

**The Position and Function of the Elders
in the Biblical Period**

Albert S. Goldstein
Hebrew Union College
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Preface

In Biblical literature, it is not the terminus ad quem, but the terminus a quo which must set the limits of the Biblical Period. For if we regard the point of reference in Scriptures as determining the beginning and end of the Biblical Period, then it would extend from Creation to the Messianic Era at least--a rather unhistorical stretch. The alternative is to consider as Biblical that period in which the literature of the Bible was written. Whatever else it would exclude this, of course, would eliminate the decades or centuries of pre-Israel's Pre-Canaan existence, for we know of nothing that was written during the 'wandering in the wilderness.'

Strictly speaking, then, the first division of this paper, on the Pre-Canaan Period is supererogatory. It is included to show the institution of the elders as a strong survival of desert life. It is not in any real sense an exposition of the origin of the elders. The title of this paper does not call for a discussion of origins; this would require an extensive research into the origins of the primitive Semitic family, its organization and that of the larger kinship groups: septs, clans, tribes. The present study only indicated the need for such a further complementary research, and is itself confined very much to the political and judicial aspects of the elders' work.

It was assumed that the reader is familiar with the historical background of the Biblical Period, and that an exposition of the political and religious events leading up to the Reform of Josiah, for example, would

be superfluous.

Nor was it felt essential to trace the development of the cases of law which came under the jurisdiction of the elders.

Pre-Canaan Period

The stories of the Patriarchs and various later references such as Dt. 26:5 ff.; 32:10, as well as the survival of the clan of the Rechabites (2 K. 10:15; Jer. 35) point back to a nomad period in Hebrew history when the life closely resembled that of the Bedawin in the desert lands adjoining Palestine today. "Certain institutions of desert, tribal organization persisted in Israel and have in fact persisted in Palestine in more less modified forms down to the present day. Among these not the least significant was the institution of the elders in Israel and the authority which they enjoyed and the functions which they discharged. In general these agreed so closely with the corresponding limited authority enjoyed and the functions discharged by the elders or shiuah among the Bedouin that it is impossible not to regard the institutions of the elders in the Biblical period as a direct development out of the corresponding institution in Israel in its pre-Canaanite, desert, nomadic or semi-nomadic days."^{1.}

Out in the desert, there is nothing corresponding to our state nor for that matter any central power or supreme authority. Within the family, the father or grandfather ranks as an undisputed head,^{2.} but within the tribe every man is quite the equal of every other. Of this freedom and democracy the Bedawin are very proud. The persistent hatred of ruler-

ship, manifest in Israel even after the settlement in such expressions as Jotham's parable (Jg.9:8-15) and the sentiment against monarchy found in 1 S.8:10-18, is typical of the Bedawin temper.

But whatever be the ^{nomad's} ~~man's~~ repugnance to authority (and judging from the despotism that characterizes rulership in the 'civilized' orient, we can hardly blame him), in the desert, precisely because of the perils accompanying great freedom, leadership and guidance are a prime necessity.

The tribesman, for all his prideful independence, realizes the value of unity and loyalty and must turn to some group or individual for protection against his enemies--since in the desert, resources being scanty, perforce each man's hand is turned against his neighbor and blood vengeance is a primal law; and for the settlement of his claims--since he is quick-tempered and prone to contention. For this protection and adjudication the tribesman resorts to the sheikh or elders of his clan or tribe. What is the position and function of these sheikh or elders?

In every civilization there are certain personal qualities which make for survival. Those who possess these qualities in highest degree become the natural leaders within their social groups, and its representatives abroad. In the desert the requisites are 'family', generosity, valor, intelligence and personal backing. Thus the sheikh, or elder, in any encampment, clan, or tribe is he whose descent, liberality, courage and sagacity have earned him much goods and a large following; but for all that, he is not a ruler. For while his requests are ordinarily obeyed and his suggestions regarded with great respect, his commands would be treated with utmost contempt; for with the Bedawin, equality among men is something more than a phrase. Thus the dignity of headmanship, whether it be of a small encampment or a mighty tribe is far greater than the authority of the office. The dignity is such that no sheikh would

stoop to do menial labor; but his power is so limited that he would not dare to punish a tribesman for refusing to do this work. "A man's a man" with the Bedawin and the sheikh—who may be distinguished for his age, tho he is not necessarily the oldest man in the group—does not arrogate to himself any external distinguishing marks of office, but wears the same clothes and weapons as the rest and lives by his own "earnings." The income of the sheikh is made up of 'taxes' paid by merchants, artizans and 'protected' fellahs and villages adjacent to his territory. But he exacts no tribute from the members of his tribe.

4.

"The ^usheikh," writes Doughty, "are nobles of the blood, of a common ancestor, the reputed Jid or father of the tribe (cf. Abraham); the sheikh's dignity he has of inheritance. The head sheikh of the tribe is the patriarch. No commoner, nor any of strange blood, even tho he surpasses all men in wealth and sufficiency, can come to be head of a nomad ashira or even be named of the sheikhly kindred which are a noble lineage in the tribe. If the inheriting sheikh is insufficient, the next of kin is chosen sheikh." "When a sheikh dies he is succeeded by one of his sons or his brother, or some other relation distinguished for valor and liberality: but this is not a general rule. If some other of the tribe should possess those qualities in a more eminent degree, he may be chosen....A living sheikh is sometimes deposed and a more generous man elected in his place."

5.

The status of the sheikh or desert elder, then, is that of the highest dignitary which the nomad recognizes. He is accorded respect in proportion to his personal qualities, but his word is enforceable only through public opinion. His position itself is dependent upon the common will. His functions, as is natural in a simple society, are multifarious. He exercises practically all the functions of government which, in a more complex civilization are

ordinarily delegated to separate individuals or bodies.

Whatever the Bedawin knows of the judicial, legislative and executive functions of government are in the hands of the sheikh. He is a guardian of the law, and even though there be official qadis (judges), he may not absent himself from all their proceedings without losing his influence, upon which whatever power he has so much depends. He has need of all his oriental sagacity to unravel the extremely complicated questions which arise, and he who cannot give adequate solutions to these daily problems cannot maintain himself as sheikh. On the other hand, he rises in popular esteem in delivering a sage⁶ decision in a noted case. His decisions as they modify precedent are all that the tribesman knows of ~~his~~ legislation, and the moral respect the elder inspires is the nearest thing to executive authority which the Bedawin will tolerate.

Practically nothing in all the rather small compass of nomad activities escapes the sheikh's influence. He decides on the encampment, and for a mobile group like the nomad community, in which location seriously affects material gain and sometimes existence, the position of the encampment is of paramount importance. The sheikh must be well acquainted with laws and phenomena of the desert in order to direct his people and indicate foraging and halting places. Nothing passes without question in the desert, so if the sheikh decides on the change of site, he must inform the tribesmen and give his reasons.⁷

More than this, the social life and good harmony of his people are the sheikh's interest and under his influence. He is the peacemaker in the innumerable contentions among his people. Force is never used to keep disputants quiet. He is special protector of the poor and the feeble who are⁸ exposed to the rapacity of the greedy and strong.

Questions of marriage within his group are also under the sheikh's jurisdiction. He has a thousand occasions to mix in the long parleys: trying to prevent disastrous alliances, encouraging others, maintaining ancient usages, adjudicating real or supposed injuries. He guards the family's welfare and for this reason divorce also comes within his ^rview. The repudiation of a wife gives rise to quarrels, and his influence must be exercised to restore peace.
9

Another of the sheikh's functions is to return stolen goods. The Bedou was always a thief. He regards all strangers as prey. But if the victim recognizes his waylayer he goes to the latter's sheikh and asks for the return of his stolen property, to which the sheikh complies and no one objects.
10

The sheikh conducts the ghrassu (raid) and takes the lion's share of the loot. No one objects because his obligations in the matter of hospitality are great.
11.

In general, he is "minister of foreign relations." He must inform himself upon the situation in the desert, the encampments of other tribes, raids taking place, battles fought, etc., so that he may conduct himself and his relations with the other tribes accordingly. He declares war, but he is not always ^{7/}_^ or even usually the military commander. Frequently another is acknowledged as chief in the battle.
12

At the murder of a tribesman, the tribe may demand justice at the hands of its sheikh. He may declare war immediately after warning the tribe of the slayer. But as it is the sheikh's province to declare war and raids,
13
he must also restore peace and amity.

At the head of each sept or clan is ordinarily a sheikh. The entire tribe, if it comprises eminent clans, recognizes a single head only in affairs

14 of great importance. 15 The head sheikh is called the Omda, but with him is a council or diwan of sub-sheiks, comprising the leaders and representatives of the clans. 16

Doughty describes a meeting of a sheykhly council: "For the Bedouins, when the sun mounts, it is time to go over to the mejlis, "sitting", the congregation or parliament of the tribesmen. Where the chief sheykh is found, there will the tribesmen assemble together....In this parliament they commune together of the common affairs...Here is reported what any may have heard of the movement of foemen, or have signs been seen of a ghrazzu (foray): tidings from time to time are brought in of their own or foreign waters; householders tell of the pasture found yesterday by their dispersed herdsmen. Let him speak who will, the voice of the least is heard among them, he is a tribesman.

"This is the council of elders and the public tribunal: hither the tribesmen bring their causes at all times, and it is pleaded by the maintainers of both sides with clamor: and everyone may say his word that will. The sheykh meanwhile takes counsel with the sheukh, elder men and more considerable persons, and judgment is given without partiality and always without bribes. The sentence is final. The loser is muloted in heads of small cattle or camels, which he must pay anon, or go into exile, before the great sheykh send executors to distrain any beasts of his to the estimation of the debt... They are the justest of mortals. Seldom the judges err, in these small societies of kindred where the life of every tribesman lies open from his infancy and his state is known to all men. Even their suits are expedite...Seldom is a matter not heard and resolved in one sitting." 17

This or something very like this must have been the position and function of the Hebrew elders in Pre-Canaan days:

In the encampment, clan or tribe they were by birth and personal qualities the most distinguished individuals in their respective groups. They were the leaders, counsellors, chief authorities on tribal traditions, arbitrators of disputes and protectors of the weak at home and the representatives and guides of their communities abroad and on their travels. Their influence was in nowise dictatorial, but moral solely, being effective only as enforced by public opinion. But holding their position by common will and consent, their word must, for the most part, have had all the virtual power of law. They exercised all the governmental (judicial and political) functions that a free-spirited, proud, democratic people would brook; their influence being broad but relatively undefined.

Pre-Monarchical Period

The settlement in Canaan involved significant political changes in the life of the Hebrew clans. Whereas, in the desert, because of the roving life, association with some particular territory is not a binding tie, and allegiance is paid to the only source of protection, the clan or tribe--in Canaan, the Hebrews, first as tribes and later as individuals came by degrees to attach themselves to the soil, to identify themselves with the specific area in which they lived. Then, too, intermarriage with the Canaanites also tended inevitably to weaken tribal bonds. As communities, often made up of alien elements came to live together and in time develop into villages and cities, the town organization became more important and family and tribal affinities were gradually forgotten.

Moreover, the old free democracy of the desert gradually disappeared when the necessity of wresting the land from the Canaanites, or defending themselves from assault gave rise to wartime heroes, who in peace might become the people's ruler--following the practice of Canaanites and other settled peoples. In all probability some such political organization as the Canaanites had-- a city surrounded by her "daughter" cities must have been developed in the transition period of Hebrew settlement in Canaan which led to the formation of the monarchy. This development transpired first in the earlier Northern settlements of Israel.

The few smaller tribes which, because of their weakness and late arrival, were forced to remain in the South or in East Jordan maintained their pastoral life and culture in those lands for centuries after the invasion, and hence retained the institution of the elders almost unchanged. On the other

hand, the larger and more powerful Northern tribes who earlier gained foothold in the fertile and civilized Central and Northern regions of Palestine quickly assimilated the surrounding Canaanite culture and, to the extent that they did so, abandoned the desert institution of eldership. This was only natural. It is obvious, for example, that in a large town where several dozen clans might be represented, each could not expect to be governed by its own tribal elders, and yet hope for solidarity. When loyalty changed from tribe to territory, from blood to soil, government had similarly to change. But it is natural to suppose that men of means and sterling qualities such as the elders must have been accorded positions of honor within the towns. It is also natural that the title "elder" should remain to describe the new urban functionaries.

19.

In the period described in the non-deuteronomic portions of the Book of Judges "Israel was only one remove from nomadism, her social state was primitive and rustic. City life did not appeal to the people. They lived almost entirely in village settlements, the population of which was limited by the size of a convenient area to cultivate. The village was a band of families, inevitably blood-related to one another. Tribal and clan feeling inevitably weakened as the neighborhood became important.... Each district (Cf. Josh. 17:11, Jg. 11:26) was an independent entity under its own rulers, the village elders who were the heads of the various families. We hear of Princes of Succoth (Jg. 9:14), rulers of Shechem (Jg. 9:2), elders of Gilead (11:5). These headmen were equal in theory and their authority was based on public opinion, they administered traditional law, but they had no executive power. The village life was lived in public, and the gate was its center; it was the place of law."

20.

"It was here that meetings were held, bargains made, and news of the day discussed....In most cases it was men of standing in the city who took the leading part in such discussions. Job depicts such a scene (Job 29:7 ff.) 'When I went to the city council, and sat down in the market place, the youth fell back before me, elders rose to their feet. ' Anyone who was anxious to bring himself forward in the public eye was sure to find his way to the gate, (Prov. 31:33). The law was administered there (Amos 5:10; Ps. 127:5; Dt.25:7) and therefore it was that in later days Absalom took a position at the gate when he tried to arrogate to himself the privilege of giving judgment (2 S.15:2) ...The gate was indeed the centre of the entire life of the city. All important business transactions were carried thru there, especially those that required to be legally attested. A vivid picture of such a scene is given in the Book of Ruth (4:7).... Boaz was anxious to meet the next-of-kin. The story shows us Boaz sitting at the gate, with citizens and others around him. He waits for him to come--he is bound to come to the gate some time or other....There is a similar scene in the history of Abraham. (Gen.23) At the city-gate of Hebron sits the sheikh, with all the signs of mourning upon him. He implores the people of the place--Hittites of Hebron--to make over to him a place of sepulchre where he may lay Sarah to rest." ^{21.} Not a far cry, this meeting place at the town gate, from the mejlis or the diwan of the sheikh in the desert as described by Doughty (see above p.7).

That the status and character of the elders were not always changed by ^{22.} the abandonment of nomadic life is attested by McCurdy who states that the habits and relations of the old clan organization were not discarded in the permanent institutions of the fixed settlements. The influence of the old bedouin system can be traced in the establishment and regulation of ancient semitic cities and we may find there a reproduction in general outline of the essential elements of old tribal government. Throughout the Northern semitic

realm the town or organization included a head, malk (Cf. Heb ^{מלך}), a circle of nobles or elders and the masses.

That the shofet of the Book of Judges may have been chief elder or malk in his community is possible. But at first he was doubtless only the chosen military leader (see above ^{p. 6} 4-f.), as his rise in each case seems to be coincident with the necessity for such a leader.

It was the pride in the freedom and the love of ^{the} democracy which characterized the bedawin life that prevented the immediate rise of the inevitable oriental despot. When the necessities of war required the concentration of power in one man's hands, as in the desert, it is the elders who chose that man. And thus, in Jg. 11, when "Ammon made war against Israel, the elders of Gilead (in East-Jordania) went to fetch Jephthah in the land of Tob (an Aramaean state to the North)". V. 1 suggests that the community of Gilead was founded by a patriarch of that name whose sons became the elders of that place; for Jephthah, the illegitimate son driven out of his father's house by his half-brothers, identifies the elders from Gilead as those brothers (v. 7). The entire account seems to show that the shofet, or military leader, was chosen from the 'clannish' community, by the elders or nobility and preferably was of that sheikhly nobility. Jephthah's exaction of a promise from the elders to make him "head and chief over them" might prove that ordinarily the shofet did not maintain any power after his function as a military leader expired. Jephthah had doubtless acquired a lust for rulership from his exploits as bandit in Aramaea. That it was only the stress of circumstance that made the elders of Gilead accede to his undemocratic demands is obvious.

That the military commander which the elders appointed did in time come to be ruler is attested by the incident recorded in 1 S. 11. The Ammonites again attack in Gilead, this time JabeshGilead in Transjordanian.

The elders of the place attempt to parley with Nahash the Ammonite and then send for Saul in Gibeath-Shaul (this name might indicate that Saul was the chief elder of this place, perhaps its founder as Gilead in Jg. 11:2) to come and lead them in battle. Not that Saul was immediately appointed king, as the record in v. 15 has it; but what with the propagandizing influence of Samuel and the needs of the times, he did eventually become king. The function of the elders here illustrated is of course as representatives of their communities in time of war, negotiating with the enemy and selecting military leaders, shof'tim.

It is clear from such references as Jg. 12:1 ff. that in the early days of the settlement in Canaan the Hebrew tribes (or possibly even clans) were not easily or soon united by mere local contiguity and a common enemy, but might even be hostile toward and envious of one another. But whatever relations existed between communities in this period were regulated by the elders. "The men of Ephraim" of this passage certainly does not mean the general population, but the leading men only, i.e. the elders. That they were representatives responsible for the acts of the towns which they governed--to the extent that their primitive headmanship could be called government--is attested by the story of the elders of Succoth who suffered for refusing sustenance to Gideon's army (Jg. 8:14-15). Again, in 8:5 the reference to ^{לְאֵלֵי הַכִּנֹּרֶת} is not to the entire population^{or} even to the male contingent of the town, but is parallel to the ^{לְאֵלֵי הַכִּנֹּרֶת} (v. 6) and implies the heads or elders of the town. In 8:14, the captive boy writes down the names of ^{לְאֵלֵי הַכִּנֹּרֶת} ^{לְאֵלֵי הַכִּנֹּרֶת}, 77 altogether--probably a round number. In this affair the elders acted as ministers of foreign relations who suffered grievously for their diplomatic mistakes.

The elders are represented in a similar capacity, as mediators for their communities in Jg.21. In vv. 16-22 they send an army to Jabesh-Gilead, distribute women to the spouseless males of the decimated tribe of Benjamin and plot with them the rape of the Shilonite maids. The reference throughout this story to the "men of Israel" suggests late editing. The acting body throughout is the council of elders at Mizpah, who evidently held Benjamin in fee, and determined its activities because of its weakness.

The fact that we have no data on the domestic functions of the elders in the premonarchial period of Hebrew history cannot be construed as meaning that within the towns at this time, "every man did what was good in his own eyes." In this period of transition and adjustment the major part of the elders' activity was doubtless that of neighborly negotiations, both friendly and hostile. But even as these political functions which, as we have seen, are part of the work of the elders in the desert, were carried on in the settlement—at least in the South and East; so the internal, judicial functions were likewise continued. For the present we shall have to infer these functions, from the survival of the others. Later we shall see that the judicial office of the elders continued for centuries in the Southern kingdom, indeed, down to the exile.

It is significant that the places in which the elders figure in these accounts of the pre-monarchial period are all in Transjordan. This follows from what was said above, namely that in those sections where because of aridity (the South) and lack of protection (the East) grazing was the chief occupation, and an existence close to that of the nomad persisted, the position and function of the elders remained little changed.

Monarchical Period

The least common denominator of nationalism has always been land. In the desert, for all their common tongue, religion, ideals, and interests, the Hebrew tribes could not form a nation. But from the moment they settled in Canaan they began developing toward nationality. At first, of course, they lived separately in the villages or towns which they formed or conquered, even as they had travelled separately out in the desert; but here as always, former mere acquaintances, meeting now in a new land in time become close friends. Now and again, necessity drove various groups together, but they tended to separate after each crisis. Then the wisdom of complete unity struck the seer, Samuel, and he became the catalytic agent in the fusion of the tribes into a nation. That he negotiated with the leaders of government and opinion is probable even though the suggestions of this in 1 S. 8:4-6, where, as ^{23.} spokesman for the people they ask Samuel for a king, and in 1 S. 16:1-5 where they greet Samuel as he comes to anoint David, are Deuteronomic and unhistorical.

But if, as is likely, the elders aided in the establishment of the monarchy, they did so either from disinterested or selfless motives, or from lack of foresight. Because centralization of power must inevitably weaken their local autonomy and substitute for their local, general influence, distinct, federal offices with specific functions and status. Such a state was inevitable and it came; but not suddenly. If the elders did not ^{know} ~~know~~ this, then they were short-sighted; if they did and were still eager or even willing to have a king-- then they were certainly not selfish. However, it is not unlikely that a

king would choose as his officials those who had been accustomed to guide and direct.

Psychologically, the transition from the period of the 'judges' to the monarchy rests upon the principle that if a little is good, more is better; i.e., if the combination, now and again, of a few communities under a temporary leader takes care of critical emergencies, the organization of all the towns and tribes under a strong permanent head would improve the welfare of all.

The change was, of course, gradual. Saul did not develop into a monarch suddenly, ^{or} at all really. He lived much the same rude life after his appointment as formerly. His not very royal attitude toward Samuel and "the elders of his people" is intimated in the Deuteronomic account in 1 S. 15:30 which, while it is not historical, was still probably not too far from the true relationship between Saul and the elders. After he has offended Samuel he begs him "honor me before the elders of my people." The good opinion of the elders was evidently a coveted thing even to a king--such as Saul, at least. Their regard was a matter of prestige.

That David's attitude toward the elders was respectful is evinced in his sending the spoils of Amalek to his influential friends, the elders of certain towns in Judah (1 S. 30:26 ff). It is significant that these towns are all in the South; none is north of Hebron--again bearing out the impression that Judah, always closer to the desert tradition, retained the institution of the elders longer and more strongly.

Abner in forwarding the claims of David to the kingship duplicated what we have suggested as the tactics of Samuel with respect to Saul. In 2 S. 3:17 ff. Abner communicates with the elders even before undertaking his visits to David himself (v. 19). The statement 'I will gather all Israel to my lord the king that they make a covenant with thee,' means "by their

24.

sheikhs or heads" says H.P. Smith. Smith also suggests here that "the prominent mention of Benjamin is due to the fact that as Saul's tribe it would be most difficult to move." Then too, because it was Abner's own tribe, his influence with it would be paramount.

By their representatives 'all the tribes of Israel came to David in Hebron' (2 S. 5:1) claiming kinship to him; and doubtless on the basis of some terms, a covenant was agreed upon between the leaders of the northern communities and David. David is anointed king over both Israel and Judah. This act brought Judah into organic union with the people in the North for the first time since the settlement. The conditional nature of this bond is demonstrated by the ease with which it was broken at the death of Solomon.

25.

If the influence of the elders was required to establish and maintain a king it was no less required to support a usurper. That Absalom in his efforts to supplant his father appealed to them and received their backing is amply testified by 2 S. 17:4, 15, where they are shown as conspirators with him in his rebellion. And when after the rebellion David maneuvered for his own restoration, he communicated through the priests, Zadok and Abiathar, to the elders of his own people, who by the way, had been leaders of the rebellion in Judah. He tells them not to be behindhand in welcoming his return. (2 S. 19:12,13).

All of this indicated the survival of the elders as a powerful agent in the building of the monarchy and that ~~even~~ during David's reign little of any political consequence could be accomplished without their consent and active cooperation. However, it is clear that certain officials created by the monarchy must have deprived them of some of their ^{authority} ~~function~~. The king himself stood higher in authority than any local elder. When the kingship was offered to Gideon he replied, 'I will not rule over you, neither shall my son rule over you.' (Jg. 6:22 f.) From this standpoint the creation of the kingdom was regarded as an act of apostasy and a sinful imitation of heathen nations (1 S. 8:4 ff.)

On the other hand, the king was regarded as the Lord's anointed, and his person deemed sacrosanct and inviolate (1 S. 24: 6,10). Judicially, his was the highest post in the land. (2 S. 14:4 ff.; 1 K. 3:16 ff.)

Moreover, 2 S. 20:24 speaks of an officer over the labor gangs, which points to a system of forced labor commonly employed in the East for public works. Certainly, by the very nature of their office, the elders had no such power to conscript. Then too, around the king from David's time and onward there arose a group of state officials: scribes, ministers, chamberlains, generals. David himself was one of Saul's generals (1 S. 18:13) in the permanent national guard of 3,000 (1 S. 13:2), and in David's time Joab was commander-in-chief (1 Ch. 11:6).

The growth of the priesthood, too, must have minimized whatever part the elders played in the religious functions, although Solomon, after the temple was built, summoned them to Jerusalem to assist in the ceremony of bringing up the Ark (1 K. 8:1-4). The hand of P is evident in this reference, especially in vv. 3,4: 'the elders came and the priests took up the Ark...and all the holy vessels....even these did the priests and Levites bring up'. That there should have been a struggle between the lay and ecclesiastical powers for supremacy was only natural even though this present suggestion is from a much later hand.

Solomon and Rehoboam are said to have had recourse to a group of zekenim who were at the court (1 K. 12:6). Here we have the term used to describe altogether different functionaries from the town council of elders. Here the term is used in a relatively untechnical sense as the courtiers who formed the king's advisory cabinet or ministry. These may or may not have had the same position and functions as the "elders of the house of David" (2 S. 12:17; cf. Gen. 50:7 c) who may either be the more privileged and

elder servants of the palace or the king's relatives--or the precursors of the group mentioned in 1 K. 12:6. At any rate neither the one nor the other refer to the elders of our study.

Beside the possibility of the word occasionally meaning only "old men", as in Psalms and Proverbs, there is one other interesting and notable use of the term. In Genesis 50: 7d we have reference to the elders of the land of Egypt; in Nu. 22:4, to the elders of the Midianites; and in Josh. 9:11, to the elders of Gibeon. It is possible that Midian had its sheikhs and Gibeon its senate under some malk. But that Egypt lived under elders is doubtful, and even if it did, that J. recording the fact centuries later, would know this is even more doubtful. What we really have in all these instances is the use of the term "elder" by the Southern writers to describe the representative, leading men of any other nation. The name and office was most familiar to the Judeans and they assumed, naturally enough, that all peoples lived under similar heads.

This tendency on the part of J. in the South to use the title to describe the heads of any people is significant. So that the mere fact that the representatives from the North are called "elders" (e.g. 2 S. 3:17; 5:1 ff--J) does not mean that they occupied precisely the same position in their communities in Israel as did the elders of Judah in the South (2 S. 19:12). Because between the people of the North and those of the South and East there was always a marked difference. The vast and important cultural differences implied in the disparity between pastoral and agricultural existence (involved in the transition from nomad to settled life) was maintained to a degree in Palestine by the fact that the Northern tribes were separated from those in East-Jordania by the impassable river, and from those in the South by the stretch of Canaanite territory between Jerusalem and Gezer. It was this ever-increasing differentiation between Northern and Southern cultures that made for the inevitable division of the kingdom which David created by a sheer tour de force and Solomon maintained

by might alone. Throughout their parallel history, the Northern group regarded the lowly shepherd life and institutions of the South with sophisticated contempt, while the Southern people looked upon the licentious urban life of their Northern kin with provincial horror.

The Judeans were closer in time and space and perhaps therefore in spirit to the desert life. That prophecy with its plea for simplicity was to rise here is significant, for the traditions of pure, free, democratic life persisted less sullied by the environment in the South than in the North. Nor must we infer that because Judah clung to the tyrant Rehoboam (1 K.12:14) while Israel struck ostensibly for freedom that the Northern rather than the Southern kingdom maintained the truer Bedawin spirit. This was not the case. Judah, already reconciled to monarchy, felt that if there was to be a king it should be a native son. It was to this that Israel objected: 'What portion have we in David, neither have we any inheritance in the son of Jesse?' (1 K.12:16). It was this jealousy plus the cultural disparity which made for the division of the kingdom and not the superior love of liberty on the part of Israel.

The institution of the elders, the flower of the free desert life, could not flourish in the Northern kingdom. If indeed they are at all a continuation of the early tribal elders, the Northern variety seem to have been a pretty contemptible lot.

The only mention of them after the division of the kingdom is in connection with the career of Ahab and his immediate successor, Jehu. In 1 K. 21:8-14, we have a record of the judicial murder of Naboth through the connivance of Jezebel and the venal elders of Naboth's town. These elders, from Naboth's village in Jezreel, take orders from the alien queen to commit perjury and murder. All that these men had in common with the free, independent-spirited sheikhs, whose principle of justice is uncompromising, is that they, too, were the heads of their communities and were allowed to judge. But the old, essential, distinctive spirit of liberty and justice evidently did not characterize the

Israelitish elders. Doubtless, the immorality of the Canaanitish milieu wrought havoc with this institution as it did with the whole structure of culture in the North; but whatever be the reason, the fact is the same: in the North, the institution of the elders degenerated.

After Ahab's death at the hands of the usurper, Jehu, Jehu sent to the rulers of Jezreel (Samaria), the elders' (2 K. 10:1 ff.) who were Ahab's advisors (1 K. 20:7 f.) and with a sort of rude chivalry invited them to choose one of Ahab's large family as king and to fight with him for the throne. But the cowardly elders promised submission, and at Jehu's request sent the heads of seventy of Ahab's sons in baskets.

(2 K. 6:32 contains the suggestion that there may have been opposition to the despotic rule of one of the kings of Israel--which one is not certain, perhaps Jehoram, or maybe Joash--on the part of some of the Northern elders, for here they sit with Elisha during the late stages of the Syrian war at a time when Elisha was for some reason in bad odor with the monarch. But the whole matter is too vague to permit of any conclusion.)

It is significant that E does not speak of the elders. For example, in the first mention of them in the Hexateuch in Ex. 3:16-18 (J) which overlaps vv. 13-15 (E) Moses' instructions--in the J version--are passed on to the elders, but in E (v. 15) to the people at large. This we believe is indicative of the disregard of this institution on the part of the Northern people. With them, royalty, in all its corruption, was assumed easily and the old natural leadership of the elders was comparatively quickly forgotten. The people of the North were agriculturalist assimilationists; 'Palestinians of the Mosaic persuasion' who wanted no taint of the old desert life or anything it stood for.

The condition in the South is evident from the fact that when Isaiah began, early in his career, to preach that God takes up the cause of the wronged, he called the elders to account (Is. 3:14,15). This shows the lasting influence of the elders in whom Isaiah recognized the actual, responsible

political leaders of the time (c. 730)--they are the keepers of the vineyard (Is. 5:1-7).

The high regard felt in Judea for the elders is manifest in the position assigned to them by the J writers in their version of the desert period. They are described in J as a group of aides to Moses with whom he takes counsel (Ex. 3:16) who accompany him and Aaron to the Mt. (Ex. 24: 1 ff) in whose presence Moses draws forth water out of the rock (Ex. 17:5), upon whom a portion of Moses' spirit falls (Nu. 11:16), who with Moses judged Dathan and Abiram (Nu. 16:25), and who are associated with Joshua as with Moses (Josh. 7:6; 8:10). There is something in these 'projections backwards' of the institution of the elders on the part of J that is almost analagous to the same procedure on the part of P with reference to the priesthood.

But while J attributes the highest position--next to that of Moses and Joshua themselves--to the elders and implies that they participated with them in all their functions, the specification of these functions was left for a later group of Judean writers, the Deuteronomists. Of course, Deuteronomy does not reflect the position and function of the elders in the nomadic period, but rather describes their activities toward the latter end of the Southern monarchy, i.e., toward the close of the seventh century.

The important position which the elders held at this time is evident from the fact that when Josiah contemplated his far-reaching Reformation against idolatry, local shrines, and local priesthood he sent for the elders of Judah to come to him (2 K. 23:1). We may infer from this that whatever the king's power may have been, Josiah felt incapable of effecting his reforms by royal decree alone--he felt that he must sound public opinion by appealing to the people's representatives, and disseminate propaganda for the Reform through their leaders--by one act he accomplished both his ends. He called for the elders, took them into his confidence, and made them exponents of his program. Whether they knew it or not--as when they

acceded to the popular demand for a king--in favouring the Deuteronomic Reform with its program of a central sanctuary and centralized priesthood, the elders were forwarding an act which eventually would weaken their own power. Perhaps they felt that the elimination of the local priesthood would increase their own influence, if indeed this group made any incursion on their power. Again they may have been either short-sighted or unselfish in that they could not see that the ecclesiastical body whose way they were paving would ultimately destroy their authority--or perhaps they did not care. For the nonce, they were still heads of their communities (cf Jer. 19:1) who met at the town gates to discuss certain matters affecting the lives of their people:

The practice of blood vengeance, which is the rule in the desert, (cf. Gen. 4:24) survived in the settlement in Canaan, and was countenanced (2 S. 21:1-6), and encouraged (1 K. 2:5 f.) and even practiced by David himself (2 S. 1:14). That it did not persist without modifications, witness the Deuteronomic provisions for cities of asylum for the manslayer. While formerly the murderer might flee for refuge to any local shrine, and 'grasp the horn of the altar' (1 K. 2:26), with the destruction of the local shrines by D, any other special places of asylum nearer than Jerusalem had to be provided.

Though the distinction between homicide and wilful murder, and even a general promise for asylum, were made in the ninth century by C (Ex. 21:12-14), nothing was said of any tribunal to try the case. Dt. 19:1-6, 10-13, with its supplement Josh. 20:4-5, provides for the establishment of three cities of refuge to which the manslayer may flee. This legislation holds the involuntary killer undeserving of punishment (Dt. 19:6). If he escapes the hotly pursuing blood-avenger and arrives at the city of refuge, "he shall stand at the entrance of the gate of the city, and they shall take him into the city unto them." (Josh 20:4) Josh 20:5 then states that the blood-avenger may

demand of the elders of the asylum city the surrender of the slayer, which request they are to refuse pending determination of guilt.

From Dt. 19: 11-12, which is the continuation of Josh. 20:4-5, it seems that the case is decided by the elders of the slayer's own community and not those of the asylum city. For if it is determined that the murder was wilful and premeditated, "then the elders of his city shall send and fetch him" from the city of refuge and deliver him over to the avenger of blood.

This legislation indicates an increase in the authority of the elders over that which they enjoyed in nomadic times. For then there was no third-party intervention in cases of blood vengeance, but retribution was direct. Moreover, in the desert the slayer and his family were not safe ever until blood had been shed for blood. Whereas here, in the event that the slayer is proved innocent of wilful murder, the elders of the city of refuge offer him protection until a certain time after which he cannot be molested. We have the elders of the asylum city fulfilling the ancient sheikhly function of protectors of the weak, and the elders of all cities acting in the capacity of judges to decide in case of murder whether the act was intentional or accidental.

A somewhat related function of the elders, that of expiation for the guilt of the unknown slayer, is recorded in Dt. 21: 1-9. The principles underlying this ceremony are that until atoned or avenged a murdered man's blood defiles the land, and that the community (here, the nearest town) is responsible for the act of an individual.^{26.} The elders of the town nearest the corpse are to take an unused heifer and break its neck in a sterile valley and then disdain guilt by ceremonial hand-washing. The mention of the 'priest, the sons of Levi,whom God hath chosen....and according to their word shall every controversy and every stroke be ' (v.5) might suggest a limitation of the authority of the elders. However, the interposition of this verse is so forced that it could not have stood in the original, but indicates later priestly insistence upon authority greater than that of the elders.

That the authority of parents over their children was originally absolute, even to life and death, is suggested in Gen. 38:24; reverence for them was primal (Ex. 21:15). But Dt. 21:18 ff. insists that the parents of the stubborn and rebellious son bring their case to be decided by the town elders. So was the responsibility in matters of life and death extended beyond the narrow confines of the family to that of the entire community, here, as in the case of the murderer. And here as there, the mediators and judges are the town elders who sit in the gate (v. 19c).

From the desert comes a strong emphasis on purity in sex matters which we find reiterated throughout Deuteronomy and in prophetic literature. And even in such delicate matters the elders have jurisdiction. Dt. 22:13-21 provides that in the event a man accuses his bride of premarital sex relations, her parents may defend her by showing the 'tokens of her virginity' to the elders in the gate.

If the parents prove their point, the elders are empowered to fine and chastise the slandering husband; if not, then the wife is to be stoned. But in either event, it is the elders who impose fine, punishment, or the sentence of death. That the matters of adultery and rape (vv. 22-29) are also in the power of the elders to adjudicate is suggested by the fact that (1.) these verses form a direct continuation of vv. 13-21; (2.) the parties to adultery are to be brought out to the gate (v. 24); and (3.) the stipulation of a fine in the case of rape (v. 29) (in which case some authority must impose the fine, and since it was the elders in v. 19 of this same corpus, then here also it must be the elders).

Another intimate familial, sexual case in which the elders function is that of the levirate marriage (Dt. 25:5-10). This was one of the laws, which, along with those of inheritance, was designed to secure the economic independence of the family, but more especially to provide for a continuation of the family line. The regulation of negotiations for the levirate marriage was left to the elders. The case here given is that of the woman whose brother-

in-law refuses to accord her conjugal rights. The elders ~~summon~~ him, and hear his will in the matter. If indeed he refuses to do the duty of husband's brother, then the woman draws off his shoe in the presence of the elders and spits in his face as a sign of disgrace.^{27.}

It will be noted that in all these instances where the elders act as judges, they do so in cases which are not typical of agricultural as distinguished from nomadic life. They deal with the goel ha-dam and blood guilt, the recalcitrant son, the chastity of women, the continuation of the family--all these are most typical of Bedawin life. For in the desert, blood vengeance is the primal law, filial obedience is unquestioned and punctilious, sexual morality is on a very high plane, and pride in descent is great.^{28.} The elders, then, seemed to have continued to function in a sort of patriarchal, sheikhly capacity in Judah much as they did before coming to Canaan.

The love of uncompromising justice, so characteristic of the desert, and typified in Bedawin life by the very sheikhly rule itself is suggested in the account of the elders' defence of Jeremiah (26:17 ff.) when he had been condemned to death by priests and prophets for denying the inviolability of the Temple. The elders cite the example of Micah of Moresheth-gath one hundred years earlier, who had prophesied similarly and had been acquitted. In doing so the elders braved the hostility of the priests and prophets and perhaps even of the king himself. What a difference this, from the cowardly attitude of the elders in the North toward Jezebel and Jehu and their criminal behavior toward Naboth and the sons of Ahab.

About five years before the exile, Ezekiel, in one of his visions, (3:11-13) speaks of seventy elders headed by Jaazaniah ben Shaphan (perhaps the very Shaphan the Scribe who had been associated with the Reform of the the worship thirty years before (2 K. 22:8 ff.), indulging in some mysterious animal worship within the Temple. This was probably a recrudescence of ancient

Canaanite religious practice. Possibly the elders tried, in the face of the Deuteronomic Reformation to reassert some real or supposed former leadership in religion. The separation of religion from secular life and the assignment of specifically religious functions to the priests doubtless did not satisfy the elders much more than it did the priests, who on their part, desired complete jurisdiction in all matters whatsoever to rest with them (cf. Dt. 21:15).

Thus throughout the period of the kingdom the elders maintained their position as representative leaders of their respective communities, as a body more powerful to sway public opinion even than the king himself, functioning by law in those matters which the settlement in Canaan may have modified but did not abolish, to wit: matters of blood and family, so closely related in the desert.

That the establishment of official judges limited the powers or functions of the elders is nowhere indicated, nor is it likely, for today the qadis exist side by side with the sheikh in Arabian life, yet the sheikh even in juridical affairs is preeminent, not because of greater knowledge of law but because of his acknowledged wisdom and social standing.

That the elders did conflict with the priests because of the unwillingness on the part of either of these groups to divide jurisdiction on the basis of secular and sacred cases is indicated but cannot be clearly demonstrated. Suffice it to say, that as long as the government remained secular, i.e., during the monarchy, the elders seem to have maintained supremacy, inasmuch as the scope of their activity was so much more extensive, and by the very nature of their position they were held in highest esteem by their respective communities.

Post-Monarchial Period

Whereas, the more artificial organization of the priesthood required the support of the monarch to maintain its position during the period of the kingdom, and even then did not supersede the elders, it is clear that when both monarchy and organized priesthood were disrupted by the exile, that the elders, the representative leaders of their communities would not only maintain their patriarchal position and function, but strengthen the one and widen the other, both among the people who remained in Palestine and those who were carried off to Babylon.

In the autonomous villages of Palestine, they must have resumed a position analogous and almost identical with that of the period of the Judges. When Ezra returned and was disturbed by the problem of intermarriage, he convened these elders to their characteristic meeting place in the 'broad place before the house of God' (Ezra 10:14), i.e., the open place before the water gate (cf. Neh. 3:26; 8:1) and there discussed the matter which he felt could not be effected without their aid, and in which he rightly expected they would have a keen interest (inasmuch, as we have seen, they were particularly interested in purity of blood, and lineage, etc.).

The order of precedence in the salutation of the letter which Jeremiah (29) sent to the captives in Babylon may be significant: The elders are mentioned first, then the priests and finally the prophets. This may signify that the elders were the most influential body there, or that at least Jeremiah thought so, or it may indicate only Jeremiah's natural preference. He must have had little love for the priest and less for the official prophets.

Although the purpose of Ezra was to establish the supremacy of the priesthood, he knew that he could not achieve his end if he ignored the elders. He recognized them in the term ^{28-a} $\text{זְקֵנֵי הַכֹּהֲנִים}$ (8:29) as the representatives of the communities in Palestine after the exile: "who decided every important step taken and gave sanction to every measure introduced in the period of history covered by the books of Ezra and Nehemiah (Ez. 4:2,3; 9:1; 10:1)."
29.

It was the elders still, in the days immediately after the exile in Palestine who could proclaim a forfeiture of property on those who refused to abide by the dicta of Ezra in regard to intermarriage, in which the elders and sarim themselves were first called upon to concur (Ezra 10:8); and it is they who actually see to it that the reforms were carried through (Ezra 10:14,16).
30.
As Batten says, "Ezra himself was much in the background. He was impelling the rulers to act--severe penalty was to be imposed upon those who did not comply with the edict....Authority for the edict and heavy punishment for disobedience was not that of Ezra but of the ^{sarim} elders. Ezra had no authority to enforce his ideas....He administered an oath to bind the leaders to execute the plan proposed by Shekaniah."

The sarim were nobles who had held royal offices in the days of the monarchy. The word itself means only "chief" and is used as a sort of suffix in such titles as שָׂרֵי הַבָּיִת or $\text{שָׂרֵי הַמִּשְׁכָּן}$, $\text{שָׂרֵי הַמִּשְׁכָּן}$ and $\text{שָׂרֵי הַמִּשְׁכָּן}$ (Gen. 40: 2 f.). (Compare also: שָׂרֵי הַבָּיִת 1 S. 18:13, $\text{שָׂרֵי הַמִּשְׁכָּן}$ Dan. 1:7 f., and שָׂרֵי הַבָּיִת Neh. 7:2). The term was so general that sarim are attributed to Moab (Nu. 22:14 f.) as were elders (see above page 18).

They are the שָׂרֵי הַבָּיִת , nobility (Nu. 21:18, Job 24:9 f.) but are distinguished from princes, in the narrow sense of king's sons (Zeph. 1:8). They were the officials who composed the court of the kings (1 K. 4:2 ff., compare

Jer. 36:12, 21) whose power was sufficient so that they might flog and imprison Jeremiah in the house of one of them (Jer. 37:14 f.) and even the king Zedekiah might be fearful of ^{them} ~~it~~ (Jer 38:5, 25 ff.). They comprised the official, secular body of rulers and leaders (the elders were proletarian and unofficial) as opposed to the religious bodies of priests and prophets (Jer. 26:11-16). Besides their function as royal advisers and members of the king's cabinet they might be appointed over the army, or as governor of a town (1 K. 22:26) or even of a fortress (Neh. 7:2).

It is these noblemen who had formerly constituted the official royal ruling class whom Ezra called in along with the unofficial, natural representative leaders of the people--the elders--to discuss the means of effecting his marriage reforms (Ezra 10).

During the early years of the post-exile, it seems that the elders continued to function and maintain themselves to some extent as of old. But upon the reconstruction of the central sanctuary, with the establishment of the absolute supremacy of the high priest, by degrees government lost its secular character. And even were it not the intention of the priesthood to deprive the elders of their power, any such absolute authority ~~with~~ such as the theocracy represented was ^{incompatible} ~~inconsistent~~ with the democratic eldership. Indeed, not only did the priests gradually supplant the elders in temporal power, but history was rewritten (mostly by P) so that the priests might be represented as the chief functionaries from earliest times, instead of (as in J) the elders. Aaron was established as the founder of the priesthood, with Moses as a sort of associate head priest, rather than, as in J, the chief sheikh.

31

The thesis of Engländer and Amram, that the Council of Elders developed into the 'Men of the Great Synagogue' is based on philological rather than ethnological data, i.e., on a tracing of the term | ρ | in Post-Biblical literature. The "elders of Israel" of whom Amram speaks are, as he

admits, not the old town elders. The old, free, independent, democratic, familial functionaries whose nature and spirit were of the desert found no counterpart in the members of the post-exilic ecclesiastical Sanhedrin.

The struggle by the priesthood for supremacy over secular rulers which began in the days of the monarchy and was often abetted by the elders themselves ended in victory for the priests at the expense of the elders with the Return, and the establishment of the theocracy.

Notes:

1. Morgenstern, "Book of the Covenant," Part II, p.315.
2. The contention that the ḥ.ḥ. ḥ.ḥ. were a council comprising the heads of families is unsupported by internal (Biblical) evidence, and we know that, whereas the authority of the father among ancient Israel was absolute, that of the elder was quite relative and indefinable. But of the fact that there was some real or supposed blood relationship between elders and people cannot be doubted.
3. Musil, p. 336; Jaussen, p. 143.
4. Doughty, I, p. 251.
5. Burckhardt, p. 67; cf. Musil, p. 335.
6. Jaussen, p. 132; cf. Kennett, pp. vii, 36.
7. Jaussen, p. 139.
8. Ibid. 140.
9. Ibid. 141.
10. Ibid. 142.
11. Ibid. 143.
12. Musil, p. 336.
13. Jaussen, p. 144.
14. Ibid. 127.
15. Kennett, pp. 19.
16. Cf. W.R. Smith, "Lectures on the Religion of the Semites," p. 33.
17. Doughty, I, p. 248.
18. For the extent of this 'free roaming' cf. Bertholet, p. 141.
19. Cf. Moore, I.C.C. "Judges", p. 224.
20. Blunt, p. 45.
21. Bertholet, p. 227 f.
22. McGurdy I, p. 35 f.

23. Not that this was actually the case; namely, that the first move was on the part of the elders, and originally Samuel was reluctant, but certainly Samuel did confer with them.
24. H.P. Smith, I.C.C., "Samuel, p. 277.
25. How reminiscent is all this of the formation of the United States out of the thirteen colonies. (How much more similar would the case be if the Confederate armies had won the Civil War.) There can be no doubt that even as, at first, the Burgesses of the separate states esteemed their local authority as superior to that of the centralized Federal government, so the elders in Palestine reserved certain rights for themselves which they would not easily relinquish.
- 25a. Cf. Morgenstern, "The Book of the Covenant" Part II, pp. 204 ff.
26. For similar law among the Arabs cf. W.R. Smith, "Kinship and Marriage in Early Arabia," p. 263.
27. Though the minutiae of the Halitzah ceremony are somewhat different in Ruth 4:1 ff., the function of the elders is the same.
28. Cf. Morgenstern, "The Foundations of Israel's History," p. 273 f.
29. Engländer, p. 154.
30. Batten, I.C.C., "Ezra," p. 342.
31. See "Bibliography."
32. Amram, p. 48.

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