Chapter 10

Trying the Crime of Abuse of Royal Authority in the Divine Courtroom and the Incident of Naboth’s Vineyard

F. Rachel Magdalene*

Both R. Westbrook and I have argued separately that a claim of abuse of power or authority (herein called simply “abuse of authority”) was actionable at law in the greater ancient Near East.1 When humans with political or economic power abused their power, their superiors or, if necessary, the king would hear these cases in order to protect those with less power. Several Mesopotamian documents and the Hebrew Bible attest to this. A difficulty arose, however, when a king abused his royal authority because no higher human authority could hear the case. This article argues that, in the Hebrew Bible, YHWH and, at times, the whole Divine Council would intervene in these situations and try the case in the divine courtroom in order to maintain justice. Often a royal prophet would accuse the king as YHWH’s or the Council’s agent. In other instances, the prophet would announce the heavenly verdict to the king. The incident concerning Naboth’s vineyard—which is found primarily in 1 Kings 21 but is also discussed in 1 Kings 22 and 2 Kings 9–10—is one of the key texts


1 R. Westbrook, “The Abuse of Power,” in Studies in Biblical and Cuneiform Law (Paris: Gabalda, 1988), 9–38; and F. R. Magdalene, On the Scales of Righteousness: Neo-Babylonian Trial Law and the Book of Job (BJS 348; Providence, r.l.: Brown Judaic Studies, 2007), 145–55. I first began to develop the ideas of this article in Magdalene, On the Scales. Here, I expand my brief discussion of Ahab and Jezebel’s abuse of royal and judicial authority (On the Scales, 158, cf. 164) and refine several other concepts. I wish to thank Cornelia Wunsch for reading drafts of this paper, for offering several helpful suggestions, and, as always, being my ready guide in all things Assyriological. It took a small village to locate all the necessary resources for this article: I am most grateful for the bibliographic assistance of Robert Foster, Michelle Grimm, Raik Heckl, Sang Soo Hyun, Takayoshi Oshima, and Cornelia Wunsch. I also owe thanks to the editors of this volume for organizing and inviting me to attend the conference at the Benjamin N. Cardozo School of Law at Yeshiva University in February 2012 on the important topic of the divine courtroom, where I received much helpful feedback. My gratitude is due especially to Ari Mermelstein and Shalom Holtz who performed faithfully the monumental task of editing this piece. Of course, all remaining errors are ultimately mine.
where this principle is operating. YHWH strikes down Jezebel, Ahab, and their descendants because Jezebel and Ahab abused their royal authority by bringing a false charge of blasphemy against Naboth in order to take his ancestral lands. Thus, this article explores the role of the divine courtroom in effecting a remedy for abuse of royal authority in ancient Israel and argues that this aspect of divine justice was a critical factor in maintaining its entire system of social justice.

I read the text synchronically (to the extent possible), as literature, in its final form. The narrative provokes no end of questions about oral and written sources, compositional layers, redaction, and dating of the various layers both within and across chapters, as well as their relationship to each other intertextually and in terms of relative dating. The secondary literature is extensive.2