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# Are Yahweh and El Distinct Deities in Deut. 32:8-9 and Psalm 82?

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## Introduction

The polytheistic nature of pre-exilic Israelite religion and Israel’s gradual evolution toward monotheism are taken as axiomatic in current biblical scholarship. This evolution, according to the consensus view, was achieved through the zealous commitment of Israelite scribes who edited and reworked the Hebrew Bible to reflect emerging monotheism and to compel the laity to embrace the idea. One specific feature of Israelite religion offered as proof of this development is the divine council. Before the exile, Israelite religion affirmed a council of gods which may or may not have been headed by Yahweh. During and after the exile, the gods of the council became angels, mere messengers of Yahweh, who by the end of the exilic period was conceived of as the lone council head over the gods of all nations. Deuteronomy 32:8-9 and Psalm 82 are put forth as rhetorical evidence of this redactional strategy and assumed religious evolution. The argument is put forth that these texts suggest Yahweh was at one time a junior member of the pantheon under El the Most High, but that he has now taken control as king of the gods. Mark S. Smith’s comments are representative:

The author of Psalm 82 deposes the older theology, as Israel's deity is called to assume a new role as judge of all the world. Yet at the same time, Psalm 82, like Deut 32:8-9, preserves the outlines of the older theology it is rejecting. From the perspective of this older theology, Yahweh did not belong to the top tier of the pantheon. Instead, in early Israel the god of Israel apparently belonged to the second tier of the pantheon; he was not the presider god, but one of his sons.<sup>1</sup>

The focus of this paper concerns the position expressed by Smith and held by many others: whether Yahweh and El are cast as separate deities in Psalm 82 and Deuteronomy 32. This paper argues that this consensus view lacks coherence on several points. This position is in part based on the idea that these passages presume Yahweh and El are separate, in concert with an “older” polytheistic or henotheistic Israelite religion, and that this older theology collapsed in the wake of a monotheistic innovation. The reasoning is that, since it is presumed that such a religious evolution took place, these texts evince some sort of transition to monotheism. The alleged transition is then used in defense of the exegesis. As such, the security of the evolutionary presupposition is where this analysis begins.

## Backdrop to the problem

In the spirit of going where angels—or perhaps gods in this case—fear to tread, in my dissertation I asked whether this argumentation and the consensus view of Israelite religion it produces were coherent.<sup>2</sup> I came to the position that Israelite religion included a council of

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<sup>1</sup> Mark S. Smith, *The Origins of Biblical Monotheism: Israel's Polytheistic Background and the Ugaritic Texts* (Oxford: Oxford University Press, 2001), 49.

<sup>2</sup> Michael S. Heiser, “The Divine Council in Late Canonical and Non-Canonical Second temple Jewish

gods (אלהים) and servant angels (מלאכים) under Yahweh-El from its earliest conceptions well into the Common Era. This conception included the idea that Yahweh was “species unique” in the Israelite mind, and so terms such as henotheism, polytheism, and even monolatry are not sufficiently adequate to label the nature of Israelite religion. Those who use such terms also assume that אלהים is an ontological term in Israelite religion, denoting some quality or qualities that points to polytheism if there are more than one אלהים. This fails to note the use of the term within and without the Hebrew Bible for the departed human dead and lower messenger beings (מלאכים).<sup>3</sup> Rather, אלהים in Israelite religion denotes the “plane of reality” or domain to which a being properly belongs (for example, the “spirit world” versus the “corporeal world”). For these reasons and others it is more fruitful to describe Israelite religion than seek to define it with a single term.

Questioning the consensus on such matters requires some explanation, and so the path toward consensus skepticism is briefly traced below via several examples where the consensus view suffers in coherence. These examples demonstrate that the consensus view has been elevated to the status of a presupposition brought to the biblical text that produces circular reasoning in interpretation.

First, Deutero-Isaiah is hailed as the champion of intolerant monotheism, giving us the first allegedly clear denials of the existence of other gods. And yet it is an easily demonstrated fact that every phrase in Deutero-Isaiah that is taken to deny the existence of other gods has an exact or near exact linguistic parallel in Deuteronomy 4 and 32—two passages which every scholar of Israelite religion, at least to my knowledge, rightly sees as affirming the existence of other gods. Deutero-Isaiah actually puts some of the same denial phrasing into the mouth of personified Babylon in Isaiah 47:8, 10. Should readers conclude that the author has Babylon denying the existence of other cities? Why is it that the same phrases *before* Deutero-Isaiah speak of the incomparability of Yahweh, but *afterward* communicate a denial that other gods exist?

Second, the rationale for the shift toward intolerant monotheism is supported by appeal to the idea that since Yahweh was once a junior member of the pantheon, the belief in his rulership over the other gods of the nations in a pantheon setting is a late development. The consensus thinking argues that Yahweh assumes a new role as judge over all the world and its gods as Israel emerges from the exile.

This assertion is in conflict with several enthronement psalms that date to well before the exilic period. Psalm 29 is an instructive example. Some scholars date the poetry of this psalm between the 12<sup>th</sup> and 10<sup>th</sup> centuries B.C.E.<sup>4</sup> The very first verse contains plural imperatives directed at the בני אלים, pointing to a divine council context. Verse 10 declares: יהוה למבול ישב וישב יהוה מלך לעולם: (“The LORD sits enthroned over the flood; the LORD sits enthroned as king forever”). In Israelite cosmology, the flood upon which Yahweh sat was situated over the solid dome that covered the round, flat earth. Since it cannot coherently be asserted that the author would assert that Gentile nations were *not* under the dome and flood, this verse clearly reflects the idea of world kingship. And in Israelite cosmic geography, reflected in Deuteronomy 32:8-9 and 4:19-20, the nations and their gods were inseparable. The Song of Moses, among the oldest poetry in the Hebrew Bible, echoes the

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Literature” (Ph.D. diss., University of Wisconsin-Madison, 2004).

<sup>3</sup> Examples in the Hebrew Bible would include Genesis 28:12 (compared with Genesis 32:1-2, and in turn comparing Genesis 32:1-2 with the plural predication in Genesis 35:7) and 1 Samuel 28:13.

<sup>4</sup> F. M. Cross, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge: Harvard University Press, 1973), 90-93. See also David Noel Freedman, “Who is Like Thee Among the Gods?” in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross*, ed. Patrick D. Miller Jr., Paul D. Hanson, and S. Dean McBride (Philadelphia: Fortress, 1987), 317.

thought. In Exodus 15:18 the text reads: יְהוָה יִמְלֹךְ לְעֹלָם וָעֶד ("The LORD will reign forever and ever"). As F. M. Cross noted over thirty years ago, "The kingship of the gods is a common theme in early Mesopotamian and Canaanite epics. The common scholarly position that the concept of Yahweh as reigning or king is a relatively late development in Israelite thought seems untenable."<sup>5</sup>

Lastly, my own work on the divine council in Second Temple period Jewish literature has noted over 170 instances of plural אֱלֹהִים or אֱלִים in the Qumran material alone. Many of these instances are in the context of a heavenly council. If a divine council of gods had ceased to exist in Israelite religion by the end of the exile, how does one account for these references? The Qumran material and the way it is handled is telling with respect to how hermeneutically entrenched the consensus view has become.

As all the scholarly studies on the divine council point out, in terms of council personnel, the אֱלֹהִים and מְלֹאכִים were distinguished,<sup>6</sup> but scholars who do draw attention to the Qumran material say that this deity vocabulary now refers to angels. For example, Mark S. Smith asserts that later Israelite monotheism, as represented by Second Isaiah, "reduced and modified the sense of divinity attached to angels" so that words like אֱלִים in the Dead Sea Scrolls must refer to mere angels or heavenly powers "rather than full-fledged deities."<sup>7</sup> L. Handy also confidently states that "by the time of the Dead Sea Scrolls . . . the word אֱלֹהִים was used even by contemporary authors to mean 'messengers,' or what we call 'angels,' when it was not used to refer to Yahweh . . . these אֱלֹהִים, previously understood as deities, had come to be understood as angels."<sup>8</sup>

But why *must* these terms refer to angels? Whence does this assurance emerge? Why does the same vocabulary mean one thing before the exile but another after? A tagged computer search of the Dead Sea Scrolls database reveals there are no lines from *any* Qumran text where a "deity class" term (אֱלֹהִים/ אֱלִים [בְּנֵי]) for a member of the heavenly host overlaps with the word מְלֹאכִים, and so the conclusion is not data-driven. In fact, there are only eleven instances in the entire Qumran corpus where these plural deity terms and מְלֹאכִים occur within fifty words of each other.<sup>9</sup> Scholars like C. Newsom, trying to account for the data, refer to these deities as "angelic *elim*," a term that is oxymoronic with respect to the tier members of the divine council.

It is difficult to discern what else guides such a conclusion other than the preconception of a certain trajectory toward intolerant monotheism. Such reasoning unfortunately assumes what it seeks to prove. The plural deity words in texts composed after the exile cannot actually express a belief in a council of gods, because that would result in henotheism or polytheism. Rather, the word must mean "angels," because that would *not* be henotheism or polytheism. The consensus reconstruction becomes the guiding hermeneutic.

### **Yahweh and El, or Yahweh-El in Psalm 82?**

Psalm 82:1 is a focal point for the view that the tiers of the divine council collapsed in later Israelite religion.<sup>10</sup>

<sup>5</sup> F. M. Cross and D. N. Freedman, *Studies in Ancient Yahwistic Poetry* (Missoula, MT: Scholars Press, 1975), 45, n. 59.

<sup>6</sup> To my knowledge, all recent scholarly treatments of the material from Ugarit and the Hebrew Bible with respect to the divine council distinguish these entities in the pantheon. For example, see E. Theodore Mullen, Jr., *The Divine Council in Canaanite and Early Hebrew Literature*, Harvard Semitic Monographs, vol. 24 (Chico, CA: Scholars Press, 1980), 175-209; Lowell K. Handy, *Among the Host of Heaven: The Syro-Palestinian Pantheon as Bureaucracy* (Winona Lake, IN: Eisenbrauns, 1994), 97-168; Smith, *Origins*, 41-53.

<sup>7</sup> Smith, *Origins*, 47-51.

<sup>8</sup> Lowell K. Handy, "One Problem Involved in Translating to Meaning: An Example of Acknowledging Time and Tradition," *SJOT* 10:1 (1996): 19.

<sup>9</sup> This statement reflects searches in *The Dead Sea Scrolls Electronic Reference Library (CD-ROM)*, ed. Timothy H. Lim in consultation with Philip S. Alexander (Leiden: E. J. Brill, 1997).

<sup>10</sup> All poetic line breaks and parallelism in this article are taken from *Tanakh: A New Translation of the Holy Scriptures*

God stands in the divine council;  
 in the midst of the gods he holds judgment.

אֱלֹהִים נֹצֵב בְּעֵדֹת־אֵל  
 בְּקֶרֶב אֱלֹהִים יִשְׁפֹּט:

S. Parker states that, while “there is no question that the occurrences of *’elohim* in verses 1a, 8 refer (as usually in the Elohist psalter) to Yahweh,” and that “most scholars assume that God, that is Yahweh, is presiding over the divine council,” Yahweh is actually just “one of the assembled gods under a presiding El or Elyon.”<sup>11</sup> Parker supports his conclusion by arguing that noting that the verb נֹצֵב (“stand”) in 82:1 denotes prosecution, not presiding, in legal contexts.<sup>12</sup> Psalm 82, then, depicts the high god El presiding over an assembly of his sons. Yahweh, one of those sons, accuses the others of injustice. His role is prosecutorial, not that of Judge. That role belongs to El. The fact that Yahweh is standing, which means he is not the presiding deity, alerts us to Yahweh’s inferior status.

Continuing with Parker’s interpretation of Psalm 82, the accusation that follows in verses 2-5 is uttered by Yahweh, the prosecutorial figure:

“How long will you judge unjustly,  
 and show partiality to the wicked? *Selah*

עַד־מַתִּי תִשְׁפֹּטוּ־עוֹל 2  
 וּפְנֵי רָשָׁעִים תִּשְׂאוּ־סֵלָה:

Render justice to the weak and the fatherless;  
 Vindicate the afflicted and the destitute.

שְׁפֹטוּ־דָל וְיָתוּם 3  
 עָנִי וְרֵשַׁע הַצְּדִיקוּ:

Rescue the weak and the needy;  
 deliver them from the hand of the wicked.”

פְּלֹטוּ־דָל וְאֶבְיוֹן 4  
 מִיַּד רָשָׁעִים הַצִּילוּ:

They have neither knowledge nor understanding;  
 they walk around in darkness;  
 all the foundations of the earth are shaken.

לֹא יִדְעוּ | וְלֹא יָבִינוּ 5  
 בַּחֲשֹׁכָה יִתְהַלְכוּ  
 יִמוּטוּ כָּל־מוֹסְדֵי אָרֶץ:

These charges are immediately followed by the judicial sentencing, also considered to come from Yahweh:<sup>13</sup>

I said, “You are gods,  
 sons of the Most High, all of you;

אֲנִי־אָמַרְתִּי אֱלֹהִים אַתֶּם 6  
 וּבְנֵי עֲלִיוֹן כְּלַכֶּם:

nevertheless, like humankind you shall die,  
 and fall like any prince.”

אֲכַן כְּאָדָם תָּמוּתוּן 7  
 וּכְאֶחָד הַשָּׂרִים תִּפְּלוּ:

To this point, Yahweh issues the charge and pronounces the sentence. No explanation is offered as to why, in the scene being created, the presumably seated El does not pronounce the sentence. In this reconstruction of the psalm, El apparently has no real function. He is supposed to be declaring the sentence, but the text does not have him doing so.

At this juncture, Yahweh takes center stage again in the scene. Smith, whose interpretation is similar to Parker’s, notes that, “[A] prophetic voice emerges in verse 8, calling for God (now called *’elohim*) to assume the role of judge over all the earth. . . . Here Yahweh in effect is asked to assume the job of all the gods to rule their nations in addition to

According to the Traditional Hebrew Text (Philadelphia: Jewish Publication Society, 1985).

<sup>11</sup> Simon B. Parker, “The Beginning of the Reign of God – Psalm 82 as Myth and Liturgy,” *RB* 102 (1995): 534-535.

<sup>12</sup> *Ibid.*, 536.

<sup>13</sup> Smith, *Origins*, 48; Parker, “The Beginning of the Reign of God,” 539-540.

Israel.”<sup>14</sup> Parker concurs that after Yahweh announces the fate of the gods, “the psalmist then balances this with an appeal to Yahweh to assume the governance of the world.”<sup>15</sup> Psalm 82:8 reads:

Arise, O God, judge the earth;  
for you shall inherit all the nations!

קוֹמָה אֱלֹהִים שִׁפְטָה הָאָרֶץ 8  
כִּי־אַתָּה תִּנְחַל בְּכָל־הַגּוֹיִם:

Note Parker’s words in the preceding quotation closely. In Psalm 82:8 he has the psalmist appealing to Yahweh, called אֱלֹהִים in the Elohist psalter, to *rise up* (קוֹמָה) to assume governance of the world. This is considered the lynchpin to the argument that there are two deities in this passage, but it appears in reality to be the unraveling of that position. If the prophetic voice now pleads for Yahweh to rise up and become king of the nations and their gods, the verb choice (קוֹמָה; “rise up”) means that, in the council context of the psalm’s imagery, *Yahweh had heretofore been seated*. It is actually Yahweh who is found in the posture of presiding, not El. El is in fact nowhere present in 82:8. If it is critical to pay close attention to posture in verse 1, then the same should be done in verse 8. Doing so leads to the opposite conclusion for which Parker argues.

It is more coherent to have Yahweh as the head of the council in Psalm 82 and performing all the roles in the divine court. The early part of the psalm places Yahweh in the role of accuser; midway he sentences the guilty; finally, the psalmist wants Yahweh to rise and act as the only one who can fix the mess described in the psalm.

This alternative is in agreement with early Israelite poetry (Psalm 29:10; Exodus 15:18) that has Yahweh ruling from his seat on the waters above the fixed dome that covers *all* the nations of the earth and statements in Deuteronomy and First Isaiah that Yahweh is אֱלֹהִים over all the heavens and the earth and all the nations.<sup>16</sup> It is also in concert with equations of Yahweh and El in the pre-exilic Deuteronomistic material like 2 Samuel 22:32 (הַיְהוָה מִי־אֵל מִבְּלִעְדֵי יְהוָה; “For who is El but Yahweh?”). Finally, it fits cohesively with the observation made by Smith elsewhere that the archaeological data shows that Asherah came to be considered the consort of Yahweh by the eighth century B.C.E. To quote Smith, “Asherah, having been a consort of El, would have become Yahweh's consort . . . only if these two gods were identified by this time.”<sup>17</sup> This means that El and Yahweh would have been merged in the high God position in the pantheon by the eighth century B.C.E., begging the question as to why, at least two centuries later, there was a rhetorical need to draw attention to Yahweh as high sovereign.

### Yahweh and El, or Yahweh-El in Deuteronomy 32:8-9?

Ultimately, the notion that El and Yahweh are separate deities in Psalm 82 must garner support from Deuteronomy 32:8-9, which most scholars see as pre-dating and influencing Psalm 82. Deuteronomy 32:8-9 reads:

When the Most High gave the nations as an inheritance,<sup>18</sup>

בְּהִנְחַל עֲלֵיוֹן גּוֹיִם 8

<sup>14</sup> Ibid., 48.

<sup>15</sup> Parker, “The Beginning of the Reign of God,” 546.

<sup>16</sup> See also Deuteronomy 3:24; 4:39; 7:9; 10:17; Joshua 22:22; Psalm 77:14; Isaiah 37:16.

<sup>17</sup> Smith, *Origins*, 49.

<sup>18</sup> Deut 32:8a reads בְּהִנְחַל עֲלֵיוֹן גּוֹיִם. בְּהִנְחַל is pointed as a Hiphil infinitive absolute, but should probably be understood as a defective spelling of the infinitive construct: בְּהִנְחַל (Paul Sanders, *Provenance of Deuteronomy 32* [Leiden: E. J. Brill, 1996], 154). The object of the infinitive form is גּוֹיִם. As Sanders notes, the Hiphil of the verb נָחַל can

when he divided mankind,  
he fixed the borders of the peoples  
according to the number of [the sons of God].

בְּהַפְרִידוֹ בְּנֵי אָדָם  
יָצַב גְּבֻלַת עַמִּים  
לְמִסְפָּר [בְּנֵי הָאֱלֹהִים]:<sup>19</sup>  
כִּי חֵלֶק יְהוָה עִמּוֹ<sup>9</sup>  
יַעֲקֹב חֵבֶל נַחֲלָתוֹ:

But the LORD's portion is his people,  
Jacob his allotted inheritance.

The importance of Deuteronomy 32:8-9 for the view that Psalm 82 contains hints of an older polytheistic theology where El and Yahweh were separate deities is stated concisely by Smith:

The texts of the LXX and the Dead Sea Scrolls show Israelite polytheism which focuses on the central importance of Yahweh for Israel within the larger scheme of the world; yet this larger scheme provides a place for the other gods of the other nations in the world. Moreover, even if this text is mute about the god who presides over the divine assembly, it does maintain a place for such a god who is not Yahweh. Of course, later tradition would identify the figure of Elyon with Yahweh, just as many scholars have done. However, the title of Elyon ("Most High") seems to denote the figure of El, presider par excellence not only at Ugarit but also in Psalm 82.<sup>20</sup>

That the text of LXX and the Dead Sea Scrolls is superior to MT in Deuteronomy 32:8-9 is not in dispute. At issue is the notion that the title Elyon in verse 8 *must* refer to El rather than to Yahweh of verse 9. There are several reasons why separating Yahweh and El here does not appear sound.

First, the literary form of Deuteronomy 32 argues against the idea that Yahweh is not the Most High in the passage. It has long been recognized that a form-critical analysis of Deuteronomy 32 demonstrates the predominance of the lawsuit, or רִיב pattern. An indictment (32:15-18) is issued against Yahweh's elect people, Israel, who had abandoned their true Rock (32:5-6; identified as Yahweh in 32:3) and turned to the worship of the other gods who were under Yahweh's authority. The judge—Yahweh in the text of Deuteronomy 32—then passes judgment (32:19-29).<sup>21</sup> The point is this: as with Psalm 82, the straightforward understanding of the text is that Yahweh is presiding over the lawsuit procedures and heavenly court.

Second, the separation of El and Yahweh in Deuteronomy 32:8-9 in part depends on the decision to take the כִּי of 32:9 as adversative, thereby denoting some contrast between Elyon of 32:8 and Yahweh of 32:9 ("However [כִּי], Yahweh's portion is his people . . .").<sup>22</sup>

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be "connected both with an *accusativus personae* (the inheriting person; hence, "When the Most High gave the nations their inheritance") or with an *accusativus rei* (the object inherited by this person; and so rendering, "When the Most High gave the nations as an inheritance"). Instructive parallels include Deut 1:38; 3:28; 21:16; 31:7; Josh 1:6; 1 Sam 2:8; Zech 8:12; and Prov 8:21 (Sanders, *Provenance of Deuteronomy 32*, 154). Both options are syntactically possible, but which should be preferred? The answer is to be found in Deut 32:9: "But the LORD's portion is his people, Jacob is his allotted inheritance." Verse nine clearly presents the nation Jacob/Israel as *being taken* (cp. Deut 4:19-20) as an allotted (חֵלֶק) inheritance.

Deuteronomy 4:19-20 makes the active "taking" clear. Note also the wordplay with the Hiphil verb in verse 8. The parallelism of MT's verse nine would require "nations" be given as an inheritance to the sons of God by the Most High.

<sup>19</sup> Textual critics of the Hebrew Bible are unanimous in agreement that the Qumran material is superior to the Masoretic text in Deut 32:8. See for example, P. W. Skehan, "A Fragment of the 'Song of Moses' (Deut 32) from Qumran," *BASOR* 136 (1954) 12-15; idem, "Qumran and the Present State of Old Testament Text Studies: The Masoretic Text," *JBL* 78 (1959) 21; Julie Duncan, "A Critical Edition of Deuteronomy Manuscripts from Qumran, Cave IV. 4QDt<sup>b</sup>, 4QDt<sup>c</sup>, 4QDt<sup>h</sup>, 4QDt<sup>j</sup>, 4QDt<sup>b</sup>, 4QDt<sup>k</sup>, 4QDt<sup>l</sup>," (Ph.D. diss., Harvard University, 1989); Emanuel Tov, *Textual Criticism of the Hebrew Bible* (Minneapolis: Fortress Press, 1992), 269; Eugene Ulrich et al., eds., *Qumran Cave 4.IX: Deuteronomy to Kings* (DJD XIV; Oxford: Clarendon Press, 1995), 75-79; P. Sanders, *The Provenance of Deuteronomy 32* (Leiden: E. J. Brill, 1996), 156; J. Tigay, *Deuteronomy, The JPS Torah Commentary* (Philadelphia: Jewish Publication Society, 1996), 514-518.

<sup>20</sup> Smith, *Origins*, 48-49.

<sup>21</sup> *Ibid.*, 33-53.

<sup>22</sup> Italics are for emphasis. For the arguments for an adversative כִּי, see J. Muilenburg, "The Linguistic and Rhetorical Usages of the Particle כִּי in the Old Testament," *Hebrew Union College Annual* 32 (1961): 140; and M. Tsevat, "God and the

Other scholars, however, consider the כִּי of 32:9 to be emphatic: "And lo [כִּי], Yahweh's portion is his people . . ." <sup>23</sup> Other scholars accept the adversative use but do not separate El and Yahweh in the passage. <sup>24</sup> Since scholarship on this construction lacks consensus, conclusions based on the adversative syntactical choice are not secure.

Third, Ugaritic scholars have noted that the title "Most High" (ʿlyn or the shorter ʿl) is never used of El in the Ugaritic corpus. <sup>25</sup> In point of fact it is Baal, a *second-tier deity*, who twice receives this title as the ruler of the gods. <sup>26</sup> The point here is to rebut the argument that the mere occurrence of the term עליון certainly points to El in Deuteronomy 32:8-9. Due to the well-established attribution of Baal epithets to Yahweh, the title עליון could conceivably point directly to Yahweh in Deuteronomy 32:8-9. It is also worth recalling that if Smith is correct that Yahweh and El were merged by the 8<sup>th</sup> century B.C.E. due to the transferal of Asherah to Yahweh as consort, then a Yahweh-El fusion had occurred before Deuteronomy was composed. Hence it would have been natural for the author of Deuteronomy to have Yahweh as the head of the divine council. Indeed, what point would the Deuteronomic author have had in mind to bring back a Yahweh-El separation that had been rejected two hundred years prior?

Fourth, although עליון is paired with El in the Hebrew Bible, as Miller and Elnes point out, it is most often an epithet of Yahweh. <sup>27</sup> Smith and Parker are of course well aware of this, but attribute it to "later tradition," contending that, in Deuteronomy 32:8-9 the title of Elyon should be associated with El distinct from Yahweh. Again, this would be most curious if Yahweh and El had been fused as early as the eighth century. In this regard, it is interesting that other texts as early as the eighth century speak of Yahweh performing the same deeds credited to עליון in Deuteronomy 32:8-9. For example, Isaiah 10:13 has Yahweh in control of the boundaries (גבולות) of the nations. <sup>28</sup> It appears that the presupposition of an early Yahweh and El separation requires the exegete to argue for "a later tradition" at this point.

Fifth, separating El and Yahweh in Deuteronomy 32:8-9 is internally inconsistent within Deuteronomy 32 and Deuteronomy at large. This assertion is demonstrated by the two preceding verses, Deuteronomy 32:6-7. Those two verses attribute no less than five well-recognized El epithets to Yahweh, demonstrating that the redactors who fashioned Deuteronomy recognized the union of El with Yahweh, as one would expect at this point in Israel's religion. <sup>29</sup>

Is this how you repay the LORD,

O foolish and senseless people?

Is he not your father, who created you?

הֲלֹא־הוּא הַיְהוָה הַתְּגַמְלוּ-זֹאת 6  
עִם נֶבֶל וְלֹא חָכֵם  
הֲלוֹא־הוּא אֲבִיךָ קִנְיָךְ

Gods in Assembly," *Hebrew Union College Annual* 40 (1969): 132, n. 28.

<sup>23</sup> Italics are for emphasis. See A. Schoors, "The Particle כִּי," *Old Testament Studies* 21 (1981): 240-253; J. Tigay, *The Jewish Publication Society Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 303; Duane L. Christensen, *Deuteronomy 21:10-34:12*, Word Biblical Commentary 6B (Nashville: Thomas Nelson Publishers, 2002), 791 (n. 9a-a), 796.

<sup>24</sup> Paul Sanders, *The Provenance of Deuteronomy 32*, *Oudtestamentische Studien* 37 (Leiden: E. J. Brill, 1996), 159-160, 363-374, esp. 373.

<sup>25</sup> M. C. A. Korpel, *A Rift in the Clouds: Ugaritic and Hebrew Descriptions of the Divine* (Münster: Ugarit Verlag, 1990), 276; N. Wyatt, "Titles of the Ugaritic Storm-God," *Ugarit Forschungen* 24 (1992): 419; E. E. Elnes and Patrick D. Miller, "Elyon," in *Dictionary of Deities and Demons in the Bible*, 2nd rev. ed. (Leiden: E. J. Brill / Grand Rapids: Eerdmans, 1999), 294. Hereafter, *DDD*.

<sup>26</sup> See *KTU* 1.16:III.6, 8; Wyatt, "Ugaritic Storm-God," 419.

<sup>27</sup> E. E. Elnes and Patrick D. Miller, "Elyon," *DDD*, 296.

<sup>28</sup> J. Luyten, "Primeval and Eschatological Overtones in the Song of Moses (Dt 32, 1-43)," in *Das Deuteronomium: Entstehung, Gestalt, und Botschaft*, ed. Norbert Lohfink (Leuven: Leuven University Press, 1985), 342.

<sup>29</sup> Sanders, *The Provenance of Deuteronomy 32*, 360-361.

Who made you and established you?

הוא עֲשָׂךָ וַיִּבְנֶנְךָ:

Remember the days of old;

זְכֹר יָמֹת עוֹלָם 7

Consider the years of past generations;

בִּינו שָׁנוֹת דוֹר־וְדוֹר

Ask your father, and he will inform you,

שְׁאַל אָבִיךָ וַיְנַדְּךָ

Your elders, and they will tell you.

זְקֵנֶיךָ וַיֹּאמְרוּ לָךְ:

These verses clearly contain elements drawn from ancient descriptions of El and attribute them to Yahweh. At Ugarit El is called *ʿab ʿadm* (“father of mankind”)<sup>30</sup> and *tr ʿil ʿabh ʿil mlk dyknh* (“Bull El his father, El the king who establishes him”).<sup>31</sup> Yahweh is described as the “father” (אָבִיךָ) who “established you” (וַיִּבְנֶנְךָ). Yahweh is also the one who “created” Israel (קָנֶנְךָ) in verse six. The root *\*qny* denoting El as creator is found in the Karatepe inscription’s appeal to *ʿl qn ʿrs* (“El, creator of the earth”).<sup>32</sup> At Ugarit the verb occurs in the El epithet, *qny wʿadn ʿilm* (“creator and lord of the gods”),<sup>33</sup> and Baal calls El *qnyn* (“our creator”).<sup>34</sup> Genesis 14:19, 22 also attributes this title to El. Deut 32:7 references the *יָמֹת עוֹלָם* (“ages past”) and *שָׁנוֹת דוֹר־וְדוֹר* (“the years of many generations”) which correspond, respectively, to El’s description (*ʿlm*)<sup>35</sup> and title *ʿab snm* (“father of years”) at Ugarit.<sup>36</sup>

Since the El epithets of Deuteronomy 32:6-7 are well known to scholars of Israelite religion, those who argue that Yahweh and El are separate deities in Deuteronomy 32:8-9 are left to explain why the redactor of verses 6-7 would unite Yahweh and El and in the next stroke separate them. Those who crafted the text of Deuteronomy 32 would have either expressed diametrically oppositional views of Yahweh’s status in consecutive verses, or have allowed a presumed original separation of Yahweh and El to stand in the text—while adding verses 6-7 in which the names describe a single deity. It is difficult to believe that the scribes were this careless, unskilled, or confused. If they were at all motivated by an intolerant monotheism one would expect this potential confusion to have been quickly removed.

Last, but not least in importance, the idea of Yahweh receiving Israel as his allotted nation from his Father El is internally inconsistent in Deuteronomy. In Deuteronomy 4:19-20, a passage recognized by all who comment on these issues as an explicit parallel to 32:8-9, the text informs us that it was Yahweh who “allotted” (חָלַק) the nations to the host of heaven and who “took” (לָקַח) Israel as his own inheritance (cf. Deuteronomy 9:26, 29; 29:25). Neither the verb forms nor the ideas are passive. Israel was not *given* to Yahweh by El, which is the picture that scholars who separate El and Yahweh in Deuteronomy 32 want to fashion. In view of the close relationship of Deuteronomy 32:8-9 to Deuteronomy 4:19-20, it is more consistent to have Yahweh taking Israel for his own terrestrial allotment by sovereign act as Lord of the council.

## Conclusion

The goal of this article was to critique the coherence of what have become broadly accepted interpretations of Psalm 82 and Deuteronomy 32:8-9. These interpretations and the argument

<sup>30</sup> *KTU* 1.14:1.37, 43.

<sup>31</sup> *KTU* 1.3:V.35-36; 1.4:1.4-6.

<sup>32</sup> H. Donner and W. Rollig, *Kanaanäische und Aramäische Inschriften*, 4th ed., Band 1 (Wiesbaden: Otto Harrassowitz, 1979). The text cited is *KAI* 26.III.18-19.

<sup>33</sup> *KTU* 1.3:V.9.

<sup>34</sup> *KTU* 1.10:III.5.

<sup>35</sup> M. Dahood, *Ras Shamra Parallels*, ed. L.R. Fisher, *Analecta Orientalia* 49, vol. I (Rome: Pontifical Institute, 1972), 294-295.

<sup>36</sup> *KTU* 1.6:1.36; 1.17:VI.49.

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for the evolution of Israelite religion that presupposes those interpretations have a number of incongruities for which to account. The issues are important in the effort to describe Israelite religion’s view of God at all stages.