CHAPTER 3

Exchange, Replacement, or Acceptance? Two Examples of Lending Deities among Ethnic Groups in Elephantine

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1 Introduction

In this paper, I would like to pay attention to a collection of ostraca and papyri, written in Aramaic and Demotic, from the fifth century BCE. In the beginning of the twentieth century German and French archaeologists discovered a great amount of written documents from the island of Elephantine in the Nile in southern Egypt and the city Syene on the banks of the Nile opposite Elephantine. These documents witness the presence of a Persian border garrison for over a century: from shortly after Cambyses's conquest of Egypt up to the regaining of Egyptian independence around 400 BCE.

Research into these documents has been dominated by the type of approach seen clearly in the magnificent book by Bezalel Porten published in 1968.[1] After all those years this book still is foundational. Its subtitle, however, betrays a preoccupation: *Archives from Elephantine: The Life of an Ancient Jewish Military Colony*. By considering the *yehudayîn* of Elephantine as Jews a minor paradigm was construed that yielded all sorts of specific questions: How "Jewish" were these Jews? What was their connection with the emerging Judaism in Persian Period "Israel"?[2] Are the texts from Elephantine presenting some sort of pre-biblical Judaism?[3] It is only recently that scholars came to

* I would like to thank Mladen Popović for inviting me to the Groningen meeting and Jonathan Stökl for his valuable remarks on a draft-version of this paper.

1 Bezalel Porten, *Archives from Elephantine: The Life of an Ancient Jewish Colony* (Berkeley, CA: University of California Press 1968).

2 See most recently Angela Rohrmoser, *Götter, Tempel und Kult der Judäo-Aramäer von Elephantine: Archäologische und schriftliche Zeugnisse aus dem perserzeitlichen Ägypten*, AOAT 396 (Münster: Ugarit Verlag, 2014).

3 As suggested by Ernst Axel Knauf, "Elephantine und das vor-biblische Judentum", in *Religion und Religionskontakte im Zeitalter der Achämeniden*, ed. Reinhard Gregor Kratz, Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 22 (Gütersloh: Gütersloher Verlagshaus, 2002), 179–88.

 | DOI 10.1163/9789004336919_004

be more aware of the fact that at least ten different ethnicities are attested in the Persian border garrison. Next to occupying Persians and autochthonous Egyptians various mercenaries are attested: Yehudites, Arameans, Carians, Cilicians, Khwarezmians, Bactrians, and Caspians. Phoenicians and an inhabitant from Sidon probably were in the area for trade reasons. An anonymous member of the Lybian tribe of the Meshwesh functioned at the quay of Syene where the grain had to be delivered.[4] Among the witnesses in legal documents Arabian names pop up.[5] To apply an anachronism: ancient Elephantine was a multi-cultural society. This implies that research needs to be done that will scrutinize the existing evidence—written and archaeological—with as a focal question: Was Elephantine an ethnic melting pot? Did the various groups live in splendid isolation? Or can some sort of a common ground be detected on the basis of which each group could be seen as part of the community, meanwhile constructing their identity as apart from the community?

In this paper, I would like to pay attention to two texts from the archives of Elephantine, one about group-internal communication and one about group external communication. Both texts are examples of the procedure of "lending deities."

2 "I Bless You in the Name of Bel and Nabû"

I would like to start with the remains of a letter: only the address and the salutation are known:

1. To my brother Haggai, your brother
2. Yarhu. Peace to my brother
3. from Bel and Nabû, Šamaš and Nergal.[6]

The brothers, Yarhu and Haggai, were of Yehudite origin; yet Babylonian deities are evoked in this communication. This statement contains two assumptions

4 In a demotic text: Wilhelm Spiegelberg, *Drei demotische Schreiben aus der Korrespondenz des Pherendates, des Satrapen Darius' I., mit den Chnumpriestern von Elephantine* (Berlin: Akademie der Wissenschaften, 1928), 13–21; see Günter Vittmann, "Kursivhieratische und frühdemotische Miszellen," *Enchoria* 25 (1999): 123–24.

5 *TADAE* B2.8:13.

6 *TADAE* D7.30:1–3; see Hélène Lozachmeur, *La collection Clermont-Ganneau: Ostraca, épigraphes sur jarre, étiquettes de bois*, 2 vols. (Paris: De Boccard, 2006), 410–12, no. 277.

that can be questioned: Were the siblings Yehudite and were the deities Babylonian?

As for the "siblings," Ginsberg, Grelot and Porten argue as follows.[7] They take the noun *ʾḥ* in a non-biological sense meaning something like "comrade; mate; peer." Haggai for them is a Jew, while Yarhu is construed to be a hypochoristichon of a Phoenician name *yrḥbʿl*. Hence they present the inscription under the telling title: "Greetings from a pagan to a Jew." They see the presence of Aramaic (!) deities in the salutation as a sign of syncretism at the daily level.

The personal name Haggai is known from the Hebrew Bible and should be construed as a hypochoristicon "Yahweh is my feast."[8] The name occurs on a few dozen Hebrew seals[9] and on a recently published Hebrew ostracon from the seventh century BCE.[10] The inscriptions from Elephantine and Syene refer to about ten individuals with the name Haggai. The letter on the *marzeaḥ* is written to Haggai.[11] The collection account that register gifts of two sheqel for the temple of Yaho in Elephantine refers to six individuals called Haggai: to Meshullam son of Haggai son of Hazzul; Hazzul son of Haggai son of Hazzul; Nathun son of Haggai; Haggai son of Mica'; Hag[gai] son of Menachem [son of] Pawesi; and Jehošama daughter of Haggai.[12] In other documents too, Yehudites with the name Haggai occur.[13] It can be assumed that they all were part of the Yehudite group although this cannot be proven in a watertight way.

It is quite clear that the personal name *yrḥw* refers to the West Semitic moon god *yrḥ* whose name occurs as a theophoric element in Ugaritic, Phoenician,

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7 Harold L. Ginsberg, "Greetings from a Pagan to a Jew," in *Ancient Near Eastern Texts relating to the Old Testament*, ed. James B. Pritchard, 3rd ed. (Princeton, NJ: Princeton University Press, 1969), 491; Pierre Grelot, *Documents araméens d'Egypte*, LAPO 5 (Paris: Édition du Cerf, 1972), 88. See the remarks of Bezalel Porten in *TADAE* D7.30.

8 Hag 1–2; Ezra 5:1; 6:14.

9 For a list, see *DCH* III, 159–60.

10 André Lemaire and Ada Yardeni, "New Hebrew Ostraca from the Sphephalah," in *Biblical Hebrew in Its Northwest Semitic Setting: Typological and Historical Perspectives*, ed. Steven Ellis Fassberg and Avi Hurvitz (Jerusalem: Magnes Press, 2006), 215–17.

11 *TADAE* D.7.29; see Bob Becking, "Temple, *marzēaḥ*, and Power at Elephantine," *Transeuphratène* 29 (2005): 37–47. Strangely enough the *marzeaḥ*-text is not taken into account by Rohrmoser, *Götter, Tempel und Kult*.

12 *TADAE* C.3.15.

13 Some of them are identical with a Haggai from the collection account. Further Yehudites by the name of Haggai can be found in the documents from the Clermont-Ganneau collection; see Lozachmeur, *Collection Clermont-Ganneau*, 299–300, no.147.1; 401, no. 266.4.

and West Semitic personal names.[14] I would, however, refer to the fact that in Gen 10:26 // 1 Chr 1:26, the name of *yeraḥ* is listed among the decedents of Eber which in my view is an indication that Yarhu could easily has been a Yehudite.

The Aramaic noun *ʾḥ* generally has the meaning "brother" in the biological sense of the word.[15] In texts with an epistolary character, however, the noun is also used to refer to someone of equal status, a colleague, or a peer.[16] Due to the brevity of the document under consideration the meaning of the noun *ʾḥ* is difficult to establish in each of its three attestations. All in all, I come to the conclusion that it safe to assume that we are dealing in this letter here with a group internal communication.

It is well-known that deities other than Yahô are invoked in the salutation of letters from Elephantine even if they are composed for Yehudite group internal communication. An interesting example is found in a letter by Giddel to his master Michayah:

> I send you peace and life.
> I bless you by Yahô and Khnum.[17]

The God of Israel and the ram-headed Egyptian fertility God Khnum[18] are presented as on par, comparable to the way "Yahweh and his Asherah" feature in the blessings from Kuntillet el ʿAgrud.[19] The salutation formula "may all Gods seek for you welfare in all times" occurs in many letters from Elephantine written by individuals whose personal names include the theophoric element Yahô.[20] The use of the collective plural "Gods" in this context is not an

14 See Frauke Gröndahl, *Die Personennamen der Texte aus Ugarit*, Studia Pohl 1 (Rome: Biblical Institute Press, 1967), 145; Frank L. Benz, *Personal Names in the Phoenician and Punic Inscriptions*, Studia Pohl 8 (Rome: Biblical Institute Press, 1978), 326.

15 Sometimes as "sister."

16 See *DNSWI*, 31.

17 *TADAE* D7.21; recent translation in Rohrmoser, *Götter, Tempel und Kult*, 428.

18 On Khnum see Ahmad Mohamad Badawi, *Der Gott Chnum* (Glückstadt: J. J. Augustin, 1937); Gamal Mokhtar, "Similarity between the Ram Gods of Ihnasya and Elephantine," *Mitteilungen des Deutschen Archäologischen Instituts, Abteilung Kairo* 47 (1991): 253–54; Rohrmoser, *Götter, Tempel und Kult*, 35–37.

19 See the final report by Ze'ev Meshel, *Kuntillet Ajrud* (*Horvat Teman*)*: An Iron Age II Religious Site on the Judah–Sinai Border* (Jerusalem: Israel Exploration Society, 2012).

20 *TADAEA* A3.7; A4.2. See Porten, *Archives from Elephantine*, 158–60; Dirk Schwiderski, *Handbuch des nordwestsemitischen Briefformulars: Eine Beitrag zur Echtheitsfrage der aramäischen Briefe des Esrabuches*, BZAW 295 (Berlin: de Gruyter, 2001), 130–37.

indication for the veneration of a broad pantheon by the Yehudites. These passages should be construed as expression of some sort of civil religion.

The letterhead under consideration is therefore not unique for Elephantine in containing the names of other deities. It is unique in the sense that four deities of Babylonian origin are mentioned.

- Bel—as elsewhere—a mask for Marduk, was the supreme divine being of the Neo-Babylonians.[21]
- Nabû was worshipped as the son of Marduk. In origin Nabû was an Amorite deity. He was the god of wisdom and writing and especially the god who wrote down human destiny. In Neo-Babylonian times he was enormously popular among Aramaic speaking populations.[22]
- Šamaš was the sun-god and the god of justice.[23]
- Nergal is the (southern) Mesopotamian god of death, pestilence and plague, and Lord of the Underworld. Šamaš and Nergal stand for opposing realms: heaven and underworld.[24]

These four gods do not occur in any other salutation formula in letters from Elephantine. Bel occurs in a very fragmentary letter of which only "[..] my [lord(?)] Bel . . . [. . .] my lord . . . [. . .] there is n[ot]" is readable.[25] Nabû is mentioned in the inscription on the sarcophagus of "She'il, the priest of Nabû."[26]

It is surprising that Babylonian gods are mentioned in this letter and not for instance Persian divine beings. It is a striking fact that in the entire corpus of texts from Elephantine no Persian divine name is mentioned with only one albeit important exception. The Aramaic version of the Behistun inscription found at Elephantine declares that Darius lived, acted and ruled under "the divine favour of Ahura-Mazda."[27] The absence of references to Persian deities in the day to day correspondence and legal transactions is difficult to explain. It is hard to belief that the Persians remained silent about their religious world view or entered into some sort of *innere Migration*. Most probably the Persians

21 Tzvi Abusch, "Marduk," *DDD* 543–49.

22 Alan Millard, "Nabû," *DDD* 607–10.

23 Edouard Lipiński, "Šemeš," *DDD* 764–68.

24 Alasdair Livingstone, "Nergal," *DDD* 621–22.

25 *TADAE* D1.22.

26 *TADAE* D18:1.

27 Amélie Kuhrt, *The Persian Empire: A Corpus of Sources from the Achaemenid Period* (London: Routledge, 2007), 141–57; Gard Granerød, "By the Favour of Ahuramazda I Am King: On the Promulgation of a Persian Propaganda Text among Babylonians and Judaeans," *JSJ* 44 (2013): 455–80.

in Elephantine adopted the veneration of the Babylonian deities Nabû, Bel, Šamaš and Marduk which would imply that the name for the divine is less important than the concept of divinity.

For reasons well known—the past is a foreign land—this assumption cannot be verified or falsified. Nevertheless, several pieces of written evidence can be helpful in clarification.

– In Isa 46:1, Bel and Nabû are depicted as deities whose rule has come to an end:

> Bel has bowed down, Nebo stoops over
> Their images are consigned to the beasts and the cattle.
> The things that you carry are burdensome,
> A load for the weary beast.

In this text Bel and Nabû are seen as once powerful Babylonian deities whom the Persians disposed of in their superior power. They are referred to in the context of a taunt-song probably connected with the carrying around of their divine images at the Babylonian New Year festival.[28]

– In the Cyrus Cylinder, the Persian king is presented as follows by the priests of the Esagil temple:

> I am Cyrus, king of the world, great king, mighty king, king of Babylon, king of Sumer and Akkad, king of the four quarters, the son of Cambyses, great king, king of Anšan, grandson of Cyrus, great king, king of Anšan, descendant of Teispes, great king, king of Anšan, of an eternal line of kingship, whose rule Bêl and Nabû love, whose kingship they desire for their hearts' pleasure.[29]

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28 See Peter Machinist, "Mesopotamian Imperialism and Israelite Religion: A Case Study from the Second Isaiah," in *Symbiosis, Symbolism and the Power of the Past: Canaan, Ancient Israel, and Their Neighbors from the Late Bronze Age Through Roman Palestina*, ed. William G. Dever and Seymour Gitin (Winona Lake, IN: Eisenbrauns, 2003), 237–64; Sven Petry, *Die Entgrenzung JHWHs: Monolatrie, Bilderverbot und Monotheismus im Deuteronomium, in Deuterojesaja und im Ezechielbuch*, FAT II 27 (Tübingen: Vandenhoeck & Ruprecht, 2007), 166–74; Hanspeter Schaudig, "Bel Bows, Nabu Stoops! The Prophecy of Isaiah xlvi 1–2 as a Reflection of Babylonian Processional Omens," *VT* 58 (2008): 557–72.

29 Cyrus Cylinder 20–22. Kuhrt, *Persian Empire*, 70–74; see the new translation in Irving Finkel, ed., *The Cyrus Cylinder: The King of Persia's Proclamation from Ancient Babylon* (London: I. B. Tauris, 2013), 129–36.

With the reference to Bel and Nabû the Persian king is presented as having accepted these Babylonian deities as of great importance for his empire. This gesture is underscored by the request by Cyrus that the deities for whom he had established chapels in the Esagila pray for him in front of Bel and and Nabû:

> In addition, at the command of Marduk, the great lord, I settled in their habitations, in pleasing abodes, the gods of Sumer and Akkad, whom Nabonidus, to the anger of the lord of the gods, had brought into Babylon. May all the gods whom I settled in their sacred centres ask daily of Bêl and Nâbu that my days be long and may they intercede for my welfare. May they say to Marduk, my lord: "As for Cyrus, the king who reveres you, and Cambyses, his son."[30]

In this connection a remark made by Seidl needs to be considered. He observed that in the Babylonian fragment of the Behistun-inscription the name of Ahura-Mazda from the Persian and Elamite versions is replaced by Bel, which would indicate that for the Persian kings—or at least their scribes—both deities were to some degree equivalent to each other.[31]

– Bel and Nabû are referred to in a legal document from a locality at the banks of the "New Canal" in the area of Borsippa dated in 515 BCE.[32] In a promissory note concerning the delivery of 35 kors of dates, the debtors—who bear Babylonian names—swear by Bel and Nabû that they will deliver within three months. Although the local context is clearly Babylonian, the document is dated into the Persian period. This implies that the Persian powers apparently accepted swearing by two gods of Babylonian descent.
– The fourth piece of evidence comes from a late Persian—early Hellenistic funerary stele found in Daskyleion in North-western Anatolia. The inscription reads:

(1) אלה צלמה זי אלנף בר אשי
(2) דתימוה השפנל דבע וה
(3) הנז אחרא ובנו לב
(4) למעי לא הרע הוהי

30 Cyrus Cylinder 33–35.

31 Ursula Seidl, "Ein Monument Darius' I. aus Babylon," ZA 89 (199): 101–14.

32 BM 27797, see Ran Zadok, "The Geography of the Borsippa Region," in *Essays on Ancient Israel in Its Near Eastern Context: A Tribute to Nadav Na'aman*, ed. Yairah Amit et al. (Winona Lake, IN: Eisenbrauns, 2006), 389–453 (407).

Which I translate as:

> This is his statue which Elnaph, the son of Asjahû, made for his soul. I adjure you (by) Bel and Nabû: Who (ever) passes by this way let no one do harm (to my tomb).[33]

It should be noted that Daskyleion was on the western edge of the Persian empire. It was an Achaemenid administrative center, and a satrapal seat of North-western Anatolia. Epigraphic and archaeological findings indicate that Daskyleion was populated with a variety of ethnic groups: Persians, Greeks, Lydian, and Phrygians. I construe the personal name Asjahû to refer to a member of the proto-Jewish diaspora in Daskyleion.[34] The formula "I adjure you (by) Bel and Nabû" may contain traditional language. In a context comparable to that in Elephantine it indicates that these deities were invoked since they were seen as the divine guarantors of the Persian power.[35]

– Late calendrical texts from Hellenistic Uruk contain the description for clothing ceremonies (*lubuštu*) of Bel, Nabû and others.[36] From the context it is unclear whether traditional Babylonian deities or contemporary Hellenistic divinities are referred to.[37]

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33 André Dupont–Sommer, "Une inscription araméenne inédite d'époque perse trouvée à Daskyléion (Turquie)," *Comptes rendus des séances de l'Académie des Inscriptions et Belles–Lettres* 110 (1966): 44–57; George M. A. Hanfmann, "The New Stelae from Daskylion," *BASOR* 184 (1966): 10–13; Frank Moore Cross, "An Aramaic Inscription from Daskyleion," *BASOR* 184 (1966): 7–10; Margaretha Folmer, *The Aramaic Language in the Achaemenid Period: A Study in Linguistic Variation*, OLA 68 (Leuven: Peeters, 1995), 563.

34 This name is not attested in the Hebrew Bible, but occurs on an Iron Age ostracon from Tel Arad: (Arad 17:3), and in a list of names: Robert Deutsch and Michael Helzer, *New Epigraphic Evidence from the Biblical Period* (Tel Aviv: Archaeological Center Publications, 1995), 92–102.

35 On Daskyleion, see Iren Kaan, "A New Discovery in Dascylium: the Persian Destruction Level," in *Proceedings of the 6th International Congress of the Archaeology of the Ancient Near East, 5 May–10 May 2009*, ed. Paolo Matthiae et al. (Wiesbaden: Harrasowitz Verlag, 2010), 2:249–264; Takuji Abe, "Dascylium: An Overview of the Achaemenid Satrapal City," *Acta Academiae Antiquitatis Kiotoensis* 12 (2012): 1–17.

36 George Andrew Reisner, *Sumerisch–babylonische Hymnen nach Thontafeln griechischer Zeit* (Berlin: W. Spemann, 1896), 17, no. 8 and 104–9, no. 56; see also Marc J. H. Linssen, *The cults of Uruk and Babylon: The Temple Ritual Texts as Evidence for Hellenistic Cult Practises*, Cuneiform Monographs 25 (Leiden: Brill, 2004), 65–67.

37 See Tom Boiy, *Late Achaemenid and Hellenistic Babylon*, OLA 136 (Leuven: Peeters, 2004).

– Finally, the veneration of the two deities—Bel and Nabû—is continued in Babylonian Aramaic and Mandaic incantation bowls as having power over threatening spirits as becomes clear from a spell in a Mandaic text:

> I have besworn you, Oh evil Eye, and I adjure you by Bel, Nabû, and Nerig, that you be exorcised and leave this soul and house.[38]

All this implies that the four gods mentioned are not specifically presented as Babylonian deities or as the divine beings of the Aramaic contingent at Syene and Elephantine. I construe them to be a reference to the divine in general. The line in this letterhead could be interpreted as a parallel to the formula "May all Gods seek for your welfare in all times." I do not see the salutation form as a sign of syncretism—at whatever level of religion—but as an indication of the awareness among various groups in Elephantine and Syene that despite the difference in naming the divine, all groups accepted the existence of the divine world that could be invoked by using either general terms or specific names. The same tendency can be detected in the Sayings of Aḥiqar. As a school text, also found in Elephantine, this text represents an international form of wisdom that is not bound to any one group only.[39] The deities referred to in these sayings—"the Lord of the holy ones" (*bʿl qdšn*); "El"; "Šamaš"; and "gods" (*ʾlhyn*)—are also not to be seen as bound to a specific group only. The mere fact that scholars still quarrel about the identity of the main deity, *bʿl qdšn*—Baal-Šamayin,[40] Šamaš,[41] and Hadad[42] are in competition—indicates that a designation is used that would have been used by various groups.

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38 Matthew Morgenstern, "Mandaic Magic Bowls in the Moussaieff Collection: A Preliminary Survey," in *New Inscriptions and Seals Relating to the Biblical World*, ed. Meir Lubetski and Edith Lubetski (Atlanta, GA: Society of Biblical Literature, 2012), 157–69 (167); Nerig, sometimes Nirig, is the Mandaic name for the deity Nergal, see Christa Müller-Kessler and Karlheinz Kessler, "Spätbabylonische Gottheiten in Spätantiken mandäischen Texten," *ZA* 89 (1999): 65–87.

39 Herbert Niehr, *Aramäischer Aḥiqar*, JSHRZ-NF 2 (Gütersloh: Gütersloher Verlagshaus, 2007), 23.

40 James M. Lindenberger, "The Gods of Ahiqar," *Ugarit-Forschungen* 14 (1982): 105–17; Michael Weigl, *Die aramäischen Achikar-Sprüche aus Elephantine und die alttestamentliche Weisheitsliteratur*, BZAW 399 (Berlin: de Gruyter, 2010), 73–79.

41 Edward Lipiński, *The Aramaeans: Their Ancient History, Culture, Religion*, OLA 100 (Leuven: Peeters, 2000), 625.

42 Ingo Kottsieper, "El–ferner oder naher Gott? Zur Bedeutung einer semitischen Gottheit in verschiedenen sozialen Kontexten im 1. Jtsd. v. Chr.," in *Religion und Gesellschaft: Studien*

All in all, the letterhead under consideration can be understood as an indication for an open society in which it was acceptable to use the names of deities originating in other religious traditions in order to refer to the divine realm in general.

3 Did a Khwarezmian Convert into Judaism?

The second example is derived from a set of two related documents. These two legal documents refer to a quarrel about a piece of land between Dargamana, a Khwarezmian, and the Yehudite Mahseiah son of Jedaniah. A few notes on both persons:

– Dargamana is presented as the son of Xvarshaina, a Khwarezmian. His name as well as the name of his father is Old Persian.[43] Khwarezmia was a satrapy of the Persian Empire in an area now north of Afghanistan. In ancient times the Khwarezmians were the inhabitants of Khwarezm/ Chorasmia, a province in the eastern part of the Persian Empire. The area became part of the Persian Empire before 522 BCE since it is listed in the Behistun inscription as one of the areas over which Darius reigned.[44] The area was famous for its lapis lazuli.[45] The trilingual Susa foundation charter of Darius I mentions that the turquoise stones in his palace were brought there from Chorasmia.[46] The Persian and Greek sources do not reveal any reason why Khwarezmians would have been brought to serve in the border garrison in Elephantine. In Elephantine, Dargamana was a mercenary serving in the *degel*–unit of Artabana that contained Bactrians, Persians, and Babylonians. In an accounts fragment from the second half of the fifth century BCE a person whose name is lost was labelled "a Khwarezmian."[47]
– Mahseiah son of Jedaniah has a name that is recurring in his family, probably due to some sort of papponomy. The name is also attested in Jer 32:12

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zu ihrer Wechselbeziehung in den Kulturen des Antiken Vorderen Orients, ed. Rainer Albertz, AOAT 248 (Münster: Ugarit-Verlag, 1997), 25–74 (28); Niehr, *Aramäischer Aḥiqar*, 18–19.

43 Jan Tavernier, *Iranica in the Achaemenid period (ca. 550–330 BC): Lexicon of Old Iranian Proper Names and Loanwords, Attested in Non-Iranian Texts*, OLA 158 (Leuven: Peeters, 2007), 168. Dargamana: "Long-minded."

44 DB:6; Kuhrt, *Persian Empire*, 141.

45 Ronald W. Ferrier, "Persepolis," *Asian Affairs* 3 (1972): 23–27.

46 DSf:10; Kuhrt, *Persian Empire*, 492.

47 *TADAE* D3.39b:3.

(grandfather of Baruch) and 51:59, and is clearly Yahwistic meaning "Yahô is a shelter." From the Elephantine documents it becomes clear that he and his family belonged to the elite of the Yehudites.

The first document is dated in the *Thronsbesteigungsjahr* of Artaxerxes I (464 BCE). It is related to a cadastral quarrel between Dargamana and Mahseiah. Since we only are informed by two documents, it is not easy to reconstruct the quarrel in detail. What is clear is a conflict between two house-owners in the more well to do neighbourhood of Elephantine whose properties were adjacent. The ownership of Dargamana, however, seems to be disputed. The case is brought to a court presided over by Damidata, a Persian judge. This first document is presented as a withdrawal by Dargamana.[48] The Khwarezmian is convinced by the legal ownership of Mahseiah of the house with land which Dargamana earlier claimed to be his property. The cross-over point in the legal procedure had not been the presentation of a legal document of sorts by Mahseiah, but an oath sworn by the Yehudite. The court forces Mahseiah to swear an oath:

> You swore to me by Yahô, and satisfied my heart about that land.[49]

Thereupon Dargamana refrains from his claims and has his withdrawal written by Itu, son of Abah, the scribe. Some five years later, Mahseiah bequests this plot of land and the building upon it to his daughter Mibtaiah. In the cadastral boundaries in the document on that bequest it is stated that "above it [= the land of Mahseiah/Mibtaiah] the house of Dargamana the son of Xvarshaina adjoins."[50] Most probably Dargamana had become owner of an adjacent plot.

Two aspects of this text will be discussed. First I will look into the practice of the "oath" and in a second step I will focus on the formula: "to satisfy the heart." As for the oath, it should be noted that the legal document is written in a discursive or narrative modus. This implies that three times a finite verb is used, *ym'ṭ* (4; 8; 11);[51] a construction noun + *l* + participle is used once instead of

48 *TADAE* B2.2; see Alejandro F. Botta, *The Aramaic and Egyptian Legal Traditions at Elephantine: An Egyptological Approach*, LSTS 64 (London: T&T Clark, 2009), 124–26.

49 *TADAE* B2.2:11–12.

50 *TADAE* B2.3:5–6.

51 The application of a *verbum finitum* is common in ancient Near Eastern discursive oath-texts. See Blane Conklin, *Oath Formulas in Biblical Hebrew*, LSAWS 5 (Winona Lake, IN: Eisenbrauns, 2011), 80.

the oath formula. In an ostracon connected to the Sabbath this latter formula occurs twice:

> 3) By the life of Yahô, if not, (then) I will take your life.
> . . .
> 7) Now, by the life of Yahô, if not, (then) you will be responsible for the account.[52]

The Aramaic formula used here—*ḥy yhw*—resembles the formula attested frequently in the Hebrew Bible: *ḥay yhwh*.[53]

To swear an oath is a performative act.[54] Swearing by a deity is a precarious and daring speech-act.[55] The practice of swearing an oath was well known in the ancient Near East including Pharaonic Egypt.[56] The deity is indirectly invoked as an observing witness to the case. Ancient Egyptians, Persians, Israelites, and Khwarezmians interpreted the divine realm to be a powerful reality. This implies that the contents of Mahseiah's oath were understood as truth. The oath goes beyond a mere declaration. It implies that Mahseiah's statements could never be a lie. In case these words turned out not to be true, the deity was expected to punish the liar.[57]

It should be noted that swearing by the deity of another group within Elephantine was not uncommon. On a legal document on the withdrawal from goods, the Yehudite woman Mibtaiah—a daughter of Mehsaiah—satisfied the heart of her opponent, the Egyptian Peu, by swearing an oath by Sati. The goddess Sati, an alternative spelling of the divine name Satet, was the deification of the flooding of the Nile. She was also venerated as the protective deity of southern Egypt.[58]

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52 *TADAE* D7.16:1–9; Conklin, *Oath Formulas in Biblical Hebrew*, 81.

53 Conklin, *Oath Formulas in Biblical Hebrew*, 24–30.

54 John Flowerdew, "Problems of Speech Act Theory From an Applied Perspective," *Language Learning* 40 (1990): 79–105; John Turri, "Epistemic Invariantism and Speech Act Contextualism," *Philosophical Review* 119 (2010): 77–95; Conklin, *Oath Formulas in Biblical Hebrew*, 1–11.

55 Karl van der Toorn, "Herem-Bethel and Elephantine Oath Procedure," *ZAW* 98 (1986): 282–85; idem, "Anat-Yahu, Some Other Deities, and the Jews of Elephantine," *Numen* 39 (1992): 80–101.

56 John A. Wilson, "The Oath in Ancient Egypt," *JNES* 7 (1948): 129–56; Conklin, *Oath Formulas in Biblical Hebrew*.

57 Conklin, *Oath Formulas in Biblical Hebrew*.

58 *TADAE* B2.8.

Document *TADAE* B7.3 contains an interesting oath.[59] This oath-text settles a quarrel between two Yehudites, Menachem the son of Šallum the son of Ho[šiah(?) . .] and Meshullam son of Nathan on the ownership of a she-ass which is in the hand of Pa[mose son of Pa]meṭ. Menahem swears by "H[. .] the [*god*] in the place of veneration and by Anat-Yahô."[60] The first deity is often thought to be Herem-Bethel.[61] There exists an abundant discussion on these divine beings next to Yahô. Suffice it here to state my view that Anat-Yahô and Herem-Bethel should be viewed as the protective deities of the *marzeaḥ* in Elephantine.[62] In other texts from Elephantine that refer to the act of swearing, no deities by whom the oath was sworn are mentioned.[63]

Let me return to the Mahseiah-Dargamana conflict. As a result of the swearing of the oath, Dargamana states that his heart is satisfied. This expression has its background in the terminology of the Aramaic business law and especially in document of conveyance. The expression is used here as an active formulation: *yṭb* Ha + *lbb* + suf.: "to make good/content the heart of x."[64] This implies that the oath of Mehsaiah has set the uncertainties of Dargamana at rest so that he is satisfied as well as contended. The expression, cognates of which occur in Aramaic, Akkadian and Demotic texts, is an indication of remuneration especially in texts that describe the transfer of goods. In the text under consideration it refers to the fact that the claimant is content and that there is no longer a bone of contention between him and Mahseiah.

It is my assumption, that in the texts mentioned, the oath is taken in front of the deity—or deities—of the more important partner in the quarrel. If this is correct then Mahseiah was seen as of higher social standing than Dargamana. The text does not imply that Dargamana converted to Judaism—or its predecessor. The text confirms the acceptance of a deity of someone else as an observing witness to a human agreement and hence a form of religious acceptance that was without problems.

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59 Recent translation in Rohrmoser, *Götter, Tempel und Kult*, 425–26.

60 Van der Toorn, "Anat-Yahu, Some Other Deities, and the Jews of Elephantine," 282–85; Marlene Elizabeth Mondriaan, "Anat-Yahu and the Jews at Elephantine," *Journal for Semitics* 22 (2013): 537–52; Rohrmoser, *Götter, Tempel und Kult*, 139–41.

61 See, however, Rohrmoser, *Götter, Tempel und Kult*, 144–49, 426: "W[eihegabe des Gotte]s."

62 Becking, "Temple, *marzēaḥ*, and Power at Elephantine."

63 *TADAE* B7.1:6; B8.9:3–4; Lozachmeur, *Collection Clermont-Ganneau*, 399–400, no. 265.

64 See Yochann Muffs, *Studies in the Aramaic Legal Papyri from Elephantine*, HdO 66 (Leiden: Brill, 2003), 27–194; Botta, *Aramaic and Egyptian Legal Traditions at Elephantine*, 125.

4 Framework and Conclusions

It is difficult to build a thesis on the basis of only two examples. Nevertheless, I would like to make a few concluding remarks. In my opinion, the texts discussed hint in a specific direction. They can be understood as examples of the mutual acceptance of both the variety and the unity of the divine in Elephantine in the fifth century BCE. Phrased differently, each group was aware of its own myth of common ancestry and shared historical memories and the specifics of its own religion. These specifics, however, were not seen as immutable or sacrosanct. They only partially defined the identities of the different groups. As a result of the *cohabitation* the various groups negotiated a network as a superstructure for the identity of the whole and complex community. This superstructure expressed that the element of solidarity was not restricted to the own group, but broadened to the community in the border garrison in its entirety. The cultural encounter of the Yehudites—as well as the other groups mentioned—in Elephantine did lead to an open perception of "the other" and not in a concealment of a closed and fenced community. It is the framework of this acceptance of the "other" as partner in the superstructure that deities from different religious traditions could be lent.[65]

65 See also Janet H. Johnson, "Ethnic Considerations in Persian Period Egypt," in *Gold of Praise: Studies on Ancient Egypt in Honor of Edward Wente*, ed. Emily Teeter and John A. Larson, SAOC 58 (Chicago: Oriental Institute of the University of Chicago, 1999), 211–22.