equally evident in the asyndetic construction (Figure 8) in which only בְּ comes first and only כְּ comes second.

Figure 8. The Consistent Use of בְּ and כְּ in the (Re)production Construction.

Verb of (re)production	Person produced		Noun of resemblance	Person resembled		Noun of resemblance	Pronominal referent = Person resembled
		בְּ			כְּ		
עָשָׂה בָּרָא יָלַד	אָדָם שֵׁת		צֶלֶם דְּמוּת	(אֱלֹהִים) (אָדָם)		צֶלֶם דְּמוּת	(אֱלֹהִים) (אָדָם)

These data suggest that the only rule governing the distribution of the four terms is not based on the meaning of the nouns, nor is it based on the significance of any combination of noun and preposition. The only rule governing the distribution of the four terms is one which states that the author invariably uses בְּ (Figure 7) unless he has already used it, in which case he uses כְּ (Figure 8).

In short, the distribution of the prepositions cannot be predicted on the basis of the nouns, and the distribution of the nouns cannot be predicated on the basis of the prepositions. The only possible prediction is that בְּ will always be used, and כְּ, if it is used at all, will occur on the second noun.

The distribution of the four key terms appears to be free except for the application of the following rules:

1. When using a single noun the writer uses either דְּמוּת or צֶלֶם with בְּ and there is no appreciable difference in meaning (1:27, 5:1, 9:6).

2. The writer twice uses asyndetic repetition (1:26 and 5:3).

3. When using asyndetic repetition the writer.

> i. Uses either noun with בְּ in first position (1:26 cf. 5:3).
> ii. Uses the other noun and כְּ in second position (1:26 cf. 5:3).

These rules can accommodate all the occurrences of the four key terms in Genesis 1:26-27, 5:1-3 and 9:6. However, they are descriptive, rather than explanatory. The two questions they do not answer are:

1. Why does the writer always use בְּ first (and כְּ only occurs on a second noun)? This patterns is too consistent to be arbitrary.

2. Why does the writer use two nouns on two occasions? The placement of these two occasions at the first mention of man's creation (1:26) and the first mention of Seth's birth (5:3) also appears to be deliberate.

Presumably there is a larger thematic interest that accounts for these two features, but it continues to elude the present writer.

Any interpretation of the image of God language in these passages that claims there is semantic significance to the combinations of the two nouns and two prepositions must be able to account for the distribution of the two prepositions and two nouns. So far these interpretations have not succeeded.

In summary. The writer of Genesis 1:26-28, 5:1-3 and 9:6 uses two prepositions and two nouns in his description of God's creation of mankind, and Adam's begetting of Seth. The nouns show the same distribution in the text, without any appreciable difference in meaning, and so appear to function as free variants. The prepositions also combine with either of the nouns without appreciable differences in meaning. The only limitation on the distribution of the four terms is the writers predilection for בְּ in the (re)production construction. בְּ is always used and always takes precedence, whereas כְּ only occurs when the two nouns are used in succession, in which case it is attached to the second noun.

The mixed-functional interpretation of the (re)production construction requires that the two nouns are significantly different in meaning, and that the choice of preposition with any one of these nouns is also semantically significant. The distribution of these four terms, however, does not appear to warrant meaningful differences of this kind. Much of the distribution of these terms in the text appears to be free variation, and what patterns do exist are yet to be adequately explained.

Conclusion

Any interpretation which attempts to explain man's creation in purely functional terms runs into difficulty with the manner in which Genesis 1 presents function. Genesis 1 consistently records creation in ontological terms before expressing function. A purely functional interpretation fails to recognise any ontological element in the creation of man, but instead proceeds directly to matters of function. This is particularly problematic when the account of human creation uses the same kind of jussive sequence that elsewhere presents ontology followed by function.

This problem is compounded when the structure of the account of man's creation is analysed in terms of this relationship between ontology and function. The passage has a clear structure that distinguishes ontology (created male and female) from function (multiply and

fill the earth). The description of man's creation in God's image is an integral part of this structure, and appears to provide the ontological basis for man's rule over the lower creation. The pure-functional interpretation contradicts this structure. The resemblance view fits into this ontology-function pattern very well, whereas the mixed-functional interpretation can accommodate it.[73]

The analysis of the לְמִינ־ construction suggested that it sets up an ontological contrast between the creation of non-human life in all its variety, and the attention given to man's unique creation in God's image.

An investigation of the key elements בְּ, כְּ, דְּמוּת and צֶלֶם showed that the mixed-functional view does not successfully predict their distribution. These terms do not exhibit the distinctions in meaning that the mixed-functional view requires.

These considerations render the widely held pure-functional view untenable as an explanation of man's creation in Genesis 1. Much of what has been noted in the text has favoured the resemblance view. Ockinga's mixed-functional view is more successful. It has its greatest challenge in accommodating the distribution of the four key terms, but there are still questions left unanswered concerning the distribution of these terms which require that the question be left open.

The findings in this chapter suggest the three explanations of the man's creation should be arranged as follows, from most likely to least likely:

1. The resemblance view.
2. The mixed-functional view.
3. The pure-functional view.

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[73] According to the mixed-functional view the term דְּמוּת introduces the element of resemblance.

Chapter 6

The Creation of Mankind in Genesis 1:
The Significance of Genesis 5:1-3 and Genesis 9:6

Introduction.

The only other references to God's creation of man in/as his image occur in Genesis 5:1-3 and in Genesis 9:1-6. Both texts raise interesting possibilities for understanding the significance of man's creation. The Genesis 9 passage has long been considered crucial in the link it establishes between man's creation and the value God places on human life.

I. The Nature of Man's Creation in the Light of Genesis 5:1-3.

In order to discover the significance of the "resemblance" language in the recapitulation of God's creation of Adam (5:1-2) and of Adam's begetting of Seth (5:3-5) it is helpful to look at these texts, together with the next generation in the genealogy (5:6-8).

[1] זֶה סֵפֶר תּוֹלְדֹת אָדָם

God made Adam

בְּיוֹם בְּרֹא אֱלֹהִים אָדָם בִּדְמוּת אֱלֹהִים עָשָׂה אֹתוֹ

[2] זָכָר וּנְקֵבָה בְּרָאָם וַיְבָרֶךְ אֹתָם
וַיִּקְרָא אֶת־שְׁמָם אָדָם בְּיוֹם הִבָּרְאָם

Adam begot Seth

[3] וַיְחִי אָדָם שְׁלֹשִׁים וּמְאַת שָׁנָה וַיּוֹלֶד בִּדְמוּתוֹ כְּצַלְמוֹ
וַיִּקְרָא אֶת־שְׁמוֹ שֵׁת

[4] וַיִּהְיוּ יְמֵי־אָדָם אַחֲרֵי הוֹלִידוֹ אֶת־שֵׁת שְׁמֹנֶה מֵאֹת שָׁנָה וַיּוֹלֶד בָּנִים וּבָנוֹת

[5] וַיִּהְיוּ כָּל־יְמֵי אָדָם אֲשֶׁר־חַי תְּשַׁע מֵאוֹת שָׁנָה וּשְׁלֹשִׁים שָׁנָה וַיָּמֹת

Seth begot Enosh

[6] וַיְחִי־שֵׁת חָמֵשׁ שָׁנִים וּמְאַת שָׁנָה וַיּוֹלֶד אֶת־אֱנוֹשׁ

[7] וַיְחִי־שֵׁת אַחֲרֵי הוֹלִידוֹ אֶת־אֱנוֹשׁ שֶׁבַע שָׁנִים וּשְׁמֹנֶה מֵאוֹת שָׁנָה וַיּוֹלֶד בָּנִים וּבָנוֹת

[8] וַיִּהְיוּ כָּל־יְמֵי־שֵׁת שְׁתֵּים עֶשְׂרֵה שָׁנָה וּתְשַׁע מֵאוֹת שָׁנָה וַיָּמֹת

The third generation of the genealogy (Seth begot Enosh)[1] is cited here to provide the standard form of an entry in the Genesis 5 genealogy. In this way it is possible to detect deviations from the standard which may prove significant.

The standard entry is comprised of three temporal notations each followed by a clause in which an event (or events) is recorded.

Temporal Note	Activity
PN^1 was X years old	PN^1 begot PN^2
PN^1 lived Y years after begetting PN^2	PN^1 begot sons and daughters
PN^1 lived a total of Z years	PN^1 died

The second generation of the genealogy (Adam begot Seth) shows the same structure, but with some additional material inserted.

Temporal Note	Activity
PN^1 was X years old	PN^1 begot (ADDITIONAL MATERIAL) PN^2
PN^1 lived Y years after begetting PN^2	PN^1 begot sons and daughters
PN^1 lived a total of Z years	PN^1 died

The additions are clear from the following comparison between the standard entry (Seth begot Enosh) and the entry in the "Adam begot Seth" generation,

וַיְחִי־שֵׁת חָמֵשׁ שָׁנִים וּמְאַת שָׁנָה וַיּוֹלֶד אֶת־אֱנוֹשׁ ^{6}

וַיְחִי אָדָם שְׁלֹשִׁים וּמְאַת שָׁנָה וַיּוֹלֶד (בִּדְמוּתוֹ כְּצַלְמוֹ וַיִּקְרָא אֶת־שְׁמוֹ) שֵׁת ^{3}

The additional material is enclosed within the parentheses. The resemblance of a son to his father does not receive mention in any other Old Testament genealogy. On the other hand, the naming of a son is sometimes included.[2] In the context of the genealogy of Genesis 5, however, neither of these elements is standard[3] and some explanation of their presence here is necessary.

The reason for their inclusion lies with the writer's concern to include the creation of אָדָם as part of the genealogy. Both of the additional elements are also present in the description of God's creation of אָדָם in 5:1-2. The content of this recapitulation is easily accounted for in terms of the original account in chapter 1, with one exception. The reference to creation in God's image, to the creation of male and female, and to the blessing might all have been anticipated from a knowledge of the account in Genesis 1. However, the writer has made explicit an element that was implicit at best in Genesis 1, namely, the fact that God named

them אָדָם. This reference to naming (קָרָא) is highlighted in the recapitulation of God's creation of Adam (5:1) just as it is explicit in Adam's begetting of Seth (5:3).

The two elements of "likeness" and "naming" are deliberately included in the recapitulation of God's creation of אָדָם, and in the record of Adam's begetting of Seth in order to draw the former into the genealogy.[4] Without these significant additions 5:1-2 would serve only as a prologue to the genealogy. By including these additions the writer has made 5:1-2 part of the genealogy. What God did in Genesis 1:26-29 is presented as analogous to what Adam and the other members of the genealogy did[5] to warrant their inclusion in the genealogy.[6]

This understanding of the text suggests the reference to Adam's begetting Seth in his likeness is not intended as a commentary on the condition of the divine image within humanity.[7] It has been taken positively by some interpreters to suggest that God's likeness continues to be passed on from generation to generation. It has also been taken negatively by others to suggest that whereas God made אָדָם in God's image, Adam begot Seth in his own image, and that the latter image was a corruption of the former.

These views do not explain why the writer twice refers to "naming" when this is not standard in the genealogy and was not explicit in Genesis 1:26-29. In the context of a genealogy, however, there can be no doubt that naming functions as the prerogative of a parent. Both the reference to this naming, and to the intergenerational resemblance, then, are intended to make explicit those characteristics that are typical of the relationship between parent and child, and thus to draw God's creation of אָדָם into the genealogy.[8]

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[1] The entry recording the creation of Adam is counted here as the first generation in the genealogy.
[2] In Genesis 4:25 Eve names her son "Seth" (וַתִּקְרָא אֶת־שְׁמוֹ שֵׁת).
[3] In v.29 Lamech names his son Noah (נֹחַ) and links this with the comfort (נָחַם) he would bring. The reason for the naming in this instance is immediately evident from the context.

[4] It is conceivable that the time notice in Gen 5:1 is counterpart to the record of the father's age when his son was born. Genesis 1 shows the same interest in providing time notices for God's creation. Since God's age at creation cannot be given, the writer provides an alternative time notice for God's creative acts.
[5] This may account for the use of the dual expression "in his likeness, according to his image" in Gen 5:3. It serves as a deliberate echo of the dual expression in Gen 1:26.
[6] It is also possible that the reverse is true, and human procreation is presented as analogous to God's creation of mankind.
[7] At least this does not exhaust its significance.
[8] Firmage has drawn a similar conclusion from the use of the terminology "image" and "likeness" in Genesis 1 and Genesis 5, "In its only other appearance, in Gen. 5:3, this phraseology describes the similarity that exists between Adam and Seth. Given the infrequency of the term ṣelem, its use in 5:3 can hardly be accidental. Without dwelling on the point, the Priestly author seems to be suggesting that the relation of humanity to God is in fact one of virtual kinship", 1999: 101, n.12. Similarly, Loretz 1967: 63, and Ebach 1977: 210.

This analogy between creating and fathering may have its counterpart in the texts of the Baal cycle from Ugarit.[9] The creator god El[10] is referred to as *ʾab ʾadm*, which is customarily translated "father of mankind". Wyatt, however, maintains that the phrase is used of the deity as father of the king as 'Primal Man',[11] and notes that the same royal title is used in connection with Pabil.[12] In the following text the parallelism between "his [the king's] father" and "Father of Man" is consistent with Wyatt's proposal, but is not conclusive.

> Does he desire the kingship of Bull, his father,
> or domin[ion] like the Father of Man.[13]

In both lines El is referred to as a father. In the first line El is designated the king's father ("his father"), and in the second line, according to Wyatt's proposal, El is again referred to as the father of the king ("Father of Man"). However, it is problematic for Wyatt's proposal that in neither this text nor the text in which Pabil features is the king referred to as the "Primal Man". Furthermore, a broader understanding of the expression *ʾab ʾadm* is suggested by the fact that individuals other than the king could be referred to as a son of El. Without further evidence to support Wyatt's interpretation of *ʾab ʾadm* it remains possible that references to El ("the creator of creatures") as the *ʾab ʾadm* serve as a Ugaritic counterpart to the analogy between creating and fathering that is evident in Genesis 5.

It is clear from Luke 3:38 that this analogy between God's creation of אָדָם, and Adam's begetting of Seth has long been recognised.

> τοῦ Ἐνὼς τοῦ Σὴθ τοῦ Ἀδὰμ τοῦ θεοῦ
> בֶּן־אֱנוֹשׁ בֶּן־שֵׁת בֶּן־אָדָם בֶּן־אֱלֹהִים[14]

On the other hand, the writer is careful not to introduce the language of begetting into the description of God's creation of אָדָם. The verbs בָּרָא and עָשָׂה are used, but never יָלַד. Similarly, he uses the language of likeness, but avoids the language that might suggest

[9] The analogy between creation and procreation in the Hebrew Bible and the ancient Near East is explored further in Chapters 7 (Mesopotamia) and 8 (Hebrew Bible).
[10] One of his epithets is *bny bnwt*, "creator of creatures", *KTU* 1.4, ii, 11.
[11] Wyatt 1998: 183, n.30.
[12] *KTU* 1.14, iii, 32 and vi, 13.
[13] Wyatt 1998: Keret, 1.14, i, 41-43.
[14] Delitzsch 1901.

"natural" generation (יָלַד). The language used suggests a relationship analogous to that of father and child, but this relationship is based on the divine act of creation, not procreation.[15]

In summary. The genealogy of Genesis 5 provides clear links between the creation of man and human generation. The verbal links observed in 5:1-3 suggest that the writer seeks to portray the relationship between God and his human creation as analogous to the relationship of a father and child. The inherent similarity between the generation of life in creation and the generation of life in procreation is heightened by the use of the language of naming, and the language of intergenerational resemblance. The distinction between creation and procreation, however, is carefully maintained by the use of appropriate verbs (בָּרָא and עָשָׂה for the former, and יָלַד for the latter), and the avoidance, in creation contexts, of explicit terms for natural offspring. As a father *begets* a child so God *created* אָדָם. As a child *resembles* a father so אָדָם *resembles* God. As a father *names* a child so God *named* his creation אָדָם.

This raises interesting possibilities for the relationship between God's creation of man in his image, and the value God places on human life.

II. The Nature of Man's Creation and God's Value on Human Life in Genesis 9:1-7.

God's blessing on Noah and his sons in Genesis 9:1-7 has the following structure:

> *Three-fold blessing*
> 1. Reproduction - Be fruitful and multiply.
> 2. Rule - The fear and dread of you will be on all animals.
> 3. Food - Everything that moves will be food for you.
>
> *First rider clause:*
> But (אַךְ) do not eat meat with blood in it.
> *Second rider clause:*
> But (אַךְ) I will require the blood of a man.
> From every animal.
> From every man.
> From a man's brother.
> Whoever sheds man's blood, by man his blood shall be shed.
> For he made man in God's image.
> *The blessing resumed and concluded:*
> But as for you, be fruitful, multiply and fill the earth.

The three-fold blessing of Genesis 9:1-3 has clear affinities with Genesis 1:28-29 (Table 18). The same three concerns of reproduction, rule (relationship to lower creation), and food that were present in Genesis 1:28-29 are repeated in Genesis 9:1-3. They also occur in the same order.

These parallels suggest 9:1-7 is a modified version of the creation blessing given in 1:28-29 and suitably placed within the record of creation's new beginning.

Table 18. God's Blessings in Genesis 1:28-29 and Genesis 9:1-3.

Element of Blessing	Genesis 1:28-29	Genesis 9:1-3
Reproduction	פְּרוּ וּרְבוּ וּמִלְאוּ אֶת־הָאָרֶץ	פְּרוּ וּרְבוּ וּמִלְאוּ אֶת־הָאָרֶץ
Man's Relationship to Lower Creation	וּרְדוּ בִּדְגַת הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבְכָל־חַיָּה הָרֹמֶשֶׂת עַל־הָאָרֶץ	וּמוֹרַאֲכֶם וְחִתְּכֶם יִהְיֶה עַל כָּל־חַיַּת הָאָרֶץ וְעַל כָּל־עוֹף הַשָּׁמָיִם בְּכֹל אֲשֶׁר תִּרְמֹשׂ הָאֲדָמָה וּבְכָל־דְּגֵי הַיָּם בְּיֶדְכֶם נִתָּנוּ
Man's Food	וַיֹּאמֶר אֱלֹהִים הִנֵּה נָתַתִּי לָכֶם אֶת־כָּל־עֵשֶׂב זֹרֵעַ זֶרַע אֲשֶׁר עַל־פְּנֵי כָל־הָאָרֶץ וְאֶת־כָּל־הָעֵץ אֲשֶׁר־בּוֹ פְרִי־עֵץ זֹרֵעַ זָרַע לָכֶם יִהְיֶה לְאָכְלָה	כָּל־רֶמֶשׂ אֲשֶׁר הוּא־חַי לָכֶם יִהְיֶה לְאָכְלָה כְּיֶרֶק עֵשֶׂב נָתַתִּי לָכֶם אֶת־כֹּל

Verses 4-6 take up two rider clauses (both beginning with אַךְ) which are attached to God's permission to eat meat, and verse 7 concludes the paragraph by returning to the command to multiply which had opened the blessing in verse 1.

The text of 9:1-7, then, is a re-iteration and modification of God's blessing on mankind. It includes both continuity and discontinuity with the blessing of Genesis 1:28-29. The command to multiply is identical with that of 1:28. But man's relationship to the lower creation has changed. He no longer "rules" them as creatures under his care. Instead they are

terrified of him. Furthermore, God's provision of food has changed. For the first time, in Genesis 9, man is permitted to eat the animals that have been given into his hand.

The text of immediate interest for the subject of God's image is 9:5-6, the second rider clause attached to God's permission for man to eat animals.

5 וְאַךְ אֶת־דִּמְכֶם לְנַפְשֹׁתֵיכֶם אֶדְרֹשׁ
מִיַּד כָּל־חַיָּה אֶדְרְשֶׁנּוּ
וּמִיַּד הָאָדָם מִיַּד אִישׁ אָחִיו אֶדְרֹשׁ אֶת־נֶפֶשׁ הָאָדָם
6 שֹׁפֵךְ דַּם הָאָדָם בָּאָדָם דָּמוֹ יִשָּׁפֵךְ
כִּי בְּצֶלֶם אֱלֹהִים עָשָׂה אֶת־הָאָדָם

The explanatory clause of verse 6 has typically been understood as an explanation of why man's life is sufficiently precious to require capital punishment. There has also been a more recent suggestion that the כִּי clause explains why man is the agent in carrying out the capital punishment. The logic of this second view is that man, created in God's image, is endowed with all the necessary faculties for carrying out the rule to which he has been assigned, and that the punishment of the murderer is part of the rule for which man has been equipped.

> …the statement that man is to be made in God's image immediately precedes his assignment to rule the earth, from which it has been inferred that the image refers to functional similarities or similarity of faculties with God, of the sort that will enable man to perform his role… Gen. 9:6 seems to lend further support to this interpretation, though I'm not sure this has been noticed…The additional phrase 'by man', appearing in the emphatic position at the beginning of the second clause, stresses that the punishment is to be executed *by man*. Since the statement about the image of God follows immediately upon the second clause, it seems quite likely that it is especially this clause which is explained by that statement: Because man is made in the divine image, *he* is to punish murder. In other words, the divine image implies a functional similarity of man to God as governor and executor of justice in the world.[16]

The idea that Genesis 9:5-6 refers to the image of God in man as a basis for his moral responsibility is an interesting possibility. It would certainly have implications for the basis of ethics. However, it is doubtful that this is what 9:5-6 is saying. There is the initial problem that the rule in Genesis 1 was not related to other humans, but only to the lower creation. This problem could be removed by proposing that Genesis 9:5-6 also implies a

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[16] Tigay 1984: 173-174. Compare the independent comments by Kline, "In view of our thesis that the בְּנֵי־הָאֱלֹהִים are kings it is tempting to interpret verse 6b… as an appeal to the God-like nature of man as the justification for his executing the divine judgement. But it seems at least as plausible to refer this description to the victim and so find in it a measure of the enormity of the crime of murder", 1962: 201, n.41.

broadening of man's ruling responsibilities based on the fact that he is created in God's image and therefore possesses the necessary qualities for the task. But this is not convincing.

Tigay's explanation of the placement of בָּאָדָם is also problematic. The placement of בָּאָדָם is not just to emphasise man's role, as he suggests, but is part of a larger pattern. The first part of verse 6 is composed of two clauses (6a and 6b) which together form a chiasm. Every element in the first clause is repeated in the second clause, but in reverse order.

שֹׁפֵךְ דַּם הָאָדָם   בָּאָדָם דָּמוֹ יִשָּׁפֵךְ
1'   2'   3'   3   2   1

The placement of בָּאָדָם first in its clause was determined by the fact that it corresponds to the last element of the previous clause. The overall effect of the chiastic structure of these two clauses is to emphasise talionic justice (life for life), not the agency of man in capital punishment.[17]

The traditional interpretation of Genesis 9:6 which justifies capital punishment on the basis of man's value is preferable to the alternative suggested by Tigay and, more tentatively, by Kline.

The pure-functional view of man's creation would argue that God places such a value on human life because of man's position as God's representative on earth. The mixed-functional view could make the same point, but like the resemblance view, it can also appeal to an ontological basis for God's valuation of human life.

The same contrast between animal and human life that was present in Genesis 1 is again present in Genesis 9:4-6, and once again it is justified on the basis of man's unique creation in/as God's image. Just as man's creation made him unique among God's creatures and equipped him for his role in creation (Genesis 1), so too it means his life is uniquely valuable among God's creatures (Gen 9:4-6).[18]

The analogy in Genesis 5 between God's creation of man and Adam's begetting of Seth provides a further element relevant to the explanation of this phenomenon. God's care for humans is not simply the result of man's ontological or functional-ontological superiority vis à vis animal life. The analogy made in Genesis 5 suggests man's uniqueness goes hand in hand with a unique relationship with God. The latter is implied in the former. If this is the case, then God's unique concern for human life is the result of the fact that as God's unique creation man also enjoys a unique relationship with God (analogous to that of a father and child), and all that such a relationship implies.

In summary. The rider clause of Genesis 9:5-6 emphasises God's peculiar concern for human life and explains this as a consequence of making man in his image. This profound concern for the creature he made in/as his image may have an ontological basis or a functional-ontological basis, but it also suggests that the relationship implied in Genesis 5:1-3 has very real consequences.

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[17] It may be in contrast to the practice of composition for murder in the ancient Near East, that this text requires a life for a life. On the question of the presence of composition for human life in ancient Israel see the debate between Greenberg and Jackson. Greenberg's position is given in Greenberg 1960, 1986 and 1990. Jackson's arguments are set out in Jackson 1973 revised in Jackson 1975. Westbrook has also commented at a methodological level on this debate in Westbrook 1988: 5.

[18] The gravity with which God views the taking of human life is evident from the fact that three times in Gen 9:5 God says he will require (דָּרַשׁ) the life of anything that kills a human being. God issued a similar stern warning when he sought to protect Cain's life in Genesis 4:15.

Conclusion to the Study of Man's Creation in Genesis 1

1. Results from the study of Genesis 1, 5 and 9.

The lexical study of צֶלֶם and דְּמוּת in Chapter 4 found that דְּמוּת can be used in a transferred of untransferred sense, and is capable of conveying either physical and visible resemblance, or non-physical and invisible resemblance.

It was also found that a transferred sense for צֶלֶם is well established, whereas there is limited evidence for an untransferred sense in biblical Aramaic and Genesis 5:3. The small number of examples for this untransferred use makes it impossible to establish with any certainty the range of meanings it can carry when used in this sense. There is reason to suppose it can convey the idea of physical form or appearance (Dan 3:19), and it may also be able to indicate someone's non-physical "likeness", but there is no clear and undisputed example of this use.

In the context of Genesis 1 an exclusively physical sense seemed unlikely, and the choice of צֶלֶם over תַּבְנִית, מַרְאֶה and especially תְּמוּנָה was difficult to account for if this were the intended meaning.

At this point the most likely option was "statue/image" (functional view), followed by "likeness" (non-visible resemblance).

Chapter 5 investigated the expression of ontology and function (purpose) in Genesis 1 and the creation of man in particular. It observed that Genesis 1 is interested in both matters of ontology and matters of function, and that the text keeps these two interests distinct. God not only creates things, but he gives them a specific role in his creation. The distinction between ontology and function is carefully maintained throughout Genesis 1, sometimes using a jussive sequence that is also found in Genesis 1:26. It was also noted that the text seems to carefully observe this distinction between ontology and function in the account of man's creation. Man is created in the image-likeness of God (ontology) and this prepares him for the task of ruling the lower creation (function). Similarly, mankind is made male and female (ontology) with the goal that they are to multiply and fill the earth (function). This

consistency is problematic for the pure-functional view which makes man's creation a matter of function rather than ontology. The problem is alleviated in the case of mixed-functionalism which acknowledges some ontological content to the account of man's creation.

Chapter 5 also investigated the use of לְמִין־ in Genesis 1. This prepositional phrase occurs several times in the creation account prior to man's creation, and appears to set up a pattern that is broken by the use of כִּדְמוּת־, and בְּצֶלֶם־ in the report of man's creation. The text uses the phrase לְמִין־ adjectivally to express the creation of animal life in all its variety (ontology), whereas man's creation is described using a pair of adverbial phrases. The contrast is best maintained if the latter are also understood in ontological (rather than purely functional) terms, as an expression of how man, among all God's creatures, was uniquely made to resemble God.

The collocations of the terms בְּ, כְּ, דְּמוּת, and צֶלֶם suggest that the kinds of distinctions in meaning proposed by advocates of mixed-functionalism cannot be justified on the basis of the use of these terms in the text.

On the whole, the observations made in Chapter 5 suggest pure-functionalism should be rejected as untenable, and favoured the resemblance view over mixed-functionalism as an explanation of Genesis 1:26.

Genesis 5:1-3 provides the additional perspective that God's creation of man is analogous to Adam's begetting of Seth. Both creation and procreation are shown to result in resemblance, and both were accompanied by naming. The net result in both instances is the establishment of a relationship between the "originator" and the "originated" that is, or is analogous to, a father-child relationship. This analogy best explains the carefully worded genealogy in Genesis 5 that effectively presents God's creation of man as its first entry. The interpretations of Genesis 1 and 5 are mutually confirming. The genealogy of Genesis 5 makes use of a God-man resemblance in Genesis 1 and a father-son resemblance in Genesis 5 in order to develop the relationship analogy. This does not rule out the possibility of function *as well* as resemblance, but it is unlikely that function alone could sustain the analogy.

The perspective on man's creation that was furnished by Genesis 5 informed the interpretation of Genesis 9:4-6. A pure-functional interpretation of man's creation would argue that the value God puts on man's life is a corollary of the fact that God gave man an exalted function, and perhaps even a royal position over the lower creation. The resemblance view could argue that man's ontological superiority over the other creatures explains God's commitment to human life in Genesis 9:4-6. The mixed-functional view would have elements of both. However, in the light of the relational element provided by Genesis 5:1-3 it makes good sense to conclude that it is not just man's ontological uniqueness (and possibly his function), but also man's unique relationship with God, that explains why God values human life so highly. Creation by God "in/as God's image, according to his likeness" constitutes the basis for a relationship analogous to that of a father and child. This relationship analogy is not merely a literary flourish on the part of the writer. Rather, Genesis 9:4-6 provides an example of how real this relationship is, and how seriously God takes his role in it.

It is regrettable that the lexical study in Chapter 4, and the textual study in Chapter 5 have produced conflicting results. Lexically the mixed-functional view is much better supported, whereas the distribution of the four key terms in Genesis 1 favours the resemblance view. If there were more evidence for an abstract use of צֶלֶם ("likeness") this would make the resemblance view attractive as an explanation of man's creation in Genesis 1. On the other hand, if the mixed-functional view could account for the distribution of the four key terms in Genesis 1, 5 and 9 there would be no good reason not to adopt it as the solution to the interpretation of Genesis 1.

Fortunately, for the purposes of our study this failure is not critical. Both the resemblance view and the mixed-functional view include an element of ontology in human creation. According to the resemblance view the resemblance is expressed by both צֶלֶם and דְּמוּת, whereas, according to the mixed-functional view ontology is expressed primarily, or exclusively, by דְּמוּת. Furthermore, both views can accommodate the observations made on Genesis 5, which suggest that God's concern for human life is in part the consequence of a relationship established between himself and his human creatures. This relational element will come up again in our investigation of the creation of the individual within the womb.

2. The question of Egyptian and Mesopotamian influence on the image-likeness language used to describe man's creation in Genesis 1.

The relevance of the material from Mesopotamia and Egypt varies in accordance with the interpretation of Genesis 1 that is adopted. If the mixed-functional view is adopted, then Ockinga's observations on the Egyptian material are relevant at a number of points. His equation of Egyptian Group 1 terms with צֶלֶם in Genesis 1 would be vindicated at least in so far as צֶלֶם is used to indicate man's function in creation as God's vice-gerent. Similarly, his suggestion that דְּמוּת is equivalent to Egyptian Group 2 terms would also be vindicated. In fact, his proposal that Group 2 terms express resemblance and are closely related to the idea of sonship, well describes the role of דְּמוּת in Genesis 1 and 5, as it has been explained in this study.

If the resemblance view is adopted the Egyptian material is still relevant to an investigation of human creation in Genesis 1. The primary difference is that both צֶלֶם and דְּמוּת must be treated as Group 2 terms. Both terms express resemblance and serve to indicate the relationship between God and his human creatures.

Beyond this, Ockinga's work has shown that the nature of the resemblance between man and deity that is commonly expressed in ancient Egypt is not a "primitive" or "naïve" physical resemblance. It can take in resemblance in terms of behaviour, qualities, capacities and even essence. Ockinga's work also shows that in Egypt this kind of resemblance between man and deity is not restricted to the king, but is common currency for the man in the street as well. In these respects the resemblance interpretation of Genesis 1 has a good deal in common with the Egyptian material as Ockinga has described it.

The relevance of the Mesopotamian material to Genesis 1 also varies according to the interpretation of Genesis that is adopted. The interpretation of צֶלֶם in the mixed-functional view is similar to the use of the image (ṣalmu) metaphor in Mesopotamia to express function rather than resemblance. If a parallel is to be drawn with the Mesopotamian material, however, it should be kept in mind that the individual who functioned as the "image of DN" in Mesopotamia is better described as the god's visible *representation* than his *representative*. Even the fact that the author chose to use the term צֶלֶם (cognate to the term

used for the metaphor in Mesopotamia) to express the idea of function in Genesis may be significant.

If the resemblance view is preferred, then the terms of interest from Mesopotamia are *tamšīlu* and *muššulu*. Once again there are instances in which one or other of these terms was used of resemblance between a parent and child, and of likeness involving matters of character and behaviour (notably the comparison with a *gallû demon*).

3. Is there royal ideology in Genesis 1?

The presence of a royal theme in Genesis 1:26-28 is less likely if man was created to resemble God, rather than to function as his representative. The verb רָדָה may be indicative of a royal element, but this should not be overstated given the fact that the sun is also said to rule (מָשַׁל) in Genesis 1:16 and 18. In fact the paucity of royal language has been noted by at least one proponent of the functional view, B. W. Anderson.

> In view of the close affinities between Ps 8:5-8 and Gn 1:26-28, we would expect to find some evidence of royal theology in the priestly creation story too. This expectation, however, is not amply rewarded... It is striking that, with the exception of this scant linguistic evidence (=רָדָה), the motif of the coronation of Man, which figures prominently in Psalm 8, is absent from Genesis 1.[1]

It is an obstacle to the royal interpretation of Genesis 1, that Psalm 8 has clear royal language, but makes no use of image-likeness language, and Genesis 1 has little royal language, but uses the language of image-likeness.

If the mixed-functional view proves correct, the fact that the Mesopotamian material did not limit the metaphor to royalty should caution against assuming that the presence of the metaphor also means the presence of royal ideology. The latter needs to be decided on grounds other than the mere presence of the metaphor. On the other hand, the link between Group 1 terms and royalty in Egypt is exclusive according to Ockinga.

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[1] Anderson 1975: 39-40.

The present study also suggests that the emphasis which has been placed on the royal interpretation of man's creation in Genesis 1, needs to be informed by the relational element that is in the text.

Introduction to the Study of the Individual as Created by His Personal God

So far our study of man's creation has considered the texts from Genesis which describe or allude to God's creation of the human race. In addition to these texts, the Old Testament contains references to the creation of individuals within a mother's womb. It is these references to the creation of the individual that will be investigated in the next three chapters (7, 8 and 9).

The material under investigation here is generically distinct from the biblical account of man's creation. References to the original creation of the human race, and the ongoing formation of individuals in the womb occur in distinct literary genres. The former is limited to the creation account (and allusions to it), whereas the latter can occur in a number of other genres, and tend to surface most often in the Wisdom writings.

In contrast to the material studied so far, the creation of the individual is explicitly related to the treatment of vulnerable individuals. References to God's creation of the poor person are used as a motive for their proper treatment.

A point of particular interest to the present study is the ideological logic which enabled God's creation of the individual to function as a motivation for the proper treatment of a poor man. Various explanations of the logic exist in the literature, but as is often the case with Wisdom writings, the literary context is very brief and provides little on which the interpreter can draw. To make up for this the present study will attempt to place the theme of the creation of the individual within its ideological context. The first step in the following chapters will be to investigate the significance of the creation of the individual within family religion in Mesopotamia. As a context for understanding the significance of the creation of the individual, family religion in Mesopotamia raises possibilities that can then be explored in the context of the relevant biblical texts.

Chapter 7

The Deity as the Individual's Creator in the Context of Family Religion in Ancient Mesopotamia

Introduction.

Research into Mesopotamian and Israelite religion has tended to focus on the state cult and official theology,[1] whereas efforts aimed at improving the knowledge of "personal" or "family" religion in these cultures are relatively recent. Jacobsen was the first to attempt a definition of what he called the "personal god",[2] and Vorländer provided the first full-length study of that phenomenon, taking in Mesopotamia, Asia Minor, Arabia, Syria-Palestine and the Old Testament.[3] A mile-stone in the study of personal religion came with Albertz' book, *Persönliche Frömmigkeit und offizielle Religion*,[4] and van der Toorn has recently published his well received volume, *Family Religion in Babylonia, Syria and Israel, Continuity and Change in the Forms of Religious Life*.[5]

These works have provided a sense of what religion meant to the ordinary man and his family in the ancient Near East. It is no longer possible to maintain the irrelevance of religion to the everyday life of the ancient inhabitants of Mesopotamia.[6] On the contrary, in his definition of the term "personal religion" Jacobsen writes,

> We use it to designate a particular, easily recognized, religious attitude in which the religious individual sees himself as standing in close personal relationship to the divine, expecting help and guidance in his personal life and personal affairs, expecting divine anger and punishment if he sins, but also profoundly trusting to divine compassion, forgiveness, and love for him if he sincerely repents. In sum: the individual matters to God, God cares about him personally and deeply.[7]

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[1] Vorländer attributes this in part to the character of the sources, particularly the indirect nature of some of the evidence, 1975: 7. It is also the result of a change in the interests of researchers. "Breaking with the habits of earlier generations, historians of religion have been increasingly concerned in recent years with the description and analysis of the religious life of ordinary people", van der Toorn 1996: 1.

[2] Jacobsen 1949, 1970: 37-38, and 1976: 155-164.

[3] Vorländer 1975.

[4] Albertz 1978.

[5] Van der Toorn, 1996. Albertz describes this work as van der Toorn's opus magnum and as a volume which, "darf als die umfassendste und profundeste Untersuchung gelten, die die Familienreligion im Alten Vorderen Orient bisher gefunden hat", 1997: 589.

[6] "One obtains the impression - confirmed by other indications - that the influence of religion on the individual, as well as on the community as a whole, was unimportant in Mesopotamia", Oppenheim 1964: 176. It is clear from the context that Oppenheim is thinking in terms of official or state religion.

[7] Jacobsen 1976: 147.

More recently, van der Toorn has argued for the relevance of family religion to the identity construction of its adherents.

> It would be misguided to limit the treatment of ancient Near Eastern religion to its doctrinal and liturgical aspects while ignoring its social effects. The assertion and reinforcement of identity, personal as well as collective, was a dominant function of family religion in Babylonia and Israel.[8]

It is now clear that the phenomenon of the personal god is properly studied in the context of family religion. For this reason the term "family god" is in some respects more felicitous as a designation of the deity concerned. Nevertheless, both terms are useful for denoting what is distinctive about this important feature of Mesopotamian religion.

The term "personal god" serves to denote the *sustained* and *mutual* relationship that exists between the deity and his or her[9] devotee. The relationship is sustained in the sense that the god is typically involved with the devotee from the womb to the grave. It is mutual in that both the god and the individual have clearly defined responsibilities towards one another.

The term "family god" serves as a reminder that the devotee does not have an exclusive relationship with the god. With the exception of the first generation, the members of a family do not choose their gods, but inherit them.

> A family's loyalty to one and the same god over several generations shows that it would be mistaken to say that the god mentioned in a personal seal is the god of the owner's private predilection; he had not personally chosen this god.[10]

All the members of a household worshipped the same "god of the father". In this manner the family god was passed down from generation to generation, or, more particularly, from father to son(s). The situation was more complicated for women. When a daughter married she exchanged devotion to the "god of her father" for devotion to the "god of her husband". Both the term "god of the father" and the designation "god of her husband" served as epithets for the family god.

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[8] Van der Toorn 1996: 8.
[9] The personal deity may be either male of female, and usually there was both a personal god and a personal goddess. For the sake of simplicity and space, in most instances the present text will refer to the personal deity as a "god" and will use the masculine pronoun.
[10] Van der Toorn 1996: 72.

I. The Mutual Relationship between an Individual and His God.

The relationship between an individual and his personal god was a reciprocal one in which there were clearly understood roles and responsibilities for both the god and his devotee.

> In Babylonian family religion, the relationship between a human being and the god is supposed to be mutual: whereas the human is to benefit from the lasting assistance and support of the personal god (as reflected in the frequent epistolary blessing 'May your god attend to your wishes'), the latter is to have his wishes fulfilled by his human servant ('May your god have no wish left').[11]

Vorländer has collected a large number of data illustrating the kinds of expectations the individual had of his personal god, and has grouped these expectations into three categories.

> 1. The personal god was the guarantor of the devotee's well-being.
> 2. The personal god was the devotee's protector against humans and evil powers.
> 3. The personal god was the mediator and advocate between the devotee and the gods.[12]

The intimate connection between the devotee's success in life and the benevolent activity of his god is often expressed in terms of the presence and absence of the personal deity. The relevant literature is replete with requests for the personal god to be present at the devotee's side.

> 16 May my god (*iliya*) stand (*izzuzu*) at my right hand!
> 17 May my goddess (*[d]ištariya*) stand at my left hand!
> 18 May my god (*iliya*), who is favourable, stand firmly at my side
> 19 To give utterance, to command, to hearken and show favour!
> 20 Let the word I speak, when I speak, be propitious![13]

In language reminiscent of Psalm 23, the personal god's concern for his devotee is sometimes portrayed as the concern of a shepherd for his sheep.

> The god of the man is a shepherd, who seeks (good) pasture for the man.[14]

The importance of the personal god as provider is clearly illustrated by a statement in the work, "A Man and his God".

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[11] Van der Toorn 1996: 107. For an example of the expression, "May your god have no wish left", see *CAD*: 101.
[12] Vorländer 1975: 69. The mutual nature of the relationship is not as evident from Albertz' work (1978), or Vorländer's (1975), both of which emphasise the dependent nature of the devotee, and his expectations of his personal god.
[13] King 1896: 9, 16-20. See also King 1896: 22, 17-18; Langdon 1927: 24 and 49; Ebeling 1953: 65 and 107.

Without the (personal) god man eats no bread.[15]

There is also ample evidence that adversity was attributed to the god's abandonment of the devotee. Sickness, affliction by demons, and estrangement from one's family and friends were all attributable to the absence[16] and anger[17] of the personal god.

> 68 Wie einer, der meiner Gott und meiner Göttin nicht fürchtet, bin ich geworden.
> 69 Es geschahen mir Krankheit, "Kopfkrankheit", Verderben und Vernichtung,
> 70 es geschahen mir Ängste, Abwendung des Antlitzes und Zornerfülltheit,
> 71 Grimm, Zorn, Groll der Götter und Menschen.[18]

This intimate connection between success in life and the beneficial presence of the personal god resulted in a distinctive idiom in which "to possess a god" came to mean "to be lucky" (Table 19).[19]

Table 19. An Idiom Based on the Intimate Connection between the Personal God and Success in Life.[20]

Akkadian Idiom	Literal Translation	Idiomatic Translation
ilam rašûm	to possess a god	to be lucky/successful[21]
mārēšu i-lam išû	his sons will have a god	his sons will be lucky/successful[22]
ša i-lam la i-šu-ú	one who has no god	one who has no luck
rāšī-ili (a name)	possessing a god	lucky beggar, lucky devil[23]

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[14] Vorländer 1975: 70.
[15] Jacobsen 1976: 159.
[16] "[Mein Gott] ist für mich wie der Himmel, ich bin für ihn [fern]", Ebeling 1953: 87.
[17] The anger of the personal god is a frequent concern in incantations/prayers, "today may the angry heart of my god and goddess be pacified", Reiner 1958: V-VI, 195. Also see King 1896: 1, 23-24; 2, 24; and Ebeling 1953: 37.
[18] Ebeling 1953: 135, 68-71. See further, Vorländer 1975: 96-98, and Jacobsen 1976: 149.
[19] "When the texts refer to the personal god, they are describing something, which in our secular society, is usually referred to as 'luck'", Postgate 1992: 269; cf. Jacobsen 1976: 155.
[20] The examples given here are cited in Vorländer 1975: 70-71. Oppenheim, points out the similarities between this idiom and the Greek term, εὐδαίμων which originally meant, "having a good demon", and later, "lucky, prosperous", 1964: 200.
[21] Oppenheimer 1964: 199.
[22] This and the next example are given in CAD: I/J, 101 (ilu 5. good fortune, luck).
[23] "Glückspilz", Stamm 1968: 252.

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Van der Toorn describes the role of the personal god in terms of a typical biography for a Mesopotamian awīlum ("gentleman").

> The narrative which sums up the beliefs of a Babylonian gentleman is concerned with such basic biographical facts as birth, education, career, social standing, and death. These facts are not presented as bare facts, however, but as religious events involving the personal - or family - god. A Babylonian from the early second millennium would find his identity not in the mere fact of his birth, but in the belief that his god has brought him to life. Other central moments of one's life are also perceived as interventions of the personal god. In this sense, the biographical narrative that is to furnish the answer to the question of personal identity is a personal creed.[24]

The devotee, for his part, was to be faithful in both his devotion towards his god and his right conduct towards his fellow human beings. Together these two elements comprised a person's responsibility to "fear" (palāḫu) his god. And so, those who suffered at the hands of the rich could remind the rich of their accountability to their god.

> Because the god has accepted your prayers you are now gentlemen and men of property. All your affairs have prospered. The land (lit. boundaries) of our family you have ruined. Under whose protection are you ruining us small ones? Fear (palāḫu) (your god) and leave us small ones alone![25]

This letter illustrates how the personal god was credited with the advancement of the addressees so that they are now, "gentlemen and men of property". It also shows that the personal god would hold those gentlemen accountable for their treatment of "the small ones". A person's god not only brought him success, but held him accountable for his conduct.

The ethic which expects an awīlum ("gentleman") to act with kindness towards the needy is also evident in a letter addressed by an impoverished devotee to his god. In this instance the failure of the devotee's own brothers to rescue him has meant he now appeals to his god.

> To my lord Amurrum, whose word is heard before Šamaš, speak: Thus says Ardum, your servant. You have created me among men, and you have made me walk along the street. Every year I prepare a sacrifice and offer it to your great divinity. Now the enemy has defeated me. Though I am a muškēnum my brothers have not come to my rescue. If (it so pleases) your great divinity, raise me from the bed on which I am lying. I shall prepare an abundant sacrifice and come before your divinity. (…) Do

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[24] Van der Toorn, 1996: 95.
[25] After van der Toorn 1996: 108.

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not allow my nest to be torn asunder. Then I shall make those who see me speak highly of your friendly divinity.[26]

Ardum writes here of his illness which, perhaps because of its economic consequences, threatens to disperse his family ("nest"). He complains that his brothers have been of no help to him in spite of the fact that he is a *muškēnum*, a term "which here has overtones of poverty".[27] Poverty was one basis on which a person might appeal to a wealthy *awīlum*, and, when such help was not forth-coming, it was a basis on which he would anticipate intervention by his god.

The interest of personal gods in the behaviour of their devotees is well illustrated in a passage from the Old Babylonian "A Man and his God".

> In future days you must not forget your god
> your creator, now that you are happy again.
> "I am your god, your creator, and your comfort.
> I assigned alert watchmen to you, they are strong.
> The field will open up [for you] its vegetation,
> I will provide you with life forever.
> As for you, do not tarry to anoint the parched one,
> Feed the hungry one, give the thirsty one water to drink;
> may he who sits down with feverish eyes
> see your food, suckle, receive it and be pleased with you.
> The gate of peace and prosperity is open for you:
> (…), go out, go in, you will be secure."[28]

Just as his god has acted with kindness towards the man, so the man is not to forget his god in the future, but is to act with comparable kindness towards others. Failure to do the will of one's personal god could result in the god becoming angry and it may even lead to the god abandoning his devotee. And so one individual laments, "I have become as a person who does not fear my god or my goddess".[29]

Jacobsen notes that, "the personal god has as much claim as a human parent to be honored, obeyed, and provided for by his son", and establishes his point with the following lines from the "Counsels of Wisdom".

Daily, worship your god
with offerings, prayers and appropriate incense.
Bend your heart to your god;
That befits the office of personal god,
prayers, supplication, pressing (the hand to) the nose (as greeting)
shall you offer up every morning,
then your power will be great, and you will, through the god
have enormous success.[30]

This same devotion to a personal god can be expressed in personal names.

i-la-ak-šu-qir	Your god honour!
i-la-ak-nu-id	Your god praise!
i-la-ak-ku-ru-ub	Your god worship!
i-la-ak-ra-am	Your god love!

Following Stamm's analysis Vorländer notes that these names, given at birth, impose upon the individual the life-long duty to worship the personal god, an obligation which, as the second person singular indicates, is personally incumbent upon the name-bearer.[31]

II. The Relevance of Creation to the Relationship between a Devotee and His Personal God.

The parental nature of the personal god's relationship to his or her devotee is evident from the familial terminology that is frequently used in the context of the relationship. The god and goddess are called "father" and "mother" and the devotee regularly goes by the term "son of his god" (Sumerian *dumu dingirani*, and Akkadian *mār ilišu*).[32] It is of some importance to the present study to ascertain the basis for this familial relationship which, in the human realm, is normally achieved by the birth of a child. Did birth, or something equivalent to it, serve as the basis for the relationship between a personal god and his devotee?

A Mesopotamian individual did credit his existence to his personal god. For this reason, Mesopotamians frequently referred to their personal gods with expressions such as, "My creator" (*bānî*, also "your creator", *bānika*, and, "his creator", *bānišu*). This epithet and the theology it reflects occur in a wide range of sources including personal names, incantations, letters, and wisdom texts.

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[26] Van der Toorn 1996 :131.
[27] Van der Toorn 1996: 132 cf. 28-30.
[28] Van der Toorn 1996: 107.
[29] Ebeling 1953: 135, 68. This text is quoted at greater length on page 156.
[30] Jacobsen 1976: 160.
[31] Vorländer 1975: 268.
[32] "May the god of the man, son of his god, stand at his left hand", Langdon 1927: 53, r.3-4.

Personal names: The name *Ilī-bānî*, "My-god-is-my-creator" is one of several name types that illustrate the parents' belief that the child is the gift of the family god.[33]

Personal Letters: "May Šamaš and Ninšubur your creator keep you in good health forever for my sake!".[34]

Incantation texts: "May the god, my creator, stand at my side".[35]

Letters to gods:[36] "You have created me among men, and have made me walk along the street".[37]

Wisdom texts: The Old Babylonian "A Man and his God" bears a number of similarities to the biblical Book of Job, including the attribution of the protagonist's life to his personal god.

> You have created me among men,
> and you have made me walk along the street.[38]

> You have caused me to be born (…)
> From the time I was young until my maturity (…)
> I have not forgotten all the kindness you have done to me.[39]

Hammurabi also used the epithet "the god who created me" of his personal god in both the prologue and epilogue to his collection of laws.[40]

> (Hammurabi) the descendant of royalty whom Sin begot (*banû*)…[41]
> May Sin, the lord of heaven, my divine creator (*ilum bānî*)…[42]

A third party could refer to someone else's personal god as "your creator" or "his creator".

> *ana abiya ša ilšu bānišu lamassam darītam iddinušum*
> To my father, whose personal god, his creator, gave him an everlasting *lamassum*.[43]

Assyriologists have debated the precise significance of the terms *banû* and *bānītu*. The terms can be rendered either "creator/creatrix" or "begetter".[44] Jacobsen argued that, "it was the personal god and goddess, incarnate in the father and mother, who engendered the child and brought it into being".[45] Vorländer rejected any idea of physical sonship and explained the language as metaphor indicative of an intimate relationship involving a sense of belonging to and dependence on the personal god.[46] Klein agrees with Vorländer in the case of ordinary individuals. He suggests, however, that Old Sumerian and Neo-Sumerian royal literature attest a "more mythological and genetic relationship between the Sumerian kings and their 'personal' deities… Accordingly, we deem it advisable not to stress too far the mythological interpretation of the 'parent metaphor', when it is applied to the layman. This metaphor, in such contexts, should be explained independently from the terminology of the Neo-Sumerian 'divine' kingship".[47] In particular, Klein observes that *CAD* and *AHw* are probably correct in consistently translating these participles as "the god/mother who created me", whenever the reference is to the intimate relationship between a divine figure and his human protégé; and in translating "the god who engendered me"/"the divine mother who gave birth to me", when these terms refer to the relationship between two divine beings. He observes that in later texts the unambiguous terminology of begetting is never used.

> For in these relatively late bilinguals and monolingual Akkadian texts, a Mesopotamian never seems to use the unambiguous terms (*abu*) *ālidu/ummu ālittu*, when he refers to his personal deity![48]

Di Vito follows Vorländer and Klein.[49] Van der Toorn does not discuss the matter and, though he regularly uses the translation "creator", he appears to allow "begetter" in some instances.[50] For the purposes of the present study it is enough to note that for the private individual at least, this terminology frequently indicates that the personal god made his

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[33] For further examples see di Vito 1993: 186-187, 197-198, 206-209.
[34] Van der Toorn 1996: 70.
[35] Langdon 1927: 49, r.24.
[36] Scholars have encountered a number of letters written by devotees to their personal gods. For an early important study of these see, Hallo 1968, and for a more recent account of their function see van der Toorn 1996: 130-132. There are also examples of letters *from* gods to various kings, Livingstone 1989: xxx and 108-115.
[37] Van der Toorn 1996: 131.
[38] "To 'walk along the street' (*sūqam etēqu*) is a consecrated expression denoting participation in public life", van der Toorn 1996: 96.
[39] Van der Toorn 1996: 97. See Vorländer 1975: 15-17, di Vito 1993: 186-187 and 206-208.
[40] Evidence that Sin is the personal god of Hammurabi and his son Samsu-ilūna is given by van der Toorn 1996: 89. It is not clear why Hammurabi also calls Dagan his creator, CH iv 28.
[41] CH ii 15, after Meek in, *ANET*: 164.
[42] CH xxvii 41-42, after Meek in *ANET*: 179. Van der Toorn notes that Hammurabi's son Samsu-ilūna also used this language of the moon god, "*ana ᵈSîn ili bāniya*", 1996: 89.

[43] Van der Toorn 1996: 96, n.2; Albertz 1978: 102ff..
[44] *CAD*: B, 94-95.
[45] Jacobsen 1976: 158.
[46] "Welche Bedeutung hat hier das Wort 'Sohn'? 'Sohn' is hier weder physisch noch im Sinne von Adoption gemeint, sondern drückt das intime Verhältnis, die Zugehörigkeit und Abhängigkeit des Menschen von seinem persönlichen Gott aus", 1975: 28.
[47] Klein 1982: 296-297.
[48] Klein 1982: 296.
[49] Di Vito 1993: 96.
[50] "The belief in the involvement of the family god in conception and birth underlies one of the standard epithets given to the personal god. When addressing another person, one refers to his god as his 'creator' or 'begetter'", van der Toorn 1996: 96.

devotee,[51] and that this work of creating is the basis of a life-long relationship in which the god is a parent and the devotee is his (or her) child.[52]

The importance of this familial metaphor (and by implication the creative act that initiates the relationship) for personal religion in Mesopotamia, lies in its ability to facilitate a relationship with gods who might otherwise only appear as powerful and terrifying beings.

> …it serves as psychologically possible bridge [sic] to the great and terrifying awesome cosmic powers. For it is within human experience that even the highest, greatest, and most terrifying personages in society have a mild, human, and approachable side in their relations to their children. Children, in their immediacy, their certainty of being loved, can overcome - being entirely unaware of it - the terror and awe of power and status precisely because they seek and see only the personal in the relation.[53]

The personal nature of the relationship, and especially the dependence of the devotee on his god, is evident from this Cassite seal-prayer.

O Nineanna,
you have created (*banû*) him,
you have named (*nabû*) him.
therefore guard, have compassion on,
and save (your servant)![54]

It is this fundamental character of the creation of the individual by his god that explains why this act is reiterated in the literature. By reminding his god that he is his creator the individual reminds the god of the relationship that exists between them.

More than anyone else, the birth father (or mother[55]) could be depended on to care for his child. This is why Hammurabi characterises his care for the people entrusted to him, as that of a "true father" (lit. "father begetter").

> Hammurabi, the lord, who is like a father and a begetter to his people… he secured the eternal well-being of the people and provided just ways for the land.[56]

In most instances the point is adequately made by referring to the god as "father", but the point is made more emphatic by making explicit the fact that he begot the child.[57]

> They (=the gods) have reared me like a father who begot me.[58]

> May your (=deity) heart become amicably disposed toward me like (that) of my birth father and my birth mother.[59]

It was the personal god more than any other that met this desire for a god to take a personal and parental interest in the individual.

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[51] It is clear from numerous texts that the gods were involved in the creation of individuals at birth. The use of the explicitly creative terminology "work of your hands" (DÙ-*ut* ŠU.2-*ka* = *binût qātêka*) to refer to Assurbanipal makes it clear that the deity created him.
> Will he fight and do battle with the man and army of Assurbanipal, king of Assyria, or with the Assyrians, or the Akkadians, or the Chaldeans, or the Arameans, who have grasped the feet of Assurbanipal, your creature (DÙ-*ut* ŠU.2-*ka*)

Starr 1990: 280, r.9-13. This expression and variations of it occur in 280 r.1-5; 282, r.3; 295, 8; 301, r.8-10; 310 r.1-4; 315 r.2-3; 316 r.5; 317, 17-18; 319, 20-21. See also "The Acrostic Hymn to Nabu", 37, "he (Marduk) raised up for rulership Nebuchadnezzar, a prince who reveres him, who pleases him, [his] own handiwork", *BM*: II, 748; "[I am] Assurbanipal, the creation of the hands of the great gods", Livingstone 1989: 3, 23; cf. "I am your servant Assurbanipal, whom you (Ištar) yourself have created (*ša ib-na-a-na qātāki*)", *CAD*: B, 88; and of Sennacherib in a broken text, Livingstone 1989: 33, 40. In "Assurbanipal's Hymn to the Two Ištars of Nineveh and Arbela" creation and birth appear in parallel lines. The first Ištar is the mother who bore Assurbanipal and the second created him.
> The Lady of Nineveh, the mother who bore me (*um-mu a-lit-ti-ia*), endowed me with unparalleled kingship; the Lady of Arbela, my Creator (*ba-ni-ti-ia*), ordered everlasting life (for me),

Livingstone 1989: 3, 14-16. At least one, but probably both, of these refer to the act of creating the king. Similarly, references to the gods creating the individual "in his (mother's) womb" illustrate their creative, rather than procreative role. The following text also describes the creation of Assurbanipal.
> whom the gods have named to become king and have created in the womb of his mother to become the shepherd of Assyria,

CAD: B, 87-88.
[52] This must be qualified in the case of a woman. Commenting on the woman's transition to her husband's house subsequent to the wedding, van der Toorn writes, "For the wife, the departure meant leaving her parental house. Mentally, she had to sever all ties with the house of her father and her relatives (cf. Ps 45:11). At the same time this implied that, from then on, she came under the authority of other household gods and she had to participate in another domestic cult. The Mesopotamian woman did not have her own personal gods. Her gods were either those of her father or her husband. The only exceptions to that rule are the institutionally religious person who had been donated to the temple at a very young age. The *nadītus* belong to this category. They have the status of divine concubines and, when speaking of the divine pair whom they serve, they talk about 'my Lord' and 'my Mistress'. Ordinary wives would avoid such familiarity. They would usually speak of 'the gods of my father' or 'the gods of my spouse'", van der Toorn 1994: 66.
[53] Jacobsen 1976: 161.

[54] *CAD*: N, 34.
[55] "His goddess, his mother, usually full of concern for him, has stepped aside", Reiner 1958: 30 (V-VI, 11-14). The text could have simply read "his goddess" (in fact the Akkadian portion of this bilingual text only has "his goddess"), but instead it adds the terms "his mother" to emphasise the caring relationship on which the devotee depends.
[56] CH r.25, 20-23, after Roth 1995: 134.
[57] There is an interesting instance of a deity functioning like a father in a Sumerian letter-prayer. The writer of the letter addresses his god as the one who begot him, he refers to the day on which his god created him and the fact that since then he has educated him. He goes on to describe his predicament, and complains that he has no father or mother present in the place where he is detained, and so he has no one to recite a prayer to his personal god (presumably at the appropriate shrine). He then asks if the goddess (Damgalnunna) could bring his lament to his god, "like a mother", and if the god (Asalalimnunna) could do likewise, "like a father", Hallo 1968: 85-86.
[58] *CAD*: B, 94.
[59] *CAD*: A/I, 69.

Similarly, the personal god could be referred to as the individual's god, but by adding a reference to the god's role in creating the individual the intimate basis of the connection is introduced.

> I will worship you as I do the god who has created me.[60]

> Let him stand at your side acting as the god who created you.[61]

References to the god as creator of the individual could identify the god as the one properly responsible for the individual (1), and as the proper object of trust (2). They also identify the one to whom the devotee is responsible, and against whom he sins (3).

> 1. Lighten his confusion, entrust him unto his god, his maker.[62]

> 2. I am your god, your creator, your trust (Toorn = "comfort").[63]

> 3. I committed an abomination against the god who created me.[64]

In the Sumerian "A Man and his God", which the author describes as a "lamentation to a man's personal god",[65] the protagonist seeks to "soothe the heart of his god", and in one instance bases his request for restoration on the fact that his god created/begot him.

> My god, you who are my father who created/begot me, [lift up] my face.[66]

The fact that his god is his father who created/begot him, is perceived as a reason for the god to continue his care in the present.

The use of the creation motif in the context of the relationship between an individual and his god led Albertz to assign it a fundamental role in personal religion.

> Das Menschenschöpfungsmotiv hat damit ähnlich wie in den Klagen des Alten Testaments eine Vertrauen begründende Funktion: die Erschaffung durch Gott ist der erste und letzte Grund, der die Beziehung zwischen ihm und einem Menschen konstituiert.[67]

Excursus 3. The Association of Parenthood with Creation in Contexts Other than the Relationship with a Personal God.

The association between creating and parenting that is evident in the context of personal religion, is also evident in other contexts. The appellation "mother" is regularly used of a goddess who was involved in the ongoing creation of human beings. In Mesopotamia the birth goddess Nintu (also known as Mami, Ninmah, Ninhursag, Aruru and Belet-ili) is frequently referred to as "mother". Hammurabi refers to her as "the mother who bore me (*bānītī*)",[68] and yet it is clear from other texts that her work is a creative one as she forms the individual in the human womb. In the following text she is referred to as the "Lady of form-giving".[69]

> Mother Nintur, the lady of form-giving,
> Working in a dark place, the womb;
> to give birth to kings, to tie on the rightful tiara,
> to give birth to lords, to place the crown on their heads, is in her hands[70]

Nintu is also involved in the birth process.[71]

The description of human reproduction in terms of divine "making" (particularly "forming clay") has a strong analogy in Egypt. The Egyptian god Khnum is both the craftsman god and the deity most closely associated with the creation of humans. It is precisely his expertise on the potter's wheel that equips him for the task of making humans.

> "And you (Khnum) have made humans on the wheel".[72]

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[60] *CAD*: B, 94 (Maqlu VI 118).

[61] *CAD*: I/J, 96. Also, "Let my god, who created me, sta[nd] by my side", *BM*: II, 664.

[62] Langdon 1927: 64, IV R. 1, 17.

[63] *BM*: I, 77.

[64] *BM*: II, 644.

[65] The work concludes with the words, "The antiphon of the lamentation to a man's (personal) god", *ANET*: 591.

[66] After Kramer, "Man and His God", in *ANET*: 590, but adding "created" to "begot".

[67] Albertz 1978: 103; also, "Den Kern der persönlichen Gottesbeziehung des Einzelnen macht auch in Babylon das segnende-fördernde und das schützende-rettende Handeln der Gott aus. Dieses gründet darauf, dass jeder einzelne Mensch von ihnen geschaffen ist", 1978: 121, and further 124.

[68] After Meek, CH xxviii 43 in *ANET*: 180. This statement is part of a malediction in which Hammurabi asks that Nintu deny an heir to any king who fails to uphold the code. Roth translates the text, "the mother, my creator", 1995: 139.

[69] Jacobsen comments that this epithet is derived from the fact that, "The power in the womb was specifically the power to make the embryo grow and give distinctive form to it", and other terms that stress this fact include, "Lady of the embryo", "Lady fashioner", "Carpenter of (i.e., 'in') the insides", "Lady potter", and "Copper caster of the land" (or "of the gods", since she was also mother of the gods), 1976: 107.

[70] Jacobsen 1976: 107.

[71] "None but Ninhursaga, uniquely great, makes the innards contract, None but Nintur, the great mother, sets birth-giving going", Jacobsen 1973: 288. Cited in Simkins 1994: 57. Also see Jacobsen 1976: 107-109.

[72] Simkins 1994: 70.

Simkins gives the following exposition of the process as it was depicted in a number of wall carvings in the temple of Deir el Bahari.

> After intercourse (between the queen and Amun who has taken on the form of the king), the next scene portrays Khnum fashioning Hatshepsut on his potter's wheel. Then in the following scenes, Khnum leads the pregnant queen, with his spouse Heket, a birth goddess, to the birth place where she delivers Hatshepsut. According to these carvings, Khnum is clearly the one who forms and shapes the fetus in the womb.[73]

This function as maker serves as the basis for the appellation "father". In the text, "The Tradition of Seven Lean Years in Egypt", Khnum addresses himself to the king Netjer-er-khet with the words, "I am Khnum thy fashioner", and the king subsequently refers to the god as "my father Khnum".[74]

In order to designate a god "mother" or "father" in Mesopotamia and Egypt it was not necessary for the god to generate the human as a human parent does. Rather, these titles are regularly used of gods on the basis of the work they do in forming the human being in the womb of a human mother.

Just as this creating work justifies the application of the terms "mother" or "father", so too it appears to imply the ongoing concern of the creator god for what he or she has created. Again, this was observed in the context of personal religion, but it can also be seen in other contexts. In the context of divination, for example, the king expresses his dependent relationship with the god of divination by referring to the fact that the god created him, "A king created by you, who is attentive to your gentle breath and whose eyes are set on your personal protection…".[75] Some kind of divine concern for a creature the god has made is also expressed in several other texts. In a mythological setting Atraḥasis asked Ea to help mankind whom he created.

> Yet [it is thou] who hast created us.
> [Let there c]ease the aches, the dizziness, the chills, the fever![76]

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[73] Simkins 1994: 71.
[74] After Wilson in *ANET*: 32.
[75] Starr 1990: 282, r.3. And compare the other instances of this language in note 51.
[76] "Atraḥasis" (Neo-Assyrian Version II D), *ANET*: 106.

The next text is from an incantation against the lamashtu-demon (daughter of the sky-god Anu) which specialised in killing new-born babies.

> Anu heard and began to weep,
> Aruru, mistress of the gods, shed her tears,
> Why shall we destroy what we created?
> Shall we carry off what we brought to be?
> Take her (=lamashtu-demon) and throw her into the ocean…".[77]

The last example comes from, "The Cuthaean Legend of Naram-Sin" (Middle Babylonian version).

> Their troops were 360,000 (?),
> Ea, lord of [the city] sent them against the city,
> He created them with his own hand.
> Ea made ready to speak, saying to the gods his brethren,
> "I made this host, do you pronounce its fate?".[78]

Associations between creation (of human beings), parenting, and a concern for what has been created, are not limited to personal religion, but can be detected in other contexts as well.

Conclusion.

The designation of the personal deity as the individual's maker reflects the fundamental and widely held belief in ancient Mesopotamia that the personal god was responsible for shaping the individual in the womb. This creative act marked the beginning of a life-long relationship between the devotee and his god. In this respect it is directly comparable to the role of birth in the establishment of a relationship between a parent and child.

The relationship that formed between the god and his devotee reflected elements of the relationship that a child has with a parent. It was mutual, with roles and responsibilities on both sides. In particular the devotee is regularly seen expressing his dependence on his god, and seeking his help. Some texts, as well as personal names, however, clearly demonstrate the existence of the devotee's duty to "fear" his god.

While the use of creation and parenting language finds a very specific application in the context of personal religion, these associations are not exclusive to that realm. There is

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[77] *BM*: II, 866.

evidence to suggest that elsewhere too, gods who participated in the creation of humans can bear the title "mother" or "father". It also appears that creation usually implies an ongoing interest in what has been created.

These similarities are hardly surprising given the associations that birth and creation share. While the Mesopotamian gods can and do produce offspring, in the human realm their contribution is usually creative. While infants are produced by human procreation, they are at the same time formed by divine creation in the womb.[79] This is the case in what appears to be the prototypical birth recorded in the *Atraḫasīs* epic.

> I am the one who created! My hands have made it!
> Let the midwife rejoice in the sacrosanct woman's house.
> Where the pregnant woman gives birth,
> And the mother of the baby is delivered,
> Let the brick be in place for nine days.[80]

Foster explains that the first pair of humans have now grown to adolescence and has matured enough to give birth. In conjunction with the birth of the baby after the usual nine month pregnancy, the mother goddess can claim that she has successfully made the infant with her hands.[81]

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[78] *BM*: I, 258.
[79] "Every child signified a new act of creation by God or the gods", van der Toorn 1994: 86.
[80] Lines 278-280, after *BM*: I, 167.
[81] For an earlier attempt at explaining this text which also maintained the link between creation and birth, see Lambert 1968: 105; cf. Pettinato 1971: 61-62.

Chapter 8

The Significance of God as Creator of the Individual in the Hebrew Bible

Introduction.

The importance of the notion of the personal god as "maker" of the individual, and the relationship that this creative act initiates, have already been noted in the material from Mesopotamia. The same kind of mutual relationship between the individual and (his) God is also evident in the biblical material,[1] and, once again, (the personal) God initiates this relationship when he creates the individual.

I. The Significance of Creation Language in God's Relationship with the Individual.

The formation of life in the womb was perceived by the ancient Israelites as a mysterious and divine work.[2] It is often described using the language of manufacture in which God is at work on the contents of the womb forming it into new life. Job observes, "Did not the one who made me in the womb (בֶּטֶן) make him, did not the same one form us both in the womb (רֶחֶם)?"[3] A prominent metaphor for describing this creative work is that of a potter forming clay, but the image can vary.

יָדֶיךָ עִצְּבוּנִי וַיַּעֲשׂוּנִי יַחַד סָבִיב וַתְּבַלְּעֵנִי [8]
זְכָר־נָא כִּי־כַחֹמֶר עֲשִׂיתָנִי וְאֶל־עָפָר תְּשִׁיבֵנִי [9]
הֲלֹא כֶחָלָב תַּתִּיכֵנִי וְכַגְּבִנָּה תַּקְפִּיאֵנִי [10]
עוֹר וּבָשָׂר תַּלְבִּישֵׁנִי וּבַעֲצָמוֹת וְגִידִים תְּסֹכְכֵנִי [11]
חַיִּים וָחֶסֶד עָשִׂיתָ עִמָּדִי וּפְקֻדָּתְךָ שָׁמְרָה רוּחִי [12]

> [8] Your hands shaped me and made me.
>   Will you now turn and destroy me?
> [9] Remember that you moulded me like clay.
>   Will you now turn me to dust again?
> [10] Did you not pour me out like milk
>   and curdle me like cheese,
> [11] clothe me with skin and flesh
>   and knit me together with bones and sinews?
> [12] You gave me life and showed me kindness,

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[1] This is evident in the works that address personal or family religion in both cultures, Vorländer 1975, Albertz 1978 (especially page 160), and van der Toorn 1996.
[2] Eccl 11:5.
[3] Job 31:15, cf. Isa 44:2,24; 49:5.

and in your providence watched over my spirit.[4]

The variety of images used here demonstrates that the means of manufacture expressed are metaphoric,[5] but the concept of God superintending the development of the human life in the womb is not. God is quite literally the creator of the individual in the womb.[6] He is also responsible for successful conception,[7] and the delivery of the child. In keeping with God's intimate involvement in the formation of the individual, he continues to have a keen interest in the creatures he has made. God's interest in the work of his hands is evident in a number of texts.

The care of the maker for his creature is evident in Job's words to his God.

> You will call and I will answer you;
> you will long (כָּסַף) for the creature your hands have made (לְמַעֲשֵׂה יָדֶיךָ).[8]

Job assumes the care of the maker for his creature, in a question he addresses to God.

> Does it please you to oppress me, to spurn the work of your hands (יְגִיעַ כַּפֶּיךָ),
> while you smile on the schemes of the wicked?[9]

References to God as the one who brought the individual from the womb should be included here as this too is the work of the individual's maker. In Psalm 22:10-12[9-11] the psalmist speaks of his relationship of trust with his God from the very earliest point of his existence.

> כִּי־אַתָּה גֹחִי מִבָּטֶן מַבְטִיחִי עַל־שְׁדֵי אִמִּי ¹⁰
> עָלֶיךָ הָשְׁלַכְתִּי מֵרָחֶם מִבֶּטֶן אִמִּי אֵלִי אָתָּה ¹¹
> אַל־תִּרְחַק מִמֶּנִּי כִּי־צָרָה קְרוֹבָה כִּי־אֵין עוֹזֵר ¹²

> ¹⁰ Yet you brought me out of the womb;
> you laid me (lit. made me lie) on my mother's breast.[10]
> ¹¹ From birth I was cast upon you;
> from my mother's womb you have been my God.

[4] Job 10:8-12, NIV.
[5] Cf. Ps 139:13.
[6] Some scholars would derive the nouns בֵּן and בַּת from בָּנָה, a verb of manufacture. The latter is used of "building a house" (= "establishing a family", Gen 16:2; 30:3 1Sam 2:35; 1Kings 11:38; Ruth 4:11) and as such appears to be the basis of a pun with "son" in Ps 127 (v.1 cf. v.3). Others doubt this etymology and prefer to see בֵּן as a primitive form that is not derived from any root, so Haag, "בֵּן" in *TDOT*: II, 149.
[7] Gen 17:16-21; 1Sam 1:5,11 and 20.
[8] Job 14:15, NIV.
[9] Job 10:3, NIV; cf. 8:10-12.
[10] The NIV is probably incorrect in giving בָּטַח the sense "trust" ("you made me trust") in this instance (but see Ps 71:6). Other translations prefer the alternative reading מִבְטָחִי: "you kept me safe on my mother's breast" (NRSV); "soothed me on my mother's breast" (NJB). The translation offered here suggests the reference is to the act of laying the neonate on the mother's breast immediately following birth.

> ¹² Do not be far from me,
> for trouble is near
> and there is no one to help.

The devotee's trust in his maker is also expressed in Psalm 71:6.

> עָלֶיךָ נִסְמַכְתִּי מִבֶּטֶן מִמְּעֵי אִמִּי אַתָּה גוֹזִי¹¹ בְּךָ תְהִלָּתִי תָמִיד

> From birth I have relied on you;
> you brought me forth from my mother's womb.
> I will ever praise you.[12]

Elihu points out the frequent failure of men to seek the help of their maker when they are oppressed,

> מֵרֹב עֲשׁוּקִים יַזְעִיקוּ יְשַׁוְּעוּ מִזְּרוֹעַ רַבִּים ⁹
> וְלֹא־אָמַר אַיֵּה אֱלוֹהַּ עֹשָׂי נֹתֵן זְמִרוֹת בַּלָּיְלָה ¹⁰
> מַלְּפֵנוּ מִבַּהֲמוֹת אָרֶץ וּמֵעוֹף הַשָּׁמַיִם יְחַכְּמֵנוּ ¹¹

> ⁹ Men cry out under a load of oppression;
> they plead for relief from the arm of the powerful.
> ¹⁰ But no one says, "Where is God my Maker,
> who gives songs in the night,
> ¹¹ who teaches more to us than to (or teaches us by) the beasts of the earth
> and makes us wiser than (or us wise by) the birds of the air?"[13]

Psalm 119:73 is particularly interesting because it suggests that having made his devotee, God is expected to aid him in his moral education.[14]

> Your hands made me and formed me (יָדֶיךָ עָשׂוּנִי וַיְכוֹנְנוּנִי);
> give me understanding to learn your commands.[15]

Several passages also refer to the individual's accountability to his maker. Job expects that turning away the case of his servants who have a dispute with him will lead to a confrontation with God who made him in the womb.

> אִם־אֶמְאַס מִשְׁפַּט עַבְדִּי וַאֲמָתִי בְּרִבָם עִמָּדִי ¹³
> וּמָה אֶעֱשֶׂה כִּי־יָקוּם אֵל וְכִי־יִפְקֹד מָה אֲשִׁיבֶנּוּ ¹⁴
> הֲלֹא־בַבֶּטֶן עֹשֵׂנִי עָשָׂהוּ וַיְכֻנֶנּוּ בָּרֶחֶם אֶחָד ¹⁵

> ¹³ If I have denied justice to my menservants and maidservants
> when they had a grievance against me,

[11] Several manuscripts read "my help" (עֶזְרָתִי).
[12] NIV.
[13] Job 35:9-11, NIV. "The first thought of the unhappy ones should have been to turn towards God their Creator", Dhorme 1967: 533.
[14] Allen notes that this verse contains, "...a striking prayer for Yahweh to complete his creative work in the individual life by developing his moral understanding of the Torah (v.73; cf. 139:13-16)", 1983: 143.
[15] NIV.

¹⁴ what will I do when God confronts me?
   What will I answer when called to account?
¹⁵ Did not he who made me in the womb make them?
   Did not the same one form us both within our mothers?¹⁶

Job also recognised that if he were to engage in flattery his maker would soon deal with him,

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21 אַל־נָא אֶשָּׂא פְנֵי־אִישׁ וְאֶל־אָדָם לֹא אֲכַנֶּה

22 כִּי לֹא יָדַעְתִּי אֲכַנֶּה כִּמְעַט יִשָּׂאֵנִי עֹשֵׂנִי

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²¹ I will show partiality to no one, nor will I flatter any man;
²² for I do not know how to flatter, otherwise my maker would soon take me away.¹⁷

There are several more texts relevant to this theme,¹⁸ but these suffice to show the kind of relationship that existed between the maker and his devotee.

In summary. It is evident from these texts that the individual's maker shows a peculiar interest in the person he has made. "Maker" is not merely a formulaic epithet. It identifies an important basis of a person's relationship with his God, and one that can be used as a motivation for further involvement by God. Because he made the individual in the womb and brought him forth at birth, God is committed to care for his devotee throughout his life. He also takes an interest in how his creature lives, holding him accountable for how he treats others. The devotee, for his part, trusts his creator, and has done so from birth. He also knows he is accountable to his maker.

II. The Paucity of Familial Language in the Context of the Individual's Relationship with His God.

It is not obvious why familial language is absent in the relationship between God and the individual. Some of the most common terminology in Mesopotamia for the devotee and his personal god are the familial terms "son of his god" and "father" respectively.¹⁹ In the Hebrew Bible familial terminology is used of God's relationship with the Davidic king and Israel. It is tempting to suppose that this lacunae is a consequence of the limited Hebrew corpus. All the more so since there are personal names that suggest familial language was

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¹⁶ Job 31:13-15, NIV.
¹⁷ Job 32:21-22.
¹⁸ The writer of Ecclesiastes cautions men to "remember" their creator while they are still young (Eccl 12:1,6-7). The individual also praises his creator for the way in which he has been made (Ps 139:13-16).
¹⁹ Also the term "mother" for the personal goddess.

used of the relationship between an individual and Israel's God. There are, for example, several names in which אָב occurs and is usually taken to be a reference to God.²⁰

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אֲבִינֵר - "my father is a lamp"
אֲבִינֹעַם - "my father is delight"
אֲבִיעֶזֶר - "my father is help"
אֲבִינָדָב - "my father is noble"

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Van der Toorn, however, has cast doubt on the generally accepted manner in which these names are explained. It is usually argued that in a name of the kind אֲבִיעֶזֶר ("my father is help"), the element "father" is used in place of a divine name, and the person's God is referred to as his father". Van der Toorn has argued that, "If fathers, brothers, and uncles were posthumously deified, however, it would be perfectly natural to have the terms occur as theophoric elements in personal names".²¹ He continues,

> Since it has been established that the deification of dead kin was not uncommon in the ancient Near East, there is good reason to return to the position which Hugo Winckler took as early as 1898. He argued that the theophoric kinship names were evidence of an early Semitic ancestor cult.²²

If this explanation of these kinds of names proves correct, it would certainly reduce the number of names in which the personal or family god²³ is designated "father" or "my father". It still leaves names of the kind יוֹאָב ("Yahweh is father"), and אֲבִיָּהוּ ("Yahweh is my father"), however, which provide evidence that Yahweh was called "father".

It also seems quite natural that a member of a nation that is referred to as God's sons and daughters would in turn understand that he is likewise a "son" of God, and that God is his "father", especially given texts like Proverbs 3:12 in which God is said to reprove the man he loves as a father reproves the son in whom he delights.²⁴ The fact remains, however, that the use of familial language is absent in spite of ample opportunity for its use.

The psalms of the individual, reveal a rich and varied use of the language of personal religion including terms of the kind, "my God", "my Rock", "my Saviour", "my shield", and "my

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²⁰ *TDOT*: I, 16-17; Albertz 1978: 74.
²¹ Van der Toorn 1996: 228.
²² Van der Toorn 1996: 228.
²³ Van der Toorn distinguishes the veneration of ancestors from the worship of the family god (s). "As in Babylonia and Ugarit, family religion in early Israel had two components: the cult of ancestors and the worship of local gods", 1996: 236.

shepherd".[25] It is striking, amidst this wealth of usage that God is never called "father", the devotee is never styled "son",[26] and (less surprisingly) God's involvement is described using terms of creation, and not procreation.

Some of the earliest clear examples of an individual addressing God as "father", and being called a "son" by God, occur in Ben Sira.[27] In 23:1 and 4 there is a prayer asking God to protect Ben Sira (and anyone who recites the prayer) from sins related to speech.

> [1] Lord, my father and the master of my life,
> permit me not to fall because of them.

> [4] Lord, my father and God of my life,
> abandon me not into their control.[28]

And in a final prayer in chapter 51 Ben Sira again uses the title "father" in addressing God.

> I extolled the Lord, "You are my Father!
> my mighty savior, only you!
> Do not leave me in this time of crisis,
> on a day of ruin and desolation!"[29]

In each instance Ben Sira uses the address "father" as a basis for an appeal. In the two instances from chapter 23 God is appealed to for help in avoiding the sins of the tongue.[30] In chapter 51 he recalls an occasion in which he was on the verge of death and cried out to his father for help. These are precisely the kinds of uses that one would expect to find in the Psalms, and yet they are lacking in the entire Old Testament.[31] It is difficult not to suppose there was some reticence in Israelite orthodoxy (as it is represented in the text of the Old Testament), to address God as father.

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[24] Cf. Ps 103:13.
[25] See Vorländer 1975: 245-292.
[26] The exception already noted is the king (Psalm 2:7; 2Sam 7:14).
[27] Published ca. 180 B.C., Skehan and Di Lella 1987: 10.
[28] After Skehan and Di Lella 1987: 318.
[29] After Skehan and Di Lella 1987: 561.
[30] "In the OT, God is called Father of the Israelite people (…). In our book, the pious Jew can call God 'my Father'", Skehan and Di Lella 1987: 322. Cf. Ben Sira 4:7, "To the fatherless be a father, help the widows in their husbands' stead; then God will call you a son of his, and he will be more tender to you than a mother", after Skehan and Di Lella 1987: 163. Cf. *The Wisdom of Solomon*, 2:13 "He (=the just man) professes a knowledge of God, and styles himself child of the Lord", and 2:16 "He regarded us as counterfeits, and avoids us like filth; he pronounces the final lot of the just happy, and boasts that God is his father", after Winston 1979: 112.
[31] For intertestamental developments of this language see further, *TDOT*: V, 978-982, and Dunn 1989: 26-28.

Whatever the cause(s) of this lacunae in the Old Testament, it presents a problem for a comparison of familial language with the language of creation in the context of God's relationship with the individual. Fortunately, however, there is more scope for this comparison in the context of God's relationship with the nation.

III. The Use of Creation Language and Familial Language to Describe God's Relationship with His People.

The relational implications of God making a people can be demonstrated by observing how the language of creation and familial language are used in combination. The language of creation takes in terms such as עָשָׂה, בָּרָא and יָצַר. Familial language takes in terminology from family life such as יָלַד and חוּל. In addition to these verbs there are substantives that designate the agent of the verbal activity, as well as terminology to designate the product of the verbal activity (Table 20). The use of these two sets of terminology in similar contexts, in close proximity, and even in combination, suggest that they have a great deal in common.

Table 20. Parallels between the Language of Manufacture and Familial Language.

	Language of Manufacture	Familial Language
Agent of verbal activity	בָּרָא, יָצַר, עָשָׂה	אָב
Verb of origination	קָנָה, בָּרָא, יָצַר, עָשָׂה,	קָנָה, חוּל, יָלַד, etc.
Product of verbal activity	מַעֲשֵׂה יָד־, פֹּעַל יָד־	בַּת, בֵּן, etc.

The distribution of these two sets of terms in the Hebrew Bible is uneven (Table 21). Familial terminology is used to describe Yahweh's relationship to the Davidic king, but the language of manufacture is not used of this relationship. The language of manufacture is used of Yahweh's relationship to ordinary individuals, whereas there is no clear instance of familial terminology used in this way.[32] In descriptions of Yahweh's relationship with the nation, however, both the language of manufacture and familial terminology are used. It is only in the context of God's relationship with the nation, then, that it is possible to compare

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[32] The use of familial language to describe God's relationship with the king may have served as a disincentive to using the same language of the ordinary individual. However, this does not explain why familial language could be used of the nation.

the use of creation language and familial terminology in similar contexts, in close proximity, and in combination.

Table 21. The Distribution of Familial Language and the Language of Manufacture.

	Language of Manufacture	**Familial Language**
Davidic King		✓
Individual	✓	
Nation	✓	✓

1. A comparison of creation language and familial language in descriptions of God's relationship with his people.

Jeremiah uses familial language as a suitable introduction to an expression of God's faithfulness to the nation, and particularly his compassion (רָחַם) for them.[33]

> "Is not Ephraim my dear son (הֲבֵן יַקִּיר לִי), the child in whom I delight (יֶלֶד שַׁעֲשֻׁעִים)? Though I often speak against him, I still remember him (זָכֹר אֶזְכְּרֶנּוּ עוֹד). Therefore my bowels yearn for him (הָמוּ מֵעַי לוֹ); I have great compassion for him (אֲרַחֲמֶנּוּ רַחֵם)," declares the LORD.

Similarly, God's compassion for his people is even more sure than that of a mother for her child.[34] By contrast, it is the maker's (עָשָׂה and יָצַר) *failure* to show compassion (רָחַם) and pity (חָנַן) that is presented as remarkable in Isaiah 27:11. Israel's guilt is such that even her own maker has no compassion for her.

> When its twigs are dry, they are broken off and women come and make fires with them. For this is a people without understanding; so its maker (עֹשֵׂהוּ) has no compassion on him (לֹא־יְרַחֲמֶנּוּ), and its creator (וְיֹצְרוֹ) shows it no favour (לֹא יְחֻנֶּנּוּ).

Similarly, the author of Isaiah 63 looks for Yahweh's tenderness and compassion because he is the nation's father,[35] and he begins a prayer for forgiveness with a reminder that Yahweh is the nation's father and they are the work of his hand.[36]

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[33] Jer 31:20.
[34] Isa 49:15.
[35] Isa 63:15-16.
[36] Isa 64:7[8]. Cf. Ps 95:3-7; Jer 3:4-5 and the simile in Ps 103:13-14.

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In Jeremiah 31:9 God's help and protection come to his people because he is their father (אָב) and they are his firstborn (בְּכוֹר).

> They will come with weeping; they will pray as I bring them back. I will lead them beside streams of water on a level path where they will not stumble, because I am Israel's father (לְיִשְׂרָאֵל לְאָב), and Ephraim is my firstborn son (בְּכֹרִי).

A similar promise of divine help in Isaiah 44:2 is based on the fact that the Lord made (עָשָׂה) Israel and formed (יָצַר) the nation "from the womb" (מִבֶּטֶן).

> This is what Yahweh says - he who made you (עֹשֶׂךָ), who formed you from the womb (מִבֶּטֶן וְיֹצֶרְךָ), and who will help you (יַעְזְרֶךָ): Do not be afraid, O Jacob, my servant, Jeshurun, whom I have chosen.[37]

The reference to the womb here is noteworthy. This is the language used elsewhere to describe God's creation of the individual in the womb.[38] Isaiah is comparing Yahweh's formation of the nation with his work of creating an individual. The implication is that just as God's involvement in the creation of the individual in the mother's womb was the beginning of a life-long relationship in which Yahweh cared for "the work of his hands", so too his involvement in the nation's formation was the beginning of a sustained relationship.[39] This image of a life-long relationship beginning with God's creative work is explicit in Isaiah 46:3-4.

> Listen to me, O house of Jacob, all you who remain of the house of Israel, you whom I have upheld from the womb (מִנִּי־בֶטֶן), and have carried from the womb (מִנִּי־רָחַם). Even to your old age and grey hairs I am he, I am he who will sustain you. I have made you (אֲנִי עָשִׂיתִי) and I will carry you (אֲנִי אֶשָּׂא); I will sustain you (אֲנִי אֶסְבֹּל) and I will rescue you (אֲמַלֵּט).

God's relationship with the nation is portrayed from beginning to end. He sustained them from conception (מִנִּי־בֶטֶן and מִנִּי־רָחַם) and will continue to do so through to their old age (זִקְנָה) and grey hairs (שֵׂיבָה). A relationship that began in the past with God making (עָשָׂה) his people, is continued with him carrying (נָשָׂא), sustaining (סָבַל), and rescuing (מָלַט) them. Just as God makes an individual in the womb and continues with him throughout life, so too God formed the nation and continued in his relationship with it. The tenses in verse 4 help to

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[37] NIV.
[38] Job 31:15; Ps 139:13.
[39] Cf. Isa 43:1-7 and 63:16.

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make the point. God made (perfect tense) the people, and he will carry (imperfect tense), sustain (imperfect tense) and rescue (imperfect tense) them. His creative work in the past is an assurance of his future care.

One of the clearest examples of the responsibility inherent in begetting someone is Moses' complaint to Yahweh, in which Moses objects that Yahweh is responsible for the people since he brought them into being. He makes his point using maternal language.

> Did I conceive (הָרִיתִי) all these (lit. "this") people? Did I give them (lit. "it") birth (יְלִדְתִּיהוּ)? Why do you tell me to carry them in my arms, as a nurse carries an infant, to the land you promised on oath to their forefathers?[40]

Moses places the responsibility for the nation in God's lap. To do this he uses the language of conception and birth to portray God as the nation's (=child's) mother. As the one who gave birth to them he is responsible for their well-being. Behind this metaphor is the reality that God brought the nation into existence, and Moses' argument is that this fact renders God responsible for the people. The maternal metaphor serves to place this reality in bold relief.

The language of manufacture and familial language are combined in Isaiah 45:9-11 to convey the idea that the nation should not question their God any more than a child questions his parent or a pot questions its maker.

> Woe to him who quarrels with his maker (יֹצְרוֹ), to him who is but a potsherd among the potsherds on the ground.
> > Does the clay say to the potter, "What are you making?"
> > Does your work say, "He has no hands"?
> > Woe to him who says to his father, "What have you begotten?"
> > or to his mother, "What have you brought to birth?"
> This is what the Lord says - the holy one of Israel, and its maker (וְיֹצְרוֹ): "Concerning things to come, do you question me about my children (בָּנַי), or give me orders about the work of my hands (פֹּעַל יָדַי)?[41]

This text is noteworthy for its combination of manufacturing and familial language.

[40] Num 11:12, NIV. "The real point of this figure is that Yahweh cares for the people and is responsible for their existence", Ringgren in *TDOT*: I, 17.
[41] NIV. Cf. "Ea made ready to speak, saying to the gods his brethren, 'I made this host, do you pronounce its fate?'", from "The Cuthaean Legend of Naram-Sin", *BM*: I, 258.

In the examples cited so far the focus has been on God's role in his relationship with the nation. The language of manufacture and familial language is also used to indicate the duty of the nation to their God. The reciprocity of this relationship is evident in Jeremiah 3:19.

> I myself said, "How gladly would I treat you like sons (בָּנִים) and give you a desirable land, the most beautiful inheritance of any nation. I thought you would call me 'Father' (אָב) and not turn away from following me".[42]

Jeremiah reminds the people that God desires to treat them as his sons (i.e., he wanted to give them an inheritance). He also thought his people would consider him their father (i.e., they would obediently follow him).

Both familial language and the language of manufacture are used to express the obligation of the nation (child/work of God's hand) to render certain duties to God (father/maker). In Malachi 1:6a God laments the failure of his people to honour him as a father.

> "A son honours his father, and a servant his master. If I am a father (אָב אָנִי), where is the honour due me (כְבוֹדִי)? If I am a master, where is the respect due me?" says the Lord Almighty.[43]

In Exodus 4:22-23 the nation is to render God his due service, as God's firstborn son.[44]

> Then say to Pharaoh, "This is what the Lord says: Israel is my firstborn son (בְּנִי בְכֹרִי), and I told you, 'Let my son (בְּנִי) go, so he may worship me (יַעַבְדֵנִי).' But you refused to let him go; so I will kill your firstborn son."[45]

In Isaiah 60:21 the nation is presented as God's workmanship (מַעֲשֵׂה יָדַי;[46] מַעֲשֵׂה יָדַי) to display God's splendour (לְהִתְפָּאֵר), and in Isaiah 43:21 the nation is described as a work God formed for himself to proclaim his praise.

> The people I formed for myself (יָצַרְתִּי לִי) that they might proclaim my praise (תְּהִלָּתִי יְסַפֵּרוּ).

[42] NIV.
[43] NIV.
[44] Cf. Ps 80:16, however, the text of this verse is disputed and the phrase containing "son" is generally omitted by commentators, Anderson 1972: 585-586; and Tate 1990: 307.
[45] NIV.
[46] The LXX, 1QIs[a] and 1QIs[b] have the plural pronominal suffix.

Both as God's offspring and as his creation the nation exists for God, to honour, serve, and praise him.[47] The specific purpose for the nation varies, but the reality that it exists for God is the same whether the terminology is familial or the language of manufacture.

The nation is also expected to trust their God. In Jeremiah 2:27 God complains that the people address idols as their father, and yet turn to him for help when they are in trouble. This situation is anomalous in that a child would normally turn to its father for help. The implication is that their "father" (an idol) is incapable of helping them.[48]

> They say to wood, "You are my father (אָבִי אַתָּה)", and to stone, "You gave me birth (יְלִדְתָּנִי[49])". They have turned their backs to me and not their faces; yet when they are in trouble, they say, "Come and save us (קוּמָה וְהוֹשִׁיעֵנוּ)!"[50]

In Isaiah 51:12-13 the nation exhibits a similar failure to trust in God their maker.

> I, even I, am he who comforts you (מְנַחֶמְכֶם[51]). Who are you that you fear mortal men, the sons of men, who are but grass, that you forget (וַתִּשְׁכַּח) the Lord your maker (עֹשֶׂךָ), who stretched out the heavens and laid the foundations of the earth, that you live in constant terror every day because of the wrath of the oppressor, who is bent on destruction? For where is the wrath of the oppressor?[52]

Both as the nation's father and maker, God is the proper object of their trust.[53] He is also the one the nation is to trust and to whom the nation is to remain faithful.[54]

In Isaiah 63:8 Yahweh expresses how he had anticipated that the nation would be his people, and "sons who would not be false to me". It was this expectation that led him to act as their Saviour, "and so he became their saviour (לְמוֹשִׁיעַ)".

2. Examples of creation language and the language of procreation used in combination to describe God's relationship with his people.

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[47] Cf. Ps 95:6-7 and Isa 17:7-8.
[48] Holladay suggests that Jeremiah reflects the language of Deut 32 especially v.18 which, "uses the birth image in the context of metaphors for the rescue and nurturing of Israel in the desert (Deut 32:10-14), and Jrm uses the fatherhood of Yahweh (3:19) in the context of his steady capacity for historical rescue (the participles of 2:6)", 1986: 104.
[49] Kethib. The Qere has the first person plural pronominal suffix.
[50] NIV.
[51] LXX and Symmachus have the singular pronominal suffix.
[52] NIV.
[53] Cf. Ps 95:6-7; Isa 17:7-8.
[54] Deut 32:18-20.

There are also instances in which the language of manufacture and familial language are mixed. This mixing is most evident in Malachi 2:10, Deuteronomy 32:6b and 18, Isaiah 45:11b, and Isaiah 64:8-9[7-8].[55]

Malachi expostulates against a wayward people with the words,

> Have we not all one father? Did not God create us?[56]

While some commentators have understood "father" here as a reference to Abraham (or Levi), it is more likely that both lines refer to God.[57] In that case fatherhood and creation are clearly presented as analogous ideas.

In Deuteronomy 32:6b God is referred to as Israel's father, and this is immediately followed by the language of creation.

הֲלוֹא־הוּא אָבִיךָ קָּנֶךָ הוּא עָשְׂךָ וַיְכֹנְנֶךָ

> Is he not your father, he created you, he made you and formed you?

Later in the same chapter (in v.18) the verbs associated with procreation are used in the same way that the verbs of creation were used in verse 6b.[58]

צוּר יְלָדְךָ תֶּשִׁי וַתִּשְׁכַּח אֵל מְחֹלְלֶךָ

> You deserted the rock who begot you,
> you forgot the God who gave birth to you.

"Beget" (יָלַד, חוּל) in verse 18 is essentially equivalent to the language of manufacture (עָשָׂה, קָנָה, כּוּן) in verse 6b. Yet again in the same chapter, the people are referred to as the Lord's "sons and daughters" (בָּנָיו וּבְנֹתָיו, 32:19)[59] and as "unfaithful sons" (בָּנִים, 32:20).[60] It is evident that there is a wide range of both familial and creation vocabulary used in a relatively short space, with essentially the same significance. In both cases it is used to confront the people with their unfaithfulness to the one who brought them into being (32:5-6 and 18).

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[55] Cf. Isa 43:6-7.
[56] Mal 2:10.
[57] This is favoured, though not required, by the parallelism. It is also more likely in the light of the use of the same "father" metaphor in Mal 1:6, in which instance it referred unambiguously to God. See Merrill 1994: 414; and Hill 1998: 224.
[58] Cf. Isa 46:3-4.
[59] Cf. Isa 43:6-7; 45:11.
[60] Cf. Jer 31:22.

Familial terminology is also used in conjunction with the equivalent terminology of manufacture in Isaiah 45:11b.

תִּשְׁאָלוּנִי עַל־בָּנַי וְעַל־פֹּעַל יָדַי תְּצַוֻּנִי[61]

...do you question me about my children
or give me orders about the work of my hand.[62]

This interchange of the language of creation (פֹּעַל יָדַי) and family (בָּנַי) supports the idea that they both imply the same kind of relationship arising from God's role as "originator" (father/maker) of the nation.[63]

The same overlap in meaning is again evident in Isaiah 64:7-8[8-9].

And yet, O Lord, you are our father (אָבִינוּ). We are the clay, you are our maker (יֹצְרֵנוּ). We are all the work of your hands (מַעֲשֵׂה יָדְךָ).

Once again paternity and creativity are equivalent, and in this instance they serve together as the basis for an appeal to God for mercy and forgiveness. Presumably a "father" or "creator" will not refuse.

Conclusion.

God is described as the maker of the individual, and more specifically, as the one who made the individual "in the womb". This language is not merely an explanation of how the individual came to be. The language of manufacture is used to describe the act whereby God established a life long relationship with the individual, and the basis for that relationship. References to this act are not derived from an interest in origins. Rather, they serve an important purpose. By referring to God as the maker of an individual, the writer characterises God as the one who has a vested interest in the well-being of the person he created. Focus on God's intimate concern for his creature is achieved by references to his intimate involvement in his creation. The individual looks to God, not only as his maker, but as the one who made him "in the womb", and brought him forth "from the womb". He

appeals to God as the one who made him "with his (own) hands", who "moulded him like clay", and "poured him out like milk".[64]

The language is usually less intimate when the concern shifts to the individual's accountability, but the relationship is still founded on the fact that God created the individual. The devotee's maker will call him to account for how he lives.

In both the intimate care that God has for the one that he made in the womb, and his concern for how that person lives, the picture of God that forms is analogous to that of a caring parent.[65] The trust and faithfulness expected of the individual is likewise analogous to that of a dependent and obedient child. This could be made explicit by the use of familial language, but this never actually occurs in instances involving individuals in the Old Testament.

Two related metaphors are used to describe God's role in the nation's formation, and to establish a basis for God's ongoing relationship with the nation. The use of these two metaphors to designate the nation's origin represent the use of two equivalent descriptions of human origins. The nation is at the same time the result of divine *procreation* and divine *creation*. As their father God has *begotten* the nation and as their maker he has *made* them in the womb. Both sets of terminology are metaphors for bringing the nation into

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[61] Following the editor's proposal. The MT reads הָאֹתִיּוֹת שְׁאָלוּנִי.

[62] This text is given in its context on page 178.

[63] A series of four questions in 45:9b-10 move between the language of manufacture (v.9b, יֹצֵר, חֹמֶר, עֹשֶׂה, פֹּעַל), and the familial language (v.10, אָב, יָלַד, אִשָּׁה, חוּל).

[64] Albertz has already noted the resemblance to the relationship of a devotee to his god in Mesopotamia, "Das Geschehen zwischen Gott und dem einzelnen Menschen ist sowohl in Israel als auch in Mesopotamien durch ein seinen Lebensweg begleitendes persönliches Vertrauensverhältnis bestimmt. Hier wie dort ist es begründet durch seine Erschaffung, hier als dort aktualisiert es sich in einem schützenden und bewahrenden Handleln Gottes…", 1978: 160.

[65] Albertz has collected a number of texts from primitive cultures in which a people group perceives itself to be the children of the gods who created them. An example comes from the African Konde tribe (Kondestamm) in the vicinity of lake Njassa. As in the biblical examples the relationship is presented as a motive for the deities intervention.

Mbamba! Kiara! Du hast uns Regen verweigert, schenke uns Regen, dass wir nicht Sterben! Rette uns vor dem Hungertod!
Du bist ja unser Vater und wir sind deine Kinder,
und du hast uns geschaffen; weshalb willst du, dass wir sterben?
Gib uns Mais, Bananen und Bohnen!
Du hast uns Beine gegeben zum Laufen, Arme zum Arbeiten und Kinder auch,
gib uns auch Regen, dass wir ernten können!

Albertz 1974: 74. He goes on to note that no distinction is made between human birth and the creation of humans, "Schöpfung und Geburt seien im Denken dieser Menschen einfach identisch gewesen", 84. In the text of a prayer an individual also equates creatorship with fatherhood, and again he uses this relationship as the basis of an appeal for help, "Schöpfer Vater, Nhialic Vater, hilf mir! Dich bitte ich, du mein Vater!", 85.

existence.[66] God did not literally "beget" the nation, and neither did he make the nation in the womb. Both of these images are taken from the experience of the individual, who is *begotten* by his father,[67] and *created* in the womb by his God.

These two processes represent equivalent explanations of origins and imply equivalent relationships. Whether he is designated their "maker" or their "father", God is in a relationship with his people that extends "from the womb to the grave". When a father begets a child it is the beginning of a lifelong mutual relationship. When God creates a person it is likewise the beginning of a lifelong mutual relationship. It is the equivalence of these two processes that explains their use as metaphors for God's formation of the nation, and for the relationship that this implies. This equivalence also explains the mixing of metaphors that sometimes occurs in descriptions of Yahweh's relationship to the nation.

The lifelong relationship between the "maker/father" and his "creature/child(ren)" carries certain duties for both parties. This relationship includes God's care and protection of his people, as well has his expectation that they will be faithful to him. The people, for their part, express their trust towards their "maker/father", and (ideally) recognise their accountability to him.

The use of familial language and the language of creation to describe God's formation of the *nation* and his relationship with it confirms what was apparent from the language of creation used to describe God's creation of the *individual* and God's relationship with him.[68] The language of creation serves to establish a basis for God's relationship with the individual.

This relationship is comparable to that of a parent and child, even though there appears to be a hesitancy to use explicitly familial language of God's relationship with the individual.

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[66] Note, however, Levenson's caution that, "there are dangers in interpreting the statement that Israel is YHWH's first-born son as purely figurative". He goes on to point out that such an approach misses "YHWH's direct involvement in the conception of the fathers of the nation", 1993: 40-41.

[67] Given the absence of familial language ("father" as well as verbs of "begetting") in the relationship between God and an individual, it is more likely the language comes directly from the relationship of a child with its *human* father.

[68] Jacobsen suggested that Israel was unique in that it, "decisively extended the attitude of personal religion from the personal to the national realm", 1976: 164. Albertz acknowledges some commonalities, but objects that Israelite (official) religion was never identical with the individual's personal relationship with God (nie mit dem persönlichen Gottesverhältnis des Einzelnen identisch), 1978: 262, n.36. But here he appears to object to something Jacobsen did not claim. Van der Toorn, argues that, "On the threshold of the tenth century BC, early Israel was transformed from a segmentary society into a national state. Concomitant with the political change a new type of religion manifested itself… a state religion meant to underpin their (=the kings') authority and to cement their kingdom into a nation", and later he observes, "It is remarkable how closely the religious ideology of the Saulide state religion corresponds with the notions of traditional family religion…It seems that the earliest theological validation of Israelite state religion consisted in the transfer of the terminology of family religion to the realities of the newly formed state", 1996: 266 and 275. Also see Vorländer 1975: 293-301.

Chapter 9

The Relevance of Creation to the Treatment of the Vulnerable in Biblical Wisdom Literature

Introduction.

Boström has evaluated the view that creation is central to Wisdom theology, by identifying and analysing each of the texts related to creation in the Book of Proverbs. In terms of explicit references to creation the results did little to support a central or fundamental role for creation in Wisdom theology.

> In the first section of Proverbs, chapters 1-9, we find the creation motif in a short poem (3:19-20) as well as in a longer (8:22-31). In the second section (10:1-22:16), we find the motif in a few proverbs: 14:31; 16:4,11; 17:5; 22:2, and also in a somewhat different way in 20:12. No such direct references occur in either 22:17-24:22 or the short collection 24:23-24:34. In chapters 25-29 only one reference to creation is found (29:13). This is, in fact, the last reference to creation in the book. These are the only direct references in the book linking God with creation. It is obvious that when scholars state that creation theology should be considered the theological foundation of wisdom and of this book in particular, their view is not based on the frequency of sayings relating to creation.[1]

Boström's analysis of the relevant texts confirms a point of some relevance to the present study. Building on the work of other scholars,[2] Boström notes the different uses of the creation motif in the two parts of the Book of Proverbs. In chapters 1-9 the focus is on the creation of the world, whereas in chapters 10-31 the focus shifts to the creation of man. And what is of particular interest here is the different function that these two motifs have in their respective portions of the Book of Proverbs.

In Proverbs the theme of the creation of the world functions to exalt wisdom. Boström writes, "Our study has demonstrated that the creation of the world theme is employed to enhance the status of wisdom by portraying is[sic] as closely associated with the Lord as an instrument in, or a unique witness of, his creation."[3] This is quite different from the role of the creation of man motif.

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[1] Boström 1990: 48.
[2] Westermann 1967: 243; 1974: 54-55; and Doll 1985.
[3] Boström 1990: 83. He also notes that this use of the creation of the world is linked to the hymn genre in which the creation of the world motif is used to exalt God. He writes, "Proverbs 3 and 8 make use of the same

Boström notes that the theme of the creation of man functions to establish arguments of an ethical nature, and especially those involving the poor. He writes, "It [the theme of the creation of man] serves as the basis - assumed to command universal assent - for exhortations to ethical social behaviour and especially to just treatment of the poor and needy in society".[4]

It is this association of the creation of man motif with concern for the proper treatment of the poor that is of particular interest to the present chapter.

The creation of man motif in Proverbs has to do with the creation of the individual, and not the original creation of man as it is recorded in Genesis 1. Because of this focus on the individual, the creation of man in Proverbs and its relevance to the treatment of the poor are best understood in the context of personal or family religion.

In the discussion of creation in the context of personal religion in Mesopotamia and the Old Testament, it was observed that the personal god was responsible for the creation of the individual, and that this act of creation served as the starting point of a life-long relationship in which both parties had certain duties. The deity cared for and protected the individual, whereas the individual was duty bound to worship his God and conduct himself in a manner pleasing to his God.

The working hypothesis of this chapter is that in referring to God as the maker of the poor, and perhaps also as the maker of the poor man's oppressor, the text intends to communicate one of two things. Firstly, in referring to God as the individual's maker it presents God as the one who is intimately concerned for the individual's well-being. Secondly, in referring to God as the individual's maker the text presents God as the one who is interested in the individual's conduct, and as his maker, God will call him to account.

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hymnic language and imagery as Psalm 104, but in Proverbs God's creation of the world is not the central issue but serves as a backdrop against which wisdom is accorded prominence and authority. While the creation of the world in Psalm 104 praises the Lord, the theme in Proverbs is used to exalt wisdom by placing wisdom side by side with the Lord", 72.
[4] Boström 1990: 69.

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I. The Maker's Concern for His Vulnerable Creature: Proverbs 14:31, 17:5, 22:2 and 29:13.

Proverbs 14:31 and 17:5 either say a great deal about God's concern for the poor person because he created him, or they say nothing on the subject. The relevance of these verses to this issue hinges on the identity of the antecedent of two pronominal suffixes.

Proverbs 14:31,

עֹשֵׁק־דָּל חֵרֵף עֹשֵׂהוּ וּמְכַבְּדוֹ חֹנֵן אֶבְיוֹן

He who oppresses the poor shows contempt for his maker,
but whoever is kind to the needy honours him.

Proverbs 17:5,

לֹעֵג לָרָשׁ חֵרֵף עֹשֵׂהוּ שָׂמֵחַ לְאֵיד לֹא יִנָּקֶה

He who mocks the poor shows contempt for his maker;
whoever gloats over disaster will not go unpunished.

The pronominal suffix rendered "his" is ambiguous in both texts. It might refer to the oppressor or mocker of the poor, or it might refer to the poor man himself. Almost all commentators[5] opt for the latter possibility, including Delitzsch,[6] Whybray,[7] Scott,[8] Garrett,[9] Plöger,[10] McKane,[11] Kidner, and Clifford.[12] The NIV removes the ambiguity of the text by translating the first line of Proverbs 14:31, "He who oppresses the poor shows contempt for their Maker", using the plural possessive adjective. Toy[13] and Greenstone[14] present both possibilities and leave the question open. Murphy is alone in suggesting that the pronoun refers to both the poor and the oppressor,

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[5] Also Ringgren in *TWAT*: VI, "Gott hat den Armen gemacht, und wer ihn bedrückt, schmäht seinen Schöpfer (Spr 14,31;17,5)", 418.
[6] Delitzsch 1884: 311.
[7] Whybray 1994, "Here it is affirmed that the poor person no less than others has been created by God, and not just as part of the created universe but individually (note 'his Maker'), and is thus under his personal protection", 223.
[8] Scott 1965: 110.
[9] Garrett does not comment on the suffix, but uses the NIV translation "their Maker", which makes it clear the poor are the intended antecedent, Garrett 1993: 145.
[10] Plöger 1984: 176.
[11] McKane 1970: 473.
[12] Clifford 1999: 147.
[13] Toy 1904: 299. His comment on 17:5 is ambiguous, 337.
[14] Greenstone 1950: 158.

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The 'his' of 'his maker' can refer to both the oppressor and to the oppressed; after all, God made them both (22:2)".[15]

If the antecedent for the pronominal suffix is the poor man, the oppressor's mistreatment of the poor is at the same time an act of contempt towards the poor man's maker. If the antecedent is the oppressor, then the oppressor's actions are offensive to his own maker. Murphy combines these two options, but none of these commentators decides in favour of the pronominal suffix referring only to the oppressor.

1. Observations that support the identification of the pronominal suffix with the oppressor.

There are reasons to suppose that these proverbs have the oppressor's (mocker's) maker in view. The mutual relationship between the maker and his devotee was explored in the last two chapters. Both in Mesopotamia[16] and the Hebrew Bible the devotee was responsible to his personal god for his actions, and that accountability may be what is expressed in these two proverbs. Later on in the Book of Proverbs, Agur son of Jakeh uses the language of personal religion when he laments the possibility that poverty would lead him to dishonour his god.

> Two things I ask of you, O Lord;
> do not refuse me before I die:
> Keep falsehood and lies far from me;
> give me neither poverty nor riches,
> but give me only my daily bread.
> Otherwise, I may have too much and disown you
> and say, "Who is the Lord?"
> Or I may become poor and steal,
> and so dishonour (תָּפַשׂ) the name of my God (אֱלֹהָי).[17]

The reference here to "my God" (אֱלֹהָי) is typical of the language of personal religion, as is the phrase "his maker" in Proverbs 14:31 and 17:5. Furthermore, Agur expresses his concern that by stealing he would "dishonour" (תָּפַשׂ)[18] the name of his God. It is quite in

keeping with the sentiment of this passage to suggest that in 14:31 and 17:5 the actions of the oppressor and mocker either honour or show contempt for their personal deity.[19]

These general observations provide a context in which "his maker" can reasonably be interpreted to mean the maker of the oppressor or mocker, and the one to whom they are accountable.

2. Observations that support the identification of the pronominal suffix with both the poor and the oppressor.

Murphy's suggestion that the pronominal suffixes in Proverbs 14:31 and 17:5 refer to both the poor man and the oppressor is based on the fact that Proverbs 22:2 refers to the Lord as the maker of both the rich and the poor. Proverbs 22:2 is also relevant to the larger question of the relationship between creation and the treatment of the poor.

In Proverbs 22:2 the Lord's role as creator is applied to both the rich and the poor.

> Rich and poor meet together (נִפְגָּשׁוּ, or "have this in common"):
> The Lord is the maker of them all (עֹשֵׂה כֻלָּם)

There is uncertainty over the meaning of נִפְגָּשׁוּ. Some commentators only allow it a literal sense of "meet together" and argue that the verse affirms that rich and poor rub shoulders in a socio-economically diverse community.[20] Others permit the term a figurative sense in which "meet together" becomes "have this in common" (so NIV). Those who take it this way tend to identify an implied warning to the rich to be careful in their treatment of the poor.

In the end the lexical question is not crucial, for, as Murphy argues, even if the sense is literal rather than metaphorical, the "meeting" is not casual, but refers to a common life bestowed

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[15] Murphy 1998: 107.
[16] One oppressed individual warns his oppressors, "under whose protection are you ruining us small ones? Fear (palāḫu) (your god) and leave us alone!" (van der Toorn 1996: 108). Unfortunately, the words, "your god" are only implied by the verb and so must be supplied.
[17] Prov 30:7-9, NIV.
[18] The verb תָּפַשׂ means "to lay hold of, wield", but here it is used with the idea, "seize (do violence to) the name... of my God", BDB: 1074.

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[19] Job 32:21-22 also expresses the individual's accountability to his personal god.
> I will show partiality to no one,
> nor will I flatter any man;
> for I do not know how to flatter,
> otherwise my maker (עֹשֵׂנִי) would soon take me away (יִשָּׂאֵנִי).
The RSV reads, "For I do not know how to flatter, else would my Maker soon put an end to me".
[20] "In v.2 nipgᵉšū can indicate no more than that rich and poor are found side by side in every community, that social structures everywhere have this polarity of wealth and poverty," Mckane 1970: 570.

on them by the Lord.[21] As such Murphy sees the same kind of "implicit admonition" in the text that the advocates of a figurative sense propose.[22]

The first significant point of difference among interpreters, then, concerns the existence of this "implicit admonition". The fact that Proverbs repeatedly associates creation with the treatment of the poor (Proverbs 14:31;17:5 and 29:13) supports the proposal that there is an ethical teaching in Proverbs 22:2 as well. One of the texts that relates the treatment of the poor to creation (29:13) is clearly a sister text to Proverbs 22:2. The fact that it substitutes "oppressor" for "rich" makes it likely that both 22:2 and 29:13 are concerned with the treatment of the poor at the hands of the rich and powerful.

As to the nature of this implicit admonition, there is general agreement among commentators.[23] Whybray suggests, "since Yahweh deliberately gave to the poor the same human status as he gave to the rich, to treat them as less than human or as intrinsically inferior is to commit the sin of insulting God himself".[24] Toy contends, "There are social differences among men - but all men, as creatures of God, have their rights, and their mutual obligations of respect and kindness".[25] Murphy suggests that the point is that both rich and poor, but especially the rich for whom it is more difficult, "should take to heart this basic human equality and co-operate with each other".[26] The thrust of these comments is that God's creation of poor and rich establishes an essential human equality and, according to Toy, shared rights.

[21] Murphy 1998: 165. "More is implied than that they coexist", Garrett 1993: 186.
[22] Murphy 1998: 165.
[23] Garrett dissents when he places the emphasis on humility rather than social ethics. While allowing for some ethical implications Garrett argues that the primary concern of the text is the need for both rich and poor to live humbly before God.
> ... the main point is transparent: rich and poor have equal standing before Yahweh. While this might have humanitarian implications (e.g., that the rich respect and help the poor), that is not the main point in this context (contrast 29:13 in a different context). Rather, the central idea is that those who are well off must never forget that they, no less than the impoverished, are contingent beings who wholly depend on God for life and livelihood. In short, one must live with humility before God.

Garrett 1993: 186. Garrett's proposal that the point is humility before God comes from the ABA'B' structure he sees in verses 2-5 in which verse 2 corresponds to verse 4, "Humility and the fear of the Lord bring wealth and honor and life". However, the evidence for this structure is not strong enough to make this contextual argument convincing.
[24] Whybray 1994: 318.
[25] Toy 1904: 424.
[26] Murphy 1998: 165.

This is probably not the precise nature of the implied admonition. The notion of the "rights" of all men as creatures of God is not obvious in the Old Testament, and would need to be established to make this suggestion feasible. It is also questionable that the text is asserting an equality among men, except possibly by implication. The text does not actually say that God creates the rich and the poor equal. It only says that God made them both. From what has been noted about personal religion in general, and the significance of God creating the individual in particular, the import of the creation language in Proverbs 22:2 probably moves the text in a different direction from rights and human equality.[27]

These commentators are probably correct in explaining the admonition as though it was directed primarily to the rich, as a warning against mistreating the poor. The reason, however, lies not so much with the equality of men, as it does the implication that God has a vested interest in those whom he creates. In their dealings with the poor that they "meet" in life, the rich should keep in mind that they are dealing with someone God has made. The implications of this reality would have been obvious to the ancient reader whose relationship with God began with the fact that God made him in the womb.

The reference to the fact that God created the rich may also imply their accountability to the one who created them, but if this point is present it is secondary.

Proverbs 29:13 has elements in common with 22:2.

> The poor man and the oppressor meet together (or "have this in common"):
> The Lord gives sight to the eyes of both.

The use of the term "oppressor" makes it even more likely that the concern is not merely to recognise the socio-economic diversity of God's creative activity. Although oppressors are usually from among the rich and powerful, "oppressor" (אִישׁ תְּכָכִים) is not just a socio-economic term. Rather, the reference to the "oppressor" suggests the concern of the proverb is the treatment of the poor by the oppressor. The oppressor's fear of his creator should engender a particular ethical behaviour towards the poor who are likewise created by God.

[27] There are, however, some implications of equality based on creation in the short Egyptian text from the Middle Kingdom, "All Men Created Equal in Opportunity", ANET: 7-8.

For the oppressor[28] the message is a warning that the poor man enjoys life (=sight to the eyes) as a gift from the Lord,[29] just as truly as he the oppressor does.

> The tone is somewhat low key, but it is clearly a threat to the oppressor, in view of the justice that the Lord calls for.[30]

Once again, the fact that the Lord is responsible for the poor man's existence carries significance. As the one who gave the poor man life, the Lord is concerned for the life and well-being of the poor.

In summary. In agreement with several commentators it appears that these texts do carry an inherent warning to the rich oppressor. Rather than basing this ethic in human rights or human equality, however, the text reminds the rich that the poor are also God's creatures. The point is not so much that the rich and poor are created equal, but that they are equally God's creations. God is as much the source of the poor man's life as he is the source of the rich man's life. This carries the warning to the rich man not to mistreat the poor man whom God has made and whom God has invested with life.

Murphy may be correct in suggesting that in Proverbs 14:31 and 17:5 the pronominal suffix refers to both the poor man and the rich/oppressor. Certainly Proverbs 22:2 and 29:13 make a point of the fact that God made both. On the other hand, the emphasis in 22:2 and 29:13 appears to be on the poor man. It is the fact that God created him (too), that serves as a warning to the rich to be careful in how they treat the poor.

3. Observations that support the identification of the pronominal suffix with the poor man.

God's role as protector of the poor is clearly presented elsewhere in Proverbs. He is their Redeemer (גֹּאֲלָם), the one who will take up their complaint (רִיבָם) against their oppressor.

> Do not move an ancient boundary stone

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[28] If there is a message here for the poor man, it is a call to humbly trust his maker (the one who gives him life) in the face of oppression because as his maker he is committed to his well-being.

[29] Hubbard suggests that this refers to conscience derived from God's illuminating work, 1989: 241. However, usage favours the explanation that, to "see light" means to "live" (Job 3:16; Ps 49:20[19]), Whybray 1994: 401; cf. "Give light to my eyes lest I sleep in death" (Ps 13:4), Clifford 1999: 252. "To 'give light to the eyes' has the same meaning as to give life. The Lord has created them both", Murphy 1998: 222.

[30] Murphy 1998: 222.

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> or encroach on the fields of the fatherless (יְתוֹמִים),
> for their redeemer (גֹּאֵל) is strong;
> he will take up their complaint (רִיבָם) against you.[31]

The pronominal suffix in this instance is unambiguously referring to the vulnerable person and not the oppressor. God identifies with the poor again in Proverbs 22:22-23.

> Do not exploit the poor because he (הוּא) is poor and do not crush the needy in court,
> for the Lord will take up their complaint (רִיבָם) and will plunder those who plunder them (קֹבְעֵיהֶם).

Similarly, Proverbs 19:17 reads,

> מַלְוֵה יְהוָה חוֹנֵן דָּל וּגְמֻלוֹ יְשַׁלֶּם־לוֹ
> He who is kind to the poor lends to the Lord,
> and he will repay him for his deed.

The first line of the verse establishes a particularly close connection between the poor and the Lord. It is not just saying that being kind to the poor obligates the Lord to repay the kindness.[32] The use of "loan" terminology (lending to the Lord, and being repaid) was suggested by the fact that "kindness to the poor" would itself involve gifts and interest free loans. Such generosity may never be repaid by the impoverished beneficiaries, but God will repay the benefactors. Whybray has expressed the logic clearly.

> …Yahweh is seen as involving himself so closely with the poor that what is *given* to them (who are unable to repay) is regarded as *lent* to him so that repayment - presumably in the form of blessing and material prosperity - will surely be made.[33]

It is this close association between Yahweh and the poor that may well explain the language of Proverbs 14:31 and 17:5. To oppress the poor (עֹשֵׁק־דָּל, 14:31a), or to mock the poor (לֹעֵג לָרָשׁ 17:5), is to show contempt for the one who made him (חֵרֵף עֹשֵׂהוּ, 14:31a, 17:5a),

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[31] Prov 23:10-11, NIV.

[32] McKane cites *The Dialogue of Pessimism*, in which the man who sacrifices to his god is described as one who, "is making loan upon loan". See Bigg's translation in *ANET*: 601. This line and its context are in stark contrast to the tone of Proverbs 19:17. Closer in tone to the present text is the following line from *A Pessimistic Dialogue between Master and Servant*, "The man who does something helpful for his country, - his helpful deed is placed in the bowl of Marduk", Pfeiffer, *ANET*: 438. The bowl (Foster has "basket", *BM*: II, 817) is the one in which Marduk keeps the tablets listing men's deeds (Pfeiffer, *ANET*: 438, n.5). Foster comments, "The idea may be that if one distributes largesse, the recipient is god himself, so good will thereby accrue to the giver", *BM*: II, 817, n.1.

[33] Whybray 1994: 282.

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whereas to show kindness to the poor (אֶבְיוֹן חֹנֵן, 14:31a)[34] is to honour his maker (מְכַבְּדוֹ, 14:31b).

The use of the epithet "his creator" is particularly well suited for presenting God's concern for the well-being of the individual. The proverb might have said "shows contempt for the Lord", or, more personally, "shows contempt for his (the poor man's) God", but "his maker" adds a focus on the act whereby God deliberately and carefully brought the person into existence. It is a reminder of God's personal investment and personal interest in the individual.

This interpretation is consistent with a text from *Ben Sira* in which God clearly comes to the aid of the poor as the poor man's maker.

> My son, do not mock the poor person's life,
> or wear out the expectations of an embittered spirit.
> The hungry do not aggrieve,
> nor ignore one who is downtrodden.
> Do not inflame the bile of the oppressed;
> delay not giving to the needy.
> A beggar's plea do not reject;
> avert not your glance from the downtrodden.
> From one in need turn not your eyes,
> give him no reason to curse you;
> For if in the ache of his bitterness he curse you,
> his Maker will hear his prayer (ישמע צורו).[35]

There are reasons to suppose, then, that the personal pronoun in Proverbs 14:31 and 17:5 refers to the poor man.

Conclusion.

It is conceivable that the pronominal suffix in Proverbs 14:31 and 17:5 refers to the poor man or to the oppressor. It is also possible that Murphy's proposal that both are intended is correct. With the large majority of commentators, it does seem preferable that the referent

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[34] The same participle חֹנֵן is used in both 19:17 and 14:31. Compare, "He who is kind to the poor honours his maker", with, "He who is kind to the poor lends to the Lord". If, as seems to be the case, the Lord in 19:17 is so closely associated with the poor that he is regarded as receiving the loans, then in 14:31 it would be likely that he is again in close association with the poor man.
[35] 4:1-6, after Skehan and Di Lella 1987: 162-163.

for the pronominal suffix at least includes the poor as those who are under their maker's protective care.

In particular it was noted that the Proverbs in which God's intervention for the vulnerable is expressed and the referent for the pronominal suffix is unambiguous, the pronominal suffix referred to the vulnerable person (fatherless) rather than the oppressor.

More generally, the texts that deal with the treatment of the poor, tend to affiliate God with the poor rather than the rich or oppressor. In these instances God is not presented as the oppressor's God who will hold him to account. Rather he is presented as the poor man's God who will punish the rich oppressor.

Even in those texts which speak of God's creative work towards both rich and poor, the emphasis appears to be on the fact that God is the maker of the poor man (too). It serves as a reminder to the rich that the poor man, just as much as the rich man, is the valued creation of God.

Finally, a text from *Ben Sira* clearly warns against mistreating the poor man, because the *poor man's* maker will hear him when he cries out.

For these reasons, the pronominal suffixes in Proverbs 14:31 and 17:5 are best seen as referring to at least the poor man (and possibly the rich oppressor as well).

The language of Proverbs 14:31 and 17:5 is strong. The oppressor treats the poor man's maker with contempt (חֵרֵף) when he oppresses (עָשַׁק) or mocks (לְעֵג) the poor man. The generous person honours (מְכַבֵּד) the poor man's maker when he treats the poor man kindly (חָנַן). The Piel of both חָרַף and כָּבֵד frequently refers to verbal acts, but in this instance the reference is to non-verbal behaviour that expresses contempt or honour for God. As the maker of the poor God is committed to their well-being, and requires that others be similarly committed. The mistreatment of the poor is the mistreatment of someone God has made and someone God values. Mistreatment of the poor contradicts God's will for them, and is

therefore an act of contempt towards God.[36] Generosity towards the poor, on the other hand, honours the God who made him.

References to the poor person as God's creation serve to establish the fact that God values that person and is committed to their well-being. As such these texts serve to warn all comers that they must treat the poor with kindness, or answer to their maker.

II. God as the Maker of Job's Servants in Job 31:13-15.

Job's treatment of his servants is informed by the knowledge that God created them. While they are not referred to as "poor" or "needy", Job's servants are subject to the same vulnerability. For this reason they provide another example of how God's creation of the vulnerable features as the basis for the ethic governing their treatment.

In the midst of his summary protestation of innocence Job explains why it is unthinkable that he would have mistreated his servants.

אִם־אֶמְאַס מִשְׁפַּט עַבְדִּי וַאֲמָתִי בְּרִבָם עִמָּדִי
וּמָה אֶעֱשֶׂה כִּי־יָקוּם אֵל וְכִי־יִפְקֹד מָה אֲשִׁיבֶנּוּ
הֲלֹא־בַבֶּטֶן עֹשֵׂנִי עָשָׂהוּ וַיְכֻנֶנּוּ בָּרֶחֶם אֶחָד

If I refused the case of my manservant and
my maidservant when they made a complaint against me
what will I do when God rises (to judge)
and when he visits me what will I answer him?
Did not he who made me in the womb make them?
and (did not) the same one form us both in the womb?

Job begins with a hypothetical conditional clause in which he fails to listen to a complaint brought to him by his servants. This represents an oppressive act in which he, as the powerful and wealthy chieftain,[37] gives no heed to the plight of those under his care. The impossibility of committing such a sin arises from the fact that Job knows God will call him to account for the way he has treated his servants. When he is called to account Job knows he will have no defence.

What Job says next is of particular interest. "Did not he who made me in the womb make them? and (did not) the same one form us both in the womb?" Once again, however, the text is tolerant of more than one interpretation.

Commentators on this verse treat it as a second reason why Job considers it unthinkable that he would mistreat his servants. Not only is Job aware of his accountability to God (verse 14), but he also "bases his compassionate concern for each of his servants as a person in his conviction that God has made both himself and his servants in the same way".[38]

Commentators perceive here the implication that master and slave are equal, or are to be treated as equal, because of their common and careful creation by God. Gordis talks of Job's conviction, "that all men, the lowest and the highest alike, are equal in rights because they have been created by God in the identical manner".[39] Pope sees here the, "doctrine of the universal fatherhood of god and its corollary, the brotherhood of all mankind", and argues that Job, "accords… to the lowliest of human beings respect as a child of God with equal claim for justice".[40] Whybray argues for the implication here of "an equality between masters and slaves in view of their common origin as created by God".[41] Finally, Fohrer notes that what God has so carefully created in the womb must be treated with comparable care and consideration by a fellow creature. He adds that because they are created alike by the same God they are alike before the law.[42]

Alternatively, it is possible to understand verse 15 as a further development of verse 14. Job does not turn to present another basis for his treatment of his servants, but continues to set forth his reasons why God's judgement is enough to keep him from mistreating them. Verse 14 was concerned with being held to account by God. Verse 15 puts a finer point on God's interest in the well-being of Job's servants, an interest that Job will have to face when he gives account to God for his treatment of them.

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[36] Compare the use of the verb גָּדַף in Numbers 15:30, "But the person who does anything with a high hand, whether he is a native or a sojourner, reviles (מְגַדֵּף) the Lord…".

[37] Albertz 1981: 358-362; van der Toorn 1996: 193. On the proposal that there existed in Israel from an early time, something analogous to an aristocracy which was the "depository of the religious traditions and moral values", and which was later supplanted by a *nouveaux riches* that lacked the same religious and moral commitments, see van der Toorn 1985: 102-110.

[38] Hartley 1988: 414.
[39] Gordis 1978: 348.
[40] Pope 1973: 233.
[41] Whybray 1994: 135.
[42] "Was Gott mit Sorgfalt im Mutterleib bereitet hat, muss von den Mitgeschöpfen mit Sorgfalt und Rücksichtnahme behandelt werden. Die Gleichheit der Erschaffung durch denselben Gott fordert die Gleichheit vor dem Recht, das dem göttlichen Willen entsprungen ist", Fohrer 1989: 435.

This understanding of the text can be clarified and supported by several observations. The repeated concern of chapter 31 is Job's innocence, and his protestation of innocence makes use of at least three strategies.

The most obvious strategy is the conditional clause.[43] In most instances Job uses a conditional clause to introduce the hypothesis that he has committed a particular sin (protasis), and follows this with a self-malediction (apodosis). In this way Job protests his innocence, since presumably a guilty person would not utter imprecations against himself for sins he has committed.[44]

A second element in Job's protestation of innocence is several outright denials that he has done what he hypothetically concedes in a conditional clause. In verse 5, for example, he interrupts himself by saying, "let God weigh me in accurate scales and he will know that I am blameless". Again in verse 18 after supposing that he had kept bread from the fatherless, and failed to help the widow, he protests, "but from my youth I reared him (fatherless) as would a father, and from my birth I guided the widow". The same phenomenon occurs in verses 30 and 32.

A third characteristic of Job's protestation of innocence is his claim that the very fact that he fears God's judgement was enough to keep him from doing such things. Thus, at the end of the fifth section he expostulates, "For I dreaded destruction from God, and for fear of his splendour I could not do such things" (31:23). This is also why he made a covenant with his eyes not to look lustfully at a girl (31:1-4).

In at least these three ways Job develops his protestation of innocence.

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[43] Newsom has noted ten examples of an abbreviated oath form ("If I have done X…" with the consequences left unspecified), and three examples of a complete oath form ("If I have done X, may Y happen to me") in chapter 31, 1996: 551-552. Newsom reflects Dick's earlier analysis of Job 31 as a declaration of innocence which "frequently employs the oath as part of its form", 1983: 36. The structures that Dick and Newsom refer to as oaths, however, are better designated conditional sentences. On oath formulas see Waltke-O'Connor: §40.2.2; *GKC*: §149; and Seow, 1987: 232-234. *BDB* list Job 31:5f. and 9 as examples of conditional clauses (a,4,*a*). Verse 36 does contain an asseveration using אם־לא ("surely!"), but this is set off in a parenthesis, and as such serves as the exception that proves the rule for the rest of the chapter. Professor J. A. Emerton (Cambridge) first drew my attention to the problem of calling these clauses oaths.

[44] The legal character of chapter 31 (even if it is rhetorical, and not an actual legal proceeding, Newsom 1996: 551) makes these imprecations all the more significant. See Dick 1979, and 1983.

The text of primary interest to the present study (verses 13-15) combines two of these strategies. It has the structure of a conditional clause, but instead of having a self-malediction in the apodosis Job recognises the certainty of God's judgement for such a sin.[45] Verse 13 begins with the conditional particle אִם, and verses 14 and 15 comprise the apodosis of the conditional sentence - "*If* I did X, *then* what will I do when God calls me to account…?" (cf. RSV, "what then…").

The apodosis is comprised of two parts. The first part begins with the interrogative particle מָה ("what"), and the second with the interrogative הֲ. The two questions raised in the first part are answered by the two questions in the second part.

> Q. What then will I do if God confronts me? What will I answer when called to account?
> A. Did not he who made me in the womb make them (lit. "him")? Did not the same one form us both in the womb?

Job answers his own questions, not with a solution (i.e. not with an "answer" he can give to God when questioned), but with further confirmation that judgement is certain - that there is *no* answer. The observations Job makes in verse 15 render it certain that God will hold Job accountable for how he has treated his servants.

The certainty of Job's judgement for mistreating his servants is part of his defence, just as it is in verse 23 where his fear of God's judgement prevents him from other oppressive acts. The relevance of verse 23 is heightened by Newsom's observation that verses 13-23 are chiastic. The four oaths[46] that comprise these 11 verses share a common concern for justice and social obligation. In the first (13-15) and fourth (21-23) oaths Job denies depriving the weak of justice, and in the second (16-18)[47] and third (19-20) he denies ever having refused food and clothing to the needy.[48] This structure also shows that in both the first and fourth

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[45] The fact that the apodosis is comprised of questions makes it particularly difficult to analyse verses 13-15 as an oath.

[46] I retain Newsom's terminology. The division of these 11 verses is the same if it is analysed in terms of conditional clauses.

[47] Verse 18 is response to the oath of verses 16 and 17.

[48] Newsom 1996: 552.

oath Job not only deals with the same crime (injustice), but also the same motive for avoiding it (fear of God's judgement).[49]

The interpretation of 31:13-15 is also informed by a comparison with 31:2-4. Verses 2-4 use the same argument as verses 13-15, as well as the same question and answer format. Here too, a question using מָה is answered with questions using the interrogative הֲ (Table 22).

Table 22. The Use of הֲ Questions to Answer מָה Questions in Job 31.

Verses	מָה Question(s)	Answered with הֲ Question(s)
31:2-4	What (מָה) is man's lot from God above, his heritage from the Almighty on high?	Is it (הֲ) not ruin for the wicked, disaster for those who do wrong? Does (הֲ) he not see my ways, and count my every step?
31:14-15	What (מָה) will I do when God confronts me? What (מָה) will I answer when called to account?	Did (הֲ) not he who made me in the womb make them, and the same one form us (both) in the womb?

In both instances a content question (or questions, using מָה) is answered by a yes/no question (or questions, using הֲ) each of which requires an affirmative answer. The rhetorical effect is to firmly establish his point by requiring his audience to supply the affirmative answer.[50]

It remains to determine more specifically how verse 15 answers the questions raised in verse 14. It would be a mistake to speak here of Job and his servants being created equal. The text makes little of ontological matters or of resemblance between Job and his servants. Job's clear emphasis on the fact that he and his servants are created by the *same* God, should not

be mistaken to mean Job and his servants were created the *same*. At the most, Job is claiming that God made him and his servants with the *same* care.[51]

If the emphasis on the same creator is not to be taken as pointing to being created equal, it must be explained by some other means. It is not sufficient to observe that since God created both Job and his servants with care, the text teaches that Job should treat his servants accordingly. It is correct as far as it goes, but this interpretation does not explain why Job makes a point of the fact that the *same* God made both Job and his servants. If Job merely wished to speak of the proper treatment of his servants based on God's careful creation of them he could have done so without reference to the *same* God creating Job as well, "Did not God form them (with care) within the womb" (cf. Job 9:8-12). And if he wanted to compare God's creation of him with God's creation of his servants he could have said, "Did not God form them within the womb just as (with the same care that) he formed me in the womb?".[52] The repeated emphasis on the *same* God doing the creation suggests that Job is not just saying God made both Job and his servants with care.

The solution is evident from the connection between verses 14 and 15 as well as the fact that it was Job's fear of God's judgement that kept him from sinning. Job has already asked what to do when he is called to account by God. Using the language of personal religion he next refers to his God as the one who made him in the womb. He is accountable to his *maker*. But what makes his predicament so terrible is that Job's maker is also the maker of Job's victims. Job's judge (maker) is also his victims' defender (maker). The God to whom Job must give an account, made (עָשָׂה) and fashioned (כוּן) Job's victims "in the womb" (רֶחֶם, בֶּטֶן). Job intends by the language of verse 15 to put a fine point on his predicament. What possible escape is there for him when he must stand before the one who is committed to the

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[49] In which case, in both instances Job's commitment to administering justice is motivated by the realisation that he will eventually experience God's administration of justice.

[50] *BDB*: הֲ, 1, c, "it is used in questions which, by seeming to make doubtful what cannot be denied, have the force of an impassioned or indignant affirmation".

[51] This may be the import of the reference to the womb.

[52] The language used to compare Elihu and Job in Job 33:6 is more what one would expect, with the emphasis lying on the similarity of Job and Elihu (note כְּ and גַּם), not the fact that they have the *same* creator, "Behold, I am in relation to God as you are (הֵן־אֲנִי כְפִיךָ לָאֵל, NIV, I am just like you before God; I too was formed from a piece of clay" (מֵחֹמֶר קֹרַצְתִּי גַם־אָנִי). "Elihu and Job are both of them creatures as against the Creator", Dhorme 1967: 488. This text, along with 34:19 and *The Wisdom of Solomon* 6:7, works in the opposite "direction" to Proverbs 22:2, 29:13 and Job 31:16. In the former texts the point is to bring one person *down* to the level of another by affirming they are equally "creaturely" (and nothing more) before God. In the latter texts the point is to raise one person *up* to the level of another by affirming they are equally the valued creation of God. Both approaches are theocentric: the great are just as creaturely as the small *before God* (cf. behemoth, Job 40:19), and the poor are just as much *God's* valued creatures as the rich in God's sight.

well-being of those Job has mistreated. What can Job possibly say to *their maker*? This is the point of the repeated emphasis on the *same* God making Job and his servants.

Once again, it is the fear of divine judgement that serves as a basis for Job's protestation of innocence. He would never have mistreated his servants in this manner, knowing what he knows. He would never mistreat the vulnerable knowing he would one day give an account to their maker.

Conclusion.

Proverbs 14:31 and 17:5 could be interpreted in three different ways, depending on who functions as the referent for the pronominal suffix: the poor man, the rich oppressor, or both. On the whole it is preferable to link the pronominal suffix with the poor person. The point is that how one treats the poor either honours their maker or insults him. The individual's maker so values the person he has made, that to mistreat his handiwork is to treat the maker himself with contempt.

In Proverbs 22:2 and 29:13 there is an implied admonition in the fact that God is maker of both the rich (or oppressor) and the poor. This admonition appears to be addressed primarily to the rich who are reminded of the fact that God also made the poor. The implication is not so much that they are created equal, as they are equally created by God. The rich must not forget that as God's handiwork the poor are valued by God, and any rich person who mistreats them must answer to their maker. There may be the secondary point that in giving an account to their creator the rich are at the same time giving an account to the one who created the poor.

In Job 31:13-15 Job protests that he would never mistreat his servants. He establishes this fact by expressing his fear of being held to account by God. He asks what possible defence he could offer to God, and puts a finer point on the predicament by explaining that there is no defence - his maker (i.e. the one to whom he gives account) is the same God who made his servants (i.e. the one most interested in their well-being). Once again, God is seen to value those he creates and to hold accountable anyone who would dare to mistreat them.

In each of these passages the treatment of the vulnerable is informed by the knowledge that God makes the individual human being. It is not God's creation of mankind *in the beginning*, but God's creation of the individual *in the present* that features in Wisdom literature as the basis for the treatment of the poor. In this respect Wisdom literature reflects the concerns of personal religion, and the close relationship between the individual and his maker, that has its origin in the womb.

It is not the rights of the poor as human beings that is at stake in these texts, nor do they speak of human beings as created equal. The point is more theocentric than either of these options. God values those whom he creates. Because of the value he places on the work of his hands, irrespective of their wealth or status, any mistreatment of the vulnerable individual is a serious affront to the God who made him.

Conclusion to Part One

It is clear from the texts studied in Part One, that the theme of human creation served as a basis for the proper treatment of human beings. Both the creation of mankind in the beginning, and the creation of the human individual in the womb, feature as reasons for the proper treatment of human beings. The creation of man in the beginning is used in Genesis 9:6 to establish the value of all human life. The creation of the individual in the womb occurs in texts that deal specifically with the treatment of vulnerable individuals.

The different applications of this "creation principle" should not obscure the similarities. Both are theocentric in nature. As the creator of mankind, God placed a special value on all human life. As the creator of the individual, God valued the life of that individual.

Both traditions contain an analogy between the relationship of the creator and the human creature, and the relationship between a father and child. While they are reticent to use explicit fathering terminology, both traditions testify to a caring relationship of this kind between the creator and his human creation.

These findings are corroborated by what is known of the relationship between an individual and his god in Mesopotamia (Chapter 7), and by the relational and familial implications of creation in other human creation texts from Mesopotamia and Egypt (Excursus 3). The interplay of creation and procreation language in the Old Testament (Chapter 8) provided further support for this conclusion.

Man's creation as given in Genesis 1 distinguished him from all other creatures, and the individual's creation in the womb could be portrayed as mysterious and wonderful. However, these factors, in and of themselves, do not fully account for the association between the creation of human life and the treatment of human beings in the Old Testament. There was also the relational element. Both as the creator of mankind, and as the creator of the individual, God established a relationship with his creature. In the context of this relationship he valued the life of his human creature, and it was this valuation that was to serve as a guide for the treatment of human life in general, and the treatment of the poor and needy in particular.

Part Two

Introduction to Part Two:

The Relevance of Righteousness to Intervention for the Poor and Needy

The roots שפט and צדק both have an important role in texts dealing with intervention for the poor and needy. The purpose of the next three chapters is to explain this role by investigating what this language means, and by attempting to explain the logic that connects it with intervention for the poor and needy.

It is of interest at the outset, to explain how it is that roots associated with judgement (שפט) and righteousness (צדק), which tend to conjure up thoughts of punishment in the modern mind, serve to offer hope and help to the oppressed and needy.[1]

The solution typically favoured by Bible translations, and advocated by some studies of the subject, has been to adopt the language of rights, especially in explanations and translations of the root שפט. Occasionally modern English translations even invoke the language of human rights.[2]

This approach is inherently unlikely given the recognition by scholars writing on the history of the development of human rights theory that the notion of human rights is a modern one,[3] even if it is acknowledged that the Old Testament provided some basis for the development of the modern concept of human rights.[4]

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[1] Compare the detailed study by Gamper in which he explains how it is that language of this kind (especially the expression "judge me!") could be used in contexts where there is guilt, and the need for forgiveness, 1966.

[2] Lam 3:35, "When human rights (מִשְׁפַּט גָּבֶר) are perverted in the presence of the Most High", (NRSV cf. NEB).

[3] Tuck 1979. Similarly, scholars approaching the question from the disciplines of law and philosophy have questioned the presence of rights in the Hebrew Bible. Cover writes, "When I am asked to reflect upon Judaism and human rights, therefore, the first thought that comes to mind is that the categories are wrong...I mean that because it is a legal tradition Judaism has its own categories for expressing through law the worth and dignity of each human being. And the categories are not closely analogous to 'human rights'", 1987: 65. Wolfson allows some form of (implicit) rights in the Old Testament, but "these rights are of a different nature than those which exist in modern liberal theory", 1991: 420-421. Also note the reservations expressed by Old Testament Scholars such as Harrelson, when he writes, "The Bible knows little or nothing about human rights in our sense of the term" 1980: xv. Knight expresses the same kind of doubt when he comments, "... one might ask whether it is legitimate at all to inquire about rights in ancient Israel if such notions were foreign to that society", 1994: 94. Neither Old Testament scholar attempts to prove the point.

[4] Recently Otto 1999.

Studies of the root צדק have emphasised such ideas as faithfulness to the community (Gemeinschaftstreu)[5] and world order (Welt Ordnung),[6] but neither of these approaches is necessary for an understanding of the use of the derivatives of the root צדק in contexts dealing with intervention for the poor and needy, and no use is made of these approaches in the following chapters.

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[5] The most widely expressed understanding of צֶדֶק in current scholarship is the one that explains צֶדֶק as loyalty (Loyalität) to the demands arising from a relationship and as faithfulness in the context of community (Gemeinschaftstreu). This notion of relationship has tended to become dominated by the idea of covenant, and particularly the Mosaic covenant, in many expressions of the relational view. In essence this view maintains that both God's צֶדֶק and man's are expressed in a multitude of concrete actions that reflect this loyalty to the obligations arising from relationships, Achtemeier 1962: 80.

[6] Schmid 1968. Schmid has defined righteousness in terms of a divinely established and maintained world order. However, this view has supplemented rather than supplanted the relational view. Even in his own work Schmid, having argued for an original Canaanite sense of "conformity to a norm", adds that the translation "community loyalty" (Gemeinschaftstreu) better expresses the concrete application of this in many instances in the Old Testament. Here, as in most discussions of the meaning of צֶדֶק in the Hebrew Bible, the relational view of צֶדֶק plays a part.

Chapter 10

The Relevance of Rights to the Plight of the Vulnerable:
A Study of מִשְׁפָּט

Introduction.

In his essay "Ancient Biblical Laws and Modern Human Rights" James Barr relates biblical law to the modern notion of human rights. He notes a number of problems in making this connection, but in particular,

> There seems, at least at first sight, to be a striking difference in terms of approach and expression. In the one case there is a command from God; in the other there is a right that attaches intrinsically to a human person. In the former the command comes from God, and its impact falls, it would seem, upon the human actor or potential actor: "thou shalt not kill" is addressed to the person who might conceivably kill. Human rights, by contrast, appear to be invested in the human person who suffers wrong or may suffer wrong: you have a right not to be killed, a right to life, just as you have a right to a fair trial, a right not to be made a slave, a right not to have your property arbitrarily taken away from you, and so on. [1]

This raises the question of the role of the rights of the poor. Is intervention for the poor to be understood as a response to the rights of the poor and needy? Barr would seem to think so, for he goes on to write,

> This mention of the "right" or "rights" of the widow, the orphan, the poor, and the resident foreigner brings us particularly close to the idea of "human" rights. For, unlike some cases...[2] this is not a matter of innate family position or special function. Any child could become an orphan, any woman a widow, any wealthy man a poor one. If the orphan, the widow, the poor man had a *mišpaṭ* which had to be protected, it implies that this was a "right" which Israelite persons "naturally" possessed and which, if it is rather seldom mentioned or even hinted at, must nevertheless be assumed to have underlain much of what is expressly said in the Hebrew Bible. If it extended to the *gēr*, that only strengthens the case: the *gēr* was a foreigner, but within the land of Israel it was to be recognized that such a person too had certain rights; outside that territory, naturally, Israelite law could not legislate. Thus the biblical and

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[1] Barr 1989: 23.
[2] Barr suggests that just as מִשְׁפָּט can refer to a specific legal "right", so too, when used of the poor, widow, alien or orphan, מִשְׁפָּט indicates something approaching human rights. The texts usually understood as references to a specific legal right (*BDB*: 1049) are few in number and include Deut 18:3 (מִשְׁפַּט הַכֹּהֲנִים); 21:17 (מִשְׁפַּט הַבְּכֹרָה); Jer 32:7 (מִשְׁפַּט הַגְּאֻלָּה); and 32:8 (מִשְׁפַּט הַיְרֻשָּׁה). While these texts lend themselves to a translation of the kind, "right of X", it is not certain that this was how they were understood in their ancient context. No attempt is made here to resolve the question. The concern of this chapter is Barr's understanding of מִשְׁפָּט as a reference to rights, particularly human rights, when used of the poor, widow, orphan and alien.

Hebraic foundation for something like human rights is not as thin as it might appear; or, to put it in another way, the strongly theonomous approach of the biblical commandments deserves to be balanced with the observation of the existence of "rights" in ancient Israel which were assumed by the commandments rather than positively asserted by them.[3]

Barr recognises that, "the strongly theonomous approach of the biblical commandments" rarely allows for an explicit reference to the notion of "rights" and that the latter are, "assumed by the commandments". The question whether or not it is possible to infer "rights" from commandments is an important one that continues to be debated,[4] but will not be taken up in this study. Neither is this primarily an attempt to address the related issue of whether or not the Old Testament provides a foundation for "something like human rights".

The focus of this chapter is Barr's suggestion[5] that the text speaks of the "right" or "rights" of the widow, orphan, the poor and the resident foreigner, and that they possessed a מִשְׁפָּט which had to be protected. His understanding of the term מִשְׁפָּט as it pertains to the poor, widow, orphan and resident foreigner does suggest there are explicit references to the rights of these kinds of people, and once that point is established Barr's claim for a foundation for something like human rights in the Hebrew Bible is eminently reasonable. The crucial point of his argument, however, and the focus of this study, is the meaning of the derivatives of the root שפט when used of the poor, widow, fatherless and resident alien.

Modern translations like the NIV, the NRSV, and the REB furnish support for Barr's understanding of the מִשְׁפָּט of the poor. In Jeremiah 5:28 the NIV reads,

> They do not plead the case of the fatherless to win it (לֹא־דָנוּ דִין יָתוֹם וְיַצְלִיחוּ),
> they do not defend the rights of the poor (וּמִשְׁפַּט אֶבְיוֹנִים לֹא שָׁפָטוּ).

The NRSV renders the latter line, "they do not defend the rights of the needy", and in Psalm 140:13[12] the REB reads,

> I know that the LORD will give the needy their rights (יָדַעְתִּי כִּי־יַעֲשֶׂה יְהוָה דִּין עָנִי).

[3] Barr 1989: 26-27.
[4] See Knight 1994: 94 and literature cited.
[5] And Barr himself cites Liedke who uses expressions like, "das, was den Amen usw. 'gehört'" and "das, was einem zukommt", "šp̄ṭ", *TWAT*: II, 1005; and Liedke 1971. Barr, commenting on "the manifold meanings of the many-sided word *mišpaṭ*", writes, "The most relevant cases are those that talk of the *mišpaṭ*, the 'right' or 'rights', of someone, that to which he or she has a right, which belongs to him or her", 1989: 25.

This chapter evaluates the possibility that the root שפט (and the less common root דין) is used in conjunction with references to the poor, widow, fatherless and alien to signify the rights of these categories of society in the way that Barr and these English translations suggest.

I. Six Constructions Relevant to the Question of מִשְׁפָּט and the Concept of Rights.

The root שפט occurs in various constructions that have been translated with recourse to the idea of rights. Each of these constructions is taken up in turn in an attempt to discover the legitimacy, or otherwise, of translating them in this manner. The constructions are:

1. Genitive noun/pronominal suffix + מִשְׁפָּט שָׁפַט - Jeremiah 5:28 and Lamentations 3:59. Also the construction: genitive noun/pronominal suffix + דִּין דָּן - Jeremiah 5:28; 22:16; 30:13; the expression אֱמֶת וּמִשְׁפַּט שָׁלוֹם שִׁפְטוּ - Zechariah 8:16; and מִשְׁפָּט דָּן - Jeremiah 21:12.

2. שְׁפָטֵנִי and other instances of the verb שָׁפַט with a pronominal suffix - 1 Samuel 24:15; 2 Samuel 18:31; Psalm 7:9[8]. Also the construction: pronoun + דָּן - Genesis 30:6; Psalm 54:3[1].

3. Poor/needy/fatherless/widow + שָׁפַט - Psalms 72:4; 82:3; Proverbs 29:14; Isaiah 1:23. Also the construction: poor/needy/fatherless/widow + דָּן - Proverbs 31:9; Psalm 72:2.

4. Poor/needy/fatherless/widow + עָשָׂה מִשְׁפָּט - Deuteronomy 10:18; 1 Kings 8:59; Psalm 140:13[12]. Also 1 Kings 8:59 [מִשְׁפָּט of your servant and מִשְׁפָּט of your people]; and compare this genitive construction with the construction: poor + עָשָׂה דָּן - Psalm 140:13[12].

5. Pronominal suffix + עָשָׂה מִשְׁפָּט - 1 Kings 8:45; 2 Chronicles 6:35; 2 Chronicles 6:39; Psalm 9:5[4]; Micah 7:9. Also compare the construction: suffix + עָשָׂה דִּין - Psalm 9:5[4].

6. Person(s) + prep. + עָשָׂה מִשְׁפָּט. With לְ in Psalms 103:6 and 146:7; with בְּ in Psalms 119:84 and 149:9. And compare the eleven occurrences of the construction: noun + בְּ + שָׁפַט + עָשָׂה.

1. A genitive noun or pronominal suffix following שפט משפט.

Lamentations 3:59,

רָאִיתָה יְהוָה עַוָּתָתִי שָׁפְטָה מִשְׁפָּטִי

You have seen, O Lord, the wrong done to me.

Judge my judgement! (or, Judge my case!)[6]

The writer of these words has suffered at the hands of his enemy and cries out for help using the language of legal process. He calls on God to make a judgement, confident that this will mean his deliverance or vindication.

Jeremiah 5:28b,

לֹא־דָנוּ דִין יָתוֹם וְיַצְלִיחוּ וּמִשְׁפַּט אֶבְיוֹנִים לֹא שָׁפָטוּ

They do not carry out judgement for the fatherless…
(or "judge the case of the fatherless"),
they do not carry out judgement for the poor
(or "judge the case of the poor").[7]

In this instance the construction occurs in parallel with the clause דָנוּ דִין יָתוֹם with no evident difference in meaning. The same parallelism occurs in two Ugaritic texts:

Aqhat (*KTU* 1.17.v.7-8).

(Danel) Gets up and sits by the gateway,
Among the chiefs on the threshing floor;
Takes care of the case of the widow,(*ydn dn ʾlmt*)
Defends the need of the orphan.(*yṭpṭ ṭpṭ ytm*)[8]

Kirta/Keret (*KTU* 1.16.vi.33-34 and 45-47).

You don't pursue the widow's case (*ltdn dn almnt*),
You don't take up the wretched's claim (*ltpṭ ṭpṭ qṣr npš*).
…
You don't pursue the widow's case (*ltdn dn ʾlmnt*),
You don't take up the wretched's claim (*ltpṭ ṭpṭ qṣr npš*).
You don't expel the poor's oppressor.
You don't feed the orphan who faces you,
Nor the widow who stands at your back.[9]

The construction דִין דָּן followed by a genitive noun or pronoun occurs in the following texts:

Jeremiah 30:13,

אֵין־דָּן דִּינֵךְ לְמָזוֹר רְפֻאוֹת תְּעָלָה אֵין לָךְ

There is no one to judge your case,
no remedy for your sore, no healing for you.[10]

Jeremiah 22:16,

דָּן דִּין־עָנִי וְאֶבְיוֹן אָז טוֹב הֲלוֹא־הִיא הַדַּעַת אֹתִי נְאֻם־יְהוָה

"He judged the case of the poor and needy, and so all went well.
Is that not (what it means) to know me?" says the Lord.

There is also an instance of מִשְׁפָּט שָׁפַט in which מִשְׁפָּט is modified by a genitive term indicating the quality of the judgement. The notion of "rights" is not relevant in this instance as מִשְׁפָּט clearly means judgement.

Zechariah 8:16,[11]

אֵלֶּה הַדְּבָרִים אֲשֶׁר תַּעֲשׂוּ דַּבְּרוּ אֱמֶת אִישׁ אֶת־רֵעֵהוּ
אֱמֶת וּמִשְׁפַּט שָׁלוֹם שִׁפְטוּ בְּשַׁעֲרֵיכֶם

These are the things you are to do: Speak the truth to each other,
and carry out true and sound judgement in your gates.

This use of "genitive noun + מִשְׁפָּט שָׁפַט" as a reference to judgement is consonant with the contention that the same construction used with the poor and needy likewise refers to judgement rather than rights.

There is just one instance in which the combination מִשְׁפָּט דָּן occurs, and when it does there is no following genitive. Jeremiah 21:12a reads,

בֵּית דָּוִד כֹּה אָמַר יְהוָה דִּינוּ לַבֹּקֶר מִשְׁפָּט וְהַצִּילוּ גָזוּל מִיַּד עוֹשֵׁק

O house of David, this is what the LORD says: "Carry out judgement every morning; rescue the one who has been robbed from the hand of his oppressor."

The expression דִּין מִשְׁפָּט is translated "administer justice" (NIV) or "dispense justice" (REB), but might also be translated "carry out judgement".[12] The translation "uphold rights" is not appropriate and has probably never been suggested for this text.

The Akkadian noun *dīnu* and verb *dânu* (cognate to the Hebrew root דין) evidence the same kind of usage that has been proposed for the Hebrew constructions "genitive noun/pronoun + שָׁפַט מִשְׁפָּט" and "genitive noun/pronoun + דִּין דִּין". Evidence for this similarity is presented in the next chapter.

In summary. The use of the construction "genitive noun/pronoun + שָׁפַט מִשְׁפָּט" in Hebrew signifies the carrying out of a judgement or decision concerning the person(s) indicated by the pronominal suffix or genitive noun. These expressions convey the act of decision by a person in authority (judge, king, God) for someone in need of legal redress. Consequently, it is necessary to translate the construction "poor + שָׁפַט מִשְׁפָּט" as "judge the judgement of the poor" (=judge the poor) or in some contexts "judge the case of the poor". The translation "uphold the rights of the poor" for this construction lacks support.

2. Pronominal suffixes with the verb שָׁפַט.

In this section instances of the verb שָׁפַט with a pronominal suffix are studied in order to determine whether or not it is legitimate to translate them with the notion of "rights".

Psalm 7:9[8],

יְהוָה יָדִין עַמִּים שָׁפְטֵנִי יְהוָה כְּצִדְקִי וּכְתֻמִּי עָלָי

Let the Lord judge the peoples.
Judge me, O Lord, according to my righteousness,
according to my integrity, O Most High.[13]

The context of this verse makes it clear that the psalmist is appealing to God as the heavenly judge. The psalmist is pursued by enemies who are threatening his life and so he turns to God and appeals to him for a judgement "in accordance with my righteousness". This is not

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[12] Compare here the use of לַעֲשׂוֹת מִשְׁפָּט in 1Kings 3:28, "He had wisdom from God to administer justice" (or wisdom "to carry out judgement"), and the expression מִשְׁפָּטוֹ יִתֵּן in Zeph 3:5, "Morning by morning he gives his judgement" (REB).
[13] NIV. Or, "for I am clearly innocent", REB (taking עָלָי as a suffixed preposition).

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an appeal to his "rights" but to his "righteousness". The expression שָׁפְטֵנִי is not a call to uphold the psalmist's rights, but to make a judgement - one that will deliver him from the hands of his enemies.

1 Samuel 24:16[15],

וְהָיָה יְהוָה לְדַיָּן וְשָׁפַט בֵּינִי וּבֵינֶךָ וְיֵרֶא וְיָרֵב אֶת־רִיבִי וְיִשְׁפְּטֵנִי מִיָּדֶךָ
May the Lord be judge and decide between me and you; may he see (you);[14]
he will plead for me and judge me from your hands.

Judgement here is a matter of deciding between two men. David looks for the Lord to evaluate the situation and make a judgement that will effect David's escape from Saul. The next two texts use the same terminology of judgement "from the hand of" someone.

2 Samuel 18:19,

וַאֲחִימַעַץ בֶּן־צָדוֹק אָמַר אָרוּצָה נָּא וַאֲבַשְּׂרָה אֶת־הַמֶּלֶךְ כִּי־שְׁפָטוֹ יְהוָה מִיַּד אֹיְבָיו
Now Ahimaaz son of Zadok said, "Let me run and take the news to the king that the Lord has judged him from the hand of his enemies".

2 Samuel 18:31,

וְהִנֵּה הַכּוּשִׁי בָּא וַיֹּאמֶר הַכּוּשִׁי יִתְבַּשֵּׂר אֲדֹנִי הַמֶּלֶךְ
כִּי־שְׁפָטְךָ יְהוָה הַיּוֹם מִיַּד כָּל־הַקָּמִים עָלֶיךָ
Then the Cushite arrived and said, "My lord the king, hear the good news! The Lord has judged you today from all who rose up against you".

These instances of the expression "judge from the hand of" make it evident that the thought world portrayed by this language is not one of "upholding rights" which would make no sense in conjunction with מִיַּד, but one in which judgement is carried out in a heavenly court resulting in the deliverance of the righteous from the hands of the wicked.

The verb דִּין behaves in a similar manner in the following texts:

Genesis 30:6,

וַתֹּאמֶר רָחֵל דָּנַנִּי אֱלֹהִים וְגַם שָׁמַע בְּקֹלִי וַיִּתֶּן־לִי בֵּן עַל־כֵּן קָרְאָה שְׁמוֹ דָּן
Then Rachel said, "God has judged me; he has listened to my plea and given me a son." Because of this she named him Dan.

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[14] Cf. Ex 5:21, "May the Lord look upon you" (יֵרֶא יְהוָה עֲלֵיכֶם).

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The REB recognises the legal nature of the language in this passage when it translates it, "God has given judgement for me...". Once again the root שָׁפַט carries the idea of judgement and not the idea of upholding rights. In response to Rachel's prayer God has made a judgement and this has resulted in the birth of a son. This association between prayer and שָׁפַט comes up at several points and suggests that petitions could be viewed as appeals to the heavenly throne for a judgement.

The implication of deliverance is particularly clear in the following psalm in which שָׁפַט occurs in parallel with the root יָשַׁע.

Psalm 54:3[1],

אֱלֹהִים בְּשִׁמְךָ הוֹשִׁיעֵנִי וּבִגְבוּרָתְךָ תְדִינֵנִי

Save me, O God, by your name; judge me by your might.

Exodus 5:21 is of interest because it has a negative connotation and so cannot refer to "rights". Unfortunately, however, the omission of an object for the verb שָׁפַט makes the sense uncertain.

וַיֹּאמְרוּ אֲלֵהֶם יֵרֶא יְהוָה עֲלֵיכֶם וְיִשְׁפֹּט אֲשֶׁר הִבְאַשְׁתֶּם אֶת־רֵיחֵנוּ
בְּעֵינֵי פַרְעֹה וּבְעֵינֵי עֲבָדָיו לָתֶת־חֶרֶב בְּיָדָם לְהָרְגֵנוּ

And they said, "May the Lord look upon you and judge (you)! For you have made us a stench to Pharaoh and his officials and have put a sword in their hand to kill us."

The pronoun does not follow the verb שָׁפַט in this verse, but its presence in the preceding clause (עֲלֵיכֶם) suggests it is to be supplied. It is also possible that this is to be read as an abbreviated version of, וְיִשְׁפֹּט בֵּינֵנוּ וּבֵינֶךָ (cf. Genesis 26:28), "and judge between us and you".

In summary. The use of the verbs שָׁפַט and דִּין with a suffixed pronoun carries the sense "judge me (you, him, etc.)". The terms themselves do not carry the idea of "rights" and should not be translated "uphold my rights", or "the Lord upheld your rights" when they carry a pronominal suffix. The characteristic notion is of judgement. The context will determine whether this judgement has a positive or negative implication, and more specifically, whether it resulted in deliverance, an answered prayer for a child, or some other realisation in life.

3. The poor/needy/fatherless as objects of the verb שָׁפַט.

This section is concerned with those instances in which the verb שָׁפַט takes as its object nouns referring to the poor, fatherless, widow, resident foreigner and oppressed. Once again the primary point of interest is whether this construction means "uphold the rights of" or simply "judge".

Proverbs 29:14,

מֶלֶךְ שׁוֹפֵט בֶּאֱמֶת דַּלִּים כִּסְאוֹ לָעַד יִכּוֹן

If a king judges the poor with fairness,
his throne will always be secure.[15]

The use of אֱמֶת to modify שׁוֹפֵט suggests the sense here is of judgement. The king does not maintain the rights of the poor with fairness, but judges them with fairness. To the modern Western mind the latter implies the former, but the two should not be equated in the Hebrew text unless there is clear evidence to do so.

Psalm 82:3 furnishes a particularly helpful occurrence of this construction.

שִׁפְטוּ־דַל וְיָתוֹם עָנִי וָרָשׁ הַצְדִּיקוּ

Judge the weak and fatherless;
Pronounce a favourable judgement for the poor and oppressed.[16]

The Hiphil from הַצְדִּיקוּ refers to the judge's positive verdict, "you are in the right". This suggests that the verb שִׁפְטוּ carries a similar positive connotation. Thus, when the oppressed cry out for judgement (judge me!, etc.) the expectation is that such a judgement will result in their being found "in the right". This does not imply any perversion of justice for their benefit since the great majority of complaints voiced by the poor and needy would be legitimate (cf. 2 Samuel 15:3). Their dilemma was getting a hearing. Accusations against more powerful opponents would rarely be attempted (risked) unless a legitimate need existed.

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[15] NIV.
[16] The NIV translation of the second line, "maintain the rights of the poor and oppressed", lacks warrant (as does the RSV and NRSV translation, "maintain the right of"). The REB's, "see right done to the afflicted", and the NJB's, "be fair to the wretched", are better, but are still inadequate renderings of the Hiphil. The Hiphil of צדק is delocutive and is derived from juridical locutions of the kind, "you are in the right!" See further Chapter 12, page 268.

For the purposes of the present discussion the important point is that the verse speaks of judgement and not upholding rights. Both the Hiphil of צֶדֶק and the verb שָׁפַט refer here to the decision making activity of a judge/king. The same is true of the next examples.

Psalm 72:4,

יִשְׁפֹּט עֲנִיֵּי־עָם יוֹשִׁיעַ לִבְנֵי אֶבְיוֹן וִידַכֵּא עוֹשֵׁק

He will judge the afflicted among the people; He will save the children of the needy, and crush the oppressor.

Isaiah 1:23,

שָׂרַיִךְ סוֹרְרִים וְחַבְרֵי גַּנָּבִים כֻּלּוֹ אֹהֵב שֹׁחַד וְרֹדֵף שַׁלְמֹנִים
יָתוֹם לֹא יִשְׁפֹּטוּ וְרִיב אַלְמָנָה לֹא־יָבוֹא אֲלֵיהֶם

Your rulers are rebels and companions of thieves;
every one loves a bribe and chases after gifts.
They do not judge the fatherless;
the widow's complaint does not come before them.

The REB translates this, "they deny the fatherless their rights...". The parallel line makes it evident that the failure is in carrying out judgement for those who lack the resources to take care of the problem themselves - the fatherless and the widow. Just rulers represented a court of appeal for the oppressed. The accusation in this passage is against the rulers for failing to function in that capacity. They failed to judge the fatherless and did not allow the case of the widow to come before them for judgement. There is no warrant for introducing the notion of rights.

The verb דִּין occurs in the same kinds of contexts with the same kinds of meanings:

Proverbs 31:9,

פְּתַח־פִּיךָ שְׁפָט־צֶדֶק וְדִין עָנִי וְאֶבְיוֹן

Open your mouth (and) judge fairly; judge the poor and needy.

In this instance the REB makes no mention of rights ("give judgement for the wretched and the poor"), but the NIV does, "defend the rights of the poor and needy". The parallel line suggests the issue is one of just judgement (REB "pronounce just sentence"). The use of the expression פְּתַח־פִּיךָ suggests that the poor are in view in the first cola as well, and that king Lemuel's mother is encouraging him to "speak out" for those who need a powerful advocate.

This is supported by verse 8, "Speak up (lit. "open your mouth") for those who cannot speak for themselves..."(פְּתַח־פִּיךָ לְאִלֵּם). That the issue is one of "judging" is clearer in the following passage in which the judgement is again modified by terms indicating its character (בְּמִשְׁפָּט and בְּצֶדֶק).

Psalm 72:2,

יָדִין עַמְּךָ בְצֶדֶק וַעֲנִיֶּיךָ בְמִשְׁפָּט

He will judge your people in righteousness, your afflicted ones with justice.

Here יָדִין עֲנִיֶּיךָ ("judge your afflicted ones") is closely tied to יָדִין עַמְּךָ ("judge your people"), the same verb doing double-duty. Judging the afflicted is part of judging God's people, and does not mean "upholding their rights". That the primary idea is one of judging rather than defending rights is also evident from the presence of the modifiers בְּמִשְׁפָּט and בְּצֶדֶק. A righteous king is one who takes seriously his role as a just judge of the people whether rich or poor.

The following line from "Advice to a Prince" shows a comparable use of the Akkadian verb *dânu* + noun.

> *mār Sippar idāṣma aḫâm i-din Šamaš dayyān šamê u erṣeti dina aḫam ina mātišu išakkanma...*
> If he (a king) improperly convicts a citizen of Sippar, but acquits (lit. judges) a foreigner, Šamaš, judge of heaven and earth, will set up a foreign justice in the land....[17]

Here unjust treatment at law (*dâṣu*, "to treat with injustice") is contrasted with just treatment (*dānu*, "to judge"). The verb *dânu* does not mean "uphold the rights of" here, but "to carry out judgement" and in this context it probably carries a positive connotation (as Lambert's translation "acquits" suggests). The king is not upholding rights, but judging cases, as is evident from line 16, "if he hears a lawsuit involving men of Babylon"(*di-in bābilā'a*[lú.din.tir.ki.meš] *išmē*[ǧiš.tuku]-*ma*).

In summary: The expression "poor + שָׁפַט" means to judge the poor. There is lacking any evidence for the meaning, "to uphold the rights of the poor". The use of this expression is

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[17] Lambert 1960: 112-113.

everywhere compatible with the idea of carrying out judgement for the poor. This act of (just) judgement was something on which the poor depended in the face of stronger opponents, and yet it was something they were constantly in danger of being denied (Isaiah 1:23).

4. The alien/poor/needy as genitives following עָשָׂה מִשְׁפָּט.

There are a number of instances in which the verb עָשָׂה is used with מִשְׁפָּט rather than the more explicit verbs of judgement שָׁפַט and דִּין. Once again it is necessary to determine if the notion of rights is explicit in the construction when used of the poor.

Deuteronomy 10:18,

עֹשֶׂה מִשְׁפַּט יָתוֹם וְאַלְמָנָה וְאֹהֵב גֵּר לָתֶת לוֹ לֶחֶם וְשִׂמְלָה

He carries out the judgement of the fatherless and the widow,
and loves the alien, giving him food and clothing.

Psalm 140:13[12],

יָדַעְתִּי כִּי־יַעֲשֶׂה יְהוָה דִּין עָנִי מִשְׁפַּט אֶבְיֹנִים

I know[18] that the Lord carries out judgement for the poor,[19]
and judges the case of the needy.

The constructions יַעֲשֶׂה מִשְׁפַּט אֶבְיֹנִים and יַעֲשֶׂה דִּין עָנִי are in parallel, with the verb again doing double-duty. Both expressions convey the idea of carrying out judgement. In the context of the psalm the implication of this judgement is the deliverance of the psalmist from the clutches of the wicked (v. 5[4]) in reply to his plea for mercy (v. 7[6]) - rather than a request to uphold his rights.

The only other occurrences of the construction "genitive noun + עָשָׂה מִשְׁפַּט" (in which מִשְׁפָּט is singular)[20] have Israel and Israel's king as the genitive after מִשְׁפָּט. Immediately following Solomon's prayer in 1 Kings 8 there are the words,

וְיִהְיוּ דְבָרַי אֵלֶּה אֲשֶׁר הִתְחַנַּנְתִּי לִפְנֵי יְהוָה קְרֹבִים אֶל־יְהוָה אֱלֹהֵינוּ יוֹמָם
וָלָיְלָה לַעֲשׂוֹת מִשְׁפַּט עַבְדּוֹ וּמִשְׁפַּט עַמּוֹ יִשְׂרָאֵל דְּבַר־יוֹם בְּיוֹמוֹ

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[18] Following many Hebrew manuscripts and the versions by reading the Qere rather than the Kethib (יָדַעְתָּ).
[19] The REB translates this line, "I know that the Lord will give to the needy their rights".
[20] The plural occurs in a similar construction but with the entirely different sense of doing the laws of the Lord (Lev 18:4, וְאֶת־מִשְׁפָּטַי תַּעֲשׂוּ).

And may these words of mine, which I have prayed before the Lord, be near to the Lord our God day and night, that he may carry out judgement for his servant and for his people Israel according to each day's need.[21]

The prayer referred to here is in the immediately preceding context. It contains the same construction except that the genitive noun is replaced by a pronominal suffix on מִשְׁפָּט. Verse 45 is a request for the nation's prayer to be heard when, in obedience to God's command, they go to war.

וְשָׁמַעְתָּ הַשָּׁמַיִם אֶת־תְּפִלָּתָם וְאֶת־תְּחִנָּתָם וְעָשִׂיתָ מִשְׁפָּטָם

Then hear from heaven their prayer and their plea,
and carry out judgement for them.[22]

The expression וְעָשִׂיתָ מִשְׁפָּטָם is, in effect, a request for God to grant victory in battle. Similarly, in verse 49 there is a request to be heard, this time when the nation repents following a time of apostasy and exile (46-48).

וְשָׁמַעְתָּ הַשָּׁמַיִם מְכוֹן שִׁבְתְּךָ אֶת־תְּפִלָּתָם וְאֶת־תְּחִנָּתָם וְעָשִׂיתָ מִשְׁפָּטָם

Then from heaven, your dwelling place, hear their prayer and their plea,
and carry out judgement for them.[23]

The intent of the expression וְעָשִׂיתָ מִשְׁפָּטָם is given in the verses that follow it (50-51) and includes divine forgiveness, and merciful treatment by their conquerors.

It is now possible to return to the instance of the expression in verse 59, in which the nouns עַבְדּוֹ and עַמּוֹ are each used as genitives following עָשָׂה מִשְׁפָּט. Solomon's words in verse 59 are a summary reference to the kinds of response he had asked for in the prayer. To "carry out the judgement of his servant" and to "carry out the judgement of his people Israel" included such things as granting them victory in battle (עָשִׂיתָ מִשְׁפָּטָם vv. 44-45) and forgiving them and granting them mercy in the eyes of their conquerors (עָשִׂיתָ מִשְׁפָּטָם vv. 46-51). The expression דְּבַר־יוֹם בְּיוֹמוֹ ("according to each day's need") in verse 59 indicates a broad reference to the future needs of the nation of Israel and its king. Solomon asks that as such needs arise God will "carry out judgement on/for his servant and his people". That is, God would take up and judge their case as they present it to God in prayer. In both verse 45 and verse 49 God is asked to "hear their prayer (תְּפִלָּתָם) and plea (תְּחִנָּתָם)" and carry out their

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[21] 1Kings 8:59.
[22] And parallel in 2Chron 6:35, but with מִן־הַשָּׁמַיִם.
[23] And parallel in 2Chron 6:39, but with מִן־הַשָּׁמַיִם.

מִשְׁפָּט. Having brought a petition to the Lord the expectation is that God will make a judgement concerning that petition and that judgement will bring relief of some kind to the people.

The important point for the present study is that the construction as it is used in this passage does not refer to rights. Solomon is not asking God to maintain Israel's rights. In one instance "carrying out their judgement" is immediately followed by a reference to forgiveness of sins (49-50) - something that is difficult to construe as a matter of rights. The idea in this text is more akin to the bringing of a case or cause before a king (or judge) for judgement.[24]

In summary: The uses of the construction "poor/needy + עָשָׂה מִשְׁפָּט" do not suggest the presence of a concept of rights. The construction is better translated in a manner that retains for מִשְׁפָּט the idea of "judgement", or perhaps "case". Either way, the situational context and thought world is one in which God is seen as the one who makes judgements in the lives of his people, especially in response to prayer, and carries through the implications of those judgements in history.

5. A pronominal suffix following עָשָׂה מִשְׁפָּט.

In addition to the two instances of this construction already mentioned in the discussion of Solomon's prayer, there are two further examples of this use of מִשְׁפָּט.

Micah 7:9,

זַעַף יְהוָה אֶשָּׂא כִּי חָטָאתִי לוֹ עַד אֲשֶׁר יָרִיב רִיבִי וְעָשָׂה מִשְׁפָּטִי יוֹצִיאֵנִי
לָאוֹר אֶרְאֶה בְּצִדְקָתוֹ

Because I have sinned against him, I will bear the Lord's wrath,
until he pleads my case and judges me.[25]
He will bring me out into the light; I will see his righteousness.

Here Micah is seeking forgiveness and anticipates that, when his request is considered, God will decide in his favour, and Micah will be forgiven.

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[24] Compare Nu 27:5, "So Moses brought their (the daughters of Zelophehad) case (מִשְׁפָּטָן) before the Lord".
[25] REB, "until he champions my cause and gives judgement for me…".

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Psalm 9:5[4],

כִּי־עָשִׂיתָ מִשְׁפָּטִי וְדִינִי יָשַׁבְתָּ לְכִסֵּא שׁוֹפֵט צֶדֶק
For you have judged me and carried out judgement for me;
you have sat on your throne, judging righteously.

The expressions עָשִׂיתָ מִשְׁפָּטִי and עָשִׂיתָ דִינִי are parallel, sharing the same verb. The idea of judging is strong in this verse with a reference to the throne and a further use of the root שָׁפַט in the form of the participle שׁוֹפֵט. This theme of God's righteous judgement runs throughout Psalms 9 and 10 and concludes with the words of 10:17 and 18.

תַּאֲוַת עֲנָוִים שָׁמַעְתָּ יְהוָה תָּכִין לִבָּם תַּקְשִׁיב אָזְנֶךָ
לִשְׁפֹּט יָתוֹם וָדָךְ בַּל־יוֹסִיף עוֹד לַעֲרֹץ אֱנוֹשׁ מִן־הָאָרֶץ
You hear, O Lord, the desire of the afflicted,
you encourage them, and your ears are attentive to their cry,
judging the fatherless and the oppressed,
in order that man, who is of the earth, may terrify no more.

All this follows an affirmation of the Lord's kingship (v. 16) and is a recognition that God, as the righteous king, carries out judgement. Once again the thought world is one in which God hears the cry of the needy and intervenes. This intervention is depicted as carrying out judgement for those in need (לִשְׁפֹּט יָתוֹם וָדָךְ).

In summary. The uses of "suffix + עָשָׂה מִשְׁפָּט" and the synonym "suffix + עָשָׂה דִין" are consistent with what has been argued previously. The meaning of מִשְׁפָּט is "judgement", and perhaps "case", but not "rights".

6. Person(s) + preposition + עָשָׂה מִשְׁפָּט.

There are a number of instances in which the verb עָשָׂה is followed by מִשְׁפָּט and a preposition prefixed to the person affected by the judgement: person(s) + prep. + עָשָׂה מִשְׁפָּט. The use of a preposition instead of a simple construct + genitive construction renders the meaning of מִשְׁפָּט explicit. This is helpful for the present task of defining the more ambiguous construction.

i. עָשָׂה מִשְׁפָּט with the preposition לְ.

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When the preposition לְ is used the sense of מִשְׁפָּט is usually positive.[26] In this use God carries out judgement "for" the oppressed.

Psalm 146:7,

עֹשֶׂה מִשְׁפָּט לַעֲשׁוּקִים נֹתֵן לֶחֶם לָרְעֵבִים יְהוָה מַתִּיר אֲסוּרִים

He carries out judgement for the oppressed and gives food to the hungry.
The Lord sets prisoners free…

The sense here is one of carrying out judgement for the benefit of the oppressed. This is also the sense of Psalm 103:6.

עֹשֵׂה[27] צְדָקוֹת יְהוָה וּמִשְׁפָּטִים לְכָל־עֲשׁוּקִים
The Lord makes favourable decisions and carries out judgements[28] for all the oppressed.

In this text both the צְדָקוֹת and the מִשְׁפָּטִים refer to verdicts or decisions that benefit (לְ) the oppressed by bringing them deliverance from their oppressors.[29]

The prepositions make it clear who benefits from God's acts of judgement and righteousness,[30] and it seems plausible to suppose that the expression, "he carries out judgement *for* (לְ) the oppressed" is largely equivalent to, "he carries out judgement *of* (genitive) the poor" (this construction was surveyed in section 5, page 226). The point is the carrying out of judgement and not the defence of rights.

ii. עָשָׂה מִשְׁפָּט with the preposition בְּ.

The same construction occurs with the preposition בְּ, this time with the oppressor as the object of judgement, making it impossible to argue for the translation "rights". The two examples of this are,

> Psalm119:84 - "When will you carry out (עָשָׂה) judgement against (בְּ) those who persecute me?" -
> Psalm 149:9 - "To carry out (עָשָׂה) the judgement written (כָּתוּב) against (בְּ) them".

The noun מִשְׁפָּט here carries the negative sense of "judgement/punishment". In the second example the judgement has been written down (כָּתוּב). This suggests the verb עָשָׂה refers to the carrying out of a written sentence (מִשְׁפָּט).

There are also 11[31] instances of the noun שֶׁפֶט which exhibit this same sense of judgement on the wicked and occur in the analogous construction: noun + בְּ + שֶׁפֶט + עָשָׂה. These instances are,

> Exodus 12:12 - I will bring judgement on all the gods of Egypt.
> Numbers 33:4 - for the Lord had brought judgement on their gods.
> Ezekiel 5;10 - I will inflict punishment on you…
> Ezekiel 5:15 - when I inflict punishment on you in anger and in wrath and in stinging rebuke.
> Ezekiel 11:9 - I will drive you out of the city… and inflict punishment on you.
> Ezekiel 16:41 - They will burn down your houses and inflict punishment on you…
> Ezekiel 25:11 - I will inflict punishment on Moab. They will know I am the Lord.
> Ezekiel 28:22 - They will know that I am the Lord when I inflict punishment on her and show myself holy within her.
> Ezekiel 28:6 - They will live in safety when I inflict punishment on all their neighbours…
> Ezekiel 30:14 - I will lay waste Upper Egypt, set fire to Zoan and inflict punishment on Thebes.
> Ezekiel 30:19 - So I will inflict punishment on Egypt, and they will know that I am Lord.

In summary. In the construction "person(s) + preposition + עָשָׂה מִשְׁפָּט", the noun מִשְׁפָּט means "judgement". The idea of "rights" does not fit this construction. The preposition לְ usually functions to indicate the person to whose advantage the judgement will work and the preposition בְּ indicates against whom the judgement is coming. The noun שֶׁפֶט is always negative in connotation and when used with עָשָׂה invariably takes בְּ + noun to indicate the person(s) judged/punished. This is consistent with the interpretation of עָשָׂה מִשְׁפָּט proposed in this section.

Excursus 4. The Relevance of the LXX to the Interpretation of the Six Constructions.

The manner in which the LXX has translated the six constructions discussed above does suggest a particular interpretation of them. The obvious approach to this would be a lexical study. However, this suffers from the same kinds of ambiguities that have given rise to

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[26] In Hos 5:1 the sense of לְ is one of "disadvantage".
[27] Some manuscripts read עָשָׂה.
[28] Or, "carries out acts of justice" (lit. "justices").
[29] See further Chapter 12, especially page 270, n.16.
[30] See also 2Sam 8:15 and 1Chron 18:14.

[31] Nine of these instances occur in Ezekiel.

varying translations of the Hebrew text. While a good case can be made from the lexical data to support the interpretation set forth in the previous sections of this study, the evidence from a syntactical study is more compelling.

The way in which the LXX understood these constructions is evident from the choice made to use the dative case in eight instances (Table 23-Table 26). In three of these instances this represents a choice to use a dative rather than an accusative pronoun to translate constructions of the kind: שְׁפְטֵנִי. This suggests the judgement was understood to be carried out "for" someone and represents the dative of advantage (*dativus commodi*).[32] It also requires that the verb be understood intransitively as, "carry out judgement". In another instance the construction, "דָּן דִּין־עָנִי", is rendered with a dative where the Hebrew has the genitive. Once again judgement is carried out "for" someone. Something similar happens when the construction is of the kind, "fatherless + שְׁפַט". Twice this construction is rendered as a dative in the Greek text where the Hebrew has an accusative. The result is a meaning such as, "Carry out judgement *for* the fatherless". The last two examples of this use of the dative involve constructions of the kind, "resident foreigner + עָשָׂה מִשְׁפָּט". In these instances the Hebrew genitive is taken over into the Greek as a dative to indicate for whose benefit the judgement takes place.

Table 23. The Use of the Dative in the LXX to Translate the Constructions: Poor + שְׁפַט מִשְׁפָּט and דָּן דִּין.

Passage	Hebrew Text	Greek Text[33]
Jeremiah 22:16	דָּן דִּין־עָנִי וְאֶבְיוֹן	οὐκ ἔκριναν κρίσιν ταπεινῷ, οὐδὲ κρίσιν πένητος

In Jeremiah 22:16 (Table 23) the dative occurs in parallel with a line in which the genitive is retained. In fact, the same verb serves both lines. This is difficult to render in English, but is something like, "he did not carry out judgement *for* the poor, or judge (the judgement of) the needy".

[32] The dative of advantage designates the person who is advantaged by the action of the verb. See Blass and Funk 1961: §188(1). 2Cor. 2:1 is cited as an example of κρίνω used with the dative, Ἔκρινα ἐμαυτῷ (for myself) τοῦτο. Also see the "dative of interest" in Smyth 1920: 341.
[33] The text used is that of Rahlfs 1935.

Table 24. The Use of the Dative in the LXX to Translate the Constructions: Pronoun + שְׁפַט and Pronoun + דִּין.

Passage	Hebrew Text	Greek Text
1Sam 24:16[15]	וְשָׁפְטֵנִי מִיָּדֶךָ	καὶ δικάσαι μοι ἐκ χειρός σου
2Sam 18:31	כִּי־שְׁפָטְךָ יְהוָה הַיּוֹם מִיַּד כָּל־הַקָּמִים עָלֶיךָ	ὅτι ἔκρινέν σοι κύριος σήμερον ἐκ χειρὸς πάντων τῶν ἐπεγειρομένων ἐπὶ σέ
Gen 30:6	דָּנַנִּי אֱלֹהִים	ἔκρινε μοι ὁ Θεὸς

Table 25. The Use of the Dative in the LXX to Translate the Construction: Poor + שְׁפַט.

Passage	Hebrew Text	Greek Text
Isa 1:23	יָתוֹם לֹא יִשְׁפֹּטוּ	ὀρθανοῖς οὐ κρίνοντες
Ps 10:18	לִשְׁפֹּט יָתוֹם וָדָךְ	Κρῖναι ὀρφανῷ καὶ ταπεινῷ

Table 26. The Use of the Dative in the LXX to Translate the Construction: עָשָׂה + מִשְׁפָּט.

Passage	Hebrew Text	Greek Text
Deut 10:18	עֹשֶׂה מִשְׁפַּט יָתוֹם וְאַלְמָנָה	ποιῶν κρίσιν προσηλύτῳ καὶ ὀρφανῷ καὶ χήρᾳ
1Kings 8:45	וְעָשִׂיתָ מִשְׁפָּטָם	καὶ ποιήσεις τὸ δικαίωμα αὐτοῖς

In each of the texts in which the LXX uses the dative case (Table 23-Table 26) judgement is (or is not) carried out *for* (with regard to) someone. In 1 Kings 8:45 this use of the dative is in the context of two subsequent uses of the genitive in verse 59 (ποιεῖν τὸ δικαίωμα + genitive[of your servant/of your people]).

Two further observations are possible based on the texts in which the nature of the judgement is indicated in the Hebrew text by the prepositions לְ and בְּ. It was noted earlier that the former usually indicates the person advantaged by the judgement and the latter indicates the person against whom the judgement comes. It is of significance, then, that the לְ is translated by means of the same dative of advantage that has been noted above (and see below, Table 27).

Equally significant, is the manner in which the בְּ construction is translated in Ps. 119:84. In this text the LXX contains a pronoun (μοι) not represented in the MT. The effect is for the

judgement to be carried out "against" (ἐκ) the oppressors *and* "for" the psalmist (μοι). It is not possible to interpret κρίσιν as a reference to "rights" here since it is "against" the oppressor. Nevertheless this κρίσιν is also "for" the psalmist's benefit (Table 27).

Table 27. The Use of the Dative in the LXX to Translate the Constructions: עָשָׂה + מִשְׁפָּט + בְּ or לְ.

Passage	Hebrew Text	Greek Text
Ps.146:7	עֹשֶׂה מִשְׁפָּט לָעֲשׁוּקִים	ποιοῦντα κρίμα τοῖς ἀδικουμένοις
Ps 103:6	עֹשֵׂה צְדָקוֹת יְהוָה וּמִשְׁפָּטִים לְכָל־עֲשׁוּקִים	Ποιῶν ἐλεημοσύνας ὁ Κύριος, καὶ κρίμα πᾶσι τοῖς ἀδικουμένοις.
Ps119:84	מָתַי תַּעֲשֶׂה בְרֹדְפַי מִשְׁפָּט	πότε ποιήσεις μοι ἐκ τῶν καταδιωκόντων με κρίσιν;
Ps 149:9	לַעֲשׂוֹת בָּהֶם מִשְׁפָּט כָּתוּב	Τοῦ ποιῆσαι ἐν αὐτοῖς κρίμα ἔγγραπτον

In summary. The translation of these constructions in the LXX using the dative of advantage demonstrates that they were understood as references to acts of judging carried out *for the benefit of* those in need of intervention by a greater power. There is no evidence to suppose these constructions were thought to mean such things as, "uphold my rights", or that מִשְׁפָּט itself means "right(s)".

II. סוּר, מָאַס, and נָטָה and Failure to Judge the Poor.

The verbs נָטָה, מָאַס and סוּר are used to describe failure to provide legal redress for the poor, resident foreigner, widow or fatherless. This failure can take two basic forms. On the one hand it can be a case of denying the poor access to the legal process. On the other hand it can be a matter of perverting the process itself so that unjust decisions result. The following analysis of the constructions in which מִשְׁפָּט is associated with these verbs is an attempt to determine whether or not מִשְׁפָּט can legitimately be translated "rights" in such contexts.

1. סוּר and מָאַס and the failure to carry out judgement.

The verbs מָאַס and סוּר are used to convey the idea of "turning aside" and "refusing" מִשְׁפָּט. Once again, the main point of interest is the feasibility of rendering מִשְׁפָּט as "rights".

Job 27:2 and 34:5 contain two identical uses of the verb סוּר in the Hiphil[34] which speak of the failure of someone in authority (in this case God) to carry out judgement.

Job 27:2,

חַי־אֵל הֵסִיר מִשְׁפָּטִי וְשַׁדַּי הֵמַר נַפְשִׁי

As surely as God lives, who has set aside my judgement/case, the Almighty, who has made me taste bitterness of soul.[35]

Job 34:5,

כִּי־אָמַר אִיּוֹב צָדַקְתִּי וְאֵל הֵסִיר מִשְׁפָּטִי

Job says, "I am in the right, but God has set aside my judgement/case."[36]

Several translations and commentators translate these texts in terms of Job's legal "right". Thus, the NRSV renders 27:2a, "As God lives who has taken away my right…" (cf. RSV). Gordis translates the relevant clause, "who has robbed me of my right…"[37], and Fohrer has, "So wahr Gott lebt, der mir mein Recht entzogen".[38] Habel, however, notes that this sense of "legal right" does not occur elsewhere in Job and that Job's concern is with justice and particularly with the justice of his own case. For these reasons he prefers to translate מִשְׁפָּט הֵסִיר as either, "He has set aside my case", or, preferably, "he has deprived me of litigation" (= judgement).[39]

Job 27:2 and 34:5 need to be understood in the larger context of Job's desire for a trial (9:33), of his preparation of a case (13:18; 23:4 cf. 35:14 and 36:6), and of his frustration that litigation has not yet eventuated (19:7;[40] 30:20). This frustration culminates in 31:35 with his cry, "Oh, that I had someone to hear me! Here is my signature (תָּוִי)! Let the Almighty answer me! Let my opponent write out an indictment." Dick, in his discussion of the legal

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[34] The Hiphil of סוּר with מִשְׁפָּט also occurs in Zech 3:15, but there it speaks of the removal of impending punishment.
[35] NIV.
[36] LXX, Ὅτι ἔκρηκεν Ἰώβ, δίκαιός εἰμι· ὁ Κύριος ἀπήλλαξέ μου τὸ κρίμα. "For Job has said, 'I am righteous: the Lord has removed my judgement'", Brenton 1851: 690.
[37] Gordis 1978: 287.
[38] Fohrer 1989: 276.
[39] Habel 1985: 376.
[40] Scholnick translates מִשְׁפָּט in 19:7, "I make a charge, 'lawlessness', but I am not answered. I press charges, but their is no *litigation*" (emphasis added), 1982: 524. This understands מִשְׁפָּט as a reference to the legal process.

metaphor of Job 31, argues that this chapter acts as Job's formal appeal to be heard in court, "...Job 31 functions as the legal appeal of a defendant for a formal judicial hearing".[41]

In the context of this concern for legal process, Job's complaint in 27:2 (and Elihu's reference to it in 34:5) makes good sense. God has stalled Job in his desire for judgement and Job complains about it. The language here reflects what would probably have been a common idiom for describing the refusal of a judge to hear a case.[42] Instead of "hearing" (שָׁמַע)[43] Job's case, God has turned it away. The same language occurs in Psalm 66:20 to refer to God's response to prayer, לֹא־הֵסִיר תְּפִלָּתִי.[44] The significance of this is evident from verse 19 in which God is extolled for "hearing" (שָׁמַע) and "attending to" (הִקְשִׁיב) the psalmist's prayer (תְּפִלָּתִי). This supports the opposition between "hearing" and "turning away" a legal case. The significance of מִשְׁפָּט in such contexts is not "rights", but "case" or "judgement" (i.e., legal process, litigation).

In Job 31:13 Job makes use of the verb מָאַס, but the sense is essentially the same as סוּר.

אִם־אֶמְאַס מִשְׁפַּט עַבְדִּי וַאֲמָתִי בְּרִבָם עִמָּדִי

If I have rejected the case (or, "judgement") of my menservants
and maidservants when they had a grievance against me.

In this instance Job's slaves have voiced a grievance against him. Job claims that he did not reject their case (or, מִשְׁפָּט = judgement). His behaviour towards his slaves, even in their accusations against him, is striking.[45] The point is his willingness to make a judgement on their complaint, not his recognition of their rights.

The translation of Isaiah 40:27 in the NRSV (similarly NIV) suggests that something similar is going on in this verse,

"My way is hidden from the Lord, and my right is disregarded by my God".

However, this is not what the text actually says. Rather, the text reads,

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[41] Dick 1979: 49. His arguments have found favour with Habel 1985: 438-439, and Hartley 1988: 424.
[42] This is also the opinion of Scholnick 1982: 528.
[43] In 1Kings 3:11 Solomon prays for insight, "for hearing מִשְׁפָּט". See also Dick's evidence for the forensic use of שָׁמַע, 1983: 47-48. Dick is dependent on the fuller discussion in Scholnick's 1975: 192.
[44] Compare the use of בוֹא in Isa 1:23 in an indictment of the leadership's failure to grant legal process to the widow.
[45] See Habel's comments on the extraordinary nature of Job's commitment to justice here, 1985: 433-435.

לָמָּה תֹאמַר יַעֲקֹב וּתְדַבֵּר יִשְׂרָאֵל
נִסְתְּרָה דַרְכִּי מֵיהוָה וּמֵאֱלֹהַי מִשְׁפָּטִי יַעֲבוֹר

Why do you say, O Jacob, and complain (lit. say), O Israel,
"My way is hidden from the Lord; my case escapes my God"?

If the Qal is given its usual sense the second half of the accusation against God is quite different. In the first accusation the complaint is that God cannot see what is going on with Israel. The reference to their "way"(דֶּרֶךְ) in a complaint of this nature points to their experience of adversity. In the second accusation Israel complains that their מִשְׁפָּט "passes away from" their God.[46] This means God is unable to make a judgement on their case. Just as their "way" is *hidden* from him, so too their "case" *eludes* him, and so he cannot bring it to judgement. Both elements of this complaint concern, not God's *unwillingness* to act, but his *inability* to act. In this way the expression differs from the Hiphil stems of מָאַס and סוּר noted above, in which the point was the willingness of the judge to bring a judgement. Nevertheless, this use of מִשְׁפָּט is further evidence that מִשְׁפָּט should be treated as a reference to a case (or judgement), and not to rights.

In summary. When the verbs מָאַס and סוּר are used with מִשְׁפָּט they indicate the failure (or refusal) of a judging authority to admit a case for trial. In such instances the sense of מִשְׁפָּט is "judgement" (i.e., legal process or litigation) or "case". The meaning "rights" is unsuited to these contexts.

2. נָטָה and the failure to provide legal redress.

The meaning of the verbs סוּר and מָאַס was reasonably unambiguous. Unfortunately, the same cannot be said for the verb נָטָה. While there are some undisputed uses of this verb with the meaning, "to turn aside" the poor, it is very difficult to come to any certain conclusions on a number of instances in which the verb might be translated either, "to turn aside", or, "to twist" (>pervert) judgement. In spite of this drawback, a study of the verb נָטָה in conjunction with מִשְׁפָּט, and in contexts where it has the poor as its object, does contribute to the discussion of the relationship of מִשְׁפָּט to the notion of "rights".

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[46] For עָבַר with מִן see *BDB*: 718 (עבר, 6,c).

The problem is evident from a perusal of two standard Hebrew lexicons. *KBS* subsume under the Hiphil entry entitled, "**5. to twist**…", the references in which מִשְׁפָּט serves as an accusative following נָטָה. They place the references to נָטָה followed by the accusative גֵּר, אַלְמָנָה, etc. in the category entitled, "**6. to steer sideways, guide away**…". This approach suggests two related, but different developments of the Hiphil stem of the verb נָטָה. *BDB* combine these uses of the verb into a single entry, "**g.** *thrust aside*, esp. c. acc. מִשְׁפָּט, of *perverting* or *wresting* justice… also c. acc. pers. לְהַטּוֹת מִדִּין דַּלִּים". This suggests that "perverting" justice is not a separate development of the verb (i.e. "to twist"), but is a special application of the idea of *thrusting aside* something. The different analyses can be set out as follows:

   KBS   **5.** to **twist**… c. acc. מִשְׁפָּט = "to **pervert** judgement".
         6. to **steer sideways, guide away**… c. acc. pers. = "to **turn away** the poor".

   BDB   **g.** to *thrust aside*…   c. acc. person = "to *thrust aside* the poor".
                       c. acc. מִשְׁפָּט = "to *thrust aside* justice" i.e. "to *pervert* justice".

Under *KBS*'s analysis "perverting judgement" is a development of the idea of **twisting** and not of **steering sideways**. According to *BDB*'s analysis "perverting justice" is a development of the idea of *thrusting aside*".

The decision, then, is between two different explanations of the semantic development of נָטָה, specifically the development of the expression נָטָה מִשְׁפָּט. In favour of *KBS*'s analysis is the essential plausibility of the suggestion that a term with a strong element of turning, bending, and bowing could develop the meaning, "to twist". Thus, a wady (or road) that turns could also be described as one that "twists".[47] There is also precedent in Hebrew for the metaphor of "twisting" words and judgements in the use of terms like עָקַל (Habakkuk 1:4, מִשְׁפָּט מְעֻקָּל), עָוַת (Job 8:3; 34:12 cf. also עָוָה) and סָלַף (Exodus 23:8; Deuteronomy 16:19). Such a precedent makes it quite feasible that a term like נָטָה could realise the sense, "to twist" (>pervert) when used in combination with מִשְׁפָּט.

There is also the parallelism of נָטָה and עָוַת in Lamentations 3:35-36,

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[47] When the movement of an object is presented as taking place in relation to its environment, it "turns". When the movement of an object is presented as taking place relative to itself, it "twists" (or "bends").

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לְהַטּוֹת מִשְׁפָּט־גֶּבֶר נֶגֶד פְּנֵי עֶלְיוֹן
לְעַוֵּת אָדָם בְּרִיבוֹ אֲדֹנָי לֹא רָאָה

    to pervert the judgement of a man before the Most High,
    to treat a man unjustly in his complaint -
    would not the Lord see such things?

The significance of the parallelism is reduced by the absence of מִשְׁפָּט after לְעַוֵּת. While מִשְׁפָּט might be implied here,[48] the fact that עָוַת occurs elsewhere[49] without מִשְׁפָּט suggests it developed a sense such as, "to treat unjustly, to subvert" that does not require the presence of מִשְׁפָּט.[50] This means that, since עָוַת probably does not carry the sense "to twist" in this context, it is not strong evidence for the presence of that meaning for the parallel element נָטָה. Having said that, it is a better parallel for נָטָה, "to pervert" (judgement) than it is for נָטָה, "to turn away" (judgement).[51] In other words, it favours a meaning, "to pervert justice" for נָטָה in this text, but it does not require it.

There is also a noteworthy similarity between Lamentations 3:36 and Exodus 23:6 which suggests the verbs are being used in a similar manner of twisting judgement.

   Lamentations 3:36   לְעַוֵּת אָדָם בְּרִיבוֹ
   Exodus 23:6   לֹא תַטֶּה מִשְׁפַּט אֶבְיֹנְךָ בְּרִיבוֹ

But, the significance of this is undone by the same construction using מָאַס in Job 31:13,

       אִם־אֶמְאַס מִשְׁפַּט עַבְדִּי וַאֲמָתִי בְּרִבָם עִמָּדִי

This presents the possibility that, by analogy with Job 31:13, נָטָה should be translated "turn aside" judgement in Exodus 23:6, rather than "pervert judgement". Once again, the evidence for the meaning of נָטָה מִשְׁפָּט is inconclusive.

In favour of *BDB*'s analysis is the lack of any clear uses of נָטָה with the sense, "to twist" that do not involve the term מִשְׁפָּט. A clear example of נטה used of "twisting" something other than מִשְׁפָּט would be tantamount to conclusive evidence for the meaning "pervert judgement" when used with מִשְׁפָּט. Unfortunately, *KBS*'s category "to twist" only provides references to the use of the verb with מִשְׁפָּט.

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[48] It occurs with מִשְׁפָּט in Job 8:3, הַאֵל יְעַוֵּת מִשְׁפָּט, and Job 34:12, וְשַׁדַּי לֹא־יְעַוֵּת מִשְׁפָּט.
[49] Job 19:6 and Ps 119:78.
[50] Also see its nominal form in Lam 3:59.

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One possible instance of נָטָה in which it means "to twist" and takes an object other than מִשְׁפָּט, occurs in Psalm 125:5. The clause הַמַּטִּים עֲקַלְקַלּוֹתָם can be taken to mean, "to bend", "to twist". *KBS* does not list Psalm 125:5 in its discussion of נָטָה, but in its discussion of עֲקַלְקַל it has as its translation of Psalm 125:5, "who bend their circuitous tracks, i.e. make their tracks twisty so that they become crooked",[52] And this interpretation has the support of *BDB* and a number of commentators.[53] However, the Hiphil of נָטָה is used in Isaiah 30:11 of turning aside from a path (סוּרוּ מִנֵּי־דֶרֶךְ // הַטּוּ מִנֵּי־אֹרַח), and so the translation, "who turn aside on their crooked ways", is also a possibility in Psalm 125:5.[54] Once again, there appears to be an unresolvable ambiguity in the text. It is difficult to provide a basis on which to decide between the two possible analyses of the syntax, namely, a causative Hiphil with an accusative object, or an internal Hiphil with an accusative of direction.[55] The parallel with Isaiah 59:8, in which there are the parallel lines, וְאֵין מִשְׁפָּט בְּמַעְגְּלוֹתָם נְתִיבוֹתֵיהֶם עִקְּשׁוּ לָהֶם, is possible, even likely, but not sure.

The evidence provided so far has maintained the possibility that נָטָה can mean, "to twist" and hence "to pervert" judgement, but it has not demonstrated that this is the necessary meaning of the verb in these instances. It is still possible that נָטָה means, "to turn away" judgement. It remains to present all those instances in which מִשְׁפָּט occurs with נָטָה. These contexts are important in deciding how נָטָה should be translated, and whether or not "twist/pervert" is to be preferred over, "to turn away". The relevant texts will be presented in section 2 of the discussion of נָטָה. The first section takes up those instances in which נָטָה clearly means, "to turn away". The purpose in attempting to define נָטָה is to better define מִשְׁפָּט when the two terms occur together.

i. נָטָה and the meaning "to turn away".

In this category of usage a *person* is turned aside.[56] In each instance given here the person is one of the poor and needy. At the very least this suggests oppression, but there is good reason to suppose that this action was particularly associated with preventing the poor and needy from having access to legal process (in the gate, etc.) or with perverting the legal process itself.

The sense of the verb is clear in Amos 5:12.

כִּי יָדַעְתִּי רַבִּים פִּשְׁעֵיכֶם וַעֲצֻמִים חַטֹּאתֵיכֶם
צֹרְרֵי צַדִּיק לֹקְחֵי כֹפֶר וְאֶבְיוֹנִים בַּשַּׁעַר הִטּוּ

> For I know how many are your transgressions,
> and how great are your sins –
> you who afflict the righteous, who take a bribe,
> and push aside the needy in the gate.[57]

By turning aside the needy in the gate they deprived the needy of access to legal redress.[58] This was because judgement took place in the gate. The language is metaphoric. In Isaiah 29:21, for example, the "turning aside" seems to be done by means of "empty arguments" (בַּתֹּהוּ).[59] The juridical significance of turning aside the needy in the gate in Amos 5:12 is confirmed by verse 15, "Hate evil and love good, and establish judgement (or justice) in the gate" (וְהַצִּיגוּ בַשַּׁעַר מִשְׁפָּט). Something similar occurs in Proverbs 18:5.

שְׂאֵת פְּנֵי־רָשָׁע לֹא־טוֹב לְהַטּוֹת צַדִּיק בַּמִּשְׁפָּט

> It is not good to be partial to the wicked
> or to turn aside the righteous in/from[60] judgement.

The parallelism between רָשָׁע and צַדִּיק suggests the latter refers to a person rather than "what is right", "justice" as the neuter of the LXX text (ἐκκλίνειν τὸ δίκαιον ἐν κρίσει)[61] requires.

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[51] For which one might have expected to find נָטָה paired with סוּר (Job 27:2;34:5 discussed above) rather than עָוַת.

[52] *KBS*: II, 874.

[53] *BDB*: 640; Perowne 1871: 375; Allen 1983: 167.

[54] Oesterley 1939: 513.

[55] The latter class of Hiphil is significantly less common than the former, but is attested for some verbs of motion, *GKC*: §53e.

[56] This category of usage is not disputed and is well supported in both the Qal and Hiphil stems. The Hiphil of Nu 22:23 in which Balaam seeks to turn his ass back onto the road corresponds to the Qal of the same verse in which the ass "turned aside" from the road (מִן־הַדָּרֶךְ).

[57] NRSV.

[58] Similarly, in Ps 27:9a, the psalmist fears being cut off from God's help, אַל־תַּסְתֵּר פָּנֶיךָ מִמֶּנִּי אַל־תַּט־בְּאַף עַבְדֶּךָ "Do not hide your face from me, do not turn your servant away in anger...".

[59] The interpretation of this phrase is not certain.

[60] *KBS*: II, 693, suggest, "to thrust away the צַדִּיק from justice" (בְּ 13) or alternatively, "to suppress, in a legal process".

[61] Brenton 1851: 805.

The interpretation of Isaiah 29:21 is difficult, but should probably be understood as a reference to, "turning aside the righteous with empty arguments",[62]

מַחֲטִיאֵי אָדָם בְּדָבָר וְלַמּוֹכִיחַ בַּשַּׁעַר יְקֹשׁוּן וַיַּטּוּ בַתֹּהוּ צַדִּיק

Those who with a word cause a person to be found guilty,
who set a trap for the arbiter in the gate,
and with empty argument thrust aside the righteous.

This translation results in symmetry between the first and third lines.

| Hiphil "find guilty" | בְּ | word | a man. |
| Hiphil "turn aside" | בְּ | empty argument | righteous person. |

This proposal favours identifying צַדִּיק with a person and not a process. Brenton translates the LXX, ὅτι ἐπλαγίασαν ἐπ᾽ ἀδίκοις δίκαιον, "because they have unjustly turned aside the righteous".[63]

In addition to those texts in which a person is thrust aside "in", "by" or "from" (בְּ) something, there are texts in which a person is thrust aside "from" (מִן). Thus, in Job 24:4 the text reads, "They thrust the needy off the road" (יַטּוּ אֶבְיוֹנִים מִדָּרֶךְ). The same construction occurs in Isaiah 10:2.

לְהַטּוֹת מִדִּין דַּלִּים וְלִגְזֹל מִשְׁפַּט עֲנִיֵּי עַמִּי לִהְיוֹת אַלְמָנוֹת שְׁלָלָם וְאֶת־יְתוֹמִים יָבֹזּוּ

The NIV translation of the first clause, "to deprive the poor of their rights", disguises the syntax of the text by suggesting that rights are removed from the poor, whereas the text states the poor are being removed from judgement. The clause would be better translated, "to thrust aside the poor from judgement" (cf. NRSV, "to turn aside the needy from justice"), and this is consistent with Job 24:4, "They turn the needy from the path" (יַטּוּ אֶבְיוֹנִים מִדָּרֶךְ). The second clause could be translated, "and to rob the poor of my people of their right"

(NRSV), but in light of the first clause the "object" being "stolen" is the poor person's *judgement* in the gate.[64] Either the poor are not gaining access to judgement, or a judgement that should have gone in their favour has been "stolen" from them (i.e. the decision went against them).[65]

In summary. The verses studied in this section show that the term נָטָה was used to describe acts in which the poor were "turned aside" with the consequence that they were deprived of access to the legal process, ejected improperly from that process, or deprived of a judgement that should have brought them relief.

In none of these instances does מִשְׁפָּט refer to rights and נָטָה to the removal of those rights.

ii. נָטָה and the meaning "to twist", "to pervert" (judgement/justice).

In this section texts are examined in which נָטָה appears to mean, "to twist", and hence, "to pervert" judgement.

The presence of אָרְחוֹת in Proverbs 17:23 lends itself to the idea of "bending" or "twisting" the "path of justice".[66]

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[62] Andersen and Freedman however, translate this, "and they thrust aside into the wasteland the righteous", 1989: 316. Against this is the likely parallel between בְתֹהוּ and בְּדָבָר. The same association with speech (דָּבָר) and with legal process occurs in Isa 59:4, "No one brings suit justly, no one goes to law honestly; they rely on empty pleas (בָּטוֹחַ עַל־תֹּהוּ), they speak lies (וְדַבֶּר־שָׁוְא)..." (NRSV). This translation reflects the usual interpretation that justice in Israel was a sham, but it is also possible that the appeal (קֹרֵא) here is directed towards God (cf. 58:2), and is characterised as coming from a people who do not appeal in righteousness or truth, but rely on empty pleas (not backed up by lifestyle) and speak lies. Either way תֹהוּ serves as a description of an argument in legal process and this is precisely how it functions in Isa 29:21. See Oswalt 1998: 514-515, and the less likely suggestion that תֹהוּ refers to "emptiness" of religion (rather than the "emptiness" of an appeal coming from a nation engaged in a futile form of religion). Isa 32:7 is difficult, but probably refers to the "just" (מִשְׁפָּט) pleas of the poor, and note also the good and right cases of 2Sam 15:3.

[63] Brenton 1951: 863. However, Liddell and Scott have "pervert" for πλαγιάζω in this text, 1940: 1410.

[64] In Ps 72:4 the same language is used to describe how the righteous king will ensure the poor receive judgement, "He will judge the afflicted among the people" (יִשְׁפֹּט עֲנִיֵּי־עָם).

[65] Cf. the use of גֵּזֶל in Eccl 5:7[8], "the violation of justice and right" (NRSV), וְגֵזֶל מִשְׁפָּט וָצֶדֶק. This context speaks of oppression of the poor (עֹשֶׁק רָשׁ). The use of גֵּזֶל is rhetorical. It is not simply items of property that have been stolen from the poor, but the very basis for any hope of setting things right again - the maintenance of justice by those in authority.

[66] Other verbs are likewise used to refer to the act of "twisting" a path or road (עָוָה in Ps 146:9; עָקַשׁ in Isa 59:8; Prov. 10:9; 28:18; [as adj. with אֹרַח, Prov 2:15]; and cf. עֲקַלְקַל in Judges 5:6 and Ps 125:5), and the concept is quite at home in the Hebrew Bible. Mention has already been made of instances in which מִשְׁפָּט is "twisted" or "perverted" (עָקַל in Hab 1:4, עָוַת in Job 8:3 and 34:12, and cf. עָקַשׁ in Mic 3:9 with accusative כָּל־הַיְשָׁרָה and in parallel with מִשְׁפָּט, הַמְתַעֲבִים מִשְׁפָּט, "abhor justice"). Isa 59:8 is of interest because of the relationship between "way" and מִשְׁפָּט.

דֶּרֶךְ שָׁלוֹם לֹא יָדָעוּ
וְאֵין מִשְׁפָּט בְּמַעְגְּלוֹתָם
נְתִיבוֹתֵיהֶם עִקְּשׁוּ לָהֶם
כֹּל דֹּרֵךְ בָּהּ לֹא יָדַע שָׁלוֹם

The first and fourth lines contain the roots יָדַע, שָׁלוֹם, לֹא and דֶּרֶךְ (in fact *all* the roots in line one are repeated in line four). The correspondence in lines two and three is also strong. The point of interest here is that a path (lifestyle) lacking in justice is one that is "twisted". The way of justice is perceived as a straight path, the way of injustice is likened to a twisted path. This makes it likely that the clause לְהַטּוֹת אָרְחוֹת מִשְׁפָּט in Prov 17:23 refers to the twisting of the (straight) way of justice.

Proverbs 17:23,

שֹׁחַד מֵחֵיק רָשָׁע יִקָּח לְהַטּוֹת אָרְחוֹת מִשְׁפָּט

A wicked man accepts a bribe in secret (from the bosom),
to pervert the paths of justice.

Note that this cannot be a reference to, "the way of rights", which has no meaning. The reference to a bribe also favours the idea of perverting judgement rather than "thrusting it aside". Bribes are elsewhere associated with "blinding the eyes of the wise and *twisting* (סָלַף) the words of the righteous".[67]

In 1 Samuel 8:3 there is a play on the verb נָטָה. In its first occurrence it is in the Qal and means, "to turn aside". In its second occurrence it is in the Hiphil and means, "to pervert judgement". The verbal link may also point to a logical link in which the turning after dishonest gain and bribes resulted in the perversion of judgement - they *turned* to bribes and so *twisted* justice.

1 Samuel 8:3,

וְלֹא־הָלְכוּ בָנָיו בִּדְרָכָיו[68] וַיִּטּוּ אַחֲרֵי הַבָּצַע וַיִּקְחוּ־שֹׁחַד וַיַּטּוּ מִשְׁפָּט

But his sons did not walk in his ways. They turned aside after dishonest gain and accepted bribes and perverted judgement.

Clearly, מִשְׁפָּט cannot mean "rights" in this text.

The same word play with נָטָה occurs in Exodus 23:2, except that in this case it is the behaviour of *witnesses* that leads to the perversion of judgement.

לֹא־תִהְיֶה אַחֲרֵי־רַבִּים לְרָעֹת וְלֹא־תַעֲנֶה עַל־רִב לִנְטֹת אַחֲרֵי רַבִּים לְהַטֹּת

Do not follow the crowd in doing wrong. When you give testimony in a lawsuit, do not follow after the crowd so as to pervert (judgement).

In the three previous texts the temptation threatening the course of justice has been "bribes", here it is giving in to popular opinion. The object, מִשְׁפָּט, is probably implied and should be

supplied following נָטָה on analogy with 1 Samuel 8:3 above. If it is supplied it signifies "judgement" rather than "rights".

In Deuteronomy 16:19 the prohibition not to pervert judgement is followed by a prohibition not to show partiality or accept bribes, and a description of how bribes can influence the outcome of a case by their blinding and *twisting* (סָלַף) effects. All these relate in one way or another to the problem of twisting judgement, and this translation is again adopted rather than, "to turn aside judgement".

Deuteronomy 16:19,

לֹא־תַטֶּה מִשְׁפָּט לֹא תַכִּיר פָּנִים וְלֹא־תִקַּח שֹׁחַד
כִּי הַשֹּׁחַד יְעַוֵּר עֵינֵי חֲכָמִים וִיסַלֵּף דִּבְרֵי צַדִּיקִם

Do not pervert judgement or show partiality. Do not accept a bribe, for a bribe blinds the eyes of the wise and twists the words of the righteous.[69]

Once again, the translation "rights" for מִשְׁפָּט is too awkward to consider credible for this text.

In the texts noted to this point (in both this and the previous section) the meaning of נָטָה in the Hiphil is to some extent determined by its object. Thus, when the object is מִשְׁפָּט the meaning of נָטָה is "to pervert" (section 2), but when the object was a person the meaning was, "to turn aside" (section 1). This is not an arbitrary distinction, but can be explained as a reflection of the particular characteristics of the objects. The sense "to twist", for example, is not usually appropriate to an action carried out on a person,[70] and certainly does not fit the contexts of the passages discussed above (the presence of מִן, for example, precludes, "twisting a man from" something, and favours, "turning a man from" something).

מִשְׁפָּט, on the other hand, could conceivably be "turned aside" (metaphorically), but in each of the texts considered so far in this section the idea of twisting or perverting justice is significantly more likely. The evidence to this point, therefore, suggests that a *personal* object for נָטָה requires the sense, "to turn aside", whereas מִשְׁפָּט following נָטָה prefers the

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[67] Deut 16:19.
[68] The MT has a Kethib-Qere reading of no consequence. The text here follows the Qere (בִּדְרָכָיו) over the Kethib (בִּדְרְכוֹ).

[69] NIV.
[70] The verb עָוַת is an apparent exception. In three instances (Ps 119:78; Job 19:6; Lam 3:36) it takes a person as its object. But other occurrences suggest that the term מִשְׁפָּט may be implied (Job 8:3; 34:12). Alternatively the metaphorical meaning of the verb does not mean the man is "twisted" at all, but treated unjustly.

sense "to twist". It is not exceptional for the nuance of a verb to be affected in this manner by the characteristics of its object.

If this distinction in meaning based on the object of נָטָה is correct, it is useful in deciding how to translate other passages in which נָטָה occurs. In Malachi 3:5, for example, there are the words, וּמַטֵּי־גֵר. The NIV translates this clause, "and deprives aliens of justice". However, according to the distinction proposed here the NRSV is more accurate when it translates it, "those who thrust aside the alien",[71] and this text should be included in section 1 as an example of the meaning "to turn aside".

Unfortunately, in Amos 2:7 (וְדֶרֶךְ עֲנָוִים יַטּוּ) there is an additional element of ambiguity. It is not clear which noun is the object of נָטָה. If the object is עֲנָוִים the sense would be, "they push the afflicted out of the way" (NRSV). In this case דֶּרֶךְ is adverbial[72] and functions in the same manner as the דֶּרֶךְ in Job 24:4, but without the preposition מִן (יַטּוּ אֶבְיוֹנִים מִדָּרֶךְ). Andersen and Freedman decide for this translation and observe,

> If the adverbs are equally interchangeable, the series *mdyn*, *bšʿr*, *mdrk* shows that these poor people, who have a legitimate case (= *bĕrîbô* in Ex. 23:6), are driven out of the place of judgement - the "gate." So in Amos 2:7 and Job 24:4 the *drk* is *drk bšʿr*, where Absalom stood (2 Sam. 15:2) as judge. We conclude that *ʿnwym* is the object and *drk* is adverbial , but without the usual preposition "from".[73]

If, however, the object is דֶּרֶךְ עֲנָוִים the noun דֶּרֶךְ is taken as a reference to "judgement" or "trial". This view is adopted by Bovati.[74] If this analysis is correct נָטָה refers to the "perverting" of the judgement of the poor. The evidence set forth for this meaning of דֶּרֶךְ is very limited and is open to other interpretations.[75] In Isaiah 40:27, for example, it is more likely that the דֶּרֶךְ that is hidden from God is the condition (of adversity) that Israel is experiencing. At other times דֶּרֶךְ is used in juridical contexts to refer to the actions that are the basis for punishment, "repaying the guilty by bringing his conduct (דַּרְכּוֹ) upon his head" (1 Kings 8:32). Consistent with one of its common uses דֶּרֶךְ signifies the life(style) of the

person who has come for judgement, sometimes with an interest in what he has done (1 Kings 8:32), and sometimes with an interest in what has been done to him (Isaiah 40:27). Either way it serves as a basis for judgement, and this is why it can occur in parallel with מִשְׁפָּט when the latter is used in the sense of, "(my) *case*".

There remains, one final construction to consider. In the following four texts there is the expression, "poor/resident foreigner/widow/fatherless + מִשְׁפָּט +נָטָה". How is this to be understood? The suggestion that a distinction be made on the basis of the object of the verb נָטָה would favour translating this expression, "to pervert the מִשְׁפָּט of the poor", since the object of the verb here is מִשְׁפָּט and not a person.

Exodus 23:6,

לֹא תַטֶּה מִשְׁפַּט אֶבְיֹנְךָ בְּרִיבוֹ
Do not pervert the judgement of your poor man in his lawsuit.

Deuteronomy 24:17,

לֹא תַטֶּה מִשְׁפַּט גֵּר יָתוֹם וְלֹא תַחֲבֹל בֶּגֶד אַלְמָנָה
Do not pervert the judgement of the resident foreigner or fatherless, or take the cloak of the widow as a pledge.

Deuteronomy 27:19,

אָרוּר מַטֶּה מִשְׁפַּט גֵּר־יָתוֹם וְאַלְמָנָה וְאָמַר כָּל־הָעָם אָמֵן
"Cursed is the man who perverts the judgement of the resident foreigner, the fatherless or the widow." Then all the people shall say, "Amen!"

Lamentations 3:35,

לְהַטּוֹת מִשְׁפַּט־גָּבֶר נֶגֶד פְּנֵי עֶלְיוֹן
To pervert the judgement of a person before the Most High.[76]

The parallelism between this last text and verse 36, לְעַוֵּת אָדָם בְּרִיבוֹ, has already been noted.

In each of these texts the translation "judgement" has been used for מִשְׁפָּט. This translation suggests that the concern is to ensure that when a poor person comes with his רִיב his case is given just treatment - fair litigation must take place.

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[71] Having said that, the expression is metaphorical and refers to the unjust treatment of the alien. It seems likely that the metaphor depicts the unjust treatment of the poor (etc.) at the gate (and "way" of the gate), and so is concerned primarily with injustice in the legal process.
[72] An accusative of place, "in the way" (="from the way").
[73] Andersen and Freedman 1989: 316.
[74] Bovati 1994: 192. On this point Bovati is following Seeligmann 1967: 269.
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person who has come for judgement, sometimes with an interest in what he has done (1 Kings 8:32), and sometimes with an interest in what has been done to him (Isaiah 40:27). Either way it serves as a basis for judgement, and this is why it can occur in parallel with מִשְׁפָּט when the latter is used in the sense of, "(my) *case*".

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In each of these texts the translation "judgement" has been used for מִשְׁפָּט. This translation suggests that the concern is to ensure that when a poor person comes with his רִיב his case is given just treatment - fair litigation must take place.

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There is a final observation of some importance for deciding on translation values for מִשְׁפָּט
נָטָה. It is based on a comparison between those instances in which נָטָה has been translated in
this study as, "to turn aside" someone (section 1), and those instances in which it has been
translated, "to pervert" judgement (section 2). Those instances in which נָטָה has a person as
its object, and have been translated "turn aside" tend to reflect the spatial element in the
metaphor. For example, in Job 24:4 the poor are turned aside *from* the road (מִדֶּרֶךְ).
Similarly, in Isaiah 10:2 the poor are turned aside *from* judgement (מִדִּין).[77] By contrast, in
those instances in which נָטָה takes מִשְׁפָּט as its object, and have been translated "to pervert",
there is no instance in which movement (i.e. its direction) is indicated. This distinction is
consistent with the analysis of נָטָה suggested in this study. One would not expect any
indication of movement if the verb means "to pervert" (judgement). In the light of their use
elsewhere with נָטָה, the absence of such indicators is problematic if it is understood to mean
"to turn away". The force of this observation is most apparent when the instances of נָטָה
מִשְׁפָּט are surveyed and it is noted how easily such spatial indicators might have been
included to prohibit, "turning aside the case of the poor *from* the gate (*from* the way, or *from*
judgement)", and so on.

The use of spatial indicators with נָטָה when it has the meaning "to turn" is also evident
elsewhere.[78]

In summary. Those passages which contain the verb נָטָה and deal with the treatment of the
vulnerable, or with the issue of judgement (מִשְׁפָּט), fall into two categories. On the one hand
the verb is used to describe the "turning aside" of the poor. This turning aside is associated
with the "way" (דֶּרֶךְ), the "gate" (שַׁעַר) and "judgement" (דִּין), all of which can be linked with
the attempt of the poor to find legal redress. When the poor are turned aside in this manner
the implication is that the poor are effectively prevented from experiencing legal redress.
This can be the result of a number of factors: they do not have access to the place (system) of

judgement, there is a failure to give their complaint the attention it deserves, or there is a
failure to deal with it in a just manner.

On the other hand the verb נָטָה is used to refer to the "twisting" of judgement as a result of
the effects on both judge and witness of such things as bribes and popular opinion. The legal
process that should have acted on behalf of the poor becomes perverted and fails to act as it
should. The poor man is deprived of the help of a just legal system to set right any wrong
committed against him.

The kinds of expression encountered in this section have been:

1. לֹא תַטֶּה אֶבְיוֹן בַּשַּׁעַר - do not turn aside the poor in the gate.
2. לֹא תַטֶּה אֶבְיוֹן בַּמִּשְׁפָּט - do not turn aside the poor in/from judgement.
3. לֹא תַטֶּה מִדִּין אֶבְיוֹן - do not turn aside the poor from judgement.
4. לֹא תַטֶּה אָרְחוֹת מִשְׁפָּט - do not pervert the course(s) of justice (= process of judgement).
5. לֹא תַטֶּה מִשְׁפָּט - do not pervert judgement.
6. לֹא תַטֶּה מִשְׁפַּט אֶבְיוֹן - do not pervert the judgement of the poor.

Expressions 2-6 contain the term מִשְׁפָּט (or its equivalent דִּין), and in each of these five
expressions מִשְׁפָּט refers to the legal process associated with judging a case.[79] This
procedure, which culminates in the decision itself, and is usually associated with the gate, is
to be safeguarded against abuse and neglect. The risk of such abuse is particularly acute
when the person who has come for judgement is one of the poor.

It is telling to insert the terminology of rights into these constructions. In construction 2 it
cannot work, in construction 3 it cannot work, nor can it work in constructions 4 and 5. This
only leaves construction 6 and this is where translations tend to take up the language of
rights. But such a radical shift in meaning for מִשְׁפָּט cannot be justified. Neither does the
idea of "perverting" מִשְׁפָּט convert easily into the language of "denying" rights which is
typically used in translations.

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[76] Compare here the NIV's, "To deny a man his rights before the Most High", and the NRSV's bold translation,
"when human rights are perverted in the presence of the Most High".
[77] The adverbial use of דֶּרֶךְ in Amos 2:7 is also relevant here as it indicates movement.
[78] The use of נָטָה with prepositions to indicate the direction of movement is commonplace with נָטָה when it
conveys the idea of motion. Two instances of this occurred earlier with נָטָה in the Qal in the texts that speak of
"turning after" (אַחֲרֵי) the crowd (Ex 23:2) and bribes (1Sam 8:3). Balaam's ass in Nu 22:3 (מִן) is another

example, and so is Job 31:7 in which Job says his step has not turned from (מִן) the way. For the extensive use
of prepositions with נָטָה to indicate direction of movement see *BDB*: 630-641 (Qal, 3, and Hiphil, 3).
[79] It is possible that construction 6 refers to the "case" of the poor, but this seems less likely given the manner in
which מִשְׁפָּט functions in the other constructions listed. Furthermore, a "case" is not perverted, but the
judgement of it. Any reference to a "case" here would need to be a metonymy in which "case" is put for the
"judgement of the case".

Conclusion.

This study of the root שפט as it is used in conjunction with the poor, fatherless, widow and alien has attempted to collect and evaluate all the most relevant constructions in which this collocation occurs.

The first part of this study showed that the idea is consistently one of carrying out judgement, and that there is no basis for supposing these constructions ever explicitly refer to the rights of the poor and needy. Expressions like "judge a judgement" were common place in classical Hebrew, Ugaritic and Akkadian, and referred to the judging activity of a person in authority. Other similar idioms such as "judge me" also existed as part of a world view in which God is approached as the sovereign king holding court in heaven and dispensing judgements for His people.

In the Excursus it was noted that the translators of the LXX used the dative of advantage to translate some of the constructions involving the root שפט. This clearly meant God carried out judgement *for* the poor, and served to demonstrate that they understood the six constructions as statements of God's activity of judging and not of upholding rights.

In the second part of this study the language of *denying* judgement was investigated. There are clear instances in which a person is denied access to litigation, and further clear instances in which a person's case or judgement (opportunity for litigation) are turned aside. None of these instances permits the idea of denying rights. A further meaning of "to twist" (= pervert) was proposed for נָטָה when followed by מִשְׁפָּט. The consistent picture was one in which מִשְׁפָּט served as a reference to the legal process (judgement) sought by the poor.

Barr's suggestion that, "the poor man had a *mišpaṭ* which had to be protected", and that, "This mention of the 'right' or 'rights' of the widow, the orphan, the poor, and the resident foreigner brings us particularly close to the idea of 'human' rights", has not been borne out by this study. It is also difficult to justify the use of "rights" language in English translations of Old Testament texts that deal with intervention for the poor and needy.

The terminology of judgement draws on a world view in which those in positions of power, including God, king, and wealthy land owner, were expected to hear the appeals of the powerless elements of society and judge them. This was the only hope for the poor, widow, fatherless or alien when they encountered a powerful adversary. A typical cry for help was "judge me" (שָׁפְטֵנִי) or "judge my judgement" (שָׁפְטָה מִשְׁפָּטִי), to which the verdict "you are in the right" was the desired response. The appeals "uphold my rights" or "defend my rights", and the complaints "you have perverted my rights", and "you have turned away my rights", on the other hand, are alien to the language and thought world associated with the various constructions considered in this study.

Chapter 11

The Importance of the Language of Juridical Decision in Expressions of Intervention for the Poor and Needy

Introduction.

The previous chapter examined the use of the root שׁפט in the light of the suggestion that it conveys the notion of rights, and particularly human rights. It concluded that this is not the case, and that various constructions that make use of the root שׁפט convey the idea of juridical decision. The present chapter takes up this point and considers the importance of the language of juridical decision in expressing intervention for the vulnerable in both Mesopotamia and Israel. It will also serve as a basis for the final chapter in which the role of righteousness in intervention is examined.

I. The Importance of the Language of Juridical Decision for Expressing Intervention in Mesopotamia.

1. The language of juridical decision in Hammurabi's Code.

It is hardly surprising to find that the language of juridical decision is well represented in the Code of Hammurabi.[1] More significant is the fact that the language of juridical decision here and elsewhere in Mesopotamian sources has such formal similarities with the language of juridical decision in Israel. Examples of the language of juridical decision in Hammurabi's laws occur both in the epilogue and in the collection of laws itself. The latter is illustrated by a law forbidding a judge to reverse his judgement.

> *šumma dayānum dīnam idīn purussâm iprus kunukkam ušēzib warkānuumma dīnšu*
> *īteni...*
> If a judge renders a judgement, gives a verdict, or deposits a sealed opinion, after
> which he reverses his judgement...[2]

Here the expressions *dīnam idīn* ("he rendered a judgement") and *purussâm iprus* ("he gave a verdict") are used to describe the work of a judge in handing down a decision on a case.

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[1] The familiar terminology and abbreviation (CH) are retained here in spite of the fact that it is now recognised that Hammurabu's laws are not a (comprehensive) code, but a collection of laws. The preferred "law collection" is itself not a particularly accurate label for the material in the prologue and epilogue.
[2] CH 5,7-13, after Roth 1995: 82.

The notion of rights is clearly not conveyed by this terminology. This is particularly evident from the fact that the judge can change (*enûm*) his judgement (*dīnšu*).

In the epilogue to his laws Hammurabi gives the purpose for inscribing his laws on a stele and setting it up in front of the statue of himself, the "just king" (*šar mīšarim*), in Esagila, Marduk's temple in Babylon.

> *dannum enšam ana la ḫabālim ekūtam almattam šutēšurim...*
> *dīn mātim ana diānim purussê mātim ana parāsim ḫablim šutēšurim.*
> In order that the mighty not wrong the weak, to provide just ways for the waif and widow...
> in order to render the judgements of the land, to give the verdicts of the land, and to provide just ways for the wronged.[3]

It is evident from what follows in the epilogue that Hammurabi has in mind particularly the judgements that are recorded in his code, for he calls on the wronged man (*awīlum ḫablum*) with a lawsuit (*awatum*) to have the stele read aloud to him so that he can examine his case (*dīnšu līmur*). Hammurabi then warns any future ruler not to alter Hammurabi's judgements (*dīn mātim ša adīnu*) or verdicts (*purussē mātim ša aprusu*) but to heed them and thus provide justice for those under his care. He concludes this section by calling on any future ruler to judge the people of the land.

> May he render their judgements (*dīnšina lidīn*) may he give their verdicts (*purussāšina liprus*), may he eradicate the wicked and the evil from his land, may he enhance the well-being of his people.[4]

According to this, it is by means of judging the judgements of the land that the wicked are eradicated. There follows a series of curses on any future ruler that changes the decisions recorded on the stele. Various gods are mentioned of whom Šamaš is noteworthy for his refusal to "judge" the unjust king's case.

> May the god Šamaš, the great judge of heaven and earth... not render his judgements (*dīnšu ay idīn*), may he confuse his path and undermine the morale of his army.[5]

The punishment in this instance appears to be that Šamaš will turn a deaf ear, and refuse to judge the case that the unjust king brings before him.[6]

2. The language of juridical decision in royal inscriptions and a royal epic.

The same language of judgement occurs in royal inscriptions and other accounts of the exploits of kings. The following examples appear in two inscriptions pertaining to Naram-Sin. In the first the god Enlil gives a verdict in the king's favour and as a result the king is victorious.

> Further, he cros[sed]... the (Lower) S[ea] and conquered M[agan],
> in the midst of the Sea,
> and washed his weapons in the Lower Sea.
> Narām-Sîn, the mighty, (who is) on a mission for the goddess Aštar,
> when the god Enlil determined (this) verdict (for) him (DI.KU₅-*sú* = *dīnu-su*),
> entrusted the lead-rope of the people into his hands,
> and gave him no superior.[7]

In another inscription it is the goddess Aštar-Annunītum who decides in Naram-Sin's favour.[8]

> By the verdict of the goddess Aštar-Annunītum (DI.KU₅ ᵈINANNA-*an-nu-ni-tum*),
> Narām-Sîn, the mighty, [was vict]orious over the Kišite in battle at TiWA.[9]

Another example of this kind of language comes from the Epic of Tukulti-Ninurta. The Epic is concerned with the battle between Tukulti-Ninurta I of Assyria and Kaštiliaš ruler of the Kassites. The latter is portrayed as having broken a treaty between the two countries, and it is this in particular that brings him into bad graces with Šamaš. Tukulti-Ninurta capitalises on this fact by reminding the sun god of Kaštiliaš's crimes. He then calls on Šamaš to make a judgement, but, significantly, the object of judgement is Tukulti-Ninurta and not Kaštiliaš.

> He had no fear of your oath, he transgressed your command,
> he schemed an act of malice.
> He has made his crimes enormous before you, judge me (*dīnanni*[10]), O Shamash![11]

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[3] CH xlvii, 70-73, after Roth 1995: 134. *CAD*: D, lists several other texts in which judgement is rendered for the wronged, "*ta-da-a-ni di-en ḫabli u ḫabilti*, you render judgement in favour of the wronged, whether man or woman", 103.

[4] CH xlviii, 88-90, after Roth 1995: 135.

[5] CH l, 14-16 and 21-24, after Roth 1995: 137.

[6] In which case the idea expressed here is analogous to those texts in which the individual complains that his prayers (and incantations) go unanswered, or his attempts at divination return an obscure answer.

[7] Frayne 1993: 97.

[8] The god's (gods') decision can be communicated through divination, or it is discernible from its outworking in history (in this instance the outcome of a battle). Either way the language of decision is used. See further Albrektson 1967: 53-67.

[9] Frayne 1993: 105; cf. 106 and 108.

Later, Tukulti-Ninurta raises the tablet containing the broken oath towards the Lord of Heaven, and in a fragmentary line speaks of a judgement between the two kings ("judgement between us"). Kaštiliaš is appalled "on account of the appeal to Šamaš" and realises that Šamaš has "established a case" against him. After Kaštiliaš has fled, but before the major battle takes place, the soldiers of Tukulti-Ninurta urge him to engage Kaštiliaš, assuring Tukulti-Ninurta that Šamaš will give him victory.

> And you will gain, our Lord, by command of Shamash,
> a victorious name over the king of the Kassites!

Shortly thereafter, "Šamaš, lord of judgement, blinded the eyesight of the army of Sumer and Akkad".[12] In this way the battle is presented as an ordeal in which the god of justice decides in favour of Tukulti-Ninurta who has kept the terms of the treaty between the two nations.[13] Of particular interest are the words, "judge me" directed by Tukulti-Ninurta to Šamaš. In the light of his own innocence and Kaštiliaš's enormous crimes, it is clear the cry "judge me" is intended to bring about victory on the part of the innocent party ("he who committed no crime [against] the king of the Kassites").[14]

Once again, the gods, and particularly Šamaš, the god of justice, are appealed to using legal terminology and they make decisions couched in legal terminology which profoundly affect the course of human lives.

3. The language of juridical decision in extispicy texts.

The juridical nature of divination is immediately evident from the following lines of a divination priest's prayer.[15]

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[10] Based on transliterated text by Thompson 1929: 130.

[11] *BM*: I, 215.

[12] *BM*: I, 225.

[13] "...Tukulti-Ninurta makes his formal complaint to Šamaš about the treaty violations of Kaštiliaš, and adds a call that the verdict be given through the ordeal of combat", Machinist 1976: 460.

[14] Ordeal by battle is also attested among the Hittites, "Up then! Let us fight, and let the Storm-god, my lord, decide our case!", Gurney 1954: 114, cf. 176. Gurney's work is cited in Machinist 1976: 460, n.16.

[15] "The judicial tenor of the rituals of the diviner is most pronounced in their terminology, which is derived from the legal formulas common in texts of all periods. Phrases such as *dīnam dânu*; *purussam parāsu*; *dīn kitti u mīšari*; *ikrib dīnim*, and the like, indicate that *dīnu* is a technical term in these texts, and that the oracular query is couched in terms of a legal case to be decided by the gods, with the verdict being rendered by 'writing' it on the entrails of the sacrificial animal", Starr 1983: 58.

1. Šamaš, lord of judgement (*bēl dīnim*): Adad, lord of extispicy-rituals and divination,
2. I bring to you (as an offering) a pure lamb born of a ewe; a clear-eyed(?) lamb, a speckled lamb,
3. a pure *ṣuppu*-lamb with curly fleece who follows (?) behind the ewe.
4. Its fleece, on the left and on the right, which no shepherd had plucked, I will pluck for you; its fleece, on the left and on the right,
5. I will place for you. Invite the gods by means of (cedar) resin. Let resin and cedar (fragrance) bring you forth.
6. In the extispicy I make, in the ritual I perform, place a true verdict (*kittam*).
7. In the case (?) of so-and-so, the son of so-and-so, in the lamb I am offering place a true verdict (*kittam*).
8. I appeal to you, O Šamaš; cleanse (me), I beseech you. In the lamb I am offering place a true verdict (*kittam*).
9. O Šamaš, you have opened the locks of the gates of heaven; you went up the staircase of lapis lazuli.
10. Lifting (it), you carry a staff of lapis lazuli in your arms for the cases (*dīnī*) that you judge.
11. You judge the case of the great gods (*tadīn dīn ilī rabûtim*); you judge the case of the beasts of the field (*tadīn dīn umāmim*); you judge the case of mankind (*tadīn dīn tenēšētim*).
12. Judge today the case of so-and-so, son of so-and-so (*ūmam dīn annanna māri annanna*). On the right of this lamb place a true verdict (*kittam*), and on the left of this lamb place a true verdict (*kittam*).
13. Enter, O Šamaš, lord of judgement (*bēl dīnim*); enter, O Adad, lord of extispicy-rituals and divination; enter, O Sîn, king of the crown,
14. and Išḫara, lady of divination, who dwells in the holy chamber; Guanna, registrar of the gods, herald of Anu
15. (and) Nergal, lord of the weapon. Cause the god, lord of the extispicy I perform, to stand (in my extispicy). In the extispicy I make place a true verdict (*kittam*).
16. In the manifestation of the great gods, in the tablet of the gods, let a *takaltu* be present.
17. Let Nisaba, the (divine) scribe, have the case (*dīnam*) recorded. Let Nusku present a sheep for the assembly of the great gods, for the disposal (?) of the case.
18. Let the judges (*dayyānū*), the great gods, who sit on golden thrones, who eat at a table of lapis lazuli, sit before you.
19. Let them judge the case in justice and righteousness (*ina kittim u mīšarim lidīnū dīnam*). Judge today the case of so-and-so, son of so-and-so (*ūmam dīn annanna māri annanna*).
20. On the right of this lamb (place) a true verdict (*kittam*), and on the left of this lamb place a true verdict (*kittam*).
21. I perform this extispicy for the well-being (*šulum*) of so-and-so, son of so-and-so, for well-being (*ana šulmim*).[16]

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[16] Starr 1983: 37-38.

The prayer of which these lines form a part is called an *ikribu* prayer, and is, "a prayer organically bound with each particular step in the ritual activities of the diviner, and recited by him in the course of performing an extispicy".[17]

A similar prayer is also available form the Old Babylonian period and is known as the Old Babylonian Prayer of the Diviner (hereafter OB Prayer). It contains a few lines worth citing here before proceeding to make some observations on the nature of the diviner's ritual.

> O Šamaš!, lord of judgement, O Adad, lord of rituals acts
> and divination! You, who are seated in golden chairs,
> you who are eating from plates of lapis, you will descend here and eat, you will be
> seated on the chair and pronounce judgement.
> In the ritual act I prepare, in the extispicy I perform put you truth![18]

In the first text the diviner brings an attractive offering of a lamb for Šamaš and Adad (1-4), and this is followed by an invitation to the gods to be present in the ritual (5). The fragrance of the cedar resin is intended to attract the gods to the ritual setting.[19] This done the diviner proceeds to make repeated requests for a true verdict (*kittam*) concerning his client, and asks that it be placed in the sacrificial lamb (6-8), that is, on its entrails. Starr describes lines 9-12 as "a hymn to Šamaš as judge of the universe".[20] In this hymn the rising sun is depicted as though it is ascending a staircase, and the god's qualifications for making judgements are enumerated (9-11). This is followed by a direct request for Šamaš to judge the case of the diviner's client (12). The diviner then issues an invitation to Šamaš and the other gods to come and carry out their various duties (13-17). One of these gods is Nisaba, the divine scribe, who writes the case to be judged on the "tablet of the gods" (16-17).[21] The diviner goes on to invite the great gods, the judges, to be seated on golden thrones and eat as they consider the case and its verdict (18 cf. OB Prayer above). This judgement by the judicial assembly of the gods, headed by Šamaš,[22] is to be carried out "in justice and righteousness"

(19-20).[23] The diviner concludes these lines by stating that his purpose in performing the ritual is the well-being of his client (21).

The importance of the verdict's dependability is evident from the repeated requests that it be a true verdict (*kittam*). Whether the verdict is unfavourable (left side) or favourable (right side), the diviner asks that it be true.[24] Starr points out, however, the diviner's preference for a favourable decision is evident in the repeated request for the gods to "stand". A positive verdict is one in which the gods "stand" (*izzuzu*) whereas an unfavourable response is indicated by the god not standing in the oracular request.[25] This preference for a favourable verdict is consistent with the stated purpose of the extispicy, the "well-being" of the priest's client.

> Personal well-being, then as now, was, understandably enough, a major cause of both public and individual concern, and thus plays a prominent place in extispicy reports.[26]

Thus, individuals would bring their inquiries via the diviner in order to receive a judgement from the gods concerning some future event, such as a journey, or, in the case of the king, a battle,[27] or the choice of an official.[28] The issue was not merely that the gods knew the future, but rather, that they made a judgement on it. This is why it is possible to speak of favourable and unfavourable verdicts. It also explains why an unfavourable verdict could result in further inquiries in the hope that a favourable decision would be received.[29]

There is an interesting post-script to the judicial role of Šamaš in divination, and it comes in the context of the Namburbi ritual. Caplice has pointed out that this ritual was designed to protect the individual against a disaster that has been presaged by some kind of (usually

[17] Starr 1983: 45.
[18] Goetze 1968-1969. Other materials related to the activities of the diviner, and which also exhibit a great deal of legal terminology, are collected in Zimmern 1901: 96-121 and 186-219.
[19] Starr notes the similarities with the Gilgamesh Epic (XI, 156ff.) in which the gods are attracted "like flies". He adds that in the OB Prayer the cedar also functions to render the diviner cultically clean and thus, "able to approach the assembly of the gods for a verdict", 1983: 48-49.
[20] Starr 1983: 50.
[21] Probably an uninscribed liver model or an uninscribed tablet on which the verdict is recorded by the divine scribe, Starr 1983: 53 and 57.
[22] "Šamaš...may be considered chief of the judicial assembly. Note, for example, that in the OB Prayer the gods are called upon to wash up 'before Šamaš, the judge'", Starr 1983: 59.

[23] "The scene is one of a judicial assembly: the divine scribe records the case at hand; the shepherd god presents a sheep for the banquet of the gods; the divine judges (*dayyānu ilū rabûtim*), seated in the judges' seats (divine fashion: eating and drinking) to render a verdict", Starr 1983: 57.
[24] Starr explains the relevance of the left side and right side of the exta in terms of favourable and unfavourable. See Starr 1983: 18ff and 60ff.
[25] Starr 1983: 53, 58-59. The suppliant calls on his god or goddess to, "stand by me, O Šamaš, hear my words (favourably)", 59.
[26] Starr 1983: 59.
[27] Starr 1990: 84 "Should Esarhaddon Go to Egypt and wage War against Taharka?".
[28] Starr 1990: 150 "Should Esarhaddon Appoint NN as 'Bishop'?"; cf. 149 "Should Esarhaddon appoint Sin-nadin-apli as Crown Prince?"
[29] "I enquired as to the daughters of my own family, and they answered 'no'. I enquired a third time as to my own daughter, and they answered me with a favourable omen", Smith 1924: 55; cf. 59 (cited by Postgate, Cambridge, lecture notes, 1997).

unsolicited) omen.[30] More recently, Maul has pointed out that by means of the Namburbi ritual the individual seeks a reversal of the unfavourable judgement and the establishment of a new and better fate. Maul notes that the ritual takes the form of normal legal proceedings.

> Das Ritual vor Šamaš war ein reguläres Gerichtsverfahren mit allen Elementen, die auch ein weltlicher Gerichtsprozess aufwies. Lediglich nahm hier der Sonnengott die Stelle des Richters ein, der Mensch und der 'Omernanzeiger' waren die beiden streitenden Parteien.[31]

He goes on to point out that Šamaš was appealed to as the God whose judgement no other god could call into question, or change. In particular the incantation priest (Beschwörer) speaking on behalf of the person asks for a re-opening of the legal process with the words, *ana dīnīya qūlamma*, "Auf meinen Rechtsfall werde doch aufmerksam!", *dīnī dīn*, "Meinen Rechtsfall entscheide!"[32]

It is evident from the sun god's role, both in divination[33] and in the altering of a bad fate,[34] that he was very much involved in the daily affairs of life in Mesopotamia, and that this involvement took the form of a judge making decisions that impacted the lives of human beings.

4. The language of juridical decision in prayers and incantations.

The language of judgement is common place in prayers and incantations. This language is frequently associated with helping someone in need. The first example comes from an incantation for someone who is sick.

> 59. O lord, at this time, stand beside me and hearken to my cries,
> give my judgement (*dīnī dīn*), make my decision (*purussaya purus*)!
> 60. The sickness… do thou destroy, and take away the disease of my body![35]

In an incantation to Girra, contained in the incantation series Šurpu ("burning") there is an appeal to the god as a beneficent judge. The incantation is concerned with a disease.

> Because you are the judge, I stand before you,
> and (because) you are beneficent, I turn constantly to you.
> Judge my cau[se], decide my [deci]sion (*dīnī dī[n pur]ussaya purus*)![36]

In an incantation against sorcery from the series Maqlû the god Nusku is addressed as judge.

> I have cried out to you: like Šamaš the judge,
> judge my case (*dīnī dīn*), render my verdict (*purussaya purus*)![37]

Another incantation from the same series is addressed to Girra and reads,

> You judge the case of the wronged man (*tadâni dīn ḫabli*) and the wronged woman.
> Be present in my judgement! Like Šamaš the hero,
> judge my case (*dīnī dīn*), render my verdict (*purussaya purus*)![38]

And significantly, in another incantation from the Maqlû series Gira is addressed as both "my judge" and "my helper".

> You are my judge (*dayānī*), you are my helper (*rīṣu'a*)![39]

In a text from the series "prayers of the raised hand" there are the words of someone afflicted with an illness, "hear my cry (*šeme qabāya*), judge my case (*dīnī dīn*), render my verdict (*purussaya purus*])!".[40]

A final example comes from "The Great Prayer to Ištar".

> 25. You give decisions for all mankind (*dīn baḫulāti*) in justice (*kitti*) and equity (*mīšari*),
> 26. you look with favour upon the mistreated and the oppressed (and) daily give them true judgement (*tušteššerī*).[41]

[30] Caplice 1965: 105.
[31] Maul 1992: 137.
[32] Maul 1992: 139. For an earlier article on fate and divination see Rochberg-Halton, "Fate and Divination in Mesopotamia", in Hirsch and Hunger 1982: 363-371.
[33] For a collection of 322 inquiries addressed to Šamaš by means of extispicy in which juridical language features, see Starr 1990.
[34] Šamaš features in a similar manner in the *bīt rimki* ritual. In the following lines from the ritual the king seeks help from Šamaš because several negative omens have taken place. "On account of the evil (connected with) an eclipse of the moon…, on account of the evil forces and omens, evil and revolting (…), which have occurred in my palace and my country, judge my judgement, decide my decision (*dīnī dīn purussaya purus*)! Grant me and lead me to the good!", after Laessøe 1955: 60 and 64.
[35] King 1896: 12, 59-60.

[36] V-VI, 197-199. After Reiner 1958: 35.
[37] I, 113-114. See Meier 1937: 11.
[38] II, 128-130, Meier 1937: 17.
[39] II, 101-102, Meier 1937: 16.
[40] Ebeling 1953: 78-79 (=King 1896: 12), cf. 31 (=King 1896: 4 reverse).
[41] Reiner and Güterbock 1967: 260. Lines 40 and 41 read, "wherever you look with favour (this echoes line 26), the dying gets well, the sick gets up; the unjustly treated becomes prosperous, when he can behold you (*āmiru pāniki*)".

II. The Importance of the Language of Juridical Decision for Expressing Intervention in Israel.

The same kind of juridical language that is so plentiful in the Mesopotamian sources, is also evident in the Old Testament in descriptions of intervention by God and human beings.

1. The language of juridical decision in David's encounter with Saul.

1 Samuel 24:16[15] is one of three uses[42] of the expression "judge from the hand of X" in close association with the idea of deliverance.

> May the LORD be our judge (דַּיָּן) and decide between me and you (וְשָׁפַט בֵּינִי וּבֵינֶךָ).
> May he take up my case (וְיָרֵב אֶת־רִיבִי), and may he judge me from your hand (וְיִשְׁפְּטֵנִי מִיָּדֶךָ).

The text explicitly presents God as the judge (דַּיָּן) making a decision between the two men. In this instance David looks for God to judge (שָׁפַט) between Saul and himself. David goes on to use שָׁפַט once more, this time to express deliverance from Saul's deadly pursuit - "judge me from your hand".[43]

This use of שָׁפַט suggests it can be used to express deliverance while retaining an allusion to the (just) decision that gave rise to it. Judgement "between" gives rise to judgement "from". In other words, the notion of deliverance does not entirely replace the notion of judging. Deliverance is the result of the judge's decision.[44]

2. The language of juridical decision in Solomon's prayer at the dedication of the temple.

In Solomon's prayer at the dedication of the temple[45] (2 Chronicles 6:12-42//1 Kings 8:22-53) Solomon asks God to hear the future prayers offered up at the temple (and those offered

in the direction of the temple, 20). These include instances in which there is a dispute in which it is necessary to take an oath of innocence at the temple. God is asked to hear (שמע), act (עשה) and judge (שפט) between the two parties.

The prayer also anticipates instances in which Israel is defeated by enemies (24-25), suffers drought (26-27) and famine (28-31) each as a result of the nation's sin. God is asked to hear (שָׁמַע) and forgive (סָלַח). Solomon also asks that foreigners be heard (שָׁמַע) and granted their requests (32-33), and that Israel's prayers for victory in war will be heard (שָׁמַע), and the nation's *case judged* (עָשִׂיתָ מִשְׁפָּטָם, 34-35). Finally, he asks that when Israel sins and is taken captive, but turns and prays sincerely, the nation will be heard (שָׁמַע), forgiven (סָלַח) and its *case judged* (עָשִׂיתָ מִשְׁפָּטָם, 36-39). In all this God is understood to be one who hears, considers, *judges* and acts in history.

Some time later, in the reign of Jehoshaphat, Israel gathered to seek God's help, much in the manner that Solomon had anticipated in his prayer. In the face of attack from a massive army Jehoshaphat went to the temple and asked the Lord for help. In his prayer Jehoshaphat acknowledged God's rule over the nations, presented the culpability of the attacking armies ("coming to drive us out of the possession you gave us") and then called on God to "judge them" (תִשְׁפָּט־בָּם).[46] In this instance God judges the enemy and the focus is the enemy's defeat rather than Israel's victory. Either way the battle is decided by God's juridical decision.

3. The language of juridical decision in the Psalms.

The language of juridical decision is also evident in the Psalms. In the following examples it is used to express requests to God to intervene on behalf of the psalmist.

Psalm 7:9-10 [8-9].

> 9 The Lord judges (יָדִין) the peoples;
> Judge me (שָׁפְטֵנִי), O Lord, according to my righteousness,
> according to my integrity, O Most High.[47]

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[42] The others are 2Sam 18:19 and 31.

[43] The same construction occurs with ישע in Judges 2:16; 8:22; 12:2; 13:5; 1Sam 9:16 and Neh 9:27. Also with מכף in Judges 6:14, 1Sam 4:3 and 2Kings 16:7. Sawyer argues the use with שָׁפַט is to be understood as an example of analogy rather than example of ellipsis, 1972: 57-58.

[44] Ezek 34:20 and 22 furnish another example of "judgement between" giving rise to "deliverance from", but this time the latter is conveyed by the verb ישע.

> Therefore this is what the Sovereign LORD says to them: See, I myself will judge between the fat sheep and the lean sheep (וְשָׁפַטְתִּי...בֵּין...וּבֵין)...I will save (וְהוֹשַׁעְתִּי) my flock, and they will no longer be plundered. I will judge between one sheep and another (וְשָׁפַטְתִּי...בֵּן...לְ).

[45] This passage was studied in more detail in Chapter 10, page 224.

[46] Compare also Pss 94:2; 68:11-12,28; 76:8-9 and 119:154. In Ps 43 the imagery is of God pleading the case (רִיב) of the needy and it is equated with deliverance.

[47] Or, taking this as a suffixed preposition, "that is in (lit. 'upon') me" (RSV).

¹⁰ O righteous God, who examines minds and hearts,
bring to an end the violence of the wicked
and make the righteous secure.

Save me (הוֹשִׁיעֵנִי), O God, by your name;
judge me (תְדִינֵנִי) by your might.[48]

The same call to God for judgement is also evident in Psalm 35:24.

²³ Awake, and rise for my judgement (לְמִשְׁפָּטִי)!
for my cause (לְרִיבִי), my God and my Lord.
²⁴ Judge me (שָׁפְטֵנִי) in your righteousness, O Lord my God;
do not let them gloat over me.

In Psalm 9:4-5 [2-3] God carries out the judgement of the psalmist and this has consequences for the psalmist's enemies.

⁴ When my enemies turn back,
they stumble and perish before you.
⁵ For you have judged my case (עָשִׂיתָ מִשְׁפָּטִי) and my cause (דִינִי);
you have sat on your throne, judging righteously (שֹׁפֵט צֶדֶק).

In Psalm 82:3 God rebukes the gods (אֱלֹהִים) because of their failure to judge the weak and fatherless.

² How long will you judge unjustly (תִּשְׁפְּטוּ־עָוֶל)[49]
and show partiality to the wicked?
³ Judge (שִׁפְטוּ) the weak and fatherless,
pronounce a favourable verdict (הַצְדִּיקוּ) for the poor and destitute.
⁴ Rescue (פַּלְּטוּ) the weak and needy,
deliver (הַצִּילוּ) them from the hand of the wicked.

The same language is used of the just king in Psalm 72:4.

He will judge (יִשְׁפֹּט) the poor of the people,
He will bring deliverance (יוֹשִׁיעַ) to the needy,
and crush the oppressor!

And in several instances God is seen to intervene for the disadvantaged, and this intervention is expressed using the language of juridical decision.

When you, O God, rose up to judge (לַמִּשְׁפָּט),
to save (לְהוֹשִׁיעַ) all the afflicted of the land (עַנְוֵי־אֶרֶץ).[50]

The Lord does acts of righteousness (צְדָקוֹת),
and judgements (מִשְׁפָּטִים) for all the oppressed (עֲשׁוּקִים).

In Israel, as in Mesopotamia, juridical language expresses an important means by which deliverance is brought to the vulnerable.

4. The language of juridical decision in Rachel's prayer.

More than any of the examples cited so far, Rachel's use of the language of juridical decision to describe how God has answered her prayer for a child, demonstrates how this kind of language and the world view it presupposes was part of the personal faith of the individual in ancient Israel.

וַתֹּאמֶר רָחֵל דָּנַנִּי אֱלֹהִים וְגַם שָׁמַע בְּקֹלִי וַיִּתֶּן־לִי בֵּן עַל־כֵּן קָרְאָה שְׁמוֹ דָּן
Then Rachel said, "God has judged me, he has attended to my plea,
and he has given me a son". For this reason she called him Dan.[51]

The same language is found in a Mesopotamian woman's plea for a child.

You are my judge (*dayyanatī*), procure me justice (*dīnī dīn*[*ī*])!
You bring order, inform me of a ruling!
May my god who is enangered with me turn back to me.
May my transgression be forgiven and my guilt remitted.
May the disease be snatched out of my body
and the sluggishness be expelled from my blood!
May the worries disappear from my heart.
Give me a name and a descendant!
May my womb be fruitful…[52]

The agony of the woman is evident as she pleads with Ištar to "judge my case", and thereby give her a child. Rachel, on the other hand, having finally given birth to a child, acknowledges that God had "judged" her.

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[48] Ps 54:3 [1].
[49] In spite of the parallel line it is preferable to take עָוֶל here as an accusative of manner (RSV), rather than a direct object (NIV). Cf. מִשְׁפָּט שָׁלוֹם שִׁפְטוּ (Zech 7:9), צֶדֶק תִּדְבְּרוּן, Ps 58:2), מֵישָׁרִים תִּשְׁפְּטוּ // מִשְׁפָּט אֱמֶת שְׁפֹטוּ // דַּבְּרוּ אֱמֶת Zech 8:16), and שְׁפָט־צֶדֶק (Prov 31:9).

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[50] Ps 76:10 [9].
[51] Gen 30:6.
[52] The English translation after van der Toorn 1994: 79-80. The transliterated text is after Ebeling 1953: 121.

Conclusion.

It is evident from the study of the language of juridical decision in Mesopotamia and Israel, that this language could serve at any level, including appeals to the gods. Of course the gods possessed powers that no human possessed and so appeals to the gods could take in requests for healing, military victory, fertility, and protection from the effects of sorcery (etc.), as well as the more usual matters of the courtroom. In each instance the ideology was one in which a deity or deities functioned as the judge or judicial body responsible for deciding the course of human life.

In ancient Israel and Mesopotamia those who could not resolve a dispute, and those who were subjected to the oppressive acts of more powerful individuals sought access to someone with the authority to make a judgement on their case. This person in authority could be anyone from the *pater familias* to the king, the highest judicial authority on earth. Beyond the king were the gods who represented the ultimate court of appeal. Pre-eminent among the Mesopotamian gods in his concern for justice was Šamaš, the judge of heaven and earth,[53] and Yahweh showed this same commitment in Israel, again as the judge of all the earth.[54] It is in the office of supreme judge that Šamaš and Yahweh are so frequently described using the language of juridical decision, and it is in this capacity that they are so frequently approached using the language of juridical decision.

The fact that Yahweh and Šamaš function in this capacity accounts for other similarities between them. Weinfeld, for example, has noted correspondences between the Šamaš Hymn (lines 65-78) and Psalm 107. Both texts deal with the deliverance of the same needy people.[55]

> This biblical hymn revolves then about the same four types of man who thank God for deliverance from their difficulties: the man lost in the desert who has arrived at a settled city (4-9), the prisoner who has been released from his confinement (10-16),

an ill man who has recovered (17-22), seafarers who have arrived at their destination (vv. 23-32).[56]

There are also traces in the records to suggest that both Šamaš and Yahweh tended to hold court in the morning.[57] This was when divination rituals (resembling legal proceedings) that involved Šamaš tended to occur.[58] It is also when Yahweh's verdict and the deliverance it brought, tended to occur, sometimes after a night of examination.[59]

It is noteworthy that the divine judge Šamaš is the god most associated with righting wrongs against the vulnerable in Mesopotamian society. As the god of justice he was the judge to whom an appeal could be made.[60] Relief for the wronged and the vulnerable, if it could not be found in a human court, was sought from the sun god himself. This is why the cry "i ᵈUTU" ("O Šamaš!") eventually developed a distinctive use.[61] In a royal inscription of Nūr-Adad, for example, the removal of the cry "i ᵈUTU" from the land meant the removal of any cause of complaint. Such a claim by a king would suggest he has removed injustice from the land.

> When he had made Ur content, had removed evil (and the cause for any) complaint (i ᵈUTU) from it, had gathered its scattered people…[62]

If the oppressed for the most part turn to Šamaš, the god of justice, for help in Mesopotamia, then they turn to Yahweh in his role as the just judge, in Israel. This observation is important, as it demonstrates that intervention in both cultures was perceived largely as the act of a deity functioning as the supreme judge. Intervention for the oppressed was intimately connected with the responsibility of those in power to exercise just judgement whether it be in the village gate, the royal judgement hall, or the heavenly court.

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[53] The suitability of the sun god as the god of justice probably derives from the fact that the sun was seen to lighten the darkness and penetrate hidden places, "Your beams are ever mastering secrets", "The Shamash Hymn", after Foster in Hallo and Younger 1997: 418, 9.

[54] Gen 18:25. For Yahweh's ability to see into shadows, darkness and wicked schemes, see Pss 10:14-15; 11:4b; 64:5; 139:11 (*passim*).

[55] The universal nature of the rule of both Šamaš and Yahweh is also likely to contribute to the fact that they are associated with the deliverance of individuals away from home.

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[56] Weinfeld 1982: 276.

[57] Appropriately enough in the case of the sun god who appeared at sunrise.

[58] See Starr 1990: XXVI-XXVII. Also note the reference to the sunrise in line 9 of the divination priest's prayer, given above on page 255.

[59] Ps 17:3 and 15. Cf. Ziegler 1950. Ziegler emphasises the historical association between morning and deliverance, beginning with the death of the firstborn in Egypt. He does note, however, that judgement in Israel tended to begin in the morning, "Der Morgen in nämlich die Zeit, in der die gerichtlichen Verhandlungen in Israel beginnen", 285. Note also that the sun god prepares for judgement in the eastern mountains, Kutscher 1976.

[60] In addition to his role as the god of justice, Šamaš was the patron deity of Lasar (under the name UTU) and Sippar.

[61] His role as the supreme judge also goes a long way to explaining the popularity of the sun god in ancient Mesopotamia. "The sun god Shamash… was and remained the most popular deity in Mesopotamia from Akkadian times onward", Collon 1987: 167.

[62] After Frayne 1990: 3, 26-29. For brief comment on the expression see Falkenstein 1950: 105.

This association between intervention and juridical decision will prove important in attempting to understand the relevance of righteousness to intervention for the poor and needy.

Chapter 12

The Relevance of Righteousness to Intervention for the Poor and Needy in the Old Testament

Introduction.

In ancient Israel and in the ancient Near East, the more vulnerable elements of society sought the intervention of those in positions of power to deliver them from oppression. For a successful appeal an oppressed person needed a just ruling, and for this he required a righteous person to make the ruling. In Israel, the terms used to designate a just ruling and a righteous ruler are derived primarily from the root צדק. The same root was also frequently associated with the verdict that brought the poor deliverance. These associations with the judicial procedure that brought the vulnerable the help they needed explain why righteousness was so valued by the poor and needy, and how the term came to be associated with deliverance.

I. Derivatives of the Root צדק Are Regularly Used to Characterise the Person Who Judges as well as the Act of Judging.

There is a close association in the use of derivatives from the roots צדק and שפט (and דין). The person who judges (שׁוֹפֵט, דַּיָּן), and the act of judging (דִּין, שָׁפַט) can both be described using a derivative of the root צדק.

The person who judges (שׁוֹפֵט, דַּיָּן) is supposed to be righteous or just (1-2). For this reason appeals for help can include an appeal to be judged according to the judge's righteousness (3). The judgement itself (דִּין, שָׁפַט) is also supposed to be carried out righteously (4-5).

> (1) Endow the king with your justice, O God,
>   the royal son with your righteousness (וְצִדְקָתְךָ).
>   He will judge your people in righteousness,
>   your afflicted ones with justice.[1]

> (2) God is a righteous judge (שׁוֹפֵט צַדִּיק),
>   a God who expresses his wrath every day.[2]

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[1] Ps 72:1-2.
[2] Ps 7:12[11]. Also Ps 4:2[1], "Answer me when I call to you, O my righteous God".

(3) Judge me in accordance with your righteousness (כְּצִדְקְךָ),
   O Lord my God;
   Do not let them gloat over me.[3]

(4) For you have carried out my judgement and (judged) my case,
   you have sat on your throne judging righteously (שׁוֹפֵט צֶדֶק).[4]

(5) And I charged your judges at that time:
   Hear the disputes between your brothers and judge fairly (שְׁפַטְתֶּם צֶדֶק)...[5]

It is evident from these kinds of associations that the root צדק expressed a characteristic that was considered essential to a good judge and to good judgement.

II. Derivatives of the Root צדק Were Used to Express a Favourable Judgement.

Derivatives of the root צדק also feature in the outcome of a case. A person who came with a complaint sought a verdict in his favour, and this positive verdict was conveyed using the expression "You are right" (1). This idea could also be expressed using the verb in the Qal (2) or Hiphil (3).

(1) He who says to the man in the wrong, "You are right (צַדִּיק אָתָּה)"; people will curse him.
(2) Now that I have prepared my case,
   I know that I will be (found in the) right (אֶצְדָּק).[6]
(3) Hear from heaven, act, and judge your servants, by pronouncing the guilty man guilty and so bringing down on his head what he has done, and by declaring the righteous (צַדִּיק) to be in the right (לְהַצְדִּיק) and so treating him in accordance with his righteousness (כְּצִדְקָתוֹ).[7]

The use of the Hiphil stem of the verb is noteworthy. Hillers has demonstrated that the Hiphil of צֶדֶק is delocutive, the English equivalent of a term ("délocutifs") coined by the Émile Benveniste. The term delocutive is used to describe verbs that, unlike other denominatives, are derived from a locution used in discourse. So, for example, the verb "to hail" in English is not derived from a noun "hail", but from the formula "Hail!" Similarly,

"to welcome" derives from the greeting "Welcome!"[8] Hillers points out that הַצְדִּיק and צֶדֶק do not mean "to behave justly" or "to make someone just" as might be expected by analogy with the Hiphil and Piel of גָּדַל.[9] Rather they are derived from a legal locution by means of which a person is pronounced "(in the) right."

> Still more striking, however, is the evidence supplied by a pair of proverbs expressing the same thought, a condemnation of injustice in judgement. Prov 17:15 uses the verbal forms: מַצְדִּיק רָשָׁע וּמַרְשִׁיעַ צַדִּיק תּוֹעֲבַת יהוה גַּם־שְׁנֵיהֶם ("He who decides for the man in the wrong, and he who decides against the man in the right - both are an abomination to Yahweh"). Prov 24:24 quotes the formula directly: אֹמֵר לְרָשָׁע צַדִּיק אַתָּה יִקְּבֻהוּ עַמִּים ("He who says to the man in the wrong, 'You are in the right' - peoples will curse him").[10]

This is relevant to an understanding of Psalm 82:3. The NIV again resorts to the language of rights[11] in its rendering of the verb צֶדֶק in this verse.

שִׁפְטוּ־דַל וְיָתוֹם
עָנִי וָרָשׁ הַצְדִּיקוּ

> Defend the cause of the weak and fatherless;
> maintain the rights of the poor and oppressed.[12]

The text, however, makes no reference to rights. The verse is chiastic, with the verbs placed first and last in their lines respectively. The Hiphil of צֶדֶק has the sense, "decide in favour of", or "pronounce a favourable verdict for". Similarly, the verb שָׁפַט in this context suggests a positive outcome, "judge in favour of". The same sense for the Hiphil of צֶדֶק occurs in 2 Samuel 15:4.

> And Absalom would add, "If only I were appointed judge in the land! Then everyone who has a complaint or case could come to me and I would give him a favourable judgement (הִצְדַּקְתִּיו)".

This use of the Hiphil does not necessarily represent a perversion of justice.[13] The assumption is that the person has come with a legitimate case.[14] Those who came for help

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[3] Ps 35:24.
[4] Ps 9:5[4].
[5] Deut 1:16; cf. Lev 19:15.
[6] Job 13:18. Cf. Isa 43:26. Also this use in two Aramaic legal papyri, in which Cowley translates the verb צְדִיק/צְדַק (I or they) "shall not win the case" (=shall not be in the right), Cowley 1923: 8, 22 and 10, 19.
[7] 1 Kings 8:32 (=2 Chron 6:23). Also Deut 25:1; Prov 17:5; 2 Sam 15:4; and Isa 50:8.

[8] Hillers 1967. More recently, Tigay 1999.
[9] For the sense "to make virtuous", however, see Jastrow: 1263.
[10] Hillers 1967: 321.
[11] See also RSV ("Maintain the right"), NLT ("Uphold the rights"). The REB and NEB have, "See right done to", and the RV, NASB, and NKJV translate this, "Do justice to".
[12] NIV.
[13] "...the kind of judgement Absalom claimed to hand down in opposition to the court of his father David did not have the characteristics of right judgement to the extent that he seemed to rule in favour of all those who put forward a claim", Bovati 1994: 186, n.40.
[14] In fact Absalom makes this explicit in verse 3 when he says, "Your claims are good (טוֹבִים) and right (נְכֹחִים)". This is certainly the case in Yahweh's instructions to the אֱלֹהִים ("give a favourable judgement to the poor and

would do so because they lacked the power to resolve the problem themselves, and had not found justice in their own village gate. The king was their final earthly hope of getting justice. Whatever the case, Absalom was telling the people what they wanted to hear when he told them their complaints were legitimate and he would judge in their favour.

The Hiphil of צָדַק in Isaiah 5:23 has the same significance.

מַצְדִּיקֵי רָשָׁע עֵקֶב שֹׁחַד וְצִדְקַת צַדִּיקִים יָסִירוּ מִמֶּנּוּ
Who for a bribe pronounce the guilty person right,
and deny the righteous their favourable verdict.[15]

The righteousness (צְדָקָה) of the righteous is treated here as a reference to a favourable verdict. The corrupt leaders refuse to give the righteous the favourable verdict they deserve.[16] This provides a good parallel with the fact that the leaders give the guilty a favourable verdict that they do *not* deserve.

It was important for a person to be able to demonstrate he had a good case, that he was "right" (1), with the corroborating testimony of witnesses if possible (2).

(1) The first to present his case seems right (צַדִּיק),
till another comes forward and questions him.[17]

(2) All the nations gather together and the peoples assemble.
Which of them foretold this and proclaimed to us the former things?
Let them bring in their witnesses to prove they are right (וְיִצְדָּקוּ),
so that (others) may hear and say, "It is true (אֱמֶת)".[18]

The psalmist reflects this element of the legal process when he appeals to be judged in accordance with his own righteousness.

Judge me, O Lord, according to my righteousness (כְּצִדְקִי),[19]
according to my integrity, O Most High.[20]

The psalmist is confident that in the light of his righteousness God will answer his request.

In summary. The root צדק features at several points in the judicial process, and indicates not only a quality essential to a judge, and to the judging process, but also the verdict that is announced by the judge at the end of the legal process. This breadth of usage in juridical realm is helpful in explaining several developments in the significance of the roots צדק and שפט when used of intervention for the poor and needy.

III. The Use of the Root צדק for the Person Responsible for a Favourable Decision, and the use of the Roots צדק and שפט to Express that Favourable Decision, Explain Why These Roots Were Important in Expressing Intervention for the Poor and Needy and How They Came to Express Deliverance.

Perhaps the clearest equation of the roots צדק and שפט with deliverance language occurs in Psalm 82.

3 Judge (שִׁפְטוּ) the weak and fatherless,
Give a favourable judgement (הַצְדִּיקוּ) for the poor and oppressed.
4 Rescue (פַּלְּטוּ) the weak and needy,
Deliver (הַצִּילוּ) them from the hand of the wicked.[21]

Another clear example of the root שפט used in conjunction with salvific terms comes from Psalm 72.

He will judge (יִשְׁפֹּט) the afflicted among the people,
and save (יוֹשִׁיעַ) the children of the needy;
he will crush the oppressor.[22]

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oppressed", Ps 82:3) or else Yahweh is presented as encouraging the perversion of justice. The expression is used as a call to provide justice for those with legitimate complaints.
[15] RSV reads, "who acquit the guilty for a bribe, and deprive the innocent of his right!" Similarly the NIV, but with "deny justice to the innocent".
[16] Ps 103:6 appears to use צְדָקוֹת in a similar manner: "The Lord carries out (עֹשֵׂה) favourable verdicts (צְדָקוֹת) and judgements (מִשְׁפָּטִים) for all who are oppressed (עֲשׁוּקִים)". The RSV has essentially the same idea when it translates עֹשֵׂה צְדָקוֹת with "works vindication". In support of this understanding of the text it is noteworthy that verses 6 and 19 serve as framing verses describing the essential nature of God's rule. Verse 19 refers to God's throne in heaven and his kingdom rule, and verse 6 the implication of that rule for the oppressed: judgements and verdicts that bring the oppressed deliverance. This correspondence of the two roots שפט and צדק in Ps 103:6 has already been noted in Ps 82:3, "Judge (שִׁפְטוּ) the weak and fatherless, give favourable verdicts (הַצְדִּיקוּ) for the poor and oppressed" (cf. Deut 33:21).
[17] Prov 18:17. See Driver's comments on this text, 1950: 46-47.
[18] Isa 43:9. Cf. Isa 41:26, "Who told of this from the beginning, so we could know, or beforehand, so we could say, '(He was) right (צַדִּיק)'". For צָדַק used to refer to what a truthful witness says, see Prov 12:17 (cf. Ps 52:5[3], Prov 8:8 and 16:13) and for a similar use of אמן in the context of legal testimony in the Yavneh-Yam inscription, Gibson 1971: 27.

[19] Cf. Solomon's prayer (quoted above) in which he prays that God would declare the righteous in the right, and so treat him *in accordance with his righteousness* (כְּצִדְקָתוֹ, 1Kings 8:32).
[20] Ps 7:8b,c. Cf. Pss 17:1-2; 18:21 [20] (=2Sam 22:21, using צִדְקָה) and 25 [24] (=2Sam 22:25, using צִדְקָה), and instances in which the appeal could not be based on righteousness, Dan 9:18; Deut 9:4-6. Job uses the verb to claim he is in the right (Job 9:15,20; 34:5), and Pharaoh uses צַדִּיק to acknowledge that Yahweh is (in the) right, Ex 9:27. Also see the letter from Abdiheba, governor of Jerusalem, to Akhenaton (ca. 137-1360 B.C.) in the context of criminal charges against another governor, "Consider, O king, my Lord! I am in the right (ṣaduq)!", after Moran 1992: 287 with n.8.
[21] Ps 82:3-4.

When the poor and needy are the object of judgement that judgement takes on a salvific significance. This is also true of the various uses of צדק in the context of judgement (Figure 9).

Figure 9. The Pattern of Usage for the Roots צדק and שפט in the Request for Judgement and the Pronouncement of a Verdict.

1 Judge me (שָׁפְטֵנִי) 2 Judge my judgement (שְׁפֹט מִשְׁפָּטִי)[23]	**Request** for judgement
3 According to my (=needy) righteousness (כְּצִדְקִי) 4 According to your (=judge) righteousness (כְּצִדְקֶךָ)	**Basis** for the judgement
5 You are righteous (צַדִּיק אַתָּה) 6 I will be (found) righteous (אֶצְדָּק) 7 The favourable verdict of (for) the righteous (צִדְקַת צַדִּיקִים)	**Verdict** (actual or anticipated)

Excursus 5. Psalm 35: A Further Example of How the Roots שפט and צדק Functioned in Juridical-Salvific Contexts.

The same juridical-salvific connotations that have already been noted for the roots צדק and שפט are also evident in Psalm 35. Craigie, building on the work of Eaton,[24] has argued that the Psalm is both military and legal in nature.[25]

The word "strive" (ריב) is commonly used as a legal term; here, the parallelism with *fight* (להם) suggests a military nuance, but the psalm as a whole suggests that the

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[22] Ps 72:4.
[23] There are also the instructions of the kind, "Declare them (in the) right (הַצְדִּיקוּ)", and references to judgement using constructions like, "The Lord carries out (יַעֲשֶׂה) the judgement of the poor (דִּין עָנִי) and the judging of the needy (מִשְׁפַּט אֶבְיֹנִים)" (Ps 140:13[12]), but these are not attested in the first person as a request for help.
[24] Eaton 1976: 41-42.
[25] The salvific nature of righteousness is still evident, even if the military language is not taken literally. Cf. recently McCann 1996: 818.

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military conflict has legal ramifications, namely those associated with an international treaty. Thus, the king's opening prayer is that God would fight both his legal case with respect to treaty and also his battle (which might be the same thing ultimately).[26]

The following lines illustrate the use of צֶדֶק as a juridical-salvific term.

1 Contend (רִיבָה), O Lord with those who contend with me (יְרִיבַי)[27]; fight against those who fight against me...
9 Then my soul will rejoice in the Lord, and delight in his salvation (בִּישׁוּעָתוֹ).
10 My whole being will exclaim, "Who is like you, O Lord? You rescue (מַצִּיל) the poor from those too strong for them, the poor and needy from those who rob them"...
23 Awake, and arise for my judgement (לְמִשְׁפָּטִי)! Contend for me (לְרִיבִי), my God and Lord.
24 Judge me (שָׁפְטֵנִי) in accordance with your righteousness (כְּצִדְקְךָ), O Lord my God; do not let them gloat over me...
27 May those who delight in my righteousness (צִדְקִי) shout for joy and gladness...
28 My tongue will speak of your righteousness (צִדְקֶךָ) and of your praises all day long.[28]

In verse 10 the king's reference to the poor and needy reveals his own sense of dependence on God in the face of a stronger foe. Such vulnerability was a perennial problem for the poor and needy, and so the allusion is apt. Like the poor and needy the king now seeks God's intervention, and like the poor and needy intervention is in terms of the language of juridical decision (שָׁפַט, מִשְׁפָּט and רִיב), salvation (יְשׁוּעָה), and righteousness (צֶדֶק).

Of particular interest here is the use of the noun צֶדֶק. In verse 24 it refers to God's righteousness as the basis for the king's appeal for God's intervention. God's righteousness will ensure his intervention for the king who has cried out "judge me!" (v.24) This same righteousness comes up again in verse 28 and is the subject of the king's speech (//praise). God's righteousness is the basis for God's judgement, the basis of the king's deliverance,

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[26] Craigie 1983: 286. Craigie anticipates what was noted in Chapter 12 in the Tukulti-Ninurta epic. Tukulti-Ninurta called on Šamaš, the god of justice, to decide between himself and the treaty breaker Kaštiliaš by means of an ordeal of battle. Notably, the expression "judge me" as well as an expression of personal righteousness occurs in both texts in the mouth of the king when making his appeal to the deity. Also see Jehoshaphat's prayer for military victory, 2Chron 20:12.
[27] Following the MT. Eight Hebrew manuscripts and the Syriac read ריבי, but the parallel line favours the MT reading, Craigie 1983: 284, n.1b.

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and therefore the subject of the king's praise.[29] In this way God's righteousness is viewed as a salvific.

On the other hand, the king refers to his own righteousness in verse 27. This righteousness is God's judgement in his favour. It is the judge's verdict, "You are right (צַדִּיק אַתָּה)", which in the context of battle meant victory. The decision has gone in favour of the king and this is his righteousness.[30]

It is beyond the scope of this study to explore the uses of this language with reference to God's dealings with the nation, especially in the book of Isaiah. The understanding of the roots שפט and צדק proposed here may prove relevant in explaining the salvific nature of this language in other contexts.

Conclusion.

The importance of righteousness to intervention for the poor and needy is best explained in the context of juridical decision, and in the light of the importance of the judge (*pater familias*, chieftain, king, God) in delivering vulnerable individuals from those who oppress them. The fact that the righteousness of a judge assured an individual of deliverance explains why the term came to function as the basis of appeals for help when addressing someone in a position to carry out judgement.

The notion of righteousness is also used of the person judged, and the meaning here is quite different. An oppressed individual is delivered when he receives a favourable judgement

(Hiphil of צָדֵק, or the locution צַדִּיק אַתָּה). In this case the oppressed individual may appeal on the basis that he is right (צַדִּיק) or according to his righteousness (צֶדֶק). His hope is that he will be found in the right (צַדִּיק). This positive verdict signifies the individual's deliverance and can be referred to as his righteousness (צְדָקָה). God has a reputation for carrying out such favourable judgements (צְדָקוֹת) for the poor and needy.

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[28] NIV with modifications.

[29] In Ps 31:2[1] the appeal for help is also made on the basis of God's righteousness. When God responds to such a cry it is a concrete expression of God's "righteousness" and is one of many צְדָקוֹת that God has performed in history. Any one (Ps 71:15-16), or a number (1Sam 12:7) of these righteous acts can serve as the basis of his people's gratitude and praise. Similarly, in Psalm 51 God's judgement (v.6[4]), if favourable, would lead to the psalmist's praise of God's righteousness (v.16[14]). Also Ps 145:7.

[30] Ps 118 deals with a military victory, and again, in addition to salvation terminology (vv.14, 15 and 21), the victors are called "righteous" (vv.15 and 20). There are also instances in which God's judgement does not involve victory or even vindication, but simply a favourable decision (Ps 24:5; Isa 54:17). In his discussion of Ps 24:5 Reimer concludes the reference here is to a "just reward" since contrary to many modern translations of this verse "this one is in no need of 'vindication'!", 1997: 760. Against this interpretation is the presence of the title "Saviour" (suggesting deliverance, vindication) in the context, but this is not a decisive point since "Saviour" does not allude to a recent saving event (there is nothing of this kind in the context), but to the protection and security that are part of the ongoing blessing (reward) of living in Zion. Just as Rachel could refer to God's favourable judgement (דְּנַנִי) in giving here a son (Gen 30:6), so too the Psalmist can speak of God's favourable decision (צְדָקָה) in granting someone access to his holy city (Ps 24:5).

Conclusion to Part Two

The poor and needy of ancient Israel and the ancient Near East depended on the intervention of a person of power and influence in order to deliver them from oppression. The juridical nature of this intervention is reflected in the use of legal language (in Hebrew the roots צדק and שפט) to describe it. The critical nature of this intervention is evident from the fact that these roots developed connotations of deliverance and salvation.

The fact that Yahweh (in his capacity as the righteous Ruler-Judge) and Šamaš (the god of justice) were pre-eminently important to the oppressed, is also evidence for the importance of juridical intervention for the poor and needy.

The ideal of the righteous king, capable of just judgement, is well attested in Israel (Psalm 72; 2 Samuel 15:6;[1] 1 Kings 3:16-28) and other contemporary Near Eastern cultures. It is not surprising, then, to find that the king had a prominent role in intervention for the poor and needy. In fact, the judiciary at all levels, from the clan to the heavenly court, served as the hope of the needy individual. It was the individuals of power who adjudicated disputes and attended to complaints, and thus provided the mechanism by which a person who was being wronged could find help.

This placed a premium on the character of the people who wielded power in the community. It mattered a great deal whether or not they could be relied on to hear and respond to the complaints of the vulnerable members of the community. This is why righteousness was so valued as a characteristic of community leaders.

In contexts dealing with intervention for the vulnerable, derivatives of the root צדק do not refer to an individual's rights, but to a quality that can characterise a person or a juridical act so as to guarantee intervention for those who are in need of it. It can also refer to the favourable verdict that brings deliverance to the oppressed individual.

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[1] Absalom's popularity was based largely on the promise that he would hear the people's complaints, 2Sam 15:1-6.

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In contexts dealing with intervention for the poor and needy, constructions involving the root שפט (and דין) should not be defined in terms of rights, particularly human rights, but in terms of juridical decision (judgement) and legal cases. The concern of the poor and needy of ancient Israel was to have their complaints heard, and to have them judged rightly. They did not cry out for their rights, but for right judgement.

This study of the roots צדק and שפט reflects the prevalence of legal terminology in the Hebrew Bible and the importance of legal process in ancient Israel.[2] In Israel, at least, where the town gate served as a public court room and local family heads served as the first level of the judiciary, it is not surprising to find so much juridical language had passed into the vocabulary of daily life. When this is combined with the fact that a dominant theological theme conceived of Yahweh as the heavenly Ruler-Judge who governed creation righteously from his heavenly court, it is also understandable that so much of the nation's life, and even the individual's prayer life, made use of this same forensic vocabulary and thought.[3]

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[2] See Gemser's study of the term ריב and his reference to the "frequency of quarrelling in the life of the ancient Hebrews", 1955: 120. Kramer makes a similar observation on the Sumerian culture, 1979: 280.
[3] "An important area of biblical thought that has been insufficiently studied is the basic character of the Bible as a lawbook and the way in which more terms than is generally realized, even ordinary terms, are used forensically", Orlinsky 1989: 89.

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Conclusion

The investigation into the creation of human beings in Genesis 1 argued that a distinction should be made between the pure-functional interpretation and the mixed-functional interpretation. The former cannot be maintained in the light of the way function is expressed in Genesis 1, and in the light of the structure of Genesis 1:26-28. The latter verses clearly introduce ontology (male and female) before, and as a basis for, function (multiply).

The resemblance interpretation finds firm support in the text, particularly in the text's concern with ontology, and not just function. Consequently, the rejection of this element of human creation as speculative and unfounded, needs to be reconsidered. Evidence from Egypt also supports this finding.

As to the nature of this resemblance, physical and visible resemblance alone would provide an inadequate basis for mankind's function in creation, and this solution runs the risk of appearing trivial when compared with the kind of resemblance between gods and humans found elsewhere in the ancient near East, particularly in Egypt. Ockinga has pointed out some of the elements of this resemblance in Egypt, but there is yet to be a thorough investigation of the subject. Neither has there been an investigation of what was thought to make man distinct from animals.

The inability to decide between the resemblance view and the mixed-functional view did not prove a critical problem to the investigation of the relevance of human creation to the treatment of human beings (Genesis 9:6). Either interpretation is consistent with the observations made on Genesis 5:1-3 which led to the conclusion that the language used to describe God's creation of humanity includes an interest in ontology, and suggests that God has established a relationship with mankind that is analogous to that of a father and child.

God's concern for human life, then, is not simply based on man's unique role in creation or even his ontological uniqueness among the other creatures, but also on the caring relationship that God established when he created mankind, and only mankind, like himself.

Something similar can be detected in the second tradition of human creation in the Old Testament. Creation (in the womb) was used as a motivation for the proper treatment of vulnerable individuals in the Old Testament. To better understand why this was so, these texts were interpreted in the light of what is known of human creation in the context of personal and family religion. It is clear that the personal god was also the individual's creator, and that creation in the womb was seen as the beginning of a life-long relationship. As the individual's creator, the personal god was also the one who cared for the individual and the one who held the individual accountable. Warnings that the mistreatment of the poor man constitutes an offence against the poor man's creator, make good sense in the context of this kind of relationship.

The nature of the relationship between a man and his maker (personal god) also gave rise to a satisfactory interpretation of Job 31:13-15. Job's reference to God as the maker of both himself and his slaves is not an application of the belief that all men are created equal. Rather, it is a sober recognition of the fact that *his* judge is *their* advocate. Given this fact, he could not conceive of abusing his slaves.

The proper treatment of a human being in both creation traditions was based on God's high valuation of human life, a valuation that arose not just from ontological and functional considerations, but from God's relationship with those he made. As a result, the mistreatment of someone God had made, brought a person into conflict with God himself. In this way the biblical line of argument is more theocentric than the relatively modern one which emphasises equality of creation.

These findings are consistent with the fact that in Mesopotamia the personal god and goddess, who are responsible for the creation of the individual, are frequently referred to as "father" and "mother". In addition, in both Egypt and Mesopotamia, other gods, even when they are not an individual's personal god, can be referred to as "father" (e.g., Khnum) and "mother" (e.g., Mami) because of their role in creating human beings.

The interchange of the language of creation and procreation in the Old Testament to describe how God brought his people into existence, demonstrates how close the two ideas were in

Israel. This closeness is also evident from the fact that both creation and procreation were thought to establish a "life-long" and mutual relationship between God and his people..

The investigation of the roots צדק and שפט in Part Two demonstrated that the various constructions in which the root שפט appears when it is associated with the plight of the poor and needy, make it clear that this root was not used in appeals to uphold the rights of this vulnerable and frequently oppressed group. Rather, its uses demonstrate the important role of the legal process in intervening for the oppressed. The needy individual sought to have his case judged by someone of sufficient power and influence in the community. His fundamental need was to get a hearing and not to be "turned away from the gate".

Beyond this, an individual wanted a righteous judge and a righteous verdict. In short, he wanted to be found "in the right". All of this could be implied by the cry, "Judge me!", but it could also be made explicit. In this case the preferred term was a derivative of the root צדק. This root was used to describe the character of the judge, the plea of the judged, the quality of the judgement, and the desired verdict.

Both צדק and שפט, then, were used of actions and qualities integral to the legal process on which the poor relied for saving intervention. Because of this, both terms came to express, by means of various idioms, the cry and the hope of the poor and needy.

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