

Psalm 82 and Biblical Exegesis

YAIR ZAKOVITCH

Hebrew University of Jerusalem



The story of the **בני האלהים** ('sons of God/gods') and the daughters of man (Gen 6:1–4) evokes a pronounced mythological, polytheistic setting in which divine beings mingle with earthly mortals.

In its biblical adaptation, the story underwent some attenuation—acknowledgment that the sons of the gods are not themselves divine but rather God's minions, his entourage, and the assertion that the offspring of the union were mortal men¹—yet continued to pose a knotty problem for the adherents of the unity of God. In seeking to defuse every objectionable mythological reference, traditional commentators resorted to a bold interpretation: **אלהים** would be interpreted as meaning judges, and the sons of **אלהים** as the sons of the judges—that is, mortal men. The Septuagint renders **בני האלהים** literally, as υἱοὶ τοῦ Θεοῦ. Certain midrashim, too, retain the identification of the sons of the gods as divine beings, fallen angels: "Rabbi says: the angels who had fallen from His holy place saw the daughters of Cain displaying their pudenda and casting their eyes like harlots" (*Pirke R. El.* 22). But the midrashic corpus also evidences a dramatic shift toward the interpretation of sons of judges: "R. Shimon b. Yohai called them sons of judges. R. Shimon b. Yohai curses all who call them sons of gods" (*Gen. Rab.* 26b).² The

Author's note: This essay was translated from Hebrew by Sara Friedman.

1. U. Cassuto, "The Episode of the Sons of God and the Daughters of Man (Genesis VI 1–4)," *Biblical and Oriental Studies* (2 vols.; Jerusalem, 1973) 1.17–28.

2. For additional midrashim interpreting **בני האלהים** as meaning 'sons of judges', see L. Ginzberg, *The Legends of the Jews* (Philadelphia, 1942) 5.155–56. For the various uses of Jewish exegesis in early Christian sources, see A. van den Hoek, "I Said, You Are Gods . . . : The Significance of Ps 82 for Some Early Christian Authors," in *The Use of Sacred Books in the Ancient World* (ed. L. V. Rutgers, P. W. van der Horst, and H. W. Harelaar; Leuven, 1998) 203–19.

Aramaic translations read **בני רבביא**: 'sons of the great' or 'sons of lords'.³ Rashi's comment combines the midrashic and the Aramaic readings: 'sons of lords and judges'.

What led the early exegetes to identify **אלהים** as 'judges'? Perhaps it was v. 3: "My spirit shall not judge (**ידון**) man forever," **ידון** being understood as deriving from the verb **דין** 'to judge'. Many midrashic passages interpret the verb in the sense of judgment, for instance:

Rabbi Aqiba says: Lo, it says *My spirit shall not judge man forever*. Said the Holy One, blessed be He: They did not take stock of themselves that they are flesh and blood, but behaved with arrogant spirit toward Him on high. . . . Rabbi Me'ir says: Lo, it says (*My spirit*) *shall not judge*. Said the Holy One, blessed be He: That generation declared "The Lord does not judge: there is no judge of the world; God has abandoned the world!" (*The Fathers According to Rabbi Nathan*, chap. 32, trans. J. Goldin [New Haven, 1955] 130–31)

Numerous biblical verses dealing with God's role in the judicial process, for example, Exod 21:6 and 22:7–8, buttressed the tendency to identify **אלהים** as judges, and this interpretation caught on in these same verses, influenced most likely by that reading of Genesis 6. Thus, for instance, Exod 21:6: "His master shall take him before the **אלהים**" is rendered in the Greek, Aramaic, and Syriac translations 'before the judges' (similarly, *Mekilta* has 'the courts'). For "the owner of the house shall depose before **האלהים** . . . the case of both parties shall come before **האלהים** . . . he whom **האלהים** declares guilty shall pay double to the other" (Exod 22:7–8), the Septuagint has the literal 'God', but the Aramaic has 'judges'.

In the next chapter of Exodus, "You shall not revile **אלהים**, nor put a curse upon a chieftain among your people" (22:27) is rendered in the Aramaic as 'You shall not revile the judge', while the Septuagint preserves the literal 'God'. The Aramaic translation also reads 'judges' for **אלהים** in another legal context: "If a man sins against a man, **אלהים** may pardon him" (1 Sam 2:25). The interpretation of **אלהים** as 'the great' or 'lords' may have been influenced by Psalm 82, which elucidates the Genesis story, as will presently be seen; in the Psalms, the **אלהים**-judges are told that they shall "fall as any prince" (v. 7).⁴

3. The word **רב** translates **שר** in various biblical verses, e.g., Gen 39:21–22; Exod 2:14.

4. C. H. Gordon, "**אלהים** in Its Reputed Meaning of Rulers," *JBL* 54 (1935) 139–44; and A. E. Draffkorn, "Ilāni/Elohim," *JBL* 76 (1957) 216–24, emphatically object to understanding the simple meaning of **אלהים** to be judges and rulers.

When, it may be asked, did the rendering 'judges' for **אלהים** begin to predominate? The possibility cannot be ruled out that this happened as early as the biblical period itself. Deut 25:1 reads: "When there is a dispute between men and (they) go to law and a decision is rendered declaring the one in the right and the other in the wrong. . . ." Here, the Aramaic addition yields the reading: 'a decision is rendered by the judges'; see v. 2: 'the judge shall have him lie down'. The term **ונגשו** 'go to law' resembles Exod 21:6: **והגישו אדוניו אל האלהים**.

A reconciliation of the view of God = judge and the concept of God as standing for justice can be seen in Moses' injunction to his newly-appointed judges: "You shall not be partial in judgment: hear out low and high alike. Fear no man, for judgment is God's" (Deut 1:17). The strength of this reconciliation is clearly evident also in Chronicles' account of Jehoshaphat's appointment of judges, which makes reference to the two elements that the king's name comprises: the tetragrammaton and the stem **שפט** (= 'to judge'): "He charged the judges: 'Consider what you are doing, for you judge not on behalf of man, but on behalf of the Lord, and He is with you when you pass judgment'" (2 Chr 19:6).

In Psalm 82, the conflicting concepts of **אלהים** as divine or as mortal judges vie for supremacy; midrashic literature was well aware of the various sources cited above and linked them to the psalm's reconciliatory course:

God standeth in the congregation of the mighty; He is a judge among judges ('Elohim) (Ps 82:1). These words are to be considered in the light of Moses' charge to the judges in Israel: *Ye shall not respect persons in judgment . . . for the judgment is God's* (Deut 1:17). And when Jehoshaphat set up judges in the land, he also said to them: *Consider what you do; for ye judge not for man, but for the Lord, who is with you in the judgment* (2 Chr 19:6). *The judgment is God's* (Deut 1:17) means that the judges should never say, "We sit alone in judgment," for the Holy One, blessed be He, says to the judges: "Know ye that I sit among you, as is said, *For I the Lord love judgment*" (Isa 65:8). (*Midr. Ps. [Psalm 82]*, trans. from Hebrew and Aramaic by William Braude [New Haven, 1959] 60)

In order to comprehend the solution presented in Psalm 82 and trace its elaboration of Genesis 6, the Psalm will be submitted to a close reading. In addition, we will consider how the psalmist coped with the mythological overtones of another biblical verse, Deut 32:8, which underwent masoretic cosmetic treatment to strip it of any pagan elements. The psalmist, however, had the original version, as preserved in several text witnesses (see below). Our analysis will show that the psalmist combined



"cease judging perversely"; compare with, for instance, "How long will you keep hopping between two opinions?" (1 Kgs 18:21), and "O Lord, God of Hosts, how long will You be wrathful toward the prayers of Your people?" (Ps 80:5).

The collocation "judge perversely," appearing nowhere else in the Bible, is the opposite of "judge with equity" (see Ps 58:2),¹⁴ and stands for the longer *you shall not render an unfair decision* (cf. Lev 19:15, 35); that is, your rulings are false, a travesty of justice, while God's "judgment is never false"; "all his ways are just; a faithful God, never false" (Deut 32:4), and He has every right to castigate those judges. The next line amplifies their misdeeds: the wicked go free, the righteous are blamed. Similar verses also addresses partiality in the courts: "It is not right to be partial to the guilty and subvert the innocent in judgment" (Prov 18:5), and a verse already cited here: "You shall not render an unfair decision: do not favor the poor or show deference to the rich" (Lev 19:15). Possibly, "showing favor" was a ritual act carried out by the judge to signal his decision: following God's rebuke to the friends of Job (Job 42:7–8), "God showed favor to Job" (v. 9). When judges show favor to the guilty, it may be presumed that they have been bribed; compare with "The Lord your God is God supreme . . . who shows no favor and takes no bribe" (Deut 10:17; see also Job 13:3–4, 19; 2 Chr 19:7).

Verses 3–4	עני ורש הצדיק	שפטו דל ויתום
	מיד רשעים הצילו	פלטו דל ואביון

Judge the wretched and the orphan, the lowly and the poor do vindicate, rescue the wretched and the needy, from the hand of the wicked save them.

The two verses conform to an identical rhythm and pattern, paralleling each other: 3a and 4a open with an imperative, while in 3b and 4b the imperative comes at the end. Verses 3a, 3b, and 4a all mention two sorts of people in need of legal redress (4b is the exception): **דל ויתום / עני**. **דל ואביון** 'Judge the wretched and the orphan' refers back to 2a: "How long will you *judge*"; 4b: "saving them from the hand of the *wicked*" refers back to 2b: "showing favor to the *wicked*." In vv. 3–4, then, God is offering the errant judges—the divine assembly—a second chance—the opportunity to mend their ways—by means of a shift from rhetorical question to imperative. The pattern of rhetorical ques-

14. See H. P. Chajes, **ספר תהלים** (Jerusalem, 1970) 91.



tion followed by imperative appears in a verse previously cited here, 1 Kgs 18:21: "How long will you keep hopping between two opinions? If the Lord is God, follow Him." The verb "to judge" (**שפטו**) in the context of meting out justice combines with "vindicate" (**הצדיקו**) in the parallel clause, with the second verb now acting as adverb.¹⁵ It is also possible, however, that "judge" has the same denotation as "deliver," for instance: "Let him champion the lowly among the people, deliver the needy folk" (Ps 72:4; see also Judg 2:15, 18). The imperative "vindicate" may also denote deliverance, as in the collocation "a just God and a deliverer" (Isa 45:21; see also Isa 46:13: "I am bringing My victory close; it shall not be far, and My triumph shall not be delayed"; and compare Zech 9:9).

The word pair **דל ויתום** is also unique. Some prefer to emend **דל** to **דך** (see Ps 10:18).¹⁶ Since **דל** is repeated in 3a and in 4a, **דל ויתום** seems to refer to an orphan who is also wretched, thereby doubly in need of redress. On "judge" in proximity to "wretched," see Isa 11:4; Prov 29:14; on "judge/orphan," see Isa 1:17, 23.

Similarly, the word pair **עני ורש** appears only here. The opposition rich/poor appears in Prov 22:2. The words **רש** and **רשע** are alliterative, forming an inclusio,¹⁷ a telling way of saying that, instead of pandering to the wicked, the needy should be cared for.

The two imperatives in v. 3 denote both justice for the poor and their deliverance, whereas in 4a–b both verbs denote deliverance. On the parallelism of **נצל** and **פלט** (to rescue, deliver), see Pss 22:9; 71:2. **דל ואביון** in 4a (see also Ps 72:13) are synonyms for **עני ורש** in 3b. And "the wicked" in 4b refers back to "the wicked" in 2b. Instead of favoring the wicked, their victims should be saved (for "saving from the wicked" see Ps 97:10). This would rectify the previous malfeasance of the judges.

The Psalmist's Response to God's Castigation of the Judges (v. 5)

The psalmist's response, voiced in the wake of God's rebuke, fills in gaps in the dramatic plot. It becomes apparent that God's rebuke went

15. See A. Chakham, **תהלים עג-קנ** (Jerusalem, 1990) 87.

16. See, for instance, BHS; this is unwarranted. See the text in MasPs^a, published by S. Talmon, in *Masada VI: The Yigael Yadin Excavations, 1963–1965—Final Report* (Jerusalem, 1999) 80–81.

17. See L. K. Handy, "Sounds, Words and Meanings in Psalm 82," *JSOT* 47 (1990) 54.



unheeded; the judges have not mended their ways. In the exposition, it will be recalled, the psalmist sketched out only the bare bones of the dramatic situation for the reader; now, however, he becomes an active voice proclaiming the outcome of God's efforts.

Verse 5 לא ידעו ולא יבינו בחשכה יתהלכו ימוטו כל מוסדי ארץ
They neither know nor understand, they go about in darkness; all the foundations of the earth totter.

The verbs chosen by the psalmist to emphasize the judges' callousness bear upon their intellectual and aesthetic capacities alike. Intellectually, the judges have failed to take the rebuke to heart; physically, they cannot see what is before their eyes. For this twofold meaning of "neither know nor understand," see Isa 44:18, referring to idolators: "They have no wit or judgment: their eyes are besmeared, and they see not; their minds, and they cannot think" (Isa 44:18). The affinity between verbs of knowing and seeing is well known; "to see" and "to know" are interchangeable in the following identical verses: "and who had *known* all the deeds of the Lord, that he had done for Israel" (Josh 24:31) and "who had seen all the great work of the Lord, that he did for Israel" (Judg 2:7; see also Lev 5:1; Qoh 6:5). The story of the Garden of Eden concatenates knowing and seeing in the serpent's speech: "but God knows that as soon as you eat of it your eyes will be opened and you will be like divine beings who know good and bad" (Gen 3:5). For knowledge implies judgment, the ability to discern right from wrong. The description of the eating of the fruit employs an ambiguous verb: "When the woman saw that the tree was good for eating and a delight to the eyes and a tree to be desired to make one wise" (v. 6)—*להשכיל* 'to make wise' pertaining to both knowledge and sight. Eating of the fruit results in keener sight and comprehension: "Then the eyes of both of them were opened, and they perceived that they were naked" (v. 8). While Adam and Eve's sin resulted in their knowing and seeing like God, the *אלהים* in the psalm under discussion (whoever they may be) sin because they do not comprehend and therefore do not see; "they go about in darkness." (For the coupling of "going" and "darkness," see Isa 9:1; 50:10).¹⁸ Possibly the judges see nothing because they have been bribed; see above, on "showing favor to the wicked" (v. 2); "For bribes

18. On the correspondence of seeing/knowing, see I. L. Seeligmann, "Erkenntnis Gottes und historisches Bewusstsein im alten Israel," *Beiträge zur alttestamentlichen Theologie: Festschrift für W. Zimmerli zum 70. Geburtstag* (Göttingen, 1977) 420–25.



blind the clear-sighted and upset the pleas of those who are in the right" (Exod 23:8 and Deut 16:19; see Rashi, Ibn Ezra, and Qimḥi on Ps 82:2).¹⁹

The affinity between light and justice, on the one hand, and going about in darkness and miscarriage of justice, on the other, is copiously attested in the Bible. On light and justice, see, for example, ". . . until He champions my cause and upholds my claim. He will let me out into the light; I will enjoy vindication by Him" (Mic 7:9); "He issues judgment every morning, as unfailing as the light" (Zeph 3:5); "He will cause your vindication to shine forth like the light, the justice of your case, like the noonday sun" (Ps 37:6). And for darkness as signifying wickedness, see Prov 2:13: ". . . who leave the paths of rectitude to follow the ways of darkness"; light/darkness also appear together: "A light shines for the upright in the darkness" (Ps 112:4; Malbim's commentary remarks: "'In the darkness' refers to legal justice, which is the light of the world and the foundations of the world; lack of justice makes people walk in darkness . . .").

In Psalm 82, darkness describes both the wayward judges and the netherworld, the place of their ultimate fate and punishment (see below, v. 7) and compare "The wicked perish in darkness" (1 Sam 2:9).²⁰

By persisting in acting in darkness, the judges will plunge the world back into its original state of chaos prior to Creation: "The earth being unformed and void, with darkness over the surface of the deep" (Gen 1:2). On the allusion at the end of the poem, "all the foundations of the earth totter" (v. 5), see Isa 24:18–20:

For sluices are opened on high,
and earth's foundations tremble.
The earth is breaking, breaking;
The earth is crumbling, crumbling;
The earth is tottering, tottering;
The earth is swaying like a drunkard;
it is rocking to and fro like a hut.
Its iniquity shall weigh it down,
And it shall fall, to rise no more.

The act of Creation consisted of setting the world on its foundations; see, for example, "I, who planted the skies and made firm the earth"

19. See also Chakham, *תהלים*, 82.

20. See F. I. Andersen, "A Short Note on Psalm 82,5," *Bib* 50 (1969) 393–94.



(Isa 51.16); "He established the earth on its foundations, so that it shall never totter" (Ps 104:5). The blindness of the judges undermines and subverts the social order itself, for without justice the world threatens to revert to its original state of chaos and darkness.

*God Addresses the Divine Assembly:
The Punishment of the Judges (vv. 6–7)*

The voice of the psalmist bridges the gap between God's two pronouncements before the divine assembly: His initial impugnement of the judges, with the extension of a reprieve if they mend their ways; and His final decree of punishment, since they have not repented, as we know from the psalmist.

God's first pronouncement began with an overview of the state of affairs in the past (v. 2) and ended with expectations for the future (vv. 3–4). This pattern is subsequently repeated in the second pronouncement, with v. 6 revealing how God has perceived of the judges hitherto and v. 7 proclaiming their imminent punishment. While God's expectations of the judges for the future were shattered—He beseeched them to judge fairly but they failed to comply—their punishment will be carried out, as the conclusion makes clear.

Verse 6 **אני אמרתי אלהים אתם ובני עליון כלכם**

I had taken you for divine beings, sons of the Most High, all of you.

The **אלהים**-judges erred in disregarding God's command to judge fairly; God was mistaken in thinking them divine beings. "I had said" in the sense of "I had taken you for" opens God's address with a recapitulation of His past misconception (see, for example, Num 24:11; Judg 15:2; 1 Sam 2:30; 2 Sam 12:22; 2 Kgs 5:11). God had unsuspectingly taken the judges for **אלהים**, divine beings, **בני עליון**, literally, 'sons of the Most High', with 'sons' referring back perhaps also to **אלהים**, to mean 'sons of Elyon', 'sons of **אלהים**'.²¹ "Sons of **אלהים**" is the designation for the divine beings who consorted with the beautiful daughters of man (Gen 6:1). This is also the meaning of **בני עליון**: divine beings, the fellowship of God, members of His council. True, 'Elyon' is a Canaanite deity,²² but in the biblical narrative the appellative becomes a name for *yhwh*. See, for instance, "When the Most High gave nations their homes/ And

21. See Chakham, **תהלים**, 89.

22. See U. Cassuto, "אל עליון," *EncBib* 1.288–89.



set the divisions of man,/ He fixed the boundaries of peoples,/ In relation to Israel's numbers.²³ For the Lord's portion is His people, Jacob His own allotment" (Deut 32:8–9; see also Pss 78:17, 56; 92:2; 97:9 and *passim*).

Verse 7 **אכן כאדם תמותון וכאחד השרים תפלו**

But you shall die as men do, fall as any prince.

Here, as elsewhere, the connective **אכן** signifies disillusionment, bitter realization: see Jer 3:19–20: "I had resolved to adopt you as My child, and I gave you a desirable land . . . instead . . . as a woman breaks faith with a paramour" (see also Zeph 3:7; Ps 31:23).

The judges are not divine beings; they lack the paramount quality belonging solely to the gods: immortality. God, in saying, "you shall die as men do," with the alliterative **ימותו** (v. 5) and **תמותון** (v. 7) alludes to Adam (see Rashi), who forfeited immortality by choosing not to eat of the Tree of Life. Adam, however, was never destined for immortality, and his banishment from Eden only put an end to any such possibility; but the divine judges should have lived forever. But, having sinned, they are banished from heaven to become human, "any ordinary man," with "any" referring back also to modify "man." Samson, referring to himself, says, "I should become as weak as an ordinary man" (Judg 16:7, 11).

There is also an allusion here to the story of the Nephilim in Genesis (6:1–4)—the offspring of the sons of the gods and the daughters of man: "My breath shall not abide in man forever" (v. 3). These offspring are mortal, human: Nephilim (v. 6). The psalmist understands **נפילים** as deriving from **נפל** 'to fall': "fall like any prince." The fall of the princes is the punishment for favoring the wicked (v. 2): note the alliteration.²⁴ Psalm 82 also makes reference to the dirge over the king of Babylon in Isa 14: he mistakenly thought he was a god: "Once you thought in your heart, 'I will climb to the sky. . . I will match 'Elyon'" (vv. 13–14). But God ordained a different fate for him: "How are you fallen from Heaven, O Shining One, son of Dawn!"²⁵ (v. 12). Like the divine beings in Ps 82, he, too, goes to the underworld, Sheol, to dwell in darkness: "Instead, you are brought down to Sheol, to the bottom of the

23. On the variants of this verse, see discussion below.

24. See G. Cooke, "The Sons of (the) God(s)," *ZAW* 76 (1964) 34.

25. See also Jer 23:12; Pss 5:11; 36:13.

Pit" (v. 15). See also the dirge over the fall of the king of Tyre and his descent into the Pit, Ezek 28:1–4.²⁶ In Psalm 82, "any prince" parallels "men" (v. 7) and refers to flesh-and-blood judges: the affinity of the two elements can be seen in "a prince and a judge" (Exod 2:14; see also Mic 7:3; Ps 148:11). The judges will suffer death as mortals. The parallelism of "men" (= ordinary men) and "one of the princes" may be a merism, meaning all men, from the lowliest to the mightiest. That is: you shall die—as they do.²⁷ Verse 6, then, is the inversion of v. 5: previously God had mistaken the judges for divine beings; He now realizes they are "men." He had thought them sons of the "Most High" but now they will fall.

The Psalmist's Response to the Punishment Meted Out by God to the Judges (v. 8)

In his earlier appearance, the psalmist, speaking in his own voice, was content to remain an observer, offering explanations: the expression of his feeling that the foundations of the earth are tottering (v. 5). Now he addresses God directly, urging Him to fill the place of the deposed judges and judge the land Himself.

Verse 8 קומה אלהים שפטה הארץ כי אתה תנחל בכל הגוים:
Arise, O God, judge the earth, for all the nations are Your possession.

The opening line of the psalm mentioned both God and the judges; v. 5 speaks of the judges; and now the psalmist addresses God. In the first line God "stands" in His assembly; now He is being urged to "Arise . . . and judge."²⁸ Now that the judges have been deposed, as we learn from the previous appearance of the psalmist in his own voice, it is fitting for God to rise and take their place.²⁹ For rise/fall parallelism see, for instance, Isa 24:20; Jer 50:32; Amos 5:2; 8:14; 9:11. The invocation "Arise, O God" echoes Moses' prayer: "Arise, O Lord, may Your enemies be scattered" (Num 10:35–36; and note the extended form, קומה, in Pss 3:8; 7:7; 9:20; 10:12, and passim). God is called upon to judge in place of the disgraced judges, His jurisdiction being "the earth," that is, the universe (see Gen 18:25; Pss 94:2; 96:13; 98:9; 1 Chr 16:33), be-

26. On the tradition of the fall of divine beings in Jewish sources, see Ginzberg, *Legends of the Jews*, 1.124–27 and 5.59–67.

27. Tsevat, "Psalm 82," 140.

28. See Handy, "Psalm 82," 52.

29. See Prinslo, "Psalm 82," 228.

cause the very universe has been shaken, and "all the foundations of the earth totter," as the psalmist told us in his former appearance, v. 5, due to the waywardness of the judges. In the psalmist's concluding words—God will rule and not the nations—"earth" parallels "all the nations" (see also Exod 34:10; Isa 14:26; 25:7–8; 1 Chr 14:17). The final words of this verse clearly echo Moses' poem cited above:

When 'Elyon gave nations their homes
And set the divisions of man,
He fixed the boundaries of peoples
In relation to the numbers of Israel. (Deut 32:8)³⁰

However, Psalm 82 uses none other than the original, mythological source of the verse, attested in the Septuagint and at Qumran: למספר בני אל (הים).³¹ No longer will any portion of land remain for the divine beings mentioned in the psalm under discussion, for they have fallen from on high to become mere mortals. God alone will possess all the nations; they are all solely His to rule and judge.

Though the structure of the psalm has been indicated in the above analysis, it will now be set out in full:

- I. *Psalmist's exposition* (v. 1)
- II. *God* in the divine assembly—castigation of the judges (vv. 2–4)
- III. *Psalmist's response* to God's castigation of the judges (v. 5)
- IV. *God* addressing the divine assembly—the punishment of the judges (vv. 6–7)
- V. *Psalmist's response* to punishment meted out to the judges (v. 8)³²

The poem's symmetrical structure is clearly evident in the above outline. The psalmist speaks three times: in the beginning, the middle, and the conclusion (sections I, III, V), and God's two addresses to the divine assembly are embedded among the psalmist's speeches (sections II, IV).

30. S. E. Loewenstamm, "Nahalat YHWH," *Scripta Hierosolymitana* 31 (1986) 155–92 = *From Babylon to Canaan* (Jerusalem, 1992) 322–60; idem, *The Evolution of the Exodus Tradition* (trans. B. J. Schwartz; Jerusalem, 1992) 115–17 n. 68; Tsevat, "Psalm 82," 141–42.

31. See P. W. Skehan, "A Fragment of the 'Song of Moses' (Deut 32) from Qumran," *BASOR* 136 (1954) 12–15.

32. See M. Buber, *Right and Wrong: An Interpretation of Some Psalms* (London, 1953) 20–30.

We may now add some further observations: the psalmist's involvement grows steadily, from an objective observer providing the reader with factual information about the scene being enacted to a commentator, going so far in his second appearance as to provide additional details to fill the gap in the reader's knowledge—the fact that the rebuke to the judges did not produce the hoped-for results, and they failed to mend their ways. The psalmist is cognizant of the inherent danger: “all the foundations of the earth totter.” In his last appearance, which concludes the psalm, the psalmist is no longer an impartial observer or even a commentator; he takes an active part in the drama, calling upon God to take over from the deposed judges and judge the land. The concluding words may now be seen to refer back to the opening: God stands in judgment in the assembly to judge the judges, then is called upon to judge the entire land and all the nations.

Although subtly bound up together with God's words, the psalmist's speeches can be read together as an independent unit: God rises to judge the judges (v. 1); the latter are errant, causing the foundations of the earth to totter (v. 5); God is called upon to take their place and judge in their stead (v. 8).

Symmetry is evident also in God's two addresses to the judges: they begin with a retrospective (vv. 2, 6); then comes the forward-looking continuation (vv. 3–4, 7). Internally, the two speeches are also precisely balanced: vv. 3–4 are the inversion of 2a–b:

- v. 2: you judge perversely showing favor to the wicked
 v. 3: Judge the wretched and the orphan
 v. 4: from the hand of the wicked save them

God's second address (v. 7) is the inversion of v. 6:

v. 6: divine beings	sons of the Most High
↓	↓
v. 7: men	fall

Intertextual Allusions

The above textual analysis demonstrates that the psalmist freely incorporated many traditions from the biblical narrative into the psalm

under discussion. The story of Creation is evoked by his allusion to a reversion to chaos and darkness. He also inverts the story of the Garden of Eden: there, Adam and Eve learned (albeit by forbidden means) the meaning of right and wrong, and thus immortality was denied them; whereas now, the judges (who should have been immortal) forfeit immortality because they refuse to see and understand. Even more prominent here is another Creation myth: that of the sons of the gods and the Nephilim (Gen 6:1–4). The Nephilim in Genesis do not merit immortality: the divine beings in the psalm are also doomed to die as mortals. The psalm alludes both to Creation, the beginning of the Pentateuch, and its end, the prayer of Moses at the end of Deuteronomy—according to its ancient, mythological version preserved in the Septuagint and Qumran: “When the Most High divided the nations, when He separated the sons of Adam, He set the bounds of the nations according to the number of the angels of God” (Deut 32:8). According to the psalmist, God (‘Elyon) will not permit the divine beings any dominion but, rather, He alone will rule over all the nations and all the land, sole ruler and fair judge.

The psalm bears a marked affinity to several other biblical texts as well:

1. The dirge of the king of Babylon (Isaiah 14), who believed himself to be a god, just as God, in Psalm 82, wrongly assumed that the אֱלֹהִים-judges were divine beings. In similar formulation to God's “I had said” (Ps 82:6) (meaning “I had thought”—wrongly) is Isaiah's speech to the king: “you had said” (v. 13). The judges fall (v. 7); so, too, the king of Babylon: “How did you fall from heaven?” (14:12).
2. Similarly, the dirge over the king of Tyre (Ezekiel 28), who also thought he was a god: “Because you have been so haughty and have said, ‘I am a god’” (v. 2), though in fact “but a man” (vv. 2, 9), fated to die a horrible death (v. 10).
3. Psalm 58 also sets out by accusing the judges, with a rhetorical question, of being guilty of the miscarriage of justice: “O mighty ones [this should read אֱלִים ‘gods’ instead of the Masoretic emendation אֱלִים ‘silence’, or, ‘in private’,³³ designed apparently to excise the mythological traces], do you really decree what is just? Do you judge mankind with equity?” (v. 2). Psalm 82 levels the same accusation

33. See R. B. Salters, “Psalm 82, 1 and the Septuagint,” *ZAW* 103 (1991) 238.



against the judges: "How long will you judge perversely?" (v. 2); and "In your minds you devise wrongdoing" (v. 3). Psalm 58 also concludes with the hope that God will judge the land: "There is, indeed, divine justice on earth" (the Septuagint renders שִׁפְטִים; v. 12). Psalm 58, therefore, like Psalm 82, depicts the deposed gods/judges and recognizes God as sole judge.

4. The prophecy in Isa 3:13–15 is apparently based on Psalm 82, although there it is obvious to the prophet that the blameworthy judges are human: "The Lord stands up to plead a cause . . . against the elders and officers of His people. . . . How dare you crush My people and grind the faces of the poor?"

The Identity of the אלהים-Judges in Psalm 82

It seems that the psalm seeks to arrive at an exegetical compromise: well aware, on the one hand, of the early exegetical interpretation (as we understand it) that the sons of אלהים are none other than judges (mortal judges), but at the same time wishing to acknowledge the other, polytheistic tradition, whereby the (sons of) אלהים are divine beings and not mortal men.

The psalmist plots a course of compromise between the two approaches: the narrator presenting the scene of judgment believes in all innocence that the judges are divine. In fact, God Himself believed that they were not mortals. It was only the wayward behavior of the judges, totally devoid of insight and understanding, that triggered God's realization that they were flesh and blood—men—not gods. The judges of mankind were mistakenly labeled gods, but this designation was subsequently denied them, leaving God alone as supreme judge in the land.

If, then, Psalm 82 seeks to introduce an exegetical compromise, enabling "it to eat the cake and have it, too," dismissing mythological beliefs but acknowledging that the judges were once regarded as divine beings, we may consider it an ancient attestation of the exegetical tradition according to which אלהים and the sons of אלהים dispense justice—a concept familiar hitherto from the talmudic-midrashic literature and the Aramaic translations.

The psalmist succeeds in neutralizing his mythological sources (such as Gen 6:1–4 and Deut 32:8) without resorting to corrupting the text (as in the Masoretic redaction of the hortatory poem in Deuteronomy 32), in a way that furnishes a clear picture of the switch from the belief that the sons of אלהים are divine beings to the belief that they are human beings.

PART 2



Studies on Biblical Hebrew, History, and Geography