**On the Meaning of *hē‘îd* in Biblical Hebrew:**

**Between Summoning Witnesses and Imposing Oaths**

**Orit Malka**

**Tel Aviv University**

The verb *hē‘îd* in Biblical Hebrew is understood by most scholars as lying primarily within the semantic field of *ēd,* “witness”. Indeed, in several biblical passages it clearly indicates the summoning of witnesses in legal settings, or the act of testifying in a judicial forum. However, at times it is impossible to square certain uses of *hē‘îd* with this paradigm, to the extent that even metaphoric associations with witnesses or their testimony seem forced. Scholars have therefore proposed an array of secondary meanings for *hē‘îd**,* all of them non-legal. One such meaning that has been frequently attributed to *hē‘îd* is “to warn”, and additional ones include: “to solemnly assure”, and “to command” or “to instruct”.

The present paper argues that this understanding of *hē‘îd* is incorrect, as it overlooks a substantive legal subtext underpinning all uses of the verb in the Hebrew Bible: the role of witnesses in the establishment of an oath that generates binding obligations. The summoning of witnesses is embedded in every oath, either explicitly or implicitly. As such, I contend that *hē‘îd* is homologous, in many biblical usages, with the imposition of an oath.[[1]](#footnote-1)

# *hē‘îd* : Legal versus Non-Legal Uses

Biblical dictionaries and lexicons recognize oral testimony or the summoning of witnesses in judicial settings as the primary meaning of the verb *hē‘îd*.[[2]](#footnote-2) This understanding can be implicit or explicit, [[3]](#footnote-3) but it does seem to be shared by most commentators and interpreters. Indeed, some biblical verses exhibit this usage. The summoning of witnesses is clearly indicated by the use of the phrase *hē‘îd ‘ēdîm* (*e.g.* Isa. 8:2; Jer. 32:10, 25, 44), and sometimes *hē‘îd* isunderstood as implying an oral statement of a witness in court (e.g.,1 Kgs. 21:10).[[4]](#footnote-4) However, in many cases – in fact, the vast majority of them[[5]](#footnote-5) – *hē‘îd* is associated with oral statements that do not fall within the semantic field of witnesses and testimony. Such occurrences of the verb pose a challenge for interpretation.

This challenge is especially prominent when the subject of the verb *hē‘îd* makes an oral statement that ostensibly has little legal relevance, and, moreover, cannot be understood as a statement of fact or regarding something that has already taken place. Such an oral statement instead concerns what is *about* to happen, or even *might* happen, in the future. Often this future event is a negative one, and in such contexts *hē‘îd –* particularly when followed by the preposition *be* – is interpreted as communicating a warning.[[6]](#footnote-6)

A frequently cited example of the use of *hē‘îd* *be* to mean warning is found in Genesis 43:3, when Joseph’s brothers tell their father that they cannot return to Egypt without their youngest brother Benjamin, lest they be severely punished by the Egyptian ruler: הָעֵד הֵעִד בָּנוּ הָאִישׁ לֵאמֹר לֹא תִרְאוּ פָנַי בִּלְתִּי אֲחִיכֶם אִתְּכֶם. Most English translations of the verse translate *hē‘îd* *be* in the sense of “warning”, as inESV: “The man solemnly warned us saying, ‘You shall not see my face unless your brother is with you’”.[[7]](#footnote-7) Similarly, in describing an imminent catastrophe, different prophets use *hē‘îd be*.[[8]](#footnote-8) So Moses in Deuteronomy 8:19: הַעִדֹתִי בָכֶם הַיּוֹם כִּי אָבֹד תֹּאבֵדוּן. The common English translation is “I solemnly warn you today that you shall surely perish”.[[9]](#footnote-9)

Scholars offer different explanations why *hē‘îd* *be* is in used the sense ofwarning. Some reason that since God is sometimes portrayed as a witness who can bring about punishment, *hē‘îd* *be* has developed a secondary meaning of “to threaten”.[[10]](#footnote-10) Others suggest that this phenomenon reflects the word’s polyphony and has no connection to the concept of witnessing[[11]](#footnote-11) (some even think it is *the* original meaning of the verb[[12]](#footnote-12)), thereby rejecting any linkage between witnesses and the apparent sense ofwarning. The fact that the same Hebrew verb *hē‘îd* means both “to testify”, “to bear witness” and “to warn” is therefore considered a linguistic coincidence.

In certain instances, the future events which *hē‘îd* with the preposition *be* anticipates are positive rather than negative. So, for example, in Zechariah 3:6–7: “וַיָּעַד מַלְאַךְ יְהֹוָה בִּיהוֹשֻׁעַ: Thus says the Lord of hosts: If you will walk in my ways and keep my charge, then you shall rule my house and have charge of my courts, and I will give you the right of access among those who are standing here”.[[13]](#footnote-13) Here God’s angel promises Joshua the high priest rewards and benefits for his loyalty. Of course, in this case *hē‘îd* *be* cannot be understood as warning. Therefore, commentators translate וַיָּעַד ... בִּיהוֹשֻׁעַ here as “solemnly assured Joshua”.[[14]](#footnote-14)

Finally, sometimes the verb *hē‘îd –* againtaking the preposition *be* *–* introduces instructions and commandments. This is the case, for example, in Deuteronomy 32:46: “he said to them: Take to heart all the words by which I am מֵעִיד בָּכֶם הַיּוֹם, that you may command them to your children, that they may be careful to do all the words of this law.”[[15]](#footnote-15) Not surprisingly, in these contexts it is assumed that *hē‘îd* *be* bears the meaning of “to instruct” and “to command”.[[16]](#footnote-16)

This multi-faceted reading of *hē‘îd*, as described above, has the benefit of allowing for a sensitive, context-dependent analysis; however, this comes at the price of drastic semantic (and for some, also etymological[[17]](#footnote-17)) fragmentation. This is not merely a problem of elegance or economy: I maintain that several biblical passages disallow such interpretive fragmentation by implying an internal connection between the role of witnesses, on the one hand, and threats, warnings, promises, commands and instructions, on the other. I will demonstrate these connections in several uses of *hē‘îd be* in the book of Deuteronomy.

As quoted above, Deuteronomy 8:19 uses *hē‘îd* *be* to convey what looks like a warning: הַעִדֹתִי בָכֶם הַיּוֹם כִּי אָבֹד תֹּאבֵדוּן. Yet, in Deuteronomy 4:26 we find a parallel threat, and this one involves witnesses: “הַעִדֹתִי בָכֶם הַיּוֹם אֶת הַשָּׁמַיִם וְאֶת הָאָרֶץ כִּי אָבֹד תֹּאבֵדוּן [...]”. Here, *hē‘îd* *be* clearly refers to thesummoning of witnesses, the witnesses being heaven and earth. Nevertheless, the same verbal phrase (כִּי אָבֹד תֹּאבֵדוּן) is used to introduce the exact same threat in both verses. These look like two versions of the same sentence, and one doubts that adding or removing the direct refence to witnesses (heaven and earth( alters the meaning of the entire sentence.[[18]](#footnote-18)

Two other verses reinforce the involvement of heaven and earth as witnesses to the making of threats. In Deuteronomy 30:19 we find: “הַעִדֹתִי בָכֶם הַיּוֹם אֶת הַשָּׁמַיִם וְאֶת הָאָרֶץ:I have set before you life and death, blessing and curse. Therefore choose life, that you and your offspring may live”. Again, heaven and earth as witnesses are somehow involved in introducing the risks of making the wrong choice and picking death and curse instead of life and blessing. They fulfill a similar function in Deuteronomy 31:28–29: “Assemble to me all the elders of your tribes and your officers, that I may speak these words in their ears וְהַעִדֹתִי בָּם הַיּוֹם אֶת הַשָּׁמַיִם וְאֶת הָאָרֶץ, for I know that after my death you will surely act corruptly and turn aside from the way that I have commanded you. And in the days to come evil will befall you [...]”. Therefore, it seems that the involvement of actual witnesses does not mitigate the nuance of warning attributed to the phrase *hē‘îd be* when used in the absence of witnesses.

The different uses of *hē‘îd be* not only connect witnesses with warnings but also with instructions and commandments. As noted above, in Deuteronomy 32:46 we find *hē‘îd* *be* in the sense of instruction, where no witnesses are mentioned: “He said to them, ‘Take to heart all the words that I am מֵעִיד בָּכֶם הַיּוֹם, that you may command them to your children, that they may be careful to do all the words of this law’”. Notably, the instruction is accompanied by a reward for compliance (47): “By this word you shall live long in the land that you are going over the Jordan to possess”. But this promise of reward is the mirror image of the punishment threatened in Deuteronomy 4:26, where we have an explicit summoning of heaven and earth as witnesses, as Moses warns the Israelites that they will lose the land if they do not keep the law. Thus, in 32:47 the phrasing of the reward is: וּבַדָּבָר הַזֶּהתַּאֲרִיכוּ יָמִים עַל הָאֲדָמָה אֲשֶׁר אַתֶּם עֹבְרִים אֶת הַיַּרְדֵּן שָׁמָּה לְרִשְׁתָּה; and in 4:26 the phrasing if the punishment is almost identical (albeit in the negative): הַעִידֹתִי בָכֶם הַיּוֹם אֶת הַשָּׁמַיִם וְאֶת הָאָרֶץ כִּי אָבֹד תֹּאבֵדוּן מַהֵר מֵעַל הָאָרֶץ אֲשֶׁר אַתֶּם עֹבְרִים אֶת הַיַּרְדֵּן שָׁמָּה לְרִשְׁתָּה*ּ*.[[19]](#footnote-19)

A fragmentary theory may construe this coinciding uses of *hē‘îd* as mere skillful wordplay. It can, however, also be read as a challenge to that theory and as an incentive for searching for a more satisfying account of how these supposedly distinct meanings are in fact related. Below I argue that, contrary to the fragmented perspective, all the disparate meanings of *hē‘îd* mentioned above (all, it bears noting, with the preposition *be*) can be accounted for by the legal background implied by the usage of this verb. This legal background stems from the role occupied by witnesses in establishing oaths.

# The Role of Witnesses in Establishing Oaths

In the ancient world, every oath required (whether explicitly or implicitly) the presence of divine witnesses.[[20]](#footnote-20) Therefore witnesses – divine and their like[[21]](#footnote-21) – had a constitutive role in establishing oaths. In the context of the Hebrew Bible, this role most clearly emerges from the many parallels between biblical covenants (ברית) and Ancient Near Eastern political treaties.[[22]](#footnote-22) A vast body of scholarly literature written over the past seventy years has proved that Ancient Near Eastern treaties and biblical covenants consistently share legal structure and terminology.[[23]](#footnote-23) As I will demonstrate through several biblical passages, this commonality reveals the juridical ties between witnesses and oaths.[[24]](#footnote-24)

Before we can delve into the biblical sources, a brief review of Ancient Near Eastern treaties is in order. The texts of international treaties from antiquity that have come down to us, which stretch from the second millennium BCE to the beginning of the Common Era, originated in the Babylonian, Assyrian, and Hittite empires, and have parallels in Greek and Latin texts.[[25]](#footnote-25) Scholarly study of the treaties has discovered that, important variations aside, the basic legal structure and formulae of the treaties remained consistent across diverse cultural contexts and historical periods.[[26]](#footnote-26) While the parties to such treaties could be of equal or similar status, they were often hierarchical, involving a suzerain or imperial ruler and a local vassal-king. In these treaties, the parties undertook certain commitments, such as the vassal-king pledging his loyalty to the imperial ruler in return for the latter’s patronage or protection. These commitments were formulated as oaths that included predetermined curses to befall the oath-taker should he fail to fulfill his obligations. At the same time, we often find blessings and promises of prosperity as the reward for keeping the treaty. Most important for our purposes is the fact that every oath was made in the presence of divine entities, referred to as witnesses, who were entrusted with enforcing the oath by imposing curses and bestowing blessings for its breach or fulfillment, respectively.

The Hebrew Bible makes extensive use of the same treaty format. This is true both with regards to agreements made between human beings, and covenants made between the People of Israel and their God. In the former, the parties’ deities are said to be the witnesses who will enforce the oath and impose the relevant curses (e.g., Gen. 31:50, 53). In the hierarchical type of covenant made between Yahweh and the People of Israel, heaven and earth are often called as witnesses (e.g., Deut. 30:19, quoted above). Here, in a variation on the Ancient Near Eastern model, the God of Israel serves a double role: he is the ruler to whom the People of Israel swear loyalty, and at the same time he is the one who inflicts punishment for the violation of the covenant and grants reward for its fulfillment.[[27]](#footnote-27)

The role of witnesses is fundamental for every treaty or covenant because of the oath that undergirds it. There is no treaty without an oath,[[28]](#footnote-28) and there is no oath without divine witnesses.[[29]](#footnote-29) Every oath is accompanied by a predetermined curse enacted in the presence of divine witnesses, whether it is explicitly stated or implied. Given the role of witnesses in establishing oaths, the references to summoning divine witnesses in many biblical verses is indicative of the imposition of an oath.[[30]](#footnote-30) This is so both in obvious covenantal contexts, such as Genesis 31 or Deuteronomy 30 mentioned above, and in other contexts where neither an oath nor a covenant is expressly mentioned. I will give two examples of the latter instance.

A clear case in which the summoning of God as a witness designates taking an oath appears in Jeremiah 42. After the people have learned the bitter lesson of the destruction, they turns to Jeremiah and declares their commitment to act from here on in obedience to the word of God: “Then they said to Jeremiah, ‘May the Lord be a true and faithful witness against us if we do not act according to all the word with which the Lord your God sends you to us’” (Jer. 42:5-6). Although no explicit oath language is used, the conditional phrasing gives away the undergirding oath.[[31]](#footnote-31) Such a condition is a characteristic phrasing of oaths, and its purpose is to say that the curse will apply to the oath-taker if the pledge is violated.[[32]](#footnote-32) That an oath is embedded here is evident also based on a comparison with the explicit covenantal oath in Genesis 31. When Laban invites Jacob to make a covenantal agreement, and requires that he undertakes to refrain from hurting his daughters in any way, he states: “If you oppress my daughters, or if you take wives besides my daughters…God is witness between you and me” (Gen. 31:50). Here too we have both a call to God to witness and a conditional phrasing of Jacob’s anticipated commitment. [[33]](#footnote-33) And indeed Jacob complies with Laban’s demand in what is explicitly described as an oath: “So Jacob swore by the Fear of his father Isaac” (52). We may infer from this that calling God as a witness in Jeremiah is likewise indicative of an oath.

Another example worth mentioning where God is called upon to witness as a substitute for oath formula is found in 1 Samuel 12. Before the end of his days Samuel wishes to bind the people of Israel to their declaration where they admitted that he hadn’t wronged any of them. In order to do that he calls God as a witness: “And he said to them, ‘The Lord is witness against you, and his anointed is witness this day, that you have not found anything in my hand.’ And they said, [‘He is] witness.’”(1 Sam. 12:5). Here it is the people’s formulaic reply – “witness” – that identifies the discourse as an oath being imposed by Samuel on the people, who, in turn, accept it upon themselves. [[34]](#footnote-34)

# *hē‘îd* *be* PN = Imposed an Oath on PN

My contention is that due to the vital role witnesses play in establishing oaths, the phrase *hē‘îd ‘be* , that designates the summoning of witnesses, has become tightly associated with the imposition of oaths.[[35]](#footnote-35) This association is quite evident wherever witnesses are explicitly identified, as in the singling out of heaven and earth to witness a covenantal oath in the verses from Deuteronomy quoted above; here scholars agree that the *Sitz im Leben* is that the People of Israel are entering a sworn covenant (“*hē‘îd* heaven and earth *be* PN” meaning “imposed an oath on PN”).[[36]](#footnote-36) But I will argue that *hē‘îd* *be*in and of itself, that is, even in the absence of actual witnesses as direct object of the verb *hē‘îd*, acquired a secondary meaning, which indicates the imposition of an oath by the subject of such verb.

At least in one biblical passage *hē‘îd* *be* literally parallels the imposition of an oath. I refer to 1 Kings 2:42–43:

The king sent and summoned Shimi and said to him, “Did I not make you swear by the Lord וָאָעִד בְּךָ, saying, ‘Know for certain that on the day you go out and go to any place whatever, you shall die’? And you said to me, ‘What you say is good; I will obey’. Why then have you not kept your oath to the Lord and the commandment with which I commanded you?”[[37]](#footnote-37)

In these verses, King Solomon reminds Shimi that his protection is contingent on Shimi not leaving Jerusalem. *hē‘îd* *be* describes an action taken by Solomon and affecting Shimi.[[38]](#footnote-38) This seems to correspond to the immediately preceding words in which he made Shimi “swear by the Lord”. In other words, *hē‘îd* *be* describes the imposition of an oath.[[39]](#footnote-39) Solomon then goes on to say that when this stipulation was first made to Shimi, he assented to it by saying, “What you say is good; I will obey”.

If we return to the examples of the supposedly non-legal uses of *hē‘îd be* described above, we see that they are all more efficiently explained by the assumption that they too occur in the context of an oath or treaty. Let us begin with the prophetic uses of *hē‘îd* *be* which have been understood in the sense of “warning”. In Jeremiah 11:6–8, the prophet says to the People of Israel:

“Hear the words of this covenant and do them. הָעֵד הַעִדֹתִי בַּאֲבוֹתֵיכֶםwhen I brought them up out of the land of Egypt even to this day, הַשְׁכֵּם וְהָעֵד, saying: ‘obey my voice’. Yet they did not obey or incline their ear, but everyone walked in the stubbornness of his evil heart. Therefore, I brought upon them all the words of this covenant, which I commanded them to do but they did not.”[[40]](#footnote-40)

The covenantal context of these verses is clear: *hē‘îd be* serves as a call to fulfill one’s covenantal responsibilities. When this binding obligation is breached, divine sanctions that are part and parcel of the covenant are applied.[[41]](#footnote-41) Therefore, the punishment in verse 8 is apt: “I brought upon them all the words of this covenant”. *hē‘îd* *be* here is not a free-standing warning, but rather signifies the activation of a covenantal obligation which, by definition, brings prescribed sanctions to bear upon violation.[[42]](#footnote-42)

Similarly with regards to the aforementioned example of Joseph’s brothers in Genesis 43, it can be shown that here, too, when Joseph first spoke to his brothers, he did not only warn them but also bind them under oath. In Genesis 42:15, he either imposes an oath on them or takes an oath himself, saying: “By the life of Pharaoh (חֵי פַרְעֹה), you shall not go from this place unless your youngest brother comes here”.[[43]](#footnote-43) The phrase “by the life of the king”, in this case “by the life of the Pharaoh”, is a well-known oath formula.[[44]](#footnote-44) Therefore, when the brothers later report their conversation with Joseph to their father using the phrase הָעֵד הֵעִד בָּנוּ הָאִישׁ לֵאמֹר, what they mean is that the Egyptian ruler bound them with an oath to bring Benjamin with them the next time they come.[[45]](#footnote-45)

This logic of the covenantal oath further explains those cases in which *hē‘îd* *be* results in a positive outcome, instead of the usual negative outcomes associated with warning. The reader will recall Zechariah 3:6–7, quoted above:

And the angel of the God *hē‘îd* *be* Joshua (וַיָּעַד... בִּיהוֹשֻׁעַ):

Thus says the Lord of hosts: If you will walk in my ways and keep my charge, then you shall rule my house and have charge of my courts, and I will give you the right of access among those who are standing here.[[46]](#footnote-46)

In these verses, Yahweh’s angel promises Joshua rewards for his loyalty. As noted, וַיָּעַד בִּיהוֹשֻׁעַcannot mean “warned Joshua” given the anticipated positive aftermaths. However, the promises made to Joshua have the same conditional structure found in covenants and treaties, where the oath includes not only sanctions for violation but also rewards for fulfilment.[[47]](#footnote-47) Therefore, it seems that God’s angel is actually making some sort of covenantal promise to Joshua the high priest, whereby he is being sworn to walk in God’s ways, and granted a conditional reward for following through.

In summary, understanding *hē‘îd* *be* as in imposition of an oath accounts for both the connotation of summoning witnesses (a sine qua non of every oath) and the anticipation of either good or bad eventualities, given that every oath inherently entails conditional sanctions and rewards. Therefore, whenever *hē‘îd* *be* is traditionally translated within the semantic field of warning or solemn assurance, we should understand it instead as the imposition of an oath.

# *šāma‘*: Obedience as Archetypal Response

One of the most prominent characteristics of the biblical use of *hē‘îd* *be* (especially when commonly understood as “warning”) is the verb typically used to describe the expected response: *šāma‘*. The object of *hē‘îd* *be* is usually called upon to hear or listen. This was the case with the aforementioned reproach of Shimi, who responded to the oath imposed on him as follows: טוֹב הַדָּבָר שָׁמָעְתִּי (meaning: “I will obey”).[[48]](#footnote-48) The same desired response appears in many prophecies of rebuke, including the one found in Jeremiah 11, quoted above:

‘Hear (שִׁמְעוּ) the words of this covenant and do them. הָעֵד הַעִדֹתִי בַּאֲבוֹתֵיכֶםwhen I brought them up out of the land of Egypt even to this day, הַשְׁכֵּם וְהָעֵד, saying: hear my voice (שִׁמְעוּ בְּקוֹלִי)’.Yet they did not hear(שָׁמְעוּ) or incline their ear.**[[49]](#footnote-49)**

This structure, in which A is *mē‘îd* *be*B, and B in turn is called to hear or listen, appears also in Psalms 50:7:

Hear(שִׁמְעָה), O my people, and I will speak; O Israel, וְאָעִידָה בָּךְ: I am God, your God.[[50]](#footnote-50)

And in Psalms 81:9–11:

Hear (שְׁמַע), O my people, וְאָעִידָה בָּךְ![[51]](#footnote-51) O Israel, if you would but hear me (תִּשְׁמַע לִי)![[52]](#footnote-52) There shall be no strange god amongst you; you will not bow down to a foreign god…

 There are many further examples of this phenomenon.[[53]](#footnote-53) In order to fully comprehend its meaning, it should be noted that in the legal world of the Ancient Near East, “hearing” is a technical term that represents an assent,[[54]](#footnote-54) often in connection with a formal alliance, treaty or contract.[[55]](#footnote-55) For instance, in the transaction described in Genesis 23, where Abraham purchases the field of Machpelah from Ephron the Hittite, the verb “to hear” is repeated five times.[[56]](#footnote-56) Thus, the demand “to hear” that regularly collocates with the verbal phrase *hē‘îd be*, is further evidence that the action taking place is of a legal nature. An oath requires the acceptance and obedience of those who are party to it. When *hē‘îd* *b*e is used in prophecies of rebuke, God or his prophet calls upon the people not only to heed his warning, but to (re)commit themselves to a sworn obligation and obey it. Moreover, the response of “hearing”, indicating obedience, also implies that there is an underlying instruction or command at work when *hē‘îd* *be* is used. We now turn to this additional layer of meaning.

# *hē‘îḏ ‘ēdwôt* : Instruction, Command and the Imposition of Oaths

In many biblical verses, the direct object of the verb *hē‘îd* is not witnesses but words (דברים), instructions, commandments or laws. Recall, for example, Deuteronomy 32:46 quoted in the opening of this article: “Take to heart all the words (ַדְּבָרִים)by which I am מֵעִיד בָּכֶם הַיּוֹם, that you may command them to your children, that they may be careful to do all the words of this law.”

Timo Veijola argued that unlike other uses of the verb which can be traced back to *ēd*, the etymology of theses occurrences of *hē‘îd* is different, and involves a connection to the Aramaic loanwords *ēdôt* (עדוֹת) and *‘ēdwôt* (עדווֹת).[[57]](#footnote-57) This argument is based on two biblical verses in which we find the phrase *hē‘îd ‘ēdwôt be*. The first verse is 2 Kings 17:15:

They despised his statutes and his covenant that he made with their fathers andעֵדְוֹתָיו אֲשֶׁר הֵעִיד בָּם, and they went after false idols and became false, and they followed the nations that were around them...[[58]](#footnote-58)

The second, very similar verse is Nehemiah 9:34:

Our kings, our princes, our priests and our fathers have not kept your law or listened to your commandments וּלְעֵדְוֹתֶיךָ אֲשֶׁר הַעִידֹתָ בָּהֶם.[[59]](#footnote-59)

Here and in other places *‘ēdôt / ‘ēdwôt* are synonymous with laws and commandments. [[60]](#footnote-60) It has been established in scholarship that *‘ēdôt* and *‘ēdwôt* (and also the more common *‘ēdūt*, which is sometimes used interchangeably with the others[[61]](#footnote-61)) are not derived from the stem *‘wd*, but are based on a the Aramaic *‘dn* (עדן).[[62]](#footnote-62) The original meaning of this Aramaic noun lies in the semantic field of treaties and covenants, where it means “covenantal laws”. Therefore, Veijola thinks that *hē‘îd be* in its sense of instruction is a denominative of the Aramaic loanword.[[63]](#footnote-63)

Some scholars have preferred this explanation to others, because alternative explanations for how *hē‘îd* came to have a sense of instruction based on *‘ed* seem forced.[[64]](#footnote-64) But understanding of *hē‘îd be* asimplying the imposition of an oath may offer a more simple reading that will spare the need for an alternative etymology. Swearing to do a certain deed or to act in a certain way generates a rule that compels oath-takers to make good on their word. Whenever A imposes an oath on B to do X,[[65]](#footnote-65) as in the uses of *hē‘îd* *be* discussed above, A binds B to do as promised. As such, every oath imposed by one person on another, and certainly by a divine entity on human beings, is in some sense exhortative. If, as I have argued above, a secondary meaning of *hē‘îd* *be* is to impose an oath, it naturally also carries the meaning of instructing and commanding.

That said, the phrase *hē‘îd ‘ēdwôt be* requires further attention. According to the suggested reading, this is an etymological hybrid: the verbal part of the phrase is derived from Hebrew *‘wd*, but the object noun is from Aramaic. Nevertheless, I believe the formation of this relatively rare phrase can be satisfactorily accounted for by looking at the linguistic patters of treaties and oaths.

Let us examine the original meaning of Aramaic ‘*dn* ((עדן, from which *‘ēdôt* / *‘ēdwôt* – and also the more common *‘ēdūt* – are derived. This word is attested very rarely in Aramaic,[[66]](#footnote-66) so its meaning is deduced mostly from comparison with the Akkadian cognate *adê*. Aramaic *‘dn* and Akkadian *adê* are used as technical terms for political alliances, allegiances and vassal contracts, beginning in the eighth century BCE within the sphere of Assyrian influence.[[67]](#footnote-67) At the same time, most scholars believe that the non-technical meaning of Aramaic *‘dn* and Akkadian *adê* (both in the plural) is “oaths”.[[68]](#footnote-68) As a matter of fact, these words denote both the sworn treaty as a whole, as well as its specific terms and conditions, which are sworn obligations. In Biblical Hebrew, we have a parallel situation, albeit with a somewhat clearer dichotomy between the treaty in toto and its specific terms and conditions. For the most part, *‘ēdūt* bears the technical meaning of “covenant”, [[69]](#footnote-69) whereas *‘ēdôt / ‘ēdwôt* indicate the laws that are the sworn obligation of the human party to the covenant.[[70]](#footnote-70) Therefore, *‘ēdôt / ‘ēdwôt* should also be understood as part of the semantic field of “oaths”. And given that these oaths are part and parcel of a covenant imposed by a suzerain on a vassal king, or by God on human beings, these oaths are in fact laws.

This analysis suggests a condensed, [[71]](#footnote-71) albeit coherent, account of the use of *hē‘îd* as a verb with *‘ēdwôt* as its direct object. If *hē‘îd be* means “to impose an oath”, then the object of this action can easily be *‘ēdwôt*, in the sense of “oaths”, with the entire phrase *hē‘îd* *‘ēdôt be* referring to the imposition of the provisions of a sworn covenant. *hē‘îd* and *‘ēdôt* may well be etymologically unrelated; [[72]](#footnote-72) however what looks like a the cognate object is likely a Hebrew calque created under the influence of parallel phrases in other Ancient Near Eastern languages. In the context of creating treaties and establishing vassal contracts, we find similar idioms in different languages: *riksa rakāsu* in Akkadian, *išhiul išhija* in Hittite, קַיָּמָה קְיָם in Aramaic.[[73]](#footnote-73) In all these cases, the phrase means “binding a bond”, making an alliance which is founded on an oath. A similar form exists in Hebrew as a synonym for undertaking an oath or a vow: לֶאְסֹר אִסָּר (Num. 30:2). The phrase *hē‘îd ‘ēdôt* is therefore a natural construct in this semantic space.

# Conclusion

In this article I have argued that the different meanings attributed by scholars to the biblical verb *hē‘îd* can all be subsumed under the meaning “to impose an oath”. Its sense of “warning” comes from the fact that the oath’s violation will result in grave consequences; its sense of “rewarding” stems from assurances of future recompense for keeping the oath; and, finally, its sense of “instructing” or “commanding” follows from the fact that the imposition of an oath to do a certain deed or to act in a certain way constitutes an exhortation to follow the sworn obligation. Grasping the legal structure of the oath not only ties together all of the verb’s different meanings but also affords a richer understanding of each one of them in its context. When we say that A is *mē‘îd* *be*B, A not only warns B, but also establishes the mechanism that will bring about punishment; A not only assures B regarding a future state of affairs, but forges the link between B’s fulfillment of his obligations and his future reward; and, finally, A not only instructs B, but creates the mechanism whereby obedience to that instruction is rendered mandatory and enforceable.[[74]](#footnote-74)

Notably, in the Septuagint occurrences of *hē‘îd* are regularly translated using the verb *marturomai* and its variants (διαμαρτύρομαι /επιμαρτύρομαι). Traditional understanding of *hē‘îd* may deem this translation as too literal, given the verb’s senses of warning, instructing, etc. However the analysis here gives cause for reevaluation. Surely the Greek translators of the Hebrew Bible were active in an era when the legal structure of oaths described in this paper was perfectly familiar and quite relevant to them; therefore, they might have been accurately using *marturomai* in a secondary sense of “to impose an oath”, similar to Hebrew *hē‘îd.* Since the analysis here is founded on the legal structure of the oath, it may be adaptable to Greek scripture as well.

Moreover, future research should examine the ramification of the argument developed in this paper for understanding certain uses of *marturomai* in the New Testament and as well as in non-biblical Greek literature. It is possible that in those other contexts, too, the varied uses of the verb can be accounted for through the legal mechanism of oaths and their involvement of witnesses.[[75]](#footnote-75) The broad scope of these findings reinforces the importance of acquaintance with ancient legal mechanisms for philological study of the Bible in particular, and ancient literature more generally.

1. The link discussed in this paper between oaths and witnesses in antiquity should not be confused with the modern tradition of sworn testimony, in which the witnesses take an oath to speak the truth. In the ancient model presented here, the witnesses themselves do not take any oath; rather, they impose an oath on others. [↑](#footnote-ref-1)
2. The leading assumption is that *hē‘îd* is a denominative from *‘ēd*, “witness”: *HALOT*, 795; *BDB*, 729; C. van Leeuwen, “עד”, *TLOT* 2, 838–846, p. 839. Timo Veijola, “Zu Ableitung und Bedeutung von He'id I im Hebräischen”, *UF* 8 (1976), 343–351, and, following him, H. Simian-Yofre, “עוד”, *TDOT* 10, 495–516, p. 510–512, divide the occurrences of *hē‘îd* into two categories, one of which is a denominative of *‘ēd* and bears legal implications, while the other operates within the semantic field of *‘ēdôt / ‘ēdwôt* (synonyms for “commandments” or “decrees”; on that second category see further below). As Simian-Yofre writes, the first category encompasses the semantic field of *‘ēd* “in either a juridical context… or a religious context in which a court situation is imitated” (508). [↑](#footnote-ref-2)
3. Implicitly it is suggested by the order of discussion in the dictionaries, see above. [↑](#footnote-ref-3)
4. This example from the trial of Naboth is classic: “Seat two scoundrels opposite him, and let them testify against him (וִיעִדֻהוּ): ‘You have reviled God and king!’ Then take him out and stone him to death” (1 Kgs 21:10, NJPS; cf. KJV: “bear witness against him”). However, several translations negate the reading of *hē‘îd* here in the sense of oral report, and translate it in the sense of accusation or bringing charges; see, e.g., ESV, NRSV, NIV. Part of the problem is the preposition *et,* which seems to suggest that Naboth himself is a witness. For additional examples see Simian-Yofre, “עוד”, 509. Notably, throughout the Hebrew Bible witness testimony in court settings is mostly described by the verb *‘ānâ* with the preposition *bᵉ*, as in Deut. 19:16 : כִּי יָקוּם עֵד חָמָס בְּאִישׁ לַעֲנוֹת בּוֹ סָרָה. [↑](#footnote-ref-4)
5. Out of 35 occurrences of the verb in the Hebrew Bible, only 11 are classified within the semantic field of *‘ēd* by Simian-Yofre, “עוד”, 508–510. [↑](#footnote-ref-5)
6. Simian-Yofre, “עוד”, 511 points to the meaning of *hē‘îd* as “to threaten”, which includes various shades of warning; see also van Leeuwen, “עד”, 843; *BDB*, 730. [↑](#footnote-ref-6)
7. And similarly NJPS, NRSV, NIV; V.P. Hamilton, *The Book of Genesis Chapters 18–50* (NICOT; Grand Rapids, MI, 1995), 538: “the man adamantly warned us”; N.M. Sarna, *Genesis* (JPS Torah Commentary; Philadelphia, 1989), 298: “ Hebrew *ha‘ēd hē‘îd* expresses a solemn admonition tantamount to a threat”. Cf. KJV: “The man did solemnly protest unto us”; LXX: διαμαρτυρίᾳ διαμεμαρτύρηται ἡμῖν ὁ ἄνθρωπος. [↑](#footnote-ref-7)
8. See, e.g., Exod. 19:21; Deut. 4:26, 8:19; 1 Sam. 8:9; Jer. 11:7; 42:19; Am. 3:13–14; Neh. 13:21. [↑](#footnote-ref-8)
9. ESV, and similarly NJPS, NSRV. Cf. NIV, KJV: “I testify against you this day that ye shall surely perish”. [↑](#footnote-ref-9)
10. van Leeuwen, “עד”, 843: “the assertion of god’s testimony functions either as a conditional self-curse in which the partner speaking invokes god’s punishment upon oneself in the event that one does not keep the agreement (as in the oath, e.g., Gen 31:53b) or as a threat of God’s punishment upon the other in the event of unfaithfulness (Gen 31:50). From this invocation of God as a witness as a threat of punishment *‘ud hi* may have developed the more general meaning of ‘to warn’ or ‘to exhort’.” [↑](#footnote-ref-10)
11. Simian-Yofre, “עוד”, 497 and 510, following Veijola, “He'id I”, classifies warning under the category of the verb’s uses that are related to the semantic field of *‘ēdôt / ‘ēdwôt* rather than the semantic field of *‘ēd* (see note 2 above). He explains that all uses in this category – threat and warning among them – pertain to an “authoritative standard or law” being imposed. [↑](#footnote-ref-11)
12. See, e.g., I. L. Seligmann, “Zur Terminologie für das Gerichtsverfahren”, *VTS* 16 (Leiden, 1967), 251–278, pp. 265–266; S. Yefet, *The Ideology of the Book of Chronicles and its Place in Biblical Thought* (Heb.), (Jerusalem, 1995), 155, 163; M. Kister, “Two Formulae in the Book of Jubilees” (Heb.) *Tarbiz* 70 (2001), 294–300, p. 296. [↑](#footnote-ref-12)
13. ESV. [↑](#footnote-ref-13)
14. ESV and similarly NRSV. Cf. NJPS, AB: “charged” (C.L. Meyers and E.M. Meyers *Haggai,* *Zechariah 1–8* [*AB* 25B; NY, 1987], 178). Cf. NIV: “gave charge”; KJV: “protested”; M.J. Boda, *The Book of Zechariah* (NICOT; Grand Rapids, MI, 2016) 242: “warned.” However, in his commentary Boda notes the following: “The nuance of ‘wd Hiphil followed by the prep. bet is negative, most often employed when God (or his emissary) is warning or rebuking the people… the darker nuance to this verb stand in contrast to the largely positive tone of the vision report in 3:1–5… this address announces a bilateral agreement which makes the promise depend on the fulfilment of demands” (242–244). [↑](#footnote-ref-14)
15. ESV. [↑](#footnote-ref-15)
16. Simian-Yofre, “עוד”, 510–511. Cf. NJPS: “I have warned you”; ESV: “warning you”; NIV: “solemnly declared to you”; KJV: “testify among you”; NRSV: “the words that I am giving in witness against you”. [↑](#footnote-ref-16)
17. See note 2 above. [↑](#footnote-ref-17)
18. Cf. Simian-Yofre, “עוד”, 509–510, who classifies Deuteronomy 8:19 and 4:26 as having two distinct etymologies. [↑](#footnote-ref-18)
19. Additionally, the phrase “the words (הַדְּבָרִים) that I am מֵעִיד בָּכֶם הַיּוֹם” in 32:46 seems to parallel, somehow, the similar phrasing in 31:29: “so I may speak these words (הַדְּבָרִים הָאֵלֶּה) in their ears, וְאָעִידָה בָּם אֶת הַשָּׁמַיִם וְאֶת הָאָרֶץ”; although in 32:46 *hē‘îd be* bears the meaning of “instruction”, whereas in 31:29 it clearly refers to summoning heaven and earth as witnesses. [↑](#footnote-ref-19)
20. On oaths in the Ancient Near East see M. Sandowicz, *Oaths and Curses: A Study in Neo-and Late Babylonian Legal Formulary* (AOAT 398, Münster 2012), 5n12; On the role of witnesses in biblical oaths see Y. Ziegler, *Promises to Keep: The Oath in Biblical Narrative* (VTSup 120; Leiden, 2008), 10–11, 43–44; On Greek oaths in the archaic and classic period see A.H. Sommerstein, “What is an Oath?” In A.H. Sommerstein and I.C. Torrance (edd.), *Oaths and Swearing in Ancient Greece* (Berlin, 2014), 1–5; idem, “How oaths are expressed”, in ibid, 76–85; On Roman oaths see F.V. Hickson, *Roman Prayer Language: Livy and the Aeneid of Vergil* (Berlin, 2015), 107. Cicero, in *De Officiis*, III.104, declares: “For a sworn oath is a religious affirmation; and it is what you promised with this affirmation and, as it were, with a god as your witness, which must be kept” (Marcus Tullius Cicero, On Duties, Trans. B.P. Newton (Ithaca, London 2016), 164. [↑](#footnote-ref-20)
21. Human witnesses to oaths appear, though quite rarely, in Hittite alliances. See Elena Devecchi, “‘We are all descendants of Šuppiluliuma, Great King’– The Aleppo Treaty Reconsidered”, *Die Welt Des Orients* 40.1 (2010)‏ 1-27. Cf. Josh. 24:22, as explained by William T. Koopmans, *Joshua 24 As Poetic Narrative* (JSOT Sup. 93, 1990) 101. [↑](#footnote-ref-21)
22. Although this is true also for oaths that are not part of a treaty, in the biblical usages witnesses are more prominent in treaty contexts. See Ziegler, *Promises to keep,* 10-11, and the references there. [↑](#footnote-ref-22)
23. See, inter alia, A. Altman, *Political Treaties in the Ancient Near East* (Jerusalem, 2018), 00\*; N. Weeks, *Admonition and Curse: The Ancient Near Eastern Treaty/Covenant Form as a Problem in Inter-Cultural Relationships* (JSOTSup 407; London/New York, 2004), 00\*; D.J. McCarthy, *Treaty and Covenant* (Rome, 1978); M. Weinfeld, “ברית”, *TDOT* 2,253–279. [↑](#footnote-ref-23)
24. The importance of the context of a covenant or treaty for understanding several uses of *hē‘îd* was already stressed by Veijola, “He'id I”, Simian-Yofre, “עוד”, and D.J. McCarthy, “Covenant and Law in Chronicles-Nehemiah”, *CBQ* 44.1 (1982), 25–44, 38. The explanation proposed by these scholars, however, relies only on the morphological affinity between *hē‘îd and ‘ēdūt* (which means “covenant”, see discussion below), and overlooks the legal mechanism requiring witnesses for the establishment of a covenant or oath. Recognition of the latter provides a more comprehensive understanding of the verb’s different uses, and stands at the heart of the novel reading suggested in this article. [↑](#footnote-ref-24)
25. See M. Weinfeld, “The Common Heritage of Covenantal Traditions in the Ancient World”, in L. Canfora, M. Liverani, and C. Zaccagnini(edd.)*, I Trattati Nel Mondo Antico: Forma, Ideologia, Funzione* (Saggi di storia antica 2; Rome, 1990), 175–191. [↑](#footnote-ref-25)
26. On this uniformity see M. Weinfeld, “Common Heritage”. The reason for this uniformity has been discussed by several scholars: see Altman, *Political Treaties,* 9–10; Weeks, *Admonition and Curse*, 7–8. [↑](#footnote-ref-26)
27. Especially striking is the affinity between theological covenants in the Bible and the *adê* agreements, which are loyalty oaths made in the framework of hierarchical relations. See H. Tadmor, “Treaty and Oath in the Ancient Near East: A Historian's Approach” (Heb.), *Shenaton le-Heqer ha-Miqra ve-ha-Mizrah ha-Qadum* 5–6 (1981–1982), 149–173; M. Weinfeld, “Traces of Assyrian treaty Formulae in Deuteronomy”, *Biblica* 46.4 (1965), 417–427. For a list of studies that have discussed this term see Altman, *Political Treaties*,24n55. [↑](#footnote-ref-27)
28. In the Hebrew Bible, the covenant and oath are synonymous and used interchangeably (e.g., Gen. 21:31–32, 26:28; Josh. 9:15, cf. 16–20; 2 Kgs. 11:4; Ezek. 17:13, 16, 18–19 and more); see G. Tucker, “Covenant Forms and Contract Forms”, *VT* 15, Fasc. 4 (1965), 487–503, pp. 488–489. This is not only a matter of terminology but also of legal structure (ibid, 492–497). Tucker notes that a similar phenomenon of identifying the covenant with an oath is typical of many Near Eastern treaties (ibid, 489–490). Even a more minimal approach would need to recognize that all covenants are “relationships established on oaths” (Weeks, *Admonition and Curse*, 177). Weeks hypothesizes that this in fact is the reason for the close resemblance between treaties throughout the ancient world. [↑](#footnote-ref-28)
29. See note 19 above. Notably, although this feature of biblical oaths is not in dispute, it is not always acknowledged explicitly in research; Cf. I. Kottsieper, "שבע", *TDOT* 14, 311–336. Witnesses are not mentioned in this entry even once, although the author comments on the connection between oath and covenant, which no-doubt involve divine witnesses (318). [↑](#footnote-ref-29)
30. Cf. I. Polinskaya, “‘Calling upon gods as witnesses’ in Ancient Greece”, *Mètis* 10 (2012), 21‒35. Polinskaya claims, albeit in a Greek context, that it was possible to call deities to witness “situations where no oaths [were] sworn”, and that gods could be invoked “as simple observers, not as executors of justice”. Sommerstein, “What is an Oath?”, 4-5, explains the implausibility of this analysis. [↑](#footnote-ref-30)
31. On the oath in this verse see Simian-Yofre, “עוד”, 506; Y. Hoffman, *Jeremiah, Introduction and Commentary* (Heb.), (Mikra Leyisra'el, Tel Aviv, 2000), 729; W. Bruggemann, A Commentary on Jeremiah: Exile and Homecoming (Michigan/Cambridge UK, 1998), 388. [↑](#footnote-ref-31)
32. Cf. 1 Sam. 3:17; 25:22; 2 Sam. 19:14; 1 Kgs. 20:10; 2 Kgs 6:31. On conditional phrasing of oaths see M. Segal, “Li-Beniyyat Pesuqei ha-Shevu‘ah ve-ha-Neder be-‘Ivrit”, *Lĕšonénu* 35.3 (1928), 215–227‎, p. 217 and also C. Van Leeuwen, “Die Partikelאם ” ,in Casper J. Labuschagne et al. (edd.), *Syntax And Meaning: Studies In Hebrew Syntax And Biblical Exegesis* (OTS 18; Leiden, 1973), 34–38. The condition can be negative or positive, according to the context. [↑](#footnote-ref-32)
33. ESV. On the oath in this verse see J. Skinner, *Genesis* (ICC, 2ed ed.; Edinburgh 1994), 402. [↑](#footnote-ref-33)
34. On the imposition of an oath in this verse see Segal, “Pesuqei ha-Shevu‘ah ve-ha-Neder”, 219; and more elaborately P.K. Mccarter, *I Samuel* (AB 8; New Haven & London, 1980), 214. [↑](#footnote-ref-34)
35. The translations of such phrases often use the preposition ‘against’ (“to summon witnesses against PN”), but the imposition of an oath is not clearly *against* the one being sworn, and the use of the proposition *be* seems toindicate somethingelse. [↑](#footnote-ref-35)
36. McCarthy, *Treaty and Covenant*, 191–193; Weinfeld, “ברית”, 264–265; Simian-Yofre, “עוד”, 509. The phrase “*hē‘îd et* PN1 *be* PN2” is in fact analogous to “PN1 being an*ēd be* PN2”. Cf.Jer. 42:5. [↑](#footnote-ref-36)
37. On the classification of this occurrence under the meaning of warning see *BDB*, 730, and also the translations offered by various scholars: M. Cogan, *1 Kings* (AB 10: New York, 2001), 7; M. J. Mulder, *Kings, vol. 1: 1 Kings 1–11* (*HCOT*; Leuven, 1998), 126. [↑](#footnote-ref-37)
38. Τhe Hebrew phrase *wā’ā‘id běḵā* is also preserved in the Greek version as “ἐπεμαρτυράμην σοι”. [↑](#footnote-ref-38)
39. In his commentary, Mulder, *Kings*, 126, points to a connection between this formulation and an oath, but he does not clarify it: “When God is witness, a person may, upon a failure to keep the oath, bring down the malediction upon himself. He may also call forth God's punishment as a threat upon himself. Van Leeuwen thinks that from this line of thought the meaning ‘to warn’, ‘to admonish’ can be developed ... This meaning is somewhere too weak here. We prefer: to state under oath”. Cf. McCarthy, “Covenant and Law in Chronicles-Nehemiah”*,* 38. [↑](#footnote-ref-39)
40. ESV. The translation of *hē‘îd* in these verses as warning is very common: so NRSV, NJPS and also W. McKane, *Jeremiah I* (ICC; Edinburgh, 1996), 236; J. Bright, *Jeremiah* (21 AB; New York, 1965), 81; R.P. Carol, *Jeremiah, a Commentary* (OTL, 1986) 266. Cf. KJV: “For I earnestly protested unto your fathers”; W.L. Holladay, *Jeremiah 2* (Hermeneia; Minneapolis 1989), 346: “for I really have admonished your fathers”, and J. Lundbom, *Jeremiah 1–20* (AB 21A; New York, 1999), 614: “for I told your fathers emphatically”. Jer. 7:7 and 25 are close parallels, but the root דבר is used instead of עוד. [↑](#footnote-ref-40)
41. The commentators elaborate on the connection between these verses and the Deuteronomist covenant theology; see McKane, *Jeremiah I,* 236–246; Carol, *Jeremiah*, 267; Holladay, *Jeremiah 2,* 349–353; Hoffman, *Jeremiah*, 309–310. Nevertheless, in this context too *hē‘îd* is regularly interpreted in a general sense of warning and not as a matter of engagement with the covenant, as Carol writes (269): “It is preached to those living after the disaster and is intended to warn them about the consequences of disobedience ... the fathers so warned and destroyed by the curses of the covenant are in fact the generation of Jerusalem's destruction...”.  Hoffman, *Jeremiah*, 314, suggests a hybrid version that combines testimony and warning: “ העד העידותי - throughout the generations I warned and warned that the covenant should be obeyed, and you are witness to that”. Cf. McKane, *Jeremiah I*, 238; Veijola, “He'id I”, 349. [↑](#footnote-ref-41)
42. This reading is also supported by the parallels between 11:7–8, whose content is missing in the Septuagint, and 11:4–5, which deal with oaths that God swore to the patriarchs. See, for example, McKane, *Jeremiah I*, 346–347; Hoffman, *Jeremiah*, 309; and the position of parallels in Lundbom, 615–616. Deut. 8:19 should be read the same way: it is not merely a warning, but the imposition of an oath that is part of the covenant. [↑](#footnote-ref-42)
43. While some commentators do note a certain affinity between the two verses, they offer no clear explanation for it. See Hamilton, *Genesis,* 540: “Nowhere in 42:15ff. does Joseph say as much to his brothers. Judah may be offering a loose paraphrase of Joseph’s words in 42:18–20… or Judah’s words could be a deliberate embellishment. Or perhaps they are exact remarks of Joseph to his brothers to which we, the readers, do not have access”. [↑](#footnote-ref-43)
44. On this formula see, e.g., M. Greenberg, “The Hebrew Oath Particle Ḥay/Ḥē”, *JBL* (1957), 34–39; Ziegler, *Promises to Keep*, 81–121, and specifically on Gen. 42:15 in p. 105 ; Segal, “Pesuqei ha-Shevu‘ah ve-ha-Neder”, 222–223. For examples from the Ancient Near Eastern Context see Sandowicz, *Oaths and Curses*, 64n384. [↑](#footnote-ref-44)
45. The oath underlying the testimony is not always clearly formulated. Cf. Exod. 19:21; 1 Sam. 8:9. [↑](#footnote-ref-45)
46. For the different translations see above, note 13. Again, the connection to the world of witnesses is maintained in LXX: διεμαρτύρατο ὁ ἄγγελος κυρίου πρὸς ᾿Ιησοῦν. [↑](#footnote-ref-46)
47. On blessings and oaths, see, e.g., M.R. Lehmann, “Biblical Oaths”, *ZAW* 81.1 (1969), 74–92 (in the biblical context); C. Faraone, “Curses and blessings in ancient Greek oaths*”, JANER* 5.1 (2005), 139–156 (in the Greek context). [↑](#footnote-ref-47)
48. שמעתי is often translated as “I will obey”, see the discussion below. Cf. J.A. Montgomery, *A Critical and* *Exegetical Commentary on the Books of Kings* (ICC; Edinburgh, 1951), 97: “the expression, *I have heard*, means *I am witness*, and so the south Arabic of the root”. [↑](#footnote-ref-48)
49. ESV, and similarly (hear=obey): NRSV, NJPS, KJV. [↑](#footnote-ref-49)
50. ESV. Similarly, in NIV, NRSV, KJV: “I testified against you”. Cf. NJPS: “I will arraign you”. [↑](#footnote-ref-50)
51. ESV. Similarly NRSV: “I admonished you”. Cf. KJV: “I will testify unto thee”; NIV: “I will warn you”. [↑](#footnote-ref-51)
52. ESV, NRSV, NIV: “Listen to me”. [↑](#footnote-ref-52)
53. See, e.g., 2 Kgs. 17:13–16; Jer. 6:10, 42:5–6; Micah 1:2; Neh. 9:29, 34; 2 Chr. 24:19. [↑](#footnote-ref-53)
54. See, e.g, Gen. 37:26–27; Exod. 24:7; Prov. 1:8. On the meaning of hearing as obedience in wisdom literature, see Nili Shupak, *Where Can Wisdom Be Found? The Sage's Language in the Bible and in Ancient Egyptian Literature* (Switzerland, 1993), 51–55, 85. The variant meanings of “hearing” are beautifully played upon in the *Instructions to Ptahhotep*. [↑](#footnote-ref-54)
55. In the Sefire inscription the obligations entailed by the treaty are also formulated in terms of an obligation to hear; See Sf I B 21–23 and Sf II B 2–4. For this phenomenon in contracts in general see G.M. Tucker, “The Legal Background of Genesis 23”, *JBL* 85.1 (1966), 77–84. For biblical parallels see, e.g., Judg. 11:17, and also M. Cogan, *1 Kings* (AB; New York, 2001), 179. [↑](#footnote-ref-55)
56. Gen. 23:6, 8, 11, 15, 16. [↑](#footnote-ref-56)
57. Veijola, “He'id I”, followed by Simian-Yofre, “עוד”; see note 2 above. [↑](#footnote-ref-57)
58. LXX: τὰ μαρτύρια αὐτοῦ, ὅσα διεμαρτύρατο αὐτοῖς; KJV: “his testimonies which he testified against them”; ESV, NRSV: “the warnings that he gave them”. Cf. 2 Kgs. 23:3, LXX: τὰ μαρτύρια αὐτοῦ; KJV, ESR: “testimonies”, NRSV: “decrees”. Scholars criticize the translation of *‘ēdwôt* as“testimonies” since *‘ēdwôt* is not derived from *hē‘îd* but is an Aramaic loanword (see Kister, “Two Formulae”, 296); on the accuracy of this translation see the discussion below. [↑](#footnote-ref-58)
59. ESV: “your warnings that you gave them”. Other translations similarly vary as above. [↑](#footnote-ref-59)
60. See also Deut. 6:20: “What is the meaning of the *‘ēdôt* and the statutes and the rules that the Lord our God has commanded you”. [↑](#footnote-ref-60)
61. See B. Volkwein, “Masoretisches *‘êdût, ‘êdwõt, ‘êdôt* – ‘Zeugnis’ oder ‘Bundesbestimmungen’?” *BZ* 13 (1969), 18–40; *BDB*, 730a; *HALOT*, 683; M. Parnas, “*‘Ēdūt*, *‘Ēdōt*, *‘Ēdwōt* in the Bible, against the Background of Ancient Near Eastern Documents” (Heb.), *Shenaton le-Heqer ha-Miqra ve-ha-Mizrah ha-Qadum* 1 (1975), 235–246, pp. 236–238. In certain biblical passages *‘ēdūt* means “laws”, a meaning usually associated with *‘ēdwôt*; in others, *‘ēdwôt* means covenant, a meaning usually associated with *‘ēdūt*. See note 71 below. [↑](#footnote-ref-61)
62. This is apparently true for all biblical occurrences of the Hebrew word *‘ēdūt*; however, there is at least one case where a covenantal structure appears as a gerundive form meaning ‘testimony’, albeit in Aramaic: Gen. 31:47: וַיִּקְרָא לוֹ לָבָן יְגַר שָׂהֲדוּתָא וְיַעֲקֹב קָרָא לוֹ גַּלְעֵד. [↑](#footnote-ref-62)
63. Veijola, “He'id I”, 343, 347–350. [↑](#footnote-ref-63)
64. An explanations that build on the meaning of *‘wd* in the sense of “repeat”, “do again and again”, was offered by J.A. Thompson, “Expansions of the עד Root”, *JSS* 10 (1965), 222–240, p. 226 (and see the objection to this explanation offered by Simian-Yofre, “עוד”, 497). For an alternative reconstruction, see Kister, “Two Formulae”, 296n38. Kister argues for a semantic shift from the supposedly original meaning of “warning”, as a result of the influence of biblical passages in which the *‘ēdūt* and Torah are mentioned in close proximity. [↑](#footnote-ref-64)
65. Oaths that involve instruction or commandment are promissory oaths, and not assertory oaths; the analysis suggested in this article holds for both type of oaths with the required changes. [↑](#footnote-ref-65)
66. Only in the Sefire inscription. [↑](#footnote-ref-66)
67. For a distinction between the various political spheres in which this terminology was used, see Tadmor, “Treaty and Oath”, 165–173. [↑](#footnote-ref-67)
68. I.J. Gelb, “Review of D.J. Wiseman, *The Vassal-Treaties of Esarhaddon* (in Iraq20)”,  *BiOr* 19 (1962), 160–162; McCarthy, *Treaty and Covenant,* 89; idem, “Covenant and Law in Chronicles-Nehemiah”, 37; R. Frankena, “The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy”, *OTS* 14 (1965), 122-154, p. 134; Jacob Lauinger, “The Neo-Assyrian adê: Treaty, Oath, or Something Else?” *ZAR* 19 (2013), 99–115; Tadmor, “Treaty and Oath”, 165. Cf. Simo Parpola, "Neo-Assyrian Treaties from the Royal Archives of Nineveh”, *JCS* 39.2 (1987), 161–189, 181–183, who thinks that “the word *adê* covers a much broader semantic field than just ‘loyalty oath’ and is best taken as a general term for any solemn, binding agreement”. [↑](#footnote-ref-68)
69. The simple example for this meaning is the common interchange between the phrases “the tablets of the covenant” (לוחות הברית) and the “tablets of the *ēdūt*” (לוחות העדות), and between “the Ark of the Covenant” (ארון הברית) and the “Ark of the *ēdūt*” (ארון העדות). See Parnas, “*‘Ēdūt*”, 236; Simian-Yofre, “עוד”, 512. Cf. Y. Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Indiana, 2007), 136n71, who notes that “in the priestly sources there are no ‘tables of ‘‘*ēdūt*’ but only *‘ēdūt*’”; see, e.g., Exod. 16:34, 25:16. In his opinion, “this *ēdūt* is substantially different from ‘tables of the covenant’ mentioned in non-priestly writings”. [↑](#footnote-ref-69)
70. See Parnas, “*‘Ēdūt*”, 237–238. Cf. *‘ēdūt* in the sense of “Torah law” in Ps. 19:8, 78:5; *‘ēdwôt* in the sense of “covenant” in Ps. 25:10. [↑](#footnote-ref-70)
71. As stated above, in both biblical covenants and Near Eastern treaties the contracting parties swear an oath to abide by the terms of the treaty or covenant, and the deities are called to witness this sworn undertaking. In the Akkadian treaty, however, a clear terminological separation is maintained: the treaty-oath is called adê, and the deities serving in the capacity of witnesses to the covenant are termed *šībūtu*. This is also the case in Aramaic, which distinguishes between עדן *‘dn,* the name for the oath or the covenant, and שהד *shd*, the witness. Hebrew is unique in that there is a homophonic merging, with the word for “covenant”, *ēdūt*, based on a borrowing from Aramaic, and the word for witness, *ēd*, whose action (witnessing) establishes the covenant*.* Some think it may not be a coincidence; see note 73 below. [↑](#footnote-ref-71)
72. Another possibility raised in scholarship is a hypothetical connection between Aramaic *‘dy* and Hebrew *‘ēd* (Simian-Yofre, “עוד”, 497). Some argue for a (rare) use of the root *‘wd* in Aramaic in the semantic field of witnesses and testimony in the Sefire inscription; see J.A. Fitzmyer, *The Aramaic Inscriptions of Sefire* (Rome, 1995), 122, following A. Lemaire and J.M. Durand*, Les inscriptions araméennes de Sfiré et lA̓ssyrie de Shamshi-ilu*, vol. 20 (Paris, 1984), 141. According to DISO, *‘ēd* is attested in this use in two Aramaic inscriptions (J. Charles-François, *Dictionaries des inscriptions sémitiques de l'ouest* [Leiden, 1954], 204). [↑](#footnote-ref-72)
73. On these idioms see M. Weinfeld, ‘Berît—Covenant vs. Obligation’, *Biblica* 56.1 (1975), 120-128, 122–123. [↑](#footnote-ref-73)
74. Given the constraints of this forum, I was unable to address another meaning scholars often attribute to hē‘îd: reproach or admonition. Crtain translations occasionally prefer these to “warning” or “command”. Given that this meaning seems to lie somewhere between “warning” and “command”, possessing elements of both, it seems to me to be sufficiently covered by the analysis above. [↑](#footnote-ref-74)
75. In the NT see: 2 Tim. 5:1–2; 1 Tim.5:21–22; 1 Thess. 2:10; Gal. 5:3; Ephes. 4:17; Acts 2:40, 13:20– 21; etc. In native Greek contexts, see, e.g., X.Cyr.7.1.9, Hdt. 5.93, Thuc. 6.29. [↑](#footnote-ref-75)