

LEVITES AND THE PLENARY RECEPTION OF REVELATION

by

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To my wife and lifelong companion Peggy Brown Christian and our twin daughters

Michal Jillian Christian and Briana McNeill Christian

מְצָא אִשָּׁה מְצָא טוֹב וַיִּפְקֶן רְצוֹן מִיהוּהָ

(Proverbs 18:22)

בְּיִרְאַת יְהוָה מִבְּטַח-עֵז וּלְבָבָיו יִהְיֶה מַחְסֵה

(Proverbs 14:26)

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LIST OF KEY TERMS, SIGLA, ABBREVIATIONS

Plenary: attended by all members of a community, e.g., a plenary assembly. Texts that speak of summoned or convened assemblies and occasionally an obligatory self-assembling are not uncommon (cf. Deut 5:1; 29:2; 31:11; Ezr 3:1; Neh 8:1). Because the mountain of God narratives distinguish between deity, elders, priests, and people, the lack of specific delimitation of groups in the receiving of the Decalogue (Exod 20:22; Deut 4:10; 5:4, 22, etc.) suggests the entire community, including women and probably older children, were the recipients of the revelation. Accompanying the basic story line of the exodus from Egypt emphasizing the notion of an entire nation following *YHWH* into the desert, en route to the Promised Land, is an assumption that the nation is Yahwistic. Be that as it may, in light of the deep ties the Hebrews had to Egypt and Egyptians on the one hand, and Moses' Egyptian upbringing and religious tutelage with his non-Yahwistic father-in-law Jethro/Hobab, Priest of Midian on the other, Pentateuchal writers probably had in mind a mixed audience. The אַסְפָּסָף of Num 11:4 (see n. 351) may project primarily a religiously and ethnically diverse group. Viewed in the context of subsequent verses, the many references to food, its collection—and presumably preparation—attributes culpability to men, women, and again, probably older children (vv. 4b-8); v. 33 then makes explicit the intention to hold the entire community accountable. Extending this line of argumentation a bit further, Exod 19:13aβ contains a merism in אִם-בְּהֵמָה אִם-אִישׁ לֹא יִהְיֶה (whether animal or human being, they shall not live; NRSV), the upshot of which is to make culpable the entire community, men, women, children, and animals.

Given that instilling the fear of *YHWH* was a central aim of the PRR, maximum attendance would arguably maximize the effect (הִקְהִילֵנִי אֶת-הָעָם; Deut 4:10). In 31:12 Moses assembles men, women, children, and aliens (קָהַל אֶת-הָעָם הָאֲנָשִׁים וְהַנְּשִׂים וְהַטַּף וְגֵרֵךְ) to “hear and learn to fear the Lord” (cf. 29:9-11 [Eng 10-12]). Texts that specify “women and foreigners” date to the postexilic period, likely the fourth century, and therefore may be attributed to the School of Hexateuch Redaction (§3.4.5 and n. 559). With Josh 9 assuming that foreigners traveled with the exodus generation, it is reasonable to assume the same was thought to be the case from the time of the liberation from Egypt on. Finally, in the context of the Horeb revelation of law, Deut 4:6b speaks of the nations hearing “all these statues.” (The artificial futuristic context does not fully obscure the present, multinational social experience out of which the author speaks.)

Reception of revelation: In light of the questions interpreters have raised about what Israelites comprehended during the cacophonous, mountain of God theophanies, our use of the word “reception” connotes a largely sentient reception of verbal revelation in line with Deut 4:10. Here, all-Israel received and understood (Deut 4:10aβ “that I will cause them to hear my words” וְאַשְׁמַעֲמֶם אֶת-דְּבָרֵי) the *tôrôt* at the mountain of God. This is not to insinuate ancient Israelites rejected the idea that visual and other non-verbal auditory phenomena (cf. Exod 19:16-19) could convey information. Deuteronomy 4:12, 15 reflect an ancient discussion about modes of conveyance, particularly emphasizing the deity's amorphous appearance. The aniconism in this instance regarding possible visual sighting of *YHWH*'s form in the theophany overrides the concern the immanence accomplished through direct communication between god and people (see also the block quote on p.178).

The word *revelation* in this study refers to “specific revelation” rather than “general” or “natural revelation.” It is communication by a deity or through divine agency in order to reveal otherwise unknown or unknowable things. In the case of the Israelites, the purpose of the revelation is to deepen their relationship to *YHWH* and facilitate their doing the divine will in the earth.

All-Israel: a term emphasizing the broader participation of the Israelite community. In Chronicles it is a catchword perhaps emphasizing geographic more than ethnic membership. In Ezra (e.g., 2:70; 6:17; 8:25, 35; 10:5; cf. Neh 12:47; 13:26), however, one sees just the opposite. In the dtr/post-dtr text of 1 Kgs 8 it ostensibly emphasizes the combined communities of Israel and Judah. In 2 Kgs 23:2f. Josiah endeavors to bring together as many Judeans as possible to hear the discovered book of the law, though the text leaves open the possibility for northern visitors (brought out more clearly in 2 Chr 34:33). Although lacking precision, the term’s multivalence probably enhanced its evocative function in some contexts.

Elite priests: According to the descriptions of priests in the Hebrew Bible, the religious personnel with higher status are probably the ones associated with the name Zadok(ite) or Aaron(ide). Texts depicting premonarchic times portray Aaron and his sons as either God’s or Moses’ right hand men (Exodus 25–40; Leviticus), while Zadok(ites) worked closely with the monarch (2 Sam 15:24-36; here the priest Abiathar serves along with Zadok, with the Levites in tow [v. 24]), and assuredly other, likely urban, elites. Whereas elite priests live and work primarily in urban centers, middle-tier priests associate primarily with villages and residential cities. Whereas the latter’s livelihood depends to a large extent on their maintaining reciprocal relations with village populations (cf. Deut 26:12; Judg 19), elite priests receive their due from the sacrifices brought to a central sanctuary (Ezek 44:9-16; note here Zadokite-Levites are separated from Levites [v.15]). Elite priests’ sustenance and social status depend largely on their institutional affiliation and political alignments with other upper-class inhabitants of larger cities. Thus elite priests make unlikely persons for showing solidarity with the masses. In general, only in the smallest and most numerous category of settlements, residential cities or towns, would professional or semi-professional functionaries regularly participate in meaningful encounters with the populace.¹

Priest-prophet: Use of the term “priest” is problematic not only because of the lack of certainty when translating Hebrew כהן but also because of the semantic baggage attached to the word/concept “priest.” I often use the compound “priest-prophet” to both broaden the translation of כהן to include prophetic aspects of this figure/office and avoid the restrictive connotations of the term priest. B. Pongratz-Leisten raises similar concerns regarding the use the German word for priest (der Priester) to denote ancient Near

¹ See the summary of Douglas A. Knight’s model in §4.1; see also the discussion of the likely urban/rural dynamics respecting the portrayal of Neh 8 in §§6.3.2-3. My rationale for using the hyphenated terms “Aaronide-Levite” and “Zadokite-Levite” is given in Mark A. Christian, “Priestly Power that Empowers: Michel Foucault, Middle-Tier Levites, and the Sociology of ‘Popular Religious Groups’ in Israel,” *JHS* 9 (2009): 1-82, 6, n. 15. Online access: <http://www.arts.ualberta.ca/JHS/abstracts-articles.html#A103>.

Eastern cultic functionaries that practice forms of divination. In such contexts she prefers to use the words “specialist” or “expert.”²

Province: There is some confusion in the literature regarding satrapies and provinces. I have chosen not to second guess authors that appear to use the terms indiscriminately. J. Elayi and J. Sapin have brought some clarity to this matter. They define province as a “territorial division of a satrapy, often corresponding to a geographical, ethnic and linguistic entity, with political structures often inherited from preceding Empires.”³

torah (תורה): Following the Society of Biblical Literature Handbook of Style, the word *torah* (“law,” “instruction,” “teaching”) appears with neither quotation marks or diacritics. It is italicized only when referring to the canonical division. The plural form of *torah*, *tôrôt* (תורות), appears with diacritics and is always italicized.

levitical: I use lower-case spelling of the adjective “levitical” so as not to impose the connotation of proper name “Levi” on non- or pre-tribal, vocational aspects of *lwy* (see §4.10 and nn. 1256,1263).

Otto’s DtrD = “deuteronomistic Deuteronomy” stands for both the *dtr* Decalogue and the redactional activities associated with its insertion. Because of the central importance played by the Decalogue in the overall *dtn/dtr* presentation of the history of Israel, Otto refers to it as the *Dtr Hauptredaktion* (main redaction) carried out during the exile.

Achenbach’s DtrD = “deuteronomistic Deuteronomy” refers to the book of Deuteronomy prior to its inclusion in the expanding Pentateuch and separation from Joshua–Kings. His *DtrD* thus encompasses a broader sphere of literary work than Otto’s.

Though commonly used when enumerating verses, a single *f./* (abbrev. of Latin *folio* = “the following one”) placed after chapter number in the Bible adds one additional chapter. Exod 19f. thus means Exod 19–20. An advantage of this method of enumeration is that, in the case of Exod 19f., the first chapter is highlighted with the second obviously flowing from it.

² “Die Gefahr der deutschen Übersetzung ‘Priester’ liegt vor allem in direkter Assoziation der Tätigkeit dieser Spezialisten mit einem kultischem Kontext. Dies ist im Gegenteil aber eher selten der Fall. Ich bevorzuge die Übersetzung ‘Spezialist’ oder ‘Experte’ im Kontext von Divination” (Beate Pongratz-Leisten, *Herrschaftswissen in Mesopotamien: Formen der Kommunikation Zwischen Gott Und König Im 2. Und 1 Jahrtausend V.Chr.* [vol. 10 of SAA; Helsinki: Neo Assyrian Text Corpus Project, 1999], 15). A supporter of the collocation of priest and prophet, Otto Eißfeldt, *The Old Testament: An Introduction* (trans. P. Ackroyd; New York: Harper & Row, 1966), 223 foregoes the hyphenation but gives the same sense as he describes the non-elite Levites who stand behind the “cultic-religious and social-humanitarian movement” given expression in D: “The supporters of this movement *we must picture as prophets and priests, and among these* no doubt mainly the country priests who are so often commended for special consideration, *the Levites in Israel’s gates* (xii, 12, 18; xiv, 27, etc)” (first emphasis added; the second is original).

³ Josette Elayi and Jean Sapin, *Beyond the River: New Perspectives on Transeuphratene* (trans. J. E. Crowley; vol. 250 of JSOTSS; Sheffield: Sheffield Academic, 1998), 15.

The use of /ff./ (“the following ones”) for chapters or verses can be problematic because of its lack of precision. For the reader’s convenience, I have replaced /ff./ in many instances with the estimated chapter numbers. With a textual block such as Isa 40 and the chapters that follow, say, 40–48, “40ff.” avoids an artificial division between the Deutero-Isaiah texts of 40–48 and what follows, whether that be 49–55 or another arrangement.

An asterisk * following a chapter or verse reference indicates an abbreviated portion of the verse or chapter that derives from a given source or redactor. It can be used with respect to a source or redactor, though not necessarily. For example, Deut 12–26* refers to the laws in the so-called Deuteronomistic Code, a largely preexilic lawcode the majority of which resides within these 25 chapters. For an individual verse, Exod 14:21* points to the portion of the verse under discussion with respect to a Priestly or non-Priestly source.⁴

Proviso regarding the historical placement and applicability of ancient Near Eastern evidences in this dissertation:

Readers of this study will note the emphasis placed on temporal specificity with respect to biblical traditions. Likewise, in many instances ancient Near Eastern evidence is integrated into contemporary Israelite contexts. In other cases, however, with regard to the discussion of religious personnel on the one hand, “schools” and literacy levels outside urban centers on the other, I have chosen to deal with the sober lack of evidence in a provisional manner. For example, in view of current debates regarding the roles and responsibilities of priests, prophets—and priest-prophets—numerous Near Eastern “parallels” and possible analogies have been included without being sifted according to epoch. As I see it, although they do not count as solid evidence, their heuristic value warrants their inclusion.

The same holds regarding the lively discussion among scholars regarding ancient literacy and schools and the use of comparative evidence from Mesopotamia and Egypt. Here also I seek to broaden the conceptual horizon among biblical scholars by taking on questions pertaining to literacy levels and teaching outside of urban centers. It is admitted that professional schools in Mesopotamia often work in non-native languages. The wide disparity of opinion in both biblical and ancient Near Eastern scholarship regarding literacy and schools however calls for a combination of informed creativity and willingness to modify traditional models. Within contemporary biblical studies, my inclination to search out analogues in *earlier* times has resulted in part from dissatisfaction in approaches that presume the applicability of *late* evidences (e.g., those of the Hellenistic and Ptolemaic periods) for the Persian period.

German words:

First coined by Antonius Gunneweg,⁵ the term *Levitisierung* (= “levitizing”) refers to the theory that the Israelite priesthood was at some point “levitized” or made pronouncedly more Levite than previously.

⁴ See the helpful definition by Jean-Louis Ska, *Introduction to Reading the Pentateuch* (trans. Pascale Dominique; Winona Lake: Eisenbrauns, 2006), xiii.

⁵ Antonius H. J. Gunneweg, *Leviten und Priester* (Göttingen: Vandenhoeck & Ruprecht, 1965).

Bearbeitung (revision) is to be differentiated from redaction in that the former tends to occur post-redactionally. A *Bearbeiter(in)* often makes minor (in terms of quantity of words) changes or additions to a text. A redactor may do this as well, but the work of redaction more specifically involves the moving and splicing of independent, preexisting textual units or blocks of various sizes.⁶

Konnex = “connection,” “relation,” or “nexus”

Korrektur connotes a post-redactional, revising, proof-reading, or proof-correction.

Nebenthema (pl. *Nebenthemen*) is a subordinate theme or topic.

Verschriftung denotes the “writing down” of Israelite traditions. Deuteronomy 31:9-13, the scene of the Levites making a copy of the law in the king’s presence, may be referred to as *die Verschriftungstheorie* and part of the so-called canon theory of PentRed because of its representative importance for the writing of Scripture. Another key component in PentRed’s canon theory is the announcement of the death of Moses in Deut 34:10-12, which has major ramifications for, *inter alia*, the postexilic debates regarding the end of prophetic revelation. Did it end with Moses or continue with, say, Jeremiah?

A note on translation of secondary sources in this document: unless noted otherwise, translations of German, French, Modern Hebrew, Spanish, and Italian texts are mine.

Abbreviations:

<i>Ahw</i>	W. Von Soden, ed., <i>Akkadisches Handwörterbuch</i> (3vols.; Wiesbaden: Harrassowitz, 1965-1981)
ANET	James B. Pritchard, ed., <i>Ancient Near Eastern Texts Relating to the Old Testament</i> (3d ed.; Princeton: Princeton University Press, 1969).
ARM	<i>Archives royales de Mari</i>
BC	Book of the Covenant (Exod 20:22–33:33)
CAD	A. L. Oppenheim et al., ed., <i>The Assyrian Dictionary of the Oriental Insititue of the University of Chicago</i> (26 vols.; Chicago: The Oriental Institute, 1956-2010)
CANE	Jack Sasson, ed., <i>Civilizations of the Ancient Near East</i> (4vols.; New York: Scribner, 1995).
D	Deuteronomic Code, Deuteronomy 12–26*
Deut	Deuteronomy
DPH	Eckart Otto’s <i>Deuteronomium im Pentateuch und Hexateuch</i> ⁷
dtm	deuteronomic
dtm Dtn	Deuteronomic Deuteronomy, preexilic formulation of Deuteronomy containing no

⁶ I have written recently on the ancient Israelite redactors’ and editors’ attitudes toward their sources with an emphasis on separating, when possible, early *Redaktion* from later *Bearbeitung* or revision; see Mark A. Christian, “Openness to the Other Inside and Outside of Numbers,” in *Colloquium Biblicum Lovaniense LV - The Books of Leviticus and Numbers* (ed. T. Römer; vol. 215 of BETL; Leuven, Belgium: Peeters, 2008), 585-606. For the self-conscious redaction of the architects of Proverbs, see § 1.3.10.3 below.

⁷ Eckart Otto, *Das Deuteronomium im Pentateuch und Hexateuch. Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* (vol. 30 of FAT; Tübingen: Mohr Siebeck, 2000).

	Deuteronomistic material.
dtr	Deuteronomistic
dtn/dtr	Deuteronomic and Deuteronomistic
Dtr	The Deuteronomist
DtrH	Dtr Historiker, a redactor who precedes DtrD (Otto)
DH	Deuteronomistic History
post-dtr	post-deuteronomistic
Chr	1–2 Chronicles
Chronicler	1–2 Chronicles, Ezra, Nehemiah
H	Holiness Code, Leviticus 17–26
KB	Ludwig and Walter Baumgartner and Jakob Stamm Koehler, ed., <i>Hebräisches und Aramäisches Lexikon zum Alten Testament</i> (3rd ed. Leiden: E. J. Brill, 1983).
LAPO	<i>Littératures anciennes du Proche-Orient</i> (Paris)
Luth	Luther 1545 German Bible
LXX	The Septuagint
MT	The Masoretic Text
P	Priestly Writing/Source
P ^g	<i>Die Priestergrundschrift</i> , which comprises the basic P layer in the Pentateuch.
p ^s	<i>Die Ergänzungsschrift</i> constitutes later additions that expand P ^g .
HexRed	The Hexateuch Redaction
PentRed	The Pentateuch Redaction
Pesh	The Peshitta (Syriac) translation
R-Val	Reina-Valera 1995 (Spanish Bible)
SamPent	The Samaritan Pentateuch
ThB	<i>theokratische Bearbeitung/Bearbeiter</i> (= theocratic revision/revisor) as characterized by the German scholar Reinhard Achenbach. See definition of <i>Bearbeitung</i> in the list of German terms, above.
Tg	The Targum
TOB	Traduction Œcuménique de la Bible 1988 (French Bible)
Vg	Latin Vulgate
ZUR	Zürcher Bibel, second edition 2007, 2008 (German Bible)

SECTION A. INTRODUCTION AND HISTORY OF RESEARCH

CHAPTER 1: INTRODUCTION

1.1 *Introduction*

1.1.1 *The Problem*

1.1.1.1 *A Problem of Recognition*

Among the many interpretative problems connected with the revelation at Mount Sinai over the centuries, determining the recipients of revelation at the holy mountain has received relatively meager treatment. This is surprising in view of the numerous passages in Exodus and Deuteronomy that affirm the diversity of recipients within the disclosure sequences.⁸ Pentateuchal texts clearly differentiate between the plenary (received by all-Israel)⁹ and direct or private (received by Moses alone) reception of revealed law. The gap within research has resulted in part from the literary complexity of the Sinai narratives, whose multivalent presentation resists efforts to separate the tightly woven web of traditions. More than this, though, traditional notions of “Mosaic law” and “Mosaic mediation” have overshadowed literary evidences of other ancient perspectives. This study seeks to make known these “minority opinions”¹⁰ and account for their survival as popular traditions opposite the dominant perspectives of official Israelite religion. It is probable that ancient audiences sensed the complexity within the deity’s acts of communication expressed through wonders and words, some heard by all, others vouchsafed to Moses alone.

1.1.1.2 *Revelation in the Face of Terror*

The theophany at Sinai is not private, but public. This basic feature is preserved in all pericopes, whether the people see the signs of the epiphany from afar or whether they are present at the divine meal. It is in these scenes that the narrative temporarily “lifts the veil separating the divine transcendence from the human world” (Licht). As

⁸ See Chapter Three.

⁹ See the definition of “all-Israel” in §1.1.3.

¹⁰ See §4.1.1.

against this movement, however, one also notes an opposite tendency, a tendency to tone down the encounter between Israel and its God...¹¹

1.1.1.3 *Authorship Considerations Regarding the PRR and Its Accompanying Traditions*

Scholars commonly attribute the production of much of the Hebrew Bible to Israelite priests, with crucial stages of its writing, compilation, and revision taking place in an urban center such as Jerusalem. While this explanation makes sense respecting many texts, especially those that further the interests of the dominant, official religion, it leaves unexplained more “popular” traditions such as the belief that the Israelite people received direct revelation from God, a tradition I entitle the *Plenary Reception of Revelation* (PRR).

The PRR’s companion themes include the notion of a prophetically and cultically competent people and a general supportiveness towards integrating pious foreigners into the Israelite community. Against the dominant picture of a people terrified of direct encounters with the deity, the PRR is connected to traditions of a people capable of regular encounters with *YHWH*. Because of the fragmentary nature of the PRR in the canonical literature, many of the details of such encounters must be reconstructed.

Whereas studies in the first three quarters of the twentieth century often attributed dtm/dtr and Priestly traditions to levitical priests and priest-prophets, that view began to fall into disfavor in the third quarter of the century.¹² Recent studies justifiably emphasize the role of elite Zadokite-Levites or Aaronide-Levites in the production of mainstream texts. Nonetheless, a number of international scholars are revisiting the notion of levitical authorship, assigning them a significant place in the literary development of major redactions (e.g., the Hexateuch redaction) and composition of various parts of the Hebrew Bible.¹³

¹¹ Frank Polak, “Theophany and Mediator: The Unfolding of a Theme in the Book of Exodus,” in *Studies in the Book of Exodus: Redaction—Reception—Interpretation* (ed. M. Vervenne; vol. 126 of BETL; Leuven: Leuven University, 1996), 113-47, 129-30.

¹² See especially Dieter Mathias, “‘Levitisches Predigt’ und Deuteronomismus,” *ZAW* 96 (1984): 23-49. See the discussion in Mark A. Christian, “Revisiting Levitical Authorship: What Would Moses Think?” *ZAR* 13 (2007): 194-246, 215-19 *et passim*.

¹³ See e.g., Mark S. Smith, “The Levitical Compilation of the Psalter,” *ZAW* 103 (1991): 258-63; Karel van der Toorn, *Family Religion in Babylonia, Syria, and Israel: Continuity and Change in the Forms of Religious Life* (Leiden: Brill, 1995); idem., *Scribal Culture and the Making of the Hebrew Bible*, Cambridge, Harvard University 2007; Ulrich Berges, *Jesaja 40–48* (Freiburg im Breisgau: Herder, 2008),

1.1.1.4 *The Elite Corps of Priests*¹⁴

One method of playing down traditions of direct encounter such as the PRR was employed by the Pentateuch redactors.¹⁵ Representing elite leadership in Israel and therefore “official religion,” they restricted revelatory encounters to (1) a few major events presided over and mediated by elite leadership (e.g., Moses or the “Mosaic institution”; cf. Exod 18:17-26), or (2) an *interpreted* text that vouchsafes all necessary revelation authored by God and interpreted by Moses (and, by extension, the Mosaic institution).¹⁶

Whereas Num 11:29 portrays a *Mosegestalt* incensed at the idea of monopolizing the prophetic—and based on Num 16:15 or 12:3 one could scarcely impugn the lawgiver’s character—the Pentateuch redaction/redactors (PentRed) set out to portray Moses as a mere man. For these literati the stakes are very high. At issue is the furtherance of the elite priestly (whether Zadokite-Levite or Aaronide-Levite) agenda, for which the commandeering of the hero’s reputation in the service of monopolizing legal interpretation to the benefit of the central religious leadership of Israel, poses little problem. A central goal of this “Mosaic institution” was to monopolize and then virtually

see section 4.1.2 below; Christian, “Openness to the Other”; idem., “Revisiting Levitical Authorship”; idem., “Middle-Tier Levites and the Plenary Reception of Revelation,” in *Priests and Levites in History and Tradition* (ed. M. Leuchter and J. Hutton; Ancient Israel and Its Literature; Atlanta: Society of Biblical Literature), 171-95 (and see other studies in the volume); Jeffrey C. Geoghegan, “‘Until This Day’ and the Preexilic Redaction of the Deuteronomistic History,” *JBL* 122 (2003): 201-27; Mark Leuchter, “The Levite in Your Gates”: The Deuteronomic Redefinition of Levitical Authority,” *JBL* 126 (2007): 417-36; idem., “Why is The Song of Moses in the Book of Deuteronomy,” *VT* 57 (2007): 295-317. For Levite authorship of Chr, see Antje Labahn, “Antitheocratic Tendencies in Chronicles,” in *Yahwism after the Exile* (ed. R. Albertz and B. Becking; Assen: Royal Van Gorcum, 2003), 115-35, 115 and the bibliography in n. 2.

A particularly serious problem confronts biblical scholars that date the production of biblical literature in Jerusalem to the first half of Persian period, since archaeological evidence offers them little support. See now the discussion of literacy and the likely process in which *laws* come to be written down in Israel in Douglas A. Knight, *Law, Power, and Justice in Ancient Israel* (Louisville: Westminster John Knox Press), 2011, 93-112; the writing of the laws is “highly unlikely before the middle of the Persian period” (ibid., 111); supportive of a more widespread advanced literacy in Iron II Israel is Bernard M. Levinson, “*The Right Chorale*”: *Studies in Biblical Law and Interpretation* (Winona Lake: Eisenbrauns, 2011), 304: “The composition of the Covenant Code does not require the Babylonian exile for cultural contact with Babylonian tradition to have been feasible. A Hebrew scribe need not necessarily have been ‘an exile’ to have had access, directly or indirectly, to cuneiform”; cf. idem., “The Reconceptualization of Kingship in Deuteronomy and the Deuteronomic History’s Transformation of Torah,” *VT* 51 (2001): 511-34. See also the lengthy *Auseinandersetzung* of literacy and schools in Israel in Chapter Four of the present study, especially §§4.3-7.

¹⁴ See the definition of “elite” in reference to priests below, §1.1.3.

¹⁵ See below, §1.3.11.2.

¹⁶ See below, §§6.3.2-3.

silence additions prophetic revelation. Indeed, prophetic pronouncements could be a real problem, calling into question the integrity of pentateuchal law (cf. Ezek 20:25) and in some cases seeking to revise or even replace it (Isa 56:1-8; Jer 26 v. Deut 18:9-22 [Jeremiah replaces Moses as prophetic mediator; Harald Knobloch]; 36; cf. Deuteronomy's appropriation of the Covenant Code; the Temple Scroll's appropriation of Deuteronomy).

1.1.1.5 *Importunate Levites*

With these interpretive *Tendenzen* in view, one can see how the belief in the PRR—which persists already at the foundation events of Sinai/Horeb in which Moses is very present—would pose a particularly threatening counter to the elite priests' position. The intensity of the literary-historical debate can be seen quite vividly and succinctly in Deut 5:5's attempt (PentRed) to discount or supercede the PRR in v. 4.¹⁷ It is the importunate Levites,¹⁸ through the literary vehicle of the Hexateuch Redaction and later School of Hexateuch Redaction (School of HexRed), to whom we attribute responsibility for v. 4 and other passages documenting the PRR passages, scrutinized in Chapters Two and Three.

Regarding the School of HexRed, Eckart Otto asserts that only a school tradition could sustain such complex engagement with the redaction processes of HexRed and PentRed and then carry out fourth-century redactional work in a text such as Josh 24.¹⁹ Neither Otto nor Achenbach detail the work of the School of HexRed, whether by itself or opposite any "School of PentRed." For the fourth century, Achenbach focuses instead on the work of his postulated theocratic revisors.

The present study brings into clearer focus the purveyors and contributions of the School of HexRed. It will be argued that fourth-century Levites, more active in the

¹⁷ See the exegesis of these passages in Chapter Four.

¹⁸ This study demonstrates in numerous places the insecure and often maligned status of the Levites, whose survival and involvement in the production and shaping of the literature required considerable persistence on their part. Moreover, traditions such as Exod 32 portray certain Levites as overeager religious personnel whose unrelenting zeal could lead to violent rifts in the community. The adjective "importunate" thus seems an accurate descriptor for these religious functionaries. In view of their mostly positive depictions in this study, that the term "importunate" invites critical evaluation of these cultic servants already at the beginning of this study seems appropriate.

¹⁹ *DPH*, 243f.; cf. §1.3.11.

literary production process than in preexilic times and now enjoying the support from select postexilic Aaronide-Levites of Jerusalem, play a major leadership role in the School of HexRed. Although this circle supports the PRR, it shows itself clearest in traditions in H that combine an openness to the integration of aliens into the commonwealth of Israel (furthering HexRed's inclusive agenda) with a radical and comprehensive and *heilsgeschichtlich* concept of sanctification (22:32b-33; perhaps 20:8b; cf. Num 15:40b-41).²⁰ *Die Schule* likely plays a significant role in the formulation of the Holiness Code (Lev 17–26), and may also figure in an important later redactional stage possibly connected with one or more theocratic redactions.²¹ Similar to the text of Exod 19:5f.²² the levitical perspective in the School of HexRed plays an important though implicit role in the conception of the PRR, namely that the Israelites receiving such revelation are prophetically competent and cultically qualified, commissioned as *YHWH*'s quasi-priestly ambassadors into their world.

1.1.2 *Scope of Project*

The scope of this study is extensive. It attempts to investigate passages in the Hebrew Bible that either document the PRR or shed important light on the phenomena associated with the direct communication between the God and people of Israel. That such a provocative theological concept which conflicts with the dominant tradition in Israelite literature (all legal revelation is mediated through Moses) would appear so seldom yet survive in the very Sinai pericope is telling. It informs us from the very start that the PRR had both supporters and opponents who have left literary footprints that trace to postexilic, post-dtr redactors.

In Chapter One we provide a detailed introduction to the primary players in this debate, the Hexateuch and Pentateuch redactors and their namesake redactions. Problems with diachronically driven analyses and the concepts of redaction and revision (*Bearbeitung*) are discussed. The School of HexRed, which continues the legacy of the Hexateuch Redaction, is introduced.

²⁰ See §§3.4.5; 6.4..13; 6.5.2.

²¹ The theocratic revisions are treated only in passing in the present study, mainly in reference to Achenbach's characterization of these elite priestly literati and their fourth-century *Bearbeitungen*, so §1.3.11.10.2.

²² See the extensive treatment in Chapter 2, §2.2.

Comprehensive exegeses of the primary textual witnesses of the PRR ensue in Chapters Two and Three. Chapters Four and Five treat in sociopolitical perspective the Levites' activities in non-urban contexts, the likely roles they played as middle-tier religious personnel between village populations and their elite superiors living in larger cities.²³ P.R. Davies adumbrates the likely relationship that obtained between cities and villages:

The essential feature of a city is that it is not economically autonomous but parasitic on (or perhaps symbiotic with) a rural hinterland. Unlike villages and towns, which are more or less self-sustaining units, a city does not provide its inhabitants with their basic resources ... [but it] provides facilities for its associated rural population, such as protection.²⁴

The exchange between city and village, which we describe in Chapters Four and Five, “required a degree of administration that was located within the city.”²⁵ In Chapter Six we isolate and treat three textual blocks with which to reconstruct the likely communities and contexts that witnessed the PRR.

1.1.3 *The Rationale*

In the following chapters the topic of the Israelite priesthood comes up repeatedly, demonstrating that traditions reflecting support for lay participation in worship and reception of revelation on the one hand, greater openness to foreigners on the other, have survived largely through the efforts of middle-tier Levites. Their socioreligious and literary endeavors must have found support among influential persons among the laity, as well as among the elite ranks of religious leaders. Enneateuch traditions report that Levites' circumstances fluctuated greatly. They appear to have first entered the Israelite stage as liminal figures, viewed in some contexts as “fringe-Israelites.”²⁶ Something of

²³ Philip R. Davies, “Urban Religion and Rural Religion,” in *Religious Diversity in Ancient Israel and Judah* (ed. F. Stavrakopoulou and J. Barton; London: T & T Clark, 2010), 104-17, 105, cautions against determining what constitutes a “city” based on size or population. “While ancient cities are generally regarded as having developed either as the result of population pressure or as a by-product of state formation, a city is not simply—nor even necessarily—defined by a high concentration of population, or even by having walls.”

²⁴ *Ibid.* In Josh 15–23 we find several “cities” listed along with their “villages.” Note also that Jdg 11:26 refers to the city’s “daughters” (... בבנותיהּ). (בְּשָׂרָת יִשְׂרָאֵל בַּחֲשׁוֹן וּבְבִנּוֹתֶיהָּ).

²⁵ *Ibid.*, 106.

²⁶ In contrast to texts such as Exod 2:1 and 4:4 proposing the levitical lineage of Moses and Aaron, respectively, from his reading of Jdg 17 A. H. J. Gunneweg envisions Levites as “persons who have a

this taint seems to have followed them throughout much of their literary career. This left them vulnerable to attacks from elite competitors such as their Zadokite and Aaronide brethren, the former levying serious charges against them, e.g., regarding alleged, unlawful concessions made to aliens (בני־יִכָּר; cf. Ezek 44:6ff.).²⁷ On the other hand, their apparent flexibility and availability appears to have nominated them for carrying out radical, potentially ostracizing missions at the behest of major luminaries such as Moses (e.g., Exod 32) and the Davidides (David in 2 Chr 35:15; Solomon in 2 Chr 8:14, implementing David’s cultic legislation כִּי כֵן מִצְוֹת דָּוִד אִישֵׁהָאֱלֹהִים and כַּמִּשְׁפַּט דָּוִד; Josiah in 2 Chr 35:3-6).

The intrabiblical discourse regarding their status sometimes seems to be carried out on the level of gossip, their sad state or incompetent performance offering a pathos-filled spectacle at which to gaze. Alternatively, they leave behind a stain on the *curriculum vitae* of Israelite religious personnel in need of extirpation.²⁸ In some settings solution is sought through their censure and demotion, in others their quasi- or non-priestly status

particular legal and social status. They belong to none of the other tribes of Israel and are therefore everywhere strangers. As such they are reckoned among the *personae miserae*. But though strangers they nevertheless belong to the Israelite amphictyony” (cited in Walther Zimmerli, *Ezekiel: A Commentary on the Book of the Prophet Ezekiel* [ed. P. Hanson and L. Greenspoon; trans. James D. Martin; 2 vols.; vol. 2; Philadelphia: Fortress Press, 1983], 457). Mayes’ grouping of Levites with the poor and the stranger is insightful: “For Deuteronomy Yahweh is not to be coerced or persuaded through sacrificial offerings ... [which] belong chiefly in the context of the humanitarian behaviour which the Israelite must adopt towards the poor, for they are to be shared with the poor, the Levite, the stranger, the orphan and the widow” (A. D. H. Mayes, *Deuteronomy* [London: Oliphants, 1979], 58-9); cf. Albert de Pury, “Las dos leyendas sobre el origen de Israel (Jacob y Moisés) y la elaboración del Pentateuco,” *EstBib* 52 (1994): 95-131, 125-6: “In the blessing of Moses Deut 33:8-11 the Levites are praised for having placed faithfulness to Yahweh above the natural solidarity with father and mother, brother and sister. This passage in particular had led Gunneweg to posit the existence of a ‘covenant of the Levites.’ Originally this would have been neither a ‘profane’ tribe nor a sacerdotal caste, but a specie of religious order that would have considered rule, rather than based on lineage, to depend only on Yahweh”; cf. Wellhausen’s treatment of Deut 33:8-11: “The history of Moses is at the same time the history of the priests ... this so strongly marked solidarity of the priesthood as a profession rests by no means upon the natural basis of family or clan unity; it is not blood, but on the contrary the abnegation of blood that constitutes the priest, as is brought out with much emphasis. He must act for Jehovah’s sake as if he had neither father nor mother, neither brethren nor children” (Julius Wellhausen, *Prolegomena zur Geschichte Israels* [Berlin: G. Reimer, 1889], 135); cf. 1 Sam 1–3.

²⁷ Various translations, Ezek 44:8, suggest a questionable contingent (“others” LXX; “them” NJPS; “foreigners” NRSV; “someone else” NJB) has presided over the offerings. Though no word for foreigner occurs in v.8, the text does indicate (and v. 9 makes it explicit with בְּנֵי־יִכָּר “foreign” (broadly defined) elements have trespassed on the *de jure* domain of priestly activity. This criticism Levites is couched in a context in which both praxis and persons lack proper pedigree. It bears noting here that, in contrast to the Hexateuch Redaction, the likely Zadokite-Levite authors of the Pentateuch Redaction are against the idea of accepting the בְּנֵי־יִכָּר. See below, §1.3.11.2.

²⁸ Already here we find similarity between alleged underperforming Levites and religiously incompetent Israelites, as the dominant accountings go.

and subsistence needs come to be redefined and newly regulated (Deuteronomy). In still other settings their Yahwistic abandon nominates them for extreme service as a militant unit of religious functionaries stemming the tide of apostasy strangely facilitated by the Aaronides (Exod 32:15-29; cf. Deut 33:8f.).

Resting on a slightly more consistent foundation is the Levites' vocation as sometime judges, teachers and preachers of the law (e.g., 2 Chr 35:3).²⁹ As Israelite law purports to be revealed law, the Levites come by their interlocution of *YHWH*'s revelation to Israel legitimately, even though, opposite Moses, their role in revelation remains obscure in the received text. For these and other reasons, and as will be demonstrated in the course of this study, Levites make likely candidates for supporting the idea that Israelites have recourse to revelation not merely through elite mediators (Num 16) but via direct transmission from the divine realm.³⁰

In biblical research, traditions documenting the PRR and its related problems have received relatively meagre, usually *en passant*, treatment. Scholars have instead focused their efforts on other problems associated with the sojourns at the holy mountains of God, namely Sinai and Horeb. Solving the undertreatment of the PRR requires a comprehensive approach that goes beyond exegesis of the germane passages to reconstructing the historical and sociopolitical settings in which the tradition most likely emerged, the mostly religious functionaries who propagated it and saw to its inclusion within the received tradition, and the opposition that failed to snuff out its life before it found an enduring place in the received tradition.

²⁹ For an indepth survey of the scholarship regarding the Levites' involvment in the writing, teaching, and preaching of biblical texts in Israel, see Christian, "Revisiting Levitical Authorship."

³⁰ Deut 4:36; Neh 9:13; cf. also Gen 21:17; Wisd 18:15.

CHAPTER 1

HISTORY OF RESEARCH: PART I

1.2.1 *Redaction, Supplement, Source Critical, and Sociological Treatments of the PRR*

1.2.1.1 *Abraham Kuenen*

In the last quarter of the nineteenth century A. Kuenen's work included some consideration of our topic. Deploying a redaction-historical method, he proposed that Exod 20:18-20 belonged before the Decalogue (Exod 20:1-17, largely E) rather than after it. The original or earlier order in Exod 19 was as follows:

20:18-20* When all the people witnessed the thunder and lightning, the sound of the trumpet, and the mountain smoking, they were afraid and trembled and stood at a distance, ¹⁹ and said to Moses, "You speak to us, and we will listen; but do not let God (אלהים) speak to us, or we will die."²⁰ Moses said to the people, "Do not be afraid; for God (האלהים) has come only to test you and to put the fear of him upon you so that you do not sin."

20:1-17* Then God (האלהים) spoke all these words:

20:21ff* Then the people stood at a distance, while Moses drew near to the thick darkness where God (האלהים) was. ²² The Lord said to Moses: Thus you shall say to the Israelites: "You have seen for yourselves that I spoke with you from heaven...."

Kuenen believed the Book of the Covenant (BC) had effected this displacement. The original account of the delivery of the Decalogue (Dec) moreover "contained nothing about a Covenant-Book or the establishment of a covenant (Exod 24:3-8)."³¹ Both Exod 32–34 and Deuteronomy remain silent about the BC³² and the people's acceptance of it. Kuenen explained the redacted order as follows:

Exod 19: *Elohim* appears in a theophany.

³¹ Abraham Kuenen, *An Historico-Critical Inquiry into the Origin and Composition of the Hexateuch* (trans. P. Wicksteed; London: Macmillan and Co., 1881), 152, n. 12; cf. Eißfeldt, *Introduction*, 213; Walter Beyerlin, *Origins And History of the Oldest Sinaitic Traditions* (trans. S. Rudman; Oxford: Blackwell, 1965), 5, 12f; Kuenen (*Historico-Critical Inquiry*, 153, n.12) notes that Exod 24:3-8 makes no mention of the Dec; Beyerlin (*Origins*, 37f.) affirms the antiquity of 24:3-8.

³² "D¹ [= the great legislative discourse in Deut 5–26 (cf. Kuenen, *Historico-Critical Inquiry*, 22, 117)] is acquainted with the Book of the Covenant and makes diligent use of it, but he never mentions that it was submitted to the people and accepted by them at Sinai" (*ibid.*, 259, n. 32 [1]). For critique of Kuenen's view that CC

Exod 20:1-17: *Elohim* speaks the Ten Commandments to all of the people.
Exod 20:18-20: *Elohim* institutes Moses as mediator to assuage the people's fear.
20:21ff: *Elohim* reveals the BC to Moses, who subsequently reveals it to the people.³³

Against the original sequence in which the people do not receive the Dec directly, the redacted arrangement places the people's request for mediation after they receive it. The relocation of Exod 20:18-20 also functions as a link or "intermezzo" between the Dec and the Covenant Code.³⁴

In Kuenen's analysis of the companion texts in Deuteronomy, Deut 5–26 (his D¹) Sinai legislation includes only the Dec; Deut 1–4, comprising part of Kuenen's D², appears to share this view.³⁵ Deuteronomy 1:1–4:40 (including the postscript vv. 41-43) however

cannot be assigned to D¹.... Obviously 1:1–4:40 was composed by a writer whose spirit responded to that of D¹, and whose interest in history and archaeology made him feel the absence of all mention of the historical antecedents of the legislative discourse of 5–26.... That he made use of narratives which we still possess in Exodus and Numbers is unquestionable; but that he intended his historical introduction to link the Deuteronomic legislation to the older narrative cannot be proved and is not likely.³⁶

"When D¹ and the author of Deut 1–4 wrote, the Book (BC) and the Words of the Covenant (= Exod 34:10-27) had not yet been incorporated into the 'prophetic' Sinai-stories."³⁷

Kuenen's Deuteronomy based its understanding of the Sinai event on the redacted account in Exodus, which Deut 5:4 assumes. Contrarily, Deut 5:5³⁸ reflects the earlier, Exodus tradition.³⁹

1.2.1.2 G. Ernest Wright

G. E. Wright moved research on the PRR in a different direction. Positing Deut 5:4 as an equally ancient body of tradition though familiar with a different sequence of events at

³³ Cf. the summary of Kuenen's sequence in Childs, *Exodus*, 351-52.

³⁴ Cf. Cornelius Houtman, *Exodus* (ed. C. Houtman et. al; 4 vols.; vol. 3; Kampen: Kok Publishing House, 1996), 3:72. "20:18-21 in a sense stands by itself" (ibid.).

³⁵ Ibid., 260.

³⁶ Ibid., 117; see also 120, n. 15. See additional comments on Deut 4 below and in Chapter Three.

³⁷ Ibid., 260.

³⁸ This verse has been characterized as a later harmonizing gloss. Childs characterizes the arguments for this (Hempel, 1914; Welch, 1932) as inconsequential (Childs, *Exodus*, 352).

³⁹ See the exegeses on these key verses in Chapter Three.

Sinai,⁴⁰ he combined synchronic and tradition-historical analyses into a synthesis that broke with the dominant model of diachronic, literary-critical analysis.

1.2.1.3 Brevard S. Childs

B. S. Childs would follow with a reconstruction of a series of Mosaic offices beginning in Exodus and continuing in Deuteronomy. He argued that the depiction of Moses as covenant mediator aligns with E materials. In the Elohist formulation of the Sinai theophany Moses functions as the “mediator between God and the people.”⁴¹ Conversely, the J material endeavors from the start to legitimate Moses’ “special prerogative” as continuing mediator of *YHWH*’s will to Israel, without recourse to a covenant ceremony. In this conception Moses embodies the office of *revelatio continua*, which begins with the revelation of the Dec, ties to the gift of the divine spirit, and includes intercessory prayer linked to the tent of meeting. The E and J conceptions of the Mosaic office base themselves in the covenant renewal (E) and the tent of meeting (J), respectively.⁴² In Deuteronomy some of the tension between these two formulations comes to be resolved as the covenant renewal (E) overshadows the tent tradition. “In fact, the absence of the tent is striking in Deuteronomy and the motif of the ‘glory’ has all but disappeared in favor of the name theology.”⁴³

Notwithstanding considerable reliance on the Elohist,⁴⁴ arguably the least reliable “source” of the Documentary Hypothesis⁴⁵ on the one hand, assumption of a dichotomy

⁴⁰ G. Ernest Wright, “The Book of Deuteronomy,” in *IB*, 2:311-537, 363; cf. Childs, *Exodus*, 353.

⁴¹ *Ibid.*

⁴² *Ibid.*, 355-57.

⁴³ *Ibid.*, 359. “Nevertheless, the deuteronomic tradition has been enriched by elements of the tent tradition”; then in priestly theology “the vocabulary of the old tent tradition” comes to be absorbed by Jerusalem theology, the tent being identified with the tabernacle (מִשְׁכָּן; *ibid.*).

⁴⁴ Cf. John Van Seters, *A Law Book for the Diaspora: Revision in the Study of the Covenant Code* (Oxford: Oxford University, 2003), 49f.

⁴⁵ The notion of a separate Elohist source (E) running through the Hexateuch has been assailed on many fronts, beginning perhaps with selected essays in Paul Volz and Wilhelm Rudolph, *Der Elohist als Erzähler: Ein Irrweg der Pentateuchkritik?* (Berlin: de Gruyter, 1933) and in Rudolph’s monograph *Der “Elohist” von Exodus bis Joshua* (Berlin: de Gruyter, 1938). Van Seters summarizes the cavalcade of criticism thus: “Many scholars freely acknowledged that of all the sources it was the most fragmentary, that it hardly began before the patriarchal narratives and that it was difficult to trace in much of Exodus and Numbers” (*The Pentateuch*, 37); cf. Ernest Nicholson, *The Pentateuch In The Twentieth Century: The Legacy Of Julius Wellhausen* (Oxford: Clarendon, 1998), 48-9: “The years between the wars saw the beginning of yet another challenge to the Graf-Wellhausen Documentary Theory, and again one which has retained support to the present time. Just as the original independence of P was questioned, so now the nature and origin of the E material came in for reassessment. Volz’s work ... was mainly devoted to a

between earlier oral and later literary stages that a minority of scholars nowadays accept on the other, Childs offers an otherwise plausible tradition-historical reconstruction. It is thus surprising that his analysis takes no account of the plenary theme of revelation in Exodus. He does deal briefly with the tradition in Deuteronomy. For example, the answer to the conflicting viewpoints in Deut 5:4 and 5:5⁴⁶ emerges after realizing that both of the earlier traditions understood Moses as mediator of the law.⁴⁷ “There is no evidence to suggest any other early tradition of a direct transmission of the law to the people.”⁴⁸ Unfortunately, Childs provides no data to support this sweeping assessment.⁴⁹ Implicit within his notion of Mosaic *Gestalten* is the assumption that legal revelation ending with Moses’ death.

1.2.1.4 Ernest W. Nicholson

In contrast to Childs, E. W. Nicholson’s analysis of the “Decalogue as God’s direct address to Israel” does not limit the plenary theme to the circles responsible for

rejection of the view that the E material in Genesis ever existed as a separate continuous document. Wilhelm Rudolph, who collaborated with Volz in this work ... subsequently [in *Der “Elohist” von Exodus bis Joshua*] extended the analysis to the remaining books of the Hexateuch. Both scholars argued promoted a thesis of E material originating from redactional additions to J.... Sigmund Mowinckel [Sigmund Mowinckel, “Der Ursprung der Bil’amsage,” *ZAW* 48 (1930): 233-71; idem., *Erwägungen zur Pentateuch Quellenfrage* (Trondheim: Aktietrykkeriet i Trondhjem, 1964), 59-118] ... argued that the E material emerged gradually as the result of a tradition-historical process based upon the material in J.... The Elohist, properly understood, he argued, was the person who revised the venerable work of J^v by incorporating it into the younger J *variatus* material which had developed orally, at least to begin with, subsequent to the composition of J.” The notion of a merger of J and E, so JE, however, continues to find adherents; cf. Werner H. Schmidt, *Old Testament Introduction* (trans. Matthew J. O’Connell with David J. Reimer; Louisville: Westminster John Knox, 1999), 84-92, for recent advocacy of an Elohist source within a rendition of the classical four-source hypothesis (JEDP); for synopsis and critique, including diagram, of a similar view, see Erich Zenger, “Theorien über die Entstehung des Pentateuch,” in *Einleitung in das Alte Testament*⁵ (ed. E. Zenger et al.; Stuttgart: W. Kohlhammer, 2004), 74-123, 94f.; for recent advocacy of *separate* sources J and E, and of D relying on J and E as separate documents, see Joel S. Baden, *J, E, and the Redaction of the Pentateuch* (vol. 68 of FAT; Tübingen: Mohr Siebeck, 2009).

⁴⁶ “How is one to explain the tension between Deut.5.4 and 5 (sic)? Does it stem from a literary development caused by the fusion of sources or is Deuteronomy dependent on some early tradition in which the law was given directly to the people?” (Childs, *Exodus*, 359).

⁴⁷ Childs concludes the literary evidence of vv. 4-5 “remains the most plausible. Verse 4 is a reading of the tradition after the redaction of J and E placed the Decalogue in its present position within the narrative. Verse 5 represents accordingly an earlier tradition of the mediatorial office of Moses” (*Exodus*, 360). In my judgment this assessment lacks clarity and is not convincing; cf. Van Seters, *Law Book*, 50: “The text in Deut 5:5 has all the marks of being a later addition to the rest of Deut 5, so that it can hardly reflect an earlier version of Moses’ mediatorial role.”

⁴⁸ *Ibid.*, 359-60.

⁴⁹ One wonders if the author had intended to take up the issue again in an exegetical analysis devoted to dtn/dtr texts.

Deuteronomy passages in which the theme is prominent, i.e., chs. 4–5. Rather, Nicholson hypothesizes a redactor that positions the Dec in Exod 20. This tradent holds views similar to the conception of Deut 5:4. A combination of both editorial and theological motivations best accounts for the pericope’s positioning.⁵⁰ Certain differences in the two presentations of the Dec figure within the broad scope of the plenary theme:

Deuteronomy 4–5 places considerable theological and apologetical emphasis upon the Decalogue as God’s direct address to Israel. What is less obvious is why in Exodus the Decalogue is proclaimed directly to the people by God whilst the remaining laws (the Book of the Covenant), though also written in the first person singular as a speech of God, are transmitted at second hand, so to speak, by Moses.⁵¹

In 1981 Nicholson lamented the general lack of interest given the final form of the Exodus narrative by scholars.⁵² For him the “direct address of God to Israel” in Deuteronomy instills “the fear of the Lord,”⁵³ emphasizes the “uniqueness” of Israel (no other people had heard directly from God), and “seals” Israel’s election.⁵⁴ Deuteronomy 4–5 “attach both theological and apologetic significance to the direct transmission of the Decalogue to Israel at Horeb.”⁵⁵ A methodological question then arises whether to interpret this view as peculiar to the authors of Deut 4–5. Did for example similar motives lie in the mind of the tradents responsible for Exod 20?⁵⁶ Whereas for Nicholson the *direction* of dependence remains “a matter of dispute,” “the close relationship between the Decalogue as God’s direct address to Israel and Exod 20:22-23—the latter arising from the former and the former explained to some extent by the latter—” makes better sense if one attributes both to the same dtn redactor.⁵⁷ In contrast to Kuenen,

⁵⁰ Ernest W. Nicholson, “The Decalogue as Direct Address by God,” *VT* 27 (1981): 422-33, 424.

⁵¹ *Ibid.*, 422.

⁵² *Ibid.*, 423-24, 427. On this account he both congratulates Childs and notes the problem of adhering to the view that the Decalogue originally followed Exod 20:18-21, which actually undercuts an otherwise cogent reconstruction (*ibid.*, 428).

⁵³ “When God let his people hear his voice from heaven, it was the commandments that he declared so that his people might learn to fear him” (*ibid.*, 426; cf. Deut 4:36).

⁵⁴ *Ibid.*; cf. 430; cf. Eckart Otto, “Del Libro de la Alianza a la Ley de Santidad. La reformulación del derecho Israelita y la formación del Pentateuco,” *EstBib* 52 (1994): 195-217, 213-14: “La relación personal con Dios, plasmada en la obediencia a la voluntad divina, consiste en la comunicación que Israel mantiene con el Dios único y trascendente. Ex 20,22 permite que el Libro de la Alianza pase a ser la revelación anunciada en Ex 19,9 y, en la conjunción del Libro de la Alianza con el Deuteronomio efectuada por el redactor del Pentateuco, se convierta en el programa de Israel como ‘posesión real’ (סגולה) de YHWH y pueblo santo.”

⁵⁵ “Direct Address,” 425f.

⁵⁶ *Ibid.*, 428.

⁵⁷ *Ibid.*, 431.

Nicholson believes both vv. 22-23 and the Exodus Dec found insertion into the Exodus narrative *after* the Dec had been situated in Deuteronomy.⁵⁸ He bases this belief in part on the late formulation of the Sabbath command in Exod 20, which reflects exilic or postexilic priestly influence.⁵⁹

Nicholson's engagement with the complexity of the material has produced plausible reconstructions on the proto-canonical level of the developmental processes leading to the integration of the Ten Commandments in both Exodus and Deuteronomy. Still, with respect to the direct revelation from God to the people at Sinai, as well as the chronology of the literary development and redaction of the Sinai complex, his conclusions remain tentative.⁶⁰

Though in some respects Nicholson's tradition-historical observations dovetail Childs's⁶¹ work, J and E are left out of the equation, and P finds mention only with the context of the Sabbath formulation. His primary focus devolves to the dtr shaping of passages in both Exodus and Deuteronomy and the correlation of their presentations arguably achieved through dtr redactional and editorial activity. In significant ways, then, his approach resembles the new Pentateuch research emerging in the late 1970's of R. Rendtorff, H. H. Schmid, E. Blum, and others who reject aspects of the classical documentary hypothesis, especially regarding the putative, continuous compositional strands of the Yahwist and Elohist, respectively.⁶² Nicholson looks to independent blocks of dtn/dtr (cf. the so-called "block model" in Pentateuchal research) and priestly materials

⁵⁸ In this case, Deut 5:5 would have to be a later gloss inserted by a hand familiar with the extant Sinai narrative sequence in Exodus. "Apart from verse 5 there is nothing in Deuteronomy 4-5 which necessarily indicates that the authors presupposed the narrative in Exodus" (ibid., 431, n. 13).

⁵⁹ Ibid., 431. This does not however negate the possibility that otherwise the Dec in Exod 20 manifests an earlier formulation than that of Deuteronomy. Although the question of when the Dec and Exod 20:22-23 were inserted into the Sinai complex remains unresolved, Nicholson closes his essay by suggesting the addition(s) occurred "at a relatively late time and after the inclusion of the Decalogue and its related material in Deuteronomy 4-5" (ibid., 432-33).

⁶⁰ Whereas in his opening paragraph Nicholson posits a direct connection between the positioning of the Dec and an explanation of the direct address traditions, and whereas he makes numerous convincing connections, he stops short of weaving the disparate theological and editorial elements together into a thorough, chronological or synchronic schema. Another outstanding desideratum would be to reckon with the sociopolitical dimensions of the unique influences impacting Israelite tradents during the postulated era of writing. To be sure, crucial textual and artifactual discoveries (and their interpretation) have surfaced since the appearance of Nicholson's important study.

⁶¹ Nicholson's main objective stated at the onset of his essay is "to offer some additional support for his [Childs's] interpretation" (ibid., 422).

⁶² Cf. incidentally Nicholson's wide-ranging synopsis of recent scholarship on the Pentateuch in his *Pentateuch In The Twentieth Century*.

that undergo shaping and editing by various redactors. Because a majority of scholars continue to attribute late and often significant literary activity to priestly hands,⁶³ it would appear that J. Wellhausen's innovative placement of the priestly source in fourth position (so JEDP) continues to exert significant influence on contemporary Pentateuchal models, which these days often expand into the Hexateuch, Enneateuch, even Dekateuch (Genesis through Ezra-Nehemiah⁶⁴). Biblical research over the last three decades has witnessed a steady increase in proposals characterizing early materials as either dtn or simply "pre-priestly."

1.2.1.5 Thomas B. Dozeman

In a 1989 monograph T. Dozeman attributes the Dec and BC to "pre-Priestly" compositional activity. He characterizes the pre-deuteronomistic Sinai Complex as a "Mountain of God" tradition that reflects a "theology of Zion." In the two subsequent redactions, dtr and priestly, the "Mountain of God" tradition undergoes "qualification" that results in an appreciably attenuated role, whereby the "Zion tradition" gives way to the dominant, "canonical" Horeb and Sinai traditions and their respective accounts of the divine presence and participation in the giving of the torah.⁶⁵

Whereas Nicholson employs the term "direct address" to describe the PRR, Dozeman speaks in terms of "public" and "private revelation." He perceives a development within the dtr redaction beginning with "public revelation" at Mt. Horeb. At a later point in the narrative Moses receives "private revelation" consisting of additional dtr regulations.

⁶³ Notable exceptions are Israeli scholars such as Y. Kaufman and his students on the one hand, numerous conservative Christian scholars on the other. Problematic to these and other scholarly camps is the late dating and consequent diminished authority of priestly compositions in general, the late dating of foundational texts such as Gen 1 in particular. For evidence of the continuing *Streit* over Wellhausen's influence on the scholarly perception of priestly traditions see Moshe Weinfeld, *The Place of the Law in the Religion of Ancient Israel* (Leiden: Brill, 2004). For a recent, more irenic approach to revising the Wellhausenian consensus on the priestly source, see, e.g., Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1995).

⁶⁴ Cf. Ernst Axel Knauf, *Josua* (Zürich: Theologischer Verlag Zürich, 2008), 22.

⁶⁵ Thomas B. Dozeman, *God on the Mountain: A Study of Redaction, Theology and Canon in Exodus 19–24* (vol. 37; Atlanta: Scholars Press, 1989), 34, 35; cf. 53, 199. In this work Dozeman attributes dtn affinities in Genesis to Numbers to a late, dtr redaction of the Pentateuch *en bloc*. Credit for the composition of the DH may also devolve to the same redaction (cf. Verwene, 50, who lists other notable advocates of this approach: B. Renaud, L. Schwienhorst-Schönberger, and J. Vermeylen).

Thus, along with Nicholson, Dozeman believes the PRR precedes Mosaic mediation, with the same sequence occurring in both Exodus and Deuteronomy.⁶⁶

The private reception of revelation to Moses functions narratively to set him apart.⁶⁷ Of the three dtr redactions, Exod 19–24⁶⁸; 19:9a, 19; and 20:1-17, the latter contains “the completion of theophany as a private revelation to Moses in the form of the Book of the Covenant”⁶⁹ rather than predictions of a public theophany to the people of Israel in the form of a Dec. Given the “plot structure” of the dtr redaction, the fear of the people constitutes the rationale for the private revelation to Moses.⁷⁰

There is a development within the deuteronomistic redaction from a public revelation of the Decalogue to a private revelation of the Book of the Covenant, which Moses must now promulgate for God. The result of this development is that Moses acquired authority in the deuteronomistic redaction, which mirrors his role in Deuteronomy.

The progression from public to private revelation is repeated at Mt. Horeb:

The accounts of theophany at Mt. Horeb also progress from a public revelation of the Decalogue (Deut 4:11-13; 5:1-22⁷¹) to the private revelation of additional deuteronomic law to Moses (Deut 4:36-40;⁷² 5:28ff), because of the people’s fear of divine speech (Deut 5:23-28).⁷³

In the late preexilic or exilic dtr redaction Moses functions not as mediator but rather “idealized as a prophet or teacher, who simply brings the word of *YHWH* to the people.”⁷⁴ In contrast to Childs’s source-critical attribution of Moses’ mediatorial role to E (primarily as mediator of *the* covenant) and J (ongoing mediation, no recourse to a

⁶⁶ Dozeman envisions the dtr redaction of Exod 19–24 occurring in three episodes: Moses receives the private revelation of dtn law, bridges the spatial chasm between heaven and earth, and conveys a divine message from heaven in a conspicuously anti-hierarchical manner. Moses plays a central role in the third episode, where he receives private revelation of dtr law (BC; *ibid.*, 54). The notion of a dtr BC is disputed. In his review of Dozeman’s monograph, Erhard Blum, “God on the Mountain: A Study of Redaction, Theology and Canon in Exodus 19–24 (Review),” *Biblica* 72 (1991): 264-68, 267, questions the attribution of the BC to dtr hands: “Läßt sich das Bundesbuch so einfach als ‘deuteronomisches’ Gesetz ausgeben, das erst mit der dtr Redaktion an den Gottesberg kam?”

⁶⁷ Dozeman, *God on the Mountain*, 53; cf. in the foregoing Childs’s legitimation patterns of Mosaic offices.

⁶⁸ See n 31 above.

⁶⁹ *Ibid.*, 54.

⁷⁰ *Ibid.* “It was their fear of divine speech and choice of Moses at the close of the second episode that has propelled him into his special role in the third episode” (*ibid.*).

⁷¹ We assume Dozeman did not intend to include 5:4 in this accounting.

⁷² We interpret 4:36ff. as just the opposite, that is, as support for public revelation.

⁷³ *Ibid.*, 54-5.

⁷⁴ *Ibid.*, 56.

covenant), Dozeman ties Moses' mediatorial role to priestly redactors whose insertion of Exod 19:20-25 countermands the dtr redactors' support for the plenary reception of revelation.⁷⁵

Summarizing, Dozeman brings new methods to bear in *God on the Mountain*, reflecting the shift in Pentateuchal research toward displacing the concept of continuous Pentateuchal sources with a block or *Fortschreibung*⁷⁶ model, which posits the ongoing development of independent blocks of tradition (so, e.g., Rendtorff⁷⁷).⁷⁸ Dozeman also shares affinity with the work of F. M. Cross⁷⁹ respecting the characterization of priestly literary activity as redactional rather than compositional.

In chapter six of his monograph, Dozeman employs a sociological approach to explain the “competing traditions” at play in the extant Sinai complex. The priestly *redaction*, for example (1) provides a narrative context for priestly legislation and (2) melds the dtn and priestly legislations into one torah. Effected through a series of compromise redactions⁸⁰

⁷⁵ Ibid., 103-06. See the treatment of Exod 19:20-25 below, in Excursus 2.

⁷⁶ Walter Zimmerli was the first to coin this term.

⁷⁷ Rolf Rendtorff, “Der ‘Jahwist’ als Theologe. Zum Dilemma der Pentateuchkritik,” *SVT* 28 (1975): 158-66; idem, *Das überlieferungsgeschichtliche Problem des Pentateuch* (Berlin: de Gruyter, 1993).

⁷⁸ See the critique by R. J. Clifford, “God on the Mountain: A Study of Redaction, Theology and Canon in Exodus 19–24 (Review),” *CBQ* 53 (1991): 281-82, 282: “Against a substantial D redaction is the lack of characteristic deuteronomic and deuteronomic vocabulary and syntax in Exodus 19-24.” The lack of clarity between dtn and dtr traditioning processes has been noted as problematic; cf. Blum, “Review.” In our view, the quest to distinguish between the two, especially when also speaking of post-dtr traditions, continues to be relevant.

⁷⁹ Cf. Frank Moore Cross, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge: Harvard University, 1973), ch. 11, especially 293f.

⁸⁰ Eckart Otto, “The Pre-exilic Deuteronomy as a Revision of the Covenant Code,” in *Kontinuum und Proprium: Studien zur Sozial- und Rechtsgeschichte des Alten Orients und des Alten Testaments* (ed. E. Otto; vol. 8 of OBO; Wiesbaden: Harrassowitz, 1996), 112-22, 115, posits the *relecture* of legal texts already in the preexilic period when the revised text lay alongside the original: “If the laws of the Covenant Code were supplemented in Deuteronomy, this did not mean that the Covenant Code was no longer valid. In fact, the Covenant Code became part of the Sinai pericope after its revision by Deuteronomy, and as such, a direct revelation, whereas Deuteronomy functioned merely as its repetition as witnessed by Moses in the plain of Moab. There are hints suggesting that revision of the Covenant Code did not invalidate the older law; instead there was a *complementary relationship between the two sets of laws*. Deut 19:2-13* revised the laws of homicide in Exod 21:12-14” (emphasis added).

K. Schmid suggests that in Persian period Jerusalem compromise obtained between priestly and non-priestly tradents. The joining-together of Gen and Exod (ff) (*sic*, a quantitative siglum used by Schmid in this work) into a “salvation-disaster historical great historical work” (heils-unheils-geschichtlichen Großgeschichtswerk) implied an evaluation of the following prophetic books; Genesis–2 Kgs moves relevantly toward the *corpus propheticum*. Thus behind the redactional working-together Gen and Exod (ff) stand a broad share of prophetic interests.

We should accordingly eschew the tendency to sharply separate prophetic and priestly circles, since these tradents, arguably few in number, probably worked in Jerusalem around the same time. As Israelite “religious professionals” they would have certainly shared similar perspectives. Indeed, “priesterlich-

occurring during the exilic and postexilic periods, it sought to unify the two competing traditions.⁸¹ Of particular importance to this study is Dozeman's proposal that priestly constituencies opposed the notion of the plenary reception of revelation. Clerics rather than dtr tradents challenged the notion of the broad apprehension of disclosure by the people. Revelation should (only) be mediated through the appropriate cultic representatives.⁸² Dozeman's attribution of exclusivist views toward the PRR to priestly elites does not, however, rule out non-elite priests supporting the PRR.⁸³ Indeed, throughout the Second Temple period significant diversity obtained within the various priestly coteries. Change, rather than continuity, ruled the era.⁸⁴ We will revisit this issue in Chapter Six.

theokratische oder prophetisch-eschatologische geprägte Schriftauslegung standen in nachexilischer Zeit einander literatursoziologisch wahrscheinlich näher, als man dies gemeinhin anzunehmen bereit ist, denn es handelt sich im einen wie im anderen Fall um eine professionelle Arbeit, die "Schriftlehramkeit" voraussetzt und bei der in alttestamentlicher Zeit noch sehr selten Verbreitung der biblischen Bücher einigermaßen plausibel nur in Jerusalem vorstellbar ist" (Konrad Schmid, *Erzväter und Exodus: Untersuchungen zur doppelten Begründung der Ursprünge Israels innerhalb der Geschichtsbücher des Alten Testaments* [vol. 81 of WMANT; Neukirchen-Vluyn: Neukirchener Verlag, 1999], 277).

⁸¹ Dozeman, *God on the Mountain*, 178f. Dozeman's sociological observations regarding competing groups appear not to have availed themselves of the seminal insights of Paul Hanson (*Dawn of Apocalyptic*) and essays in the volume edited by Douglas A. Knight, e.g., O. H. Steck's essay "Theological Streams of Tradition," in *Tradition and Theology in the Old Testament* (ed. of volume and trans. of Steck's essay D. Knight; JSOT Press/Sheffield: Sheffield Academic Press Ltd., 1977/1990), 183-214; see especially 198-212.

See also the recent remarks pertaining to literary negotiation among ancient Israelite writers by Thomas C. Römer, "Das Buch Numeri und das Ende des Yahwisten: Anfragen zur 'Quellenscheidung' im vierten Buch des Pentateuch," in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. J. Gertz, et al.; vol. 315 of BZAW; Berlin: de Gruyter, 2002), 215-31. On p. 222 he states: "Im Rahmen der Bemühungen um ein breit akzeptierbares Gründungsdokument des in der Perserzeit entstehenden Judentums kam es zu einem Kompromiss zwischen priesterlichen und deuteronomistisch-laizistischen Kreisen" (and see the literature in *ibid.*, n. 37); see now Ehrenreich, who speaks of the Israelite writer's "Wunsch nach Vereinigung, Synthese" (*Wähle das Leben!*, 18, n. 74, quoting Georg Fischer, "Zur Lage der Pentateuchforschung," *ZAW* 115 [2003]: 608-16, 614, n. 26).

⁸² Additional distinctions may obtain among strata of priestly personnel, e.g., some disclosure remained the private preserve of (the priestly) Moses and Aaron. The restrictions placed on priests in Exod 19:20-25 arouse curiosity, since v. 22 (consecrated priests may approach) conflicts with v. 24 (no priest may approach). Verse 24b, moreover, groups priest and laity (הכהנים וְהָעָם) in a manner suggesting a possible socio-political cooperative; cf. Lev 16:33; 1 Kgs 12:31, 33; 2 Kgs 17:32; 2 Chr 36:14. In Ezra we find for the most part a different order: people, followed by priests and then Levites (3:8, 12; 6:16; 7:7, 13, 16; 9:1; (7:16 and 8:15 omit the Levites); cf. Neh 8:13; 10:28. It could be that Exod 19:20-25 reflects a separation between Moses/Aaronides and the lower rung of the priestly caste, i.e., Levites. Cf. also the contrast between Moses/Aaron and the Levites in Num 16.

⁸³ Moreover, the assumption of a sharp divide between priestly and dtr circles has become an increasingly problematic notion.

⁸⁴ Cf. in this connection Blenkinsopp offers a caveat against assuming long-running *Weltanschauungen* (Joseph Blenkinsopp, *Isaiah 56-66* [vol. 19B; New York: Doubleday, 2003], 66: "The frequent attempts that have been made (e.g., by Plöger, Hanson) to trace the development of apocalyptic and its sectarian matrix through Second Temple history—with Isa 24-27, 56-66; Zech 12-14; Ezek 38-39; and Joel as points

In a 2000 *JBL* article entitled “Masking Moses and Mosaic Authority in Torah,” Dozeman continues to see a progression from public divine speech to the private revelation of law to Moses, though he no longer locates the development in the *dtr* redaction but rather in the “pre-Priestly history.” The PRR appears in Numbers as well:

Revelation of law in the pre-Priestly history follows a pattern, in which *public divine speech to all Israel evolves into the private revelation of law to Moses*. The pattern occurs twice during the revelation at the mountain of God in Exodus 19–34: first without cultic setting in Exodus 19–24, and a second time in the Tent of Meeting in Exodus 33–34. *Numbers 11–12 continues the pattern of public and private revelation, as does the book of Deuteronomy*. Repetition of this pattern provides an additional point of departure for interpreting the role of Exod 34:29–35⁸⁵ within its literary context in the pre-Priestly history.⁸⁶

In the pre-P account of theophany the Dec functions as public revelation to all-Israel. The frightened Israelites request Moses’ intercession, which initiates God’s private revelation of the BC to Moses (Exod 21–23) who then becomes the covenant mediator (Exod 24:3–8).⁸⁷ In “Masking Moses” Dozeman adds a new element to his interpretation, namely, that public revelation at the Tent of Meeting in Exod 33:1–11,⁸⁸ mirrors the Dec: In both instances Israel overhears conversation between God and Moses (Exod 19:19; 20:18–20; 33:1–4).⁸⁹

marking the trajectory—and the book of Daniel as the finishing post—seem to me to be misguided. Sects can form and apocalyptic world views can be generated at any time, given the right set of circumstances. Here, as elsewhere, we have to acknowledge the poverty of our knowledge of the past.”

⁸⁵ Note especially v. 32: “Afterward all the Israelites came near, and he gave them in commandment all that the Lord had spoken with him on Mount Sinai.”

⁸⁶ Thomas B. Dozeman, “Masking Moses and Mosaic Authority in Torah,” *JBL* 119, no. 1 (2000): 21–45, 32 (emphasis added); cf. *ibid.*, 36–7: “Numbers 11–12 repeats the pattern of public and private revelation in developing the character and authority of Moses.... Numbers 11 is about public, judicial authority, while Numbers 12 changes the focus to explore Moses’ role to receive private cultic revelation.... Public theophany at the Tent of Meeting is the central event in Numbers 11. It is directed to representatives of Israel and not Moses alone.... The unexpected inclusion of Eldad and Medad among those receiving Moses’ spirit (Numb 11:26–20) indicates the degree to which the events in Numbers 11 are meant to be public.” In contrast to the social authority of the elders in Num 11, Miriam’s leprosy in Num 12 displays the limits of cultic authority. “Thus Numbers 12 moves in the opposite direction of Numbers 11, emphasizing the unique role of Moses as cultic mediator in the Tent of Meeting. He receives this revelation privately, not publicly” (*ibid.*, 37).

⁸⁷ *Ibid.*, 33.

⁸⁸ See especially vv. 4f: “When the people heard these harsh words, they mourned, and no one put on ornaments. ⁵ For the Lord had said to Moses, “Say to the Israelites, ‘You are a stiff-necked people; if for a single moment I should go up among you, I would consume you. So now take off your ornaments, and I will decide what to do to you.’”

⁸⁹ *Ibid.*, 34.

1.2.1.6 *John Van Seters and the Absence of the PRR in J's Version of Exod 19–24*

In a monograph treating the Covenant Code, Van Seters deals with several of the complexities in Exod 19–24. He offers several pages of evaluations of redactional approaches attempting to explain the present order of this central block in the Sinai pericope followed by his own reconstruction.⁹⁰ The criterion used to evaluate each approach is its ability to explain the present position of BC, although that is rarely the focus of the studies he critiques. In the discussion he briefly considers aspects of the PRR in Exodus 19–24 (J). By removing the P additions 19:8-11, 12-13a, 20-25; 24:1-2, 9-11, 15b-18a,⁹¹ the resulting J text has no hint of the PRR.⁹² Van Seters presupposes a J that has no use for the notion of *YHWH*'s speaking intelligible words to the people. The entire J text in Exodus 19–24 knows only of Mosaic mediation:

Nowhere in this unit is it suggested that the deity will address the people directly. The speech that the people hear is the sound of the shofar and not specific words. On the mountain at the height of the theophany in 19:19 and 20:18, Moses is speaking with the deity and the deity answers in the sound of the shofar and this is what the people “see.” Although they were invited to ascend the mountain, they witness the event only from a great distance and tell Moses that they do not want to converse with the deity lest they die (20:19). Nowhere is it suggested in this unit (contra Childs, Nicholson, Houtman, and others) that they actually heard the “ten words” or that God spoke directly to them.⁹³

Here Van Seters brings into his treatment the related discussion of the intelligibility of the divine speech and the people's propinquity to *YHWH* on the mountain, topics that have occupied sages and scholars for centuries⁹⁴ yet do not really bear directly on the analysis of BC. The discussion serves to affirm J as a viable author holding views different from Dtr. For J “the point of the theophany ... is that the people will hear God speaking with Moses and this will confirm Moses' role as mediator forever.”⁹⁵

⁹⁰ *Law Book*, 47-53, 54-56.

⁹¹ *Ibid.*, 53.

⁹² “Nowhere in this unit is it suggested that the deity will address the people directly” (*ibid.*, 54).

⁹³ *Ibid.*

⁹⁴ The lack of reference to the massive literature on these two topics becomes problematic in view of dogmatism of Van Seter's assertion, which appears to be based on an intimate knowledge of the inner thought world of J.

⁹⁵ *Ibid.*, 54; cf. *ibid.*, 55: “I have argued against the view that the Covenant Code was added to a self-contained account of the Sinai theophany by a late redactor. My view is that the whole narrative as composed by J was for the sole purpose of presenting the Covenant Code as the basis for the people's relationship with the deity. The question remains as to whether or not the code itself was an earlier independent work that was merely taken up by J and used in his work.”

Van Seters acknowledges the greater importance of the PRR in Deut 4–5, however. Here, contrary to the J account in Exodus, Moses’ mediation is secondary. It follows the people’s request after they receive directly from *YHWH*.⁹⁶ The analysis recalls Child’s thesis of different Mosaic offices. In both cases the “characters” that count are *YHWH*, Moses, and the law. The people function primarily as ciphers that the author uses as pawns and props within the larger narrative. In the discussion of the preeminence of BC, however, they become significant: “The Covenant Code is very different from Deuteronomy, even when the laws are parallel and use the same personal address. They are given the divine voice directly.”⁹⁷

1.2.1.7 Eckart Otto and the Emerging Mosaic Office of Authoritative Interpretation

In one of two monographs he published in 2000, Eckart Otto reconstructs Deuteronomy’s complex history of development. In the process of doing so he touches on the plenary theme, affirming the literary documentation of God revealing the Dec directly to the people. Not surprisingly, Deut 5:4 (פְּנִים בְּפָנִים דָּבַר יְהוָה) is invoked as compelling evidence of the event. This is contrasted with the ancient readership’s recognition of Deuteronomy as a *Mosaic interpretation*, which the Pentateuchal narrative asserts was divinely revealed at Mt. Horeb⁹⁸; Deut 5:1, 31 provide fundamental textual evidence for this view.⁹⁹ Otto maintains the writer of DtrD (“dtr Decalogue,” alternatively “dtr Hauptredaktion”) formulated a theory between Deut 5:22 and 5:31 explaining why the Dec was directly transmitted as divine revelation, while the remaining laws of Deuteronomy constitute a proclamation (Kundgabe) of God’s will mediated by Moses.¹⁰⁰ The *preexilic*

⁹⁶ Ibid., 54. The reason for the explanation of Moses’ role as mediator in Deuteronomy 4–5 “is to account for the existence of a prior law code alongside the Decalogue” (ibid.).

⁹⁷ Ibid., 56. The significance of the people is also mentioned *en passant* in relation to the use of the divine voice in the laws (ibid., 55).

⁹⁸ Otto, *DPH*, 164; cf. idem., “Mose, der erste Schriftgelehrte. Deuteronomium 1,5 in der Fabel des Pentateuch,” in *L’Ecrit et l’Esprit. FS A. Schenker* [ed. D. Böhler, et al.; vol. 214 of OBO; Göttingen: Vandenhoeck & Ruprecht, 2005], 273–84, 282–84). Whereas Eckart Otto views Deuteronomy as a program of reform that reformulated the BC (Otto, *DPH*, 117f.), Van Seters’s BC is an exilic composition of the Yahwist (*Law Book for the Diaspora*, 173 *et passim*).

⁹⁹ Otto, *DPH*, 164. These passages, however, clearly emphasize Moses’ mediation of revelation and therefore do not support the notion of the PRR.

¹⁰⁰ “Während die פְּנִים בְּפָנִים des Dekalogs unmittelbar (יהוה) dem Volk (אֱלֹהֵיכֶם) offenbart, teilt Gott die דְּבָרֵי הַחֻקִּים וּמִשְׁפָּטִים des Deuteronomiums Mose am Horeb mit (אָדַבְרָה אֵלֶיךָ אֶת כָּל־הַמִּצְוָה וְהַחֻקִּים) (Dtn 5,1.31), damit er das Volk lehre (לְמַד; Dtn 5,1.31), sie im Kulturland zu halten (Dtn 5,31)” (ibid., 164; cf. idem., “Mose, der erste Schriftgelehrte,” 282–84).

deuteronomic Deuteronomy (dtn Dtn), however, knows nothing of Mosaic mediation of revelation, or of Horeb as venue for that revelation.¹⁰¹

Otto argues that the late text of Deut 4 (specifically vv. 1-40) exalts *YHWH* to a plane unreachable by a human mediator. As a result Moses cannot reveal, but only teach law. The distinction is a meaningful one.¹⁰² Deuteronomy 4, which contains two key PRR passages (vv. 10-12, 36) and which warrants placement among the latest texts of our Deuteronomy, sanctions the Mosaic office not of mediating but rather of *teaching*. This contrasts with the conception of chapter five, which predates Deut 4. While there has been no shortage of commentators bringing to light unique and important aspects of Deuteronomy and its role within the Pentateuch,¹⁰³ Otto's writings on the Mosaic office's reception of Deuteronomy at Horeb stand out. The division of Mosaic *Gestalten* into their respective parts—even if one does not affirm them all—greatly facilitates the recognition of intra-institutional dynamics that may have accompanied the revelation and promulgation of law. The fundamental components of Otto's literary postexilic developmental schema, namely the Hexateuch and Pentateuch redactions, will figure in the discussion of the following chapters.

¹⁰¹ For Otto, the BC served as the source for preexilic dtn Dtn. "If the laws of the Covenant Code were supplemented in Deuteronomy, this did not mean that the Covenant Code was no longer valid. To the contrary, the Covenant Code became part of the Sinai pericope after its revision by Deuteronomy, and as such, a direct revelation, whereas Deuteronomy functioned merely as its repetition as witnessed by Moses in the plain of Moab. There are hints suggesting that revision of the Covenant Code did not invalidate the older law, but rather a complementary relationship between the two sets of laws is demonstrable. Deut 19:2-13,* e.g., revised the laws of homicide in Exod 21:12-14" ("Pre-exilic Deuteronomy," 115); BC's role in the developmental history of and relation to the legal materials in the Pentateuch is currently a highly disputed issue.

Karin Finsterbusch, "Dekalog-Ausrichtung des deuteronomischen Gesetzes. Ein neuer Ansatz," in *Tora für eine neue Generation* (ed. G. Fischer, et al.; vol. 17 of BZAR; Wiesbaden: Harrassowitz, 2011), 123-46, offers a new approach to conceptualizing the development of dtn law. She sees the careful shaping of content and structure of dtn law being accomplished by "a relatively concentrated team(work)" in an early phase of development that took place no later than the exile. It should not be viewed then, as the product of a large and later redactional reworking of the text (*ibid.*, 144 *et passim*).

¹⁰² Eckart Otto, "Deuteronomium 4," in *Das Deuteronomium und seine Querbeziehungen* (ed. T. Veijola; vol. 62 of SESJ; Göttingen: Vandenhoeck & Ruprecht, 1996), 196-222, 211f.; cf. Krüger, "Zur Interpretation," 94, n. 29.

¹⁰³ Two deserve special mention in this connection. Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University, 1997) argues that Deuteronomy intends to replace the BC; Weingreen's *Bible to Mishnah* stands out for its provocative thesis of Deuteronomy as "proto-Mishnah." In contrast to Otto, Weingreen believed that Deuteronomy by its very design did not share equal status with the Tetrateuch. For a summary of Weingreen's hypothesis in relation to the present connection, see Mark A. Christian, "Reading Tobit Backwards and Forwards: In Search of Lost Halakhah," *Henoah* 28, no. 1 (2006): 63-96, 77-80.

1.2.1.8 Thomas Krüger: Spatial Considerations in Deut 4

In his analysis of Deut 4:1-40,¹⁰⁴ Thomas Krüger offers exegetical insights regarding the spatial dimensions of the revelatory event at Horeb. In doing so he brings to the fore important aspects of the PRR. Although the text underlines the importance of the people maintaining an appropriately safe distance from *YHWH*, who appears to them in the fire,¹⁰⁵ it also places them as close to him as is humanly possible.¹⁰⁶ The reason for this appears to be the high priority placed on maintaining the lines of divine-human communication. Krüger's construal moves beyond the impasse of overemphasizing the terrifying aspects of theophanic encounter. The elements of danger in fact illicit the reverential fear necessary for the *continuation* of discursive contact with the fearsome deity. That the PRR occurs at Sinai, Horeb,¹⁰⁷ and on the plains of Moab (Num 11f.¹⁰⁸) is indicative of such continuation.

Moses functions as convener of the assembly (Deut 4:10) and then receives authorization to instruct in the law (v. 14). Though the text withholds details as to his precise location, alert readers pick up the hint that the legist has taken up position within the assembly.¹⁰⁹ Indeed, during the theophany the people stand with Moses in spatial and communicative nearness to *YHWH*. Deuteronomy 5:5, however, controverts both of these conceptions. Verse five's daring challenge, and indeed disruption of the narrative flow (most versions place v. 5a-ba in parentheses) arguably represents the perspective of

¹⁰⁴ "Dtn 4,1-40 gehört—jedenfalls in seiner vorliegenden Gestalt—wahrscheinlich zu den jüngsten Partien des Buches Deuteronomium," "Zur Interpretation," 85.

¹⁰⁵ The binary theme of the people's fear and maintaining distance from God has been at times attributed to the Elohist source (Beyerlin, *Origins*, 13).

¹⁰⁶ "Während die Israeliten also räumlich Abstand wahrten zu dem im Feuer erscheinenden Jahwe, waren sie ihm doch zugleich kommunikative nahe—so nahe, wie es unter den gegebenen Umständen menschenmöglich ist" (*ibid.*, 87).

¹⁰⁷ It is notable that 1 Kgs 8, one of the later texts in the Enneateuch, refers only to Horeb; cf. v. 9 "There was nothing in the ark except the two tablets of stone which Moses put there at Horeb, where the Lord made a covenant with the sons of Israel, when they came out of the land of Egypt." The parallel version in 2 Chr 5 appears to assume the version of 1 Kgs 8, which had been worked over by theocratic revisers. This seems particularly evident in v. 4b "... and the Levites took up the ark," which anticipates the differentiated participation of 'priests and Levites' introduced in Num 3:31f (Reinhard Achenbach, "Der Pentateuch, seine theokratischen Bearbeitungen und Josua-2 Könige," in *Les dernières rédactions du Pentateuque, de l'Hexateuch et de l'Ennéateuque* [ed. T. Römer and K. Schmid; vol. 203 of BETL; Leuven: Leuven University Press, 2007], 225-53, 246f.).

¹⁰⁸ Dozeman, "Masking Moses," 32, 36f.

¹⁰⁹ "... räumlich jedoch scheint er sich beim Volk befunden zu haben—jedenfalls lässt der Text nicht über eine andere Position Moses verlauten" (Krüger, "Zur Interpretation," 87). Oswald made the same observation two years prior in *Israel am Gottesberg*. Krüger finds similar spatial dynamics in Deut 5, on which see Chapter Three.

“official” Israelite religion, which aligns with the *Tendenz* of the late fifth-century Pentateuch redaction.¹¹⁰ Verse five asserts the assembly does not localize in general on the holy mountain. It counters the notion of the PRR by asserting divine revelation must be mediated, through Moses, who stands between *YHWH* and the assembly,¹¹¹ and seeks to “correct” 4:36.

Krüger reckons with the oft discussed question regarding what the assembly actually comprehended in the theophany. According to Deut 5* *YHWH* spoke plainly to the Israelites in intelligible words; 5:5 however disparages this notion, having Moses himself convey the contents of the transmission.¹¹²

Similar to Deut 5* (excepting v. 5), Exod 19 gives the impression of an older presentation of direct encounter between *YHWH* and Israel at Sinai that underwent subsequent correction to the effect that the people would remain in hearing distance from the deity.¹¹³ In comparing the scenario in Deut 4 with the corresponding presentations in Deut 5 and Exod 19f. it appears the writers of the former sought to level and then further develop the latter two texts conceptually.¹¹⁴ With the expansive historical horizon of Deut 4 in view, Krüger suggests that at the time of writing it found insertion not merely into an independent book of Deuteronomy but into a work spanning Genesis to Deuteronomy, which already contained the priestly parts of the Pentateuch.¹¹⁵

Krüger provides a partial delineation of the covenants of Horeb and Moab:¹¹⁶

(A) The covenant concluded at Horeb (“The Lord our God made a covenant with us at Horeb”; Deut 5:2) bases itself on 5:22 (“These words the Lord spoke with a loud voice to your whole assembly at the mountain ... and he added no more. He wrote them on two stone tablets, and gave them to me”) to which correspond the mentions of the tablets (9:9,

¹¹⁰ The Pentateuch Redaction as argued by E. Otto and R. Achenbach will be explained in detail as we proceed in this study; see especially §1.3.11.2.

¹¹¹ “Zur Interpretation,” 88.

¹¹² *Ibid.*, 89.

¹¹³ Cf. *ibid.*, 88: “Ex 19 erweckt somit den Eindruck, als sei hier ähnlich wie in Dtn 5 eine ältere Darstellung einer direkten Begegnung zwischen Jahwe und Israel auf dem Sinai (bzw. Horeb) nachträglich in dem Sinne korrigiert worden, dass das Volk in gehörigen Abstand von der Gottheit blieb.”

¹¹⁴ *Ibid.* Krüger rightly notes that, of the two presentations of the Dec, Exod 19f. is more complex and contains more tensions (*ibid.*, 88).

¹¹⁵ In this he agrees with Otto that Deut 4:1-40 made its debut at the proto-canonical stage, under the auspices of the Pentateuch Redactor (*ibid.*, 92).

¹¹⁶ For more detailed differentiation, see below, §3.4.3; Excursus 4.

11, 15), and accordingly the “ark of the covenant” in 10:8.¹¹⁷ Deuteronomy 6:1 gives the impression that (and contra 4:5) Moses first begins his legal instruction on the cusp of entering the land. At the conclusion of that proclamation he then becomes the foundational figure of a covenant between *YHWH* and Israel, a covenant subsequently ratified in chs. 26–29 with various speeches and rites.

(B) In 29:1 the “Moab covenant” receives a status comparable to the “Horeb-covenant.” “These are the words of the covenant that the Lord commanded Moses to make with the Israelites in the land of Moab, in addition to the covenant that he had made with them at Horeb (מִלְבַּד הַבְּרִית אֲשֶׁר־כָּרַת אִתָּם בְּחָרֵב).” Krüger rejects Otto’s assessment that Deut 4 functions primarily as a reevaluation of Sinai/Horeb.¹¹⁸ As a post-dtr composition, Deut 4 knows not only of Deuteronomic law but also all the subsequent laws of Exodus through Numbers. “Vor allem aber scheint die ‘offenbarungstheologische Diskussion im Deuteronomiumrahmen’ gar nicht in der Weise für die Bewertung zu sein, wie es Otto (gut protestanisch?) voraussetzt.”¹¹⁹

As mentioned above, the Sinai theophany as portrayed in Exod 19f. covers a more complex and tension-filled event than that portrayed in Deut 4.¹²⁰ The lack of clarity regarding the basic textual stratum of the covenant (conclusion) in Exod 20/Deut 5 appears to have been rectified, revised retrospectively in the sense of Deut 5.¹²¹ Additional laws and commands mentioned in Exodus may, according to Deut 4:13f (cf. v. 5), be understood as implementation-specifications (*Ausführungbestimmungen*) for the Dec. Overall, Krüger’s fresh interpretations in “Zur Interpretation” depend more on literary-historical insights than redaction criticism.

1.2.1.9 Ansgar Moenikes: *YHWH as Original Promulgator of Torah in Urdeuteronomium*

¹¹⁷ In the following this corresponds to the talk about the “tablets of the covenant” Deut 9:9, 11, 15 and the ark of the covenant, Deut 10:8.

¹¹⁸ “Zur Interpretation,” 93; cf. Otto, “Deuteronomium 4,” 216.

¹¹⁹ “Zur Interpretation,” 94; quote within the quote derives from Otto, “Deuteronomium 4,” 212; cf. Krüger, ad loc, n. 28.

¹²⁰ Ibid., 88.

¹²¹ “Diese Unklarheit über die Textgrundlage (bzw.) der Sinai-Bundes(schlüsse) im Exodus wird in Dtn 4 rückblickend im Sinne von Dtn 5 bereinigt” (ibid., 92).

In a series of publications and following the lead of N. Lohfink, Ansgar Moenikes maintains that the notion of Moses promulgating torah is secondary. In the anterior framework of Deuteronomy, *YHWH* was the original promulgator of torah.¹²² The concept of Mosaic promulgation appears first in the seventh century, ca. 620, in the redaction of the “Josianic History Work” (Joschianisches Geschichtswerk; JoshG), and in association with the “discovery of the law” in 2 Kgs 22f. Central to Moenikes’ thesis is the idea that the ascription of torah to Moses occurs first in the secondary passage 2 Kgs 23:25, which JoshG inserted as part of its redactional framing of Kings: “Before him there was no king like him, who turned to the Lord with all his heart, with all his soul, and with all his might, according to all the law of Moses; nor did any like him arise after him.”¹²³ Moenikes reconstructs a seventh-century, Hezekian era redaction of *Urdeuteronomium*.¹²⁴ In its anterior framework *YHWH* alone discloses law to Israel.¹²⁵

¹²² The following citations of N. Lohfink figure centrally in Moenikes’ work. They are included here because of their significance respecting the onset of a mediatorial figure in the preexilic (and pre-dtr) dtn conception: “Die sprachlichen Querbezüge zwischen den innergesetzlichen Selbstexplikationen und der umgebenden dtr Landnahmeerzählung in Dtn 1–3; 31 und dem Josuabuch sprechen dafür, daß zumindest das Auftreten der Gesetze als Moserede in ihrer jetzigen Gestalt erst das Werk dtr Hände ist, also frühestens aus den letzten Regierungsjahre Joschijas von Juda stammen kann,” Norbert Lohfink, “Das Deuteronomium: Jahwegesetz oder Mosegesetz? Die Subjektzuordnung bei Wörtern für ‘Gesetz’ im Dtn und in der dtr Literatur,” *ThPh* 65 (1990): 387-91, 387; cf. *ibid.*, 389: “Es läßt sich also sowohl für das Dtn selbst als auch für die dtr Sicht in den Büchern des dtr Geschichtswerks zusammenfassend sagen, daß die dt Gesetze als Gesetze Jahwes zu betrachten sind.... Jahwe allein ist nicht nur sonst im Pentateuch, sondern auch bei den dt Gesetzen die legislative Autorität, während Mose nur eine Funktion als Promulgator zukommt.”

¹²³ Ansgar Moenikes, “Das Tora-Buch aus dem Tempel: Zu Inhalt, geschichtlichem Hintergrund und Theologie des sogenannten Ur-Deuteronomium,” *ThGl* 96 (2006): 40-55, 48; cf. Lohfink, “Das Deuteronomium,” 389, 390: “Die Bezeichnung *sefer hattorah* wiederholt sich in 22,11. Aber nicht ein einziges Mal fällt der name Mose. Erst die sicher dtr Rahmenmotiv in 23,25 spricht wie selbstverständlich von der *torat moshe*. Bezeichnenderweise fehlt hier dann das Wort *sefer*.... Es setzt also voraus, daß das damalige dt Gesetz als *sefer hattorah*, als die ‘Toraschrift,’ bekannt war und erkannt wurde, als solche aber nicht mit Mose als Urheber verbunden wurde.... Der Begriff *torah* ist in der Geschichte des dt Gesetzes älter als die Mosestilisierung.”

¹²⁴ Deut 6:4f, 17, 20-22, 24f; 12:1aα, 13-14a, 15-19*; 16:1-3aα, 4b-15; 26.16*; 28:1aα, 2a, 3-6, 15 aα, b-19:45* 46.

¹²⁵ Moenikes, “Tora-Buch aus dem Tempel,” 49-52; cf. Lohfink, “Distribution,” 348. In her *Habilitationsschrift* on Jeremiah, Christl Maier, *Jeremia als Lehrer der Tora. Soziale Gebote des Deuteronomiums in Fortschreibungen des Jeremiabuchs* (vol. 196 of FRLANT; Göttingen: Vandenhoeck & Ruprecht, 2002) finds that whereas torah associates with Moses in Deuteronomy, it is always attributed to *YHWH* in Jeremiah, with one exception: “Durch die Stilisierung des Deuteronomiums als Moserede wird Mose zum Kündler dieser Gebote JHWHs und konsequenterweise תורה als Gesamtausdruck für den Gotteswillen stets auf Mose bezogen, während תורה im Jeremiabuch mit Ausnahme von Jer 18,18 stets JHWH zugeordnet ist” (*ibid.*, 359; for the “exilic at the earliest” dating of 18:18, its comparison with Ezek 7:26, and significance of the term תורה in Jer 2:8; 8:8; 18:18 see *ibid.*, 307-11).

Other passages supporting a pre-Mosaic promulgation of torah by *YHWH* alone include Deut 6:17 (“and his testimonies and his statutes which he has commanded you” (וְעֵדוּתוֹ וְחֻקָּיו אֲשֶׁר צִוָּךְ) vv. 20-25,¹²⁶ a modified 26:16 “... the Lord your God commanded you...” (יְהוָה אֱלֹהֶיךָ צִוָּךְ לַעֲשׂוֹת אֶת־הַחֻקִּים הָאֵלֶּה וְאֶת־הַמִּשְׁפָּטִים)¹²⁷ and 28:45 “his commandments and his statutes which he commanded you” (מִצְוֹתָיו וְחֻקְתָּיו אֲשֶׁר צִוָּךְ).¹²⁸ In each of these passages¹²⁹ *YHWH* speaks in the third person, using a perfective form of the verb צוה; there is neither mention of Moses nor historical *Situierung*. By contrast, passages in which Moses promulgates the law situate historically on the cusp of entering the land and they often use participles to denote present tense.¹³⁰

The significance of the Lohfink/Moenikes thesis, namely that Mosaic mediation is secondary, lies in the recognition of Israelite tradents’ collective memories of an early, “pre-Mosaic period”¹³¹ in which in non-urban settings the deity dealt directly with leaders of families, and in my judgment, through non-elite religious personnel, for example levitical priest-prophets. This mode of exchange may figure in Hosea’s notion of a pristine period in the wilderness, a liminal zone (cf. Midian) where Jethro/Hobab and Moses had “primitive” contact with the god of the mountain (cf. perhaps also the

¹²⁶ Deut 6:20-25: “When your children ask you in time to come, “What is the meaning of the decrees and the statutes and the ordinances that the Lord our God has commanded (צוה) you?”²¹ then you shall say to your children, “We were Pharaoh’s slaves in Egypt, but the Lord brought us out of Egypt with a mighty hand.²² The Lord displayed before our eyes great and awesome signs and wonders against Egypt, against Pharaoh and all his household.²³ He brought us out from there in order to bring us in, to give us the land that he promised on oath to our ancestors.²⁴ Then the Lord commanded (צוה) us to observe all these statutes, to fear the Lord our God, for our lasting good, so as to keep us alive, as is now the case.²⁵ If we diligently observe this entire commandment (כל־המצוה) before the Lord our God, as he has commanded (צוה) us, we will be in the right.”

¹²⁷ The following is MT with Moenikes’ emendation, removing מ before צוה to reconstruct the original past tense: הַיָּהוָה יְהוָה אֱלֹהֶיךָ צִוָּךְ לַעֲשׂוֹת אֶת־הַחֻקִּים הָאֵלֶּה וְאֶת־הַמִּשְׁפָּטִים וְשִׁמְרָתָם וְעָשִׂיתָ אֹתָם בְּכָל־לִבְבְּךָ וּבְכָל־נַפְשְׁךָ; Moenikes, “Tora-Buch aus dem Tempel,” 49.

¹²⁸ Notable is Moenikes’ removal of Deut 13:2-19 and 28:20-44 from *Urdeuteronomium*. Another historical recital the lack of mention of mediation meets us in Ezek 20.

¹²⁹ Lohfink (“Yahwegesetz oder Mosegesetz,” 390f.) lists passages that show *YHWH* issuing law: Deut 4:13 (צוה יהוה אלהיכם אתכם), 23 (ויגד לכם את־בריתו), 33 (צוה יהוה אלהיכם אתכם), 5:32 (כל אשר צוה יהוה אלהיך), 9:12 (הדרך אשר־צוה יהוה אתכם), 16 (הדרך אשר צויתם עשו).

¹³⁰ Moenikes, “Tora-Buch aus dem Tempel,” 49f.

¹³¹ Cf. Erhard Blum, “Pentateuch—Hexateuch—Enneateuch? oder: Woran erkennt man ein literarisches Werk in der hebräischen Bibel?” in *Les dernières rédactions du Pentateuque, de l’Hexateuch et de l’Ennéateuque* (ed. T. Römer and K. Schmid; vol. 203 of BETL; Leuven: Leuven University Press, 2007), 75, n. 25. In Deut 5 the paradigmatic *Ur-Geschehens* of the revelation in which the Dec is transmitted by God directly to the people is recalled retrospectively (retrospektiv-erinnernd) in the pre-Priestly context (Zusammenhang) of the anterior Sinai pericope; cf. *ibid.*, 76, n. 26.

Rechabites of Jer 35¹³²). The “mountain(s) of God” not only represent foundational summits—typographical and sociopolitical connotations of the term intended—they also offer access to the deity beyond the confines of an urban center.

1.2.1.10 Wolfgang Oswald: *Multidimensional Considerations in the Sinai Pericope*

Eschewing source criticism in favor of a supplemental and redactional approach, Wolfgang Oswald’s monograph submits texts of the Sinai pericope to thoroughgoing examination of their discourse dynamics, topology, psychology (e.g., the people’s fear), and epistemological aspects.¹³³ The diversity in approach provides readers multiple lenses through which to view the germane passages. The author focuses on texts in Exodus that may be perceived as the so-called anterior (vorderen) and posterior Sinai pericope. For example, whereas in the anterior or “pre-context” it is categorically forbidden to touch the mountain or to break through (הרס, Exod 19:21, 24) to *YHWH* (e.g., 19:12f), Exod 24:1 invites the elders to ascend; the summoning of Moses in the same verse (and in 24a) seems unnecessary in view of his previous installation as intermediary. In terms of topology, the anterior perspective has God residing rather than descending upon the mountain. The Sinai theophany begins at Exod 19:6 *without* the deity’s descent having been narrated in the pre-context. Accordingly, in the scene of the people taking their stand in Exod 19:17, the dialogue between Moses and *Elohim* takes place in immediate proximity to the people (see 19:19b). This conception views the entire mountain as venue for divine encounter.¹³⁴ Oswald dubs it the “*YHWH*-mountain-type.”¹³⁵

¹³² Information about the Rechabites must largely be inferred. Genealogical evidence suggests a connection between Rechabites and Kennites; cf. 1 Chr 2:55; 4:12f. Thus a connection between the Rechabites and Caleb the Kennite, the latter a central character in the Hexateuch Redaction, remains plausible.

¹³³ Oswald, *Israel am Gottesberg*.

¹³⁴ In this context it is not necessary to ascend the mountain to communicate with God. “That is the unavoidable conclusion from 19:19bc and 20:19. This is also confirmed by 20:21bc and 24:3a, where Moses undertakes no vertical movements when he approaches or leaves *YHWH*. According to this conception the entire mountain is the place of divine encounter and not only the summit” (ibid., 75).

¹³⁵ Other “types” include, e.g., the *YHWH*-Yarad-type (the mountain is presented as permanent dwelling place of God) and the *YHWH*-comes-type; the “*YHWH*-heaven-type” is quite similar to the PRR in that it assumes that *YHWH* speaks directly to the people from heaven (cf. Exod 20:22b); cf. Oswald’s table of “types” and their key passages in ibid., 76.

The author of Exod 24:1b-2 has in mind a *posterior* picture (cf. Deut 4f.) in which all the people may ascend, though not as far as Moses.¹³⁶ Whereas the pre-context emphasizes the dangers of close encounters (24:19f., 21-24; 20:18-20; 24:2), the posterior conception (so 24:11a: "God did not lay his hand on the chief men of the people of Israel") countermands any trepidation.¹³⁷ Exodus 24:9-11, however, comprises a composite of both anterior and posterior Sinai depictions. Indeed, this "erratic block in the sequence of events" is unique in the Sinai pericope for its complete set of "Vor- und Rückbezüge" on the one hand, cross-references on the other.¹³⁸

In Oswald's interpretation the PRR would figure as a posterior or later theme, since the pre-context disallows contiguity of people and *YHWH*. However, the topographical variation in the scene of the divine encounter (e.g., summit, entire mountain, foothill, escarpment, etc.) and the multivocality of the presentation in general warns against coming down dogmatically on this point. The presentation betrays oral and written "negotiations" extending over a protracted period that culminated in the canonical, composite characterization of revelatory events at Sinai. Although impossible to prove, especially in light of the fragmentary state of the germane texts, Oswald's "types" comprise plausible conceptions held by factions involved in negotiating the shape of the Sinai literary project. The structuring of the stationing and movement of the participants to, from, and "around" the mountain offers clues into ancient notions of divine-human communication. It also offers a window into ancient conceptions of sacred space and the way story-tellers made use of topography when recounting community-wide revelatory events. The weaving of so many elements into an authoritative narrative was not done seamlessly. Such would have been impossible not only for reasons of differing views among writers. The Sinai narrative condenses numerous cultic and revelatory events, some of which would have been liturgical in nature, carried out at local sanctuaries. It is here where foundational events would not only be acted out, but actually occur. There is nothing to preclude the likelihood that the Sinai/Horeb/Plains of Moab venues of

¹³⁶ Ibid., 56f.

¹³⁷ Ibid., 61, who also points out *Stichwort* connections between 24:11a and Num 11:11,14 ("seventy elders"); 24:11a and Num 11:17, 25 (*YHWH* laying a hand [נצל] on the elders). The proximity to prophecy in the Exodus passage (*terminus technicus* for prophecy חזה in 24:11b) is also present in Num 11:25bβ with ויתנבא. Thus both the Exodus and Numbers texts show close encounters between *YHWH* and Israelites in which prophetic elements are saliently present.

¹³⁸ Ibid., 61.

revelation constitute some, though certainly not all of the loci of encounters with the deity. This will be discussed later in this study, particularly in our concluding chapter.

1.3 History of Research Part 2: The Hexateuch Redaction in the Context of Contemporary Pentateuchal Research

1.3.1 The Plenary Reception of (Revealed) Law and the Pentateuch

The second part of the History of Research delineates the major redactions of the Hexateuch (Gen–Joshua) and Pentateuch utilized in this study. They are pronouncedly diachronic and derive from European, largely German, scholarship.¹³⁹ In view of the chasm that has developed over many decades between Continental and Anglophone scholarship—the latter moving away from diachronically driven, historical-literary based models—the task falls to the writer to include a apologia for their continuation. Key passages for the PRR are found in the Pentateuch and therefore require substantive engagement with recent research into the Pentateuch and Hexateuch. This applies particularly to studies that privilege its law codes.

1.3.2 Diachronic, Redaction-Infused Research Flourishes on the Continent

Although in some sectors biblical scholars are contemplating the end of source-critical research in the Pentateuch, Continental—and to a lesser extent Israeli¹⁴⁰—literary studies on the Hexateuch and Pentateuch that foreground diachronic approaches, especially tradition- and redaction-historical analyses, show few signs of retreat.¹⁴¹ This holds true especially for diachronic methods in which analyses of “sources” intersect with

¹³⁹ Jeffrey Stackert, “The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement,” in *The Strata of the Priestly Writings Contemporary Debate and Future Directions* (ed. S. Shectman and J. Baden; vol. 95 of AThANT; Zurich: Theologischer Verlag, 2009), 187-204, 187, n. 2, takes issue in general with the notion of multiple stages of textual development of the Pentateuch, which he attributes in particular to “recent European *redaktionsgeschichtliche Schule*,” and, in America, the work of Frank Moore Cross and his student Richard E. Friedman. Stackert in contrast maintains the compilation of pentateuchal sources was a process that “was accomplished by a single compiler.”

¹⁴⁰ A notable exception is Knohl, *Sanctuary*. For recent dialogue between Israeli/Jewish and continental scholarship see the essays in S. Shectman and J. Baden, eds., *The Strata of the Priestly Writings Contemporary Debate and Future Directions* (vol. 95 of AThANT; Zurich: Theologischer Verlag, 2009). It has unfortunate that not all invited and completed papers by major European scholars were included in this volume.

¹⁴¹ Note the recent conference in Zürich: “The Pentateuch: International Perspectives on Current Research” http://egora.uni-muenster.de/fb1/pubdata/Pentateuchsymposium_Zuerich.pdf.

intertextuality and reception history.¹⁴² Earlier source and redactional methods tended to leave behind a trail of textual dismemberments.¹⁴³ Paying more attention to the living-tradition process or reception history, recent studies that acknowledge the contours of the “great unities” within the Hexateuch and Pentateuch (e.g., the distinctive features of Genesis and Exodus, respectively) and indeed the Enneateuch¹⁴⁴ (“nine books”), are proliferating. On the synchronic front, a salutary move toward subjecting modernist literary methods to a basic litmus test of diachronic viability and chronological feasibility can be detected in many lands.¹⁴⁵

Discussions about ancient “histories” and historiography continue to enliven the field, with fresh insights filtering in from related disciplines.¹⁴⁶ Numerous contrasts between ancient and modern literature present themselves as scholars hypothesize the origination and development of the Hexateuch and Pentateuch. That the ancient writers and redactors of these literary constellations allowed tensions, doublets, ambivalences, and oppositions to remain in the text indicates something of the gap between ancient notions ensconced in

¹⁴² See, e.g., the *Encyclopedia of the Bible and its Reception* published by De Gruyter. Two volumes of a projected thirty have been published. Exemplary in this vein is Christophe L. Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (vol. II/25; Tübingen: Mohr Siebeck, 2007). The integration of synchronic approaches is invigorating continental studies. Representative in this vein is Eckart Otto, “The Pentateuch in Synchronical and Diachronical Perspectives: Protorabbinic Scribal Erudition Mediating Between Deuteronomy and the Priestly Code,” in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischen Geschichtswerk* (ed. E. Otto and R. Achenbach; Tübingen: Vandenhoeck & Ruprecht, 2004), 14-35; idem, *DPH*, 266-70. Thomas Römer’s *The So-called Deuteronomistic History: A Sociological, Historical and Literary Introduction* (New York: T & T Clark, 2005), has been received well by both diachronic and synchronic “camps.”

¹⁴³ Zenger, “Theorien,” 97f; Verwene, “Current Tendencies,” 47; Jan Joosten, “La persuasion coopérative dans le discours sur la loi: pour une analyse de la rhétorique du Code de Sainté,” in *Congress Volume Ljubljana 2007* (ed. A. Lemaire; vol. 133 of VTS; Leiden: Brill, 2010), 381-98, 398, commends the synchronicity of rhetorical analysis, “qui refuse de démembrer le texte biblique.”

¹⁴⁴ A single framework connecting the Enneateuch as one time independent assemblage has been very difficult to establish.

¹⁴⁵ Cf. Verwene, “Current Tendencies,” 28-30. Regarding the marriage of both diachronic and synchronic approaches: “The starting point of both approaches is a diplomatic or eclectic ‘final’ text taken as a meaningful composition. Literary criticism, then, is the synchronic analysis of this text according to the procedures of current general literature and, consequently, it does not concur with source criticism (diachrony). On the other hand, a literary critical study may reveal textual irregularities which can only be explained from a diachronic perspective (redaction criticism). Of course, painstaking analysis of the physical (text-criticism) and linguistic (grammar) form of the text is essential to both literary and redactional investigations.”

¹⁴⁶ See, e.g., the respective studies of J. Gregory (church history) and P. Oakes (Greco-Roman historiography) in G. Brooke and T. Römer, eds., *Ancient and Modern Scriptural Historiography/L’historiographie biblique, ancienne et moderne* (vol. 207 of BETL; Leuven: Peeters, 2007); Mark A. Christian, “Ancient and Modern Scriptural Historiography/L’historiographie biblique, ancienne et moderne (Review),” *Transeuphratène* 38 (2009): 170-77.

culture-specific conceptions and modern perceptions of texts.¹⁴⁷ This applies not only to the final form but also to the various stages of textual development.¹⁴⁸

The number of works by non-European scholars recognizing both the connecting stages of growth of multi-*teuchal* texts within the developmental history of even larger textual “entities”¹⁴⁹ and then integrate these entities into a cross-canonical model remains meager.¹⁵⁰ It is hoped the present study will help remedy that situation.¹⁵¹

1.3.3 Legal Corpora in the Tanakh

Until relatively recently, the largely Christian enterprise of biblical scholarship¹⁵² has largely neglected the study of biblical law on its own terms, resulting in the undertreatment of major law-blocks (e.g., Exod 20:22–23:33; Deut 12–26*; Lev 17–26; cf. also Ezek 40–48).¹⁵³ Happily, growing interest in these corpora is revitalizing traditional approaches and fomenting new methods of reading and analysis. Researchers contemplate the independent existence of these legal collections early in their existence

¹⁴⁷ Cf. Zenger, “Theorien,” 97; Christian, “Openness to the Other,” 567-608.

¹⁴⁸ Erich Zenger, “Theorien,” 97-8.

¹⁴⁹ Cf. Germ. *Größe; Zusammenhang*; French *ensemble*.

¹⁵⁰ See the convenient summary of current, cross-canonical approaches in Anselm Hagedorn, “Taking the Pentateuch to the Twenty-First Century,” *Expository Times* 119, no. 2 (2007): 53-58); “the basis of the non-priestly Hexateuch is several independent individual traditions that had originally nothing to do with each other. After 720 BCE, these individual cycles were connected to form two (still independent) stories of Israel’s origin: Genesis 2–35 originally formed the primeval and patriarchal history, while Exod 2–Josh 12 formed the Exodus-Moses History” (ibid., 55-56).

The plagues in the Moses-Exodus history demonstrate familiarity with the concept known from Jer 25–29 and Isa 40ff, viz., “daß Jhwh Herr über ausländische Herrscher ist” (Schmid, *Erzväter*, 274; cf. 143-52). Each text shares the view that for Israel’s god to reign supreme over all other gods means that all humanity ultimately falls within the ambit of his care. The theme of socio-religious inclusivity thus traverses the tripartite borders of the canon.

¹⁵¹ The present study engages archaeology only tangentially in its treatment of the locus of the levitical priests; cf. Christian, “Priestly Power that Empowers,” 19-21 *et passim*.

¹⁵² This is to be contrasted with Rabbinic scholarship. The works on biblical law by Jewish biblical scholars such as David Daube, Jacob Weingreen, Moshe Weinfeld, Baruch Levine, and Jacob Milgrom have helped set the standard that others have followed. Römer acknowledges Milgrom’s work on Leviticus in particular: “Du côté juif, il faut mentionner les nombreuses études et l’important commentaire de Jacob Milgrom qui ont largement contribué à faire du Lévitique un champ d’investigation tout à fait important” (Thomas C. Römer, “De la périphérie au centre: Les Livres du Lévitique et des Nombres dans le débat actuel sur le Pentateuque,” in *Colloquium Biblicum Lovaniense LV—The Books of Leviticus and Numbers* (ed. T. Römer; Leuven, 2008), 10. Yehezkel Kaufman’s work on biblical law—in the midst of his vast coverage of ancient Israel *in toto*—probably merits its own category.

¹⁵³ Notable exceptions include Norbert Lohfink, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5-11* (vol. 20 of AnBib; Rome: Pontificio Instituto Biblico, 1963); J. Halbe, *Das Privilegrecht Jahwes Ex 34, 10-28* (vol. 114 of FRLANT; Göttingen: Vandenhoeck & Ruprecht, 1975); Alfred Cholewinski, *Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie* (vol. 66 of AnBib; Rome: Biblical Institute, 1976).

and the process by which they later found incorporation into a “book.” To be considered are the various roles played by law blocks within the developmental history with respect to individual laws that boast membership within a larger compendium (e.g., “Mosaic law” in Tob 6:13¹⁵⁴) or a *sefer* within the larger entities such as the Pentateuch, Hexateuch, Enneateuch, Dekateuch (“ten books,” including Ezra-Nehemiah¹⁵⁵), even within the Tanakh entire.¹⁵⁶ Sometimes mere references or allusions to revealed *tôrôt* in books lacking law blocks factor significantly in the macro-analyses of the codes.¹⁵⁷ This is often the case in post-redactional *Bearbeitungen*, revisions or additions that usually neither alter the structure of a given pericope nor juxtapose independent units. For example, although the so-called Deuteronomistic History (Josh–2 Kings) does not itself contain sizable legal corpora, it has through decades of analysis piqued scholars’ interest for its sophisticated integration of law and legal themes, generally thought to have emanated from D (= Deut 12–26*).

The incorporation of these dtn/dtr (and sometimes post-dtr¹⁵⁸) laws into the Former Prophets (cf. R. Smend Jr.’s notion of DtrN¹⁵⁹), whether overtly or by means of allusion, may owe to P’s preoccupation with the development of sacral institutions within its historical schema.¹⁶⁰ Although a potentially bewildering enterprise, plotting the developmental paths of biblical legal corpora remains integral to the study of the Pentateuch. Otto may thus be correct in asserting “nur eine in das Gerüst der Fortschreibungsgeschichte der Rechtssammlungen eingehängte Literaturgeschichte des Pentateuch führt zu verlässlichen Ergebnissen.”¹⁶¹

¹⁵⁴ Christian, “Reading Tobit.”

¹⁵⁵ Cf. Knauf, *Josua*, 22.

¹⁵⁶ Even within the large(est) textual entities, the order of books and period in which they entered *les ensembles* has been subjected to thorough reappraisal. See especially Schmid, *Erzväter*.

¹⁵⁷ Cf. the weight Lohfink and Moenikes place on the first ascription of torah to Moses in the secondary passage 2 Kgs 23:25 (on which see Chapter One).

¹⁵⁸ Post-dtr traditions often date to around the time of the formation of the Hexateuch and Pentateuch. This will be made clear as we proceed through this study.

¹⁵⁹ N stands for Grk. *nomos*.

¹⁶⁰ Schmid, *Erzväter*, 165, n. 662. Depending on one’s chronological placement of P, it could have either (a) furnished the presetting for the outlook of Dtn* in the *Zusammenhang* of the historical books, or (b) been inspired by this intertwining (Ineingreifen; *ibid.*).

¹⁶¹ “Only a literary history of the Pentateuch interlocked in the frame of the *Fortschreibung* history of the law collections leads to reliable conclusions” (Otto, *DPH*, 265; cf. Reinhard Achenbach, *Die Vollendung der Tora. Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Pentateuch und Hexateuch* [vol. 3 of BZAR; Wiesbaden: Harrasowitz, 2003], 31, 33 *et passim*).

1.3.4 Archaeology and Legal Studies

Another major area of research in biblical studies impacting the study of biblical, revealed law meets us in the field of archaeology. This multi-disciplinary science has precipitated across a broad swath of the scholarly spectrum, thriving on an almost continual influx of artifactual discoveries methods. One can rightly characterize the discoveries and the methods used to date, arrange, and interpret them as revolutionary. For advocates of tenth and ninth century J/Yahwist and Elohist sources, respectively, a combination of the available and missing data¹⁶² —has rendered proposals for such an early dating unsustainable.¹⁶³ Instead, archaeological data; artifactual evidences; climate, settlement, and population growth patterns; and structural typography suggest a *terminus a quo* of much of the great literary activity to the exilic and early postexilic periods.¹⁶⁴ Thus the earlier reigning thesis of a cultural and literary floruit in tenth-century Jerusalem (cf. the so-called “Solomonic Enlightenment”) has suffered a fate akin to retaining walls giving way under the weight of an overextended construction.

The present study does not however enter the discussion regarding archaeological research in any systematic manner. Rather, it falls into line with the current consensus regarding the primacy of the exilic and postexilic periods, particularly the latter, as the eras witnessing many if not most of Israelite events and their *Verschriftung*.¹⁶⁵ Our specific dependence on archaeology devolves to the determination of the likely locus of the service of levitical priests in Iron II residential cities and villages. The model used in this instance is that of Douglas A. Knight as set forth in his 2011 monograph *Law, Power, and Justice in Ancient Israel*.¹⁶⁶

1.3.5 Regarding the Literary Textgenese of the Hebrew Bible

¹⁶² Although recent “discoveries” announced on Jack Sasson’s AGADE listserve are making new claims in behalf of both Davidic and Solomonic kingdoms, the jury is still out on the legitimacy and interpretation of the finds. Recent discussions have unfortunately moved in the *ad hominum* direction, mainly between O. Lipschits (Tel Aviv University) and Y. Garfinkel (Hebrew University). The media appears to be doing its part to inflate the issue.

¹⁶³ “Dass die Entstehung eines solchen Werkes nicht mehr in die frühliche Zeit angesetzt werden kann, wie dies das traditionelle Quellenmodell mit der Datierung von J in das 10./9.Jh v.Chr. tat, ist heute ziemlich allgemeiner Konsens” (Zenger, “Theorien,” 98).

¹⁶⁴ Ibid.

¹⁶⁵ For the notion of *Verschriftung* of biblical texts, see, e.g., Otto, *DPH*, 181f.

¹⁶⁶ Pp. 161-73. See our implementation of Knight’s model of Iron II cities in Chapter Five. See also the synopsis of Knight’s views on residential cities vis-à-vis their larger, urban, counterparts in §§4.1; 4.5.

Wide divergence exists among scholars regarding the origin and developmental history of the literature of the Hebrew Bible.¹⁶⁷ The debate has implications for the study of revealed law, and will therefore figure significantly in subsequent chapters of this dissertation. The following summarizes two leading continental theories of the origin the larger unities as summarized by E. Zenger:

1. The majority of the tradition-unities originate in the late preexilic period—temporally in the middle of the seventh century and theologically in the intellectual horizon of the Josianic reform movement (cf. P. Weimar and E. Zenger’s so-called Münster Pentateuch model).
2. P created the historical arc (Geschichtsbogen) of the Pentateuch in the early postexilic, and thus Persian, period. Notable advocates include K. Schmid, E. Blum, E. Otto, and R. G. Kratz.¹⁶⁸

P^g (*das Priestergrundschrift*)

This study advocates the latter theory, some of the proponents of which envision P^g, the fundamental document of the priestly source, as the conceiver of a three-part, embryonic Pentateuch structure consisting of an *Urgeschichte* (Adam-Noah), ancestral narrative (Abraham-Jacob), and the Moses-Exodus narrative.¹⁶⁹ The P *Grundschrift* makes possible the first narrational realization of the tripartite configuration.¹⁷⁰ Accordingly,

¹⁶⁷ “Über eine argumentative nachvollziehbare und im Kontext der Theologiegeschichte Israels plausible Datierung gehen derzeit die Meinungen auseinander” (ibid.). Cf. Schmid, *Erzväter*, 273ff.

¹⁶⁸ Zenger, “Theorien,” 98; but see Römer, “Périphérie,” 10: “Un dernier déplacement important de la recherche récente sur le Pentateuque concerne la question des modalités d’une première édition de la Torah dans la *deuxième partie de l’époque perse*. Il y a presque unanimité sur cette date” (secondary emphasis). In his dating of the development of P from start to finish (which includes both his Priestly Torah and Holiness School sources) from first temple times to the time of the return from Babylon, Knohl (*Sanctuary*, 201 and n. 5; 202f) seeks to reconcile the sharply diverging dating of sources of J. Wellhausen and Y. Kaufmann. For Knohl it is the time of the reigns of Kings Ahaz and Hezekiah that H was written: “It would seem, thus, that the religious, social, and political conditions under the reign of Ahaz and Hezekiah in Judea most closely correspond to the picture that emerges from the Holiness Code. It would seem that the change in Priestly circles that led to the rise of HS took place at this time.” Of the many beneficial proposals submitted in Knohl’s monograph, we do not find the Hezekian dating of his holiness school and H particularly convincing.

¹⁶⁹ Cf. Römer: “Il est cependant devenu extrêmement difficile d’envisager un document, voire une tradition antérieure à P, qui aurait contenu tout le fil narratif du Pentateuque (origines, Patriarches, exode, Sinäi, désert [conquête])” (“Périphérie,” 4).

¹⁷⁰ Cf. Christophe L. Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (vol. II/25; Tübingen: Mohr Siebeck, 2007), 11-12: “‘Pg’ is now usually understood as a narrative

historically focused, diachronic analyses of the Pentateuch need concern themselves with (a) the linguistic, divergent (argumentative), and thematic relationships between the laconic P^g and (b) obtaining a more accurate view of its literary and conceptual contours. That the authors are priests seems certain.¹⁷¹ But what does P^g assume? What does it most likely initiate?¹⁷² Further down the literary path of development, what should then be viewed as post-priestly?¹⁷³

Research on the Priestly Writing invariably comes up against the problem of delineating difference between and interconnections of P^g and P^s (*die Ergänzungsschrift*, a later expansion of P^g).¹⁷⁴ Moreover, do priestly texts in which law predominates¹⁷⁵ actually constitute the main grid of the Pentateuch? Imbedded in affirmative answers to this question is usually a conviction that P^g offers the most certainty and fewest exceptions.¹⁷⁶ Frevel's reluctant assessment "P^g für manche die 'letzte Bastion' der klassischen Quellenscheidung ist"¹⁷⁷ rings true.

source exclusively, and the presence of ritual details is even regularly used as a literary criterion for identifying secondary material in P—not an unproblematic model if one thinks that the massive presence of cultic themes and terminology was traditionally considered a decisive feature for isolating P among the other traditions of the Pentateuch.”

¹⁷¹ Karl Elliger, "Sinn und Ursprung der priesterlichen Geschichtserzählung," *ZTK* 49 (1952): 121-22, 130.

¹⁷² Nihan entertains the likelihood of P's account of the ancestors serving as a systematic "political program" for Israelites upon their return to the land (Christophe L. Nihan, "From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus" (Lausanne University, 2005), 374, hereafter referred to as "Dissertation.")

¹⁷³ Cf. Albert de Pury, "Gottesname, Gottesbezeichnung und Gottesbegriff 'Elohim als Indiz zur Entstehungsgeschichte des Pentateuch," in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. J. Gertz, et al.; vol. 315 of BZAW; Berlin: de Gruyter, 2002), 25-47, 30f.; cf. Zenger, "Theorien," 98f.

¹⁷⁴ "Auch darüber gehen die Meinungen nicht auseinander, daß die Priesterschrift literarisch eine komplexe Größe darstellt, insofern eine Grundschrift P^g durch Zutaten verschiedener Hände P^s erweitert worden ist" (Elliger, "Sinn," 121); Frank Crüsemann, *The Torah: Theology and Social History of Old Testament Law* (trans. Allan W. Mahnke; Minneapolis: Fortress Press, 1996) places the P^s additions in the general categories of matters pertaining to atonement and the forgiveness of sins; cf. Alfred Marx, "The Theology of Sacrifice," in *The Book of Leviticus: Composition and Reception* (ed. R. Rendtorff and R. Kugler (with the assistance of S. Bartel); vol. 193 of VTSup; Leiden: Brill, 2003), 103-20, 111, who also places atonement outside of the core of the sacrificial cult.

¹⁷⁵ Otto Eißfeldt, *The Old Testament: An Introduction* (trans. P. Ackroyd; New York: Harper & Row, 1966), 207, dates the legislation to the exilic period; P moreover presupposes a central cult, which requires a date subsequent to D (ibid.).

¹⁷⁶ Nonetheless, the fragmentary nature of P poses serious problems for understanding its sacrificial system; cf. Alfred Marx, *Les systèmes sacrificiels de l'Ancient Testament: Formes et fonctions du culte sacrificiel à Yhwh* (vol. 105; Leiden: Brill, 2005), 30: "Le fragmentation excessive de P a constitué un très lourd handicap pour l'analyse de son système sacrificiel"; see Marx's meticulous summary on pp. 30-40, in which he emphasizes the sophisticated literary techniques of P. "Although P's presentation of the sacrificial system may not be exhaustive, this *ensemble* is nonetheless extremely precise. Indeed, by the skilful play of introductory formulas and differentiated conclusions and other markers of discourse or stereotypical

1.3.6 *The Complexity of the Sinai Complex*

That points of agreement obtain in research on P in no way belies the dispute over P^g's internal, literary stratification. Indeed, scholars have yet to agree on a beginning or end point of P^g—a conspicuous inadequacy in biblical research. What, moreover, do we know of its prehistory? Frevel opines that “der Erklärungswert der P^g-Hypothese nach der Urgeschichte stark abnimmt und hinter Ex 14 immer weiter gegen Null geht.”¹⁷⁸ The Sinai complex poses considerable challenge for a P^g hypothesis.¹⁷⁹ Because passages from P figure prominently in our textual analyses, and, relatedly, because of the prominent roles priests and priestly motifs play in our overall investigation, some remarks regarding the current state of research into the priestly literary tradition and its major characteristics are in order.

1.3.6.1 *The Reduction of P*

While the predominant mass of Sinai pericope traditions arguably belong to P^g,

denn in der Sinaiperikope führt es zu einer Reduktion des P^g Bestandes, während die überwiegende Masse der Texte P^s zugeschlagen wird und dabei vielschichtig in sich zerfällt. In dieser Zerfaserung der Priesterschrift im “literarischen Process” findet unmerklich eine Verschiebung von dem dominierenden Entwurf einer Grundschrift hin zu einer vielfach differenzierten Schule statt, deren Arbeit nicht überall in eine diachrone Abfolge gebracht werden kann.¹⁸⁰

Although Frevel sees no solutions forming out the quagmire of “priestly” literary layers, he supports the continuation of their source-critical analysis, admonishing interpreters to strive for balance, and exercise caution, as they delineate P^g and P^s. Chr. Nihan points to the need for renovating the methods of differentiating between P^g and P^s.¹⁸¹ Indeed, “the classical distinction between ‘P^g’ and ‘P^s’ should probably be abandoned, unless one

expressions that give rhythm to these instructions, P distinguishes, classes, regroups, identifies, hierarchizes and sketches the contours of the sacrificial system” (ibid, 31).

¹⁷⁷ Christian Frevel, “Kein Ende in Sicht? Zur Priestergrundschrift im Buch Levitikus,” in *Levitikus als Buch* (ed. H.-J. Fabry and H.-W. Jüngling; vol. 119 of BBB; Berlin: Philo Verlagsgesellschaft, 1999), 85. 85-7; Hagedorn, “Taking the Pentateuch,” 54.

¹⁷⁸ Frevel, “Kein Ende,” 88.

¹⁷⁹ Cf. E. Zenger, cited in ibid: “Es kann bezweifelt werden, ob es wirklich gelingt, den Wortlaut von P^g vor allem im Bereich des Sinaikomplexes zu rekonstruieren.”

¹⁸⁰ Frevel, “Kein Ende,” 89.

¹⁸¹ Nihan, *Priestly Torah*, 13.

wants to reserve the designation ‘P^s’ when accounting for those portions of the Priestly document added to it at a later stage (cf. Exod 30–31; Lev 4–5; 6–7).”¹⁸²

Since its nineteenth century inception in the work of T. Nöldeke, the history of research on P has seen a continual reduction of its cultic materials. From the early 1960’s K. Elliger’s seminal outline¹⁸³ has undergone repeated modification by scholars.¹⁸⁴ Indeed, “from the very beginning, Pentateuchal criticism has recognized that P is not a uniform tradition giving evidence of a clear single style and vocabulary.”¹⁸⁵ “Scholars must seriously reckon with the marked redactional character of ‘P’, yet without slipping back into seemingly dogmatic statements.”¹⁸⁶ With respect to the book of Leviticus, many scholars agree that only in chapter nine “ursprüngliche Bestandteile der P^g zu finden sind.”¹⁸⁷ For that reason Zenger proposes Lev 9:1-24 as the end of P^g.¹⁸⁸ Unanticipated support for this view has materialized in Römer’s critique of studies positing the endpoint of P at Deut 34:7-9,¹⁸⁹ Joshua (e.g., 18:1; 24:29b),¹⁹⁰ Exod 40,¹⁹¹

¹⁸² Nihan, “Dissertation,” 548; cf. Albert de Pury, “Pg as the Absolute Beginning,” in *Les dernières rédactions du Pentateuque, de l’Hexateuch et de l’Ennéateuque* (ed. T. Römer and K. Schmid; vol. 203 of BETL; Leuven: Leuven University Press, 2007), 99-128.107, nn. 27f. Childs (*Exodus*, 529) notes the “apparent dislocation” of Exod 30–31; in his brief *Forschungsgeschichte* regarding their source attribution, which unfortunately does not include Noth’s attribution of the chapters to P^s (in his *Exodus* commentary, p. 234), he comes to no conclusion; cf. Antony F. and Mark A. O’Brien Campbell, *Sources of the Pentateuch: Texts, Introductions, Annotations* (Minneapolis: Fortress Press, 1993), 50, n. 58.

¹⁸³ Elliger, “Sinn,” 121-43.

¹⁸⁴ Notably, in M. Noth’s 1962 *Leviticus* commentary, followed by the analyses by N. Lohfink, P. Weimar, U. Struppe, B. Janowski, and E. Zenger; see the summary and bibliography in Frevel, “Kein Ende,” 90f.

¹⁸⁵ Verwene, “Current Tendencies,” 45.

¹⁸⁶ *Ibid.*, 46; cf. Elliger, “Sinn,” 121: “Die [P] Grundschrift ebenso wie die Erweiterungen traditionsgeschichtlich selbst wieder durchaus nicht einschichtig ist, heute nicht mehr bestritten.”

¹⁸⁷ Frevel, “Kein Ende,” 91.

¹⁸⁸ “Von der Kompositionsstruktur der P^g-Sinai-Theologie her empfiehlt sich eher Lev 9,24 as ursprünglicher Schluß” (Erich Zenger, “Priesterschrift,” *TRE* 27 [1996]: 435-46, 438); cf. Frevel, “Kein Ende,” 85. Lev 16 has also been suggested as the endpoint of P (cf. the *Forschungsbericht* in Nihan, *Priestly Torah*, 20-58; see especially 31).

¹⁸⁹ W. Schmidt, *Introduction*, 99, follows J. Wellhausen and M. Noth in placing P’s endpoint at Deut 34:7-9.

¹⁹⁰ Ernst Axel Knauf, “Buchschlüsse in Josua,” in *Les dernières rédactions du Pentateuque, de l’Hexateuch et de l’Ennéateuque* (ed. T. Römer and K. Schmid; vol. 203 of BETL; Leuven: Leuven University Press, 2007), 217-24, 219f.; *idem.*, *Josua*, 20, advocates for an end of P in Josh 18:1. He is quick to point out, however, that in terms of *quantity* there is very little attributable to P in Joshua; e.g., the phrases set in italics (die kursiv gesetzten Sätze) in “4.19a, 5.10a, b, 11, 12a, b, c; 18.1a, b, c; 24.29b” likely belong to H; *ibid.*; for a helpful summary of views, see de Pury, “Pg as the Absolute Beginning,” 106 and n. 23.

¹⁹¹ Nihan (*Priestly Torah*, 31) notes several scholars positing the end of P at Exod 40:33f; cf. again de Pury, “Pg as the Absolute Beginning,” 106 and n. 25.

even Exod 29.¹⁹² A penetrating question arises: is it really conceivable that P would end without first inaugurating the priestly dynasty?

A. de Pury weighs in on the debate with a proposed P endpoint in the Sinai pericope: “Today, a growing number of scholars think that the original, autonomous P never extended to the entry into the land, either because it was not interested in that theme or because it had to leave it outside its scope for political reasons.”¹⁹³ Although a possible end of P suggests itself in Lev 9,¹⁹⁴ itself ostensibly containing a *Rückverweis* to the priestly formulated covenant with Abraham in Gen 17:3f.,¹⁹⁵ *Yom Kippur* in Lev 16 probably offers the most compelling endpoint.¹⁹⁶

1.3.6.1.1 P in Joshua?

The book of Joshua contains passages traditionally categorized as P that recent scholarship tends to file under the rubric dtr-priestly *Mischtex*.¹⁹⁷ To the extent this

¹⁹² E.g., E. Otto. Recently some scholars (e.g., F. García López and J.-L. Ska) have opted for Num 27 as the end of P. This reopens the question of the nexus between Leviticus “et le document sacerdotal primitif” (Römer, “Périphérie,” 8; cf. Nihan, “Dissertation,” 14f.). “Notons pour l’instant que, durant ces dernières années et en lien avec l’intérêt grandissant pour les textes sacerdotaux, l’exégèse d’origine chrétienne (et plus particulièrement protestante), notamment à la suite des travaux d’Alfred Marx sur la signification du sacrifice et du commentaire de Rolf Rendtorff [*Leviticus 1,1–10,20* BKAT III/I, 2004], redécouvre l’impact théologique du sacrifice et du rituel et, par là même, du livre du Lévitique (Römer, “Périphérie,” 10. The “new orientation” in Leviticus research endeavors to understand the book not as a patchwork quilt (cf. Germ. Flickenteppich) but rather “comme un livre qui fait sens, et l’on s’interroge sur la fonction et la visée de ses différentes composantes” (ibid., 13). This state of affairs recalls the comments in the introduction to this chapter regarding the problems facing modern interpreters of ancient texts, the principle of selection and “systematic presentation” of which was probably not lost on its ancient, intended audience.

¹⁹³ “Pg as the Absolute Beginning,” 106-07.

¹⁹⁴ Cf. Lev 9:23f: “Moses and Aaron entered the tent of meeting, and then came out and blessed the people; and the glory of the Lord appeared to all the people. Fire came out from the Lord and consumed the burnt offering and the fat on the altar; and when all the people saw it, they shouted and fell on their faces.” Nihan argues that not the account of the tabernacle in Exod 25–40* but rather an early form of Lev 1–16 initially concluded P, chs. 17–27 representing a later addition. According to this conception, Lev 1–16 functions as the climax within P^g: it redefines Israel in terms of a cosmic order that obtained prior to the flood, and transformed Israel into the “priestly nation” for the entire world (“Dissertation,” 541); P concluded in Lev 16 with the divine instruction rounding off the purity regulations via the complex ritual that could purify both sanctuary and people. Nihan reckons chs. 6–7 as the latest addition to P in Lev 1–16 prior to the latter’s inclusion in the Pentateuch (ibid., 544f.); cf. de Pury, “Pg as the Absolute Beginning,” 107 and n. 26.

¹⁹⁵ Römer, “Numeri,” 217-18. For now the question as to whether Exod 40 or Lev 9 presents the optimum conclusion to P^g remains open.

¹⁹⁶ Nihan, *Priestly Torah*, 20-68; cf. de Pury, “Pg as the Absolute Beginning,” 107 and nn. 27f.

¹⁹⁷ Numbers also contains a goodly number of *Mischtex* as well, e.g., chs. 16–17; 25; 32. Römer suggests the amalgams functioned from the outset as compromise texts: “Sind solche Texte von vornherein so

reassessment is correct, doubt could then be cast on whether P's arc extends into Joshua.¹⁹⁸ If the end of P^g locates in neither Deuteronomy nor Joshua,¹⁹⁹ a reduction of the scope of P^g becomes inevitable. Although some commentators propose a *terminus* in Numbers, e.g., 27:12-23,²⁰⁰ this pericope, similar to Deut 34:7-9, probably does not merit serious consideration. Nihan evaluates the situation:

From a methodological viewpoint, this discussion raises some important questions. The perception of what is an adequate ending for P is necessarily subjective, and the approach involves automatically some circularity—namely, the choice of a conclusion is based on a certain understanding of what P is, which dictates in turn the reconstruction of the literary profile of this document. In fact, the whole issue cannot be settled without a prior discussion of the text- and literary-critical problems involved by the original form of Ex 25–31; 35–40, as Pola²⁰¹ and, to some extent, Otto have already done.²⁰²

On balance, delimiting the textual horizon of P^g to the Sinai pericope seems the wisest course of action.²⁰³

1.3.7 *J as Basic Grid and the Fragmentary Hypothesis*

At this juncture let us look briefly at two important compositional models, namely J as the basic grid (so e.g., G. von Rad²⁰⁴ and John Van Seters²⁰⁵) and the so-called

konzipiert, um 'dtr' und 'priesterlichen' Anliegen zugleich Rechnung zu tragen?" ("Numeri," 223; see the literature in 222, n. 37); cf. also Rainier Albertz, "Die Kanonische Anpassung des Josuabuches: Ein Neubewertung seiner sog. 'priesterschriftlichen Texte,'" in *Les dernières rédactions du Pentateuque, de l'Hexateuch et de l'Ennéateuque* (ed. T. Römer and K. Schmid; vol. 203 of BETL; Leuven: Leuven University Press, 2007), 199-216.

¹⁹⁸ For Elliger ("Sinn," 122), "die P-Erzählung im Buche Josua keine Fortsetzung findet."

¹⁹⁹ Cf. Félix García López, "De la antigua a la nueva crítica literaria del Pentateuco," *EstBib* 52 (1994): 7-35, 23.

²⁰⁰ Cf. Christophe L. Nihan, "La mort de Moïse (NB 20,1-13; 20,22-29; 27,12-23) et l'édition finale du livre des Nombres," in *Les dernières rédactions du Pentateuque, de l'Hexateuch et de l'Ennéateuque* (ed. T. Römer and K. Schmid; vol. 203 of BETL; Leuven: Leuven University Press, 2007), 145-82, 149f. and n. 19.

²⁰¹ I believe Nihan here refers to Thomas Pola, *Die ursprüngliche Priesterschrift: Beobachtungen zur Literarkritik und Traditionsgeschichte von Pg* (vol. 70 of WMANT; Neukirchen-Vluyn: Neukirchener Verlag, 1995).

²⁰² *Priestly Torah*, 31.

²⁰³ Römer, "Numeri," 216-17.

²⁰⁴ In *Das formgeschichtliche Problem des Hexateuch* (vol. 78 of BWANT; Stuttgart: W. Kohlhammer, 1938), von Rad argued his case within the framework of Hexateuch model, wherein J gave the entire Hexateuch its shape. His *laissez faire* policy regarding the dating of J is curious: "man mag den Jahwisten zeitlich ansetzen wann Man will; gemessen an dem Alter der von ihm verarbeiteten Stoffe bedeutet er eine späte Phase" (von Rad cited in *ibid.*, 218, n. 15).

Following von Rad at several points, W. Schmidt, *Introduction*, 75-83, also advocates for J as formulator of the basic written form of the Pentateuch. "The Yahwist provides the first written attestation

Kompositionsmodell or fragmentary hypothesis model (so E. Blum²⁰⁶; D. Carr²⁰⁷).

Whereas advocates of the former tend to emphasize dtr style and theology, the latter envision the Pentateuch coming into existence through a combination of dtr and priestly compositional activities. The latter model places dtn composition before P, and it resists the idea that pre-priestly texts of the Tetrateuch would have had a significant impact on the language and worldview of Dtr. The divergence between these two approaches is suggestive of the difficulty of postulating a pre-priestly document²⁰⁸ comprised of Genesis, Exodus, and Numbers.²⁰⁹ Thus while the two lines of inquiry agree on a pre-

of the Pentateuchal vision that moves from primeval history to the settlement; yet the Yahwist is not likely to have created this vision himself and thus to have welded the blocks of tradition into a single whole. According to G. von Rad, the Yahwist took over an existing sequence of events—election of the patriarchs, deliverance from Egypt, and settlement (see Deut 26:5ff.)—and expanded it in three ways...” (ibid., 75; cf. p. 84).

²⁰⁵ Prologue; idem, *Life of Moses*; to a lesser extent, see also, idem, *Law Book for the Diaspora*.

²⁰⁶ Erhard Blum, *Studien zur Komposition des Pentateuch* (ed. Otto Kaiser; vol. 189 of BZAW; Berlin: Walter de Gruyter, 1990); cf. his earlier *Die Komposition der Vätergeschichte* (ed. Erich Gräßer and Hans-Jürgen Hermisson; vol. 57 of WMANT; Neukirchen-Vluyn: Neukirchener Verlag, 1984).

²⁰⁷ David M. Carr, *Reading the Fractures of Genesis* (Louisville: Westminster John Knox, 1996).

²⁰⁸ For some scholars (e.g., M. Rose and J. Van Seters) the Yahwistic work constitutes the principal pre-priestly document of the Pentateuch. In contrast, Erhard Blum attributes non-P texts to his *Komposition-D*; during the exilic period the non-P texts became heir to the dtr school that produced the DH. An ailment common to models reconstructing a pre-priestly work is the problem of its coherence within the Pentateuch. For example, whereas non-P texts in Exodus—somewhat less so in Numbers—manifest affinity with dtr language and theology (cf. Exod 23:31-3; 34:10-13), non-P texts in Genesis rarely display dtr characteristics. Accordingly, the most recent investigations tend to emphasize the *independent nature of the collections of material used in the formation of pre-priestly materials* (cf. Nihan and Römer, “Le Débat,” 86f).

²⁰⁹ Römer, “Nueri,” 219. In his 1999 monograph K. Schmid contends the two literary traditions of the patriarchs and the Moses-Exodus story initially comprised separate, rival accounts of origin. Containing contrasting, even conflicting, concepts of Israel’s identity, they appear together for the first time in the era that witnessed the incorporation of P, which is itself informed by Isa 40ff. Rather than drawing its historical image from pre-priestly traditions, P’s “stringing together” (Aneinanderreihen) of the two accounts of origin occurred in close conceptual relation to Isa 40ff. Thus P constitutes “die ‘Erfinderin’ der Abfolge von Erzvätern und Exodus ... P und Jes 40ff sind die beiden wichtigsten theologiegeschichtlichen Stationen vor dem beschriebenen außerpriesterlichen Zusammenschluß von *Gen und *Ex (ff)” (*Erzväter*, 255, 358; cf. Römer, “Nueri,” 220). Gen 15, Exod 3f., and Josh 24 best exemplify and establish this linkage. Schmid maintains that they also display in miniature “das hexateuchische Geschichtsbild,” which originates on a large scale through the placement in series of Gen before Ex(ff), but which in the collective framework of Gen–2 Kgs would be understood as a combination (Verbund) of Gen–2 Kgs and the *corpus propheticum* (*Erzväter*, 358). Blum (“Die literarische Verbindung von Erzvätern und Exodus. Ein Gespräch mit neueren Endredaktionshypothesen,” in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion* [ed. J. Gertz, et al.; vol. 315 of BZAW; Berlin: de Gruyter, 2002], 119-56, 152) disagrees: The three texts just mentioned “differieren in ihrem jeweiligen konzeptionellen Profil so sehr, dass die Zugehörigkeit zu ein und derselben Redaktion ausgeschlossen werden kann.”

On the significance of Gen 15, the basic layer of which concerns itself with the working-over of Moses traditions in behalf of Abraham, but whose final, post-priestly formulation modifies this view and bridges the formerly independent history of the patriarchs to the Exodus account by depicting the patriarchal epoch as prologue for the Exodus, see Jan Christian Gertz, “Abraham, Mose und der Exodus: Beobachtungen zur

priestly narrative interrelation spanning Genesis to at least Numbers,²¹⁰ the affinity ends there. R. G. Kratz evaluated the situation:

All the observations and literary-historical differentiations which have been made under the influence of the source hypothesis continue to be right. But they must not be forced into the strait-jacket of the source hypothesis, which is useful for explaining the literary composition of the Priestly and non-Priestly text, but *fails in the non-Priestly text*.²¹¹

Thus, along with its close relative “Solomonic Enlightenment,” the pre-P Yahwist source has fallen on hard times.

1.3.8 Problems with P^g as Pentateuchal Grid

Resuming the earlier discussion of P^g, in spite of the amount of scholarly ink spilled in behalf of the hypothesis that it functions as the grid for the entire Pentateuch,²¹² the critical mass of proof of that theory has yet to materialize. M. Noth’s hypothesis of P furnishing the framework on which the redactor of the Pentateuch arranged the other documents at his disposal has for decades bolstered confidence in the hypothesis of P^g as Pentateuchal grid. Already in 1988, however, L. Perlitt levelled compelling counterarguments against the assumption that Deuteronomy would contain priestly

Redaktionsgeschichte von Gen 15,” in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. J. Gertz, et al.; vol. 315 of BZAW; Berlin: de Gruyter, 2002), 63-81; idem, “The Transition between the Books of Genesis and Exodus,” in *A Farewell to the Yahwist? The Composition of the Pentateuch in Recent European Interpretation* (ed. T. Dozeman and K. Schmid; Atlanta: Society of Biblical Literature, 2006), 74f; cf. Eckart Otto, “The Holiness Code in Diachrony and Synchrony in the Legal Hermeneutics of the Pentateuch,” in *The Strata of the Priestly Writings Contemporary Debate and Future Directions* (ed. S. Shectman and J. Baden; vol. 95 of AThANT; Zurich: Theologischer Verlag, 2009), 135-56,” 135: “This Hexateuch had its foundational pillars in Genesis 15 and Joshua 24, which were related to each other and out of which Joshua 24 formed the closing of the Hexateuch.”

²¹⁰ “Allen diesen Ansätzen ist gemein, dass ein von Gen bis mindestens nach Num reichender vorpriestlicher Erzählzusammenhang angenommen wird” (Römer, “Numeri,” 218-19).

²¹¹ Reinhard G. Kratz, *The Composition of the Narrative Books of the Old Testament* (trans. J. Bowden; London: T & T Clark, 2005), 249-50, cited in Hagedorn, “Taking the Pentateuch,” 55 (emphasis added); cf. Reinhard Achenbach, “Das Heiligkeitsgesetz und die sakralen Ordnungen des Numeribuches,” in *Colloquium Biblicum Lovaniense LV—The Books of Leviticus and Numbers* (ed. T. Römer; vol. 215 of BETL; Leuven: Peeters, 2008), 145-77, 147: “Vor-priesterschriftliche oder vor-deuteronomische Entwicklungsstufen unter Absehung von der Einbindung in das konzeptionelle und narrative Rahmenwerk sind ... nicht vollständig rekonstruierbar. Literarhistorisch gesehen verdanken die älteren Texte ihre Verbindungen mit dem Kontext jedenfalls einer nach-priesterlichen und nach-deuteronomischen Komposition.”

²¹² Neither this, nor the fact that P sometimes paints incomplete pictures of actions or events, negates the existence of an original independent P document; cf. W. Schmidt, *Introduction*, 95.

texts.²¹³ Without P as grid, then, on what literary foundation would the construction of large unities such as the Hexateuch rest?

1.3.9 *Pre-Priestly Texts in the Pentateuch and the Interlocking of Large Units*

With few exceptions, scholars have habitually designated non-P texts in the Pentateuch as pre-priestly. This praxis however has resulted in less than adequate accounts of the formation of the Pentateuch, as not all non-P texts warrant pre-priestly classification. A number of them may in fact belong to a post-priestly redaction.²¹⁴ A pre-priestly connection of the individual tradition blocks remains an *argumentum e silentio* lacking probative demonstration. Konrad Schmid accordingly submits that the P^g *Geschichtsbild* does not originate in pre-priestly traditions.²¹⁵ Questions regarding the scope and nature of the pre-priestly work, then, remain entirely open.²¹⁶ One way or another, the already leaning tower of P^g as grid for the entire Pentateuch appears to be reeling.²¹⁷ Alternative models offering new explanations for the interlocking of large units have now come forward in Schmid's proposals regarding the internal rearranging of large unities within,

²¹³ Lothar Peritt, "Priesterschrift im Deuteronomium," ZAW 100 Supplement (1988): 65-88 = *Deuteronomium-Studien* (vol. 8 of FAT; Tübingen: Mohr Siebeck, 1994), 124-43; cf. Römer, "Périphérie," 8; Nihan, "Dissertation," 14f.; Ska, *Introduction*, 148.

²¹⁴ Nihan and Römer, "Le Débat," 85f

²¹⁵ Schmid, *Erzväter und Exodus*, 255; cf. Blum, "Verbindung," 152: "Dazu gehört nicht zuletzt der ‚negative‘ Befund, wonach auf vorpriesterlicher Ebene eine literarische Verknüpfung zwischen Gen und Ex bzw. Vätergeschichte und Exodusgeschichte nicht nachzuweisen ist. Insofern hat sich uns eine zentrale These von Schmid und [Jan C.] Gertz bestätigt."

²¹⁶ Although with few exceptions "les textes non-P du Pentateuque sont ... presque automatiquement pré-sacerdotaux," not all non-priestly texts in the Tanakh necessarily predate P. Indeed, many owe their existence to post-priestly redaction (Christophe L. Nihan and Thomas C. Römer, "Le Débat Actuel sur la Formation du Pentateuque," in *Introduction à l'Ancien Testament* [ed. T. Römer, et al.; Genève: Labor et Fides, 2004], 85-113, 85f.). "Sur ce point, la discussion actuelle est entièrement ouverte" (ibid., 86).

²¹⁷ "Im einen oder im anderen Fall wird nämlich die Idee, dass die Priestergrundschrift das Skelett für den ganzen Pentateuch darstellt, hinfällig" (Römer, "Numeri," 218). With respect to the non-Priestly narratives of Genesis and Exodus, however, J. C. Gertz argues that "P provides the earliest (and almost uninterrupted?) literary transition from the patriarchs and Joseph to Moses. The connection between the patriarchal stories and the narrative of the exodus was first introduced and conceptually established by P, a literary innovation that won the day in the subsequent traditions. Once it originated, all succeeding redactors were required to embrace this connection as the historically accurate and theologically intended sequence. Thus, the transition was embellished as P was integrated with the non-Priestly Joseph novella and the non-Priestly narrative of the exodus (Gen 50:8b, 22-26*; Exod 1:6, 8-10). This was necessitated not least by the failure of the independently transmitted non-Priestly stories to compete with a unified and continuous historical portrayal. To state our conclusions differently, the string holding the pearls of the non-Priestly pentateuchal narratives was furnished by P!" (Jan Gertz, *Tradition und Redaktion in der Exoduserzählung: Untersuchungen zur Endredaktion des Pentateuch* [vol. 186 of FRLANT; Göttingen: Vandenhoeck & Ruprecht, 2000], 86-7, original emphasis); also rethinking the notion of P as grid, though without a narrative of the taking of the land, is Achenbach, "Heiligkeitsgesetz," 149.

and across, the first two divisions of the canon. The literati responsible for such configurations emphasize the original independence of the so-called “Moses-Exodus history” (dtr, exclusivist, bellicose, centered in southern Judah), the ancestral history (perhaps advocated by the עַם הָאָרֶץ; it is inclusive, irenic, and centered in northern Israel),²¹⁸ and they participate in the formulation of the Hexateuch.

1.3.10 *En Route to the Hexateuch Redaction*

Recent years have witnessed a revived interest in the Hexateuch (Gen–Josh)²¹⁹ that is generating new ways of viewing redactional activity, namely, from the perspective of the proto-canonical shaping of large textual constellations (cf. the so-called Deuteronomistic History). Von Rad exemplified this type of analysis by proposing a general outline of the

²¹⁸ The independence of the Exodus theme has long been recognized. New in Schmid’s analyses is the proposition that the sweeping, negative depiction of Egypt as evil power and enemy of Israel does not somehow change the admitted reality of Israel’s deep roots in Egypt. Indications such as Gen 15:13; Exod 12:40 (cf. 6:16-20, which present Moses as *Ur*-grandson of Levi and thus decrease the time duration between Jacob and Moses), suggest an Israelite *Aufenthalt* of some four centuries. Schmid assays to unravel the skein of Egyptian traditions within “the most recent form of the Moses-Exodus history” and the rest of the Tanakh. The Joseph story, for example, attempts to make the antagonism between Israel and Egypt believable (*Erzväter*, 137f); the “massive Häufung” of connections between the Moses figure of Exod 2–5 and Jeroboam (and Hadad) in 1 Kgs 11 also receives perspicacious treatment. “It seems clear there was once a literary exodus depiction built on the legitimation of Jeroboam that extends from an exodus narrative from *Exod–1 Kgs 12(*ff?) as origin- and legitimation-legends (Ursprungs- und Legitimationslegende) of the northern kingdom” (ibid., 141).

Schmid also counters the now classical (Notian) notion of a DH by arguing that the textual entity of Dtn–2 Kgs does not mark the boundary of an originally independent work but rather functions as a thematic separation within a greater *Zusammenhang*, *Exod 2 –Kgs or perhaps even *Gen -2Kg (ibid., 164; cf. Knauf, *Josua*, 18: “For a ‘DH’ (from Gen to 2 Kgs 25, or from Josh 1 to 2 Kgs 25) or indeed for an Enneateuch conceived as unity from Genesis to 2 Kings there are no indications in the redaction history of Joshua”).

The actual goal of the plagues is for Israel to recognize God. Pharaoh’s obduracy and the plagues leading to the death of the Egyptian firstborn belong to an advanced stage of the theological history of ancient Israel: *YHWH* steps onto the world stage as a God whose sovereignty knows no limits. Egypt and Pharaoh fall within the ambit of his control. What is more, *YHWH* can resettle Israel in Palestine. “Die Themafrage” of Pharaoh in Exod 5:2—expressed by Pharaoh—“zeigt an, daß die Schuld Pharaos darin besteht, daß er kein Jhwh-Verehrer ist, und auch keiner sein will” (ibid., 144). The recognition (Erkenntnis) of *YHWH* by both foreign rulers and peoples represents an unexpected, canon-traversing theme in the Tanakh, and, as will be demonstrated, in some respects particularly conspicuous within the Hexateuch *ensemble*.

²¹⁹ E.g., E. Otto, R. Achenbach, T. Römer, M. Brettler. Some view the Hexateuch as pre-priestly point of departure for the literary development of first Gen–Kgs (Enneateuch), and then later the Pentateuch. Others envision it as post-priestly interpretation occurring within the Enneateuch or, alternatively, as a kind of intermediary stage on the way to the formulation of the Pentateuch; see Reinhard G. Kratz, “Der vor- und nachpriesterschriftliche Hexateuch,” in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. J. Gertz, et al.; vol. 315 of BZAW; Berlin: de Gruyter, 2002), 295-323, *passim*.

Hexateuch in his two-volume theology of the Hebrew Bible.²²⁰ Among the enduring contributions of this *œuvre* was the delineation of two, *originally separate* complexes of traditions that formed themselves around covenant themes and came together in the formation of the Hexateuch:

In traditions that are pronouncedly ancient, Israel preserved the memory that Yahweh had granted here a covenant relationship... This memory resides, strangely enough, in two complexes of traditions which were originally completely separate, namely, those of the covenant with the patriarchs and the Sinai tradition.... The covenant with Abraham and the covenant with Moses are now connected with one another and with the whole course of the saving history (Heilsgeschichte) from Genesis to Joshua. The most prominent item in the covenant with the patriarchs was the promise of the land, and this promise was given at the time to the small group of worshippers of the ancestral God.... This procedure has a great deal to tell us about the strange blending of conservatism and freedom in the transmission of old traditions.... P's idea of the covenant has no connexion at all with law²²¹—the content is an unconditional bestowal of salvation by Yahweh.²²²

Von Rad's "theological" characterization of the patriarchal and Moses-Exodus traditions has been reinterpreted by K. Schmid.²²³ Whereas the former dated the *authorial* joining of two "originally separate" textual complexes to the preexile, the latter posits a *redactional* joining of the complexes in the fifth century.²²⁴ The Persian era dating lines

²²⁰ Gerhard von Rad, *Old Testament Theology* (trans. D. M. G. Stalker; 2 vols.; New York: Harper, 1962).

²²¹ Cf. in contrast Ernst Sellin and Georg Fohrer, *Introduction to the Old Testament* (trans. David A. Green; Nashville: Abingdon, 1968), 183: "Among the specific characteristics of P, first and foremost is the close connection between historical narrative and law. Both are linked together inextricably"; see the helpful, selective summary of positions from Wellhausen to Noth in *ibid.*, 182f.

²²² Von Rad, *Theology*, 1: 130-34, emphasis added. Cf. Römer's helpful characterization of the Hexateuch model of von Rad, who perceived J as the "l'architecte de l'Hexateuque" that "created the Hexateuch from a core inherited from the tradition, namely the 'small credo' of Dtn 26.5-9"; Gen 12:1-3 constitutes *the* programmatic passage ('the kerygma') of the Yahwist. Though the other sources do not reach the height of literary and historical genius of J, von Rad nonetheless gave equal time to their study in order to discover their *kerygma* ("Pentateuque," 75). Blum, "Pentateuch—Hexateuch—Enneateuch?," 69, n. 8 plays down the importance von Rad placed on the independent entity of the Hexateuch: "auch G. von Rad, der im Blick auf die heilsgeschichtlichen Konzeptionen immer nur vom 'Hexateuch' sprach, hat eine *analytische* Auseinandersetzung über die literargeschichtliche Frage offenbar gemieden."

²²³ Cf. especially Schmid, *Erzväter*.

²²⁴ The ancestral and Exodus traditions existed separately—literarily and conceptually—until the exilic period. Texts such as Hos 12, Ezek 33:24 and the vast "ancestral silence" in the dtr-stamped literature indicate that they were permitted to stand together in a competitive relationship (Konkurrenzverhältnis). Israel based itself either on the ancestral or the Exodus traditions, but not on both of them together (*Erzväter und Exodus*, 270; cf. Nihan, "Dissertation," 376, n. 561, bringing to our attention that T. Römer had already suggested similarly in his monograph *Israels Väter. Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomischen Tradition* [vol. 99 of OBO; Göttingen: Vandenhoeck & Ruprecht, 1990]). For a counter view, see Hans-Christoph Schmitt, "Die Erzählung vom Goldenen Kalb Ex 32* und das Dtr Geschichtswerk," in *Rethinking the Foundations: Historiography in the Ancient World and in the Bible* (Festschr. John Van Seters) (ed. S. McKenzie and T. Römer; vol. 294 of BZAW; Berlin: de

up with other recent attributions of expansive compositional and redactional activity to this period (cf., notably, E. Blum's *D-Komposition*; the *Yahwist* of Van Seters, Martin Rose, and Christoph Levin, respectively; cf. also J. Blenkinsopp²²⁵). Schmid advances an intrepid assessment of P²²⁶: Against advocates of J/Yahwist formulations that envision a consummate author composing large complexes of tradition,²²⁷ he contends that redaction comprises the main work of literary artistry. "Redaction" remains the correct overarching term, since through this work of literary artistry preexisting, separate, textual complexes

Gruyter, 2000), 235-50, 250: "the time of Moses (including his prologue in the Ur and patriarchal history) is to be viewed as the history which alone establishes the identity of Israel."

²²⁵ Joseph Blenkinsopp, "A Post-exilic Lay Source in Genesis 1–11," in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. J. Gertz, et al.; vol. 315 of BZAW; Berlin: de Gruyter, 2002), 50-61, 60, attributes Gen 1–11, which "presupposes the Deuteronomic history of Israel, in whatever form it then existed," to a post-priestly lay source. As for this "source," "perhaps all we can safely conclude is that its origins are to be sought in the lay, intellectual milieu of the province of Judah some time during the two centuries of Iranian rule."

²²⁶ Schmid dubs "P" "die 'Erfinderin' der Abfolge von Erzvätern und Exodus." The uniting of these two complexes occurred within the conceptual horizon of Isa 40ff; see n. 209 above.

²²⁷ One of the problems confronting advocates of a J/Yahwist source is the *explicit* cross-references between narrative sections. Gen 15, for example, appears to have the entire Pentateuch in view. It has few redactional passages, which numerous scholars consider to be among the latest additions to the Pentateuch. The "prolepsis" of the exodus in vv. 13-16 likely represents a post-P supplement to Gen 15's primary stratum (Gertz, *Tradition und Redaktion*, 74). That the literary development of Gen 15 can be described as a J/Yahwist composition plus explicit cross-references added later for the sake of coherency of the preexistent narrative, cannot be utterly disproved. It does seem however that the tendency to fall back on a/the source hypothesis, though appealing as a graspable concept, unfortunately provides only a partial solution to problem of the "extremely complex literary evidence" in the texts being analyzed (cf. *ibid.*, 75).

In the case of Num 13f., and pace M. Rose and J. Van Seters, a J authorship is doubtful. Recourse to Deut 1 is necessary; indeed, Num 13f contains a large number of variants in its retelling—and thus qualifying—of Deut 1 (Reinhard Achenbach, "Die Erzählung von der gescheiterten Landnahme von Kadesch Barnea [Numeri 13] als Schlüsseltext der Redaktionsgeschichte des Pentateuchs," *ZAR* 9 [2003]: 56-123, 57 and n. 4). The involvement of P in these texts leaves little room for J's compositional participation in their construction and arrangement. One would nearly have to posit J had been completely assimilated into P, which then made it its own (cf. Christoph Levin, *Der Jahwist* [vol. 157 of FRLANT; Göttingen: Vandenhoeck & Ruprecht, 1993], 376, cited in *ibid.*, 58). Noth wrote about the problems associated with these two chapters in the late 1940's: "In the story of the spies in Num. 13 and 14 the P narrative is again given preference so one-sidedly that only fragments from the narrative based on the old sources are found within its framework. The beginning of the story as well as the report of the return of the spies is missing in these fragments, which serve here merely to elaborate the primary P narrative. Likewise in Num. 16 only fragments of the old Dathan-Abiram story have been worked into the Korah story of P; and above all, here again the beginning of the story has been so heavily mutilated in favor of P that it can no longer be reconstructed with any certainty" (Martin Noth, *A History of Pentateuchal Traditions* [trans. B. W. Anderson; Chico, CA: Scholars Press, 1981], 15; trans. of Martin Noth, *Überlieferungsgeschichte des Pentateuch* [Stuttgart: W. Kohlhammer, 1948], 15). In general, older sources such as can be distinguished in Genesis and Exodus rarely manifest themselves as clearly in Numbers (Achenbach, "gescheiterten Landnahme," 56). Finally, and following T. Pola in rejecting a Pg layer in Num 13f., Achenbach adds that a *Landnahme* narrative otherwise does not appear in P (*ibid.*, 58), and that the presence of the wilderness theme in Joshua is of a redactional nature and influenced by P's theology

(viz., the ancestral and Moses-Exodus histories) came to be united.²²⁸ It may be true that the existence of these originally independent complexes (and the lack of pre-P links between them; see the following paragraph) offers the singlemost supporting argument for redaction methodology in the Hebrew Bible.²²⁹

There exist few pre-Priestly links between the ancestral and Moses-Exodus histories. Following A. de Pury and T. Römer, Schmid finds scant mention of the ancestral traditions in preexilic and early exilic texts. The large-scale redactional work carried out during the latter half of the Persian period would eventuate in the present sequence of not only the Pentateuch but also the historical books, resulting in the constellation of Gen–2 Kgs, or the Enneateuch (“nine books”). Moreover, a not insignificant portion of these works obtained their fuller formation in a conceptual environment influenced by the *corpus propheticum*.²³⁰ This latter actuality has particular implications for the present study.

Contra perceptions of relatively small-scale redactional and editorial activity, Schmid argues that scribes plying their trade in Achaemenid Palestine made major editorial changes in the texts transmitted to them. This became possible and indeed necessary as the historic task fell to them of drawing up Israel’s *Geschichtsbild*. The literary-historical episode proved to be of great moment. The innovation in scribal *Gestaltung* emerged in

²²⁸ For a helpful diagram of the pre-P and pre-dtr Moses-Exodus narrative (which also does not figure in dtn Deuteronomy or in the pre-dtr BC), see Otto, *DPH*, 264; idem, “Synchronical,” 46.

²²⁹ In the New Testament, consider especially the literary phenomena suggestive of redaction in the Synoptic Gospels.

²³⁰ See, e.g., Schmid’s comparison of P with Isa 40ff: both base Israel’s identity on the patriarchs. Whereas P concerns itself with a combination (*Zusammenschluß*) of the patriarchal and Exodus epochs as the basis for the era of Israel’s establishment, Isa 40ff focuses on the patriarchal period alone. Third Isaiah, however (see especially the Ptolemaic period text of 63:7–64:11) no longer looks to the patriarchs but rather to Moses (cf. 63:12). Now *YHWH* constitutes the only “father.” Because the horizon of *YHWH*’s future activity consists of nothing less than a “new heaven” and “new earth” (65:17; 66:22), the greatness of past events pales in comparison (*Erzväter*, 269; cf. Berges, *Jesaja 40–48*, 41: “The crossing over (*Verschränkung*) of creation and history formed and directed within the sovereignty of *YHWH* has its counterpart in the P tradition of the Pentateuch”). We will revisit the topic of the cross-fertilization of Pentateuch, historical books, and *corpus propheticum* later in this study. In general, see the final chapter in Otto, *DPH*. Note however that Joseph Blenkinsopp, *Prophecy and Canon: A Contribution to the Study of Israel’s Origins* (Louisville: University of Notre Dame, 1977), 80–95, had already made important cross-canonical connections between texts describing “face to face” and “mouth to mouth” encounters between God and Moses. Blenkinsopp had thus viewed the canonizing of the Pentateuch in relation to the *corpus propheticum* some time ago.

association with the sequencing of the themes of the history of Israel.²³¹ The inclusion of P^g moreover would establish the literary line between the ancestral epics of Genesis and the “national” account of the exodus.²³² Through these substantial works of redaction—unthinkable without extensive literary mediation between the complexes²³³—the theological framing of both the hexateuchal *Heilsgeschichte* and subsequent *Unheilsgeschichte* would take shape.

Schmid’s adventurous theses have not escaped criticism. Positing an expansive redactional program—which at times overlaps problematically with composition²³⁴—has incurred vigorous opposition in some quarters.²³⁵ All the same, the range of texts Schmid

²³¹ Cf. Schmid, *Erzväter*, 176: “Entgegen der klassischen Sicht bedeutet dieser Vorschlag, daß die perserzeitliche Redaktionsarbeit an den Geschichtsbüchern für deren jetzt angenommen wurde: Die perserzeitlichen Schriftgelehrten haben sich nicht auf punktuelle Fortschreibungen und Nachdeutungen der ihnen überlieferten Texte beschränkt, sondern es waren allererst sie, die für die Entstehung des früher für uralt gehaltenen Geschichtsbildes der aus dem Pentateuch vertrauten Themenabfolge der Geschichte Israels verantwortlich zu machen sind.”

²³² Cf. Macchi, “Exode,” 179.

²³³ Otto uses the term *Vermittlung* to signify the intermediation/negotiation that necessarily takes place when interpositioning (for which compare the term *Zwischenschaltung*) and aligning large, independent complexes, which in addition to the Moses-Exodus and ancestral histories include the Priestly Writing (P). He employs these terms primarily when speaking of the literary activities involved in producing HexRed and PentRed.

²³⁴ On the topic of the problematic blurring of editorial categories, see Christian, “Openness to the Other,” 583-605.

²³⁵ Notably, John Van Seters rails against what he regards as indiscriminate attribution of unsolved authorial questions to the activity of “redactors.” But J. Ska rightly calls out Van Seters for preferring “authors” over “redactional activity.” Ska distinguishes between “editors” who “tried to preserve the tradition as far as it was possible” and redactors who “are ‘custodians’ of ancient sources.... Even Wellhausen ... recognizes that in the patriarchal narratives, the single narratives have preserved their individuality and originality within the ‘Jehovist’ source” (“Plea,” 10). “Biblical ‘writers’ wanted to preserve their sources in a way which is at variance with that of the great Greek poet” [Homer] (*ibid.*, 12). They “respected their sources” (*ibid.*, 14). See also the vigorous refutation of Van Seter’s broad-stroke rejection of redactional methods in biblical studies by Levinson, *Chorale*, 276-330 (= ch. 12); cf. p. 329 “[Van Seter’s] approach does not take cuneiform literature into account. In particular it overlooks the evidence for the importance of redaction to the composition of the Laws of Hammurabi, the very text that allegedly served as the Covenant Code’s literary exemplar. It also does not examine works like the Samaritan Pentateuch or the Temple Scroll, which might have offered additional controls concerning the nature of text composition in the Second Temple period. In place of an editor he argues for an author, and for the compositional coherence, in synchronic terms, of the entire Sinai periscope, which he attributes to his exilic Yahwist.” (Van Seters however maintains that “we simply do not know whether there were multiple editions behind the particular code and the extent to which this version ‘reformed’ an earlier one” [*Lawbook*, 22].) “In assuming the mantle of gadfly, Van Seters does not sufficiently complicate his own assumptions. ... Critical evaluation of the book [*Lawbook for the Diaspora*] surely confirms the positions that it seeks to reject” (*ibid.*, 330).

In my judgment, the redactional model in general accounts well for the likely developmental processes of ancient biblical literature, namely the collating, shaping, and contextualizing of (sometimes disparate) traditions within the broad horizon of the oral/written continuum. Composition did occur, but it is problematic, indeed anachronistic to think in terms of a single author (Moses, Ezra, the middle-tier scribe

considers and the innovative reframing of proto-canonical themes and unities has earned Schmid a distinguished place among major international scholars. His *Erzväter und Exodus* remains one of the most important studies on the literary development of the Hebrew Bible to emerge in recent times.²³⁶

1.3.10.1 Ernst Axel Knauf's Hexateuch Redaction

Knauf accepts Schmid's general outline regarding the linking the Moses-Exodus history with the ancestral history. For his part he accentuates the contradicting attitudes toward things foreign in evidence within the two *Geschichtsbilder*, reckoning with their impact on the sociological and theological contouring of the book of Joshua.²³⁷ Knauf considers it inconceivable that the Moses-Exodus history would conclude before entering the land of Canaan. Indeed, the book of Joshua began its literary career not as an independent

Baruch ben Neriah) writing a lengthy, comprehensive literary piece. This remains true even in the face of the respective "histories" of Herodotus and Thucydides. The same holds when the work is assumed to have been produced by an authorial collective. The analogy of a modern court may prove helpful here. The defense is brought forward in negotiation with the prosecution, and both presentations are subject to the approval of the judge (imperial representative, sovereign, theocrat), who may reject aspects of those presentations. Members of the jury (general population), for whom cases are tailored and to whom they are presented, also play an important role both as individuals and as a collective (cf. the "brotherhood" in H and in the office laws). As a postscript, Schmid concedes the arguments for the existence of an independent Moses-Exodus history do not dependent entirely upon a redactional model (*Erzväter*, 138f.).

²³⁶ For a recent essay in English summarizing a number of Schmid's theses, including his critique of the notion of the Yahwist as author, see Konrad Schmid, "The So-Called Yahwist and the Literary Gap between Genesis and Exodus," in *A Farewell to the Yahwist? The Composition of the Pentateuch in Recent European Interpretation* (ed. T. Dozeman and K. Schmid; Atlanta: Society of Biblical Literature, 2006), 29-50, *et passim*.

An earlier, compositional model spanning a wide expanse of canonical books such as Erhard Blum's Komposition-D (which builds in significant ways on the preliminary work of his teacher Rolf Rendtorff) merits mention here. Blum has himself modified aspects of his KD hypothesis set forth in *Komposition* (1984) and *Studien* (1990) based on Schmid's 1999 and subsequent work; cf. Blum, "literarische Verbindung," 152: "... a literary connection (Verbindung) between Genesis and Exodus and/or ancestral history and Exodus history cannot be demonstrated on pre-priestly levels"; cf. Römer, "Numeri," 220.

Cf. also Jan Christian Gertz, "Abraham, Mose und der Exodus: Beobachtungen zur Redaktionsgeschichte von Gen 15," in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. J. Gertz, et al.; vol. 315 of BZAW; Berlin: de Gruyter, 2002), 63-81; idem, *Tradition und Redaktion*.

²³⁷ Knauf differentiates between local *Fortschreibungen* and global book redactions in the book of Joshua: Whereas *Fortschreibungen* expand a *Mikrotext*, sometimes only a verse or part of a verse, book redactions format anew the tradition within the framework of a specific political or theological program. The book redactions of Joshua present themselves in a series of book conclusions 10:40-42; 11:16-23; 18:1 (Knauf's posited end of P^s); 21:43-45; 24 (*Josua*, 17). The beginnings of the redactional work of Joshua, around or shortly before 600 BCE, may be sought in Bethel or Jerusalem; the book saw completion in Jerusalem shortly after 400 BCE (leaving out of consideration an anti-Samaritan reworking in the 3rd and 2nd century; *ibid.*).

work but rather as a bookend to the Moses-Exodus history (ca. 600 BCE).²³⁸ The Hexateuch moreover follows in dialogue from the contrastive if not oppositional groups of D (ideologically dominated) and P (religiopolitically and socially pragmatic, empire-conscious and -acquiescent). The Hexateuch, which saw the light of day through its namesake redaction, constitutes the third phase of Knauf's multi-phase development of Joshua.²³⁹ In contrast to Otto and Achenbach's redactional schemas, in which the Hexateuch Redaction (HexRed) precedes the Pentateuch Redaction (PentRed), Knauf's hexateuchal formation *follows* the D-dominated formation of the torah (which he also calls the Pentateuch Redaction²⁴⁰); it dates to the early fifth century, an era he believes witnessed the reshaping of the post-444 BCE torah²⁴¹ into a more suitable foundational document for Jerusalem's current sociopolitical climate. Influential leadership among the rising Persian colony of *Yehud* felt compelled to tone down its fundamental opposition to peaceful coexistence with the land's pre-inhabitant "Canaanites."²⁴² The Hexateuchal visionaries would take the bold but necessary step of combining the D-composition/Pentateuch redaction with the P material, subsequently enhancing that coalescence by means of an exchange of views between advocates of both parties. "The

²³⁸ Whereas the Moses-Exodus tradition stemmed from the northern kingdom of Israel, it ended there in the land between Bethel and Dan (cf. 1 Kgs 12:28f, a tradition likely deriving from the 8th century BCE; *Josua*, 18).

²³⁹ Knauf, *Josua*, 18-21. The "prophet" or "book redaction" constitutes the final, and "main redactional" phase.

²⁴⁰ Cf. the subheading on p. 18: "Die D-oder 'Pentateuch'-Redaktion."

²⁴¹ Regarding a date for D or Ur-Deuteronomy, Ernst Axel Knauf, "Observations on Judah's Social and Economic History and the Dating of the Laws in Deuteronomy," n.p. [cited 9 April 2011]. Online: http://www.arts.ualberta.ca/JHS/Articles/article_120.pdf, posits a time of origination in the early sixth century, thus nullifying any direct connection to a seventh century Josiah. "The available data from social and economic history render the 'Josianic' dating of Deuteronomy 12-26 untenable; the basic layer of these laws reacts to the situation at Mizpah and Bethel after 586 BCE." A question mark is however placed against the notion of substantial literary activity occurring in Judah prior to the middle of the fifth century, especially were Jerusalem to be the center of that activity; see Oded Lipschits, "Achaemenid Imperial Policy, Settlement Processes in Palestine, and the Status of Jerusalem in the Middle of the Fifth Century BCE," in *Judah and the Judeans in the Persian Period* (ed. O. Lipschits and M. Oeming; Winona Lake: Eisenbrauns, 2006), 19-52, 34-40. "Because the fortifications of Jerusalem were destroyed by the Babylonians (cf. 2 Kgs 25:10), and because the first attempt to rebuild them without the permission of the Achaemenid authorities failed (as reported in Ezra 4; cf. Neh 1:3), it seems that, even if the temple had already been rebuilt in Jerusalem and even if the city had already been reestablished as the cultic center of the Judeans, it could not serve as a capital."

²⁴² Knauf, *Josua*, 18f. This situation obtained, even though some of their religious beliefs and practices were actually indigenous to earlier Israelite settlements. The animosity toward Canaanites, Hittites, Perizzites, Jebusites, and Amorites may actually have to do with an inner-Judean conflict between returnees from Babylon (aniconic monotheists) and traditionalist "inhabitants of the land," with their cult images and problematic *YHWH* cult.

dialogue leads to a reciprocal convergence in which are visible examples of D theology in P language (e.g., Num 31), but also of P theology in D language (Deut 9–11).”²⁴³ Although this quoted statement bespeaks of the views of scholars that go unnamed in the *Kommentar*,²⁴⁴ the succinctness and forthrightness of Knauf’s presentation of the redactional formation of the Hexateuch is compelling. That within the redactional schema are included significant sociopolitical observations evidences the fruitful convergence of diachronic and synchronic dimensions adumbrated—and advocated—earlier in this chapter. Rounding off the comments on Knauf’s work, we note three theses that are pertinent to the present study, summarized as follows: (1) most if not all mentions of Joshua in secondary P or D texts in Exodus to Deuteronomy probably belong in the context of the Hexateuch redaction;²⁴⁵ (2) the Hexateuch redaction represents the “decisive step” taken within the history of Israel towards a schema of coexistence with surrounding peoples; it nonetheless perpetuates an ancient yet viable version of Yahwistic religion during an era of imperial domination;²⁴⁶ (3) with respect to the *herem*, the mentions of which occur primarily in Joshua, the doomed pre-inhabitants (Canaanites, Amorites, and Hitittes) were none other than the Benjamites who remained in the land. Opposing the theological innovations of the returnees, the Benjamites continued to practice their ancient, ancestral religion.²⁴⁷ As in other cases—e.g., in the “enemies of the rebuilding of Jerusalem” in Neh 2–6—the hostility projected on external enemies derives from inner-Judahite conflict.²⁴⁸ Thesis three becomes all the more significant once the implications of an amiable conclusion with the pre-inhabitants are

²⁴³ Ibid., 21: “Der Dialog führt zur einer gegenseitigen Annäherung, die an Beispielen für D-Theologie in P-Sprach (z.B. 4 Mose 31), aber auch von P-Theologie in D-Sprache (5 Mose 9–11) sichtbar wird.”

²⁴⁴ Knauf’s contribution to the new Zürcher Bibelkommentare series lacks footnotes, comprehensive bibliography, and subject and scripture indices.

²⁴⁵ Ibid. In the book of Joshua the Hexateuch redaction makes itself felt in chs. 3f. (crossing the Jordan), 6 (procession of the ark of the covenant), and in the fundamental layer of the report of the distribution of the land in chs. 14–17.* It encompasses the whole of the Hexateuch, ending with Josh 18:1 (P); 21:43-5 (described by Knauf as P theology in D language). With 18:1 the ark arrives at Shilo, from where its history is continued with 1 Sam in the “books of kings” (Sam-Kgs*). By making reference to 1 Kgs 8, Josh 21:43-45 combine the ark in Shilo with the Solomonic Temple of Jerusalem (ibid.).

²⁴⁶ Ibid. Within 50 years (thus by the early 4th century) the decisive step would lead to a “completed Torah,” in which “the P pragmatists had gained the upper hand against the D ideologues” and with which the beginnings of a prophetic canon would be associated (ibid.).

²⁴⁷ Cf. Philip R. Davies, “The Place of Deuteronomy in the Development of Judean Society and Religion,” in *Recenti Tendenze nella Ricostruzione della Storia Antica d’Israele* (ed. E. Gabba et al.; Rome: Accademia Nazionale dei Lincei, 2005), 139-55, 152.

²⁴⁸ Knauf, *Josua*, 28.

factored in.²⁴⁹ All told, the profile of Knauf's Hexateuch redaction reveals an openness to aliens similar to that described in the following models of the Achenbach/Otto Hexateuch redaction, specifically, in the combining of ethical and cultural accommodation with religious expectation.²⁵⁰ We ask at this juncture, does such largesse towards the other (even theoretically) originate in the boardroom of elites living in urban centers? It is good politics for the leaders of society to feign some support for the populace, but the type and extent of support here reflects the concern among mid-level leadership to solidarize with those living in residential towns.²⁵¹ It is they who bear the vocational and relational brunt of antagonistic policies toward aliens and their way of life. This holds true especially in border areas.²⁵²

1.3.10.2 *Brief Apologia for Redactional Analysis*

As alluded to in the précis of Knauf's views above, our interests in the present redactional investigation tie in particular to the socioreligious and ideological contours of the so-called Hexateuch redaction. I have embraced the Otto/Achenbach model described below based as much on the explanatory force of the Hexateuch redaction's alleged program (its potential to solve otherwise unsatisfactorily delineated sociological and theological developments, particularly those pertaining to the problem of intergrating of aliens into an Israelite covenant²⁵³) as having been convinced in every instance regarding passages

²⁴⁹ The story of Rahab (Josh 2, together with its ending in ch. 6) and the "cunning of the Gibeonites" (Josh 9, Hexateuch redaction version) are *Forterzählenden* based on the theology of P and the Hexateuch redaction. Here Joshua tries *not* to destroy the preinhabitants (*Josua*, 28). It may be that the "book conclusion" of Josh 11:23 reckoned the command for *cherem* in Deut 20 unnecessary in view of completed conquest of the land (*ibid.*, 29).

²⁵⁰ The combination is unexpected, since most interpreters see the relations between Israel and its neighbors as thoroughly problematic, producing no good results; cf. the situation in H, though in this context special emphasis is placed on purity; cf. Knohl, *Sanctuary*, 185 and n. 328 below).

²⁵¹ Regarding the socio-religious reorganization of Judea through attempted in the missions of Ezra and Nehemiah, "in view of this common structuring, the new redactional activity had to devote itself to responding to the fundamental needs of both the returnees and the Diaspora, at least on the religious level" (Elayi and Sapin, *Beyond the River*, 104).

²⁵² On these last two points, see Chapters Four and Five.

²⁵³ Thus the Otto/Achenbach Hexateuch model has been particularly useful to me. Ska's words are appropos: "The most useful method is the one that helps us to understand the texts better, the one that offers the surest way to grasp the meaning and presents the simplest solutions to problems of interpretation" (*Introduction*, xii). A "simple solution" does not exist with respect to the treatment of aliens in the Hebrew Bible. I do believe my application of the Hexateuch model to be a satisfying explanation at the present state of research.

attributable to HexRed.²⁵⁴ At the end of the day, HexRed might be best described as a project, rather than a single though momentous redactional layer.²⁵⁵ This would in some respects then line up with Otto's notion (and quite recently also Achenbach²⁵⁶) of a school. Such a proviso does not however indicate a systematic weakness in the redaction method under review.

In addition to questions regarding the attribution of passages to HexRed, another problem arises over whether the Hexateuch had ever existed as an individual corpus. In his study of Josh 24, U. Becker concludes against the idea that the chapter was part of the DH and in favor of its being part of the Hexateuch. But at the time of the formation of Josh 24 it is not certain that Deuteronomy or Genesis comprised a part of the corpus. In this case no Hexateuch could have existed at this point in time. Moreover, Josh 24 does not function all that well as a *caesura* between the Hexateuch and the Former Prophets. Becker prefers to think in terms adding Joshua to the burgeoning Enneateuch.²⁵⁷

Although the days of Eißfeldtian source divisions spanning Genesis to Joshua may have run their course, the current lack of confidence in such reconstructions, especially

²⁵⁴ Schmid has himself described the views regarding his proto-canonical divisions as not absolutely dependent upon a particular redactional method. Recent pentateuchal discussion has, moreover, come to realize that solutions for the origins of certain traditions of Israel can only be found in the context of a HexRed (Gen-Josh) perspective. No longer in a Solomonic, Hezekian, Manassan or Josianic Yahwist, the *Schwerpunkt* now shifts to the postexilic period as context for the formative stage of the origination of the identity of Israel (Christian Frevel, "Die Vollendung der Tora. Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Pentateuch und Hexateuch [Review]," *OL* 100 [2005]: 278-85, 279).

²⁵⁵ I owe this insight to Christophe Nihan, personal communication.

²⁵⁶ In his "Der Eintritt der Schutzbürger in den Bund (Dtn 29,10-12): Distinktion und Integration von Fremden im Deuteronomium," in *Gerechtigkeit und Recht zu üben" (Gen 18,19): Studien zur altorientalischen und biblischen Rechtsgeschichte, zur Religionsgeschichte Israels und zur Religionssoziologie; Festschrift für Eckart Otto zum 65. Geburtstag* (ed. R. Achenbach and M. Arneht; Wiesbaden: Harrasowitz, 2010), 240-55, 251, Achenbach refers to a "post-Dtr school."

²⁵⁷ Uwe Becker, "Endredaktionelle Kontextvernetzungen des Josua-Buches," in *Die deuteronomistischen Geschichtswerke. Redaktions—und religionsgeschichtliche Perspektiven zur "Deuteronomismus"—Diskussion in Tora und Vorderen Propheten* (ed. M. Witte et al.; vol. 365 of BZAW; Berlin, 2006), 139-61, 155-56. "Am Anfang war das Jos-Buch nicht Teil des 'DtrG', sondern Teil des 'Hexateuchs'—eines Hexateuchs freilich, der noch kein Hexateuch war, weil ihm das Buch Dtn und möglicherweise auch das Buch Gen noch fehlte. Das Jos-Buch ist dann rasch zu einem Bestandteil des Enneateuchs geworden." Becker's reconstruction of the developing Enneateuch owes significantly to R. G. Kratz (e.g., his *Composition*), and makes little use of important studies of German and French scholars past and present that support the notion of an independent Hexateuch (to which we refer in this study) in which Josh 24 both functions as literary caesura and reflects knowledge of both the Hexateuch and Pentateuch redactions. This renders the conclusions of his important study less compelling. In his essay in the same volume containing Becker's, J. Gertz notes how times have changed, with models of the Hexateuch or Enneateuch now reemerging, though in *Gestalten* differing from those postulated in the discussion before M. Noth ("Kompositorische Funktion," 103-04).

regarding non-priestly texts, need not result in source disparagement. “It is still possible to write about the literary origins of the Pentateuch but one has to do so by seriously rethinking old and dear scholarly hypotheses and views.”²⁵⁸ Irrespective of where individual scholars stand on this issue, it is vital to remember that “polyphony is one of the basic characteristics of the text and must be respected as such.”²⁵⁹ All reconstructions of the ancient text remain tentative, and the lack of certitude does not nullify their value. The Dead Sea Scrolls confirm that (a) the developmental history of the Hebrew Bible was complex, (2) the development occurred in multiple stages, and (3) was carried out by numerous individuals, likely circles of individuals.

At present, given a general timeline of Iron II forward, one exigency that researchers face is the need to move beyond the pretense of uniformity of canonical texts that may find serendipitous support in hypotheses of a Yahwist or (P)riestly Writer that proffer a basic literary grid on which the Pentateuch would allegedly develop. Irrespective of the problems mentioned above, in our estimation, the positing and construction of plausible diachronic, developmental scenarios of “multi-teuchal” or “cross-teuchal” entities and themes within the Tanakh constitute helpful and significant contributions to research.²⁶⁰ This includes the positing of a Hexateuch.

1.3.10.3 Biblical Evidence of Ancient Redaction

There may actually be a text in Proverbs that describes redactional work being carried out by ancient Israelite scribes. In his reading of the superscription of Prov 25:1, Leo Perdue accurately renders the *hip`il* stem of עתק (העתיקו) as “redact.” Persuasive contextual

²⁵⁸ Hagedorn, “Taking the Pentateuch,” 54.

²⁵⁹ Ska, *Introduction*, 94.

²⁶⁰ Cf. Thomas C. Römer, “How Many Books (TEUCHS)? Pentateuch, Hexateuch, Deuteronomistic History, or Enneateuch?” in *Pentateuch, Hexateuch, or Enneateuch? Identifying Literary Works in Genesis through Kings* (ed. T. Dozeman, et al. SBLAHL; Atlanta: Society of Biblical Literature, 2011), 25-42, 29-32. His affirmation of the HexRed and PentRed and those that apply similar models is explicit: “Therefore, E. Otto, R. Achenbach, and others are right in distinguishing within the Torah a ‘hexateuchal redaction’ and a ‘pentateuchal redaction.’ According to this model, an important number of texts that were formerly considered ‘Yahwistic’ and ‘Deuteronomistic’ are now attributed to the hexateuchal or pentateuchal redactors” (ibid., 30-31).

A leader in the merging of archaeology and diachronic, redaction-historical research, Ernst Axel Knauf, “Toward an Archaeology of the Hexateuch,” in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. J. Gertz, et al.; vol. 315 of BZAW; Berlin: de Gruyter, 2002), 275-94, 276, n. 3 and *passim*, reckons with “empirical evidence” supporting the notion of a Hexateuch. In instances when corroborative evidence is lacking, “this is by no means implying that no historical data at all can be retrieved from literary texts” (ibid.).

support accompanies this linguistic decision in the demarcated “sections” comprising the canonical book of Proverbs:

The verb refers literally to the *moving of sayings from one place to another* and identifies the “Men of Hezekiah” as editors of collections of texts, a role played by Qoheleth (see Qoh. 12:9-12). The plural construct noun אֲנָשֵׁי ... refers to those who were in the administrative service of King Hezekiah, in this case court scribes who had the responsibility of assembling, archiving, and transmitting proverbs and other literary materials that were part of the ideology supporting the reign of the monarch.²⁶¹

1.3.10.4 Yes to Isaiah but No to the Pentateuch?

Continuing the contemplation of the merit of diachronic, redaction methods, the prevailing consensus regarding the large blocks in Isaiah also speaks in their favor.²⁶² The broad agreement obtaining today with respect to the basic historical and textual differences between, say, First and Second Isaiah (cf. also Third Isaiah) can be said to have begun in the late nineteenth century with the seminal work of Bernard Duhm.²⁶³ Since that time not only scholars but also many general readers with a modicum of exposure to authorship issues with Isaiah have come to embrace aspects of the view that

²⁶¹ Perdue, *Sword and Stylus*, 95, secondary emphasis. In spite of the historical problems associating this text with an eighth-century Hezekiah, stripping the literary activity so described of its claims to historical viability seems an incautious enterprise. For detailed, compelling arguments that the widespread redactional activity in cuneiform literature forms the likely backdrop for similar activities in the editing of the Covenant Code, see Levinson, *Chorale*, 293-306.

For the “very close relationship” between Hezekiah and Levites in a cultic context (2 Chr 29–31) in a “later level” of Chronicles, see Labahn, “Antitheocratic Tendencies,” 118. Against commentators and translations that render דבר על-לב Chr 30:22 as “encourage,” “speak encouragingly to” (= most Eng. trr.) she opts a more vibrantly relational rendering of וידבר יהוה על-לב כל-הלויים: “Hezekiah spoke to the heart of the Levites” (cf. Vg: *et locutus est Ezechias ad cor omnium Levitarum*; Luth: “und Hiskia redete herzlich mit allen Leviten”; ZUR: “und Jechiskijahu sprach zum Herzen aller Leviten,” R-Val: “y habló Ezequías al corazón de todos los levitas”; perhaps also TOB: “Les paroles d’Ézékiás touchèrent le coeur de tous les lévites”). Labahn notes the conspicuous non-mention of priests in this cultic context. “The kings assign specific tasks to the Levites and this shows that the kings regard the Levites as standing in a special relationship to themselves, which marks them off from the priests” (ibid.). “The sovereign acts in a way which was expected of the *priests who themselves have nearly disappeared from the scene or play just a very limited role*. Thus, the cultic responsibility of the Levites is bound to the king and not to the priests” (ibid., 117, emphasis added). “The Levites were set in close relationship to the king and put at a distance from the priests” (ibid., 119). One can assume that such a special relationship between the Davidide and his intensely faithful functionaries (2 Chr 30:18b) would carry with it important, perhaps delicate (e.g., intertribal and international dealings) literary responsibilities, which calls to mind the post-dtr text of Deut 17:18, and perhaps 31:9 (in which case the Moses figure would represent the priestly sovereign); see §§5.1.1; 5.6.1-2; n. 1321 within the context of §4.14; see also n. 1350.

²⁶² Cf. also Ezek 40–48, widely believed to be a substantially later, non-Mosaic, revealed legal code. See Mark A. Christian, *Torah Beyond Sinai: A Study of the Plurality of Law and Lawgivers in the Hebrew Bible*, forthcoming.

²⁶³ Bernard Duhm, *Das Buch Jesaja* (Göttingen: Vandenhoeck & Ruprecht, 1892). Ibn Ezra is gratefully acknowledged as having made early, cryptic comments on the authorship of Isaiah and the Pentateuch.

the *ensemble* Isa 1–66 comprises either two or three diachronic-thematic blocks (chs. 1–39; 40–66; [or 40–55; 56–66]). Unless *a priori* rejecting any notion of multiple authorship of biblical text, it has been my observation that Isaiah enthusiasts find the general idea of the contrasting historical circumstances and contexts out of which 1–39 and 40–55 likely emerged helpful.²⁶⁴

If one accepts the notion of a bi- or tripartite Isaianic corpus, the rejection of corresponding hypotheses of post-dtr and post-P formations of the Hexateuch and Pentateuch needs to be explained.²⁶⁵ It seems an inconsistency to accept the complex, literary-historical “discoveries” in Isaianic research²⁶⁶ while simultaneously looking askance upon continuing advances made in other large textual constellations, even those within the Pentateuch.

The benefits of source criticism and redactional analysis did not exhaust themselves during the “golden years” from, say, Wellhausen to Eißfeldt²⁶⁷).²⁶⁸ Although attempts to

²⁶⁴ Recent Isaianic research has demonstrated editorial work (e.g., redaction, *Bearbeitung*, *Fortschreibung*) at the latter and final stages of the literary development of the sixty-six book corpus.

²⁶⁵ With his synchronic description of the relationizing (*Relationierung*) of the Jacob and Moses trad in Deut 31–34, Jean-Pierre Sonnet, *The Book within the Book: Writing in Deuteronomy* (Leiden: Brill, 1997), 200–34 discovers the tracks and footprints left behind by the post-dtr redactions of HexRed and Pentred. These chapters have in view not only Deuteronomy but indeed the whole of the Pentateuch, and in some respects even form the basis of the Hebrew Bible canon. With the conclusion of Joshua by PentRed the conclusion of the Pentateuch opens up and desires to be continued. The deeds of Joshua are interpreted negatively in Judg 1:1—2:5 and in the horizon of PentRed integrated into a context of the failed history of Josh--2 Kgs. Once again the reader yearns for a positive continuation, which (re)commences intentionally and prophetically in Isa 1, which simultaneously leans legally backward to the Torah and points prophetically forward toward the future, in hopes of finding fulfillment of the promises of the past. In synchronic terms, a “canonical interpretation” presents itself as a “kanonische Auslegung interpretiert die Adressaten von Tora und Prophetenkanon im Horizont der Vorderen Propheten in der Erwartung der messianischen Zukunft” (Otto, *DPH*, 270–72 and nn. 108–112; German quote from n. 112).

²⁶⁶ Following Lohfink, Otto deals with the later stages of the formation and reaching the canonical form of Isaiah in the 2nd century BCE and its significance for the Torah. Parallel texts such as Isa 1:2//Deut 32:1; Isa 1:10//Deut 29:22f suggest that the opening of the book of Isaiah ties directly to Deuteronomy (*DPH*, 272). “Therewith the former prophets of Josh to 2 Kgs within the prophetic canon become a negative foil for the *corpus propheticum* beginning with Isaiah that extends from Isaiah to Malachi, which has for a theme the future fulfillment of the promises of the Torah. A canonical reading of Deuteronomy in the horizon of the torah of the Pentateuch dovetailing with the prophetic canon [der mit dem Prophetenkanon verzahnten Tora] interpreting the context of positive foundational history of Israel in the Pentateuch, failed history in the former prophets, and the hope in a messianic future in the *corpus propheticum* in the horizon of the second century, was absorbed into the chronological system in the Pentateuch” (ibid.).

²⁶⁷ I am speaking here of what I take to be a common north American perspective familiar with the best-selling works translated into English of these two highwater marks within literary-critical and historical research. It may however be that familiarity with Eißfeldt’s massively erudite *Introduction to the Old Testament*, auspiciously and judiciously translated by Peter Ackroyd in 1964, has decreased in the past two decades in the wake of the spate of new introductions.

tie together otherwise disparate themes and traditions do not always pan out on the literary plane,²⁶⁹ redactional theories pursuing the interpretation of expansive—particularly canon-traversing themes—merit continued, careful attention on a case by case basis.

In the case of Eckart Otto, as one works their way through his voluminous, interconnecting studies published over several decades, the logic of his incrementally developing theses becomes evident. Although their complexity sometimes leads to their rejection, in view of the progression of his combining of diachronic and synchronic approaches, the extrication of the ribars running through his (re)construction of Deuteronomy and the significant roles it plays in the development of the Hexateuch and Pentateuch is not easily accomplished.²⁷⁰ The distillation and in some respects culmination of decades of work on Deuteronomy is observable in *Das Deuteronomium im Hexateuch und Pentateuch*, which provides a convenient summary with helpful tables

²⁶⁸ A measure of justification for more complex redactional approaches also meets us in the growing number of texts manifesting the literary involvement of both “Deuteronomistic” and “Priestly” tradents. Further, even when the difference between those two lines has been plotted, there remain unaligned strands or fragments. There is evidence in Numbers, for example, to suggest that post-P redactors combined P with non-P traditions. The book itself may be a post-P composition (this position is advocated by Nihan as well; see the main text comments below, §1.3.11.3). In general, the unexplained textual *Fund* left over after traditional assignment to “Deuteronomistic” and “Priestly” texts “seems to be one of the main problems for the present discussion on the Pentateuch” (Reinhard Achenbach, “The Story of the Revelation at the Mountain of God and the Redactional Editions of the Hexateuch and the Pentateuch,” in *A Critical Study of the Pentateuch. An Encounter Between Europe and Africa* [ed. E. Otto and J. LeRoux; vol. 20 of ATM; Münster: Lit Verlag, 2005], 126-51, 127, n. 8; cf. idem, “gescheiterten Landnahme,” 60, n. 24: “the categories ‘P’ and ‘dtr’ are not as such sufficient to unlock the redaction events encompassing both circles of tradition in the Pentateuch”). One might add that the plotting of such lines does not constitute a futile exercise, since detailed engagement with the text at this level always stands to bring out multiple voices that otherwise tend to remain muted behind the dominant “line” or “thread” (cf. in some instances the difference between the surface and deep structure of a text). The attempts at dividing a text according to (im)probable historical contexts also produce argumentation that increase the valid vantage points from which to view the texts, e.g., foregrounding the socioreligious thought-worlds ostensibly lying behind them. Do texts such as, e.g., Deut 7:6; 14:2 suggest themselves as a national self-perception of a subjugated people subsisting during the period of the Babylonian exile? In the case of Numbers, Achenbach (*Vollendung*) is to be credited with a precise chronology of the post-P redactions (cf. Nihan’s assessment in “Mort de Moïse,” 150).

It should be also pointed out that facets of Dead Sea Scroll research at times appear to turn on an argument regarding the reconstruction of a few markings on a crumbling surface piece of papyrus. Does artifactual evidence truly and always deserve to take precedence over “more subjective” historical-literary based on internal analysis? An archaeology of the text judiciously informed by external considerations still, I would argue, deserves a spacious place in the empirical sun.

²⁶⁹ Cf. Nihan, “Mort de Moïse,” 153.

²⁷⁰ Decrying the Otto/Achenbach model because of its complexity seems an imprudent rationale for its rejection.

and illustrations in the final chapter entitled *Vom Deuteronomium zur Tora im Kanon der Hebräischen Bibel*.²⁷¹

The directions Otto's studies have taken demonstrate the scholar's commitment to integrate synchronic methodology into diachronic analyses and speak in behalf of their relevance within the wider fields of Hebrew Bible research and ancient Near Eastern legal studies.²⁷² The scholarly partnership between Otto and former student Reinhard Achenbach—fully conversant in the sequential progression of thought in Otto's publications and who collaborates with him on numerous projects—has generated an atmosphere of academic accountability,²⁷³ as they do not always see eye to eye.²⁷⁴ Although their methods and conclusions often intersect, at times converging into a single stream, divergence can nonetheless be detected at numerous points. The differences actually demonstrate the flexibility possible within the cross- and proto-canonical reconstructions that may on first blush appear rigid and inflexible.²⁷⁵ Overall, one may

²⁷¹ Unfortunately, depending on which publication one reads, Otto's grouping of redactional layers varies, spawning new *sigla* that may disappear in subsequent studies. For example, whereas in his 1999 *Das Deuteronomium* he uses the *sigla* DtrH (Dtr Historiker) to describe a redaction that precedes DtrD, his 2000 *Das Deuteronomium im Pentateuch* contains few references to DtrH.

²⁷² Otto's conversance in Assyrian law codes also adds artifactual depth and additional probative dimensions to his analyses. See, e.g., his "Rechtsgeschichte der Redaktionen im Kodex Eshunna und im 'Bundesbuch,'" in *Eine Redaktionsgeschichtliche und rechtsvergleichende Studie zu altbabylonischen und altisraelitischen Rechtsüberlieferungen* (ed. O. Keel, et al.; vol. 85 of OBO; Göttingen: Vandenhoeck & Ruprecht, 1989); idem, *Kontinuum und Proprium: Studien zur Sozial- und Rechtsgeschichte des Alten Orients und des Alten Testaments* (Wiesbaden: Harrassowitz, 1996; various essays by the author); idem, *Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien* (vol. 284; Berlin: de Gruyter, 2000). In the latter study Otto adduces compelling *religionsgeschichtlich* argumentation that, similar to Moshe Weinfeld's comparative lawcode work, defends the hypothesis of preexilic borrowing from Near Eastern texts by Israel (for a convenient précis, see Christian, "Priestly Power that Empowers," 70f.). To be congratulated for encouraging dialogue between the broad sphere of the humanities and the unique contributions of Hebrew Bible is Bernard M. Levinson, in his monograph *Legal Revision and Religious Renewal in Ancient Israel* (Cambridge: Cambridge University Press, 2008).

²⁷³ There have been questions about the lack of critical checks and balances in book reviews written by Achenbach or Otto in the journal *ZA(B)R*.

²⁷⁴ It is also occasionally problematic however that Achenbach's expertise in aspects of Otto's complex theories sometimes assumes a level of familiarity in the latter's work that readers may not possess. In general, the conclusions in Otto's *DPH* (see also its many reviews) offer essential assistance in gaining clarification on Otto's major theses.

²⁷⁵ For example, and as is noted elsewhere in this study, the two scholars sometimes differ when attributing traditions to different redactions. In general, we tend to follow Achenbach in assigning passages to HexRed that Otto would assign to the later Pentateuch redaction. Another area of divergence, whereas Otto tends to speak of the "schools" of HexRed and PentRed, respectively, in which those interpretative legacies were able to continue and develop, including post-redactional contexts, Achenbach locates editors of the post-redactional *Schichten* in three, successive layers contoured by theocratic revisers (Bearbeiteren). Thus in the case of the latter model, less continuity obtains between HexRed and PentRed on the one hand, later, post-redactional revisions on the other.

say that although the scrutiny is rigid, the details of the conclusions exhibit some flexibility. The “Otto/Achenbach Schule” has shown itself to be a powerful historical-critical collaboration, one of the most influential to emerge in recent scholarly history.²⁷⁶ Our primary points of disagreement with Otto/Achenbach, which will be made clear as we proceed, arise primarily in their attribution of authorship of the composition and redaction of HexRed to Zadokite elites. Otto has also recently made inchoate comments about a direct connection between Zadokites and Aaronides;²⁷⁷ here again, though, both constituencies are elites. Such preoccupation with elite priestly authorship has resulted in insufficient heed being paid to the involvement of other levels of religious leadership (e.g., middle-tier levitical priests, peripheral prophets, and perhaps even influential laity²⁷⁸) in the overall transmission and formulation of Israelite traditions leading to their *Verschriftung*.²⁷⁹

²⁷⁶ Achenbach’s recent move to the faculty at the Westfälische Wilhelms Universität, Münster has availed increased collaboration with Rainier Albertz, whose views on the developmental theories of the Hexateuch and Pentateuch reflect apparent agreement with some of the broader lines of the Otto/Achenbach model, for example, regarding the importance of recognizing Deuteronomy as *die literarische Wiege des Pentateuch*.

²⁷⁷ “Holiness Code in Diachrony and Synchrony,” 148: “For the Aaronides, according to the narrative of the Pentateuch, an unbroken continuity exists from Aaron as Moses’ brother in Egypt and at Mount Sinai on to Pinhas (Num 25,10-12) as the ancestor of the Zadokites (1 Sam 14,3; 2 Sam 8,17; 1 Chron 5,33; 6,37-38; 18,16)”; “they supplemented the Sinai pericope with Lev 17-26, which was to be transmitted orally by the Aaronide priests, who were at that time at the end of the 5th or early 4th century BCE ‘disguised’ Zadokites” (ibid., 149); in a footnote connecting with the first quote (ibid., 148, n. 49), he states “Here the priestly authors of the Pentateuch built a direct bridge between the Mosaic narrated time and their postexilic time of narration of the fifth and early fourth century BCE”; cf. idem., “Tora für eine neue Generation in Dtn 4: Die hermeneutische Theologie des Numeruswechsels in Deuteronomium 4,1-40,” in *Tora für eine neue Generation* (ed. G. Fischer, et al.; vol. 17 of BZAR; Wiesbaden: Harrassowitz, 2011), 105-22, 117-20; cf. ibid., 118: “Die hermeneutische Konzeption des Deuteronomiums identifiziert die Zweite Generation in der erzählten Zeit des Moses mit den Adressaten des Deuteronomiums seit der nachexilischen Zeit als der Erzählzeit.”

²⁷⁸ Regarding lay involvement in the production of Israelite literature, Otto appears to think in terms of all or nothing: “There is no sufficient reason for the hypothesis that Deuteronomy and the so-called Deuteronomistic literature was written by laymen.” One wonders if the same would be true regarding the multiphase literary development of the Psalms and other “songs” in the Hebrew Bible. The enigmatic (for this context) statement follows: “A historical-critically diachronic approach to the Pentateuch should not renounce the message of its synchronically-read narrative” (ibid., 148, n. 50; 150, n. 58: “Any diachronic analysis needs a synchronic reading of the different literary layers if the literary-critical results are to be convincing”; cf. idem., “Synchronical,” 15 *et passim*, where Otto sets forth his notion of the “time of narration” vs. “narrated time”: “The plot of the final Pentateuch demanded a reader who did not only differentiate between narrated time and time of narration and count with several authors of the pentateuchal narratives, but differentiated also between the written Sinai-Torah and its Mosaic interpretation in Deuteronomy.”). With such hearing/reading competence expected of the laity, one would think that those among them benefitting from moderate training could attain to involvement in a meaningful aspect of the literary process (cf. Christian, “Priestly Power that Empowers”).

²⁷⁹ An attempt to provide a more complete picture of the cross-pollination of priestly and other views greets readers briefly in the final chapter of Otto’s *DPH* (261f. and n. 82), as the author points out the wisdom

Historically informed theories that plot cross-canonical connections require both reception-historical attentiveness and familiarity with an imposing number of texts and their plausible provenances.²⁸⁰ The result, and this is particularly true for Achenbach's *Die Vollendung der Tora*, although the book was written for specialists, the monograph makes major contributions to the overall exegesis and interpretation of Numbers. Further, that the diachronic emphases of the work would somehow lack attention to sociopolitical and power dimensions in the text cannot be demonstrated:

Wenn nun aber Dtn 1 nicht zu einer Grundschrift des dtrG²⁸¹ i.S.v. [im Sinn von] "DtrH"²⁸² gehört, sondern noch junger ist, dann verschiebt sich die Fragestellung auch

influences perceptible in the "priestly" authorship of portions of the book of Genesis. The cited footnote (262, n. 82) directs the reader to significant reading on this topic, suggesting fuller treatment in a future study, which to my mind would require a substantial revision of the Otto/Achenbach Zadokite authorship theory. Although Otto can be faulted in earlier studies for failing to integrate aspects of the prophetic movement to the massively supported theses in this monograph, a look at more recent studies, e.g., idem, "Scribal Scholarship in the Formation of Torah and Prophets: A Postexilic Scribal Debate between Priestly Scholarship and Literary Prophecy—The Example of the Book of Jeremiah and Its Relation to the Pentateuch," in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (ed. G. Knoppers and B. Levinson; Winona Lake: Eisenbrauns, 2007), 171-84, shows signs of rectifying the situation; cf. also Achenbach's "Die Tora und die Propheten im 5. und 4. Jh. v. Chr.," in *Tora in Der Hebräischen Bibel: Studien zur Redaktionsgeschichte und synchronen Logik diachroner Transformationen* (ed. R. Achenbach, et al.; Wiesbaden: Harrassowitz, 2007), 26-71. In a recent essay the migration of Otto's views evident in "Scribal Scholarship" shows itself in the following statement, in which priests have become priestly scribes: "the authors of the Hexateuch were priestly scholars working in Yehud, presumably in Jerusalem. Not only did these authors, however, take part in inner-Judean debates, but they also refuted the imperial ideology of the Persian hegemonic power ruling in Yehud." Otto submits the refutation took the form of replacing Ahuramazda as creator of the earth with *YHWH* as creator who gives the land to his people ("Holiness Code in Diachrony and Synchrony," 137).

²⁸⁰ Classic works by scholars such as Julius Wellhausen and Martin Noth also continue to retain their value precisely for their historically informed, canon-traversing yet tightly-argued theses. In final analysis, the meticulous attention to textual details ensures the longevity of these theses, aspects of which continue to find approval in the work of leading scholars.

²⁸¹ Although beyond the scope of this study, for a helpful outline of the phases of DtrG see Thomas C. Römer, "Die Entstehungsphasen des 'deuteronomischen Geschichtswerkes'," in *Die deuteronomistischen Geschichtswerke: Redaktions und religionsgeschichtliche Perspektiven zur "Deuteronomismus"—Diskussion in Tora und Vorderen Propheten* (ed. M. Witte, et al.; vol. 365 of BZAW; Berlin: de Gruyter, 2006), 45-70; cf. *ibid.*, 69: "The end and or disappearance of a self-standing DtrG is naturally connected with the publication of the Torah, of which a debate about its scope toward the end of the 5th or beginning of the 4th century had led the way. The theories advocated by Blum, Albertz, Knauf and others of a compromise between priestly and dtr circles, for which one does not need to postulate an absolutely solid, tangible Persian Reichsautorisation, appear more and more to me the best functioning model. Both of the main parties united in the quest to define the *Gründungsschrift* of Judaism, which was comprehended as the Torah of Moses in its origin; thus Deuteronomy (and against the advocacy of a Hexateuch) had to be separated from the following books, as it occurs in Deut 34:4,7,10-12. With that DtrG divides into various books, which in this late phase contain new introductions and/or conclusions (Josh 24; Judg 1; 17-21; 1 Sam 2; 2 Sam 21-24)." Römer argues that the centralization law of Deut 12 reflects the 3 main phases of DtrG in 3 layers datable to the 7th century, the exile, and 1st half of the Persian period, respectively (*ibid.*, 70).

²⁸² DtrH = der deuteronomistische Historiker. Rudolf Smend Jr. (*Die Entstehung des Alten Testaments* [Stuttgart: Kohlhammer, 1978] had divided the Dtr redaction into two successive layers, an exilic (ca. 560

für Num 13f. dahingehend, dass zu fragen ist: Welches Interesse hatte ein späterer, nach-dtr Redaktor, die Elemente einer vor-dtr Erzählung Dtn 1 voranzustellen?²⁸³

If responsibility for the complexity of redactional, diachronic approaches were to be sought, not all the blame would be placed on the complexity of the canonical literature itself. Even were the corpora's tortuous growth to be successfully plotted, questions about the Israelite priesthood's involvement in writing, editing, and preserving the texts' development would have just begun. These priestly perplexities²⁸⁴ pose serious historical and sociopolitical challenges for commentators given to discovering the origin, preservers, and promulgators of the literature. Indeed, a judicious consideration of the history of the postexilic priesthood—and, in my opinion, connection with the prophetic and priest-prophet circles—is increasing becoming a prerequisite for establishing a secure foundation upon which future Pentateuchal research would be built.²⁸⁵ It is this conviction that has compelled the present writer to undertake a research program that seeks to address the issue of priestly authorship. Without doing so, the vestigially documented and (re)presented PRR would likely continue to remain in obscurity.

1.3.11 *The Hexateuch and Pentateuch Redactions*

Internal indications of proto-canonical consciousness present themselves at key locations in Genesis through Joshua,²⁸⁶ suggesting the likelihood the six books had at stages of

BCE) DtrH, who created the first edition, and DtrN (the Nomistic redactor emphasizing the role of the Law); cf. Thomas C. Römer and Albert de Pury, "Deuteronomistic Historiography (DH): History of Research and Debated Issues," in *Israel Constructs its History: Deuteronomistic Historiography in Recent Research* (ed. A. Pury, et al.; Sheffield: Sheffield Academic, 2000), 24-141, 67f.

²⁸³ Achenbach, "gescheiterten Landnahme," 59; cf. also the attention to the situation of rising taxation in the late Persian and early Hellenistic period in the treatment of the theme of (levitical) substitution for the firstborn in Num 3:44-51, to which a monetary tax is added: "As the price of redemption of the two hundred seventy-three of the firstborn of the Israelites, over and above the number of the Levites, you shall accept five shekels apiece, reckoning by the shekel of the sanctuary, a shekel of twenty gerahs)" (עשרים גרה השקל) vv. 46f; cf. *Vollendung*, 495). In association with Num 8:5-22*, Num 3:11-13, 40-51 belong to the latest phase of ThB, namely ThB III.

²⁸⁴ George R. Berry, "Priests and Levites," *JBL* 42 (1923): 227-38.

²⁸⁵ Cf. Otto, *DPH*, 262: "Die Pentateuchforschung gewinnt also ein solideres Fundament, wenn sie die komplexe Geschichte des nachexilischen Priestertums in Anschlag bringt."

²⁸⁶ For example, Josh 24 contains *Rückverweise* pointing to the preceding history of salvation. This suggests that the hexateuchal narrative layer assumed a fundamental version of Pg (Achenbach, "Heiligkeitsgesetz," 150). The so-called "priestly layers" in Joshua appear to assume a history of growth (Wachstumsgeschichte) of P in the context of a Sinai narrative and wilderness land-taking narrative (Wüsten-Landnahmeerzählung). This "Rp"-layer, however, is not identical with that of the composer of Josh 24:1-28*, but rather already assumes the enlarged schema of a composition structured around the high

their development subdivided into Tetrateuch, Pentateuch, and Hexateuch, respectively.²⁸⁷ Otto and R. Achenbach designate the redactor that “filled the dtr framework up with traditions”²⁸⁸ as the Hexateuch redaction. This redaction formulates the entire book of Deuteronomy as a document of covenant renewal in the plains of Moab. HexRed “combined the stories of promise to the fathers with the exodus-story, the laws from the Covenant-Code and Deuteronomy and the dtr conquest-story and ends with the covenant narrative in Josh 24, which clearly integrates dtr and priestly traditions in its recapitulation of the story of salvation in vv. 1-28.”²⁸⁹ The affinity with the respective, proto-canonical models of Schmid and Knauf is not to be missed.

HexRed appears to have known the basic story of P. *In nuce*, Otto and Achenbach envision the Hexateuch and Pentateuch taking shape through the integration of P *from within Deuteronomy*. Alternatively stated, the Hexateuch comes into being via the mediation of P, which concludes with the Sinai pericope and the joining together of Deuteronomy and Joshua, which begins with the Horeb/Sinai pericope.²⁹⁰ Thus, credit for the basic formation of the Sinai pericope goes to HexRed.²⁹¹

1.3.11.1 HexRed and *DtrL: The Dtr Conquest Narrative (Landnahmeerzählung)*

Otto and Achenbach accept a modified view of Norbert Lohfink’s hypothesis of a deuteronomic account uniting the giving of the law and the conquest in Deuteronomy–

priestly office of Israelite institutions. This and other factors (cf. Moshe Anbar, *Josué et l’alliance de Sichem [Josué 24:1-28]* [vol. 25 of BBET; Frankfurt am Main/New York: Peter Lang, 1992], 142f. *et passim*) indicate the lateness of Josh 24. For Achenbach, Josh 24 assumes both the Hexateuch and Pentateuch redactions, which consequently requires a *terminus a quo* in the latter part of the fifth-century BCE. In “Der Pentateuch,” 237, Achenbach summarizes the situation as follows: “The so-called ‘priestly’ expansions in Joshua are therefore not part of source P, rather part of a *Bearbeitung* that assumes the becoming of the Pentateuch (Werden des Pentateuchs) with the integration of H and the supplementary insertion of the sacral regulations (Sacralordnungen) of Numbers.”

²⁸⁷ Other indications of canon awareness reveal themselves, for example, in the redaction within the Book of the Twelve; on this see James Nogalski, *Redactional Processes in the Book of the Twelve* (vol. 218 of BZAW; Berlin: Walter de Gruyter, 1993), and now Jakob Wöhrle, *Die frühen Sammlungen des Zwölfprophetenbuches: Entstehung und Komposition* (vol. 360 of BZAW; Berlin: De Gruyter, 2006).

²⁸⁸ Cf., e.g., the murmuring-stories in Num 11f., the Caleb tradition in Num 13f., the Dathan-Abiram story of Num 16, and some alternate versions of the conquest of Transjordan (Num 20f*), Balaam (Num 22ff*), and concluding with the legend of the sin with Ba’al-Pe’or (Num 25); Achenbach, “Story,” 131). See also Appendix I.

²⁸⁹ Achenbach, “Story,” 131f.; idem., “Der Pentateuch,” 227.

²⁹⁰ “Der Hexateuch entsteht durch die Vermittlung der Priesterschrift, die mit der Sinaiperikope endet, mit dem Verbund von Deuteronomium und Josuabuch, der mit der Horeb/Sinaiperikope beginnt” (Otto, *DPH*, 243; idem., “Holiness Code in Diachrony and Synchrony,” 135).

²⁹¹ *Ibid.*, 144.

Joshua (DtrL = dtr Landnahmeerzählung²⁹²). Combining DtrL with the Tetrateuch, HexRed produces a narrative-like main work (erzählerische Fachwerk) that develops in a context of Deuteronomy (cf. the integration of P within Deuteronomy just mentioned)²⁹³ and is enriched by the integration of fragments from existing, perchance older, sources. Whereas HexRed emphasizes the divine gift of the land,²⁹⁴ it *postdates* DtrL, and places Joshua as successor on the same level as Moses. HexRed has the goal of ratifying a covenant with Joshua in the land, a plan which does not include Moses.²⁹⁵

HexRed sets a primary goal the integration of P into Deuteronomy, and reckons Sinai not as the major event establishing the cult but rather as an intermediate stop (Zwischenstation). Sinai is en route to the covenant conclusion in Shechem (Josh 24), a literary-historical datum affirming that the Horeb generation had to die prior to the promised arrival in the land.²⁹⁶ It would be PentRed that emphasizes the perspective of DtrD, for which Sinai as counterpart to Horeb is a central premise.²⁹⁷

HexRed sees in the covenant conclusion without Moses (Josh 24) the conclusion and high point of the foundational history of Israel. The spy narrative, moreover, makes possible the enhanced status of Joshua opposite the Moses *Gestalt*. Whereas Moses died in the desert, forbidden from entering the Promised Land, Joshua shows himself worthy

²⁹² Via the framework of Deut 1–3; 29–30, dtr Deuteronomy combined with Joshua to form DtrL.

Constructed on a base of P, the origination legends of Israel—ancestral and exodus histories—came to be combined with each other (Achenbach, “Der Pentateuch,” 225, and in agreement with Schmid, *Erzväter*).

²⁹³ Otto gives preference to synchronic approaches interpreting Deuteronomy that already assume the entire, preexisting Tetrateuch, which in the purview of PentRed scans the pentateuchal horizon accordingly to the perspective of PentRed (*DPH*, 266). It is thus a post-dtr and post-P synchronic approach (see further *ibid.*, 266-70).

²⁹⁴ Commentators benefit from contemplating the *Landnahme* theme against a backdrop of both its ancient political and theological underpinnings. The conception of the holy people in the Tanakh often ties to and depends on an undefiled land in which *YHWH* can dwell. To some extent this remains true irrespective of past or present inhabitants of the land. The concept can legitimately be called a priestly one, as preoccupation with the land is a mainstay for P; here the sacred precinct is protected by the surrounding, sacred land inhabited by sanctified persons. The merging of priestly and prophetic interests moreover shows itself in prophetic warnings that injustice defiles the land. It is worth noting here that although the Canaanites were expelled from the land because of their misdeeds, and while the threat of expulsion from the land is regularly made to the people of Israel, in the prophetically-charged litany of curses of Lev 26, the “threat” changes. If the sanctuaries become defiled, *it is YHWH who must leave* (Joosten, “Persuasion coopérative,” 391).

²⁹⁵ Otto, *DPH*, 23.

²⁹⁶ “In der Hexateuchredaktion ist der Sinai als Ort der Kultgründung nur eine Zwischenstation auf dem Weg zum Bundeschluß in Sichem (Jos 24), ein historisches Datum schon dadurch, daß die Horebgeneration vor Erreichen des Landes sterben muß” (Otto, *DPH*, 103).

²⁹⁷ Otto, *DPH*, 104.

and qualified to lead the people into the land, as well as to assume the torah leadership of the next generation.²⁹⁸

From the covenant ratification there follows a successful termination of the conquest of the arable land reported in Josh 24. Through a redactional rewriting,²⁹⁹ HexRed successfully joins the Tetrateuch with the dtr narrative of the taking of the land into an assemblage extending from Deuteronomy to Joshua.³⁰⁰ The doublet Josh 24:28-31//Judg 2:6-9 testifies to an intentional separation between the two books, increasing the likelihood of a once self-standing Hexateuch. “Even though the redactor’s perspectives might have been broader than the given literary frame of Genesis to Joshua there is one literary line which connects the tales of Israel’s origins into one large story.”³⁰¹

1.3.11.2 *The Pentateuch Redaction* (PentRed)

The Pentateuch redaction follows HexRed by some half a century, associates with Ezra’s mission to Jerusalem, deemphasizes the land, and separates off Joshua from the Hexateuch. It rounds off its work not with the death of Joshua, as DtrL and HexRed would have it. Rather, Moses’ death concludes PentRed and closes the book of Deuteronomy (34:10-12).³⁰² “Mit Mose tritt nun die Sinaiperikope und mit ihr die Tora

²⁹⁸ Ibid.; cf. *ibid.*, 23.

²⁹⁹ Achenbach resists the idea that HexRed functioned both as redactor and composer. He envisions *Redaktion* occurring largely during earlier, *Bearbeitung* during later, stages of textual development. Differentiating PentRed and its revising of the Pentateuch from HexRed yields the following: the former emphasizes the centrality of Mosaic torah. This means that the book of Joshua, with its patent emphasis on the Torah, can be exploited in behalf of PentRed’s overall scheme. Further revision then follows that Achenbach assigns to theocratic tradents. This stage of *Bearbeitung* includes supplemental compositional activity that does not alter the existing structure created by the two main redactions.

Though he gives place for Achenbach’s theocratic revisors in the book Numbers, E. Otto envisions a school of Hexateuch redaction that continues the program instigated by HexRed. Israel’s entitlement to the Promised Land constitutes a key theme for this school. The later theocratic *Bearbeiteren* faced a very different set of circumstances in the fourth century than did the fifth century Hexateuch redactors (Achenbach, “gescheiterten Landnahme”, 92; *idem* *Vollendung*, 594-600).

³⁰⁰ Both Otto and Achenbach accept N. Lohfink’s hypothesis of a dtr account uniting the giving of the law and the conquest in Deut–Josh (cf. DtrL), but they date it later. Whereas Lohfink situates it in the Neo-Babylonian period, Otto and Achenbach see HexRed appropriating this narrative in the mid-fifth century.

³⁰¹ Achenbach, “Story,” 131-2.

³⁰² Otto, *DPH*, 244-46. PentRed links up with the conception of DtrL (Deut 1–3; 28–29) and, like HexRed, accentuates the covenant conclusion and law promulgation at Sinai, the mountain of God, as the center of the Pentateuch. PentRed employs the technique of absorbing the source texts of the dtr source (DtrD) and then incorporating them into its own conception, a technique successfully applied already by HexRed. PentRed thus inserts BC as *Vorlage* of the dtn law in Deuteronomy as well as a version of the Dec provided by the author of DtrD in the Sinai pericope; PentRed revises it, negotiating (vermittelt) CC, Dec, P, and Deuteronomy into H; PentRed again structures the Sinai Pericope using DtrD in source texts provided in

als zentrales Heilsgut ins Zentrum des Pentateuch.“³⁰³ The literati responsible for PentRed also part company with HexRed respecting the division between elite altar priests and their levitical servants. PentRed looks to Exod 32:26-29 and views the Levites solely as *clerus minor* (as they appear in v. 26).³⁰⁴ In addition to reshaping the internal framework of the Hexateuch into a five-part corpus,³⁰⁵ PentRed effects a radical shift in emphasis from the leadership of Joshua³⁰⁶ to the interpretive role of Moses. The change is central to PentRed’s program, which Otto sees in full swing in Deuteronomy. Through PentRed the Zadokite priestly establishment³⁰⁷ achieves a major victory. Contra

Deut 5:9-10* as a covenant ratification narrative (Bundesschlußerzählung), which integrates the P cult-establishing-tradition (Kultgründungsüberlieferung) (ibid., 245f.).

³⁰³ “With Moses the Sinai pericope now steps into the center of the Pentateuch and with it the Torah as central salvific inheritance” (ibid., 246). In “Holiness Code in Diachrony and Synchrony” Otto summarizes the stages of development of the Hexateuch and Pentateuch as follows: “... during the exilic period two different works were written dealing with ‘Israel’s’ identity, each with its own narrative of ‘Israel’s’ origin: the priestly P-code, from the creation (Genesis 1) to the Sinai-pericope; and Deuteronomy and its Deuteronomistic connection with Joshua, from Horeb (Deuteronomy 5) to Joshua’s valedictory at Shechem (Joshua 23). In the postexilic period a Hexateuch from Genesis 1 to Joshua 24 was formed out of these divergent conceptions, because there could be only one narrative of ‘Israel’s’ identity. Deuteronomy and the Priestly Code contradicted each other not only on several items of cultic law, but even more decisively in their ideas of what constituted and integrated “Israel,” the genealogy of Abrahamic origin or the covenant at Mount Horeb and in the land of Moab. So the postexilic priestly scribes had to combine these two programmatic texts of D and P using methods that became the “cradle” of post-biblical Jewish exegesis. Out of Deuteronomy, which was connected with the Deuteronomistic book of Joshua, and out of the P source, they created a Hexateuch from Genesis 1 to Joshua 24 as a first step. This Hexateuch had its foundational pillars in Genesis 15 and Joshua 24, which were related to each other and out of which Joshua 24 formed the closing of the Hexateuch. In a second step, the book of Joshua was cut off, and a Pentateuch from Genesis 1 to Deuteronomy 34 was created” (ibid., 135-36). Cf. Ernst Ehrenreich, *Wähle das Leben! Deuteronomium 30 als hermeneutischer Schlüssel zur Tora* (vol. 14 of BZAR; Wiesbaden: Harrassowitz, 2010), 11 and n. 42.

³⁰⁴ Achenbach, “Die Tora und die Propheten,” 37.

³⁰⁵ Analogous in some respects are the sub-corpora within the psalter (e.g., the so-called “Davidic psalters” 3–41; 51–72; 138–145), which give indication of repeated efforts to subdivide the Psalms; see, e.g., Klaus Seybold, *Introducing the Psalms* (trans. R. G. Dunphy; Edinburgh: T&T Clark, 1990), 18f.

³⁰⁶ The inclusion of the commissioning of Joshua at the end of Deuteronomy (31:14f, 23) is the handiwork of PentRed (Achenbach, “Die Tora und die Propheten,” 39, n. 39).

³⁰⁷ In a recent essay Otto asserts that “on a societal-institutional level the formation of the Hexateuch and Pentateuch was the result of the postexilic integration of Aaronides and Zadokites” (“Holiness Code in Diachrony and Synchrony,” 137, n. 11), though such integration goes unexplained. More compelling is his statement in *DPH* (263, n. 86; here he argues against the notion that diverging conceptions of P and Deuteronomy somehow stand “literarisch unvermittelt nebeneinander”) that the Aaronide *concept of P* finds integration into Zadokite theology” (“Vielmehr spiegelt sich in Hexateuch- und Pentateuchredaktion die Integration des aaronidischen Konzepts der Priesterschrift in zadokidischer Theologie wider”). In this instance Otto furnishes helpful terminological clarification: integration does not mean compromise, but rather an “Eingemeindung . . . , die sich auch darin zeigt, daß die dtr Konzeptionene von DtrD und DtrL den Ton in der Hexateuch- und Pentateuchredaktion angeben” (ibid.). Note that both of these statements appear in footnotes. Later in “Holiness Code in Synchrony und Diachrony” he hints at the audience factor in the authorship equation: “the difference between a priestly Leviticus and a ‘secular’-sounding Deuteronomy is not a matter of authors of priestly and non-priestly circles but of the addressees in the narrative of the

HexRed's emphasis on the land (inherited through DtrL), PentRed, which lines up with *Golah* ideology and theology, believes that God reveals torah *outside of the Promised Land*. In addition, Israelites need not live within the borders of Israel as long as they follow the universal torah intermediated by Moses. Whereas HexRed formed the Sinai pericope without H, Otto argues a disputed thesis that PentRed introduced H as its primary supplement to the Pentateuch³⁰⁸; the addition of H to the Pentateuch contributes towards PentRed's fundamental goal of underscoring the significance of the Sinai pericope for conveying the central revelation of *YHWH* to Moses.³⁰⁹ As for PentRed's view toward integrating the alien, whereas the גר is accepted, the נָכְרִי (e.g., Deut 17:5; cf. בְּנֵי-נֹכְרִי) is not (contra HexRed). Neither HexRed nor PentRed accepts the זר. Another *Tendenz* of PentRed shows itself in the wilderness wandering, which comes to be placed under a general point of view of the rebellion and murmuring against *YHWH* and his mediators Moses and Aaron.³¹⁰

Following Otto, Achenbach argues that PentRed's modification of H with Lev 18:1-6³¹¹ may indicate a literary if not authorial connection between Dtr and the authors of H,³¹² who share affinities with the Zadokite-Levite authors of Ezekiel. Here though we should avoid the circular argumentation based on the premise that Zadokite priests authored Dtr, which has yet to be satisfactorily demonstrated.

We should mention a couple of points in the present connection regarding Achenbach's hypothesis of fourth-century BCE theocratic revisions (theokratische

Pentateuch" (p. 48). The present study seeks to move this discussion forward in hopes of offering a more satisfying hypothesis of the authorship legal texts, legal and "didactic" narratives in the Enneateuch. The wisdom tradition should some say in these matters. Cf. in this regard Perdue, *Sword and Stylus, passim*, who sketches the literary activity of elite Zadokites, dtr Levites, and the wise.

³⁰⁸ The derivation of this theory traces to Eckart Otto, "Das Heiligkeitsgesetz Leviticus 17–26 in der Pentateuchredaktion," in *Altes Testament—Forschung und Wirkung: Festschrift für Henning Graf Reventlow* (ed. P. Mommer and W. Thiel; Frankfurt a.M.: Peter Lang, 1994), 65-80, 125-96.

³⁰⁹ Achenbach ("Heiligkeitsgesetz," 151f.) believes the composition and addition of H by PentRed was carried out *after* CC and Deuteronomy had been included in the Pentateuch (cf. *ibid.*, 154f).

³¹⁰ Achenbach, *Vollendung*, 233.

³¹¹ I accept that two dtr texts saw further development in Lev 18, namely Deut 12:9-31 (polemic against Canaanite cults, cf. Lev 18:3f) and Deut 18:9-14 (polemic against manticism, cf. Lev 18:21). Here Achenbach ("Heiligkeitsgesetz," 153) acknowledges Cholewinski, *Heiligkeitsgesetz*, 253–255.

³¹² As of yet I remain unconvinced that the positioning of H opposite Deuteronomy functions as its "hermeneutical key" (pace Achenbach, "Heiligkeitsgesetz," 154, with reference to Otto in n. 27). More satisfying is the notion that H establishes not only elite priestly traditions as hermeneutical key of the entire Mosaic law (*ibid.*, 155) but also traditions of a priestly-lay sodality insinuating itself in the discussion; cf. §6.4.3.

Bearbeitungen, ThB). First, the term *Bearbeitung* for Achenbach differs from redaction. Especially in Numbers, *Bearbeitungen* tend to be post-redactional, alternatively, post-final redaction *Fortschreibungen* that are not part of the redaction of the Enneateuch.³¹³ Though certain distinctions between the three ThB layers will be noted, they do not turn out to be critical for this study.³¹⁴ The work of the theocratic revisers does contrast on one front with HexRed, on another with PentRed. The recognition of these divergences proves particularly helpful in Achenbach's analyses in Numbers of priests and priestly regulations.

1.3.11.3 *The Book of Numbers and the Completion of the Pentateuch*

Whereas von Rad and K. Schmid emphasize the uniting of large blocks of tradition across Genesis and Exodus (the former emphasizing J, the latter P),³¹⁵ Otto emphasizes in particular Deuteronomy's function in the Hexateuch and Pentateuch, even dubbing it the "cradle of the Pentateuch." Whereas Nihan's dissertation gives pride of place to the book of Leviticus and the role it plays in completing the Sinai pericope and producing the "Priestly Torah,"³¹⁶ Achenbach devotes considerable attention to the phases of redaction

³¹³ "Man kann folglich bei den Fortschreibungen der theokratischen Bearbeitung im Gefälle der nachendredaktionellen Bearbeitungen im Numeribuch keineswegs von einer Redaktion eines Enneateuchs reden" (Achenbach, "Der Pentateuch," 253). Otto's comparison of the Enneateuch with HexRed and PentRed applies here as well: "In contrast to the well-profiled redactions of the Hexateuch and Pentateuch, there was no comparable redaction of an Enneateuch. Only a few additions, especially in 1 Kgs 8:46-51, were incorporated into the deuteronomic text with the intention of constituting a narrative reaching from the creation to the consecration of Solomon's temple" ("Holiness Code in Diachrony and Synchrony," 136, n. 5). K. Schmid however leans in the direction of a more substantial shaping of the Enneateuch; see his "Buchtechnische und sachliche Prolegomena zur Enneateuchfrage," in *Auf dem Weg zur Endgestalt von Genesis bis II Regum: Festschrift Hans-Christoph Schmitt zum 65. Geburtstag* (ed. E. Otto and R. Achenbach; Tübingen: De Gruyter, 2006), 1-14, though I believe he has since retreated somewhat from this position.

³¹⁴ A representative statement of difference is provided in the following: Whereas ThB I is hierarchically contingent and conflict-laden, emphasizing the low status of the Levites, a later revision (number of revision not specified) includes the curiously positive picture of the Levites in Num 3:11-51, verses 11-13 of which (Levites substitute for firstborn) Noth had described as a "levitenfreundlicher Korrektur des Vorhandgehenden" (cf. Achenbach, *Vollendung*, 492; Noth, *Numeri*, 33; ET 34). For Otto, however, the fourth century conflict ensued between the schools of HexRed and PentRed who competed with each other. PentRed's interference is palpable in Joshua. "Das wird durch die Tatsache bestätigt, daß sich im Buch Josua auch Eingriffe im Horizont der Pentateuchredaktion finden" (Otto, *DPH*, 244).

³¹⁵ See §1.3.10, also perhaps 1.3.10.1 (Knauf).

³¹⁶ Cf. also the considerable impact of Knohl's *Sanctuary Silence* on studies of Leviticus and the Pentateuch.

and revision demonstrable in Numbers.³¹⁷ There he finds evidence of multiple stages of development in Numbers that associate with post-dtr and post-P texts in Exodus, Leviticus, and Deuteronomy, leading up to the completion of the entire Pentateuch.³¹⁸

The study of the book of Numbers in the context of the developing torah is of particular importance for the current study.³¹⁹ The fourth fascicle of the Pentateuch has an important bridge-function connecting the Tetrataech to Deuteronomy, alternatively, the exodus-Sinai revelation and Deuteronomy;³²⁰ it also becomes the basis for the post-redactional *Ausbau* of the Pentateuch, since the literary history of the Pentateuch does not conclude with the Pentateuch redaction.³²¹ PentRed should thus not be mistaken for a “final redaction” (Endredaktion), with its problematic connotation of a quasi-canonizing of the text.³²² The sources of these redactions exist only fragmentarily; this is especially true respecting HexRed.³²³ The provisional status of HexRed is therefore a factor to keep in mind as we discuss its sociological and ideological contours.

³¹⁷ Excepting von Rad, the work of the scholars intersects in considerable ways, each lending specialized competencies in the direction of a new consensus regarding the developmental history of the first two divisions of the tripartite Tanakh, and in some instances, beyond.

³¹⁸ The onset of interest in the latter stages of the formation of the Pentateuch has experienced invigoration through the study of Numbers, which has strategic importance for Pentateuchal research. This remains true in no small part because of the post-priestly texts it contains. Numbers comprises a late composition that coincides with the publication of a (proto-) Pentateuch; Römer’s remark is apt: “on ne peut proposer une théorie globale sur le Pentateuque sans être au clair sur la formation du livre des Nombres” (Römer, “Périphérie,” 12).

³¹⁹ See Addendix I.

³²⁰ Achenbach, “gescheiterten Landnahme,” 56.

³²¹ PentRed had been literary-historically concluded before the pre-Chronistic composition of the Ezra memoir, “was aber keineswegs bedeutet, daß mit der Pentateuchredaktion die Literaturgeschichte des Pentateuch beendet war” (Otto, *DPH*, 262).

³²² *Ibid.*, 263, n. 86; cf. *idem*, “Holiness Code in Diachrony and Synchrony,” 137: “The redaction of the Pent was not a ‘final’ redaction at all, because on the level of the post-redactional Pentateuch a greater number of additions, especially to the book of Numbers but also to Genesis [cf. Gen 22], were brought in.” Analyses of the so-called Endkomposition of the Pentateuch do however shift the focus to the delineation of post-dtr and post-P passages (Zenger, “Theorien,” 99), and that is a good thing. Gertz, *Tradition und Redaktion*, 10f. emphasizes the “unauflösbar” connection between the determination of the individual parts of the *Endredaktion* with distinguishing between non-priestly texts and the original, literary form of the P layer, a central Tendenz “der neueren Pentateuchkritik.” Gertz defines *Endredaktion* by what is not: “Unter Endredaktion wird also weder die Verantwortung für einen textkritisch zu ermittelnden ‘Endtext’ verstanden noch beinhaltet die Verwendung des Begriffs eine Vorentscheidung darüber, ob es sich um die Verbindung ursprünglich selbständiger Erzählungswerke handelt oder ob eine der beiden Größen als endredaktionelle Bearbeitungsschicht zu verstehen ist. In diesem Sinne ist die Endredaktion Gegenstand der vorliegenden Untersuchung zur Exoduserzählung in Ex 1–14(15)” (*ibid.*, 10).

³²³ Cf Nihan, “Mort de Moïse,” 153.

1.3.11.4 Recognizing the Historical, Sociopolitical, and Ideological Horizon of HexRed

In this section the value of Otto/Achenbach's thesis of HexRed for the present study begins to come into view. The language and worldview of HexRed arguably convey the world of the fifth century BCE and probably associate with the work of Nehemiah in Jerusalem in the middle of that century.³²⁴ Although HexRed directs its message to the new generation after the end of the Babylonian exile,³²⁵ I believe the literary work of redaction probably did not begin until the middle of the fifth century. It shares with P an emphasis on the next and future generations rather than the current or past generation(s). HexRed reflects the dual impact on *Yehud* communities of the political and religious situation induced by the domination of the Achaemenid empire on the one hand, the influence of the prophecy of restoration in the early postexilic period on the other; the perspective of language and worldview of HexRed situates between Second and Third Isaiah.³²⁶ The fundamental concern of HexRed consists in a widening of the historical-theological awareness of Israel, including an inclusive view of faithful Yahwists of non- or quasi-Israelite (cf. Caleb the Kenite³²⁷) origin.³²⁸

³²⁴ Cf. Otto, "Synchronical," 29; idem, "Holiness Code in Diachrony and Synchrony," 136; Davies, "Place of Deuteronomy," 152, who concedes the difficulty of distinguishing between "exilic" and "postexilic" contexts. He nonetheless recognizes the time of Nehemiah as one of sociopolitical ferment. For example, the Nehemianic literature reflects a "strong antipathy between Jerusalem and Samaria" (ibid.). That HexRed supports rapprochement between Israelites and observant aliens, and includes Samaria in the divine gift of the land (Otto, "Holiness Code in Diachrony and Synchrony," 136) is suggestive of the immensity of the sociopolitical moment that would lead to its enscripturalization. Current archaeological research, however, does not suggest Jerusalem as a site capable of massive literary output.

³²⁵ W. Schmidt's characterization of P is relevant in this connection: "Just as the patriarchs only pass through the Promised Land and find their burial place in it, so the community in the wilderness is constantly in transit—a *communio viatorum* that hears the promise and heeds it. . . . Animated by God's pledge but dissatisfied with the way in which he leads them, the community always has the goal before its eyes but never reaches it; it abides in the not-yet" (*Introduction*, 100). HexRed and P also share the conception of a prophetic remnant, e.g., Joshua and Caleb survive the wilderness experience because they alone discern the prophetic significance of their generation vis-à-vis the generation of the Canaanites. W. Schmidt is helpful here as well. Similar to Noah, Joshua and Caleb "are a remnant that bear[s] witness to the extent of the guilt and the punishment (Num 14:26ff.) Where can we find corresponding echoes of the prophetic promise of salvation? Or is the wilderness at the same time the place of a new beginning after the judgment (Hos 2:14; cf. Jer 29:10) and Joshua, like Noah, 'a holy seed' (Isa 6:13)?" (ibid., 101).

³²⁶ The reader may recall K. Schmid placing the construction of P within the same era that witnessed the development of Isa 40ff.

³²⁷ We do not share J. Milgrom's confidence in Y. Kaufmann's view that Calebites were charter members of the pre-Mosaic Israelite confederacy (Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary* [New York: Doubleday, 2000, 1704-05]).

³²⁸ *Vollendung*, 630. Knohl (*Sanctuary*, 185) detects a similar high expectancy of obedience of all dwellers of the land of Israel held by the Holiness School (HS), though in the context of H and other pentateuchal passages penned by HS, purity laws loom larger: "The more severe enforcement of the demands for purification incumbent upon the Israelite community are linked to the threat of severe punishments of any

1.3.11.5 Relevance of HexRed for the PRR

It is within the historical and conceptual framework just outlined that I believe traditions of the PRR likely became part of the received tradition. There exists a link between direct revelation to Israel and the latter's openness to the other, namely aliens (see §1.3.11.8). This link becomes stronger in fourth-century traditions attributable to the School of HexRed.³²⁹ This does not mean such sentiments first appeared in Nehemiah's time, since similar impulses could be found in village contexts in which religious and social exclusivism proved detrimental to the welfare of the community. Rather, the religiopolitical climate of the periods of HexRed and the later School of HexRed facilitated the entrance of the notion of a more open heaven and openness to the other, so to speak, into more mainstream thought. With respect to HexRed in the fifth century, the era is one that precedes, both chronologically and conceptually, the lionizing of Moses as legislator extraordinaire, an accomplishment attributable in large measure to PentRed during the latter part of the fifth century. The Nehemianic period apparently witnessed a new level of support for faithful non-Israelites.³³⁰ This in turn produced an environment

Israelite, citizen or stranger, who does not purify himself from his impurity and thus defiles the sanctuary of God 'which is in their midst' Lev 15:31; 17:16; Num 19:13, 20. Such threats are never found in PT [= the Priestly Torah]. PT roughly equals Pg, dates to around Solomon's time, which witnessed the writings J (ibid., 222), and precedes HS, which in the 8th century blends priestly and non-priestly (for Knohl, JE) language (ibid., 101, emphasis added); whereas for PT the Israelite camp (i.e., beyond the sanctuary itself) is devoid of holiness, HS believes "the holiness of God expands beyond the Sanctuary to encompass the settlements of the entire congregation of Israel, in whose midst God dwells" (ibid., 185). The emphasis on the purity of the camp in some respects comes to apply to the entire land of Israel (Num 35:34; Lev 18:24-28; 20:22-24). "Thus, if the special character of the land serves as the ground for the demand to separate from impurity, *this demand must be imposed on all who dwell in it, both citizen and stranger*" (ibid., 186, emphasis added; cf. ibid., 190). In Third Isaiah (56:1-8) we see a further development in which not only the devout foreigner but indeed even eunuchs are included among the commonwealth of Israel. In this context the importance of strict Sabbath observance appears to supersede genealogical and physiological considerations (vv. 4f).

³²⁹ See §§3.4.5; 6.4.13; 6.5.2.

³³⁰ Nehemiah did not share the vision of broad geographic boundaries of Israel of the Levites behind HexRed. Whereas the former viewed preexilic Israel as comprising *Yehud*, the latter included Samaria and the northern tribes. Josh 24 perpetuates the notion of Shechem as an ancient center of the cult to the extent of making it the very place of *YHWH*'s establishing his covenant with Israel (Otto, "Holiness Code in Diachrony and Synchrony," 137); cf. Josh 24:1, 25, 32. Otto's characterization of Nehemiah as a "protagonist of a diaspora perspective" in contrast to Jerusalemite, "priestly scholars" responsible for HexRed seems overdrawn (cf. ibid.). Would Jerusalemite tradents working during the first half of the fifth century indeed promote such an inclusive and therefore potentially very problematic openness to the aliens (i.e., foreigners, the tribes in northern Israel) and alien territories, e.g., Samaria and, ostensibly, regions even farther north. We would agree with Otto that by the end of the fifth century pro-diaspora contingencies associated with the mission of Ezra to *Yehud* likely gained the ascendancy in Jerusalem, and

conducive to including such traditions, plausibly associated with the PRR, into the framework of the Horeb/Sinai story; to a lesser extent, the same situation would obtain with respect to the Enneateuch as well.³³¹

The problem of the fragmentary nature of the reconstructed HexRed is to some extent offset by the clarity of PentRed in particular, ThB to a lesser extent.³³² By that we mean that the traditions attributable to HexRed beg for systematically accounting opposite PentRed, which lionizes Moses, and the theocratic *Bearbeitungen* affirm internal, proto-theocratic governance under which an external, disenfranchised laity³³³ is led by marginalized Levites.³³⁴ A view not shared by Otto or Achenbach that I argue is that the Levites and their supporters among the priestly establishment present themselves as likely advocates of the views of the PRR during Nehemiah's time, after which their plight fluctuates considerably.³³⁵

In general, ThB's notion of theocracy contrasts sharply with HexRed's notion of lay participation in the cult (so, Num 16–18) on the one hand, openness to alien integration on the other. Previous accountings for the sharp contrast between these portrayals have been less than satisfying. Other explanations for texts attributable to HexRed such as Num 16:2*, 12-15, 27b, 28-32a, 33abα in the at least triple-layered text of Num 16 have come up wanting.³³⁶

thereafter had significant say in the writing of Israelite history and religion, but we should not assume such a “take over [of] the continuation of the literary history of the Hexateuch” (ibid.) necessarily occurred in Jerusalem, or even at one time.

³³¹ On HexRed's influence on the Enneateuch, see especially Achenbach, “Der Pentateuch.”

³³² See the Appendix.

³³³ See Jeremy M. Hutton, *The Transjordanian Palimpsest: The Overwritten Texts of Personal Exile and Transformation in the Deuteronomistic History* (vol. 396 of BZAW; Berlin: De Gruyter, 2009), 175 and n. 68 (literature) regarding disenfranchised or peripheralized religious functionaries.

³³⁴ Achenbach, “Der Pentateuch,” 230f. ThB assumes the association of the mountain of God narrative with H and extends it further. It does not grow out of an expanding continuation of P or a “priestly pentateuchal layer” somehow separated from the Pentateuch, but rather as a continuation of priestly institutional conceptions within the framework of a portrayal integrated into the Pentateuch (ibid., 230: “Sie geschieht also nicht auf der Ebene einer ergänzenden Weiterführung einer vom Pentateuch separaten Priesterschrift, sondern als Weiterführung der priesterlichen institutionellen Konzeptionen im Rahmen einer in den Pentateuch integrierten Darstellung”). Moreover, “a realization of the genealogies and of the history of the priesthood are to be found first in Chronistic literature, and in the *Fortschreibung* of the Pentateuch subsequent to the integration of H. [Therefore] the necessity of a securing (Absicherung) of redactional decisions in the Pentateuch through the consideration of the history of sacral institutions” can hardly be overstated (ibid., 230, n. 16).

³³⁵ I develop these views in Chapters Four and Five.

³³⁶ That Num 16 in the main consists of P^g superimposed with P^s is not implausible. The combined literary reconstruction and specific historical/ideological contexts accompanying Achenbach's tripartite schema (cf.

1.3.11.6 *The Contrasting of Faithful Foreigners and Unfaithful Israelites*

Against the Deuteronomist's rigorous disassociation from foreign peoples,³³⁷ the fifth-century HexRed finds a program that advocates socioreligious integration. One method of justifying this *Tendenz* is to point to weaknesses in an ethnically based system.³³⁸ In doing so HexRed sets a dramatic contrast between faithful foreigners³³⁹ and unfaithful Israelites (cf. Num 13f; 25:1-5).³⁴⁰ From the "mixed people" emerges the intrepid

Julius Wellhausen, *Die Composition des Hexateuchs und der Historischen Bücher des Alten Testaments* [Berlin: Walter de Gruyter & Co., 1894/1963], 102: "Man kommt nicht durch, wenn man nicht drei Versionen anerkennt"), however, provide a more compelling theory of derivation for such traditions.³³⁷ "Gegenüber der rigoristischen Abgrenzung der Deuteronomisten von allen fremden Völkern wird hier die Möglichkeit der Integration erwogen" (Reinhard Achenbach, "Numeri und Deuteronomium," in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischen Geschichtswerk* [ed. E. Otto and R. Achenbach; Tübingen: Vandenhoeck & Ruprecht, 2004], 123-34, 128; cf. idem, *Vollendung*, 232).

Note that both Deuteronomy (ch. 5) and the P narrative (Exod 25–Lev 9*) neglect the tradition of Moses's relations with the Midianites. Also, while Exod 18:27 (P) shows Jethro departing the scene, Num 10:29 (HexRed) reflects a tradition that non-Israelites remained among the people at the mount of revelation (Achenbach, "Story," 127; idem, *Vollendung*, 181-186). Because neither the Deuteronomists nor P mentioned them, "the redactor was forced to leave them apart, imagining that they did not play any role in the story of the theophany itself" (Achenbach, "Story," 127).

³³⁸ In H certain of HexRed's views are picked up and expanded. "The essential distinction between the Israelite sphere of holiness and the Gentile-idolatrous sphere of impurity is not by any means a racial one. HS [Holiness School] deals at length with the status of the alien, granting him equal cultic and judicial status with citizens (Knohl, *Sanctuary*, 182).

³³⁹ E.g., Caleb, Miriam, Balaam, Rahab. In addition to the inclusive texts of Third Isaiah, several texts in the Book of the Twelve can be adduced that evidence a manifestly inclusive posture, though the expectations of those who would join the Israelite community differ: Zech 8:20-23; 14:16ff; Mal 1:11-14, e.g. Cf. James Nogalski, *Redactional Processes in the Book of the Twelve* (Berlin: Walter de Gruyter, 1993), 272f, who considers Jonah's "openness to the inclusion of foreigners" and compares the book's "positive outlook" toward non-Israelites with the texts just mentioned. Mal 1 constitutes the closest parallel to Jonah, and neither text requires foreigners to come to Jerusalem. "The incorporation of Jonah 2:3-10, with its concern for the temple, brings a Jerusalem orientation to Jonah which would otherwise be lacking" (ibid., 273). Mal 1 speaks approvingly of offerings being brought "to my name" "in every place" (ובכל־מקום וכל־מקום וכל־מקום v.11aβ); 11aα and 11b make the reason for the acceptance explicit: that the Lord's name continue to be magnified by all people

(כי־גדול שמי בגוים). The versions vary as to the tense (e.g. KJV, NAS, NIV have "so that the Lord's name will be great"). It seems, however, that, and in agreement with LXX, Tg., Vg., Luth, NRSV, NJPS, and NJB the text suggests the present tense: the Lord's name is *already* and continually ("from the rising of the sun to its setting") magnified among the nations. Nogalski accepts a future tense translation without comment, however: "Mal 1:11-14 ... presumes YHWH's name *will be* honored 'among the nations' who *will make* offerings to YHWH in their land" (ibid., 272, emphasis added). Either way one translates it, Mal 1:11 remains a theologically remarkable text.

³⁴⁰ Not all of Numbers reflects this perception of foreigners; cf. 33:52: "you shall drive out all the inhabitants of the land from before you, destroy all their figured stones, destroy all their cast images, and demolish all their high places;" here however the context is clearly one of actively idolatrous people. This is to be contrasted with foreigners who attach themselves to *YHWH* (Thomas Römer, "Nombres," in *Introduction à l'Ancien Testament* [ed. T. Römer, et al.; Genève: Labor et Fides, 2004], 196-210, 209); cf. Mark A. Christian, "Integrating the Alien" (unpubl. paper presented at the Annual Meeting of the Society of Biblical Literature, San Diego, November 2007).

Kenite/Kenizzite Caleb (Num 32:12), whose devotion to *YHWH* and reputation remains unassailed.

YHWH's judgment moreover is neither arbitrary nor indiscriminate; it falls not upon the newcomer but rather upon eye-witnesses of his inimitable salvific deeds, e.g., the descendants of Jacob's firstborn Reuben (Deut 11:6f.). In sharp contrast to the Reubenites' recalcitrance stands the non-Israelite Caleb's naïve acceptance of the promise (cf. Ruth, *mutatis mutandis*) and acquiescence to Mosaic leadership (Num 13f).³⁴¹ Fully on board, the Kenite takes his position at the helm of the Israelite transport that would otherwise remain anchored in the Egyptian harbor. These "reversals" display something of the complexity of reflection over human destiny of which HexRed is capable. In terms of content and concepts, Num 13f.; 16*, and the latter chapter's complementary text, Deut 11:2-7, lie squarely within its kerygmatic field.³⁴²

Remember today that it was not your children (who have not known or seen the discipline of the Lord your God), but it is you who must acknowledge his greatness, his mighty hand and his outstretched arm, his signs and his deeds that he did in Egypt to Pharaoh, the king of Egypt, and to all his land; what he did to the Egyptian army, to their horses and chariots, how he made the water of the Red Sea flow over them as they pursued you, so that the Lord has destroyed them to this day; what he did to you in the wilderness, until you came to this place; and what he did to Dathan and Abiram, sons of Eliab son of Reuben, how in the midst of all Israel the earth opened its mouth and swallowed them up, along with their households, their tents, and every living being in their company; for it is your own eyes that have seen every great deed that the Lord did.³⁴³

1.3.11.7 *HexRed, Egypt, and Questioning Moses' Authority and Leadership Agenda*

HexRed also questions the motives of Israelite leaders, namely Moses. It imports a tradition from the Egyptian Diaspora of Moses marrying a Cushite woman, a marriage that *YHWH* defends against the aggression of the prophetess Miriam (Num 12). The questioning of Moses' authority happens several times in HexRed. In Exod 2:14, for example, a hapless Hebrew involuntarily delivered by Moses questions the latter's aggression and authority; the use of שָׂר introduces a concern that in Numbers mushrooms

³⁴¹ Cf. the alacrity and devotion during a time of war of the Uriah the Hittite in 2 Sam 11, whose impeccability shames his scheming commander and chief.

³⁴² Achenbach, *Vollendung*, 46-9.

³⁴³ Deut 11:2-7.

into a major issue (so, 16:13b, the only occurrence of the hitpa‘el form of *šrr*; “so why then do you exalt yourselves above the assembly of the Lord?” מדוע תתנשאו על־קהל יהוה). Not only his authority, but also the direction Moses’ leadership takes, i.e., out of Egypt, is called into question. The redacted text of Num 16 (cf. Num 16:2, 12-15) for example newly thematizes the refusal to follow Moses’ leadership.³⁴⁴ This Moses *Gestalt* includes prophetic attributes, something HexRed occasionally emphasizes.³⁴⁵ The motif of the “land flowing with milk and honey,” which probably originates in the “credo” of Deut 26:9, 15 (though HexRed may have in view the motif’s appearances in Exod 3:8, 17), applies to neither Egypt nor the desert. Thus Dathan and Abiram’s attempt to make that application (Num 16:13a, 14aα exhibits the clearest redactional accentuation of the Dathan and Abiram material) gives pause. And yet, the conjoining of the so-called “anti-credo” of Deut 1:27—arguably attributable to DtrL—with its profound fondness for Egyptian fare (Num 11:5a “we remember the fish we ate”) insinuates an exilic period debate over matters of emigration and return to Egypt (cf. Jer 4: 7-22).³⁴⁶ The condemnation of Dathan and Abiram in Num 16* (and its companion paranesis in Deut 11:2-7³⁴⁷) emphasizes the dire consequences following public (organized?) rebellion against *YHWH*’s leadership out of Egypt through Moses.³⁴⁸

³⁴⁴ Achenbach, *Vollendung*, 45, 53f; Achenbach (“Heiligkeitsgesetz,” 165, n. 58) credits Kuenen as the first to recognize the Korah-Levite-legend as the latest layer in Num 16.

³⁴⁵ “Wieder ist es also das Bild des prophetischen Mose, das HexRed hier zeichnet” (Achenbach, *Vollendung*, 47). In Num 16:15 Moses’ unusual request, a type of curse-prayer (Fluchgebet), may allude to a prophetic *Mosebild* similar to another Levite in 1 Sam 12:12-25 (especially vv. 12-25); here Samuel ascends the high place in order to secure the deity’s blessing for the festal offering (ibid., 45). The prophetic admonition in the last several verses calls to mind the liturgical Pss 15; 24, which include a priest-prophet’s measured response to an inquiring suppliant. The analogies to 1 Sam suggest the prophet-image in the law of the prophet (Deut 18:9-22) is key for HexRed (ibid, 52).

Mal 1:10 and 2:13 document the harsh rejection of a would-be offerer’s *minchah*, which is tantamount to refusing forgiveness. Neither repentance nor divine favor can be had for those whose *minchot* are pre-judged objectionable (cf. ibid, 48f). A rejection of *YHWH*’s (prophetic) leadership leads to illicit presumption (Deut 1:42-45; 17:13; 18:22; cf. perhaps Neh 9:16, 29), the consequences of which for the *Volksgemeinde* can be severe.

³⁴⁶ Ibid., 45.

³⁴⁷ On which see ibid., 52-4; cf. 52: All told, the Dathan-Abiram legend owes its insertion to HexRed, which produces in Deut 11:2-7 an intentional back-reference (Rückbezug) to it. The narrative of Dathan and Abiram’s attack on Moses constitutes a special element of the tradition absent in the outline of Deut 1–3, appearing only in Deut 11:6.

³⁴⁸ The Pentateuch’s pre-plague criticism of Moses’ leadership occurs solely in Exod 2:13-15.

1.3.11.8 *Connections between Reversals: Openness to the Other and the PRR*

The divide between the (a) punishing expectations placed on the Israelite who “knows” *YHWH* and his deeds on the one hand, (b) leniency toward non-Israelites (whose knowledge of God may come second hand or through hearsay and whose devotion may be quite recent) sincerely seeking *YHWH* on the other hand, calls to mind (c) the PRR’s marginalized proposal regarding the recipients of direct revelation. Traditions (a) and (c) elevate the marginalized (aliens, common Israelites), whereas (a) first reverses the expected affirmation of the Hebrew Yahwist, particularly, it seems, in an environment of syncretistic threat of foreigners. Thus all three traditions perpetuate unanticipated points of view.³⁴⁹ HexRed’s treatment of the Edomites fits this pattern of reversal. Whereas they at times behave churishly toward Israelites (Num 20:14-21), Edomites find surprising favor in the eyes of *YHWH*, even attaining to the status of brethren. The radical acceptance was doubtless viewed by some as scandalous—and the scandal would become more flagrant: the so-called “Qahal law” of Deut 23:8f. enjoins the acceptance of Edomites and Egyptians alike(!), that is, those who will loyally adhere to Israel’s god.

Lauded in the East for his mantic skills, the prophet Balaam functions as Yahwistic prophet *par excellence*, proclaiming blessing-promises anew to the ancestors as they enter the land. Rahab, a Canaanite temptress, perceives the impending judgment and discreetly though unequivocally proclaims loyalty to the God of Israel (Josh 2:9b, 11b).³⁵⁰ For all that, the affirmation of faithful foreigners does not cancel out the syncretistic threat they continue to pose (Exod 34:12).³⁵¹ HexRed’s openness to the other remains contingent upon the latter’s demonstrated piety often accompanied with a public acknowledgement of *YHWH*’s incomparability.

³⁴⁹ Cf. also *YHWH*’s strikingly positive feelings toward Israel’s traditional enemies in Isa 19.

³⁵⁰ *Ibid.*, 630.

³⁵¹ Cf. Num 11:4, in which the loaded term קָהָל “collection,” “rabble,” likely includes a mixed group of Israelites and non-Israelites; cf. Achenbach, *Vollendung*, 224; Baruch Levine, *Numbers 1-20: A New Translation with Introduction and Commentary* (New York: Doubleday, 1993), 321: “it remains unclear whether reference here is to auxiliary fighting forces, or to camp follower and other non-Israelite hangers-on. In the parallel account of Ex 12:38 the term used is *‘ēreb rab*, perhaps originally *‘arabrāb*, also a reduplicative form meaning ‘a mixed group.’ In both accounts, in Numbers and in Exodus, these presumably non-Israelites are blamed for incurring God’s wrath, whereas the fault of the Israelites themselves was that they followed suit.” LXX renders ὁ ἐπίμικτος “mixed multitude”; Tgs have ורברבין, ועירברבין, or ועירברבין, ועירברבין; Vg *vulgus*; Luth Rev “fremde Volk.”

In conjunction with the Caleb tradition, HexRed positions Josh 14:6-15 within the narrative of the taking of the land. In this text God confers to Caleb the keys to the city of Hebron, which thereafter becomes the habitation of faithful non-Israelites. Remarkably, this theme exists in neither dtn nor dtr material.³⁵² The Caleb tradition in Josh 14 (cf. Deut 1:36 on that count) may well constitute a post-dtr composition, since Dtr finds little use for Caleb and Kadesh traditions.³⁵³ This suggests a subordinate status of the Caleb tradition³⁵⁴ beyond the point of view of HexRed, which, as we have already argued, revised the Tetrateuch as well as the books of Deuteronomy and Joshua, and then linked them together.³⁵⁵

1.3.11.9 Concluding Comments in Favor of HexRed

It was conceded in the foregoing that a redaction with such an expansive scope and program resists *unbedingt* delineation, and the texts Achenbach assigns to HexRed (excepting those in Num 13f.) remain relatively fragmentary.³⁵⁶ Still, we have demonstrated that the general lines and themes of HexRed in the Hexateuchal models of Schmid, Knauf, Otto, and Achenbach pass the test of plausibility,³⁵⁷ and, in our judgment, offer a compelling explanation for the preservation of affirmative traditions

³⁵² The back-reference to this motif appears in Deuteronomy only in secondary insertions, not belonging to the *Grundbestand* of dtr texts. This applies to the reference to Caleb in Deut 1:36, the back-reference to the disobedient of Israel in Tabera and Kiberoth Ha-ta'awa in Deut 9:22, and also to Miriam's leprosy in Deut 24:9 (Achenbach, "Numeri und Deuteronomium," 126).

³⁵³ The traditions are probably ancient, and find their revival in Num 13f. and Josh 14:6-15 (Achenbach, "gescheiterten Landnahme," 64 and n. 39).

³⁵⁴ Additionally, Achenbach maintains that the location of Kadesh was inserted by a post-dtr author as a means of linking the Caleb tradition with the spy narrative (*ibid.*, 63; cf. 77f., 88). Similar to the PRR, the Caleb tradition did not win the widest following. PentRed did not embrace him as a brother: "Hier wird noch einmal deutlich, wie sich der PentRed an der Person des Kaleb gestoßen haben muss" (*ibid.*, 72). The Caleb tradition would become a subordinate theme/topic (*Nebenthema*; *ibid.*, 73, n. 85). In PentRed, the prominence placed on the figure of Moses on the one hand, directing presence of *YHWH* in the clouds on the other, left little need for Caleb as a celebrated spiritual and spearheading leader of Israel.

³⁵⁵ Otto, *DPH*, 38, cited in Achenbach, "gescheiterten Landnahme," 63-64.

³⁵⁶ Cf. Nihan, "Mort de Moïse, 153: "La distinction entre Hexateuque, Pentateuque et 'révision théocratique' apparaît fréquemment difficile à opérer sur le plan littéraire, notamment dans le cas de la rédaction de l'Hexateuque, pour laquelle Achenbach ne peut souvent reconstruire qu'un text très fragmentaire, même dans le passages où le présence de cette rédaction est évidente, comme en Num 13-14."

³⁵⁷ Schmid tells how von Rad's Hexateuch model never really proved compatible with Noth's notion of the DH, and that "einen selbständigen 'Hexateuch' Gen-Jos hat es [i.e., the Hexateuch model] nie gegeben, weder in 'jahwistischer' oder 'elohistischer,' wahrscheinlich aber auch nicht—wie neuerdings wieder häufiger erwogen—in 'priesterlicher' Gestalt" (*Erzväter*, 280). Notwithstanding the unresolved problems attending the construction of a Hexateuch, a viable solution "nicht einfach zu verabschieden ist" but rather "redaktionsgeschichtlich zu modifizieren" (*ibid.*).

about non-Israelites that otherwise remain very much at odds with the dominant, “official” perspective in the Pentateuch, and indeed in the Enneateuch as well. The hypothesis of HexRed offers an in-depth and credible model that would account for a surprisingly positive view toward foreigners the treatment of which often oscillates between exclusion and annihilation, the latter according to the dictates of חרם.³⁵⁸ But this is not all.

In view of the way in which PentRed contrasts so clearly with HexRed, it is not enough to merely assign HexRed’s traditions to the circle holding such views, for example the Levites or עם הארץ. The counter-traditions that lay side by side in the same texts, for example the pro- and con-PRR texts in Deut 5 verses four and five (see Chapter Three) should be taken into account, examining their immediate context as well as noting their significance for Israelite institutions and function within the developing, proto-canonical framework. HexRed texts in the Pentateuch and Hexateuch associate with the time of Nehemiah, have a positive view toward Levites, the leadership of Joshua, and the prophecy of restoration. PentRed associates with the mission of Ezra, lionizes priestly elites (Zadokite-Levites, Aaronide-Levites) at the expense of Levites, hyperfocuses on Jerusalem and the incomparability of Moses. ThB I-III and the School of HexRed account for later developments within the proto-theocratic community, for example, sharpening the demarcating lines between holy and profane, and high and lesser priests. In the following chapters we will consider HexRed’s involvement in the perpetuation of the PRR. For us the matter remains bundled up in the fluctuating status of religious personnel and their respective relationships with the general populace.

³⁵⁸ Cf. *Vollendung*, 232: “Durch die Integration des Gedankens einer Zugehörigkeit nicht ursprünglich israelitischer Gläubiger zur Exodusgeneration ergibt sich für den Hexateuchredaktor demnach die Denkmöglichkeit einer Integration von Proselyten, eine Vorstellung, welche dem Dtn ursprünglich mehr als fern gelegen haben dürfte, und die wir auch in der Priesterschrift noch nicht antreffen.”

1.3.11.10 *HexRed and the Levitizing (Levitisierung³⁵⁹) of the Priesthood³⁶⁰*

Identifying the precise referents for “Levites,” “levitical priests,” and “priests” in Deuteronomy remains a highly sought after desideratum in research. A simmering issue presents itself in Deuteronomy’s widespread bestowal of full priestly rights to “Levites.” Such conferral contrasts with other canonized traditions that either seek to divest them of such status, especially as regards altar ministry, or ostensibly presuppose their secondary or non-priestly status.³⁶¹ To the degree texts unfavorable to Levites share a common (priestly) worldview, Deuteronomy throws that stasis into disequilibrium. Hopes of accounting for the contrastive viewpoints together within the literature hang on analyses that include both the germane texts in Deuteronomy and in the rest of the Hebrew Bible, particularly in the book of Numbers.³⁶²

³⁵⁹ See above, n. 5.

³⁶⁰ Respecting “Levitism” (*Levitisierung*), Achenbach and Otto’s conceptions of HexRed and PentRed diverge at points. According to Otto, PentRed works over the dtr law corpus of Deuteronomy tracing back from Deut 31:9 (Achenbach however attributes 31:9-13 to HexRed, an attribution important for the present study) in terms of a consistent “Levitizing” via the motive of the כהנים הלויים, to whom are entrusted the tora along with the task of sin removal. In this sense they are introduced by Pentred in Deut 17:9-11*, 18f; 21:5; 24:8f, especially in Deut 18:1,2,5 (*DPH*, 185f.). Otto agrees with Achenbach regarding certain aspects of HexRed’s “Levitizing,” e.g., regarding the emphasis on their responsibility for the ark: Hexred “ist an den לויים mit Blick auf das Josuabuch (vgl. Josh 3,3 u.ö) als Träger der Lade interessiert und verankert sie in Dtn 10,8f. im Deuteronomium” (ibid., 186, n. 144). In general, and as has already been stated, the primary weakness in Otto and Achenbach’s theses about the Levites is in some ways the flip side of the strengths of those theses, namely their clarity. And yet, in pursuing the path of the Levitizing of the priesthood caution needs to be taken not to assume too direct a correspondence between the literary construction of “Levites” and non-elite religious personnel.

³⁶¹ Notable exceptions meet the reader in Isa 66:21 and Jer 33:18, 21f (promise of Davidides reigning in association with levitical priests (כהנים הלויים) who minister (שרת) to *YHWH*). The similarity with the viewpoint of Chr regarding David and the Levites is unmistakable. In conjunction with his *Levitisierung* theory Achenbach attributes these passages, along with Ezek 44:6-14; Mal 2:4-7, to the “latest phase of the *Bearbeitungsgeschichte* of the prophetic books” (*Vollendung*, 164, n. 61).

³⁶² See especially the seminal attempts to come to grips with the often fragmentary data by Ulrich Dahmen, *Leviten und Priester im Deuteronomium. Literarkritische und redaktionsgeschichtliche Studien* (vol. 110; Bodenheim: Philo Verlagsgesellschaft, 1996); Reinhard Achenbach, “Levitisierung und Leviten im Deuteronomium. Überlegungen zur sog. ‘Levitisierung’ des Priestertums,” *ZA/B/R* 5 (1999): 285-309; Eckart Otto, “Die post-deuteronomistische Levitisierung des Deuteronomiums: Zu einem Buch von Ulrich Dahmen,” *ZAR* 5 (1999): 277-84, 277-79. In this piece Otto takes Dahmen’s R^p (priestly redactor) model to task for being “too simple,” e.g., regarding Deut 34:8, which in the framework of Deuteronomy overlaps both post-dtr HexRed and Pentred. “Schließlich zeigt sich mit Blick auf Dtn 34:8, daß das Modell R^p zu einfach ist, sich vielmehr im Deuteronomiumsrahmen nachdtr Hexateuch- und Pentateuchredaktionen überlagern. In dieses komplexere Bild sind die Belege Dtn 10,6f, 8f; 27:14 einzuzeichnen. Für die Interpretation der auf den ersten Blick polemisch aufeinander bezogenen Aaroniden- und Levitenbelege in Num 18,20; Dtn 10,6f und Dtn 10,8f; 27,11-13 ist zu klären, da sie im Horizont des Pentateuch nichts also sich ausschließend verstanden werden wollen, welcher Beleg als hermeneutischer Schlüssel für die anderen fungiert und zwischen welchen kontroversen Positionen durch die Einfügungen ein Ausgleich geschaffen wird” (ibid., 280). It is not the accuracy of every verse and partial verse attribution that determines the

According to the Pentateuchal narrative, the torah owes its preservation and propagation through the work of the Levites, who trace their lineage to Moses. A prudent first step in plotting the literary-historical development of “Levitism” would be to recognize that P’s account of the origins narrative of the beginning of the tabernacle and the origin of the sacrificial cult (as set forth, e.g., in Exod 24–31; 40; Lev 8f) does not include the installation of the Levites.³⁶³ Otto and Achenbach maintain that the principle of the levitization (Levitisierung) of the priesthood in Deuteronomy owes to HexRed.³⁶⁴ A key passage in HexRed, Deut 31:9 also recounts the elders’ intermediary role in this torah tradition: “Then Moses wrote down this law, and gave it to the priests, the sons of Levi, who carried the ark of the covenant of the Lord, and to all the elders of Israel.”³⁶⁵ Remarkably, Levitical origin is claimed for both Moses (Exod 2:1) and Aaron (4:14).³⁶⁶

effectiveness of a literary-historical, redactional model, but rather its potential for explaining otherwise disparate and confusing traditions. That the model would also contribute toward an improved understanding of the theological underpinnings of the canonical material benefits scholarship and increases interest in critical biblical study in general.

³⁶³ Achenbach, “Der Pentateuch,” 229, n. 13.

³⁶⁴ Cf. Achenbach, “Levitische Priester,” *passim*. Blum, “Pentateuch—Hexateuch—Enneateuch,” 84, n. 56, restricts the concept of the “levitical priests” to the book of Deuteronomy: “... , weshalb von Sprachgebrauch und Konzept der levitischen Priester im Pentateuch außerhalb des Deuteronomiums keine Spur zu finden ist.” The context of this statement is Blum’s criticism of Otto’s Zadokite authorship thesis for PentRed in Deuteronomy, namely that such authorship would somehow be “hiding behind the Levites” (“... dessen zadokidische Identität sich hinter der Rede von den ‘levitischer Priestern’ verberge” (ibid.). We however agree with Otto’s theory in general, though we see the Levites (HexRed) responsible for some passages in Deuteronomy that he attributes to PentRed. And we also affirm the possibility of one group “hiding behind” another, e.g., the levitical authors (School of HexRed) of much of the supposed “Aaronide” Holiness Code; see §§6.4.4-5.

³⁶⁵ Achenbach, *Vollendung*, 631; cf. Georg P. Braulik, *Deuteronomium II (16,18–34,12)* (vol. 28; Würzburg: Echter Verlag, 1992), 233f. Otto (*DPH*, 181) however attributes this passage to PentRed. Achenbach, while attributing other passages emphasizing the leadership role of the elders in the narrative to PentRed (e.g., Exod 3:16, 18 [but he attributes Exod 3:16, 18 to HexRed in *Vollendung*, 254; Hans-Christoph Schmitt, “Die ‘Ältesten’ in der Exodusüberlieferung und im Aramäischen Briefbericht von Esr 4,8-6,15,” in *Berührungspunkte. Studien zur Religions- und Sozialgeschichte des Alten Israel und Seiner Umwelt. Festschrift für Rainer Albertz* {ed. I. Kottsieper, et al.; vol. 350 of AOAT; Münster: Ugarit-Verlag, 2008}, 57-72, 59f. attributes Exod 3:16-22 to an *Endredaktionalschicht*; cf. Gertz, *Tradition*, 295, 297, 299, who attributes the *Kernbestand* of 3:16f. to a preexilic layer]; 12:21; 17:5; 18:12; Lev 9:1), perceives PentRed’s general aversion to non-theocratic leadership (as demonstrated, e.g., in PentRed’s addition of the 250 man narrative in Num 16*, the series of rebellions against Moses and Aaron in Num 14:5, 16:3, 20:2 [ibid., 50, 55]). Achenbach is probably correct to attribute Exod 18:13-27 to HexRed (“gescheiterten Landnahme,” 104, n. 229; idem., *Vollendung*, 50; contra Otto, *DPH*, 131f.). HexRed also portrays Moses appearing before Pharaoh with the “elders of Israel” (Exod 3:16ff; cf. perhaps 4:29). Further, Moses lines up with the elders in the tribunal of Num 16:25 (Achenbach, *Vollendung*, 54). H.-C. Schmitt (“Ältesten,” 60) affirms, against Gertz (*Tradition und Redaktion*, 309, n. 350; cf. 334), that the mention of the elders need not be early or incompatible with the mention of Aaron. “Wie die endredaktionelle Schicht in 4,27-31 zeigt, gehören die Ältesten jedoch in die gleiche Schicht wie Aaron. Aaron übermittelt hier die Botschaft und die Zeichen, die ursprünglich dem Mose aufgetragen waren, and die Ältesten. Der Befund, dass ursprünglich sowohl in Ex 4,1ff als auch in Ex 3,16-17 Mose direct zu den Ältesten gesandt wird, deutet

The motif of the ark may function as the connecting link (Bindeglied) between P and DtrL. The ark's manufacture, mentioned outside of P's domain only in Exod 25:10-22 (especially v. 21³⁶⁷) and Deut 10:2b, 3a, 5a; Num 10:33, 35f., provides the thematic connection. The ark motif also appears to connect with the stipulation of a levitical priesthood, which, in addition to its genealogical nexus with Moses, orients itself in Mosaic law. Accordingly, to the Levites falls the responsibility of caring for both ark and law (Deut 10:8f; 27:9f; 31:9; Josh 8:33). Excepting the post-dtr Deut 17:18, however, we lack evidence of the Levites' involvement with the ark or the law in D.

In sum, then, the levitization of the ancient Israelite priesthood traces neither to the P-tradition nor to the preexilic D tradition, but first appears in a layer that postdates both P and D.³⁶⁸ The layer constitutes the work of HexRed,³⁶⁹ which essentially “changes the traditional view of the history or priestly institutions in Israel.”³⁷⁰ For the present study, this means the Levite's rise to *official* priestly status becomes a postexilic phenomenon (see Chapters Four and Five).

1.3.11.10.1 *The Insertion of the Holiness Code and the Levitizing of the Priesthood*

The combination of P and DtrL appears not to assume the correlation of P^g and H because the latter does not display acceptance of the notion of the levitical origin of the

nicht darauf hin, das hier noch eine aaronfreie Ältestenschicht vorliegt, vielmehr gehen Ex 4,1ff und Ex 3,16-17 davon aus, dass Mose seinen Auftrag an die Ältesten durch Aaron vollziehen lassen wird” (Schmitt, “Ältesten,” 60-1). After 4:31, and until 12:21, the elders of Israel play no more role (Achenbach, *Vollendung*, 50). See also below, n. 684.

³⁶⁶ Cf. Erich Zenger, *Das Buch Exodus* (vol. 7 of AT; Düsseldorf: Patmos Verlag, 1987), 59-61; 78-81; Eckart Otto, “Die nachpriesterschriftliche Pentateuchredaktion im Buch Exodus,” in *Studies in the Book of Exodus: Redaction—Reception—Interpretation* (ed. M. Vervenne; vol. 126 of BETL; Leuven: Leuven University, 1996), 61-111, 101f.

³⁶⁷ “You shall put the mercy seat on the top of the ark; and in the ark you shall put the covenant that I shall give you” (25:21).

³⁶⁸ Achenbach “Story,” 147, n. 40. In the *Golah* pentateuchal redactors reworked the concept of the priesthood in the Pentateuch (cf. Ezek 44:6-19), which theocratic tradents would later continue to revise (so Ezek 44:20-31), including some revisions in H (Lev 19:22; 21:1-4, 13f; 22:8) and elsewhere (Lev 10:9f; Num 15:20; 18:14, 20; *ibid.*).

³⁶⁹ *Ibid.*, 147f.; cf. *ibid.*: “There is no hint of a special levitical status in the P-Story from Genesis to Leviticus! There is not even a special position of the Levites considered in the main body of the Holiness-Code.”

³⁷⁰ *Ibid.*, 148. As mentioned already, HexRed develops genealogical support for the Levites by, e.g., connecting them to Moses (Exod 2:1). That HexRed joined the Tetrateuch, Deuteronomy, and Joshua in the middle of the fifth century is suggestive of the Levitical priesthood coming of age, *pour ainsi dire*, around the time of Nehemiah. Later, more exclusively-minded Pentateuch redactor(s) and *Bearbeitungen* would have much to say about these matters, as we will see.

priesthood. But the rhetorically infused H probably does accept the levitizing of the priesthood. It intentionally underplays it as a part of the greater goal of promoting a community of quasi-priests that acquiesce to but nonetheless supervise aspects of Aaronide services (see Chapter Six).³⁷¹ Another reason for the “Levite lacuna” may have to do with the Zadokite-Levite Pentateuch redaction’s involvement in introducing H to the Pentateuch. The pro-Levite contingency behind H apparently agreed not to foreground Levites. A similar phenomenon may be in evidence in the Psalter, which, aside from the superscriptions which point to Levites hardly mentions priests.

The reshuffling of priestly identities and roles H is also evident in its giving Aaronides preeminence while not even mentioning the Zadokite-Levites of the *Gola*,³⁷² whose views are clearly recognizable in H texts because of their affinities with Zadokite-Levite texts in Ezekiel.³⁷³ Achenbach believes these views found inclusion in the Pentateuch through the redactional efforts of PentRed.³⁷⁴

³⁷¹ Admittedly, H lacks detailed regulation of levitical functions and tasks. This remains true with regard to the cultus and within in the sphere of the pursuance of justice (Rechtsfindung), which includes legal instruction in the cities of refuge (Achenbach, “Der Pentateuch,” 226f.).

³⁷² “Dabei nimmt es immer wieder Traditionen aus der zadoqischen Priesterschaft der Gola auf und nutzt diese, um die Priesterschrift vor dem Horizont des Deuteronomiums zu radikalieren” (ibid., 229). Recently Otto appears to be moving toward the notion of Aaronide authorship of H. Assuming the Aaronides broke away from the Zadokites in the postexilic period, he argues the narrative of the Pentateuch posits the existence of an unbroken continuity from Aaron to Phineas (Num 5:10-12), the putative ancestor of the Zadokites (1 Sam 14:3; 2 Sam 8:17; 1 Chr 5:33 [6:7]; 6:37-38 [52-53]; 18:16). Regarding H, Otto contends the pentateuchal authors responsible for its inclusion viewed the commandments of both Leviticus and H as “orally transmitted by the Aaronide priests in an unbroken succession since Aaron at Mt Sinai” (“Holiness Code,” 148). At the end of the 5th or early 4th century Aaronides were “disguised Zadokites.” In this way Lev 17–26 differed from Moses’ proclamation of the Sinai Torah of CC, Dec, and their interpretation (Exod 34:10-26) in Deuteronomy (cf. Deut 1:5). “Deuteronomy and the material of the Holiness Code had a literarily different pre-history before they became part of the Pentateuch” (ibid., 149-50).

³⁷³ Achenbach, “Heiligkeitsgesetz,” 146-7: “Dabei zeigt sich, dass die Texte außerhalb der auf Weiterführungen der Priesterschrift, des Deuteronomiums und des Dekaloges beruhenden Materialien häufig unter dem traditionsgeschichtlichen Einfluss der zadokidischen Priesterkreise aus dem Umfeld des Ezechielbuches, besonders Ez 44f., stehen, dessen Ansichten sie allerdings nicht bruchlos übernehmen, sondern dem Kontext anpassen.” It could be that the sons of Aaron in H were a circle inspired by the Zadokite-Levites.

³⁷⁴ It seems to us more likely that this would occur through the efforts of a priestly community or school (Nihan, *Priestly Torah*, 616, contra Otto), not a sequestered society of elites but rather a mixed priestly and lay sodality. *Webster’s New Universal Unabridged Dictionary*, Second Edition (Nashville: Simon and Schuster, 1983), defines sodality as: (1) fellowship; (2) an association or brotherhood; (3) in the Roman Catholic Church, a lay association formed to carry on devotional or charitable activity.” Each definition conveys a valid aspect of the meaning intended here. The third definition accommodates our conception of lay involvement, which H makes clear, but also middle-tier priests, which H (excepting the secondary 25:32-34) does not acknowledge, in this special society. The sodality associated with H ostensibly

1.3.11.10.2 *The Later, Post-HexRed Delevitizing of the Priesthood by Theocratic Revisers (Bearbeiteren)*

During the late phase of pentateuchal revision in the fourth-century BCE by theocratic *Bearbeiterungen*, the notion of the levitical priesthood moves to the background: neither P nor PentRed had utilized it, and, as just noted, as part of their compromise with the elite Zadokite-Levites of the *Golah*, the Levites behind H could not openly participate in the levitizing of the priesthood.³⁷⁵

The theocratic revisions led to the building up of Num 16–18 into the Korah legend, in which levitical participation in the sacrificial cult would come to be roundly rejected.³⁷⁶ Attentiveness to the Tetrateuch-wide literary horizon indicates the authors of the Korah legend may have had in view the situation in Lev 9*. Achenbach reads this chapter as discouraging lay participation in the cult apart from Aaronides.³⁷⁷ This may be true on one plane, but note vv. 6aβ-b and 23β: “This is the thing that the Lord commanded you to do, so that the glory of the Lord may appear to you.... and the glory of the Lord appeared to *all the people*” (וירא כבוד־יהוה אל־כל־העם). These passages document affirmation of “all-Israel’s” reception of the revealed קבוד.³⁷⁸ In contrast to the main thrust of the Korah

characterized themselves as Aaronide or Aaronide-Levite to distinguish themselves from the more Deuteronomistic Zadokite-Levites.

The so-called “Passover papyrus” of Elephantine, Egypt plausibly reflects concepts of a school or “holiness sodality” active in the latter decades of the fifth century. Nihan relates that during this time those attempting “to unify the ritual and cultic practice of the Judean ethos” likely had few supporters among Yehud’s imperial administration (*Priestly Torah*, 617). Regarding the latest additions to Leviticus, chs. 10; 27, Nihan attributes these to the same school of theocratic revisers responsible for post-redactional portions of Numbers. In this respect Nihan follows Achenbach (*ibid.*).

³⁷⁵ Achenbach, “Levitishe Priester,” 286.

³⁷⁶ “Der Pentateuch,” 230 and n. 14. See Appendix I for the development of Num 16–18 and Achenbach, *Vollendung*, 37-172.

³⁷⁷ *Ibid.*, 42.

³⁷⁸ We may describe the people’s reaction to the theophany in v. 24 as appropriate prostration before a deity that instantaneously consumes a large animal sacrifice in one’s presence. Through the event the people are honored by the presence of the קבוד and that their sacrifices would be consumed in this way, which assures the efficacy of the sacrifice. Thus their posturing includes a solemn expression of thanksgiving (cf. Gen 24:26, 48; Exod 4:31; 12:27; Judg 13:20; 1 Kgs 18:37; 1 Chr 29:20; Neh 8:6; 1 Macc 4:55; cf. Rev 7:11; 11:16). They are not cringing out of dread. They neither beg for release or protective buffer. Similar to the deliverance from Egypt, this is *their religious nadir*.

It is significant that the following three verses (10:1-3) reprimand priestly presumption in a not dissimilar context. Following directly after the people’s pinnacle experience in 9:24, 10:1-3 prepare the reader/audience for later texts in Leviticus (chs. 21f.) in which the people evaluate Aaronides who would serve them as priests. See §§ 6.4-6.10.

legend, Lev 9* lacks evidence of hostility toward lay participation.³⁷⁹ As for the supposition of strong Aaronide presence in the chapter, aspects of Aaron's appearance and function in ch. 9 have been questioned, for example the originality of the motif of Aaron entering into the tent in v. 23a.³⁸⁰ All things considered, Lev 9* would have probably been a familiar text to ThB. Resuming the discussion of the *delevitizing* of the priesthood, in Ezek 44 the *Gola* priesthood dominated by Zadokite-Levites restricts the levitical priesthood to subservient service to elites who solely supervise altar worship (Ezek 44:15f).³⁸¹

1.3.11.10.2.1 *The Conflicted Aaronide Relation to Levites and their Lay Constituents*

The link between Aaronides and Levites, including the formers levitical lineage, appears to be postexilic and finds its literary origin in texts in Exodus. Achenbach attributes the connection to post-P and post-dtr redactors, namely HexRed, followed by PentRed:

The narrative of the breaking of the covenant of Exod 32, determined through the post-dtr redactional correlating of legal texts, initially legitimates the installation of the Levites as “priestly tribe” with vv. 25-29. The “levitical” genealogy of Aaron as “brother of Moses” Exod 4:13-16 is only construed later. The first construction is to be reckoned to a Hexateuch redactor, the latter to a Pentateuch redactor, to which the position of high priest [Aaron] as Moses' spokesperson is allocated an importance of which the establishment of the primacy of a “levitical priesthood” did not yet know.³⁸²

³⁷⁹ There may be something to von Rad's suggestion that vv. 15-21 (community's offering) and vv. 8-14 (priests' offering) reflect two different sources (cf. Nihan, *Priestly Torah*, 112, n. 9, who summarizes Wilhelm de Wette's and von Rad's treatment of these passages; cf. also Karl Elliger, *Leviticus* (vol. 4; Tübingen: J. C. B. Mohr [Paul Siebeck], 1956), 124-28, though it seems to us more likely that here stand side by side two contemporary priestly perspective—that of the Levites and Aaronite-Levites—rather than originally independent, written sources.

³⁸⁰ Elliger refers to the addition as an “Einschub in majorem gloriam Aharonis” (*Leviticus*, 123) the function of which is to celebrate the primacy of the high priest; cf. Nihan, *Priestly Torah*, 113.

³⁸¹ Achenbach, “Der Pentateuch,” 229; idem, “Levitishe Priester,” 296-304. This perspective comes to full expression in the narrative of Num 16f*, which exhibits further development with respect to an Israelite priesthood that would trace itself to Aaron.

³⁸² Achenbach, “Der Pentateuch,” 229, n. 13: “Erst die durch die nach-dtr, redaktionelle Korrelierung von Gesetzestexten bestimmte Bundesbrucherzählung Ex 32 begründet mit v. 25-29 die Einsetzung der Leviten als ‘Priesterstamm.’ Demgegenüber wird die ‘levitische’ Genealogie des Aaron als eines ‘Bruders des Mose’ Ex 4,13-16 erst nachträglich konstruiert. Ist die erste Konstruktion einem Hexateuch-Redaktor zuzurechnen, so die letztere einem Pentateuch-Redaktor, der der Position des Hohenpriesters als ‘Wortmittler des Mose’ ein Gewicht zumisst, wie es die Etablierung des Primats eines ‘levitischen Priestertums’ noch nicht gekannt habe”; but see Gary N. Knoppers, *1 Chronicles 10–29: A New Translation with Introduction and Commentary* (vol. 12b of AB; New York: Doubleday, 2004), 826.

The primacy awarded the Aaronide high priest in the cult, on the other hand, comes to be established in H (Lev 21f.), in conjunction with the rounding off of the revelation of law at Sinai. Likewise, the building up of the Dathan-Abiram legend into the so-called “250 man narrative” in Num 16 provides the justification narrative for retaining the Aaronide *Ordnung*, which seems diametrically opposed to lay involvement (and we may assume partly because of Levite complicity) in altar worship. Indeed, the lobbying of the laity to participate in sacrificial worship recounted in Num 16—for which the Levites are held responsible—is roundly condemned. Elite Aaronides (or whomever they represent) thereby justify and even legislate the populace’s exclusion from further involvement in this central facet of their cultus. The Aaronide-driven state of affairs contrasts sharply with the positive view toward Levites and aliens—note the juxtaposition of the two—advocated by HexRed.

1.3.11.11 *Levites as Mediators of Revelation*

HexRed’s involvement of the Levites in the mediation of torah (Deut 31:9) has been noted in the foregoing. We will argue that through ongoing worship and instruction Israelite religious instruction continued to include various levels of direct and indirect divine disclosure.³⁸³ Even though Mt. Sinai constitutes only one of the mountains of God, it remains the archetypal and quintessential venue of legal revelation *for the first generation*. The *second generation* however receives revelation in the land of Moab, at Mt. Horeb. Otto has recently suggested the Pentateuchal narrative recounts Aaron receiving *oral law at Sinai* designated for priests alone. In this narrative such legislation first becomes known to non-Aaronides in the book of Leviticus. Rather than emphasizing the significance of the theory for Leviticus research Otto moves quickly to the impact such a state of affairs would and in fact did have within postexilic discussions among religious personnel of Israel. For example, the prophetic corpus, particularly the book of Jeremiah, hosts a fierce debate regarding *ongoing* revelation and its legitimate mediators

³⁸³ Cf., e.g., Jer 23:33f; cf. also the “revelatory instruction” mediated by priests in liturgical worship (Ps 24:4f; 15: 2-5; Isa 33:15-16).

(hence the significance of PentRed’s inclusion of Leviticus) and, to a lesser extent, recipients among the general population—including aliens.³⁸⁴

Priests figure not only as recipients and mediators of revelation but also as teachers³⁸⁵ and prophetic interpreters of revealed traditions.³⁸⁶ Obstacles to sketching a coherent, comprehensive picture of the Israelite priesthood (e.g., the problem of the fluctuating status of Levites across the canon) present themselves at virtually every turn in the Hebrew Bible; we will not attempt to paint that monumental portrait here.³⁸⁷ Instead, the focus in the latter chapters of this study centers on the reconstruction of the mediatorial role of the Levites in worship contexts in residential cities and villages, how that role developed through making concessions to other priests on the one hand and cooperating with a laity seeking broader participation in the cult on the other. In Chapters Four and Five we will suggest the likely contexts and venues in which the PRR would have occurred other than at “holy mountains,” *pour ainsi dire*.

³⁸⁴ The theory of an overtly prophetic hand involved in the redaction of the Pentateuch is not new, though one may have to look back to the Wellhausenian era to learn of it. “Wie stark diese für unsere gegenwärtige Sicht charakteristische theologische Einordnung des Pentateuch in den Bereich des ‘Vorprophetischen’ abhängig ist von der literarischen Beurteilung der Mosebücher im Sinne der neueren Urkundenhypothese, wird deutlich, wenn man sie konfrontiert mit der vor Wellhausen gängigen Auffassung” (Hans-Christoph Schmitt, “Redaktion des Pentateuch im Geiste der Prophetie: Beobachtungen zur Bedeutung der ‘Glaubens’-Thematik innerhalb der Theologie des Pentateuch,” *VT* 32, no. 2 [1982]: 170-88, 170, original emphasis; Schmitt’s point of departure is Walter Zimmerli’s 1977 “Der ‘Prophet’ im Pentateuch”). De Wette had a “completely different conception (Auffassung) of the ‘prophetic’ in the Pentateuch.” He envisioned the redaction of the Pentateuch as spearheaded by an inspired *Redaktor* standing very close to Jeremiah, who through “a renovation of the law in the prophetic spirit” (eine Erneuerung des Gesetzes im prophetische Geiste) set out to regenerate the ethical, political, and social life of Israel of the era. Schmitt relates that De Wette’s prophetic narrator would later basically become the Yahwist (*ibid.*).

³⁸⁵ Hos 4.4f; 2 Chr 17:9.

³⁸⁶ Cf., e.g., Eli’s interpretation of the boy Samuel’s divine impartation in 1 Sam 3; cf. Neh 8:8:

ויקראו בספר בתורת האלהים מפרש ושום שכל ויבינו במקרא

³⁸⁷ Cf. the attempt at comprehensiveness by Joachim Schaper, *Priester und Leviten im achmäenidischen Juda* (vol. 31 of FAT; Tübingen: Mohr Siebeck, 2000), but see the penetrating criticism of H. G. M. Williamson, “Priester und Leviten im achmäenidischen Juda (Review),” *JTS* 54, no. 2 (2003): 615-20, who finds the attempts wanting.

SECTION B. LITERARY ANALYSES

CHAPTER 2

TEXTS IN EXODUS DOCUMENTING THE PLENARY RECEPTION OF REVELATION

2.1 Introduction to the Exegesis of Exodus³⁸⁸

The Decalogue is not original to Exod 19–24.³⁸⁹ Rather, the present form of ch. 19 shows indications of previous contiguity between the verses encompassing the Dec, namely Exod 19:19³⁹⁰ and 20:18ff.³⁹¹ The exegesis below demonstrates the tradition of the plenary reception of the revelation of revealed law (PRR) occurring at the mountain of God. The first appearance of the PRR occurs in the section Exod 20:18-22.³⁹² “You have seen for yourselves that I spoke with you from heaven” (v. 22b).

It is noteworthy that ch. 19 contains no hint of an “impending direct transmission of the law by Yahweh to Israel.”³⁹³ With respect to the proposal that the Dec originally followed 20:18-21, A. D. H. Hayes rejects it because “there is no indication that it was ever considered to have been mediated to the people by Moses, which would be the case on this theory.”³⁹⁴ In light of the combined witness of Exodus and Deuteronomy, though particularly the latter, B. S. Childs affirmed in his Exodus commentary that “Yahweh indeed spoke the Ten Commandments directly to Israel (Deut 4:36; 5:22; 9:10).³⁹⁵ Only after the revelation of the Dec did the people request that Moses intercede on their behalf (Deut 5:23ff.).”³⁹⁶ The remainder of the verses exhibiting the PRR will be examined as

³⁸⁸ Section numbers to be recalibrated in latter stages of editing.

³⁸⁹ Nicholson, “Direct Address,” 422f; Hayes, *Deuteronomy*, 161.

³⁹⁰ Exod 20:1 is “ganz allgemein Inhalts, und in v. 18-21 wird gerade nicht an den Dekalog anknüpft, sondern an die Theophanieschilderung in 19, 16b.17.19” (Noth, *zweite Buch Mose*, 124; ET 154); cf. Van Seters, *Lawbook*, 48-58.

³⁹¹ Hayes, *Deuteronomy*, 161; cf. T. Krüger, “Zur Interpretation,” 88f.

³⁹² Ska, *Introduction*, 48, believes that Exod 20:1 indicates what follows to be direct revelation. We agree, and intend to take up that discussion in a subsequent study.

³⁹³ Cf. Nicholson, “Direct Address,” 423.

³⁹⁴ Hayes, *Deuteronomy*, 161.

³⁹⁵ Cf. Dennis Olson, *Deuteronomy and the Death of Moses: A Theological Reading* (Mineapolis: Fortress, 1994), 32.

³⁹⁶ *Exodus*, 351; Römer, *So-called*, 130.

we proceed through the present chapter. For now, let us begin with a look at the larger literary and narrational context of the Sinai Dec.

2.1.1 *The Sinai Decalogue in the Book of Exodus: “Des influences mutuelles”*

Priestly texts form a continuous and coherent narrative in the first fourteen chapters of Exodus, the majority belonging to the exilic P^g.³⁹⁷ Exodus 13–14, however, contain both P and non-P elements.³⁹⁸ The writers of Exodus structure the account of the desert through a series of priestly itinerary notices (15:22, 27; 16:1; 17:1; 19:2) similar to the P accounts of the people’s exit from Egypt (12:37; 13:20; 14:1-2). Other priestly texts within the account of the sojourn, for example, the stories of the manna and the “giving of the Sabbath” (v. 29) in ch. 16, likely originate in a secondary redaction. Literary layering in a priestly text is suggestive of inner-priestly discourse within the Pentateuch.³⁹⁹

Within the Sinai episode, scholars often differentiate texts elaborating the construction of the sanctuary and its rituals (chs 25–31; 35–40) from other, so-called, non-P material (e.g., 19:3–24:14; 32–34).⁴⁰⁰ The arguments favoring these differentiations do not always convince, especially in light of disagreement over the proper criteria for distinguishing between priestly and non-priestly texts and traditions. Greater reliability attaches to the attribution of texts concerned with the development of cultic institutions in the desert, which belong to P^s. Beyond the preoccupation with cultic institutions, overall, the combination of narrative (Exod 1–14) and legal material (e.g., establishing Passover and

³⁹⁷ “Il est largement admis que l’œuvre sacerdotale fut élaborée durant l’époque de l’exil et du retour” (Macchi, “Exode,” 179). See Chapter Two for the *status quaestionis* of P^g and P^s.

³⁹⁸ It is unlikely, e.g., that the description of the event at the Sea of Reeds as a combat victory of YHWH derives from P (Macchi, “Exode,” 179). For non-priestly texts in chs. 13–14, see Noth, *zweite Buch Mose*, 82-95 [ET 104-20], who divides passages into three groups, P, J, and E. More recently scholars tend to label putative non-priestly elements (J and E, or JE) as Dtr. The Dtr presence in these chapters is extensive.

³⁹⁹ Macchi, “Exode,” 179.

⁴⁰⁰ In a recent essay, K. Schmid lists several terms/concepts in Exod 24:15b–18a that while belonging to Pg play little if any role in that constellation. E.g., mountains, clouds, and the *tavnit* notices (Exod 25–29) play no role in Pg. See his “Der Sinai und der Priesterschrift,” in *Gerechtigkeit und Recht zu üben* (Gen 18,19): *Studien zur altorientalischen und biblischen Rechtsgeschichte, zur Religionsgeschichte Israels und zur Religionssoziologie; Festschrift für Eckart Otto zum 65. Geburtstag* (ed. R. Achenbach and M. Arneht; Wiesbaden: Harrasowitz, 2010), 114-26, 116-21.

the construction of the sanctuary) constitutes “un trait caractéristique de la littérature sacerdotale en général.”⁴⁰¹

The redaction of arguably non-P texts in Exodus may have continued over a more protracted period than its priestly counterparts. Although some non-P texts predate or coextend with priestly texts, others clearly postdate them.⁴⁰² Macchi suggests the exilic and postexilic periods provided favorable conditions for the production of non-P texts. That may be, as many passages in Exodus arguably dating to this period exhibit theological affinity with dtr milieux (e.g., the call of Moses in Exod 3).⁴⁰³ Still, caution is in order regarding the dating texts prior to the middle of the Persian period, and scholars should avoid making sharp dichotomies between priestly and non-priestly traditions. Macchi concedes that the designated dtr traditions did not originate in a dtr vacuum, independent of priestly milieux; rather, “l’analyse montre en effet des influences mutuelles.”⁴⁰⁴ The latter point is especially well taken in this study.

2.1.2 Preliminary Considerations Regarding The Decalogue in Exod 20: Keeping Deuteronomy 5 in View

Within the complex literary structurings of Exodus, critical scholars have long regarded the Ten Commandments in ch. 20 as a synthesis rather than a starting point of Israelite law. For that reason it is worthwhile to look for connections between the Dec and similar laws and themes (e.g., the monotheistic manifesto of Deut 6:4). This becomes particularly important respecting the “second Decalogue” in Deut 5. Therefore, in the exegetical examination of the Dec in Exodus that follows, effort will be made to keep in view the symbiotic relationship between the two syntheses:

⁴⁰¹ Macchi, “Exode,” 180.

⁴⁰² Ibid. This would not tend to be the case in the book of Numbers.

⁴⁰³ Exod 3 may serve as the centerpiece for a dtr “network” (réseau) formed through redactional and compositional activity (ibid., 181, summarizing an aspect of E. Blum’s thesis). Macchi asserts that texts manifesting a *typos* of faithfulness to *YHWH* and his covenant epitomize dtr texts. “Outre une phraséologie particulière, l’insistance sur la fidélité à *YHWH* et à son alliance caractérise ce type de textes” (ibid., 181).

⁴⁰⁴ Ibid.; cf. ibid: “Si le travail littéraire deutéronomiste est en partie contemporain de l’activité littéraire des milieux sacerdotaux il ne s’est pas fait de manière totalement indépendante. L’analyse montre en effet des influences mutuelles, ainsi que l’existence d’une volonté éditoriale d’harmoniser les courants deutéronomistes et sacerdotaux (sur ce point, voir par exemple les travaux de Gertz, qui insiste sur l’importance des dernières rédactions de l’Exode).”

Il en va probablement de même du *Décatalogue*, dont la place en ouverture de l'ensemble du droit du Sinaï témoigne d'une volonté d'établir une synthèse du droit israélite et de placer la proclamation législative du Sinaï en parallèle avec celle du livre du Deutéronome (dans lequel le *Décatalogue* ouvre également la proclamation de la Loi de Moïse en Moab, cf. Dt 5). Le *Décatalogue* apparaît aujourd'hui en effet non plus comme l'origine de la tradition législative d'Israël, mais plutôt comme sa synthèse.⁴⁰⁵

Although the canonical order of the book of Exodus boasts a certain primacy—certainly for the first exodus generation—many important texts in Exodus are secondary, and owe their inclusion to later redactions and *Bearbeitungen*. This verity militates against the default or traditional view that the Exodus accounts necessarily precede those of the books that follow.

2.1.3 *The Plenary Reception of Revelation: Original or Secondary Notion?*

That the Dec in Exodus comprises a synthesis raises questions regarding its developmental history and the circumstances attending its direct transmission to the Israelite people. As was shown in Chapter One, Kuenen believed that on the basis of the redactional arrangement of Exod 19–20 the direct transmission of the Dec to the people was secondary in the Exodus account, and that Deuteronomy based its portrayal on that redacted text.⁴⁰⁶ E.W. Nicholson also reckons the PRR a later conception, adding that Deut 4 and 5 (excepting 5:5) assume this from the outset. A. Rofé too views the PRR as a later conception, though for him it depends not upon a redacted Exodus but a later desire to portray the Exodus generation as a prophetic assembly.⁴⁰⁷ In contrast, T. Dozeman, W. Oswald, E. Otto, R. Achenbach, and others⁴⁰⁸ regard the plenary theme as an early if not original feature of the Sinai narrative.

⁴⁰⁵ Ibid., 182.

⁴⁰⁶ Eißfeldt (*Introduction*, 213) said similarly: “But this means that originally the people did not themselves actually listen to the decalogue, but first received it imparted to them by Moses who himself had received it alone from Yahweh. xx, 18-21 thus really belongs, not after the Decalogue (xx, 2-17) but before it, and its present position is related to the incorporation of the complex xx, 22-xxiii, 33, in the Sinai narrative”; cf. the evaluation of Van Seters, *Law Book*, 46-53, which, like Eißfeldt, makes no mention of Kuenen’s early rendition of the displacement theory caused by the insertion of BC. Van Seter’s omission is odd in view of the explicit references to Kuenen in the section of Childs’s commentary reviewed by Van Seters.

⁴⁰⁷ *Deuteronomy*, 16, 22.

⁴⁰⁸ Some scholars do not come down as explicitly on this issue. Certain comments of N. Lohfink and A. Moenikes suggest they also view direct revelation from *YHWH* as part of the early collective memory of Israel.

The accounts of the transmission of the law at the Sinai and Horeb high places comprise interwoven composites reflecting the unique concerns of their authors and redactors, which are affected by the religious and sociopolitical contexts in which they lived. The discussion of the identity of the originators and shapers of these traditions, for example, scribes, priests, priest-prophets, quasi-priests, and laity, will come up at many points in this study, especially in Chapters Four through Six.

Before treating the Pentateuchal passages that straightforwardly document the plenary reception of revelation, let us first look at a composite text that figures prominently in the Sinai complex and associates thematically and exegetically with some key extra-pentateuchal texts (e.g., in passages in Third Isaiah⁴⁰⁹). If one views the canon as a whole, the Sinai complex functions as both backdrop (“looking back to Sinai”) and, viewed through the lens of Exod 19:5-6a (cf. Deut 7:6; 14:21aβ; 26:18; 28:9α, 10), a pulsating beacon for the future of the Israelites, their high calling and capabilities for functioning as *YHWH*’s agents in Israel and the earth. In doing this the significance of the pan-canonical analysis that has become an increasingly necessary component in the critical examination of the Pentateuch and Hexateuch, certainly in this study, will become apparent.

2.2 Exod 19:5-6a: All-Israel as Priestly Kingdom and Holy Nation

Now therefore, if you obey my voice and keep my covenant, you shall be my treasured possession out of all the peoples. Indeed, the whole earth is mine,^{6a} but you shall be for me a priestly kingdom (ממלכת כהנים) and a holy nation (גוי קדוש).⁴¹⁰

Exod 19:5-6a

ועתה אם-ששמעו תשמעו בקלי ושמרתם את-בריתי והייתם לי סגלה מכל-העמים כי-לי כלה-הארץ:
 ואתם תהיו-לי ממלכת כהנים וגוי קדוש⁶

Exodus 19–34 comprises a textual block of central importance within the Pentateuch. The search for sources in “dieser allerwichtigen Perikope”⁴¹¹ continues to pose major challenges to commentators. H. Greßmann characterized it as a “scheinbar unheilbare[r] Wirrwarr.”⁴¹² E. Blum asserts however that once its constituent features have been recognized and interpreted, “so erweist sich Ex 19–34 rasch als eine, unbeschadet aller

⁴⁰⁹ See below, §2.2.4.

⁴¹⁰ LXX reproduces these two verses in Exod 23:22.

⁴¹¹ Wellhausen cited in Blum, *Studien*, 45.

⁴¹² Cited in *ibid.*, 46.

Komplexität, konzeptionell bemerkenswert geschlossene Komposition.”⁴¹³ Operative within this sprawling compilation is a “narrating theology” reflecting on the fundamental possibilities of the relationship between *YHWH* and Israel. Blum’s assessment may hold true with Exod 19:5-6a, which while not manifesting the PRR nonetheless connects conspicuously with the shared theme of the deity’s desire to dwell among the people of Israel⁴¹⁴ (cf. Exod 29:43f., a priestly passage privileging the Aaronide-Levites).⁴¹⁵ For some, the unit Exod 19:3b-8 functions as the prologue to the Sinai pericope.⁴¹⁶

The following analyses of Exod 19:5f. contribute to the exegesis of the Exod 19:5f. for (a) how it functions within a pentateuchal framework; (b) its general, cross-canonical *Wirkungsgeschichte* value, and, more specifically; (c) its significance as an ancillary theme for the PRR. Thorough examination of the passage requires both the search for its origins and the use of proto-canonical approaches. The latter requires analyses at post-P and post-dtr stages of textual development that include engagement with postexilic prophetic traditions well into the fourth-century BCE.⁴¹⁷

Among the many interpretations of Exodus 19:6 one finds the notion that it pertains to all-Israel in the preexilic era of the amphictyony,⁴¹⁸ with priests ruling over a holy nation. Another interpretation dates it to the exile in spite the lack of explicit, temporal clues in the text.⁴¹⁹ Part of the richness of v. 6 is its enigmatic terminology, which poses serious challenges to both translators and interpreters. The proposal that מַמְלֶכֶת and גּוֹי should be considered synonyms has some force,⁴²⁰ especially in the light of the linguistic and

⁴¹³ Ibid., 47.

⁴¹⁴ John A. Davies, *A Royal Priesthood: Literary and Intertextual Perspectives on an Image of Israel in Exodus 19.6* (vol. 359 of JSOTSS; London/New York: T & T Clark, 2004).

⁴¹⁵ Eckart Otto, “Das Heiligkeitsgesetz im Narrative des Pentateuch (Review Article),” *ZA(B)R* 13 (2007): 79-86; 83; idem, “Nähe und Distanz von nachexilischen Priestern und Propheten (Review Article),” *ZA(B)R* 13 (2007): 261-70, 270.

⁴¹⁶ E. Aurelius cited in Blum, “Pentateuch—Hexateuch—Enneateuch?,” 74.

⁴¹⁷ Exod 19:5f. receives additional treatment in Chapter Six in the discussion of H.

⁴¹⁸ W. L. Moran connected 19:6a to the time of the amphictyony, with priests ruling over a holy nation; cf. Beyerlin, *Origins*, 67-77, who dates the *Kern* of the Elohistic 19:3b-8 to “Israel’s early history” (ibid., 74), with a “*Sitz im Leben* in the exhortation of worship ... produced of liturgical exhortation” (75, 76); cf. Cornelius Houtman, *Exodus* (ed. C. Houtman et. al; 4 vols.; vol. 2; Kampen: Kok Publishing House, 1996), 2:445.

⁴¹⁹ See the summary in ibid., 446.

⁴²⁰ Houtman (ibid., 445) believes the terms מַמְלֶכֶת and גּוֹי function as synonyms in 19:6, so also Georg Steins, “Priesterherrschaft, Volk von Priestern oder was sonst? Zur Interpretation von Ex 19,6,” *BZ* 45/1 (2001): 20-36, 26, though more reservedly.

thematic parallels in Ps 105:13/1 Chr 16:20.⁴²¹ And yet the provocative formulation in Exod 19:6 burdens the thesis of synonymity. That the two terms should moreover be taken in a metaphorical sense seems special pleading.⁴²²

In terms of the immediate context, Martin Noth regarded vv. 5-6a as part of vv. 3b-9.⁴²³ Although vv. 3b-6 contain dtn phrases (deuteronomische Wendungen), the dtn elements in v. 5 stand out. The verse and its *Umrahmung*⁴²⁴ comprise a later addition anticipating the ratification of the covenant and impartation of the law.⁴²⁵ M. Weinfeld drew attention to dtn/dtr concepts in vv. 5f.⁴²⁶ With some confidence one may say the *hapax legomena* מַמְלַכַת כֹּהֲנִים, “kingdom of priests” shares a conceptual horizon with גוי קדוש “holy people.” That seems a secure basis with which to begin. The latter terms will undergo examination first.

2.2.1 גוי קדוש

In both Exodus and Deuteronomy the concept of a holy people appears in contexts concerned with the revelation and observance of law.⁴²⁷ Whereas Deuteronomy

⁴²¹ See n. 434 below regarding Ps 105:13.

⁴²² In contrast, for arguments in favor of a concrete meaning beginning with August Dillman, see Steins, “Zur Interpretation von 19,6,” 30f.

⁴²³ *zweite Buch Mose*, 126f; ET 157f. Blum (*Studien*, 98) proposes vv. 3b-8, generally considered to be a later *Interpretationsstück*, as a plausible building-block (Baustein) of the tradition of his D-Komposition; cf. Gianni Barbieri, “MAMLEKET KOHANIM (Ex 19,6a): i sacerdoti al potere?” *Riv bib* 37 (1989): 427-46, 430 who characterizes 3b-8 as “una unità omogenea”; Steins, “Zur Interpretation von 19,6,” 21f.; cf. Hans Joachim Kraus, “Das heilige Volk: Zur Alttestamentlichen Bezeichnung ‘am qādōš,’” in *Freude am Evangelium, FS. A. de Quervain* (vol. 44 of BEvTh; München, 1966), 50-61, 46: “Im Kapitel Ex.19 handelt es sich in V. 3b-9a (9b) um einen ‘späteren Zuwachs.’ Insbesondere in V. 5 und V. 6 ist eine gehobene Sprache wahrzunehmen.”

⁴²⁴ German *Umrahmung* translates as “setting,” “framing.” In musical contexts it indicates music before and after (thus, “mit musikalischer Umrahmung” translates “with music before and after”). With *Umrahmung* Noth therefore means to include v. 5 and the surrounding material.

⁴²⁵ Themes include Israel as treasured possession, hearing God’s voice, keeping the covenant, though the scope of the use of the term בְּרִית extends beyond dtn/dtr usage; cf. Noth, *zweite Buch Mose*, 126; ET 157; note ET’s (p. 157) incorrect rendering of *deuteronomische* as “deuteronomistic,” rather than “deuteronomic.” For connections between vv. 3b-6 and H, see, e.g., Ska, “Exode 19,3b-6.”

⁴²⁶ Moshe Weinfeld, *Deuteronomy and the Deuteronomist School* (Winona Lake: Eisenbrauns, 1972), 327f., includes vv. 5f. in his appendix of dtn terms. For a brief, insightful summary of dtn/dtr language, see also Félix García López, *El Pentateuco: Introducción a la lecture de los cinco primeros libros de la Biblia* (Estella: Editorial Verbo Divino, 2003), 281f; Crüsemann (*Torah*, 360) characterizes Exod 19:3ff as “certainly a Deuteronomistic text,” noting as well the importance of the “deuteronomistic reception of the priestly concept of holiness.”

⁴²⁷ Achenbach (“Story,” 134) argues that the development of the revelation at the holy mountain in Exod 19 into a covenantal declaration, which included adapting the concept of Deut 7:6 into Exod 19:3b-8, bases itself on the fundamental covenantal declaration of Israel as a holy people. Laws supporting this tenet are subsequently added to H, which contains a “radical new concept of dtr Dtn” based on concepts in the

ostensibly prefers the syntagm עם קדוש (Deut 7:6; 14:21; 26:18; 28:9), Exod 19:6 has גוי קדוש. Gerhard von Rad rejected the idea the latter syntagm comported with dtn/dtr theology, basing his judgment on the grounds that “einen goy qadosh kann es in der Vorstellungswelt gar nicht geben.”⁴²⁸ G. Barbieri regards גוי קדוש and סגלה⁴²⁹ as dtn concepts that have undergone dtr reformulation⁴³⁰ and that now appear in the late text of Exod 19. Support for this view may surface in the similar priestly nomenclature and conceptions of Deut 4:1-40 (see the following section and §3.1.4), often characterized as a Persian period composition⁴³¹ and attributed to dtr tradents.⁴³² The transformation Barbieri posits from dtn עם קדוש to dtr גוי קדוש⁴³³ would await the impact of post-dtr traditions in the Persian period.

2.2.2 Exod 19:5f. and Gianni Barbieri’s Notion of the Reconceptualization of Yahwistic Nationhood

Barbieri believes that Dtr interjected a strain of election theology into this international conception of the nation of Israel.⁴³⁴ Deuteronomy 4 recognizes Israel as גוי גדול among

Priestly Code. “So the concept of covenant making/covenant breaking/covenant renewal which served the Hexteuch-Redactor is now used by a Pentateuch-redactor in order to introduce the idea of a constitution of the “holy people” which embraces the whole of law-giving in Ex 20–Lev 26.”

⁴²⁸ Von Rad cited in Barbieri, “MAMLEKET KOHANIM,” 436. Kraus (“heilige Volk,” 40) notes that עם קדוש never appears in the tradition complex of P or H (one instead expects קהל or עדה), and that the holiness of Israel only appears in plural forms of *qdš*. According to Dozeman (*God on the Mountain*, 93-8), whereas Exod 19:5b promotes a dtr [for us, post-dtr] notion that the people are already holy (as in Deut 7:6), 6a’s suggestion that holiness is to be attained belongs to P (ibid., 97); Crüsemann (*Torah*, 360) sees in מלכת כהנים “a critique of the priestly conception” whereby the nation becomes a priestly kingdom along the lines of Isa 61:6.

⁴²⁹ Exod 19:5ba. For elucidatory comments on the Akkadian cognate *sikiltum*, see Nahum M. Sarna, *Exodus: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: Jewish Publication Society, 1991), 104. In the biblical materials the term סגלה appears in the dtn theology of the covenant (Deut 7:6; 14:2; 26:18). As in Exod 19, it is preceded by לֹיִהּ. In two cases (7:6; 14:2) it is followed by מכל העמים. Only in Mal 3:17a (והיו לי אִמֵּר צְבָאוֹת לְיוֹם אֲשֶׁר אֲנִי עֹשֶׂה סִגְלָה) does one find precise replication of Exod 19:5ba (Barbieri, “MAMLEKET KOHANIM,” 435f.).

⁴³⁰ “Ritroviamo dunque la stessa situazione [with גוי קדוש] che abbiamo notato per *s^egulla*: conetti dt reilaborati” ibid., 436; see also Kraus, “heilige Volk,” 47.

⁴³¹ Cf. Römer, *So-called*, 124, n. 30: “Almost everyone agrees that ch. 4, which presents a monotheistic ideology coming close to Second Isaiah, is an addition from the Persian period.”

⁴³² Recent research is however demonstrating that Deut 4:1-40, which also includes priestly language, most likely belongs to a post-dtr stage.

⁴³³ Barbieri, “MAMLEKET KOHANIM,” 436.

⁴³⁴ Ibid. Steins (“Zur Interpretation von 19,6,” 24, n. 20) perceives other, earlier group determinations as possible precursors (e.g., Prov 5:19; cf. also Ezra 2:69/Neh 7:10,72; Hos 6:9) to the later conception in Exod 19:6; cf. also the parallels between Exod 19:6 and Ps 105:13, the latter (ויתהלכו מגוי אל־גוי מִמְּלֶכֶת) is reproduced in 1 Chr 16:20 (ibid., 26).

the גוים (vv. 6, 7, 27, 32).⁴³⁵ But this seems an unlikely concept for a Deuteronomist to accept.⁴³⁶ Furthermore, if based on Deut 4, the election theology then becomes postexilic and post-Dtr.

The description of the nation of Israel in the Song of Moses may propose a similar notion: “For they are a nation (גוי) void of counsel, and understanding is not in them” (Deut 32:28⁴³⁷). A criterion other than ancestry is operative here. Yahwistic-Israelite identity and nationhood appear to be undergoing renegotiation resulting in a revised perception of distinctiveness and purpose.⁴³⁸ On first blush the criterion appears to be the internal possession and outward observance of dtn/dtr law, since without these Israel cannot obtain the wisdom (חכמה) needed to understand and discern its destiny (v. 29).⁴³⁹

But the late text of Deut 4 alludes to criteria beyond law observance or the possession of wisdom. There is also the matter of moving in the prophetic (יבינו לאהריתם v. 29b).⁴⁴⁰ Similar to the PRR, the importance of the community’s prophetic competence remains in the margins of the received tradition. To be sure, the people’s *disobedience* to prophetic warnings looms large, but this seems not so much a matter of prophetic discernment (i.e., distinguishing between legitimate and illegitimate instructions and dicta) as disobedience

⁴³⁵ Barbieri, “MAMLEKET KOHANIM,” 436-38; cf. J. Le Roux, “A Holy Nation was Elected (The Election Theology of Exodus 19.5-6),” *OTSSA* 25/26 (1984): 59-78, 74.

⁴³⁶ Le Roux (“Holy Nation,” 74) argues that in the transformation from עם קדוש to גוי קדוש “Deuteronomy’s proposition of election remains unchanged. Even under these circumstances, Israel maintains her position of honour among the גוים.” The terminological development in this text, fairly described as programmatic, does not necessarily reflect a reappraisal of “the proposition of election.” We have here instead a proposal broadening of the scope of Yahwism whereby the transition from עם קדוש to גוי קדוש reflects a reshuffling of the concept of ethnic particularity. Similarly, the terminology גוי גדול in the promise to Abram in Gen 12:2 appears to be inclusive of the non-Israelites among Abram’s progeny, i.e., not solely the line descending through Sarai/Sarah, Isaac, and then Rebecca and Leah.

⁴³⁷ Darby’s English translation of כִּי־גוֹי אֶבְדַּ עֲצוֹת הֵמָּה וְאִין בָּהֶם תְּבוּנָה (Deut 32:28).

⁴³⁸ It must be emphasized, however, that hope in the unconditional promises to the ancestors remains alive in both Deut 4 and 32 (e.g., Deut 4:31, 37; 32:36, 43, 52). The tension between the contrasting conceptions of the people of *YHWH* in just these two chapters alone witnesses to the intensity of the postexilic discourse respecting Israelite identity, a debate concerned with not only membership in Israel but also its very survival. Not a few participants in the discussion held to the view that the nation must be/become a people capable of receiving divine revelation, absorbing interpreted teaching (e.g., through the Mosaic office), and discerning the ongoing prophetic word themselves and through other Yahwistic representatives; on this last point see below, §§6.4.17; 6.5.3 and Christian, “Middle-Tier Levites.”

⁴³⁹ לוֹ חֲכָמָה יִשְׁכִּילוּ זֹאת יִבְיִנוּ לְאַהֲרִיתָם

⁴⁴⁰ Rofé believes that bundled up with the traditions of the people receiving the Dec directly from God is the desire to portray the exodus generation as a prophetic people (Alexander Rofé, *Deuteronomy: Issues and Interpretation* [ed. D. Reimer; London: T & T Clark, 2002], 16; 22); cf. Num 11:26-29; Joel 2:28f.

to commands whose Yahwistic origin is not really in question, whether delivered by lawgivers or prophets.

2.2.3 Acquiring Cultic and Prophetic Competence

With regard to legal competency, the term גוי קדוש would suggest a community that possesses a meaningful grasp of sacral law,⁴⁴¹ for example the brotherhood (אחים) of Lev 17–26 (H). Lev 22:31-3 and Exod 19:6 work hand-in-hand to illustrate *YHWH*'s plan of sanctifying his people and commissioning them to live as his holy nation.⁴⁴² Cultic proficiency among the laity in H surpasses that of the community envisioned in the office laws (Deut 16:18–18:22),⁴⁴³ where more emphasis is placed on supporting and heeding cultic officiants (17:8-13; 18:1-8). In H, the sanctified community acquires cultic knowledge through a combination of priestly instruction, demonstration and communal participation in that demonstration.⁴⁴⁴

The office laws conversely place special emphasis on the individual's responsibility to exercise prophetic discernment, achievable through reception of a divine endowment and prophetic instruction/admonition (perhaps also enhancement through contemplation on the law, as clearly advocated in Pss 1, 19, and 119). Together, the endowment and admonition enable the discerning of what is and is not Yahwistically "true," even in highly charged, divinatory contexts (Deut 18:9-15).⁴⁴⁵ In this regard the conceptual similarity with Jer 31:31-34⁴⁴⁶ stands out, particularly v.33aβ (נתתי את־תורתִי בקרבם (ועל־לבם אכתבנה).

⁴⁴¹ The increased importance attached to the observance of Shabbat appears to become something of a litmus test for true Yahwism during the postexilic period—irrespective of nationality (cf. Isa 56:1-8). Observance must be strict, however. Such would presume a fairly widespread, basic understanding of Yahwistic sacral law.

⁴⁴² Klaus Grünwaldt, "Amt und Gemeinde im Heiligkeitsgesetz," in *Textarbeit: Studien zu Texten und ihrer Rezeption aus dem Alten Testament und der Umwelt Israels* (ed. K. Kiesow and T. Meurer; vol. 294 of *Alter Orient und Altes Testament*; Berlin: de Gruyter, 2003), 227-44, 233; see also § 6.4.20.1, below.

⁴⁴³ In Third Isaiah, Hanson (*Dawn*, 69) sees the democratizing terms narrowing to a more discerning segment of the population with *avadim* and *bechurim*, "in a conspicuous exclusion of other elements of the community," namely those opposing the reform program of the *avadim* and *bechurim*.

⁴⁴⁴ See the discussion of the sodality in H in Chapters Five and Six. In the latter, §§6.3.1; 6.4.10, it is argued that non- or quasi-priests take on priestly duties.

⁴⁴⁵ See also §6.5.3.1, below.

⁴⁴⁶ Cf. Jer 31:34a-bα: "No longer shall they teach (למד *pi'el*) one another, or say to each other, 'Know (ידע) the Lord,' for they shall all know (ידע) me, from the least of them to the greatest, says the Lord." Mark Leuchter, *The Polemics of Exile in Jeremiah 26–45* (Cambridge: Cambridge University Press, 2008), 164, speaks of the people's "direct engagement" with Yahwistic knowledge "no longer mediated by priestly

These provisional considerations indicate something of the scope of the progressive and involved conception of a/the “holy nation” (גוי קדוש). The connections between the conceptions of Exod 19:5f. and passages related to the PRR will be pointed out as we proceed in the present chapter. First, however, let us take a look a text in Third Isaiah and its apparent conceptual links with Exod 19:5-6a.

2.2.4 Third Isaiah and Exod 19:5-6a: Israel’s Calling as Prophetic Mediator

Passing reference has been made to H, the office laws (Deut 16:18–18:22), and Jeremiah. Other texts within the *corpus propheticum* inform the exegesis of Exod 19:5f. and, ultimately, passages relating to the PRR as well. Often considered the original *Kern* of Third Isaiah, chs. 60–62 furnish close terminological parallels with our passage and therefore require careful consideration.⁴⁴⁷

Isa 60:14b: וקראו לך עיר יהוה ציון קדוש ישראל

Isa 61:6a: ואתם כהני יהוה תקראו משרתי אלהינו יאמר לכם

Isa 62:12a: וקראו להם עם־הקדש גאולי יהוה

Whereas Exod 19:5f. deploy a ל־היה construction, Third Isaiah prefers קרא. In each instance a future context is apparent. The designations of Israel including the element

mediators,” which 18:18 contrastingly and polemically affirms: “...for instruction shall not perish from the priest (תורה מכהן), nor counsel from the wise, nor the word from the prophet...” Less clear, however, is the extent to which the “new covenant” of Jer 31:31-34 depends upon a written text.

⁴⁴⁷ “Der Grundbestand der tr-jes. Sammlung dürfte in 60–62* zu suchen sein, und zwar im Sinne einer ersten Fortschreibung eines bereits aus Proto- und Deuterjesaja bestehenden Corpus” (Burkard M. Zapff, *Jesaja 56-66* [vol. 37 of NEchtB Altes Testament; Würzburg: Echter, 2006], 346f). Zapff accepts the *Fortschreibung* model and builds on the respective studies of O. Steck, U. Berges, and Johannes Goldenstein.

A preliminary analysis of Isa 60–62 uncovers efforts to give voice to a plurality of persons; some are priests, but it is doubtful that the performing chorus would comprise a one-priest show. Like much of Third Isaiah, chs. 60–62 constitute a scribal work that interprets the written Second Isaiah, developing it along apocalyptic lines and thereby dehistoricizing it; cf. Reinhard Achenbach, “König, Priester und Prophet: Zur Transformation der Konzepte der Herrschaftslegitimation in Jesaja 61,” in *Tora in der Hebräischen Bibel: Studien zur Redaktionsgeschichte und synchronen Logik diachroner Transformation* (ed. R. Achenbach, et al.; vol. 7 of BZAR; Wiesbaden: Harrassowitz, 2007), 196-244, 212; Hanson, *Dawn*, 66, n. 37 emphasizes the written rather than oral aspects of the text: “that we are dealing with written composition is indicated both by the complexity of the prosody and by the studies use of allusions to and quotations from Second Isaiah.” The innerbiblical conversation with Second Isaiah is both extensive and difficult to plot. See Stephen L. Cook, “Holiness Versus Reverence: Two Priestly Theologies; Two Priestly Schools,” forthcoming, in which he both connects Second Isaiah with I. Knohl’s P (PT) and argues both were written by Aaronide priests.

קדוש in 60:14 and 62:12 (cf. v. 10),⁴⁴⁸ in conjunction with כהני יהוה in 61:6, make connections with Exod 19:5f difficult to ignore.⁴⁴⁹

It is the designation כהני יהוה in Isa 61:6 however that holds particular promise for the present discussion. J.-L. Ska affirms that כהני יהוה applies to *all-Israel*, but perceives significant differences between it and the context of Exod 19:5f. For example, it may be better to interpret Isa 61:6 in the sense of a privilege promised to Israel by its God than of a people who are actually priests.⁴⁵⁰ The difference between Isa 61:6 and Exod 19:6 presents itself in the following ways: Whereas the former context views reciprocity with aliens positively, the latter endorses Israel's separateness from the surrounding nations; whereas the former envisions a future in Jerusalem following the reconstruction of the temple and the advantages resulting from the "conversion" and pilgrimage of the peoples, the latter is preoccupied with the internal organization of the embryonic nation of Israel over against "the peoples."⁴⁵¹ Ska's contrasts are helpful, though he may overdraw the oppositional aspect in Israel's relationship with the other in the context of Exod 19:3b-8. Animus toward Egypt, for example, should not be taken as axiomatic with respect to other neighbors, for "all the earth is mine" (v. 5b). One should also bear in mind the possibility that Exodus 19:3b-8 does not have in mind large, remote foreign nations but rather a sociohistorical situation closer to home, namely, in which the "other peoples" actually live in the land of Israel, having mixed with the "native population" since the exile.⁴⁵²

⁴⁴⁸ See the following note.

⁴⁴⁹ Cf. Schmitt, "Redaktion," 177f. To the list of relevant passages in Third Isaiah, Kraus ("heilige Volk," 47) adds Isa 35:8α, which also uses קרא to connote a future context לה יקרא (cf. 62:10). Kraus (ibid.) suggests the "holy/holiness" designations in Isaiah (including 62:10, which also speaks of the "way" [דרך]) belong to an eschatological *Gedankenwelt*. Pace Kraus, it has become more difficult to date Isa 35:8 and indeed ch. 35 in general to the exilic era. Blenkinsopp (*Isaiah 1–39* [vol. 19 of AB; New York: Doubleday, 2000], 457) speaks to the problems accompanying the dating of these texts: "Chapter 35 gives us a completely ahistorical and imaginative projection ... [Both:8 and 62:10] derive from a social and spiritual environment very different from that of the so-called Second Isaiah."

⁴⁵⁰ Ska, "Exode 19,3-6," 303. Ska's essay considers the flowing together of dtn/dtr, P, and prophetic traditions; cf. Gertz, *Tradition und Redaktion*, 18; Steins, "Zur Interpretation von 19,6," 33.

⁴⁵¹ Ska, "Exode 19,3-6," 302-04.

⁴⁵² Steins, "Zur Interpretation von 19,6," 27.

2.2.4.1 *Israelite Intermediaries in Exodus and Third Isaiah*

Despite the alleged contrasts between Isa 61:6 and Exod 19:6, important similarities remain. Discernible within the notion of Israel as עַם קְדוֹשׁ in Isa 61:6 is Israel's intermediarial role between God and the nations.⁴⁵³ In the light of "il grande poema di Isa 60," Third Isaiah may hold to this view in general.⁴⁵⁴ As Israel observes the covenant, it becomes *YHWH*'s divine envoy to the nations. Assuming this concept fits the Isaiah text, does it also apply to Exod 19:6? Barbieri maintains that built into the conception of Exod 19:6 is the promise of blessing and reward⁴⁵⁵ for both Israelite and non-Israelite that acknowledges Israel's divine commission (cf. Isa 60:3).⁴⁵⁶ While unprovable, this proposal helps explain the conspicuously similar vocabulary, itself suggestive of cross-canonical, interlacing themes between the two texts. Note also that the terms of acceptance for the alien recall similar devotion to *YHWH* expected by the Hexateuch redactor (§1.3.11.8). In this instance, however, the alien acknowledges not only *YHWH* but also his plans for Israel.⁴⁵⁷ So far, the evidence suggests the "nation(al) holiness" under discussion has to do with Israel's unique mission among the nations, already heralded in the Sinai pericope. It will be argued that the same appertains to passages demonstrating the PRR.

2.2.4.2 *Israel's Mission Led by Professional Priests?*

Neither in Isa 60f. nor Exod 19:5f. does the idea of Israel's ambassador/mediator role suggest a membership restricted to professional priests.⁴⁵⁸ One instead finds the contemplation of socioreligious aspects of a "holy people/nation" on an international

⁴⁵³ "Emerge da questo brano chiaramente il concetto die Israele come 'popolo di sacerdoti' chiamati a svolgere una funzione di intermediari tra JHWH e le nazioni" (MAMLEKET KOHANIM, 436-37; cf. also 444f.). This interpretation emerges not only from the description of the people as priests but also as "servants" of God. The term "servant" derives from the root שָׂרַת (*pi'el*) often used in contexts of priestly service.

⁴⁵⁴ Barbieri, "MAMLEKET KOHANIM," 437; Crüsemann, *Torah*, 360.

⁴⁵⁵ "Ci sembra che questo trovi riscontro in Es 19,6, dove l'espressione funge da 'benedizione' per l'osservanza dell'alleanza, ha cioè il senso di un 'premio'" ("MAMLEKET KOHANIM," 437 and n. 58).

⁴⁵⁶ For nations and kings that do not serve (שָׂרַת) the servant, i.e., Israel (cf. Isa 60:10), the prospects remain rather grim (v. 12).

⁴⁵⁷ Cf. the importance of *YHWH*'s "plans/thoughts" (מַחְשְׁבוֹתַי) for Jeremiah's life in Jer 29:11: "For surely I know the plans I have for you, says the Lord, plans for your welfare and not for harm, to give you a future with hope."

⁴⁵⁸ This does not mean Israel's function among the nations did not include a type of priestly mediation, contra Steins ("Zur Interpretation von 19,6," 34, n. 68).

scale.⁴⁵⁹ Georg Steins devolves the Israel's priestliness in Exod 19:6 (and ch. 24) to their realization of the nearness of God (Realisierung der Nähe Gottes), listening to his voice, and mediating the Torah.⁴⁶⁰ But this leaves unexplained the contiguity of nation and holiness in 19:6a (גוי קדוש), and the additional cultic aspects attached to כהן in v. 6b. In my reckoning, the centrality Steins claims for the realization of God's presence in this passage would require more explicit prophetic emphasis.

Aside from v. 5a, the removal of which does no harm to the context or flow of vv. 5f., I detect no conditionality or contingency in Exod 19:3b-6. Further, conditions based on the people's performance do not fit the affection and possessiveness of v. 5ba (והייתם לי) (סגולה מכל-העמים), after which v. 6a perhaps adds an aspect of parental pride. "You will be *for me* a priestly kingdom and a holy nation" (i.e., in front of all the others).

With respect to Isa 60–62 and any monopoly held by elite religious leadership, Hanson pulls no punches in affirming *all-Israel's* qualification for carrying out their divine mission: "In Isaiah 60–62 the sealed gates (Ezek 44:1ff.) are cast open, for *all* the people will be righteous and holy."⁴⁶¹ Isaiah 60:21, moreover, likely hints at the people's sacral qualification, perhaps sanctification as well (cf. Lev 22:32b-33)⁴⁶² by asserting that *all-Israel* is or will be righteous.⁴⁶³ The assertion lines up fairly well with the post-dtr tradition of Deut 4:31-38⁴⁶⁴ and runs counter to more pessimistic appraisals of the people in earlier, dtr texts such as Deut 5: 29–30.⁴⁶⁵ So far, nothing in the findings of the analyses of Exod 19:3b-6 disqualifies it from serving as a source from which the broad concept in Third Isaiah sprung, especially regarding Israel's mission among the nations.

2.2.5 Priestly and Other Perspectives in the Concept of *qdš*

⁴⁵⁹ The picture of priests in Isa 66:3 (cf. 59:1-12) does not suggest an authorship consisting of a ruling class of theocrats (so Barbieri, "MAMLEKET KOHANIM," 437: "A nostro avviso, è fuori luogo applicare Is 61,6 alle classe sacerdotale governante, come vorrebbe Cazelles"). Rather, we should perhaps think in terms of a middle or lower tier of prophetically inclined priests in pursuit of an alternative theological paradigm, one promoting the notion of a mixed people cognizant of their universal mission. Levitical priest-prophets with leanings in the direction of democratizing the priesthood come to mind.

⁴⁶⁰ "Zur Interpretation von 19,6," 35f.

⁴⁶¹ Hanson, *Dawn*, 73, original emphasis.

⁴⁶² Cf. the discussion of sanctification according to H in §§6.4.14-15.

⁴⁶³ Isa 60:21aa ועמך כולם צדיקים suggests a current rather than future context, likewise Tg. וועמך כולהון זכאין; NJB has "Your people, all of them upright"; TNK: "And your people, all of them righteous"; Johann Gottfried Herder, *Die Bibel. Die Heilige Schrift des Alten und Neuen Bundes. Vollständige deutsche Ausgabe* (1966 rev.) [Bible Works 8] (Verlag Herder, 2005 [cited 3 March 2011]), hereafter "Herder": "Deine Bürger sind lauter [here "nothing but"] Gerechte."

⁴⁶⁴ See the treatment of Deut 4 below, §3.1.4.

⁴⁶⁵ On chs. 29f. see the discussion in Excursus 4, section x.2.

The notion of Israel's sanctity (*qđš*) as a defining characteristic opposite other nations likely emerges from a sacerdotal milieu. It makes its presence known especially in the Holiness Code (H).⁴⁶⁶ Leviticus 19:2, which addresses the entire community,⁴⁶⁷ recalls elements in the presentation of the Dec; the command to be holy seems an extension of and perhaps counterpart to the Dec.⁴⁶⁸ Leviticus 19:2 functions well as the *Leitsatz* for the H corpus (chs. 17–26), as well as the point of trajectory for 11:44f; 20:7, 26.⁴⁶⁹ “Holiness expressions” often occur in legal contexts concerned the sphere of holiness,⁴⁷⁰ e.g., Exod 22:30 [Eng 31]⁴⁷¹; Num 15:40⁴⁷²; Ezek 20:12.⁴⁷³ Superficially, the pairing of legality and holiness seems a legal area specially emphasized by clerical elites. A careful look at the passages just mentioned, however, shows the concept of “observance” extends beyond the realm of ritual specialization. H famously expands the notion of the legality of holiness into the ethical sphere. Another application of law to the personal sphere meets us in the Psalter, where the collocation *torat YHWH* stands for a selective law manual that lends itself to personal liturgical observance and contemplation.⁴⁷⁴ With just these few sketches of the diverse conceptualizing of religious legality in view, and despite the apparent dtn/dtr vocabulary in Exod 19:3b-6, already the evidence does not point in the

⁴⁶⁶ See § 2.1.1.4 below.

⁴⁶⁷ דבר אל־כָּל־עַדְת־בְּנֵי־יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם קְדוּשִׁים תִּהְיוּ כִּי קְדוֹשׁ אֲנִי יְהוָה אֱלֹהֵיכֶם. For shades of meaning in the pairing of עֲדָה and בְּנֵי־יִשְׂרָאֵל see Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26* (vol. 67; Leiden: Brill, 1996), 38f.

⁴⁶⁸ Kraus, “heilige Volk,” 41.

⁴⁶⁹ Ibid.

⁴⁷⁰ Cf. *ibid.*, 47: “Die Zeugenschaft Israels vor den Völkern erhält dadurch im Bereich des Wortfeldes *qđš* ihre Zeichnung und Bestimmung, daß die Theologie des Heiligkeitsgesetzes stark zur Geltung kommt.”

⁴⁷¹ This passage may reflect an early phase of H. If so, then Deuteronomy and H “haben darin eine gemeinsame, auch aus den deuteronomischen und priesterlichen Texten selbst zu erschließende Voraussetzung, daß sie beide auf das Traditionselement der Beziehung ritueller Weisungen auf die Heiligkeit Israels rekurrieren—das Deuteronomium im älteren, begründenden, das Heiligkeitsgesetz im jüngeren (möglicherweise in Ex. 22, 30 vorgebildeten) fordernden Modus” (*ibid.*, 44-5).

⁴⁷² The juxtaposition of the people's legal competency and holiness is clear, even programmatic, in Num 15:40. Note the volitional mood and future tense וְהָיָה לָּךְ: “So you shall remember and do all my commandments, and you shall be [NRSV future tense likely following LXX ἔσεσθε and Tg. וְיִתְהַוֶּה] holy to your God.”

⁴⁷³ Cf. Ska, “Exode 19,3-6,” 296; Kraus (“heilige Volk,” 47) links the holiness conceptions of Ezek (e.g., 39:7) with those of the prophet Isaiah.

⁴⁷⁴ Cf. Ps 1:2; 19:7; 119:1, and Reinhard Gregor Kratz, “Die Tora Davids: Psalm 1 und die doxologische Fünfteilung des Psalters,” *ZTK* 93, no. 1 (1996): 1-34; Christian, “Revisiting Levitical Authorship,” 194f.

direction of limiting its conceptions, including the notion of election, solely to dtn/dtr circles.⁴⁷⁵

2.2.6 An Inclusive “Kingdom of Priests” and the PRR

According to the story line of the exodus from Egypt, the assembly receiving direct revelation at the mountain of God comprises a mixed, integrated community (cf. Exod 12:38; Num 11:4, both HexRed⁴⁷⁶). This actuality invites the consideration of connections between the writers of vv. 5f. and those supportive of the tradition of the PRR. The terms under review in Exod 19:5f. ostensibly refer to *all-Israel*,⁴⁷⁷ and the circles employing those terms arguably envision Israel as an interrelated, albeit diverse,⁴⁷⁸ community.⁴⁷⁹ We have looked into the prospect of an international priesthood taking root in Third Isaiah. Exodus 19:5a indicates that *all-Israel* and not solely priests carry the potential (and therefore bear responsibility) for keeping the covenant. The promise of 5b hinges on the people’s obedience.⁴⁸⁰ As one considers the casuistic formulation of v. 5 combined with the postexilic conceptual framework of v. 6, the challenge to hear (שמע in 5aα likely including the idea of discernment) God’s voice and keep his covenant probably targets a diverse community, one that has signed on to both the identity and territorial aspects of “Israel.” The גוי קדוש envisioned in Exod 19:5f. is to

⁴⁷⁵ “Ces contacts empêchent de se diriger uniquement du côté du Dt ou des textes deutéronomistes pour y retrouver l’idée d’élection présente en Ex 19,3-6” (Ska, “Exode 19,3-6,” 296). On the “holiness” passages and their cultic significance in Ezekiel, including apocalyptic texts such as 38:16, where *YHWH* reveals his holiness directly to the nations that they may “know” him (למען דעת הגוים אתי בהקדשי), see Kraus, “heilige Volk,” 47-9. Kraus occasionally draws too sharp a line between dtn/dtr and priestly notions of holiness; see, e.g., *ibid.*, 42, 49. His commitment to untying the complex, tradition-historical knot is nonetheless laudable: “Darf man annehmen, daß das Deuteronomium mit seiner ‘am-Theologie auch von der ‘am-qādōš-Tradition des heiligen Krieges bestimmt ist, so führt die qāhāl-’edāh-Theologie der Priesterschrift und die qdš-Aussage des Heiligkeitsgesetzes in ihren der Heiligkeit Israels begründenden Erklärungen an Jahwe selbst als den qādōš heran” (*ibid.*, 45).

⁴⁷⁶ Achenbach, *Vollendung*, 224.

⁴⁷⁷ Cf. García López, *El Pentateuco*, 285-86: “La novedad fundamental de este libro consiste en extender a todo Israel una doctrina que, en textos más antiguos (cf. 1 Sam 10,17-24; 2 Sam 6,21), sólo se aplicaba al rey o al santuario” (emphasis added).

⁴⁷⁸ Cf. Exod 12:37f.; in v. 38 the term ערב in connotes a mixed race; cf. Neh 13:3; Jer 25:20, 24; cf. also the likely pejorative הָאֶתְכֶם־רָבָה (“mixed multitude,” “rabble,” “das Pöbelvolk” [Luth], “das fremde Volk” [Herder, *Bibel*] in Num 11:4. LXX however uses ἐπιμικτός, which in contrast to σύμμικτος (used in Jer 25:20, 24, and defined by Liddell-Scott as “commingled,” “promiscuous,” “irregular”) is not pejorative. LXX appears then to have interpreted האספסוף as a neutral term denoting mixed ethnicity.

⁴⁷⁹ Cf. perhaps Josiah’s grandiose scheme of reuniting the northern and southern kingdoms (2 Kgs 23//2 Chr 35).

⁴⁸⁰ Sarna, *Exodus*, 104.

become a new kind of כהן⁴⁸¹ endowed with the capacity for fulfilling their commission among the nations⁴⁸² while maintaining relations with “the Holy One of Israel.”⁴⁸³ But with singular blessing comes extraordinary expectation. The authors of Exod 19:3b-6 have inserted this progressive concept into the Sinai narrative. It remains unclear whether this conferral of quasi-priestly status, expressed in the future tense (vv. 5f.), already applies to the first exodus generation, which, as will become apparent below, also experiences the PRR. Let us now turn to our second terminological collocation in Exod 19:6.

2.2.7 ממלכת כהנים (“Kingdom of Priests”): A Levitical Concept?

Similar to the PRR, and as the dearth of traditions supporting it suggests,⁴⁸⁴ the notion of *all-Israel* as a sanctified people did not win wide acceptance among the writers and

⁴⁸¹ This is not to say that priests no longer have a distinctive role and specific functions to perform before *YHWH* and in behalf of the people. I see no indication here of a three-tiered, descending scale of holiness (Aaronides, Levites, people) as Knohl (*Sanctuary*, 192) proposes for his Holiness School, though in this context it is the sanctity of the commandments and the presence of *YHWH* within the camp/community that sets the Israelites apart. Within this horizon the Levites maintain their separateness to facilitate their service at the tabernacle, to protect it from unlawful entry, and to atone for the people (Num 8:14-19; 16:9-10; 18:2-4, 6). In light of the polemic permeating each of these passages, however, it is difficult to celebrate Knohl’s repeated characterizations of HS’ inclusivity, which on the surface would need to assume the Levites’ satisfaction with subservient status. Further, one could make the case that the pro-Aaronide-Levite authors wish to inject division between the middle-tier Levites and the people with whom they so closely worked, which would include the marginalized (especially v. 4 in the following quotation): “They [Levites] shall perform duties for you and for the whole tent. But they must not approach either the utensils of the sanctuary or the altar, otherwise both they and you will die. ⁴They are attached to you in order to perform the duties of the tent of meeting, for all the service of the tent; no outsider shall approach you” (זר לא־יקרב) (אליכם Num 18:3f.). Knohl does not reference the parallel passage of Ezek 44:9. His redactional model is clear and skillfully presented, but in the end does not account for the post-redactional revision layers in texts such as Num 16–18, where theocratic revisors (Bearbeiteren; cf. the Korah-Dathan revision), focus more on exclusion than inclusion; cf. Achenbach, *Vollendung*, 490 and n. 165.

⁴⁸² Cf. Noth (*zweite Buch Mose*, 126; ET 157): “In der Reihe der irdischen Staaten soll Israel die Rolle des priesterlichen Gliedes haben. Es soll Gott ‘sich nähern’ dürfen, wie es das besondere Vorrecht der Priester ist, und soll für alle Welt den ‘Gottes-Dienst’ tun (vgl. auch Jes. 61,5,6), da es dazu ausersehen ist, wie schon die vorangegangene Gottestaten an Israel deutlich gemacht haben. Nachdem das Volk sich daraufhin zum Gehorsam verpflichtet hat (v.7.8)...”; cf. Kraus, “heilige Volk,” 46f.

⁴⁸³ The epithet (קְדוֹשׁ יִשְׂרָאֵל) permeates the book of Isaiah, occurring otherwise in the *corpus propheticum* only in Hos 11:12; Jer 50:29; 51:5; it occurs once in the minor prophets (Isaiah’s oracle to Hezekiah in 2 Kgs 19:22), thrice in the Psalter, 71:22; 89:19 and in the historical recital of the exodus in Ps 78; cf. v. 41: “They tested God (אֱלֹהִים) again and again, and provoked the Holy One of Israel.”

⁴⁸⁴ See the exegesis of PRR passages later in this chapter and in Chapter 3.

editors of the Tanakh. Weinfeld submits that גוי קדוש (Exod 19:6a) may well reflect a dispute over the scope of Israelite holiness.⁴⁸⁵

The term ממלכת כהנים in 6a projects an image of a sovereignty administered by priests.⁴⁸⁶ The similarity between ממלכת כהנים and כהני יהוה of Isa 61:6 has often been noted. We should mention the *dissimilarity* between ממלכת כהנים and the “national portrait” of Deut 7:6 (כי עם קדוש אתה ליהוה אלהיך בך בחר יהוה אלהיך לו לעם סגלה מכל העמים אשר על-פני (האדמה) which makes no mention of priests,⁴⁸⁷ and whose ethnocentricity (cf. 14:1f.) HexRed would resist. Thus it would seem that the concept of priesthood, at least for our authors, had broadened considerably by the time of the writing of Exod 19:5f., Isa 60–62*, so also Deut 4:1-40.⁴⁸⁸ The term ממלכת כהנים—along with the *Geschichtsbild* of Israel—was under negotiation. J. Durham envisages ממלכת כהנים as “a servant nation instead of a ruling nation.”⁴⁸⁹ Combined, גוי קדוש and ממלכת כהנים appears to be an effort at compromise indicative of a society led but not dominated by כהנים, in the professional sense of the word.⁴⁹⁰ A. Bentzen discoursed on a “general priesthood.”⁴⁹¹

⁴⁸⁵ On the significance of the term גוי קדוש in contrast to the more common עם קדוש, see Weinfeld, *Deuteronomistic School*, 228 and n.1. Weinfeld notes the conflict between the dtm and priestly views on the scope of holiness suggested by Num 16: “An echo of this controversy concerning the scope of Israelite holiness may be found in the Priestly narrative of Korah’s rebellion. Korah and his adherents demand an equal status for priests and Levites alike, a status which the book of Deuteronomy takes for granted (cf. the deuteronomistic expression ‘the Levitical priests’ and Deut. 18:6-8). Korah’s contention, which is similar to that of the author of Deuteronomy, is that all the members of the Israelite congregation are equally holy (Num. 14:3). Moses, on the other hand, claims that there exists an hierarchic system of holiness...” (ibid.). The contrasting viewpoints recall the contrast between the inclusive scope of the Hexateuch Redaction and the later, more exclusive perspective of the Pentateuch Redaction.

⁴⁸⁶ Cf. Steins, “Zur Interpretation von 19,6,” 25, who critiques the view imbedded in the following words of A. Schenker: “Die Göttliche Verheißung verkündet nicht die priesterliche Würde des Ganzen Volkes, sondern seine Heiligkeit, und richtet die ‚Theokratie‘ ein, d.h. eine Regierung des Volkes, die den Priestern reserviert ist.” Steins regards Schenker’s solution as simplistic. One cannot presume the term “priests” in 19:6 points to a group of cultic functionaries. Had the term “priests” in 19:6 in view the priests in Exod 28–29 and Leviticus, one would expect a clearer determination of the expression. Exod 19:22 already speaks of “the priests” as a known entity, although they do not become an institution until Exod 28 (ibid., 26). Although the idea of theocracy may have been in its germinating stage, such a form of governing about which Schenker comments (in ibid.) would not have existed in Israel until the Hellenistic period. Steins’ elucidation of the disputed thesis of a Achaemenid era theocracy, which includes a lengthy quote of F. Crüsemann, is helpful (ibid., 27 and nn. 37f.).

⁴⁸⁷ Achenbach, *Vollendung*, 55f; Kraus (“heilige Volk,” 47) also mentions Jer 2:3aa “Israel was holy to the Lord” (קדוש ישראל ליהוה) in connection with Exod 19:5f. and Isa 61:6. Le Roux (“Holy Nation,” 74) characterizes Deut 7:6, a passage belonging to the “original Deuteronomy,” as the *locus classicus* for the Deuteronomistic theology of election”; cf. Otto, *DPH*, 255.

⁴⁸⁸ See the exegesis of Deut 4 in §3.1.4.

⁴⁸⁹ John I. Durham, *Exodus* (ed. J. D. Watts; vol. 3 of WBC; Waco: Word Books, 1987), 263.

⁴⁹⁰ Cf. the “nation” that God will make in Gen 12:2aa: וַאֲנִי יֵצֵא לְגוֹי גָדוֹל.

Excursus 1

Achenbach's agreement with the respective studies of H. Cazelles and W. Caspari in which the notion of a general priesthood is rejected⁴⁹² leads to a conclusion that in my estimation does not fully come to grips with the rhetorical, metaphorical,⁴⁹³ and sociopolitical impact of the passages in question.⁴⁹⁴ The context of Exod 19:3b-8 concerns itself principally with the role of law in the life of the people of Israel. One wonders what ultimate goal would be in mind of those responsible for the terminology in vv. 5f. were it merely to reinforce the exclusive domain of professional priests.⁴⁹⁵ Would this, for example, encourage the observance of the law by the populace, alternatively, the through Moses helped lead out of Egyptian bondage?

The first person address in Isa 61:6, in which the related passage is found, stands out from the surrounding, third person passages (vv. 3f. and 7f.). The deity's first person speech in v. 8 helps offset the otherwise abruptness of the second person address of v. 6. If one then takes into account the first person human speech of vv. 1 and 10, the chapter leaves the impression of having been conceived and formulated as a conflation of various prophetic oracles (cf. e.g., 61:1 with 42:1)⁴⁹⁶ and praises, all centered in the proclamation of future release and blessing. The similarity between 61:7 and 40:2b (the former uses the term *הַשְׁמָח* twice in a play on word "double" (*כְּפֶלֶת*) in the latter) reveals the multivocality and reception history interest in ch. 61. The Song of Thanksgiving

⁴⁹¹ Cf. A. Bentzen's designation "allegemeine Priestertum," an expression he uses in the discussion of the lay uprising of Korah (Num 16; Aage Bentzen, "Priesterschaft und Laien in der jüdischen Geschichte des fünften Jahrhunderts," *AfO* 6 [1930-1931]: 280-86, 281), to which he also links Exod 19:6 "(JE)" with the lay-induced reform in Isa 56: 1-8; 61:6; 66:21; see also Hagg 2:5's allusion to Exod 19:5f. Bentzen notes the salient absence of the claims of the "general priesthood," however, in the main sources of the history of the period (Malachi, Nehemiah's memoirs, and the Ezra *Geschichte*). Otherwise stated, "die Laien haben die Reform der priesterlichen Gesetzesprogramme, vor allem der kanonischen, des Deuteronomiums und des noch im Werden befindlichen sogenannten 'priesterlichen Geseztes,' übernommen" (ibid., 282). Other major scholars affirming the notion of the priestly status of *all-Israel* include, e.g., Crüsemann, *Torah*, 358f.; Blum, *Studien*, 47; Markl, *Dekalog*, 69f.

⁴⁹² Achenbach, "König, Priester und Prophet," 209; see nn. 48f. for references.

⁴⁹³ Blenkinsopp, *Isaiah 56-66*, 223.

⁴⁹⁴ Regarding objections to the notion of a "general priesthood," while it is admitted that it and likewise the concept of a "holy people/nation" inheres utopian aspects, the objections usually arise from a precommitment to or preference for the more elite aspects of priestly vocation. These include conversance in the arcane details of sacral law; a ritual, P-infused notion of the necessary separation between priesthood and laity propagated throughout much of the Ancient Israel's history; limiting the meaning of the term *הַקָּהֵן* solely to a priest; and limiting the people's potential for prophetic and priestly competency, without which the office laws and H would hold limited importance for the communities envisioned in those codes.

⁴⁹⁵ So, Achenbach, "König, Priester und Prophet," 209.

⁴⁹⁶ See Hanson, *Dawn*, 69f., who perceives in 62:10f. a reverential dependence on Second Isaiah.

concluding the chapter (vv. 10-11⁴⁹⁷) affirms the final form and prophetic worship tenor of ch. 61. Here, including vv. 6 and 9, the worship tends toward inclusivity rather than any clerical elitism. If v. 6 intimates an audience other than *all-Israel*, it may be advisable to take another look at Hanson's conception of a levitical priest-prophets.⁴⁹⁸ For one thing, such a theory of a propheto-priestly sodality residing in villages (Jerusalem suburbs?) helps explain the curious economic provision clause of 61:5.⁴⁹⁹ Contrastingly, the foreign care of flocks and lands of urban priestly elites who are already enjoy the benefits of such workers seems unlikely. The prophetic force of v. 5 shows itself in the promise to relieve the current laborers (Levites) of the tasks that would impinge on their religious vocation, namely, ministering as *YHWH's* priests (cf. Neh 13:10).

Achenbach's⁵⁰⁰ reading of Isa 61:5 however projects an image of wealthy, elite priests who own "estates" (Länderei),⁵⁰¹ even though Num 35:2-8, to which he points, identifies the field (מגרש) owners as simply "Levites" without any further qualification.⁵⁰² The reason why the *priestly* addressees in Isa 61:6 would be other than Levite is not given.⁵⁰³

During the Persian period, as Israel gradually surrendered its royal pretensions, its identity evolved increasingly into a constituency governed by religious and cultural institutions. The Holiness Code (much of which is attributable to the School of HexRed⁵⁰⁴) sets forth this view of a kingdom governed by Yahwistic priests.⁵⁰⁵ Ska

⁴⁹⁷ Cf. Blenkinsopp, *Isaiah 56–66*, 222.

⁴⁹⁸ E.g., *Dawn*, 65-70, 95f.

⁴⁹⁹ "The needs of these prophet-priests would be supplied by foreigners," Hanson, *Dawn*, 68.

⁵⁰⁰ "König, Priester und Prophet," 209f.

⁵⁰¹ *Ibid.*, 211.

⁵⁰² In the book of Numbers, instances of the term כהן appear overwhelmingly in association with Eleazar, Aaron, or the "high priest"; ch. 5, which mentions "the priest" many times, may hint at a lower priesthood, but the author leaves that likelihood unspecified (cf. perhaps ch. 6 and 15:25, 28 as well, though here the nondescript כהן presides at the altar).

⁵⁰³ For his part, Stephen L. Cook, *The Apocalyptic Literature* (Nashville: Abingdon, 2003), 118, warns against incautiously assuming priestly factions for the speakers and addressees in Third Isaiah. He suggests instead that an "Isaiah school" levelled its criticism at its own, wider community. But assuming a school is to assume a discussion and debate in which, certainly in the case of Third Isaiah, priestly factions would be involved.

⁵⁰⁴ See §§6.4.13; 6.5.2.

⁵⁰⁵ "Il est donc un 'royaume gouverné par des prêtres (de YHWH)'" (Ska, "Exode 19,3-6," 300). It is worthwhile to consider here Isa 25:6 (which has the character of a coronation-meal) and its likely nexus with Isa 24:23, since the related motifs of Isa 24:21-23 and 25:6-8 are apparently linked with Exod 24:9-11; in vv. 9-11 the "meal and gazing upon God are expressions of the kingly rule of God over Israel and of the unspoiled community of Israel with God" (ungetrübten Gemeinschaft Israels mit Gott; Oswald, *Israel am*

argues this to be the eventuality that would separate Israel from the other nations: “In other words, the postexilic community would receive from *YHWH*—and from him alone—an identity they could not receive from the Persian empire.”⁵⁰⁶ This postexilic identity would be guaranteed by the כהן and variously personified in Israel’s *sui generis* institutions.⁵⁰⁷ These institutions, whose beginnings date to the era of the “fondation d’Israël,” at the time of the exodus, allegedly originate in the will of God. Their naissance remains bundled up with the complex, larger-than-life figures of Moses and Aaron, who function as exemplars and paradigms of theocratic⁵⁰⁸ and hierocratic leadership, respectively. It would be later legislative texts, especially those in P^s and H,⁵⁰⁹ so also the dtr/post-dtr Deut 18, that delineate the religious institutions of Israel and the functions of the priesthood, a priesthood perennially conflicted among its leadership strata.⁵¹⁰

The potential for (missionary) universalism imbedded in the terms מלכת and גוי קדוש remains relatively untapped.⁵¹¹ Although Exod 19:5 seems to focus on Israel’s

Gottesberg, 60). The interconnections between the Isaiah and Exodus traditions become apparent as one sees the theocratic rule of God over Israel—promised in Exod 19:6—symbolically realized subsequent to the covenant conclusion of Exod 24:9-11 (*ibid.*).

⁵⁰⁶ “En d’autres termes, la communauté postexilique recevrait de *YHWH*, et de lui seul, un identité qu’il n’a pu recevoir de l’empire perse” (Ska, “Exode 19,3-6,” 300). The idea of a kingdom entrusted to priests is understandable in the context of strained relations between Israel and the “peoples” (עמים). Rather than reckoning with the matter of peoples outside the life and beyond the land of Israel, at issue here is the dilemma of who should occupy the land of Israel upon the return from exile: those that remained or those who returned? Postexilic prophecy is rife with this conflict, as evidenced in Ezra-Nehemiah. In significant respects it comes down to a question of power: “En fait, il s’agit de savoir qui détient le pouvoir: ceux qui reviennent d’exil ou ceux qui sont restés au pays” (Ska, “Exode 19,3-6,” 301).

⁵⁰⁷ *Ibid.*

⁵⁰⁸ Near the time of Moses’ death, Deut 31 recounts his commissioning a successor (Joshua; v. 7f.) and securing the Torah tradition (v. 9). “Diese Exemplar wird den Repräsentanten Israels—Priestern und Ältesten—übergeben” (Schäfer-Lichtenberger, “Göttliche und menschliche Autorität,” 136f).

⁵⁰⁹ For the lateness of H in general, and P^s passages, cf. Nihan, “Mort de Moïse,” 156: H “is post-P and post-dtr, as are also some very late P passages, e.g., Exod 28:38; Lev 22:2,3; 27:14-19, 22, 26; Num 3:13; 8:17; 27:14; Dtn 15:19.”

⁵¹⁰ Ska, “Exode 19,3-6,” 304.

⁵¹¹ Barbieri argues the term מלכת כהנים represents a key theme within dtr theology of the exile. Parallels drawn between Exod 19:6a, and texts like Deut 4:6ff.; Num 8:19; and Isa 61:6 lead to regarding the collocation “as a full and mature expression of the theology of election universalistic in its appeal” (“MAMLEKET KOHANIM,” 444-46); cf. *ibid.*, 444-45: “La collocazione de *mamleket kohanim* nel contesto immediato di Es 18,5b-6a e in quello più ampio die 19,3b-8, sullo sfondo della teologia dtr dell’esilio, ci ha fatto intravedere la ricchezza e la profondità di questa definizione di Israele. Ci sembra del tutto fuori luogo restringere la portata dell’espressione all’classe governante. Solo isolando *mamleket kohanim* dal contesto si può giungere ad una simile interpretazione.” But we resist the delimitation of the development of the term/concept to the period of the exile or to the “teologia dtr” circle.

Otto (“Deuteronomium 4,” 220 and n. 99) maintains PentRed emphasizes that Israel’s greatness is based on observance of the law rather than upon its size. By characterizing Israel as גוי גדול in Deut 4:6-8, this redactor links up with the promises in Gen 12:2; 46:3 and Exod 32:10 (the latter passage also

privileges alone,⁵¹² in combination with v. 6, we see not a tautology but rather a progression of thought expressed through the literary device of synthetic parallelism.⁵¹³

Exod 19:5b-6a

<p>A והייתם לי סגלה “you will be my treasured possession”</p>	<p>B מכל־העמים “from all the peoples”</p>
<p>A’ כִּי־לִי כָל־הָאָרֶץ “for the whole earth is mine”</p>	<p>B’ ואתם תהיו־לי ממלכת כהנים וגוי קדוש “but you shall be for me a kingdom of priests and a holy nation”</p>

The diagram⁵¹⁴ illustrates something of the scope and intent of *YHWH*’s dealings with Israel, which is simultaneously a גוי, a ממלכה, and humankind; B’, A’ do not simply parallel A, B, they expand them. Further, while B reflects the exclusive relationship between Israel and *YHWH*, emphasizing the separation of Israel from other peoples, A’ uses the same verbal construction deployed to describe *YHWH*’s possession of Israel (-היה לי) in order to extend the privilege of Israel to those same peoples. Viewing this brief yet conceptually layered text within the slightly larger section of vv. 3-6, a picture of election of Israel based on the universal sovereignty of *YHWH* (“the whole earth is mine”⁵¹⁵) emerges. The radical affirmation of the election of Israel in B’ highlights Israel’s function within that relationship. *YHWH*’s people acquire a universal function by virtue of the world belonging to *YHWH*. As a kingdom of priests sanctified and therefore qualified for the task by *YHWH* himself—to borrow a similar conception in H (22:32b-33)—Israel

attributable to PentRed). He also combines Deut 4 with the opening of the Sinai pericope in Exod 19:3b-8,9, which is “programmatically formed by him” (“Der Pentateuchredaktor verknüpft damit Dtn 4 auch mit der von ihm gestalteten programmatischen Eröffnung der Sinaiperikope in Ex 19,3b-8.9”; *ibid.*, n. 99). The theory that PentRed is responsible for Exod 19:5f. runs into difficulty once one accepts the thesis that the kingdom of priests includes the laity, a premise that in my understanding is at loggerheads with the primary thrust of PentRed; see n. 529 below.

⁵¹² Ska, “Exode 19,3-6,” 301.

⁵¹³ “Non si tratta di tautologia, ma di progresso del pensiero, di parallelismo sintetico” (Barbieri, “MAMLEKET KOHANIM,” 439); cf. Kraus, “heilige Volk,” 46.

⁵¹⁴ Adapted from Barbieri, “MAMLEKET KOHANIM,” 438.

⁵¹⁵ Beyerlin (*Origins*, 75) sees Exod 19:5b combining the ancient affirmations of *YHWH*’s kingship and lordship/ownership of the entire earth. Passages in Isaiah (6:3, 5) and the Psalter (24:1, 7-10 *inter alia*) manifest the combination and reflect a close relationship with the Israelite cult, in which the two concepts merged and were nourished. “This is another clear sign of the close relationship between this piece of Elohistic tradition and the Israelite cult and its forms of tradition. Exod.19:5bβ which attests Yahweh’s lordship over the world probably originated in connection with this cultic tradition. Moreover the cultic parallels just quoted all point to the sphere of the Temple at Jerusalem in the pre-exilic period” (*ibid.*, 75-6).

performs an intermediary function between the earth's proprietor and the earth itself. If one interprets ואתם ("but you") in v. 6a as a reflection of the tension between the two modes of membership ("modi di appartenenza"), viz., inclusive and exclusive, ממלכת קדוש כהנים וגוי קדוש arguably documents a transformation of the exclusivity of סגולה into an election paradigm that includes mediatory functions.⁵¹⁶ Israel is to serve as a priestly nation (goy) among the nations (goyim).⁵¹⁷

2.2.8 *Israel as Mediator*

The image of Israel entrusted with mediating *YHWH*'s revelation to the peoples recalls images of Mosaic mediation.⁵¹⁸ To be emphasized here however is the sharp contrast between this image of a fully endowed Israel (Lev 20:8b) and that of a timid Israel recoiling from the encounter with the God in the Sinai theophany (Exod 20:18-21). A not insignificant tension in the Sinai pericope (and passages in Deuteronomy, see Chapter Three) traces to these competing paradigms of the *beni yisrael*.⁵¹⁹ Parallels exist in Exod 19:5f. between the Levite-Israel relationship and Israel's relationship to the peoples to be discussed later on in this study. A partial explanation for the radically affirming description presents itself in the Levite's projection of their own mission among the general populace in Israel. In their instructional capacity,⁵²⁰ levitical teachers and preachers employ priestly language images in an inclusive manner (cf. Isa 61:6a), as a motivational device. There remains much to commend in Kraus's attribution of the

⁵¹⁶ Cf. Barbieri "MAMLEKET KOHANIM," 439: "... ma *mamleket koh^anîm w^egoy qādōš* trasformano l'esclusività di *s^egullâ* in un'elezione (qādōš) con funzione mediatrice (koh^anîm)." Cf. H's conception of a quasi-priestly community, adumbrated in §6.5.1

⁵¹⁷ Cf. Ezek 36:23b: וידעו הגוים כי אני יהוה נאם אדני יהוה בהקדשי בכם לעיניהם; In the context of Exod 19:5f. Markl (*Dekolog*, 70) envisions Israel receiving a new status comparable to a form of government (Staatsform). Its theocratic aspects are not those of priestly rule but rather of God's kingdom. Such a kingdom is not defined by territory; it is personal, and defined by relationship and function. This conception has everything to do with the role of the people and those that represent them, be they elders or levitical representatives.

⁵¹⁸ Kraus ("heilige Volk," 47) more generally compares sanctified Israel's mediatory role to that of the priesthood: "Wie in Israel der Priester 'Heilige für Jahwe' war, so soll Israel unter den Völkern die priesterliche Existenzweise 'Heilige für Jahwe' repräsentieren."

⁵¹⁹ As one considers the question of authorship of such a positive picture of Israel as disseminators of this revelation, the levitical priests, who hold to a different picture of Israel than do their elite priestly counterparts, again come to mind.

⁵²⁰ See Chapter Five, e.g., §5.13.

shaping and annotation of the term *qdš* to the “dtn preacher,”⁵²¹ and the recent thesis of Ulrich Berges posits prophetic, levitical temple singers as the authors of Second Isaiah and numerous Psalms (e.g., 96; 98).⁵²²

Reviewing the analysis of ממלכת כהנים inaugurated in §2.2.7, we recognize the helpfulness of Ska’s assessment that ממלכת כהנים signifies a “kingdom *entrusted* to priests,”⁵²³ a “kingdom *directed* by the priests,” a “priestly kingdom,”⁵²⁴ yet a fully satisfying profile of the כהן continues to elude scholars. Recent study of Near Eastern sources indicates that כהן sometimes connotes prophetic activities.⁵²⁵ Ska, who associates the theology presented in Exod 3b-6 with that of Third Isaiah, certain portions of Zechariah, and elements within the books of Ezra and Nehemiah, affirms the position advocated here that “the terms apply to *all-Israel*, not merely to priests.”⁵²⁶ In this connection Bentzen’s notion of a “general priesthood” remains appealing. Barbieri’s recognition of an election paradigm in which Israel inheres priestly mediatory functions among the nations does not need to convince in every respect, as the notion is not altogether new. It does however reinforce our emphasis on the cultic competency of the people of Israel as part of their equipping for their unique service in in the Hebrew Bible.

⁵²¹ “Die erwählungs-theologische und bundes-theologische Prägung und Kommentierung dieser Bezeichnung aber wäre ein Werk der deuteronomischen Prediger gewesen” (“heilige Volk,” 44); von Rad, *Holy War*, 116f.; cf. the writer’s “Revisiting Levitical Authorship.”

⁵²² *Jesaja 40–48*, 38f, 42; 358-61. Berges also notes thematic nexus between Third Isaiah and the Psalms, e.g., Ps 97:10-12 (cf. *ibid.*, 359).

⁵²³ Cf. Lev 21:8a, which may be interpreted as H’s holy community entrusting/conferring sanctity to the priests (Klaus Grünwaldt, *Das Heiligkeitsgesetz Leviticus 17–26. Ursprüngliche Gestalt, Tradition und Theologie* [vol. 271 of BZAW; Berlin: de Gruyter, 1999], 239f.; *idem*, “Amt”; contra Otto Eckart Otto, “Das Heiligkeitsgesetz Leviticus 17–26. Ursprüngliche Gestalt, Tradition und Theologie [Review],” *Biblica* 82, no. 3 [2001]: 418-22, 421). See additional comments on Lev 21:8 in the discussion of Lev 17–26 in Chapter Six.

⁵²⁴ Cf. Ska, “Exode 19,3-6,” 303-04 (secondary emphasis): “Il convient de comprendre l’expression ממלכת כהנים *mamleket kohanim* dans le sens de ‘royaume confié aux prêtres,’ ‘royaume dirigé par des prêtres,’ ‘royaume sacerdotal’”; cf. Steins, “Zur Interpretation von 19,6,” 27.

⁵²⁵ See especially the recent essay of Diana Edelman, “From Prophets to Prophetic Books,” in *The Production of Prophecy: Constructing Prophecy and Prophets in Yehud* (ed. D. Edelman and E. Ben Zvi; London: Equinox, 2009), 29-54.

⁵²⁶ “L’oracle s’adresse à tout Israël ... et non aux seuls prêtres” (Ska, “Exode 19,3-6,” 304). For an inclusive, eighth-century BCE society that “includes all residents of the land who practice holiness and purity,” see Knohl, *Sanctuary*, 182, whose Holiness School reflects the eras of the Judean kings Ahaz and Hezekiah. Cf. also Isa 61:6.

That a passage such as Exod 19:3b-8⁵²⁷ found placement *en route* (on the textual plane) to the presentation of the Dec in Exod 20:1-17 (and also the covenant ceremony in Exod 24) adds support for the tradition of the PRR for the way it endorses an exalted view of the Israelite people and their mission. Similar to the PRR, and in light of the authority conferred in the designation *ממלכת כהנים וגוי קדוש*, it doubtless generated mixed reviews, inspiring some,⁵²⁸ inciting others.⁵²⁹

2.2.9 *The Gola's Sociopolitical Perspective in Exod 19:3b-6*

Exod 19:6 places in bold relief the privileges of Israel vis-à-vis the nations rather than professional priests vis-à-vis their constituents. The “new frontier” has its geographic and political dimensions,⁵³⁰ but it grounds itself in the theological belief of a “‘society of the holy,’ of ‘holiness’ attributes that extend to all the people.”⁵³¹ Ska believes these

⁵²⁷ Exod 19:3-8 have been described as an “anticipatory summary and interpretation of the Sinai pericope as a whole” (E. W. Nicholson, cited in Steins, “Zur Interpretation von 19,6,” 31, n. 55). Blum characterizes it as a “pärenetisch-programmatisch formulierter Text” (cited in *ibid.*, n. 56). The text is programmatic but not early. According to the canonical arrangement of Exodus, vv. 19:7f. assume laws that have yet to be introduced, unless vv. 7f. betray previous or roughly concurrent events in which *YHWH* reveals commandments to the people; cf. *ibid.*, 31f.

⁵²⁸ Numbers 11:12 belongs to a late layer that assumes both *dtr* and Deutero-Isaianic thought and links up with the notion of the *ממלכת כהנים* of Exod 19:6 (Achenbach, *Vollendung*, 243; see also *ibid.*, n. 167).

⁵²⁹ Exod 29:46 is unique within the Pentateuch: “And they shall know that I am the Lord their God, who brought them out of the land of Egypt that I might dwell among them...”; Num 16:3 (“They assembled against Moses and against Aaron, and said to them, ‘... All the congregation are holy, every one of them, and the Lord is among them...’”) may constitute the only passage to which it explicitly refers. Achenbach interprets Num 16:3 as a reaction to the views of PentRed formulated in Exod 19:6. In this case, the author of Num 16:3 defends against an interpretation of the theology of the temple and against what he perceives as a “falsche radikalisierte” interpretation of PentRed in Exod 19:6 (*ibid.*, 57f.). We attribute the canonical text of Exod 19:5f. to the School of HexRed; see para. 2 in n. 511 above.

⁵³⁰ The people have developed a “culture of resistance” in order to stave off the threat of assimilation. Instead of eschewing contact with foreigners, they seek coexistence based on a broadened view of the covenant anchored in the very foundational events of Israel’s history, namely, the exodus and the revelation of the law at the mountain of God (Ska, “Exode 19.3b-6”).

⁵³¹ “... de l’ordre du ‘sacré’ et de la ‘sainteté,’ qualités étendues à tout le peuple” (*ibid.*, 317); cf. Hanson, *Dawn*, 363. Hanson argues that priest-prophet Levites uphold what they believe to be the ancient notion of holiness for all—in contrast to the Zadokite notion of holiness as preserve of the few—i.e., the priestly elite. In hopes of righting the inequity, the disenfranchised (humble and lowly persons in the ancient context) promote a holiness not available to politically empowered leaders of “official religion” (*ibid.*, *Dawn*, 215-18, summarizing the socio-religious thesis of E. Troeltsch). Peter Ackroyd’s defaming criticism of Hanson’s 1975 monograph, including the support from the arguments in his erudite essay to which Ackroyd points (Peter R. Ackroyd, “Continuity and Discontinuity: Rehabilitation and Authentication,” in *Tradition and Theology in the Old Testament* [ed. D. Knight; The Biblical Seminar; Sheffield: JSOT Press/ Sheffield Academic Press Ltd., 1977/1990], 215-24) does not prove altogether worthwhile. Efforts toward plotting themes and naming priestly and priestly-prophetic factions in the Second Temple period continue to be beneficial.

convictions belong to the returnees.⁵³² This view remains acceptable to the extent it does not restrict the *perspective* of the *Golah* to the sixth-fifth centuries.

Following Lohfink, Achenbach believes Exod 19:5f. contain “*in nucleo* eine Definition der Verfassung der späteren Jerusalemer Tempelgemeinde.”⁵³³ In this interpretation vv. 5f. “radicalize” the dtr designation of Israel in Deut 7:6, in a milieu of cooperation with the ideas of P, namely the latter’s idea of the divine establishment of the priestly office at Sinai (Exod 29; Lev 8f.). This prepares the socio-religious conceptual framework for the holiness program of H (broadly expressed in the terse Lev 19:2b). Achenbach sees here an underlying principle of the entire post-dtr and post-priestly covenantal theology according to the perspective of PentRed.⁵³⁴ The problem with this view lies in PentRed’s otherwise lack of interest in sociopolitical inclusivity, and emphasis on institutions and authority figures. How, one asks, does the “nation” itself figure in this paradigm? It is necessary to look beyond the elite priestly sphere, and indeed beyond the cult as traditionally understood, to fully answer this question.

2.2.10 Further Exegetical Considerations Regarding Exod 19:5f.

One could with some justification assert that Exod 19:5f. determine the inner tension of the entire pericope of Exod 19–34, for it poses the ineluctable question of whether Israel can remain in contact with *YHWH*.⁵³⁵ By combining casuistic phrasing (“if ... then”) with infinitive absolute construction, v. 5a ועתה אם־שמוע תשמע בקלי stresses the fundamental importance of the immediate encounter with *YHWH*. The conceptual contiguity with the PRR is palpable, and it is scarcely an *argumentum ex silentio* that a literary link exists as well. The canonical form of Exod 19 is a late text that contains early and timeless elements, for example the mountain of God theme, which resists temporal constraints. Even though the Dec appears in the following chapter, already in ch. 19 *YHWH* recounts the people hearing his “voice” (קול). This again suggests several occasions of revelation have been condensed into a consummate mountain of God experience. The expression

⁵³² “C’est-à-dire la communauté de la גולה *gola*” (Ska, “Exode 19.3b-6,” 317).

⁵³³ Lohfink cited in Achenbach, *Vollendung*, 56.

⁵³⁴ *Ibid.*

⁵³⁵ Cf. Blum, *Studien*, 47: “Der Maßstab ist, wie wir sehen werden, mit dem Wortsinn von 19,5f. gegeben, und die innere Spannung der Perikope wird wesentlich davon bestimmt, ob Israel in diesem Maß bleiben kann.”

יְקוּלִי intones in a deuteronomistic key.⁵³⁶ The divine prompt could be interpreted as “since you have indeed heard my voice ... then.” Having heard the *קול* directly, the expectation that the *benei yisrael* will not soon forget it or the demand to obey it heightens.⁵³⁷

The plenary reception of the *קול* raises the level of accountability both in the exchange and in the encounter between god and people generally. It also links the sentient audition of the divine *קול*—an autonomous, dynamic entity—with becoming a *גוי קדוש*.⁵³⁸ While Mosaic *intermediation* indeed looms large in ch. 19, it nonetheless and perhaps unwittingly facilitates the audience’s own audition of revelation.⁵³⁹ Whereas the phrasing of v. 5a suggests the reception of the Dec as past event, the future aspect of the perfective verb form *היה* in vv. 5b-6a prefigures a new and durable aspect of the *YHWH*-Israel relationship; v. 6 six moreover heralds an era when *all-Israel* will be imbued with torah,⁵⁴⁰ an eventuality toward which the book of Deuteronomy (and the deuteronomistically formulated book of Jeremiah; cf. 31:31-34a) strive. The temporal indeterminacy of “now” (*עתה* v. 5a)⁵⁴¹ could be interpreted as underscoring the transcendence and indissolubility of the connection between *YHWH*, the law-infused *ברית*, and the nation of Israel.

⁵³⁶ Barbieri, “MAMLEKET KOHANIM,” 435.

⁵³⁷ In Exod 19:5 “Israel is to ‘hearken to God’s voice,’ which suggests with Deuteronomy that the people hear the voice directly, and ‘obey his covenant,’ which are his other stipulations” (Childs, *Exodus*, 359-60).

⁵³⁸ Cf. Sarna, *Exodus*, 104: Texts such as Exod 19:6 (cf. also Deut 7:6; 14:2; 26:18-19) “uniquely emphasize the inextricable association between being God’s *segullah* and the pursuit of holiness.... The striving for holiness in the life of the people is to be the hallmark of Israel’s existence.” Cf. Ps 114:1f.; cf. Davies, *Royal Priesthood*, 60; on p. 65, n. 14, the author argues 2 Macc 2:17 (*τὸ βασίλειον καὶ τὸ ἱεράτευμα καὶ τὸν ἀγιασμόν*) is “epexegetic of the preceding *τὴν κληρονομίαν πᾶσιν* (‘an inheritance for all’),” and that the LXX text of Exod 19:5f. lies behind this. Davies also proposes that *ἀγιασμόν* corresponds to *גוי קדוש*.

⁵³⁹ Cf. the arguably third-century BCE text 1 Enoch 89:28-31.

⁵⁴⁰ Verse eight depicts a situation similar to the covenant renewal in Josh 24.

⁵⁴¹ E. Otto’s thoughts on matters of temporality are both plausible and enlightening: “The plot of the final Pentateuch demanded a reader who did not only differentiate between narrated time [time of events being described] and time of narration and count with several authors of the pentateuchal narratives, but differentiated also between the written Sinai-torah and its mosaic interpretation in Deuteronomy” (“Synchronical,” 15).

2.2.11 *Semi-Autonomous Kingdom of Priests*

The idealized portrait of Israel in Exod 19:5f. leaves little latitude for a monarch other than *YHWH*. Each individual counts as a citizen⁵⁴² within the “kingdom of priests” and is consequently culpable for keeping the commandments.⁵⁴³ In lieu of a monarch, the Moses figure assists in the birth of the (re)constituted nation whose covenant constitution⁵⁴⁴ comprises a far-reaching code the nucleus of which the deity vouchsafes to them directly.⁵⁴⁵ The code provides a blueprint for the ordering of their lives in the arable land of promise. Viewing *YHWH*’s transaction with Israel in the Pentateuch as a whole, Moses may function more often as interlocutor (Exod 19:6b, 8b) than mediator. The *benei yisrael* stand united and resolute: “The people all answered as one: ‘Everything that the Lord has spoken we will do’” (v. 8a⁵⁴⁶). The passage brims with the conviction that the people are capable of realizing the master plan of their god.

⁵⁴² Cf. the discussion of the “new citizen” in Deuteronomy and H in §6.5.1.

⁵⁴³ Cf. Konrad Schmid, “Das Deuteronomium innerhalb der ‘deuteronomistischen Geschichtswerke’ in *Gen –2 Kön*,” in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischen Geschichtswerk* (ed. E. Otto and R. Achenbach; vol. 206 of FRLANT; Tübingen: Vandenhoeck & Ruprecht, 2004), 193-211, 208: “Es gibt in dieser Sicht auch keinen anderen König über Israel als JHWH selbst. Der Tora ist also jeder Einzelne als Glied eines ‘Königreiches von Priestern’ verantwortlich.” Schmid holds that this text points to the later increase in priestly responsibility expected of *all-Israel*. Exod 19:3b-8 functions as an “opening scene” (Eröffnungsszene) that connects to the “Tora-Perspektive” of 2 Kgs 18:5f, 12. Here Hezekiah’s reform is thwarted because the people “did not obey the voice of the Lord *לא שמעו בקול יהוה* ... they neither heard nor obeyed (לא שמעו ולא עשו) what Moses, *eved YHWH*, had commanded them; as a result, they transgressed his covenant (יעברו בריתו). Of note, the disobedience of the people contrasts painfully with the faithfulness of Hezekiah (extolled in v. 5f.). Both Exodus and Kings texts reflect the later conceptualization of Mosaic torah as a self-contained entity. Schmid traces this notion to the book of Deuteronomy’s self-presentation as Mosaic interpretation of the transmission of law at Sinai (ibid).

⁵⁴⁴ The first mention in the book of Exodus of covenant ברית occurs in 19:5. It may be relevant in the literary-historical tracking of this concept to mention Josephus’ (*Ant.* 4.198) apparent reference to Deuteronomy as a “constitution”: “Now part of our constitution (διάταξις) will include the laws that belong to our political state (τῶν νόμων τῶν ἀνηκόντων εἰς τὴν πολιτείαν). As for those laws which Moses left concerning our common conduct and intercourse one with another, I have reserved that for a discourse concerning our manner of life...” Cf. ibid, 4.302. For an informative survey of the basic and varied conceptions of the state constitution (Verfassungen), see Dominik Markl, *Der Dekalog als Verfassung des Gottesvolkes. Die Brennpunkte einer Rechtshermeneutik des Pentateuch in Exodus 19-24 und Deuteronomium 5* (vol. 49 of HBS; Freiburg im Breisgau: Herder, 2007), 24-32.

⁵⁴⁵ Blum (*Studien*, 51) also connects the covenant conclusion event with the titular of 19:6: “*Jhwh* schließt mit ganz Israel (vgl. die zwölf Masseben in v. 4) eine ברית (v. 8), und es entspricht dabei—dies ist bislang meist übersehen worden—in concreto der vermeintlich abstrakt-theologischen Titular von 19, 6: ממלכת כהנים גוי קדוש.”

⁵⁴⁶ ויאמרו כל־הדברים אשר־דבר יהוה נעשה (19:8a); cf. 24:3b ויאמרו כל־הדברים אשר־דבר יהוה נעשה ונשמע 7b ויאמרו העם אל־יהושע את־יהוה אלהינו נעבד ובקולו ונשמע; Josh 1:16; 9:20; 24:24 ויאמרו כל אשר־דבר יהוה נעשה ונשמע; Neh 5:12.

2.2.12 *Exod 19:5-6a and 24:3-8*

Finally, for those literati anxious to see the Mosaic institution assert its influence, aspects of the *Programmatik* of Exod 19:5-6a undergo development in Exod 24:3-8. The latter text has been described as a doubling and intensification of Exod 19:5-6a.⁵⁴⁷

2.2.12.1 *The “Directly Contradictory Material” (F. Crüsemann) in Exod 24*

Exodus 24:3-8 depict an idealized community of priests (in a sense similar to that of Exod 19:5-6a). The “young men” (נעֵרִים) of v. 5 offer burnt offerings and sacrifice oxen under the auspices of the presiding priest Moses, whose reading of the law in v. 7 legitimates the embryonic, Mosaic office of legal instruction. Though a familiar theme in Deuteronomy, rarely in Exodus does Moses promulgate previously received law. Exodus 24:3, 7 therefore constitute notable exceptions.⁵⁴⁸

In vv. 3-8 Moses represents not only the priestly establishment but also non-elite priests. In their ministry among the residential cities these Levites involve themselves in the cultic training of local lay, intern priests (designated here as נעֵרִים) that facilitate the consecration of the community in this text. “The people, as a whole, are consecrated as priests, and actual priests do not take part.”⁵⁴⁹ Verse three’s stress on totality, “all,” “we,” “with one voice” bespeaks numerous plenary auditions, which would facilitate a more complete impartation—and from a pedagogical perspective—better retention and understanding of the laws and regulations; v. 4 locates the religious summit at the foot of the mountain. The entire event occurs there, where Moses has set up twelve pillars, the erection of which symbolizes the totality of Israelite participation and reinforces the legitimacy and permanence of the covenant being ratified (vv. 7f.).

Exodus 24:3-8 follows on the heels of the BC (20:22–23:33), which 24:7 may intend to reference. Commentators often characterize BC as a law code for an agricultural context. It is not, in any event, infused with sacral regulations. Its latter portion contains

⁵⁴⁷ Van Seters (*Lawbook*, 52) affirms E. Blum’s arguments favoring an authorial connection between Exod 19:3ff. and 24:3ff., not a redactional one: “Thus, in Blum’s view, Exod 19:3-8, 20:22-23, and 24:3-8 are all clear markers of KD, but they are not redactional additions. Instead, they are part of a carefully structured composition, and he views it as extremely hazardous to try to extract the older materials from this composition.”

⁵⁴⁸ Cf. also Exod 31:12-18; 35:1-3 (Schmid, “Das Deuteronomium,” 198).

⁵⁴⁹ Crüsemann, *Torah*, 360.

intriguing traditions that seem designed to discourage compromise. Exodus 23:17, 20⁵⁵⁰, 23 tell about appearing before the Lord (אל־פני האדון יהוה) (יִרְאֶה ... אל־פני האדון יהוה), his angel (מלאך) escorting his people to the event, and then cutting a path through the camps of the enemy, respectively; v. 28 attributes the path through the sea of enemies to an advanced guard of pestilence. Concluding chapter 23, vv. 32f. lay out Israel's expected response to the warlike intervention: make no covenant with the enemy or their gods. Although ch. 24 discontinues the legal proclamation of the previous chapter, its mystical elements (vv. 1f, 9-18) continue the sequence of otherworldly events in which the עַם play an essential role.

Chapter 24 begins with a command to Moses, Aaron, Nadab and Abihu, and the seventy elders to ascend the sacred mountain. The elders represent the non-priestly (or non-elite priestly) population who actually see God,⁵⁵¹ share the covenantal meal in God's immediate presence, yet suffer no ill effects from the exposure (v. 11a; cf. Lev 9:24).⁵⁵² The provocative reversal of traditions suggesting the impossibility of such divine-human encounter leads Crüsemann to exclaim:

Such an overt juxtaposition of *directly contradictory material* is found almost nowhere else.... The evidence suggests an intentional commemoration of a disagreement between two completely different conceptions.... Nothing is smoothed over, because apparently there was nothing to smooth over. A compromise would be inconceivable. This feature may be especially important for an appropriate understanding of the development as well as the theological significance of the Pentateuch. There are so many things in common between groups or schools at the time of development as we see them on the one hand in prophetic-eschatological circles, and on the other in wisdom-aristocratic groups, that even such significant differences did not force them apart.⁵⁵³

As one considers the breadth of opinion in canonical literature, Crüsemann's sentiments merit repeated rumination, even if one disagrees with him in certain details. That "significant differences" did not cause major rifts among groups involved in the shaping of the literature seems overly optimistic. Still, the inclusion of contradictory material in

⁵⁵⁰ והנה אנכי שלח מלאך לפניך לשמרך בדרך ולהביאך אל־המקום אשר הכנתי כִּון (*hip 'il* "prepared").

⁵⁵¹ Verses 10a, 11bα; LXX of 10a reduces the intensity of the close encounter to seeing the *place where God stands*; v. 11 has the elders "appearing in the place of God" (καὶ ὄφθησαν ἐν τῷ τόπῳ τοῦ θεοῦ).

⁵⁵² Ibid., 361.

⁵⁵³ Ibid., (emphasis added. The present writer does not have available the original German to check against this quotation).

the Hebrew Bible bespeaks an impressive ability to cooperate at least on the literary level.

Cooperation notwithstanding, biblical authors may exploit contradictions in order to advocate partisan views. Otto finds evidence of this practice among postexilic “prophetic authors” such as those involved in writing the book of Jeremiah that disagree with the priestly elite, who are responsible for the dominant hermeneutic in the Pentateuch:

The scribal authors of postexilic *Tradentenprophetie* used this contradiction within the Priestly Torah of the Pentateuch as a decisive argument against the Priestly hermeneutics embedded within this Torah.... The writers of these texts in Jeremiah [cf. 26:1-5] argued against the hermeneutics of the Pentateuch.⁵⁵⁴

Exodus 24:4aα turns out to be a point of contention between the priestly notion of revelation ending with Moses and his transcription of the law, and the postexilic prophetic and priest-prophetic notion of continued revelation written on the heart as in Jer 31:31-34a. The Jeremianic text may well intend to refute passages such as Exod 24:4 and Deut 31:9. Questions of whether Exod 24:3, 7 anticipate revelatory events at the point of entry into the land of promise, or merely represent alternate traditions about the Sinai event, remain unanswered for now.⁵⁵⁵

Notwithstanding traditions of the exceptional high-standing of the people vis-à-vis *YHWH* in Exodus passages (e.g., 19:6a, 8; 24:3-8; 29:43, 45f.), the subsequent *Sündenfall* in Exod 32:15-35⁵⁵⁶—an apostasy of the first generation—reportedly occurs during Moses’ stay atop the holy summit. For Blum the debacle altered the nature of this relationship in a way that in the eyes of *some tradents* it “nicht mehr restituiert

⁵⁵⁴ “Scribal Scholarship,” 180; cf. Ehrenreich, *Wähle das Leben!*, 18-19: “Besonders stark sind die Verbindungen zu den ‘Hinteren Propheten’ (Jes -Mal), wo im Stil einer ‘Tradentenprophetie’ kunstvoll mit Tora- texten gearbeitet, aber teilweise auch eine kontroverse Auseinandersetzung geführt wird (z. B. Jer)”; cf. *ibid.*, n. 76: “Zum Begriff der Tradentenprophetie siehe Steck ... Otto ..., vermutet, dass sowohl priesterliche als auch prophetische schriftgelehrte Kreise ihre Worte den ‘Diskursgründern’ (Mose, Jesaja, Jeremia, Ezechiel) in den Mund gelegt und sie damit autorisiert haben. Dass es sich dabei nicht um reine ‘Binnendiskurse’ der jeweiligen Schulen handelte, sondern um kritische Auseinandersetzung, hat sich literarisch in Jer niedergeschlagen.” For Knobloch, *nachexilische Prophetentheorie*, 278, the Jeremianic *Tradentenpropheten* share a similar *Denkhorizont* with Zadokite priests.

⁵⁵⁵ Otto, “Scribal Scholarship,” 179; cf. Georg Fischer, *Jeremia 26–52* (HThKat; Freiburg: Herder, 2005), 71-3, who shows how Jeremiah combines and challenges various texts in and beyond Deuteronomy (71-73). Indeed, Jeremiah intrepidly, “tragende Überzeugungen und Grundlagen ... anderer Bücher in Frage zu stellen und ihnen zu widersprechen” (*ibid.*, 72).

⁵⁵⁶ Cf. also Gen 3.

wurde.⁵⁵⁷ Blum also draws attention to the intensity of the debate among literati regarding the characterization of Israelite people and events. For example, the contrast between the largely positive portrayal in the Moses-dominated scene of Exod 19f. and the dismal performance of people and elite (high?) priest in Exod 32 is striking. A certain convergence presents itself, however, in the manner in which both texts portray a similarly piteous people.

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Wrapping up the discussion of Exod 24:3-8, its similarity with Exod 19:3b-6 in the unusual notion of a quasi-priestly people connects on significant levels with the prophetic tradition. Though traditional exegesis has tended not to recognize this, recent Pentateuchal research demonstrates profound engagement with the *corpus propheticum*.⁵⁵⁸ Otherwise, the conspicuous divergence in these texts from mainstream, priestly doctrine (e.g., the belief in the necessary separation of laity from the holy) evidenced in both Exod 19:3b-6 and 24:3-8 goes without proper explanation. Whereas both texts are thoroughly cultic, their hermeneutical horizon extends beyond the borders set by elites. That both texts also share affinities with H, whose theology exhibits a profound expansion of the sacral sphere of clerical specialists into the broader field of lay participants in the cult, leads us to the next stage in the analysis of the concepts of holy nationhood and royal priesthood.

2.2.13 *Exod 19:5f. and the Book of Leviticus: The Inclusion of Lay Perspectives in Priestly Literature*

Though one faces little opposition characterizing the book of Leviticus as a work about priests, alternatively, a priestly manual for priests, in reality, כהנים appear only episodically.⁵⁵⁹ Indeed, the Aaronides' leadership of the cult must wait seven chapters

⁵⁵⁷ Blum, *Studien*, 98. According to rabbinic exegesis, the exodus generation at Sinai was perfect. They were all priests, and therefore qualified to enter into direct contact with *YHWH*. The golden calf incident (עגל מסכה) however disqualified them, after which the mediation of the levitical priesthood became necessary (Houtman, *Exodus* 2:447, who refers to “Mekhilta II, 205 [Lauterbach]; bSab 88a”). Joel 3:1ff indicates that all-Israel will become prophets; Cf. Num 11:29; Acts 2:14ff.

⁵⁵⁸ This will be brought out more fully in the course of the present study.

⁵⁵⁹ See also the treatment of H in relation to Neh 8 and especially the office laws of Deuteronomy in Chapter Six, §6.4.

before receiving affirmation.⁵⁶⁰ Conversely, the instructions on sacrifice in those chapters (P) are given particular prominence in Leviticus.⁵⁶¹ The plight of the Levites and their “cities” (ערים)⁵⁶² is mentioned once (25:32–34). In view of the emphasis on the laity’s participation in the religious life of the proto-theocratic community of H, ancient readers would have found this unusual⁵⁶³ were the intended audience not familiar with the notion of a *general priesthood* of lay and Levite.⁵⁶⁴ Although in general Leviticus evokes images of an internal discussion among priestly elites, ch. 23 appears to have been written from the laity’s perspective;⁵⁶⁵ 11:44-47⁵⁶⁶ moreover espouse the notion of a sacrally

⁵⁶⁰ In the book of Exodus Aaron and his sons appear to be ordained by God in 28:1; cf. Boccaccini, *Roots of Rabbinic Judaism*, 57: “The priestly source (P) traces the royal status of the Aaronide priesthood to Sinai; the high priest was ordained by God (Exod 28:1), anointed (29:7; Lev 8:12), clothed in official vestments (Exod 28:2-43; 39:1-31), crowned (28:36-38; 39:30-31), functioned as mediator between God and people (Lev 17) and transferred his office only at death to the eldest son (Numb 20:22-29).” Crüsemann (*The Torah*, 105) makes the observation that Aaron is not as great as Ezra. For rabbinic evidence, see *ibid.*, n. 271.

⁵⁶¹ Marx, “Theology of the Sacrifice,” 106; Lev 1–5 review the types of sacrifices the laity may present to YHWH, with emphasis placed on the deity’s portion (*ibid.*, 107). P reinforces the difference between the offerings of the priest (6:7–7:10; 28-34) and the non-priest (7:11-21); and yet any Israelite may “offer something to YHWH and experience his nearness” (Marx, *ibid.*, 114). For P YHWH does not reside in heaven whence he descends to receive offerings, rather he resides in the milieu of Israel, present in the tent of meeting, around which his people gather. The “movement” in this case is thus on a horizontal plane. Moreover, the factitive meaning of קרב, ubiquitous in P (often in the syntagm הֵיִא קָרַב), “permet aussi de signifier la distante proximité de YHWH” (*idem.*, *Le système sacrificiel*, 40). In contrast to non-P passages such as 1 Kgs 18:38; 1 Chr 21:26; 2 Chr 7:1 in which the fire that consumes the offering falls from heaven, in Lev 9:24 it comes out from before YHWH (וּתְצֵא אֵשׁ מִלִּפְנֵי יְהוָה וְתֹאכַל עֹלֵי־הַמִּזְבֵּחַ אֶת־הָעֹלָה וְאֶת־הַקְּלָבִים) (v. 24a; *ibid.*).

⁵⁶² In contrast to walled cities (v. 29a) that serve as the base of administrative and military operations, “a collection of farmsteads without a protective wall (v. 31a) is considered ‘open country’” (Erhard Gerstenberger, *Leviticus: A Commentary* [trans. Douglas W. Stott; Louisville: Westminster John Knox Press, 1996], 385). With the advent of private ownership in urban environs, theologically-based rights to land redemption become meaningless. The Levite’s cities (cf. Num 35:1-15; Josh 21:1-42), probably the result of wishful thinking, may contradict former (or tribal?) prohibitions against owning land (cf. Gen 49:7). Gerstenberger submits that the improved socio-religious status of itinerant Levites “obviated such restrictions.” Ezek 48:9-14 probably represents the new state of affairs once priestly ownership of land was permitted, in which case such land becomes holy and therefore off limits for normal economic endeavors (*ibid.*, 385f).

⁵⁶³ Relevant in this connection is the “levitenfreundlich Korrektur” of Num 3:11-13. Cf. also the four mentions of Levites in Num 16:1-10. The literary inclusion of these hapless, middle-tier priests sometimes seems the result of frustrated elite authors who, whether for better or worse, insert the problematic caste out of sheer necessity, alternating between positive and negative depictions (typecasts?), and nearly always patronizingly.

⁵⁶⁴ Cf. our comments on the Levite-lay sodality of the office laws (Deut 16:18–18:22) in the present chapter, but especially in Chapters Five and Six.

⁵⁶⁵ The mentions of priests in 20:10f, 20, couched within a litany of commandments addressing the laity, are rather “incidental” (Lester L. Grabbe, “The Priests in Leviticus: Is the Medium the Message?” in *The Book of Leviticus: Composition and Reception* [ed. R. Rendtorff, et al.; vol. 193 of VTSup; Leiden: Brill, 2003], 207-24, 211). In terms of its place within the hermeneutic of the Pentateuch, Lev 23 negotiates an ostensible compromise between two originally distinct calendar traditions, one in Exod 23, 34, and Deut

competent and potentially holy community.⁵⁶⁷ Verse 44a assumes the laity’s ability to sanctify themselves (שָׁרָא, *hitpa’el*), motivated by the insistent challenge to “be holy because I am holy” (cf. 19:2). Without difficulty one places the juxtaposition of the holiness of *YHWH* and his people here and in 19:2 in relation to the conceptions in Exod 19:5f. Though conceptions in the former differ from those of the latter, the thrust—the necessity of people becoming more like their high god—seems much the same.⁵⁶⁸ Although the Exodus passage probably precedes the other,⁵⁶⁹ chronological concerns should not in this instance⁵⁷⁰ distract from the (perhaps greater) need at present for socio- and religio-political clarity.⁵⁷¹ In H, rather than concern for ethnic identity, it is religiopolitical solidarity that subtly but consistently asserts itself.⁵⁷² Leviticus 11:45 puts forward the additional motivation for holiness of recalling the deliverance from Egypt, through which *YHWH* had already *separated* the people to himself.⁵⁷³ The setting of Leviticus, which takes place with Israel encamped at the foot of the holy mountain, enhances the method and mode of separation. Whereas ch. 11 begins with the address formula “the Lord spoke to Moses and Aaron, saying unto them,”⁵⁷⁴ the transaction in vv.

16; the other in Ezek 45. Rather than merely demonstrating the unit’s literary growth literary history, the complex structure of Lev 23:4-38 reflects efforts to harmonize those traditions; in vv. 4-38 the two calendar traditions document the first appearance of the unification of the two traditions as well as expand the earlier legislation. Thus as a product of intertextualism and integral part of H, Lev 23 has systematically received, transformed, and reinterpreted the pilgrimage festival (*hag*), which now becomes a festival of First Fruits, where on one front is foregrounded the concern for establishing—to the extent it is possible—a specific date, on another front emphasizing the holiness of the feasts. The fixed pattern, which can be predicted yearly, makes dividing the year a part of the creational order. Finally, the text’s architects have constructed it in a way that links it to the remaining chapters in H (Nihan, *Priestly Torah*, 502-11). For a breakdown of Lev 23 into its P (Priestly Torah) and H (Holiness School) components, see Knohl, *Sanctuary*, ch. 1; pp. 83, 105. Knohl announces his indebtedness to the analysis of Lev 23 by Alfred Cholewinski, *Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie* (vol. 66 of AnBib; Rome: Biblical Institute, 1976), which as a rule privileges the dependency of H on earlier, dtl legal traditions.

⁵⁶⁶ Knohl, *Sanctuary*, 105, attributes 11:44-45 to the editorializing of the holiness school (HS).

⁵⁶⁷ Note the passage precedes H by several chapters.

⁵⁶⁸ Joosten, *People and Land*, 40.

⁵⁶⁹ Achenbach, “Heiligkeitsgesetz,” 152; cf. Milgrom, *Leviticus 17–22*, 1414-16.

⁵⁷⁰ That is, subsequent to concluding H to be post-P, as is the position taken here.

⁵⁷¹ This seems especially true given the cross-pentateuchal connection between the traditions in Exod 19; 24 and H on the one hand, their arguable engagement with postexilic prophetic thought and its priest-prophet advocates on the other.

⁵⁷² Cf. Joosten, *People and Land*, 33, who edges up to but leaves unsaid the socio-religious ties that bind the Israelite community envisioned in Leviticus.

⁵⁷³ See the juxtaposition of קָדַשׁ and בָּדַל in Lev 20:26a and b, respectively; *YHWH* brings the people to himself in Exod 19:4, and thus narratively prior to the Dec (Crüsemann, *Torah*, 359f).

⁵⁷⁴ Of the ten occurrences in the Hebrew Bible of the formula וידבר יהוה אל-משה ואל-אהרן לאמר (Exod 6:13 replaces לאמר with ויצו; Lev 11:1; 13:1; 14:33; 15:1; Num 2:1; 4:1, 17; 19:1.), only Lev 11:1 includes the

44f., though preceded by priestly instruction, requires no priestly mediation. The text thus gives the impression of an unmediated, plenary address to Israel having taken place.⁵⁷⁵

This concludes the main exegetical considerations of Exodus, and specifically 19:5f and 24:3-8. The analysis of these two passages has led us to H, the examination of which continues with a glance at an important text in Deuteronomy with pronounced prophetic reflexes.

2.2.13.1 *Religious Competency Expected of the Community in Leviticus*

Bringing the prophetic more directly into the present discussion, and relevant to the critical study of H, is Deut 13:4 [Eng 3] “you must not heed the words of those prophets or those who divine by dreams; for the Lord your God is testing you (סה נסה Pi) ... “ The prophetic word enjoins a high degree of both discernment and collective responsibility; it comes as both a test of competency and loyalty (v. 4b [3b]) and assumes an endowed capacity for discernment and ability to pass the test. Otherwise, such an exercise in futility would be counterproductive.⁵⁷⁶ As the עמ prevail⁵⁷⁷ they escape the entrapment of illicit diviners and demonstrate unadulterated loyalty to *YHWH*.

addition אלהם “unto them,” so לאמר אלהם ... וידבר ... LXX does not include it; Tg. does ומליל יי עם משה ולאחרן למימר להון

⁵⁷⁵ Gerstenberger’s summation of this section, while insightful, fails to grasp the significance of vv. 43-47, which comprise a direct, divine address to the assembly (note the change to 2nd pers. pl. in v. 43) summing up the purity regulations following v. 2. It is the interweaving of addresses that is both difficult to see yet important to recognize; whereas in vv. 2-42 (which may comprise two sections, roughly 2b-23; 24-44a; Elliger, *Leviticus*, 140-55, especially 148f) Moses and Aaron instruct the people, vv. 43-45, most likely an “interpolation” of the editor of H (Nihan, *Priestly Torah*, 299), however recount *YHWH*’s direct address to Israel; vv. 46f synthesize and rubricize the instruction just delivered. The similarity in vv. 43-7 with the distillation of instructions in Exod 20 and Deut 5 Dec is not to be missed. The dynamic between mediated and divine instruction is complex; we cannot know how the ancients really understood it. The textual evidence indicates that the two modes of instruction were believed to overlap. To view the divine impartation as solely a play for unquestioned authority is reductionistic. Part of the answer to the interpretation dilemma is to think in terms of multiple “theophanies” believed to have occurred in various sanctuaries (1 Sam 3:8; Gen 18:1; 22:15, etc.) that, like so many other “single events” turn out to be amalgams of numerous events. In the present case, the task of interpreters is to unravel the theophanic skein, extending the individual threads, particularly in the direction of regional sanctuaries where one can envisage worshippers and their experiences in the presence of local, middle-tier priests.

⁵⁷⁶ Both prophetic discernment and wisdom in general come from *YHWH* as a divine gift (Perdue, *Sword and the Stylus*, 12; cf. *ibid.*, 11: “the senses and capacity to know and understand were divine gifts...” (*ibid.*, 11). That to the first generation was conferred some capacity for religious knowledge, including the experiential, at Sinai/Horeb raised the expectations. Beginning with Joshua, the second generation of Israel must enter into a new era of study in conjunction with entering the land of promise. Through this study—in imitation of the idealized king and levitical priests (cf. DtrN), they learn not only *of* torah but how to implement their internalized *tôrôt*. The dynamic of and indeed tension between the internal knowing and external (or rote) learning is brought to vivid expression in the prophets (cf. Ezek 37:26-28, containing both

In H, however, the lack of laws regulating judicial procedure⁵⁷⁸ may indicate a level of adjudicative ability exceeding that envisioned in Deut 13:4 [3]. As one reflects on the identity of this community, elite priests do not suggest themselves. Likewise, that an urban cultic complex such as Jerusalem would serve as locus of community adjudication seems improbable. H maintains an “intermediate position” between the codes of CC, D, and P.⁵⁷⁹ Assuming, along with H, that a number of H’s adult community leaders would possess moderate conversance in the other codes and also perhaps know something of the cross-fertilization or chronological progression from one code to the next (cf. Third Isaiah’s reception of Second Isaiah),⁵⁸⁰ such knowledge would then qualify those communities for a higher level of instruction than otherwise. Acquired sensitivity to matters of purity and impurity would assist local priests’ cultic and pedagogical efforts. The dedication of the altar in Lev 17,⁵⁸¹ for example, probably completes that which Gen 9 (P) rudimentarily establishes. The “decontrol of secular butchering” in evidence in this chapter⁵⁸² would have been preceded by the cultic qualifying of a some lay members of a given community.⁵⁸³

The Mosaic superscriptions in 17:1; 18:1; 19:1; 20:1 (cf. 21:1); 22:1; 23:1; 24:1 (cf. 25:1 and 26:46) 27:1 do not necessarily signal a different authorship of H than of the rest of Leviticus. They may subtly advocate dtn/dtr interests that can be aligned with those of the laity. Texts in Deuteronomy such as 7:6; 14:2, 21; 26:19; 28:9 presuppose the laity’s

priestly and dtr components; Jer 31; but also presupposed in the dtr Deut 18:9-22). For arguments that Deut 13:2-6* is pre-dtr and therefore chronologically precedes 18:9-22, see Knobloch, *nachexilischen Prophetentheorie*, 240-51; cf. 250-51: “Die dtr Falschprophetenpolemik im Jeremiabuch setzt dagegen Dtn 13,2-6 und Dtn 18,9-22 in ihrer dtr Gestalt voraus...”

⁵⁷⁷ Cf. Gen 22:1; 32:28; Ps 41:12.

⁵⁷⁸ Cf. Crüsemann, *Torah*, 279.

⁵⁷⁹ Nihan, *Priestly Torah*, 401. “On the one hand, it [H] imitates the general structure of these codes and shares numerous parallel laws with them; on the other hand, it is also consistently permeated by P’s theology and terminology” (ibid.); cf. Achenbach, “Der Pentateuch,” 228f.

⁵⁸⁰ This is not to assume an expert level of scribal knowledge and skill required of those actually writing and editing Isaianic traditions, but rather intelligent community members with literary talent who know their received traditions.

⁵⁸¹ Only with the building of a sanctuary that houses an altar purified and dedicated by burnt offering can blood be dealt with in a covenant-appropriate way; cf. Otto, “Das Heiligkeitsgesetz im Narrative des Pentateuch,” 81; cf. Crüsemann, *Torah*, 278.

⁵⁸² Ibid., 285, n. 54, and 292.

⁵⁸³ Leviticus recalls the time of profane slaughtering in the open field (Eckart Otto, “Die Rechtshermeneutik im Pentateuch und in der Templerrolle,” in *Tora in der Hebräischen Bibel: Studien zur Redaktionsgeschichte und synchronen Logik diachroner Transformation* [ed. R. Achenbach, et al.; vol. 7 of BZAR; Wiesbaden: Harrassowitz, 2007], 72-121, 100f.), and utilizes such traditions as a means of motivating non-priests to cooperate with their priestly brothers in community-wide slaughtering (Lev 3).

sacral competency in the ritual laws of purity, and probably trace to BC (so Exod 22:30).⁵⁸⁴ In Deut 19–25, the regulation of justice may intend to enjoin individual Israelites to practice cultic “etiquette” as part of the broader responsibility to promote the divine will within the domain. In so doing they would be securing both people and land.⁵⁸⁵

2.2.13.2 *The Indwelling of the כבוד in H*

Representation of the theme of *YHWH*'s desire to dwell with his people in the Hebrew Bible is not meagre. The P text of Exod 29:43-46 offers a notable Pentateuchal specimen. In H such an indwelling of the כבוד⁵⁸⁶ occurs in conjunction with Aaronide officiation (cf. Lev 9:6, 23), which roots itself in tightly regulated altar worship.⁵⁸⁷ With respect to H and its place within the legal hermeneutics of the Pentateuch, the imminent occupation of the sanctuary by *YHWH* in the midst of his people has ethical and legal consequences.⁵⁸⁸ One impact seems to be an increased expectancy of the congregation (עדה) in H. Likely a priestly term, the linguistic connection of עדה to אהל מועד is semantically significant. Namely, the religious community gathers around the “tent of meeting,” a place of

⁵⁸⁴ Crüsemann, *Torah*, 285. Regarding the relationship between Deut 7:6; 14:2, and 21a, see Otto, *DPH*, 256f. “In Dtn 14,2.21a wird das Motiv des ‘heiligen Volkes’ ... wieder aufgenommen. Auf das Hauptgebot der Abwehr der Apostasie (Dtn 13*) läßt der dtr Autor (DtrL) eine Liste reiner und unreiner Tiere sowie verbotener Praxen (Dtn 14,1f.3-21a) folgen. Diese Aufzählungen haben in der dtr Redaktionsperspektive die Funktion, an das Verbot des Blutgenusses in Dtn 12,23f. anknüpfend, das Volk Israel als heilig aus der Profanität anderer Völker auszugrenzen, indem es Regeln der Beschränkung befolgt und sich von den Trauerbräuchen der Völker fernhält. An Dtn 7,6 anknüpfend und auf Dtn 23,15 vorausweisend, wird die Entfaltung von Trauer-, Speise- und Speisezubereitungsbräuchen der Völker mit den Worten begründet: ‘Denn du bist ein Volk, das JHWH, deinem Gott, heilig ist.’ In Dtn 14,2 wird Dtn 7,6 vollständig aufgenommen und in Dtn 14,21a elliptisch das erste Glied in rahmender Funktion wiederholt” (ibid., 256, emphasis added).

⁵⁸⁵ “Die Rechtsordnung in Dtn 19–25 will das Tun des je einzelnen in Israel in den Bereichen von kultischer ‘Etikette,’ Recht und Ethos dem Gotteswillen unterstellen und darin die Heiligkeit von Volk und Land sichern” (ibid., 253).

⁵⁸⁶ Aspects of the indwelling notion may owe to competition with Babylonian temple ideology. P’s creation narrative opposes the Enuma Elish epic when it reclaims *YHWH* as creator of the world against Marduk. The goal of creation and world history becomes the indwelling of *YHWH* with his people at Sinai rather than at the founding of the temple of Babylon. In the first half of the fifth century HexRed had already translated the indwelling of *YHWH* into the Israelites indwelling of the land, a position which directly contradicted Persian imperial ideology. “Dem setzt die Hexateuchredaktion entgegen, daß JHWH als Schöpfer der Welt Israel das Land gegeben hat and das Gesetz, das Israels Verbleiben im Land sichert, nicht das des persischen Königs, sondern die von JHWH gegebene Tora ist” (ibid., 247). H would later come to adapt this conception further.

⁵⁸⁷ This differs from postexilic, prophetic notions of the reception of post-Mosaic revelation by Israelites—which base themselves neither in a conception of personal holiness nor upon priestly mediation.

⁵⁸⁸ Otto, “Das Heiligkeitsgesetz im Narrative des Pentateuch,” 80f.

worship and of inquiring of the deity, a regional sanctuary.⁵⁸⁹ Contrasting with the P^s text of Lev 11:44f. (Be holy for I am holy ... I am the Lord), Moses' exhortation to holiness in H imbues a more stringent tone: "Speak to all the הָעָם of the people of Israel and say to them" (19:2a; cf. 20:2a).

2.2.13.3 *Post-dtr Debates Regarding the Ascendancy to Revelation and Holiness: A Cooperative Emerges in H*

Priestly involvement in revelation is a dynamic that in many respects devolves to the Pentateuch. More specifically, and based on recent research, it devolves to Hexateuchal and Pentateuchal debates between elite priestly and priest-prophetic factions. Competing conceptions of the priesthood begun in preexilic times⁵⁹⁰ would continue between priest and prophet regarding ascendancy in, and controlling access to, revelation. Regarding the revelatory agency of Moses as primary, Aaron as secondary (though occasionally primary), the identities of the parties they represent probably fluctuate and in any event cannot be known for sure. This seems particularly true in the case of Moses in the Pentateuch, but also in Moses mentions in, say, Chr.⁵⁹¹ The debate in which Aaron bests Moses in Lev 10:16-20 also gives one pause in this regard. We can be assured that the advocacy of the concerns of non-elite religious officiants and their constituents among the general populace factors in these debates,⁵⁹² even though such advocacy maintains a low profile in the literature.

The authorship of H is not identical to the Aaronide-Levite authors of P. In light of the similar notions of holiness between Ezekiel and H, renditions of elite, Zadokite-Levite

⁵⁸⁹ That the term exists in Ugaritic connoting "assembly" does not disqualify this interpretation in Israel (cf. Joosten, *People and Land*, 36f., with essential early scholarship on the topic). The question whether the term describes premonarchic or later sanctuaries (ibid., 38) seems both unanswerable and not particularly important, that is, as long as the continuation worship activity at regional sanctuaries is assumed throughout the history of "Israel." In the case of Leviticus, we incline toward a postexilic point of reference.

⁵⁹⁰ Grabbe, "Priests in Leviticus," 212, n. 11: "Many scholars think (rightly, in my opinion) that in these different conceptualizations of the priesthood [e.g., Ezek 44-45], we see the remnants of struggles among different priestly groups for power and position during the period of the 'First Temple.'"

⁵⁹¹ Cf. Christian, "Revisiting Levitical Authorship," 201-03.

⁵⁹² Exodus 4:14 may intend to challenge the revelational monopoly of the Moses figure. Knobloch (*nachexilischen Prophetentheorie*, 200f.) thinks this text portrays Aaron "als Hermeneut und Vermittler Moses." These types of *Auseinandersetzungen* occurred not only at the elite, scribal level but also among influential persons to whom the preserving and contouring of their traditions mattered, for any number of reasons. Although it is doubtful the latter group would hold sway in the matter, it would be politically perilous to ignore their input. See the excursus on Persian policy regarding local representation in Chapter Five.

authors of H continue to surface.⁵⁹³ We would modify the authorship picture of H in particular to include a cooperative of elite and middle-tier priests, the latter with prophetic loyalties.⁵⁹⁴ Although the former hold the primary place of power in the discussions, the two circles share a common aversion to exclusivist notions regarding the Jerusalem temple that allow little or no involvement of non-elite priests and laity in sacrificial worship. The challenges of maintaining a viably Yahwistic community in the exilic and then early postexilic eras provided the impetus for the accord.⁵⁹⁵ Less than complete agreement obtained within the cooperative. Writing in the second half of the fifth century during a time of increasing cultic activity,⁵⁹⁶ and although coming together as regards the laity's potential for personal holiness, some restrictions continued to apply regarding lay participation in altar worship.⁵⁹⁷ A major reason for the openness to a broader participation of the laity in H lies in the incorporation of the Levite's views.⁵⁹⁸

⁵⁹³ Most recently, e.g., Cook, "Holiness versus Reverence," forthcoming. The question remains unanswered regarding the extent to which the terms "Zadokite" and "Aaronide" would point to distinct circles. A lot depends on whether one associates Zadokites with dtn/dtr traditions (and post-dtr traditions in Deuteronomy), and Aaronides with P, Ps, and even H traditions.

⁵⁹⁴ Cf. §6.4.5, below.

⁵⁹⁵ In a forthcoming study the archaeological situation in Persian period Judah informs this thesis. See Mark A. Christian, "Merging Office and Community in Leviticus 17–26: An Archaeologically-Informed Approach," in (Working Title) *Studies Honoring Jacob J. Milgrom* (ed. R. Gane, et al.; Atlanta: SBL, Forthcoming).

⁵⁹⁶ Cf. Achenbach, "Die Tora und die Propheten," 33f.

⁵⁹⁷ Lev 17 affirms the priests' exclusive control of the purification cult. H looks askance upon profane slaughter probably introduced by D and later adopted by P. Since Lev 17 revises only this law in Deut 12, it is doubtful that the former intends to replace the latter; rather, Lev 17 probably seeks to correct the combined reading of D and P (Nihan, *Priestly Torah*, 429, who entertains the notion that the authors of H did not envision Jerusalem as the only viable sanctuary in *Yehud*; *ibid.*, n. 136).

⁵⁹⁸ One hesitates to attribute authorship of H in the manner suggested by Grünwaldt, *Heiligkeitsgesetz*, 385: "Als Verfasser des Heiligkeitsgesetzes hat man sich also einen Laien oder eine Laiengruppe vorzustellen. Daß es ein gebildeter Laie war, darf vor allem aufgrund seiner profunden Vertrautheit mit aller Art von Tradition als gesichert gelten." Allowing for exceptional cases, it is preferable to view the lay leadership of H's reckoning as rudimentarily competent in religious matters yet still reliant upon middle-tier priest/scribes to represent them and advocate their views, whether in discussions with other religious personnel or in the actual drawing up of documents. Still, the notion of an exceptional individual, a lay leader having access to received traditions in the early postexilic period, remains plausible: "Letzteres dürfte auch dafür sprechen, daß er in verantwortlicher Position innerhalb der frühnachexilischen Gemeinde gesucht werden muß, den wie anders könnte er *Zugang zu den rezipierten Überlieferungen* bekommen haben, und *wie anders konnte er mit einer solchen Autorität schreiben?*" (*ibid.*, emphases added). Grünwaldt specifies the second generation of exiles as the group from which his lay author of H comes, an author whose allegiance to Ezekielian theology outweighs that to dtn law. In contact (*Berührung*) with P and Deutero-Isaiah the author of H felt the onus to formulate a *Grundgesetz* comparable to preexilic, dtn law, but tailored specifically to the needs of a returnees beginning a new life in the land (*ibid.*).

The priestly and priest-prophet merger in H would produce literature that obtained “official status,” operating under the Aaronide-Levite aegis.⁵⁹⁹

The negotiated and in-process conceptions of H do not restrict the process of sanctification of laity to their observance of the commandments.⁶⁰⁰ Whereas the Sinai covenant sees the people *becoming holy* by keeping the commandments (cf. also the Horeb covenant and somewhat less so the Moab covenant⁶⁰¹), in H a measure of holiness comes by way of *YHWH*'s presence at the purification altar: “I will place my dwelling (משכן) in your midst, and I shall not abhor you (לא־תִגְעַל). And I will walk among you, and will be your God, and you shall be my people” (Lev 26:11f).⁶⁰² In placing the משכן in the midst of the people *YHWH* fulfills the promises of Exod 25:8 “And have them make me a sanctuary, so that I may dwell among them” and 29:45f.,⁶⁰³ “I will dwell among the Israelites, and I will be their God.” Lev 26:11f then “extends the divine presence from the sanctuary (see v. 11a) to the entire community,”⁶⁰⁴ which precedes the exodus event in v. 13. Whereas the establishment of P's cultic complex effected a partial indwelling of the divine presence, H establishes a permanent sanctuary and thereby inaugurates a new era, at least on the conceptual plane, of *YHWH*'s relationship with Israel.⁶⁰⁵

The parallel of people and Aaronides in Leviticus on one front, the people and Moses in the PRR passages in Exodus and Deuteronomy (see below) on another, exhibit a similar hierarchy of *YHWH* → authorized mediator → people. The picture of an inept⁶⁰⁶ or helpless people obtains in neither context. Both PRR passages and H (and many Ps texts elsewhere in Leviticus) depict the עֲדָה/עַם as possessing sacral and prophetic potential, and accordingly, competency. Otherwise they could not be held accountable for

⁵⁹⁹ Though levitical views often coincide with dtn/dtr/post-dtr traditions, we resist an outright equation of the Levites with Deuteronomi(c)(istic) authors of Deuteronomy. In a recent monograph one scholar even substitutes “Deuteronomists” for Levites; cf. Leo G. Perdue, *Wisdom Literature: A Theological History* (Louisville: Westminster John Knox, 2007), 138; Perdue speaks of “two rival priesthoods (the Zadokites and the Deuteronomists)” and then describes the plight of the latter: “Deuteronomists were no longer permitted to serve in priestly functions. Instead, they continued their work as scribes and served in minor cultic roles” (ibid.).

⁶⁰⁰ §6.4.14.

⁶⁰¹ See below, §§3.4.2-3; Excursus 4.

⁶⁰² H has reinterpreted these passages as well as v. 9, all of which belong to P (Nihan, *Priestly Torah*, 537f; cf. Crüsemann, *Torah*, 278.

⁶⁰³ Nihan, *Priestly Torah*, 538.

⁶⁰⁴ Ibid., 539.

⁶⁰⁵ Ibid.

⁶⁰⁶ Contrast this with the cultic ineptitude of the Aaronides Nadab and Abihu in Lev 10.

discerning sacral (or prophetic, if aspects of the conception of Deut 13:3 [4] may be figured into the H equation) ineptitude.

2.2.13.4 *Perspectives and Legal Exegesis in H*

Leviticus 1–16 regulates life in the wilderness looking forward to entering the Promised Land.⁶⁰⁷ With H however the *Sitz im Leben* for the application of the laws varies.

Whereas ch.17 applies to the camp in the wilderness, chs. 21–24 (priestly and festal laws) and 25 (Jubilee year) have the Promised Land in view. The variation could plausibly result from a merging of viewpoints of different circles. Nihan assesses the complex structuring of H and its dependence upon earlier biblical codes:

As was already suggested by Cholewinski, the nature of the dependence implies a systematic, comprehensive reception and reinterpretation of these codes in H. This applies not only to the formulation of individual laws in Lev 17–26, but also, in several instances, to the arrangement of these laws. Although both in ch. 17–26 as a whole, and in each chapter individually, it is always possible to identify a coherent structure, the connection between two laws inside a chapter (as especially in Lev 19!) or even between two or more chapters (as in Lev 18–20) is also frequently modeled on the structure of the Decalogue, the CC, or D. On the whole, this analysis suggests that *H is a remarkable case of creative exegesis of earlier biblical codes*, which explains in many respects the complexity as well as the sophistication of this legislation.⁶⁰⁸

Leviticus 17–26 clearly assumes sacral aptitude of the עַם,⁶⁰⁹ since otherwise it is unlikely that it would so transparently extrapolate the ritual-cultic laws of P (in Lev 1–16*).

Reflecting engagement with dtn/dtr traditions regarding, *inter alia*, the religious efficaciousness of love/loyalty irrespective of whether one loves God or neighbor, H introduces laws concerned with behavioral patterns (Lebensführungen) and by this means realizes the promise of God. Narratively, the promise begins with the revelation history at the mountain(s) of God. As we have seen, a principal goal of that history was for Israel to become a holy people (Exod 19:6)⁶¹⁰ among whom the כְּבוֹד could then dwell. Because of the imminent taking of the land, the need for exemplary behavior and ready knowledge is vital and immediate.

⁶⁰⁷ In contrast, the so-called Moab interpretation, discussed in the exegesis on Deuteronomy below, deals with life in that land.

⁶⁰⁸ Nihan, *Priestly Torah*, 547, emphasis added.

⁶⁰⁹ Crüsemann (*Torah*, 282, n. 33) notes passages in Leviticus 1–16 (6:2 [9], 14 [7]18 [25]; 7:1, 11, 37), Jer 18:18, and Hag 2:10ff that refer to lay training by priests.

⁶¹⁰ Otto, “Das Heiligkeitsgesetz im Narrative des Pentateuch,” 82.

2.2.13.5 *History and Indwelling in H*

Benefiting from hindsight, aware of the initial failed habitation of the land, the authors⁶¹¹ cryptically dangle the repeatable failure before the eyes of H's community as a warning not to act in a way that would result in the disastrous exit of the כבוד. The authors inculcate not only the fear of *YHWH* but also a need for a new historical paradigm in which *it was always* up to the עמ and not so much the political (king) or even theocratic leader (Moses) to respond to both the external words and internal promptings of the deity. "Good kings" exemplify dependence upon *YHWH* and his prophets (famously, David, Hezekiah, and Josiah) and by their behavior foster the indwelling of the פנים in the sanctuary. They also exhibit how the presence may dwell with individuals other than Moses (cf. 1 Sam 18:14b ויהיה עמו; 2 Kgs 18:7 ויהיה יהוה עמו; cf. Gen 39:3aβ, 23aβ [Joseph]; 1 Chr 9:20 [Phineas!]) and how this dynamic may contribute spiritually and politically toward the sanctifying and perpetuating of a holy people. In terms of daily maintenance of the covenant, the accomplishing of God's will for Israel begins with keeping the commandments, but that is not the end-all. They still rely on *YHWH* for sanctification, which began with the exodus from Egypt (Lev 22:32f.), and which the programmatic Exod 19:5f. proclaims:

Im Heiligkeitsgesetz lassen die Autoren Gott selbst kundtun, dass das Volk nicht aus eigenem Vermögen zur Heiligung durch Gebotsgehorsam fähig ist, sondern der Heiligung durch Gott bedarf, die mit dem Exodus begonnen habe. JHWH heilige das Volk in Exodus und Einwohnung in seiner Mitte, um es unter der Voraussetzung der regelmäßigen kultischen Reinigung (Lev 16-17) in die Lage zu versetzen, die Gebote Gottes zu erfüllen und sich so zu heiligen, wie es in Ex 19,5 zur Bedingung der Heiligkeit des Volkes gemacht wurde.⁶¹²

2.2.13.6 *The Need for Holiness and Purity/Impurity Competency in the Israelite Family and Cult in H*

⁶¹¹ Although we do not follow Grünwaldt in attributing authorship of H to the second generation of the exile, the collective memory of that experience impacted the writers of H and, all subsequent writers of Israelite literature.

⁶¹² Ibid., 82-3.

The day to day responsibility to separate between holy/profane and pure/impure in Leviticus extends beyond the superintendence of priests specifically, and beyond the sphere of performance in general. In H, fundamental norms and behavioral patterns find expression not only in the priestly office but also in family law.⁶¹³ The ongoing need for cultic competency among the laity presents itself in the working out of the proper observance of the Sabbath in family life. On another front, the tendency toward cultic innovation in village family life also poses challenges. As the societal entity least controlled by the state, the family may become the place of frowned upon if not foreign practices.⁶¹⁴ Grünwaldt points in this instance to Lev 18:21; 20:2-5, 6, 7, and adds the additional concern of the local cult's propensity for serving as a gateway for alien cultic elements (cf. 17:7, 8f).⁶¹⁵ This remains true primarily in non-urban and foreign contexts, the primary locus for frequent contact between cult and populace (including marginalized natives and aliens; cf. Exod 12:19 בְּגֵר וּבְאֵזְרָה הָאָרֶץ ...).

2.2.13.7 *Concluding Considerations of the Holy People in Exodus and H*

In some respects the programmatic text of Israel's high calling in Exod 19:3b-6 serves as an introduction to the events at Sinai, especially regarding the legal revelation and communal transformation associated with it. Examination of the signature terms in vv. 5f. has led to the consideration of similar terms and concepts in Third Isaiah (60:14b; 61:6a; 62:12a). More generally, the descriptions of Israel as holy nation and royal priesthood have prompted considerable reflection on traditions in Deuteronomy and Leviticus that envision exceptional communities competent in prophetic discernment (e.g., Deut 13:4 [Eng 3]; 18:15-22) and sacral matters (Leviticus and H). Opposite higher profile, or simply better known, traditions that paint negative, often piteous portraits of the Israelites, these traditions—likewise the PRR—assume an endowed and capable people (cf. Deut 30:1-14). We now transition to the examination of those mountain of God passages within the Sinai/Horeb pericope from which the PRR emerges most clearly.

⁶¹³ Otto, "Das Heiligkeitsgesetz im Narrative des Pentateuch," 83; Crüsemann (*Torah*, 285) notes that "the reversion of legal matters to families," owes in no small degree to the exigencies foisted upon Israel in Babylon.

⁶¹⁴ "Die Familie kann, weil sie am wenigsten der offiziellen Kontrolle unterworfen ist, zum Ort verpönter verpönt oder gar fremdreligiöser Praktiken werden" (Grünwaldt, *Heiligkeitsgesetz*, 382).

⁶¹⁵ *Ibid.*

2.3 Exod 20:18-21: With Recourse to Chapter Nineteen

When all the people witnessed the thunder and lightning, the sound of the trumpet, (b) and the mountain smoking, (c) they saw⁶¹⁶ and (d) trembled and stood at a distance,¹⁹ and said to Moses, “You speak to us, and we will listen; but do not let God speak to us, or we will die⁶¹⁷.”²⁰ Moses said to the people, “Do not be afraid; for God has come only to test you and to put the fear of him upon you so that you do not sin.”²¹ Then the people stood at a distance, while Moses drew near to the thick darkness where God was.

וְכָל־הָעָם רֹאִים אֶת־הַקּוֹלֹת וְאֶת־הַלַּפִּידִם וְאֵת קוֹל הַשֹּׁפָר וְאֶת־הַהָר עֹשֶׂן וַיֵּרֶא הָעָם וַיִּזְעוּ וַיַּעֲמְדוּ מֵרָחֵק:
 19 וַיֹּאמְרוּ אֶל־מֹשֶׁה דַּבֵּר־אֵתָהּ עִמָּנוּ וְנִשְׁמָעָה וְאַל־יְדַבֵּר עִמָּנוּ אֱלֹהִים פֶּן־נָמוּת:
 20 וַיֹּאמֶר מֹשֶׁה אֶל־הָעָם אַל־תִּירְאוּ כִּי לְבַעֲבוֹר נְסוּת אֲתֹכֶם בָּא הָאֱלֹהִים וּבַעֲבוֹר תִּהְיֶה יִרְאתוֹ עַל־פְּנֵיכֶם לְבִלְתִּי
 תִּהְטְאוּ:
 21 וַיַּעֲמֵד הָעָם מֵרָחֵק וּמֹשֶׁה נִגַּשׁ אֶל־הָעֲרָפֶל אֲשֶׁר־שָׁם הָאֱלֹהִים: פ

The analysis of this pericope begins with a brief look at Exod 19:9. Oswald’s attention to the horizontal topology in Exod 19f.⁶¹⁸ brings to the fore subtle elements in the narrative.⁶¹⁹ The thick cloud (עַב הָעֲנָן; v. 9) apparently covers the entire mountain,⁶²⁰ in

⁶¹⁶ Oswald (*Israel am Gottesberg*, 50, n. 59) suggests emending MT וַיֵּרֶא הָעָם (and the people saw”) to וַיִּירָא הָעָם (“and the people feared”). He bases this emendation on SamPent, LXX, Pesh, two Targums and Vg (ibid.; cf. Childs, *Exodus*, 344). The argumentation does not fully persuade.

Regarding SamPent in Exodus, immediately following the Dec it reads: “And it will be that when the Lord your god brings you (singular) into the land of the Canaanites that are coming there to possess that you raise up large stones then you will write on the stones all the words of this torah and when you cross over the Jordan you will set up these stones which I am commanding you (plural) this day on Mt. Gerizin that you build there an altar to Yahweh your God an altar of stones on which you have not used (נוף “swing,” “sway”) iron (אבנים לא תניף עליהם ברזל). With uncut stones you (sing.) will build the altar of YHWH your God and you will lift up on it burnt offerings to YHWH your God and you will sacrifice peace offerings and you will consume there and you will rejoice before the Lord your God on that mountain across the Jordan after the way of the sun going down in the land of the Canaanites and cause to dwell in the Arabah opposite Gilgal at the place of the oak of Moreh? (מורה) opposite Shechem. All the people heard the sounds and the sound of the shofar and saw the flames ... and the mountain of smoke and saw all the people and stood at a distance and said to Moses, behold, we have seen the Lord our God, his glory and his greatness, and we have heard his voice in the midst of the fire this day. We have seen that man may hear Elohim and live. And not why should we die, for this great fire will consume us. If we hear the voice of the Lord our God again (יספים) we will die, for who among all flesh that hear the voice of the living God speaking from the midst of the fire as we have and yet lives. You draw near and hear all that the Lord our God will say. Then you will tell us ... to us all that the Lord our God will say to you and we will listen/obey and let not speak with us lest we die. And Moses said to the people do not be afraid for it is in order to test you (plural) that the Lord has come (בא) in order that you would have his fear before you that you would not sin. And the people stood from afar off and Moses approached the darkness where God was (writer’s tr.) Deut 5:29 follows, then Deut 18:18.

⁶¹⁷ For v. 19b Herder (*Bibel*) has “Gott aber soll nicht mit uns reden, sonst müssen wir sterben.”

⁶¹⁸ See Chapter 1.

⁶¹⁹ So also in 19:7a, 8f, 17ab, 19bc; 20:18d (Oswald, *Israel am Gottesberg*, 51).

which case an ascent becomes unnecessary.⁶²¹ Moses stands not far from either God or people. Whereas the presumed private conversation between *YHWH* and Moses and the latter's mediatorship dominates in this chapter as a whole, v. 9a anticipates the people (over)hearing *YHWH*'s instructions: "that the people may hear (ישמע העם) when I speak (בְּדַבְרִי) with you." Thereby the narrator hints that the people will be privy to the exchange between Moses and God.⁶²² If they overhear this private conversation, *a fortiori* they would understand *YHWH* when he speaks directly to them.⁶²³ This premise militates against interpretations that the עַם only hear unintelligible sounds.

The scene of v. 9 sets up two conditions: (a) when *YHWH* speaks to Moses, the people overhear the discourse; (b) Moses' proximity to both *YHWH* and the people facilitates his role as interlocutor. The so-called temporal ב + infinitive form (בְּדַבֵּר) could suggest *revelatio continua*, implying that *when/while/whenever* the Lord speaks directly to Moses (and by extension future "Mosaic prophets"; Moses' spatial location in v.9 may hint at ongoing prophetic interlocution; cf. Deut 18:18) the people *will hear* (future translation possible with ישמע) the divine voice and thereby learn through repeated auditions to recognize the קוֹל. The importance of discerning the *davar* of *YHWH* in hortatory and prophetic pronouncements⁶²⁴ as well as inquiries⁶²⁵ is difficult to overstate. Verse 9 validates Mosaic mediation, which usually implies the people's inability to abide direct revelation. Even so, and albeit in restrained fashion, advocates of the PRR have successfully negotiated its inclusion in v. 9 and thus in the high profile revelatory chapter of Exod 19. *YHWH* allows and may intend to continue to allow the people to (over)hear his revealed instruction (cf. Job 4:12-21). In v.9 the tension between the conceptions is complimentary rather than oppositional. Mediacy upstages immediacy while still

⁶²⁰ The cloud of 19:9, 16; 20:21 comes to be relativized. Indeed, "ab 24,1 hat sie keine Rolle mehr gespielt" (Oswald, *Israel am Gottesberg*, 65).

⁶²¹ Contrast 19:11b-13e, 13f, 20-25.

⁶²² Cf. Exod 33:4f.

⁶²³ Ben Sira has Moses alone hearing God's voice (45:5). The people (Israel? the nations?) only hear the "glory" (δοξα) of the voice (17:1-13, especially v. 13).

⁶²⁴ Cf. Deut 4:36; 18:18-22; Num 11:23; Ps 95:7: "O that today you would listen to his voice! (הַיּוֹם אִם־בְּקוֹל הַשְּׁמַעוּ). The Letter to the Hebrews imports the exhortatory mood of Ps 95:7b-11 three times (3:7-10, 15; 4:7), slightly altering MT's v. 7b to "if you hear his voice" (ἐὰν τῆς φωνῆς αὐτοῦ ἀκούσῃτε Heb 3:7); cf. also the interpretation of Ps 95:7a (and possibly Num 27:16-23) in John 10:3-5.

⁶²⁵ Ezek 14:6-11 (especially v. 10b: כְּעוֹן הַדְּרִשׁ כְּעוֹן הַנְּבִיא יִהְיֶה).

allowing the latter to play a role. We are now ready to proceed with the analysis of Exod 20:18-21 proper.

The first seventeen verses of ch. 20 comprise the Exodus presentation of the Dec, the pericope under review following immediately thereafter. The prominence of 20:18-21 within its surrounding context gave the Masoretes pause.⁶²⁶ The text has been described as an “intermezzo” between the Dec and the BC that “determines the nature and relationship of both.”⁶²⁷ But neither Dec nor BC integrate organically into the Sinai pericope. The Dec appears all of a sudden and unmotivated after 19:24f. Exodus 20:18 and the following verses trace again back to the Dec and begin with the theophany in a way suggestive of an older context from 19:16-19 to 20:18.⁶²⁸

As was shown in Chapter One (§1.2.1.1), Kuenen believed the BC displaced Exod 20:18-21, which originally preceded the “decatalogue story.”⁶²⁹ The current text reflects the redacted order:

- Exod 19: *Elohim* appears in a theophany.
- 20:1-17: *Elohim* speaks the Dec to *all-Israel*.
- 20:18-21: *Elohim* institutes Moses as mediator to allay the people’s fear.
- 20:21–23:23: *Elohim* reveals the BC to Moses, who in turn reveals it to the people.⁶³⁰

In contradistinction to the original sequence, the redacted order indicates the assembly received the Dec directly. This means Kuenen regarded the PRR a post-positive notion. Support for the tradition in Deuteronomy, particularly chs. 4–5,⁶³¹ may be the result of its reliance on the redacted sequence in Exodus, or the latter may owe to dtr or post-dtr hands revising the Exodus text. E. W. Nicholson also considers the plenary address

⁶²⁶ Nachmanides moreover noted the problematic ordering of events in Exod 19–20 in general (Houtman, *Exodus*, 3:73).

⁶²⁷ Houtman, *Exodus*, 3:73.

⁶²⁸ Matthias Köckert, *Leben in Gottes Gegenwart: Studien zum Verständnis des Gesetzes im Alten Testament* (vol. 43 of FAT; Tübingen: Mohr Siebeck, 2004), 168.

⁶²⁹ *Historico-Critical Inquiry*, 152. Kuenen considered the Dec as primarily the work of the Elohist source (E). The prevalence of the appellative אלהים (ה) is striking, occurring seven times in Exod 20:1-17. The Tetragrammaton also occurs seven times, however, three times as יהוה אלהים (vv. 5, 7, 12). The original arrangement according to Kuenen was:

Exod 19: *Elohim* appears in a theophany.

20:18-21: *Elohim* institutes Moses as mediator to allay the people’s fear.

20:1-17: *Elohim* speaks the Dec to *all-Israel*.

⁶³⁰ See the sequence in Childs, *Exodus*, 351f.

⁶³¹ “Deuteronomy 4–5 places considerable theological and apologetical emphasis upon the Decalogue as God’s direct address to Israel” (Nicholson, “Direct Address,” 422).

theme to be secondary. Because Exod 20:18 “refers back not to the proclamation of the commandments by God, that is, to the articulated words of God in the Decalogue, but to the manifestation of the theophany in chapter 19... it is widely agreed that the Decalogue was only secondarily inserted into its present position.”⁶³² Following E. Blum, T. Krüger reads vv. 18f. as indicating *Elohim* did not speak—or had not yet not spoken—directly to the Israelites, which v. 22 then contradicts.⁶³³

B. S. Childs interprets Exod 20 quite differently. The relevant verses exemplify the “dominant pattern” of two oral patterns perceptible throughout the entire Sinai pericope in which God imparts revelation to Moses alone. This pattern is in evidence in chs. 19, 20, and 24, and attributable to the Elohist (E).⁶³⁴ Already at the pre-literary stage it came to be joined with the other, oral, “minor pattern” perceptible only in chs. 19 and 34, which Childs attributes to the Yahwist (J).⁶³⁵ The minor pattern emphasizes the divine

⁶³² Ibid., 423.

⁶³³ Krüger, “Zur Interpretation,” 88f.; cf. Eckart Otto, “Das postdeuteronomistische Deuteronomium als integrierender Schlußstein der Tora,” in *Die deuteronomistischen Geschichtswerke: Redaktions und religionsgeschichtliche Perspektiven zur “Deuteronomismus”—Diskussion in Tora und Vorderen Propheten* (ed. M. Witte, et al.; vol. 365 of BZAW; Berlin: de Gruyter, 2006), 71-102, 90: “As Exod 20:18 shows, the people did not understand the Sinai Decalogue, when they only “saw” the accompanying appearances of the revelation. In Exod 20:19 it says they would ‘hear’ when Moses would speak with them. They hear the Decalogue from the mouth of Moses for the first time in Deut 5, whereas the Decalogue in Exod 20:1 is proclaimed directly by YHWH.” Cf. Innocent Himbaza, *Le Decalogue et l’histoire du texte: Etudes des formes textuelles du Decalogue et leurs implications dans l’histoire du texte de l’Ancien Testament* (vol. 207 of OBO; Fribourg: Academic Press, 2004), 14.

⁶³⁴ Childs, *Exodus*, 350. The “dominant form of the tradition has given the over-all structure to the present Sinai narrative in Exodus 19–24. It is represented chiefly in the E source” (ibid., 358-9).

⁶³⁵ Ibid., 350. Childs considers God’s “face to face” communication with Moses central to this (J) pattern (ibid., 351). But cf. God’s face-to-face encounter with the people (“you” pl.) in Deuteronomy: פנים בפנים דָּבַר (5:4); cf. Georges Minette de Tillesse, “Sections ‘Tu’ et Sections ‘Vous’ Dans le Deuterome,” *VT* 12 (1962): 29-87, who argues the 2 pl. “you” sections are the “sections historiques (vous), qui prolongent l’introduction Dtr et ont pour but ... non d’introduire le Code Dt, mais bien de préparer le grand cycle historique Josh-2 Rois, confirme singulière la thèse de M. Noth concernant Dtr. Elles nous fait davantage connaître les procédés littéraires et la théologie Dtr.... les sections-*Vous* enrichissent substantiellement notre connaissance de la théologie Dtr” (p. 89); cf. Mayes, *Deuteronomy*, 37: “It also appears to be the case that the author responsible for the incorporation of Deuteronomy within the larger context of the deuteronomistic historical work used the plural form of address ... a view widely held and particularly promoted by Minette de Tillesse.” Tillesse’s thesis has however “proved too schematic, and literary criticism, making use of the criterion of the *Numeruswechsel*, produces a multiplicity of Deuteronomic and Deuteronomistic layers ... What is more, there have been several voices maintaining that this alteration should be explained differently” (Römer and de Pury, “Deuteronomistic Historiography,” 107); cf. again Mayes, *op.cit.*, 148-49: “such a change [in person] seems to have become a characteristic of deuteronomistic writings ... so that here [Deut 4:1-40] nor in several other passages later in the book can it indicate the presence of secondary additions”; cf. Félix García López, “Analyse littéraire de Deutéronome V–XI,” *RB* 84 (1977): 481-522; Sellin-Fohrer, *Introduction*, 171: “Neither is it possible to ascribe the sections with plural address to the redactor of the so-called Deuteronomistic Historical Work ... because the variations in address occur even within the individual sections.” For a summary of the early history

legitimation of Moses and his mediatory role, but lacks the covenant ceremony and downplays the part the people play in its *ratification.⁶³⁶ That “already in the oral tradition lying behind the literary stage the two forms of the Sinai traditions had been fused”⁶³⁷ indicates the antiquity of these patterns for Childs, with the preexile serving as the determinative period.⁶³⁸

The overview of Childs’ treatment of the Sinai pericope in Chapter One showed that he does not really treat the tradition of the PRR in Exodus.⁶³⁹ In the seeming rush to demonstrate alleged accord within the “Deuteronomistic pattern”⁶⁴⁰ he passes over the theme in Exodus, in which the delineation of Mosaic roles receives the major attention.⁶⁴¹ The resulting reconstructions, though ingenious,⁶⁴² fail to recognize and account for the

(19th century) of research into the *Numeruswechsel* phenomenon, see Christopher Begg, “The Significance of the *Numeruswechsel* in Deuteronomy: The “Pre-history” of the Question,” *ETL* 55 (1979): 116-24.”

U. Rütterswörden has given the phenomenon fresh reconsideration based on his analysis of *Numeruswechsel* in the Sefire treaty texts, concluding the change to be quite significant. Rather than merely a stylistic variation, in Deuteronomy it probably functions as a criterion for literary layerings. Plural address sections likely reflect a “Vorausverweise auf die Bücher Jos-2Kön,” and thus a dtr redaction. There are redactors, however, whose edition of Deuteronomy already contained changes in number, in which case they were not bound to a certain regulating of speech. They might for example return to the singular (cf. Deut 12). This likelihood thus burdens the *Numeruswechsel* criterion with problems requiring a plethora of redaction-critical arguments (Udo Rütterswörden, *Das Buch Deuteronomium* [Stuttgart: Verlag Katholisches Bibelwerk GmbH, 2006], 12f.). Reinhard G. Kratz, *The Composition of the Narrative Books of the Old Testament* (trans. J. Bowden; London: T & T Clark, 2005), 117, continues to consider the *Numeruswechsel* a reliable criterion (1) “for separating out the basic writing, Ur-Deuteronomy” and (2) for indicating developmental stages in BC. Indeed, “the secondary additions to the Book of the Covenant already shape the basic stratum in Deuteronomy” (ibid., 118). We are less confident in the viability of this criterion without supporting argumentation from beyond the linguistic sphere.

⁶³⁶ Childs, *Exodus*, 350, 354.

⁶³⁷ Ibid., 354. The dominant form, “found chiefly in the E source, had tended to absorb the second form, now represented in the J source. This joining of the two forms of the tradition at the pre-literary stage would account for the great difficulty of separating sources in ch. 19.... In sum, although one can at times still distinguish between the two literary sources, J and E, there is every reason to suspect that the real tension in the narrative arose from a complex history of tradition lying behind and reflected in both literary strands” (ibid., 354, 355).

⁶³⁸ Childs also believes that the tension between the J and E accounts had for the most part been eliminated (ibid., 359).

⁶³⁹ He refers to Deuteronomy taking over the redacted Exodus account only in the context of his summary of Kuenen, and then surprisingly, alludes to the “harmony” that exists between Deut 5:4 and the Exodus account (ibid., 352).

⁶⁴⁰ “How is one to explain the discrepancy between direct communication to all and mediation by Moses? This situation is striking because the Deuteronomistic pattern is fully consistent elsewhere” (ibid., 351).

⁶⁴¹ “The major distinction between the two concepts of the Mosaic office rather stems from the different institutional roots of the traditions. The one was anchored in the covenant renewal ceremony, the other in the tent of meeting” (ibid., 357-58).

⁶⁴² Helpful e.g. is Childs’ recognition of the J tradition’s linkage of the Mosaic’s office with the plenary dispensing of the divine spirit in Num 11:16f, 24-25 and then the “other elements related to the phenomenon of charismatic prophecy” in the story of Eldad and Medad. He perceives redactional influence beyond his J and E tradents in this story, but does not attempt to schematize it (ibid., 357). On the following

tradition of the PRR in Exodus.⁶⁴³ In the light of recent trends in Pentateuchal research, Childs' placement of the responsibility for the plenary address theme wholly at the feet of *dtm* tradents in the book of Deuteronomy on one hand, disallowing precursors ("there is no evidence to suggest any other early tradition of a direct transmission of the law to the people")⁶⁴⁴ on the other, has become increasingly problematic.⁶⁴⁵ In his 1981 study Nicholson exposed Childs's exclusive reliance on the *dtm* perspective, since Exod 20:1-17 clearly emphasizes "direct address" as well:

Childs relies upon Deuteronomy 4–5 in his exegesis. But this only raises the question whether the Deuteronomic understanding of the Decalogue as God's direct address to Israel is peculiar to the authors of Deuteronomy 4–5 or whether similar theological motives were in the mind of the redactor who placed it in Exodus 20.⁶⁴⁶

Following E. Blum, T. Krüger argues that Exod 20:18f. proceeds from the belief that previously God did not address the Israelites directly;⁶⁴⁷ v. 22 boldly refutes this, however.⁶⁴⁸ Krüger then attempts to solve this problem redaction-historically, taking on the mountain of God traditions in both Exodus and Deuteronomy. The retelling of the Sinai event in Deut 4, for instance, can be read as an attempt to remove the tensions and contradictions between the various passages in Exod 19f, thereby producing a coherent and acceptable presentation of Israel's proximity to its formidable God.⁶⁴⁹ Exod 20:18-21, moreover, may belong to an older stratum of Exod 19f that lacks the Dec,⁶⁵⁰ a stratum in which the theophany serves to legitimate Moses as transmitter of the law (which may include the BC). A later revisor then reconfigured Exod 19f into an account promoting

page of his commentary, however, his comments on the later "priestly traditions began increasingly to absorb the tent tradition and to develop them in conjunction with Aaron's office in a different direction from its original one (cf. Exod 25:8; 29:42; 30:36)" brings to mind recent notions of theocratic tradents revising earlier traditions, so, e.g., R. Achenbach.

⁶⁴³ With the Exodus Dec itself we find an emphasis on direct address (cf. Nicholson, "Direct Address," 428).

⁶⁴⁴ *Ibid.*, 359-60.

⁶⁴⁵ For one thing, Childs did not recognize the affinity of J with *dtm*/*dtr* traditions, which would figure in later studies. It should perhaps be noted that Childs' commentary was written on Exodus, not Deuteronomy. The current state of research however has come to require a great deal more recognition of the literary and thematic interconnections traversing the first two sections of the canon.

⁶⁴⁶ Nicholson, "Direct Address," 428.

⁶⁴⁷ Krüger, "Zur Interpretation," 88f.; cf. Blum, *Studien*, 95, n. 221.

⁶⁴⁸ See the exegesis on Exod 20:22 below.

⁶⁴⁹ Krüger, "Zur Interpretation," 88f.

⁶⁵⁰ Blum's argument (summarized in Köckert, *Leben in Gottes Gegenwart*, 170) that Exod 20:18-21 is *pre-dtr* bolsters his belief that BC existed already in the late preexile.

the theme of the direct proclamation of the Dec by *YHWH* to the people in the sense of Deut 5* (whereas Exod 20:18ff was understood in the sense of Deut 5:23ff).⁶⁵¹

2.3.1 Concerns about Proximity to the Divine May Supersede Concerns about the PRR

Krüger's study highlights aspects of the spatial dimensions in the holy mountain narratives. In Chapter One we presented his assessment that Exod 19f underwent yet additional adaptation in order to deal specifically with the question of maintaining a safe distance between the people and God.⁶⁵² If correct, this would then indicate that for some tradents the concern to cordon off sacred space transcended uneasiness over God speaking directly to the people. For them the audition of the divine *davar* posed a minor challenge in comparison to the threat of unauthorized trespass. The two potentialities overlap in so far as they both describe/narrate contexts of spatial encounter. One may nonetheless distinguish between the two in the following way: (1) an ostensible priestly concern to restrict access to the sacred domain, (2) the prophetically infused, levitical advocacy for unmitigated access to *the davar YHWH*.⁶⁵³ The two concerns overlap. One may envision levitical priests protecting against rampant encroachment of sacred space⁶⁵⁴ while simultaneously supporting the notion that, for all-Israel to flourish in its socioreligiously competitive environs, non-priests also need to apprehend *YHWH*'s unadulterated voice.⁶⁵⁵ It stands to reason that elite priestly circles that would frown on the presence and participation of non-priests, and especially non-Israelites, within the sacred domain (Ezek 44:9-15) would not support the tradition of the PRR. Particularly problematic would be the community's assertion of the right to take their stand, together

⁶⁵¹ "The presentation of the Sinai-theophany in Exod 19f is still more complex and internally more tension-rich than that of Deut 5" (Krüger, "Zur Interpretation," 88).

⁶⁵² Krüger, "Zur Interpretation," 89, n. 12.

⁶⁵³ Cf. Isa 55:11: "so shall my word (דברי) be that goes out from my mouth; it shall not return to me empty, but it shall accomplish that which I purpose (כי אם־עשה את־אשר הפצתי), and succeed in the thing for which I sent it." It is likely that as literacy increased the view that the efficacy of the divine דבר/קול was compromised through human mediation also increased.

⁶⁵⁴ After all, Levites had to justify their vocational existence as priests.

⁶⁵⁵ Cf. Jeremiah's accusations against priests whose more exclusive access to revealed traditions and religious education wreaked havoc among the community of Israel (Jer 6:13f; 8:10f.; 14:18; 23:12; 23:33f.).

with Moses, to receive *tôrôt* directly from *YHWH* (Num 16).⁶⁵⁶ Such a stance however finds a measure of topological support at the beginning of the Sinai theophany at Exod 19:17,⁶⁵⁷ after which Moses and *Elohim* dialogue in immediate proximity to the ע (v. 19b).⁶⁵⁸ Neither Moses nor the people need ascend the summit, since the entire mountain constitutes the venue of divine encounter.⁶⁵⁹ If in this connection the *nearness* of the deity supports the notion of the PRR, then on similar topological grounds the notion of *YHWH*'s *distance*, i.e., residing in heaven, may intend to inhibit the PRR. Be that as it may, the essential texts for this perspective, Exod 20:22 and Deut 4:36 (Oswald's so-called "*YHWH*-heaven-type") share a striking communication dynamic with the topology of *YHWH* locating on the mountain ("*YHWH*-mountain-type") in that they affirm (Exod 20:22b "you have seen for yourselves that I spoke with you from heaven"; Deut 4:36 "from heaven he made you hear his voice"⁶⁶⁰) the ע receiving direct revelation from their location in relation to *YHWH* and the mountain. Defense of the PRR could therefore be waged on both religious and proximity planes,⁶⁶¹ that is, for some the notion of sentient hearing within audible range seemed more the believable (or palatable) premise than "hearing from the heaven." Then again, for some, the latter might be thought the safer scenario physically and less problematic theologically.

⁶⁵⁶ The concern to demarcate sacred zones in Ezek 40—48 and the texts under consideration here would suggest a connection between the elite, Zadokite-Levite circles responsible for those texts and similarly-minded texts in the mountain of God accounts, especially the Sinai account.

⁶⁵⁷ This passage and the theme of "taking one's stand" receive exegetical treatment below.

⁶⁵⁸ Verses 17f locate Moses, and ostensibly *Elohim*, at the foot of the mountain. Not until v. 20 does Moses again ascend the mountain at the deity's bidding.

⁶⁵⁹ Oswald, *Israel am Gottesberg*, 75. Note also that 19:19 and 20:20 suggest that *YHWH* does not descend (ירד) to the mountain, but rather comes (בא), as v. 20a β makes explicit: בא האלהים . This is the second of Oswald's numerous topological-epistemological conceptions, "types," "*YHWH*-comes-type" (cf. also 19:9a α) which connects to his third, "*YHWH*-mountain-type" (the mountain as God's permanent dwelling; cf. 19:9a α). Type one foregrounds *YHWH*'s descent "*YHWH*-yarad-type" (cf. 19:11b) and type four has God speaking from heaven, so the "*YHWH*-heaven-type" (Exod 20:22, the only passage in the Sinai pericope supporting Deut 4's notion of *YHWH* speaking from heaven; Oswald, *Israel am Gottesberg*, 79; cf. Deut 4:36, 39). Types five and six are the "People-Above-type" (19:13f) and "Visio-Dei-type" (24:9f). See table of the six types, their declaration, limitation, and realization, on p. 76.

⁶⁶⁰ ועל הריסיני ירדת ודבר עמהם משמים; cf. Neh 9:13 מן השמים השמיעך את קולו ליסרך.

⁶⁶¹ Oswald emphasizes the contradictions between the tradition of the deity descending (*YHWH*-Yarad-type) and the deity remaining in heaven (*YHWH*-heaven-type): "Während beim Jhwh-Jarad-Typ das Volk nur von unten und nur optisch die Theophänomene am Berg wahrnimmt, spricht beim Jhwh-Himmel-Typ direkt mit dem Volk—größer könnte der Gegensatz nicht sein" (*Israel am Gottesberg*, 77). The complexity of the narratives about the revelation of the law evidence a long-running "conversation" between various priests, priest-prophets, "the wise," and—in the case of defining moments such as this, indeed—the ע , as they collectively remember and selectively sift through their traditions, whether in oral or written contexts.

That staunch opponents of lay access to sacred space (cf., e.g., Exod 19:12) would support the notion of the PRR seems an extraordinary hypothesis.⁶⁶² Framed in some respects as a mode of compromise, however, Exod 19:11b-13 and 24:1b-2 could be interpreted as qualifications rather than negations of the PRR, since they function as safety mechanisms for the impending encounter with the deity.⁶⁶³ With respect to question of whether mediatorship figures as a central component in this topological-epistemological conception, Oswald answers in the negative.⁶⁶⁴

On first blush Exod 20:19 presents a picture of a terrified assembly (“... do not let God speak to us, or we will die”). Upon closer examination, however, an effort to reframe the portrayal of a timid נע comes into view.⁶⁶⁵ First of all, a retreat from a menacing cacophony (v. 18b) occasions little surprise; it is a prudent measure to take under such circumstances. Secondly, in view of the interest in establishing cultic institutions expressed in Exod 18, subsequent requests for mediation should perhaps be expected.⁶⁶⁶ Oswald points out here, though, that although the נע request a buffer agent between them and God (20:19), no request for a cessation of divine transmission obtains.⁶⁶⁷ A close inspection of 19b “but do not let God speak to us” generates at least two interpretative

⁶⁶² Nonetheless the final form of the Pentateuch includes both viewpoints. Cf. Nihan, “Priestly Torah,” 500: “The Torah should be viewed as a document of compromise, which attempts to define the identity of Israel by including different, even conflicting traditions issued from distinct circles in Persian Period Yehud.” See also the suggested literature in *ibid.*, n. 624. A most intriguing question presents itself with respect to the identity of those most likely to support such compromise.

⁶⁶³ Cf. Oswald, *Israel am Gottesberg*, 77.

⁶⁶⁴ “Gleichzeitig kann aber gesagt werden, das Feuer sei auf der Erde und die Stimme Jhwhs erschalle daraus (4,12.15). Hinter der topologischen Unklarheit steckt eine klare Konzeption. Transzendence und Kondeszendenz Jhwhs sollen gleichermaßen zum Ausdruck kommen. Dtn 4 kreist um das Thema ‘Keine Gestalt Jhwhs habt ihr gesehen,’ gleichzeitige soll aber sichergestellt werden, dass das am Fuße des Berges stehende Volk den Dekalog wahrnehmen kann. Ein Spagat im wahrsten Sinne des Wortes ist die Folge. Das Feuer reicht von Himmel bis zur Erde. Die Position Jhwhs darin bleibt gewollt unklar, er hat ja keine abgegrenzte Gestalt. Die Stimme kommt aus dem Feuer, ihr Ursprungsort ist—je nach dem, was betont wird—im Himmel oder auf der Erde. Epistemologisch hat diese differenzierte Topologie aber keine Konsequenzen. Israel hört den Dekalog, kein Mittler wird gebraucht” (*Israel am Gottesberg*, 78). Writer’s translation of the final three sentences: “The result of the work is a balancing act in the truest sense of the word. The fire reaches heaven from the earth. The position of *YHWH* thereby remains intentionally unclear; he has no delimited *Gestalt*. The voice comes from the fire, its place of origin is—subsequently—, which is stressed—in heaven or on the earth. Epistemically however this differentiated topology has no consequences. Israel hears the Decalogue, no mediator is needed.”

⁶⁶⁵ Oswald, *Israel am Gottesberg*, 50.

⁶⁶⁶ In the Job story (9:32-35; 19:23-25; 33:23-27) the afflicted protagonist alternates between desiring direct confrontation with God and desperately seeking intermediation.

⁶⁶⁷ Oswald comes to the same conclusion: “Die furchterregenden Theophänomene sollen auf keinen Fall von der Rezeption der Gebote abhalten” (*ibid.*, 51). Noth (*zweite Buch Mose*, 135; ET 168) appears to uphold the traditional interpretation emphasizing the people’s fear.

possibilities: the נב either entreats the deity not to *begin* or *continue* speaking.⁶⁶⁸ From the perspective of 19:19, 25, in which the נב apparently do not participate in the discussion, the first option commends itself. The second however looks likely in 20:1: “Then God spoke all these words.” Here the recipients of the divine transmission remain unspecified.⁶⁶⁹ Because of the lack of clarity in the communication structure of 19:19, 25; 20:1, a definitive answer remains aloof.⁶⁷⁰

The liminal zone of the sacred high place (i.e., mountain of God), where heaven, earth, and the elements merge, provides an ideal theatre for acting out the narrative tension regarding the direct and indirect contact between God, Moses, and the plenary assembly. Krüger observes that whereas in Exod 19 the people do not have the option to ascend (cf. Exod 34:3), in 20:18-21 they in no wise wish to do so.⁶⁷¹ The latter circumstance suggests they have a choice in the matter. Here redaction-historical possibilities present themselves.⁶⁷²

The *Wiederaufnahme* in Exod 20:18b effects a shift in the narrational perspective. Whereas the appearance and speech of *YHWH* had previously taken center stage, the נב now step into the spotlight.⁶⁷³ The nearness of the theophanic encounter facilitates the impartation of the laws and enjoins their observance.⁶⁷⁴ The mode of “testing” in v. 20 consists of three essential components: (1) hearing and (2) keeping the commandments,

⁶⁶⁸ Oswald, *Israel am Gottesberg*, 50.

⁶⁶⁹ *Ibid.*, 50, 52.

⁶⁷⁰ “Die antwort fällt deshalb schwer, weil die Kommunikationsstruktur von 19,19,25; 20,1 unübersichtlich ist und eindeutige Aspektmarker (ingressive oder progressiv) fehlen” (*ibid.*, 50).

⁶⁷¹ “Zur Interpretation,” 88.

⁶⁷² Exod 20:18-21 may belong to a stratum of chs. 19f that lacks the Dec, in which case the theophany may serve another purpose, e.g., to legitimate Moses as transmitter of the law. A more recent revision may have reconfigured chs. 19f into a depiction of the direct proclamation of the Dec by *YHWH* to the people in the sense of Deut 5, wherein tradents brought 20:18ff into conceptual alignment with Deut 5:23ff. This version would have later undergone additional correction in terms of increasing the distance between deity and people (Krüger, “Zur Interpretation,” 89, n. 12).

⁶⁷³ Oswald, *Israel am Gottesberg*, 49f.

⁶⁷⁴ “Vielmehr soll die Theophanie die Mitteilung der Gesetze ermöglichen und deren Befolgung befördern” (*ibid.*); cf. Childs, *Exodus*, 372: “The point of the present sequence is to emphasize that the theophany and the giving of the law belong together. In spite of the probability that theophany and Decalogue circulated independently of one another during a long history of development of the tradition, the author of the present narrative wants the two chapters [Exod 19f] understood as part of one event” (*ibid.*). What remains is the people’s inescapable dilemma: “God has come to prove Israel. The people *who committed themselves* to the covenant in 19:3f have been put to test. How do they respond to the God who reveals himself both in word and deed?” (*ibid.*, 373, secondary emphasis).

and (3) not shrinking back (zurückweichen) from the theophany.⁶⁷⁵ One would not go far wrong concluding that such responsibility seems a heavy load to place on the backs of recently uprooted slaves. Irrespective of kingly or priestly intermediation, the people will succeed—or fail—in their momentous mission largely based on their own actions and attitudes. Severity is promised those who falter out of fear—or for any reason—in fulfilling the assigned task.⁶⁷⁶ The high expectation bespeaks an authorial circle that perpetuates the notion of a uniquely qualified people, a nation capable of surviving sustained, direct exchange with their high god. That this circle shared similar views with the author(s) of Deut 4:6bβ-7⁶⁷⁷ seems fairly certain.

In Exod 20:21 Moses draws near (נגש) to the thick darkness (ערפל) where God dwells. No indication of vertical movement obtains (in which case one would expect either עלה or ירד), as the ערפל ostensibly covers the entire mountain. Contrary to the perspective of 19:11b-13e, 13f, 20-25, no ascent is needed; the people may remain in the vicinity “on the same level” with Moses and within (over)hearing distance of the dialogue between him and *YHWH*. Exodus 20:19 resumes a theme subtly introduced in Exod 19:17, that is, whereas in Exod 3 Moses becomes mediator on the initiative of *YHWH*, from 19:17 a shift towards the people taking the initiative occurs, leading to their installing Moses in his

⁶⁷⁵ Oswald, *Israel am Gottesberg*, 51. Relevant in this connection is the LXX of Hab 2:4, which censures those who “shrink back” from *YHWH*: ἐὰν ὑποστειλήται οὐκ εὐδοκεῖ ἡ ψυχὴ μου ἐν αὐτῷ (“If he shrinks back, my soul has no pleasure in him”); cf. Letter to the Hebrews 10:38b: “my soul takes no pleasure in anyone who shrinks back” (ὑποστέλλω); cf. v. 39 “but we are not among those who shrink back and so are lost” (ἡμεῖς δὲ οὐκ ἐσμὲν ὑποστολήεις εἰς ἀπώλειαν). These verses, along with v. 37 comprise a composite of Isa 26:20 and the LXX of Hab 2:4. Admittedly, the sentiment here appears to be that of enduring patiently rather than recoiling in fear. Nonetheless, the notion of “giving way to” or “shrinking before” someone as in the use of ὑποστέλλω in LXX of Deut 1:17, used to render Hebrew (תגורר) “dread” (Herder, *Bibel*: “vor keinem dürft ihr euch fürchten”; TNK “fear no man”; TOB “n’ayez peur de personne” for לא תגוררו מפני־אישׁ (MT of v. 17aβ) plausibly accompanies the use of ὑποστέλλω in each of the noted instances; Rev 21:8 curiously prefaces the litany of mortal sins with cowardness: “But as for the cowardly (τοῖς δὲ δειλοῖς), the faithless, the polluted, the murderers, the fornicators, the sorcerers, the idolaters, and all liars, their place will be in the lake that burns with fire ... the second death”; δειλός connotes showing fear in a craven manner or for no (apparent) reason.

Childs (*Exodus*, 372f.) questions the probative effectiveness of the theophany alone: “How could the bare theophany actually test Israel?” Noth in contrast maintained “das Volk hat die recht Gottes-’Furcht’ bewiesen und nicht versucht, der Gotteserscheinung zu nahe zu treten” (*zweite Buch Mose*, 135; ET 168).

⁶⁷⁶ Cf. the juxtaposition of rebellion and fear in Num 14:9, thereafter *YHWH*’s frustration in v. 11: “How long will this people despise (“disrespect” is probably the preferable trans. of נאץ) me? And how long will they refuse to believe in me, in spite of all the signs that I have done among them?” The fearsome acts of *YHWH* are to inspire faith.

⁶⁷⁷ “Surely this great nation (הגוי הגדל הזה) is a wise and discerning people!” For what other great nation has a god so near to it as the Lord our God is whenever we call to him?”

mediatorial office in 20:19. The earlier topology (Exod 3:1–19:16) becomes superfluous, since thereafter Moses and עַמ stand together.⁶⁷⁸

The instruction of *YHWH* in Exod 19:13 signals an imminent, direct encounter between *YHWH* and the Israelites on the mountain.⁶⁷⁹ The anticipation persists until v. 17. According to 17b, only now do the people take their stand, and according to vv. 21f. *YHWH* expressly forbids any additional approach; only Moses and Aaron gain permission to ascend the mountain to *YHWH*. From this Krüger concludes:

Exodus 19 thus gives the impression that here, similar to Deut 5, an older presentation of a direct encounter between *YHWH* and Israel on Sinai (and/or Horeb) would have been subsequently corrected, that the people remain at hearing distance of the divinity.⁶⁸⁰

2.3.2 *The עַמ Take Their Stand*

Even so, Exod 19:17b indicates something of the people's resolve to directly approach *YHWH*: rather than retreating to camp they "take their stand" (יְתִיצְבוּ) at the base of the mountain.⁶⁸¹ The notion of "taking one's stand" (יָצַב *hitpa'el*) often indicates a direct encounter with the divinity.⁶⁸² "Bracing oneself," "standing one's ground," even "positioning oneself in adversarial way" are viable renderings.⁶⁸³ *YHWH* himself instructs Moses and the elders to "take their stand"⁶⁸⁴ (יָצַב *hitpa'el*) before him in Num 11:16. The

⁶⁷⁸ Von Ex 3 her betrachtet ist das überflüssig, aber von 19,17 aus gesehen, wo Volk und Mose beieinander stehen, durchaus motiviert" (Oswald, *Israel am Gottesberg*, 50).

⁶⁷⁹ Cf. Deut 5:4.

⁶⁸⁰ Krüger, "Zur Interpretation," 88: "Ex 19 erweckt somit den Eindruck, als sei hier ähnlich wie in Dtn 5 eine ältere Darstellung einer direkten Begegnung zwischen Jahwe und Israel auf dem Sinai (bzw. Horeb) nachträglich in dem Sinne korrigiert worden, dass das Volk in gehörigen Abstand von der Gottheit blieb." See the discussion of the nearness motif in the exegesis on Deut 4:10.

⁶⁸¹ ויִתְיַצְבוּ בְתַחֲתֵית הַהָר; cf. André Wénin, "La Théophanie au Sinai: Structures Littéraires et Narration en Exode 19,10–20,21," in *Studies in the Book of Exodus: Redaction—Reception—Interpretation* (ed. M. Vervenne; vol. 126 of BETL; Leuven: Leuven University, 1996), 471–80, 480.

⁶⁸² 1 Sam 10:23; 12:7, 16; 2 Chr 20:17; Job 33:5; cf. Ezek 46:2; note that in 1 Sam 12:16, the priest-prophet Samuel summons the people for direct audio-visual encounter with the deity with the words "Now therefore take your stand and see this great thing that the Lord will do before your eyes" (גַּם עַתָּה הִתְיַצְבוּ וּרְאוּ) (את הדבר הגדול הזה אשר יהוה עשה לעיניכם).

For the use of the verb עָמַד in contexts of taking one's stand in covenant-making (cf. Judg 9:6; 16:25; Mic 5:4 and 2 Kgs 11:14; 23:3–5a, *inter alia*), see Stephen L. Cook, *The Social Roots Of Biblical Yahwism* (vol. 8 of SBL; Atlanta: Fortress Press, 1995), 211–13. Standing next a pillar or "standing stone" appears to have been a traditional part of some covenant ceremonies.

⁶⁸³ So Num 22:22; 1 Sam 17:16; 2 Sam 2:25; 20:11; 23:12//1 Chr 11:14; Isa 22:7.

⁶⁸⁴ In contrast to this quite positive picture of the elders' leadership, the negative comments about the elders in Ezek 8:11–13; 14:1–3 are difficult to place literary-historically. As intermediaries of a sort between either God or Moses and the people, there is some overlap in function between them and Levites; (cf. perhaps Markl, *Dekalog*, 70). The elders and Levites also share in common a fluctuating (leadership) status. It

Niphal stem of יצב can also be translated “take ones’ stand,” or “stand assembled,” as in Deut 29:9a [Eng 10a] (אתם נִצְבִים הַיּוֹם כְּלַכֶּם לִפְנֵי יְהוָה אֱלֹהֵיכֶם); see also §3.2.1).

2.3.2.1 *The People and Levites Take their Stand in Revelatory Liturgical Settings*

A relevant scenario in which the people and the Levites stand (קום) in the presence of *YHWH* meets us in Neh 9. All the people of Israel “were assembled with fasting and in sackcloth, and with earth on their heads” (v.1); they “stood and confessed (ידה *hitpa’el*) their sins” (v. 2b α), “stood up in their place and read from the book of the law of the Lord their God” (v. 3). In v. 4 a mix of lay leaders⁶⁸⁵ and Levites stand on the platform of the Levites and cry out with a loud voice. The Levites then stand up and bless (קומו ברכו את־יהוה אלהיכם מן־העולם) (v. 5). Here, contra 8:4,7, the *Levites and laity* lead the congregation—without Ezra. Although Neh 10:1 [Eng 9:38] depicts a grandiose, single occasion in which takes place the making, recording, and perhaps renewing of a covenant (אנחנו כרתים אֶמְנָה וכתבים) (ועל החתום שרינו לוינו כהנינו ...), the depiction is surely composite.

2.3.2.2 *The Miracle at the Sea*

Anticipating *YHWH*’s intervention at the Sea of Reeds, Moses instructs the people, “do not fear, take your stand, and you will see the salvation of *YHWH*”⁶⁸⁶ אלת־יראו התיצבו וראו (Exod 14:13a); v. 14b then emphasizes the importance of their standing firm, implying that *YHWH*’s deliverance depends on their maintaining their position and

should be noted that whereas Ezekiel often mentions the elders, H never does; cf. Joosten, *People and Land*, 89 and n. 277. (The mentions of the elders in Leviticus are two: 4:15 and 9:1.) A preexilic conception of the elders’ city-gate function meets us in Deut 22:13ff. For a text-critical explanation of the changing office(s) of elders, including critical evaluation of the view of Volker Wagner (“Beobachtungen am Amt der ältesten im alttestamentlichen Israel. 2. Teil: Die Kompetenzen und Aufgaben der ältesten im Rechtsleben und im Kult,” *ZAW* 114, no. 4 [2002]: 560-76, 560 *et passim*) that the elders of the Hebrew Bible were connected to cities and their populations rather than tribes, and that the institution of the elders wanes, even disappears after the exile, see Schmitt, “Ältesten,” 63f. See additional comments and bibliography regarding the elders above, n. 365.

⁶⁸⁵ Bunni (see Neh 10:14f); Chenani? We may also assume other lay persons who go unnamed. Otherwise, v. 5 would not begin by specifying that the following individuals are all Levites: “Then the Levites said ...”

⁶⁸⁶ Writer’s translation.

composure (וְאַתֶּם תִּקְרִייוּן).⁶⁸⁷ In the following verse, however, *YHWH* chides Moses for not leading the עַם forward. This interpretive difficulty is not the only one disqualifying Exod 14 as a coherent, unified text. Ska enumerates four problems that are best solved by positing two parallel versions that have been woven together.⁶⁸⁸ We restrict ourselves here primarily to treating the interchange between *YHWH* and Moses of which v. 15 assumes. The passage lacks context, however. It supposes previous conversation between Moses and *YHWH* regarding attitudes and logistical issues that have compromised the Israelite’s mission. Yet in the present arrangement, the parlay of Moses that irritates the deity is missing. The passage is perplexing. *YHWH*’s rejoinder “why did you cry to me” in v. 15 contradicts the data of vv. 13f., which describe Moses dutifully exhorting the people. Here we find no hint of Moses either complaining to *YHWH* or unnecessarily inhibiting the field unit’s⁶⁸⁹ forward movement. What is one to make of the deity’s reproach?

Scholars have posited two accounts or versions of the same story in Exod 13:17–14:30 (e.g., J and P versions, with some E⁶⁹⁰). The text before us is clearly polyphonic.⁶⁹¹ The interchange between the deity, the people, and Moses casts a shadow on the latter’s leadership of the people and competence in implementing the deity’s commands. Exodus 14:15 plausibly comprises the tail end, or in any event belongs to a larger body, of traditions that paint the Mosaic personage in less than glowing colors (e.g., Exod 14:11f.; Exod 16; Num 16:3; 28-35; 20:10-12). In the present arrangement, v. 15 has been allowed to stand because it connects tangentially to the criticism in vv. 11f. and logistically to the verses that follow (vv. 16ff.); it also functions rhetorically, by

⁶⁸⁷ Cf. 2 Chr 20:17, which adds עֲמַדוּ, “stand still” in its reuse of Exod 14:13: “Take your stand, don’t move and you will see the salvation of *YHWH*” (writers translation; cf. Gerhard von Rad, “The Levitical Sermon in I and II Chronicles,” in *The Problem of the Hexateuch and Other Essays* [London: SCM Press Ltd, 1984], 267-80, 273).

⁶⁸⁸ The inconcinnities are as follows: Moses’ words and action in vv. 13f. do not merit *YHWH*’s reproach in v. 15; the Egyptian’s location prior to the “miracle”; the nature of the “miracle”; the death of the Egyptians (Ska, *Introduction*, 69).

⁶⁸⁹ Cf. Hans M. Barstad, *A Brief Guide to the Hebrew Bible* (Louisville: Westminster/John Knox Press, 2010), 60-1: “A striking characteristic of the whole narration of the desert wanderings is that the people are portrayed as a field unit on the move, with a strict military organization of the Israelite tribes, led by *YHWH* himself ...”

⁶⁹⁰ See the elucidatory division of sources in Campbell and O’Brien, *Sources*, 238f.

⁶⁹¹ In his ingenious reconstruction Ska does not press for a particular authorial attribution for the two accounts (*Introduction*, 68-75). In contrast, Campbell and O’Brien’s treatment (*Sources*, 238-54) upholds Noth’s division of Exod 13:17–14:30 into J, E, and P.

heightening the leadership problem that figures prominently in the miracle narrative (and indeed within the larger, hexateuchal *Geschichte* of Israel following *YHWH* from Egypt to the Land of Canaan). Verse 31b claims that tension has been resolved: “So the people feared the Lord and believed in the Lord and in his servant Moses.” The claim is made by Zadokite-Levite Pentateuch redactors affirming their ideal of Mosaic leadership. With v. 31b they project back into the exodus experience the harmony they believe it will soon bring between *YHWH* and Israel—under their “Mosaic” leadership, in the early postexilic period.

Although the people’s fear in v. 31b leads to their subordination to Mosaic leadership and therefore serves the ideological ends of PentRed, there is more to the story. This fear is not debilitating but rather productive (along the lines of “the fear of the Lord” in the wisdom tradition, e.g., Prov 1:7, 29; 2:5; 3:7; 8:13; 9:10; 10:27; 14:27; Ps 19:9; 34:12 [Eng 11]; 111:10; Isa 11:2, 3; 33:6; cf. Acts 9:31⁶⁹²). It ostensibly produces a outcome amenable to all three principle parties, *YHWH*, Moses, and people. Verse 31b can therefore support the notion of a holy and competent people not adverse to following their liberating God and designated emancipator. The passage is capable of double duty, functioning just as well as support for HexRed and the later School of HexRed (cf. Exod 19:8), with some connections to the wisdom tradition and probably also to “holiness” circles responsible for texts in the Holiness Code such as Lev 22: 31-33.⁶⁹³

Verses 11f. constitute a secondary portion of Exod 14. We should count the possibility that this negative depiction of the Israelites as unbelieving and fearful in this redactional insertion owes to PentRed. It was *subsequently challenged* by either theocratic revisors or the School of HexRed, both of whom would have benefitted from the perspective of local religious functionaries supportive of a positive depiction of the people (cf. Exod 19:8; Josh 24:16-18, 22b, 24) such as the Levites. It is to such a circle or school of thought that we attribute the insertion of the startling rebuke of Moses in v. 15.

⁶⁹² πορευομένη (walking/living/going on) τῷ φόβῳ τοῦ κυρίου. Richard D. Nelson, *Deuteronomy: A Commentary* (Louisville: Westminster/John Knox Press, 2002), 80, contrasts debilitating fear with “a reasoned and proper caution” in mountain of God revelations.

⁶⁹³ See Chapter Six for further comments on these verses.

They were familiar with the pericope or tradition thread that they chose not to include in Exod 13:17–14:31, that is, the fuller story of which v. 15 forms a small part.⁶⁹⁴

Against the objection to our interpretation that the narrational plot of the miracle story concerns itself only with the forward, topographical movement of the people that sets up and intensifies the grandeur of the event, we submit the following: on the rhetorical level, vv. 11f. tie well to the larger theme of both the need for (vv. 13f.) and problems with (vv. 11f., 15) Mosaic leadership, which the final and therefore proto-canonical form of chapter fourteen raises as a central concern. Moreover, the dizzying array and shifting of subjects in Exod 13:17–14:31 (*YHWH*, Pharaoh, Pharaoh and his servants, the Egyptians, Moses, Israel, the angel of God, army of Egypt, army of Israel, the pillar of cloud (עמוד הענן), the waters, etc.) forms a discursive framework in which the linear disruptiveness of the insertion of v. 15 (as we have described it) becomes less self-conscious. During a public reading/recital of this narrative, the audience probably quibbled little over the abruptness of v. 15. The orator, and likely teacher of the tradition, knew his audience's familiarity with and probable *participation* in the larger, evaluation of religious leadership to which it connects.⁶⁹⁵

As in other truncated texts in the Hebrew Bible (e.g., Gen 6:1-4) the fuller version of which may appear in later texts (1 Enoch 1–37, which expands Gen 6:1-4; cf. also the tradition-historical and literary variations in Josephus' recounting biblical "history") the presenter of the story/text enjoins the audience to actively participate in a cooperative, rhetorical venture, persuasion being its goal. J. Joosten speaks of the "game of persuasion."⁶⁹⁶ In view of the numerous players, literary layers, topographic movement, and *Tendenzen* within the miracle narrative of Exod 13:17–14:31, "le jeu" in the miracle narrative is indeed multifaceted. Again, though, here we are dealing with the problems appertaining to v. 15's curious role and placement in Exod 14.

2.3.2.3 *The Role of Fear in Exod 14*

⁶⁹⁴ Note that Levites and community leaders bring the criticism of Moses in Num 16.

⁶⁹⁵ See previous note.

⁶⁹⁶ Cf. Joosten, "Persuasion coopérative"; idem, "Moïse, l'assemblée et les fils d'Israël: La structuration du pouvoir dans le Code de Sainteté," untitled as of 30 March 2011 (ed. A. Wénin; Forthcoming); the present writer wishes to thank Professor Joosten for providing a prepublication copy of the latter study; see §§6.4.5-6; 6.4.8 for an application of Joosten's rhetorical model to the Holiness Code.

Verses 13f., which lionize Mosaic leadership and echo the familiar refrain that ties the need for it to the people's incapacitating fear (PentRed; cf. in contrast v. 31b, in which the fear is salubrious and productive, HexRed), most likely owe to PentRed. In this text, along with vv. 11f. (and perhaps v. 10a), PentRed sets up a scene similar to passages in Exod 19f. in which the people seem capable of little without either Moses' mediation or exhortation to be courageous.

The arrangement of vv. 11-14 may predate the addition of v. 15 (see below). Whereas removing vv. 10b-14 from the present formulation does not make for the smoothest text, there exists terminological and thematic linkage between v. 10b and v. 15. The verb צעק ("cry out") appears in both texts; both instances share a problem that connects the verses together thematically. In v. 10b, the people fear greatly and cry out (וייראו מאד ויצעקו) (בני־ישראל אל־יהוה); in v. 15 *YHWH* accuses of Moses of having cried out (2 sg.) to him in a way that kept the people from obeying *YHWH*, namely, in moving forward (דבר אל־בני־ישראל ויסעו v. 15b). Whereas v. 10b sings the familiar refrain of the people's debilitating fear, which leads to murmuring in vv. 11f., v. 15b implies Moses' complicity in the people's retarded movement. As to the question of the degree or mode of complicity, were the audience aware of Aaron's complicity in the incident of the golden calf in Exod 32, my reconstruction suggests they would be just as aware of a tradition of another serious incident in which the recalcitrant people are implicated in the failure of their leader as in Num 20:11 (cf. Ps 78:20). In the case of Exod 14, however, the writers apparently de-emphasized Moses' infraction because the law had not yet been given.

My hypothesis cannot be proven, but it does help explain two things: the rather odd way in which Moses encourages the people to be strong, and the peculiar event of v. 15. A final comment concerns the function of fear in the text of Exod 14. Whereas in the scene of revelation at the holy mountain the people's fear is of *YHWH*'s presence, here their fear has more to do with trusting in God's faithfulness and his servant Moses.⁶⁹⁷ "The account describes, by and large, Israel's transition of fear of the Egyptians to the fear of *YHWH* and to faith."⁶⁹⁸

⁶⁹⁷ Ska, *Introduction*, 74.

⁶⁹⁸ *Ibid.*

2.3.3 Fear Factors and the Determination of the People

The detail of the ׀ vacillating out of fear after hearing the proclamation of the Dec in Exod 20:18f. actually supports the premise they had received it directly.⁶⁹⁹ And as has already been pointed out, the intensity of the encounter makes it and the disclosure associated with it all the more memorable. The felt need to forbid the people from “breaking through” (הרס) and ascending (עלה) (19: 21, 24) suggests a resolve to participate in the impending summit.⁷⁰⁰ Two measures designed to dampen that spirit emerge:

(1) Moses reminds God of a previous prohibition (v. 23);⁷⁰¹ “even priests” may ascend only after special consecration (v. 22; but see v. 24b!);

(2) in v. 25 (“a fragment”⁷⁰²) Moses flatly tells them to go no further.

⁶⁹⁹ Miller’s comment that the people shied away from further revelation after realizing their great fortune in surviving the Dec (“they dare not risk it again”; Patrick D. Miller, *Deuteronomy* [Louisville: John Knox, 1990], 68) does find thematic continuity with Deut 5:24ff. Several of these verses constitute later additions, however, and vv. 24b and 26 could just as well be taken as a boast (Rofé, *Deuteronomy*, 15f). Miller may have missed the true significance of v. 5, which advances the perspective that all subsequent revelation and its interpretation remains the preserve of the Mosaic institution (cf. Exod 18, Num 11:16ff, and Mark A. Christian, “Mosegestalten and ‘Mosaic Institutions’ (From Jethro to Jubilees)” (unpublished paper presented at the International Organization for the Study of the Old Testament, Leiden, The Netherlands, 4 August 2004); Martin Rose, “Deutéronome,” in *Introduction à l’Ancien Testament* (ed. T. Römer, et al.; Genève: Labor et Fides, 2004), 211-27, 222: “Les lois transmises par la tradition, contenues dans la ‘collection deutéronomique,’ ne sont pas directement identifiées avec la ‘parole divine’; elles ne la représentent que de manière réfléte, réfléchie ou miroitée, en tant qu’elles sont rapportées par Moïse (5,31).... Moïse devient quasiment l’ancêtre de tous les prophètes...”).

Miller edges up to a similar conclusion in his summary: “So in the way in which Deuteronomy sets up the various facets of the community’s law, the divine and human are joined in the creation, transmission, and understanding of the law; and the Decalogue is marked off as the special and primary revelation of the will of God for the people. The rest of the law, while also important, is seen to be a teaching of God’s will growing out of the primary ten words” (ibid., 69-70). On the basis of Deut 27:9f, 14f, Nicholson points to the Levites as holders of the office of covenant mediation, but only reluctantly, as he prefers to see the prophets in this role (*Deuteronomy and Tradition*, 74-9); cf. ibid., 79: “there is considerable evidence in support of the view that the function of covenant mediator was exercised by the prophets. And is this not of great significance in the authorship of Deuteronomy?... it is surely difficult to escape the conclusion that the book originated in prophetic rather than priestly circles.” Recent research, however, has come to recognize points of agreement or compromise between priestly and lay or non-priestly circles in Pentateuchal, including dtn/dtr traditions. We should no longer think in terms of “either ... or” but rather “both ... and.” For additional support in behalf of significant Levitical influence on Hosea, see Stephen L. Cook, “The Lineage Roots of Hosea’s Yahwism,” *Semeia* 87 (1999): 145-61, *passim*, who employs a sociological model of transition and conflict between lineage- and state-based ritual systems in the analysis of Hos 5:8–6:6 and Hos 1:2–2:3.

⁷⁰⁰ A similar resolve of the community meets us in their own enacting of the covenant in Exod 24:3b. Neither Moses nor the Lord can do this, and no monarch is present.

⁷⁰¹ In light of 19:12, 13a, which already forbid unauthorized ascent, vv. 21-24 seem superfluous.

⁷⁰² Noth, *zweite Buch Mose*, 129 [ET 160]. The instruction that Aaron accompany Moses in v. 24a is suspect. “Ganz isoliert und ohne Folge steht die Anweisung da, daß auch Aaron mit auf den Berg steigen solle” (ibid.). Following Beyerlin, Durham (*Exodus*, 272) characterizes vv. 19b and 25 as “incomplete

And yet the warnings and theophanic signs on Sinai (ch. 19) fail to impede the עַם's approaching the base of the mountain or leaving the camp.⁷⁰³ Because the concern for proximity to the theophany is also evident in 20:12f., and plausibly connected to 19:20-24, an excursus seems appropriate.

Excursus 2: Exod 19:20-25 (With Recourse to Verses 12-13)

The question of genre in the section Exod 19:20-25 receives brief consideration here. A. Wénin proposes Exod 19:21-24⁷⁰⁴ as “une variation sur le centre de la première, les ordres divines des vv. 12-13a.”⁷⁰⁵ A chiasmic structure presents itself in vv. 12, 23:

Exodus 19

v.12 YOU SHALL SET LIMITS (הִגַּבְלֶתָ) for the people all around... Be careful not to <i>climb the mountain</i> (עֲלִית בְּהָר)	v. 23 The people cannot <i>climb the mountain</i> (לְעֵלַת אֶל־הָהָר) SET LIMITS (הִגַּבְלֶתָ) around the mountain
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The table⁷⁰⁶ illustrates the interconnectedness of the two passages. The story-line in vv. 20-25 appears to be self-contained. The artfully constructed chiasm bespeaks something beyond mere literary variation, and the genre of midrash has been suggested.⁷⁰⁷

Assuming that midrashic expansion occurs in response to a perceived problem in the text, the instigator in this case is apprehension over the עַם's encroachment onto *YHWH's* terrain. The non-implementation of the commands of vv. 11bff. probably does not pose a

where they stand.” Beyerlin (*Origins*, 8f.) had proposed the two passages belonged together, forming an introduction to a message for Israel that no longer exists. In any event, vv. 21-24 are clearly composite, displaying numerous tensions that serve to bring the narrative to a place of climactic expectancy, poised for the reception of the Dec.

⁷⁰³ Cf. Wénin, “Théophanie,” 480.

⁷⁰⁴ Verses 21-24 have generated their share of criticism: they interrupt the theophany; although Moses is not on the top of the mountain he nonetheless is instructed to descend; Moses' behavior in v. 23 has garnered criticism, Baentsch having characterized him as “ein pendantischer Schulmeister”; *YHWH's* actions in these passages are described as “capricious,” even “absent-minded” (Houtman, *Exodus*, 2:460)

⁷⁰⁵ Wénin, “Théophanie,” 475.

⁷⁰⁶ Adapted from Wénin, *ibid.*

⁷⁰⁷ See Childs' synopsis of the question of genre in vv. 20ff. (*Exodus*, 361f); cf. Wilhelm Rudolph, *Der “Elohist” on Exodus bis Joshua* (vol. 68 of BZAW; Berlin: de Gruyter, 1938), referenced in Blum, *Studien*, 48f.

problem of equal magnitude.⁷⁰⁸ Childs therefore concludes a midrash classification of Exod 19:20-25 to be unnecessary.⁷⁰⁹

It nonetheless seems advisable to keep the hypothesis on the table. One could posit a two-fold *Gattung* classification for vv. 20-25: (1) a didactic midrash that warns both people and priests of the dangers of domain trespass,⁷¹⁰ and (2) a proto-halakhic debate regarding the broader issue of access to the holy. Waged at the highest level—between Moses and *YHWH!* (v. 23)—, the argument raises several interpretative issues.⁷¹¹ The halakhic theme also suggests a late date for the formulation of this composite text.

Also on the slate for the excursus is the consideration of possible nexuses between vv. 20-25 and the Exodus formulation of the plenary reception of the Dec. In his analysis of the Exod 20 theophany, Wénin foregrounds the sonic dimensions, as does dtn/dtr.⁷¹² The attribution of the people's retreat to a combination of the visual and auditory elements in the theophany impels the narrative. Wénin reflects on this perspective opposite the topological concern in Exod 19:20-25 (i.e., that people and priests would maintain safe

⁷⁰⁸ See the following note.

⁷⁰⁹ *Exodus*, 361: “First of all, a midrashic expansion arises in order to explain a difficulty in the text. But the difficulty alleged to have evoked the midrash, namely the failure to mention the carrying out of the orders in vv. 11bff., would hardly have been seen as a problem by late Jewish interpreters.” For Childs, Exod 19:23 poses the greater difficulty for the midrash thesis: “it would have been unthinkable to solve it by having Moses ‘instruct’ God in this way. For these reasons, whatever its age, the purpose of v. 23 must have been quite different from that of a midrash” (ibid.). We would agree that, by itself, midrashic classification does not solve the problem.

⁷¹⁰ Although the express intention of vv. 20-25 remains difficult to delineate, the concerns presented in the text of Exod 19 are sufficient to warrant midrashic expansion. In addition to problematic trespass, we have proposed the more general issue of the people's intrepidity (which is largely inferred in this chapter, e.g., 19:8, 12, 17b, 23-25). In my judgment, Moses' mini-lecture to *YHWH* (v. 23; cf. the midrash in Lev 10:16-20 [Moses' halakhic debate with Aaron] and Nihan, “Le Débat Actuel.”) leaves little room for doubt that a vital issue, whose importance exceeds the explicitly indicated concerns for domain holiness and the risks attending unauthorized trespass, has been raised.

⁷¹¹ Moses' daring before *YHWH* brings up the question of the prophetic authority of the people. Whereas the *Mosegestalt* of Num 11:12-30 supports a broad reception of revelation, in Num 20:2-13 one can interpret Moses' effrontery with Aaron's complicity on the one hand, the severity of the punishment on the other, as designed to crimp the flow of *YHWH*'s holiness to the plenary assembly. The similarity with the mutinous assembly precipitating Aaron's sin in Exod 32 is patent. In Num 20 Moses (and Aaron) has already categorized the rebels (הַמְרִיבִים, v. 10) as beyond the pale, especially in light of their having witnessed an unmitigated demonstration of *YHWH*'s holiness (translating לְהַקְדִּישׁ־נַיִב הַמְּנַתֶּם as “trusting me to reveal my holiness”; cf. אֱמַן בִּי [hip 'il] as “believe in/trust me” in Gen 15:6; Exod 14:31). Moses had earlier yearned for the people to believe in him in Num 14:11, which is now turned around in 20:12.

Although in Num 11 the divine spirit is discriminately dispatched, the reception and demonstration of the prophetic spirit by Eldad and Medad—in the camp (vv. 26f)—advocates for its broader reception. In Exod 19:22, Moses (and it would seem Aaron, v. 23) objects to the עַם's indiscriminate access to *YHWH*. It is this scenario that propels Moses into proto-halakhic debate with *YHWH* (v. 23).

⁷¹² See the exegesis on Deut 4:10-12 below.

distance from the mountain). He concludes that once the people acquire the appropriate posture of reverence (20:20), the “nearness” prohibition becomes superfluous. The people recoil not from the theophany alone, but rather as it *becomes the Dec* articulated by the קוּל.⁷¹³

T. Dozeman weighs in on the authorship of Exod 19:20-25 and its intended impact on the dtr redaction of Exodus. He attributes the unit to priestly redactors (cf. E. Otto and R. Achenbach’s notion of the Pentateuch Redaction penned by Zadokite priests⁷¹⁴) who redefine Moses’ role in an effort to countermand the dtr redactors’ support for the PRR:

Priestly redactors ... redefine the role of Moses with the addition of 19:20-25.... By disrupting the flow of the narrative in the dtr redaction (which had progressed from a conversation between Moses and Yahweh [Exod 19:19] to a culmination in the *public promulgation of the Decalogue* [Ex 20:1-17]), priestly redactors have successfully embedded the content of the divine commands into the very structure of the narrative, with the result that theophany is limited to a priestly mediator. This point comes into clearer focus by interpreting the revelation of the Decalogue in the context of the priestly redaction.... with the addition of Ex 19:20-25 the revelation of the Decalogue (20:1-17) is *no longer a public experience of theophany, but a Torah that is revealed to Moses alone* on Mt Sinai and mediated through him to Israel. Priestly redactors moved in a strikingly different direction in this episode than the dtr redactors.⁷¹⁵

⁷¹³ “Au chapitre 19, les signes théophaniques sur le Sinaï n’empêchent pas le peuple de sortir du camp et de s’approcher du bas de la montagne pour s’y poster (v.17). Au contraire, si l’on en croit les conseils empressés de YHWH à Moïse, certains seraient même tentés de se précipiter pour voir ou monter (vv. 21.24). In revanche, après la proclamation des Paroles, Israël vacille et se tient au loin (20,18.21). D’un point de vue narratif, c’est le fait que les signes théophaniques deviennent dix Paroles articulées par des voix qui semble provoquer le recul du peuple. S’il en est ainsi, la proclamation des Paroles instaure une distance qui tient Israël en respect, dans une attitude que Moïse qualifie de ‘crainte’ en intégrant le sens de la venue divine (v.20). Ce respect rend donc inutiles les limites posées en vue de la rencontre, en sorte que le décalogue vient comme remplacer les interdits préalablement formulés” (“Théophanie,” 480).

⁷¹⁴ See Chapter Two.

⁷¹⁵ *God on the Mountain*, 103-05, all emphases added.” Dozeman contrasts the dtn and priestly profiles of Moses in relation to the mountain of God: “Even though Moses is idealized as the commissioned teacher of deuteronomic law, the presentation of his special role is anti-hierarchical.... the specific verbs of ascent (עלה) and descent (ירד) in the Mountain of God tradition are consistently avoided. The *Tendenz* of the deuteronomistic redactors to avoid verbs that express a clear vertical hierarchy affects the imagery of the mountain setting.... Although he [Moses] is clearly set apart from the people and idealized as the one who speaks with God, *Moses does not function in the deuteronomistic redaction as a mediator who maintains distance and clear boundaries between Yahweh and Israel*” (*God on the Mountain*, 56, emphasis added; cf. also 57). Priestly redactors, in contrast, “reaffirm and even build upon the vertical hierarchy of characters that was central to the Mountain of God tradition, but played down in the dtr redaction, and they also emphasize the role of Moses as priestly mediator. In fact this latter point is so central that in the end Moses even mediates the revelation of the Decalogue” (*ibid.*, 105). For priestly redactors, Mount Sinai has become the place of the divine presence, and Moses and Aaron alone may approach that Presence at Mount Sinai” (*ibid.*, 106).

These priestly redactors are probably Zadokite-Levites writing on the proto-canonical level of the Pentateuch redaction. In addition to promoting the need for the priestly mediator Moses, these elites endeavor to distance both the עם and their priestly-prophetic advocates, the Levites. It is for example doubtful that the designation כהנים “priests” in v. 22 includes Levites. If only the elite Zadokite-Levites⁷¹⁶ can approach, and only after consecrating themselves (שקדו [*hitpa'el*]), the Levites and *a fortiori* the עם have little chance of approaching the numinous presence. This describes the dominant and “official” position in the Hebrew Bible in which Levites usually receive (a) negative mention, (b) sparse mention in spite of their substantive involvement in the production of literature (Psalter; Chr), or (c) an intentional non-mention even though their greater involvement may be assumed (H). As is well known, Deuteronomy has a special perspective regarding the Levites.⁷¹⁷

2.3.4 Condensation of Ongoing Revelatory Events

The proclamation of the Dec itself constitutes a form of divine advent. The direct revelation of *tôrôt* includes the direct, self-revelation of the deity. Just as the collective memory of Israel knows of multiple covenants between Israel and *YHWH*,⁷¹⁸ also imbedded within its larger frame are multiple occasions and venues of the same or similar events.⁷¹⁹ This actuality strongly suggests numerous and ongoing disclosure events. Instead of singular, foundational events, one might plausibly view the revelations at mountains of God (cf. venerated high places) as installments⁷²⁰ that—given the *YHWH*’s widely stated desire to dwell with Israel—hold forth promise of further revelation, whether received directly or mediated through authoritative figures.⁷²¹

⁷¹⁶ Rationale for the use of compounds Zadokite-Levite and Aaronide-Levite is provided in my essay “Priestly Power that Empowers,” 6, n. 15; cf. n. 1 above.

⁷¹⁷ See the exegesis on Deuteronomy in Chapters Three, Five and Six.

⁷¹⁸ Cf. also P’s multinational, Noachic covenant (Gen 9:8-17).

⁷¹⁹ Cf., e.g., Y. Hoffman’s idea of multiple covenants and the revelations associated with them in §3.3.2.

⁷²⁰ Cf. the “Sermon on the Mount” and the “Sermon on the Plain” in the books of Matthew and Luke, respectively. On the contrast between the mountain and plain revelation in the Pentateuch, cf. Achenbach (“Der Pentateuch,” 231): “The structuring of the Pentateuch into book parts results from the necessity to delimit the Kern of the (literarily older) ‘Sinai-Revelation’ from the (literarily younger) ‘in the desert’ sections of the Tora on the basis of the super- and/or subscriptions (Num 1:1; 36:13; cf. Lev 27:34).” Cf. Otto, “postdeuteronomische Deuteronomiums,” 86, regarding Num 36:13: The time of the divine revelation is no longer considered as concluded.”

⁷²¹ Cf. Christian, *Torah Beyond Sinai*, forthcoming.

Within a legal tradition of the priestly establishment, the phenomenon of *revelatio continua*⁷²² made available to the entire community would not top the wish list. Indeed, divine revelation with its prophetic dimensions carries the potential of trumping existing regulations, and perhaps worse, of democratizing the entire enterprise. This helps explain why such an important tradition as the PRR survived only fragmentarily.

2.3.5 Dtn/dtr Features in Exod 20:18-21: A Post-dtr Layer

We follow Achenbach in assigning Exod 20:18-21⁷²³ to a post-dtr layer of tradition.⁷²⁴ Similar to the findings in Exod 19:5-6a, dtn/dtr features present themselves here as well. The text underscores the uniqueness of the Dec and simultaneously confers divine status upon the following BC: both of these issues matter to the Deuteronomist.⁷²⁵ The post-dtr nature of Exodus 20:18-21 is apparent in the way it links the Dec and the BC literarily. And the attempt to explain why *YHWH* did not speak all of his words to the plenary

⁷²² The notion is alive and well in the Temple Scroll, which purports to be a “thoroughgoing revelation of *YHWH*,” one not dependent on special sources no longer extant, but rather drawing/creating (schöpfen) directly from the Pentateuch (Otto, “Rechtshermeneutik,” 106-108); TS does not, however emphasize its relation to “earlier Scripture.” Indeed, “if the Temple Scroll is in part a rewritten Bible, then the most striking thing is the way it asserts its own originality. It denies that it is in any way derivative” (Bernard M. Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,” in *Congress Volume Leiden 2004* [ed. A. Lemaire; vol. 109 of VTSup; Leiden: Brill, 2006], 281-324), 322.

According to Y. Greenberg, Franz Rosenzweig emphasized the spontaneity and fluidity of revelatory speech versus the measured and fixed speech of law and science (Yudit Kornberg Greenberg, *Better than Wine: Love, Poetry, and Prayer in the Thought of Franz Rosenzweig* [vol. 7 of AARRTSR; Atlanta: Scholars Press, 1996], 84). But this assumes a dichotomy between law and revelation of which the Hebrew Bible may know but does not consistently maintain. Better is the notion that “revelatory speech is dialogical.... The act of speaking consists not only of words and their ‘acoustical images’ but also of hearing.... The human readiness to respond, demonstrated in Abraham’s ‘Hineni’ ... completes the dialogic cycle of ‘word and response.’ This moment of speech between God and person hinges upon ‘*ge-horsame Hören*’ (attentive hearing)” (ibid., 84, 85-86).

⁷²³ Cf. also Exod 19:3a (“Then Moses went up to God”), 19; 20:1 (“Then God spoke all these words”); 24:11b (“also they beheld God, and they ate and drank”).

⁷²⁴ *Vollendung*, 187. Blum (*Studien*, 99) in contrast categorizes it as “vor-dtn.”

⁷²⁵ For Deuteronomy’s appropriation of the BC, see Levinson, *Hermeneutics*; cf. ibid., 149: “The authors of Deuteronomy used the Covenant Code dialectically. On the one hand the Covenant Code was known to and used by the authors of the legal corpus of Deuteronomy, even if not in its present compass or yet redacted into the Sinai pericope; thus, textual dependence exists. On the other hand, the Covenant Code did not constitute a textual source to which the authors of Deuteronomy were bound in language, scope, or substantive legal content. Instead, the authors of Deuteronomy used the Covenant Code as a textual resource in order to pursue their own very different religious and legal agenda.”

Levinson characterizes the narrator’s statement that the divine voice promulgated the Dec וְלֹא יָסַד “but did not continue” (Deut 5:22) as “disingenuous.” “That statement is much more likely a deliberate textual polemic, as Eissfeldt suggested. The denial represents a Deuteronomistic attempt to divest the Covenant Code of its authority by rejecting its Sinaitic pedigree” (ibid., 152).

assembly is part of the postexilic and therefore post-dtr program⁷²⁶ of PentRed, which is at odds with the tradition of the PRR advocated by HexRed. Moses' intermediation functions here as etiology for a later "Mosaic institution."⁷²⁷ The pericope "serves to explain why, inside the context of the (postulated) cultic reenactment of the Sinai theophany, it is not the voice of God himself that is heard, but a human who addresses the cultic community."⁷²⁸

Deuteronomy 5:23-30 provides a parallel story to that of Exod 20:18-21. Regarding the chronology of the stories, the former nominates itself as the older tradition from which the narrative developed.⁷²⁹ The story in Exodus however underwent dtr reshaping and expansion, developing into the extant Deut 5:23-30, wherein God himself answers the request for mediation. An reinterpretation of the older story is perceptible in 5:24, 26,⁷³⁰ 28-33. Achenbach proposes

the Deuteronomist used this story to say that in the original speech the Decalogue was given by YHWH to the people as an *immediate revelation of the basic covenantal text* and that the dtr Deuteronomy was revealed to Moses during his stay on the mountain—so revising the idea of the revelation of the Covenant Code.⁷³¹

This interpretation thus sees the PRR of the Dec as the earlier, the revelation of dtr law as the later, addition.

2.4 Exod 20:22

The Lord said to Moses: Thus you shall say to the Israelites: "You have seen for yourselves that I spoke with you from heaven."⁷³²

⁷²⁶ In this conception Deut 5:4 confirms the earlier, direct disclosure to the people.

⁷²⁷ Beyerlin has described the text as "die Ätiologie für die Institution eines kultischen Sprechers" (cited in Houtman, *Exodus*, 3:73); cf. Beyerlin, *Origins*, 139: "The fact that a description of the creation of this cultic mediating agency which is to establish God's word is inserted in the course of the theophany indicates how much the account of the revelation on Sinai is seen from and shaped by the view-point of its cultic realization. The Yahwistic tradition in Exod 19:9a also takes account of this aspect. Accordingly the theophany is here confirming Moses' office as mediator; ... The intellectual horizon of the historically unique situation of the primordial theophany is here unmistakably opening out, and the attention is directed to the *future mediation of God's revelation of himself to the cultic community through all those who share in Moses' work of mediation*. This is yet another instance, therefore, of the tradition of God's appearance on Sinai being drawn up in the light of its later cultic realization.... This general affinity with the cultic sphere is another reason for assuming that the tradition of the theophany on Sinai was in fact recapitulated in Israel's festival-cult." The search for the cultic *Sitz im Leben* in Beyerlin's work betrays his indebtedness to Sigmund Mowinckel and H.-J. Kraus, who emerge as leading conversation partners in *Origins*.

⁷²⁸ Houtman, *Exodus*, 3:74.

⁷²⁹ Achenbach, "Story," 133.

⁷³⁰ The reader may recall Rofé's attribution of vv. 24, 26 to his second, later writer.

⁷³¹ *Ibid.*, 133-34 (emphasis added).

⁷³² MT = SamPent.

וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה כֹּה תֹאמַר אֶל־בְּנֵי יִשְׂרָאֵל אַתֶּם רְאִיתֶם כִּי מִן־הַשָּׁמַיִם דִּבַּרְתִּי עִמָּכֶם

This single verse plays a key role for adjacent texts.⁷³³ It inaugurates both the “altar pericope” of vv. 22-26⁷³⁴ and the BC. It summarizes what has preceded, and plays a prominent role within vv. 18-21. Exod 20:22 lines up with the dtn/dtr depiction of God speaking the Dec directly to Israel (Deut 4:11f.; 5:4, 22-24; 9:10; 10:4), with additional stipulations mediated by Moses (cf. Deut 5:31ff.).⁷³⁵

The first chapter of this dissertation recapitulated Nicholson’s view that whereas an earlier form of the theophany (*sans* Dec) evoked obedience to Yahweh (20:18-21), the direct speech “from heaven” (v. 22) serving as the basis for such obedience. Seen from this perspective, God’s direct address to Israel “constitutes the climax and goal of the theophany.”⁷³⁶ Verse 22, moreover, is secondary,⁷³⁷ promoting the dtr viewpoint⁷³⁸ of the divinity dwelling in heaven. There are linguistic/thematic connections between this verse, 19:3f, and Deut 4 (e.g., vv. 3, 9, 19), as each emphasizes what “your eyes have seen ... [and] heard.”⁷³⁹ Also relevant in a discussion of the direction of literary dependence, the

⁷³³ Erich Zenger, “Das priester(schrift)liche Werk (P),” in *Einleitung in das Alte Testament*⁵ (ed. E. Zenger et al.; Stuttgart: W. Kohlhammer, 2004), 156-75, 185, divides v. 22 into *Redeeinleitung* (22a) and *Redeauftrag* (22b).

⁷³⁴ Jackson, “Modelling Biblical Law,” 1783.

⁷³⁵ Houtman, *Exodus*, 3:73; cf. Dozeman, *God on the Mountain*, 54f; cf. Miller, *Deuteronomy*, 68-9: “The Ten Commandments are distinguished from all other statutes or rules and are given priority.... Received as direct revelation, in contrast to law taught by human mediator, the Ten Commandments are thereby given greater weight and authority.”

⁷³⁶ Nicholson, “Direct Address,” 430; cf. 426; Fischer, “Eigenart,” 22f.

⁷³⁷ Cf. Blum (*Studien*, 99), who dubs 20:22, along with 19:3b-8, an *Interpretationsstück*; Otto (“Scribal Scholarship,” 175), attributes vv. 22f to the post-dtr and post-P (and thus postexilic) Zadokite authors of the “‘narratives’ of the Hexateuch and the Pentateuch.” Otto argues that these authors/redactors “supplemented an early legal collection with a postexilic interpretation in the context of the Sinai pericope” (*ibid.*). The additions, which also include 21:2; 22:19b, 20aβb (וּמַת תַּחַת יָדוֹ נִקְּמוּ יְנִיקָם), 21, 23, 24bα (יָד תַּחַת יָד) 30; 23:13-33, exhibit the scribal techniques used by the same author/redactors attempting to mediate between exilic conceptions of DtrD and P. The author/redactors also “formed the Holiness Code ... out of Deuteronomy 12–26 and P with the Covenant Code as a hermeneutical key” (*ibid.*, 174).

⁷³⁸ Weinfeld, *Deuteronomistic School*, 206, n. 4: “Exod 20:22 ... is not an original part of the passage and appears to be a deuteronomistic accretion.... The verse may, on the other hand, possibly derive from the Elohistic source which also opposed corporeal conceptions of the Deity and may thus have been the ideological precursor of Deuteronomy.” Noth argued that v. 22 cannot be E because it contains the tetragrammaton. Equally, based on the premise of 18-21 as E, v. 22, which should probably prefix 24:3-8, must belong to another source. “Aber die Quellenhaftigkeit dieses Erzählungstückes selbst ist fragwürdig” (*zweite Buch Mose*, 140; ET 173).

⁷³⁹ Cf. Van Seters, *Law Book*, 51. Noth recognized the conflict between the notion of heaven as YHWH’s abode and traditions of him descending upon Sinai (J), hovering on the mountain in a cloud (E). He

second person plural speech in v. 22 may reflect development subsequent to the dtn Dec. For example, whereas Deut 4:36 uses singular, Exod 20:22 uses plural address.⁷⁴⁰

2.4.1 The Insertion of the Exodus Dec is Subsequent to the Insertion of the Dec in Deuteronomy

While the direction of dependence remains “a matter of dispute,” Nicholson maintains “the close relationship between the Decalogue as God’s direct address to Israel and Exod 20:22f—the latter arising from the former and the former explained to some extent by the latter—” is best explained by attributing both to the same redactor.⁷⁴¹ Accordingly, a dtr redactor inserted the Dec of Exod 19 along with 20:22-23 into the Exodus narrative subsequently led to the inclusion of the Dec in Deuteronomy.⁷⁴² Partial support for this position materializes in the late formulation of the Sabbath command in Exod 20, which is suggestive of exilic or post-exilic, priestly influence.⁷⁴³ Nicholson’s interpretation has become somewhat problematic in the face of recent research that posits a postexilic time of origin for 20:22f.⁷⁴⁴ Prescinding from the diverging interpretations, it seems best for now to generalize vv. 22f.’s function as enhancing the grandeur of the Dec of vv. 1-17,⁷⁴⁵ but in a way that affirms the notion of the PRR.

concluded the perspective of v. 22 to be “independent of these narratives” (Noth, *zweite Buch Mose*, 141f; ET 175f. In Leviticus the notion is advanced that God “tents with the people”).

⁷⁴⁰ Nicholson, “Direct Address,” 432;

⁷⁴¹ *Ibid.*, 431, where he prefers to assign vv. 22f. to an exilic, dtn redactor.

⁷⁴² In this case, Deut 5:5 necessarily becomes a later gloss inserted by a hand familiar with the Sinai narrative sequence in Exodus. “Apart from verse 5 there is nothing in Deuteronomy 4–5 which necessarily indicates that the authors presupposed the narrative in Exodus” (Nicholson, “Direct Address,” 431, n. 13). In contrast to Childs, Nicholson does not regard this redactor as also responsible for the inclusion of BC into the Sinai pericope (cf. Van Seters, *Law Book*, 50). BC had already been added; it was the Dec that was added later.

⁷⁴³ *Ibid.* This does not, however, negate the possibility that otherwise the Dec in Exod 20 could be an earlier formulation than that of Deuteronomy. The question as to when the Decalogue and Exod 20:22f were inserted into the Sinai complex remains unanswered. Nicholson closes his article with the suggestion that this occurred “at a relatively late time and after the inclusion of the Decalogue and its related material in Deuteronomy 4–5” (*ibid.*, 432-33).

⁷⁴⁴ Achenbach, “Grundlinien redaktioneller Arbeit,” 70, n. 41; see the literature in Crüsemann, *Torah*, 198, n. 448; cf., however, Houtman, *Exodus* 3:197: “But the argument that vv. 22 and 23 are redactional is not entirely compelling.”

⁷⁴⁵ Van Seter’s confidence in the “necessary connection” between vv. 22f. and vv. 24-26 (the altar law), which is based on his focus on BC rather than the Dec (*Law Book*, 51 *et passim*), is not shared by the present writer.

2.5 *Exod 33:1-6: Additional Evidence of the Plenary Reception of Divine Disclosure*
(HexRed; vv. 7-11 is PentRed)

The Lord said to Moses, “Go, leave this place, you and the people whom you have brought up out of the land of Egypt, and go to the land of which I swore to Abraham, Isaac, and Jacob, saying, ‘To your descendants I will give it.’² I will send an angel before you, and I will drive out the Canaanites, the Amorites, the Hittites, the Perizzites, the Hivites, and the Jebusites.³ Go up to a land flowing with milk and honey; but I will not go up among you, or I would consume you on the way, for you (אתה) are a stiff-necked people.”⁴ When the people heard these harsh words, they mourned, and no one put on (שית) ornaments.⁵ For the Lord had said to Moses, “Say to the Israelites, ‘You (אתם) are a stiff-necked people; if for a single moment I should go up among you, I would consume you. So now take off your ornaments, and I will decide what to do to you (לך).’”

⁶Therefore the Israelites stripped themselves of their ornaments, from Mount Horeb onward.

וַיִּדְבֹר יְהוָה אֶל־מֹשֶׁה לֵאמֹר לֵךְ עִלְיָה מִזֶּה אֶתְּהָ וְהָעָם אֲשֶׁר הֵעֵלִיתָ מֵאֶרֶץ מִצְרַיִם אֶל־הָאָרֶץ אֲשֶׁר נִשְׁבַּעְתִּי לְאַבְרָהָם לְיִצְחָק וְלְיַעֲקֹב לֵאמֹר לְזָרְעֶךָ אֶתְנַתְּנָהּ:
וְשָׁלַחְתִּי לְפָנֶיךָ מִלְאָךְ וַיִּגְרְשׁוּנִי אֶת־הַכְּנַעֲנִי הָאֱמֹרִי וְהַחִתִּי וְהַפְּרִזִּי הַחִוִּי וְהַיְבוּסִי:
אֶל־אֶרֶץ זָבַת חֶלֶב וְדָבָשׁ כִּי לֹא אֵעֲלֶה בְּקִרְבְּךָ כִּי עִם־קֹשֶׁה־עֲרַף אֶתְּהָ פֹר־אֶקְלֶה בְּדַרְדְּרָה:
וַיִּשְׁמַע הָעָם אֶת־דְּבַר הָרֶע הַזֶּה וַיִּתְאַבְּלוּ וְלֹא־שָׁתוּ אִישׁ עֵדִיו עָלָיו:
וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה אֲמַר אֶל־בְּנֵי־יִשְׂרָאֵל אַתֶּם עִם־קֹשֶׁה־עֲרַף רַגַע אֶחָד אֵעֲלֶה בְּקִרְבְּךָ וְכִלִּיתִיךָ וְעַתָּה הִרְדַּעְתִּיךָ מֵעַלֶיךָ וְאִדְעָה מָה אֵעֲשֶׂה־לָּךְ:
וַיִּתְנַצְּלוּ בְּנֵי־יִשְׂרָאֵל אֶת־עֲדִימָם מִהַר חֹרֵב:

Exod 33:1–34:9 provides the macro context of this passage. The theme of *YHWH*'s presence/absence with Israel predominates.⁷⁴⁶ The pericope shows signs of further development, a tradition-historical analysis of Exod 33:1-6⁷⁴⁷ turning up dtr elements.⁷⁴⁸ Following E. Aurelius, however, Achenbach argues, and we would agree, that vv. 1-6 “eine nach-dtr. Fortschreibung der Sinai-perikope von Ex 32 darstellt.”⁷⁴⁹ The passage is postexilic.⁷⁵⁰

⁷⁴⁶ Houtman, *Exodus*, 3:678. *YHWH*'s dialogue with Moses that began in 32:31 resumes in 33:1, and 34:10-26 conveys *YHWH*'s reaction to Moses' petition in 34:9 (ibid., 682); cf. Noth, *zweite Buch Mose*, 208 [ET 252]).

⁷⁴⁷ Houtman believes the lack of narrative material connecting the worship of the bovine statue in Exod 32 with 33:1–34:9a constitutes the starting point for the tradition-historical analysis of the latter, where the question of the presence of *YHWH* looms large but remains unanswered (*Exodus*, 683, 685f; Noth, *zweite Buch Mose*, 208 [ET 253]). Childs (*Exodus*, 587) sees no reason for seeking a closer connection to ch. 32, which 33:1ff. has already provided.

⁷⁴⁸ The section of vv. 1-6 “ist durchsetzt mit deuteronomistischen Wendungen und ist danach am wahrscheinlichsten als im ganzen Umfang deuteronomistischer Herkunft zu beurteilen” (Noth, *zweite Buch Mose*, 208 [ET 253]).

⁷⁴⁹ Achenbach, *Vollendung*, 179, summarizing the position of E. Aurelius.

⁷⁵⁰ K. Schmid groups the land-oaths to the three patriarchs (Gen 50:24; Exod 32:13; 33:1; Num 32:11; Deut 34.4) with the supporting evidence of Lev 26:42, in the postpriestly category (*Erzväter*, 298). “After Exod

2.5.1 Moses as Negotiator/Intercessor Rather than Mediator: The Panim's Dependence on Covenant Renewal

The dialogue between Moses and *YHWH* in Exod 33:12-17 in which the former secures the latter's perpetual *panim* with Israel has been suggested as the original core of the chapter.⁷⁵¹ Achenbach thinks both vv. 1-6 and vv.12-17 belong materially (*sachlich*) to the end, rather than the middle, of the Sinai pericope, and that they exemplify the leadership thematic of HexRed.⁷⁵² For according to HexRed, the promise of the *panim* depends not on the intercession of Moses (34:8f.) but rather on the renewing of the covenant (34:1-7, 9-27).⁷⁵³ The apparent reversal of the punitive *dtr* v.7b in the covenant of v. 10 (HexRed) is remarkable. It would be the contrastive expansion in 33:7-11 (PentRed) that “geht von der Unüberbietbarkeit der Offenbarung an Mose aus.”⁷⁵⁴ HexRed thus paints a Mosaic portrait of negotiator/intercessor rather than mediator. The people enjoy the *panim* of God based on the latter's radical covenant made on their behalf (cf. the comprehensive sanctification of Lev 22:32f.).

As Exod 32 draws to a close no impediment looms on the horizon that would bar the *benei yisrael* from entering the land, and 33:1-3a (re)affirm that hope. An “aside comment” set as the last verse in ch. 32,⁷⁵⁵ however, registers the uncertainty over whether all will indeed experience the fulfillment of that dream. *YHWH* intends to deal

3 the explicit non-priestly back-references to Genesis within the Pentateuch delimit to the land promise oaths to the patriarchs Exod 32:13; 33:1; Num 32:11; Deut 34:4 as well as the mentions of the patriarchs in Deuteronomy (1:8; 6:10; 9:5, 27; 29:12; 30:20; 34:4)” (ibid., 209); cf. Otto, “nachpriesterschriftliche Pentateuchredaktion,” 91, n. 127: The speech introduction in 33:5aα (וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה אָמַר אֶל־בְּנֵי־יִשְׂרָאֵל) assumes P.

⁷⁵¹ *YHWH*'s presence distinguishes Israel (נִפְּלָה *nip'al*) from other peoples (33:16b).

⁷⁵² Achenbach, *Vollendung*, 180

⁷⁵³ Ibid. On the relationship between Exod 34 and 24, namely that the former is not the alternate but rather the confirming renewal of the latter, see Christoph Dohmen, *Exodus 19-34* (Freiburg i. Br.: Herder, 2004), 365.

⁷⁵⁴ Ibid. This theme is also conveyed in the story of the elders in Num 11:16f, 24-30, the Miriam episode of Num 12:2-8, the narrative of the refusal to take the land of Num 14:11-25*, as well as in Num 16f*; 27*; Deut 31:14f, 23; 34:10ff. (ibid.). PentRed assays to delimit the era of Mosaic revelation and the Pentateuch from the era of Joshua and from all other prophecy.

⁷⁵⁵ Houtman, *Exodus*, 3:678. Houtman appears not to notice the thematic connection between v. 35 and 34aβ-b, also portending an uncertain future. Thomas C. Römer, “Transformations et influences dans ‘l’historiographie’ juive de la fin du VIIe s. av. notre ère jusqu’à l’époque perse,” *Trans* 13 (1997): 47-63, 4, lists the following for the first version of the calf episode: Exod 32:1-6, 15a, 19b, 25, 30f., 32a, 33a, 34aα, b. This version “justifies the annihilation of the North and links Moses with Josiah regarding Yahwistic cultic reforms.”

severely with collaborators in the calf incident, a vignette in which the Levites enigmatically dispense wrath (32:26-29). In the restoration of the tablets of ch. 34 we see the summons to the re-establishment of the covenant. Chapter 33, then, with its theme of the departure from the mountain, functions to connect in series the critical events of chs. 32 and 34 while simultaneously interjecting *YHWH*'s presence and leadership as the overriding theme.⁷⁵⁶

2.5.2 *The People (Over)hear YHWH's Direct Pronouncement in Exod 33*

There exists dialogic as well as thematic tension in our pericope. Moses' mission of mediating the message of *YHWH* in ch. 32 appears to run aground in v. 30, whereupon "the dialogue between *YHWH* and Moses ends."⁷⁵⁷ It also becomes apparent that the tent shrine, the special preserve of Levites and rendezvous of God and Moses,⁷⁵⁸ has not produced the desired outcome, namely, a sacred precinct that provides safe space for the cohabitation of God and his people. Although the story line in ch. 33:1-3a continues to affirm *YHWH*'s commitment to fulfill the land promise as if unaware of 32:34aβ-35, 33:3⁷⁵⁹ reneges on the promise: "for I will not go up in your midst" (כי לא אעלה בקרבך).⁷⁶⁰ That the assembly overhears "this evil word" (את־הדבר הרע הזה 33:4) signals the change in the discourse initiated already at v. 1bβ and made explicit at v. 3b. Similar to the fluctuation among the recipients of divine disclosure in Exod 19f. and Deut 4f., the dialogic change here effects a subtle but potent shift: the addressees directly receive and react to *YHWH*'s words (33:3b-4). Thereupon the people mourn (hitpa'el אבל) and abstain from adorning themselves with finery (v. 4⁷⁶¹).⁷⁶² The editorial comment in v. 5, probably

⁷⁵⁶ Cf. Achenbach, *Vollendung*, 179; cf. *ibid.*, 180: "Allerdings geht es in Ex 33 um den Erhalt der Präsenz und Führung Jahwes bei seinem Volke"; Cf. Dohmen, *Exodus 19–40*, 363, who submits the bow (Bogen) extending from 32:30 to 34:9 holds the entire section together via the theme of forgiveness. Moses raises the prospect of atoning for the people's sin (אולי אכפרה בעד הטאתכם 32:30b), which is formulated in 34:9.

⁷⁵⁷ Houtman, *Exodus*, 3:678.

⁷⁵⁸ For probable connections between Exod 33f. and Num 11f., see the summary of T. Dozeman's observations in this regard below, §3.1.2.

⁷⁵⁹ Childs (*Exodus*, 583f.) sees v. 3 as a continuation of v. 1, and v. 2 functioning as a parenthesis.

⁷⁶⁰ The promissory fiasco finds resolution in vv. 33:12ff. But it is too good to be true, as Moses recognizes (v. 15f). The scene is midrashic, reminiscent of Aaron's halakhic besting of Moses in Lev 10:16-20; cf. Christophe L. Nihan and Thomas Römer, "Le Débat Actuel sur la Formation du Pentateuque," in *Introduction à l'Ancien Testament* (ed. T. Römer, et al.; Genève: Labor et Fides, 2004), 85-113.

⁷⁶¹ LXX does not translate v. 4b.

a later redactional insertion⁷⁶³ (particularly 33:5aβ: “if even for a moment I would go up among you” רגע אחד בעלה בקרבך וקליתיך), attempts to “correct” an ancillary tradition to the PRR, namely, *YHWH* dwelling in close proximity to the עמ. The change to second person plural in v. 5a (Moses speaks to the people עם-קשה-עריך אתם, whereas *YHWH* addresses both Moses and people in v. 3 כי עם-קשה-עריך אתה), functions to distance the community from the divine pronouncement, thereby increasing the need for mediation. This intention would seem to be circumvented by v. 33:5b, which suggests the resumption of the plenary address (returning to the 2nd person sing. as in vv. 1-3). *YHWH* addresses the command or *novo* torah to everyone. In this instance Moses assumes his position among the immediate recipients. The restricted display of jewelry⁷⁶⁴ is a regulation and sign of conversion,⁷⁶⁵ indicating the regulation in v. 6⁷⁶⁶ to be a perpetual ordinance.

The dynamics in the discourse resulting from the fluctuating two- and three-party discourse intensify through the fluctuation of plural and singular addressees.⁷⁶⁷ It reminds of similarly ambiguous speaker-recipient discourse in other high-profile events allegedly occurring at Sinai. The dialogic ambiguity may reflect layers of debate among tradents over these matters of fundamental importance. In Exod 33:1-6 the clear instance of God instructing the *benei yisrael* directly with Moses present (cf. 1 Enoch 89: 28-31)⁷⁶⁸ derives from the post-dtr HexRed, which buttresses the notion of the PRR.

2.6 Summary of the Exegesis in Exodus

Thus far the exegesis in this study has shown and discussed several instances in which either compromise presents itself or conflict reigns between otherwise conflicting

⁷⁶² Noth perceives the removal of finery figures as part of the people’s mourning practice (*zweite Buch Mose*, 209; ET 253f). Indeed, “ornaments signify good fortune, joy and prosperity” (Houtman, *Exodus*, 3:690). In any event, 33:1ff presumes the golden calf debacle of ch. 32 (Childs, *Exodus*, 588).

⁷⁶³ *Ibid.*, 589.

⁷⁶⁴ Childs prescinds from the perennial speculation on the meaning of עֲדִים, “ornament” with “in the end, whatever garments or ornaments were meant, the only clear point of the text is that their removal indicates a sign of mourning on the part of the people” (*ibid.*, 589; cf. Houtman, *Exodus*, 3:590).

⁷⁶⁵ *Ibid.*, 692.

⁷⁶⁶ Given vv. 33:3b, 4, and 5, v. 6, which contains similar language, appears to be a doublet. V.6, moreover, does not continue the conversation *YHWH* is having with Moses and Israel (*ibid.*).

⁷⁶⁷ What is suggestive in MT, LXX brings into clear focus, viz., that God is addressing a plural subject: “Now then remove your (pl.) garments (cf. MT “jewelry” עֲדִים) νῦν οὖν ἀφέλεσθε τὰς στολὰς τῶν δοξῶν ὑμῶν, which is followed by a return to the singular for travel instructions to Moses. MT in contrast suggests a plural addressee in both instances. Cf. Noth, *zweite Buch Mose*, 208 [ET 253] “... die spezielle Beziehung des angeredeten ‘Du’ zweifelhaft bleibt”; cf. Childs, *Exodus*, 583.

⁷⁶⁸ See further comment on this passage in the exegesis on Deut 4:10-12 below.

accounts. Traditions such as Exod 20:18-22; 33:1-4 concern themselves with the problem what laws *YHWH* revealed to whom, when, and by what means. Exodus 24:3-8 reflects on the critical problem of who may approach the numinous Presence.

Chapter Two has emphasized the contrast between characterizations of Israelites as fearful and incompetent and those of a decidedly more confident and capable people⁷⁶⁹; the former, official or dominant portrayal associates with the need for Mosaic mediation (because of the people's fear and concerns about humans—even priests—coming near to the deity), which is emblazoned on the Pentateuchal horizon by elite priests responsible for the Pentateuch redaction; the latter picture (Exod 19:7b) associates the conceptions of a multitiered priest and priest-prophet cooperative responsible for the Hexateuch Redaction and continuing to assert influence on later writings and formulations of existing writings (cf. the School of HexRed, likely aligned with the authors of parts of Isa 50–66; texts in H and in the office laws of Deuteronomy; see §§ 6.4.10; 6.5.2).⁷⁷⁰

Chapter Two has also attempted to show a connection between the Israelite deity's desire and commitment to dwell in the midst of the people and the contexts associated with the first two premises. The presentation of the law ensconced within the competing and apparently unresolved conceptions of the problematic nearness of the deity to non-priests in Exod 24 (so Crüsemann) makes this clear.

This concludes the exegesis of selected passages in Exodus. Included within the exegesis have been demonstrations of dtr and post-dtr influence on the later portions of the book. Let us now transition to Chapter Three and the exegesis of selected passages in Deuteronomy, in which the most explicit examples of the PRR occur, and where post-dtr texts on the level of HexRed and PentRed in several instances present themselves with greater clarity.

⁷⁶⁹ This theme was introduced in the Introduction, §1.1.1.2.

⁷⁷⁰ Connections with Jeremianic traditions will also be considered in the course of this study.

CHAPTER 3

TEXTS IN DEUTERONOMY DOCUMENTING THE PLENARY RECEPTION OF REVELATION

3.1 Introduction to Deut 4–5: The Dec Delivered at Mt Horeb

This chapter follows the analysis of PRR passages in Exodus. The reader will find numerous cross-references between it and the previous chapter.

3.1.1 Deuteronomy's Relationship to Other Texts and the Double Decalogue

Deuteronomy is to be read within the poetic parameters established in its opening. It is not a prophetic work, but a narrative about Moses' prophetic communication in Moab; it shares the historiographical claim made in the previous Pentateuch narrative.⁷⁷¹

J.-P. Sonnet draws attention to the inner-connectedness between Deuteronomy and the other books in the Pentateuch, chapters 1–3 offering a parade example of this. Indeed, if one disregards the colophon in Num 36:13 and the five-verse *Buchüberschrift* of Deut 1:1-5,⁷⁷² the latter of which gives the impression of a thoroughly separating *caesura*, then a reading of Deut 1–3 suggests a continuation of relatively uninterrupted, narrational development from Genesis through Deuteronomy. Recent scholarship however scruples over the Notian notion that chs. 1–3 function primarily as the original, introductory speech to the Enneateuch.⁷⁷³ Given the Dec's importance within the Pentateuchal

⁷⁷¹ Sonnet, *Book*, 11; cf. *ibid.*, 11-12: "Everything in Deuteronomy is mediated by historiographic telling; sense and reference primarily reverberate within the represented world set up by the book's opening.... the reader relates to the represented world as to the world of past history... the reader's hermeneutical relationship with Deuteronomy is not achieved at the expense of the work's historiographical claim; it operates along with it. Historiographical narration is Deuteronomy's most basic ideal"; cf. Gertz, "Kompositorische Funktion," 112f.

⁷⁷² Cf. Karin Finsterbusch, *Weisung für Israel. Studien zu religiösem Lehren und Lernen im Dtn and in seinem Umfeld* (vol. 44 of FAT; Mohr Siebeck: Tübingen, 2005), 117-28; see also n. 796 below.

⁷⁷³ Cf. Gertz, "Kompositorische Funktion," 103-04. Times have changed. The Hexateuch and Enneateuch are now reemerging, although in a *Gestalt* unaligned with the discussion before Noth (see now the *tour de force* essay of Römer, "How Many Books"). Deut 1-3 are currently being reconsidered; they not only stand at the beginning of the DH but are also interwoven with several great narrative works placed within one another, viz., (1) the book of Deuteronomy delimited by the (earlier) colophon Num 36:13 and the book superscription in (the subsequent expansions of) Deut 1:1-5 on the one hand, death of Moses in Deut 34:1-9 on the other; (2) the Pentateuch completed via the Moses epitaph in Deut 34:10-12, the Hexateuch given prominence as individual entity via *Rückblick* to Josh 24; (3) the great historical work from Gen–Kgs held together by the continuation of the story/plot (Fortlauf der Handlung). Thus it is time to readdress the question "what Deut 1–3 could otherwise be, if not the introductory speech to DtrG" (Gertz, *op. cit.*, 104, 113). Gertz's not uncontested thesis runs as follows: "Deut 1-3 can be appropriately described as a

framework, and though the *direction* of development between Exodus and Deuteronomy often remains less than clear, internal connections between the Dec in Exodus and its counterpart in Deuteronomy can be assumed. In general, the basic direction of influence appears to flow from the former to the latter. One might accuse the Dec of putting its awareness of the Exodus Dec on display.

“The authority of God and his claim on Israel belongs to that theme in which all statements of Deuteronomy have a part.”⁷⁷⁴ By emphasizing the direct impartation of the Dec, Deuteronomy theologically reevaluates both it and the nation, the dignity of the former deriving from its being promulgated by the deity.⁷⁷⁵ That it was proclaimed both orally and etched in stone guarantees its eternal validity.⁷⁷⁶ This is not to imply ancient audiences did not perceive its redactional and constructed character; such awareness would not have necessarily diminished the theological authority of its content, however. The *benei yisrael*’s participation in the revelatory theophanies helped affirm and maintain that authority.⁷⁷⁷ F. García López recognizes the emphasis of the community’s own experiences in the formulating of the Dec: “El decálogo recibió su formulación definitiva en el seno de una comunidad de personas libres y creyentes, que habían experimentado la salvación de Dios.”⁷⁷⁸

relecture of the preceding narratives of the desert wandering, the task of which from the beginning exists in firmly integrating Deuteronomy into a non-P, narrational sequence of events stretching from at least Exodus to Joshua” (ibid. and 111-13; for critique of this thesis see the respective essays of T. Römer and E. Blum in the same volume).

⁷⁷⁴ “Die Autorität Gottes und seines Anspruches an Israel gehört zu jenen Themen, die all Aussagen des Deuteronomium mitbestimmt haben” (Schäfer-Lichtenberger, *Josua und Salomo*, 43). “An understanding of authority unfolds in Deuteronomy that takes its departure from the first commandment and from this guideline (Leitlinie) presents an inspired system of living (Lebensordnung) for Israel” (ibid.).

⁷⁷⁵ Georg P. Braulik, *Deuteronomium 1–16,17* (vol. 15 of NEB; Würzburg: Echter Verlag, 1986), 17, 52.

⁷⁷⁶ To these criteria Krüger (“Zur Interpretation,” 94) adds two more: the laws stood the test of time, and they showed themselves to be wise and just: “Was bleibt und orientierend weiter wirkt, sind die von Jahwe aufgeschriebenen Gebote und die von Mose gelehrtten Satzungen und Rechte ([Dtn 4]v. 13f), die es allesamt zu halten gilt (v. 1f). Sie gewinnen ihre Bedeutung nicht (nur) aus ihrer göttlichen und/oder menschlichen Herkunft, sondern vor allem aus ihrer geschichtlichen Bewährung (v. 3f) und daraus, dass sie als weise und gerecht einleuchten (v. 5ff).”

⁷⁷⁷ Schäfer-Lichtenberger asserts that in light of the delegation of authority to Moses, the authority relation for Israel can only be mediated with a view to the *torah*. At Moses’ death, moreover, another entity must then continue the mediation of *torah* (*Josua und Salomo*, 45). Her seminal study however does not take into account either pentateuchal passages that (a) document the PRR or (b) allow for the unmediated transmission of divine *torah* (of which Jer 31 fervently speaks).

⁷⁷⁸ *El Pentateuco*, 294.

In the extant record of law-related events in the Pentateuch, only Deuteronomy depicts the decisive transmission of the divine law as a Mosaic interpretation.⁷⁷⁹ That the Dec soon passes to Moses suggests a preoccupation with the ongoing maintenance and propagation of the combined oral and written⁷⁸⁰ tradition (cf. Deut 9:9-11; 31:9⁷⁸¹; Exod 24:12⁷⁸²; 32:15).⁷⁸³ Whereas Mt Horeb figures centrally in the dominant conception of Mosaic revelation in the land of Moab⁷⁸⁴ (e.g., Deut 4:10, 15; 5:2; 18:16), Sinai appears in Deuteronomy only in the Blessing of Moses (33:2, 16).⁷⁸⁵ The different loci of revelation function in part to distinguish between the reception and interpretation in the Exodus and Deuteronomy accounts, respectively. Passages in Deuteronomy that bring writing into bold relief form a framework within the Pentateuchal narratives and plot in an effort to differentiate the religious status of the legal stipulations.⁷⁸⁶

⁷⁷⁹ Schmid, "Das Deuteronomium," 198f.

⁷⁸⁰ Respecting the "very elevated rhetorical style which characterises the homilies, especially throughout chs. 4–11 ... this hortatory style is a literary feature, that is, a feature connected with written composition, even though it appears to have originated in a situation where oral teaching and exhortation would have been normal. Its originators must have been preachers and teachers, rather than scribes in the narrower sense. Since it is this elevated rhetorical style that is the most distinctive characteristic of the book of Deuteronomy, and since it also reappears to some degree in motive clauses in the law code, it may be regarded as a major clue to the identity of its authors" (Ronald E. Clements, *Deuteronomy* [Sheffield: JSOT Press, 1997], 35). Clements appears to acquiesce to von Rad and others' notions of northern levitical authorship, to which he already points in *ibid.*, 18.

⁷⁸¹ The text reflects cooperation of levitical priests and elders in (cf. also 15:1; 2 Kgs 23:1f). For Braulik (*Deuteronomium II*, 223f.) such a setting facilitates Israel's reflecting on the religious fundamentals of its existence.

⁷⁸² The contents of "the tablets and the law and the commandment" in 24:12 written by *YHWH* for the instruction of the people remain obscure ("bleibt dunkel," Krüger, "Zur Interpretation," 92). Himbaza (*Le Décalogue*, 281) wonders whether תורה והמצוה in 24:12 may have in mind an inscription that carries greater spiritual authority than that of 5:22.

⁷⁸³ Cf. Braulik, *Deuteronomium 1–16*, 17: "An die beiden Rechtsakte der Verkündigung und Niederschrift schließt die Übergabe der beiden Tafeln an Mose (vgl. 9:9-11; Exod 24:12; 32:15) an." The positioning of Moses between *YHWH* and Israel, moreover, points to the importance of future juristic mediation (cf. *ibid.*, 49).

⁷⁸⁴ "One should not look for Horeb on a map; the name is a literary construct from a Hebrew root meaning dry, waste or desert" (Römer, *So-called*, 127-28).

⁷⁸⁵ Deuteronomy views Trans-Jordan as the promised land that the people will possess. "They are now on the boundary, not yet in the land" (Miller, *Deuteronomy*, 53); cf. 6:1.

⁷⁸⁶ Otto, "Synchronical," 17; Adam C. Welch, *Deuteronomy: The Framework to the Code* (London: Oxford University, 1932), 29, suggests the two decalogues reflect different stories of origin: "To have found that one version can be derived from the northern kingdom is enough to suggest that the other version in Exodus may spring from Judah. Then we should have a phenomenon similar to the case of the double story of the origins of Israel." But this explanation seems an oversimplification.

3.1.2 Revelation Continues in the Prairie in the Book of Numbers

In the monograph *God on the Mountain* Dozeman perceives within the accounts of theophany at Mt Horeb a progression from public revelation of the Dec (Deut 4:11-13; 5:1-22) to the private revelation of additional dtn law to Moses (Deut 4:36-40; 5:28ff.).⁷⁸⁷ In a subsequent publication he revisits the progression, no longer characterizing it in terms of dtr redaction but rather of the pre-Priestly history. A notable addition in this essay is the recognition of the fluctuation between public and private revelation “first without cultic setting in Exodus 19–24, and a second time in the Tent of Meeting in Exodus 33–34.”⁷⁸⁸ Dozeman also sees a continuation of the pattern of public and private revelation⁷⁸⁹ in Num 11–12.⁷⁹⁰ Whereas Num 11 concerns public, judicial authority, ch. 12 foregrounds private, cultic revelation vouchsafed to Moses.⁷⁹¹ “Masking Moses” also maintains that public revelation at the Tent of Meeting in Exod 33:1-11⁷⁹² mirrors the giving of the Dec: In both instances Israel overhears conversation between God and Moses (Exod 19:19; 20:18-20; 33:1-4).⁷⁹³ The close relationship between Exodus 33f. and Num 11f. seems clear.⁷⁹⁴

Our discovery of the points of contact with themes associated with the PRR in Numbers is significant. Revelatory dynamics and aspects such as the changing modes of disclosure (public/private) and change in venue *that span the Pentateuch* argue in favor of multi-teuchal analysis (Tetra-, Hexa-, Penta-) as well as analyses of and on the proto-canonical level. Further, the references to *both* Horeb and Sinai in Numbers show the

⁷⁸⁷ Dozeman sees the people’s fear of divine speech (Deut 5:23-28) standing behind this transition. Cf. *God on the Mountain*, 54-5; and see §1.2.1.5, above.

⁷⁸⁸ “Masking Moses,” 32.

⁷⁸⁹ Achenbach makes the important observation that while in some instances Numbers prioritizes the localization of events while in other instances “the entire complex of narratives (Numb 16f) and *tôrôt* (Numb 15:18f) remain unlocalized” (*Vollendung*, 38).

⁷⁹⁰ “Masking Moses,” 32.

⁷⁹¹ “Numbers 11 describes how seventy elders share in the judicial authority of Moses’ veil, while Num 12 reaffirms the unique cultic role of his shining skin... the chapter [11] has a public dimension, indicating how others can participate in the social, judicial leadership of Moses” (*ibid.*, 36).

⁷⁹² See the treatment of Exod 33:1-6 above.

⁷⁹³ *Ibid.*, 34. Dozeman relates that “a summary of Exod 19–24, 33–34, and Num 11–12 demonstrate that Moses’ shining skin and veil are pivotal in the pre-Priestly history, providing a conclusion to covenant at the mountain of God (Exod 19–34), an introduction to the wilderness stories (Num 11ff.), and perhaps even a cultic setting for Deuteronomic law in the book of Deuteronomy. In the process the cultic and social authority of Moses as the mediator of divine law is established” (*ibid.*, 32). Exod 34:29–35 “is a pivotal text in the pre-Priestly history” (*ibid.*, 35). See also §§2.5, 2.5.1-2, above.

⁷⁹⁴ Moses’ veil and shining skin may be carry-overs from the locus of the holy mountain to the wandering in the wilderness (*ibid.*, 35).

book to be a later amalgamation of priestly and dtr/post-dtr traditions. For this the bookend of the Tetrateuch is becoming increasingly known.⁷⁹⁵

3.1.3 Recognizing the Tertiary Nature of the Dec in Deuteronomy

Returning to the introductory discussion of the context of Deut 4–5, the datum that the Dec in ch. 5 parallels Exod 19f. deserves mention, along with the actuality that, irrespective of the path one plots for the developmental history of the “Ten Words” in Deuteronomy, the overall presentation of the דבר as reiteration of the law marks it as a post-positive, literary creation.⁷⁹⁶ This aspect of the narrative should be factored into the scholarly consensus that the Dec within the Sinai pericope of Exod 19–24 is itself secondary.⁷⁹⁷ Although to some extent one cannot really interpret Deut 4f. without the Sinai pericope looming in the background, our task in this section is to examine the

⁷⁹⁵ Cf., *inter alia*, Achenbach, *Vollendung*; idem, “N numeri”; Römer, “N numeri.”

⁷⁹⁶ “Since both legislative corpora are identical on the basis of their substance, as their decisively brief summaries show,” Schmid argues that the double transmission of the giving of the Dec at Sinai and Horeb is best explained as fulfilling an identification function. The essential identity of Sinai and East Jordan law-giving is made secure by the double presentation (“Das Deuteronomium,” 199, 200, 208). “Die jetzig mosaische Fiktion des dtn Gesetzes,” moreover, is best explained when viewed in the strict context of the divine law of Sinai. Mosaic law as such does not constitute a construct in the framework of old oriental presentations of justice. Rather, it, and indeed “die Mosefiktion des Dtn, die wahrscheinlich ja nicht ursprünglich ist,” is much more understandable in the framework of a presentation in which the audience already recognizes Deuteronomy as an interpreted text, whether it be perceived primarily as an interpretation of the Dec *alone* or of the giving of the law at Sinai *introduced* by the Dec. The rubric of Deut 1:5 signals that what follows is an interpretation (cf. also Knobloch, *nachexilische Prophetentheorie*, 277), and Deut 4 makes it particularly clear that *die Sinaigesetzgebung* constitutes the material undergoing interpretation (Finsterbusch, *Weisung*, 199); on Deut 1:1-5 functioning as superscription for the book of Deuteronomy, see *ibid.*, 117-28; v. 1 especially serves this purpose, though vv. 2-4 include important *Stichwörter* that are taken up and developed in the course of the first Mosaic speech. Finsterbusch rejects the idea of Deut 1:5b inaugurating the Mosaic explication of *tôrôt*; rather, she sees in v. 6 the inauguration of a *process* in which the reader becomes involved (*ibid.*, 122). For an insightful explication of the verb באר (*pi’el*) in Deut 1:5, see *ibid.*, 120-23. Finsterbusch rejects the definition “to write down” for באר (*pi’el*) (*ibid.*, 120). Not full convincing is her interpretation of the verse division of Dtn 1:6–4:40: “Dtn 1,6–4,40 besteht aus zwei Teilen (Dtn 1,6–3,29 und Dtn 4,1-40), beide Teile sind zunächst separat zu betrachten” (*ibid.*, 123).

As part of Schmid’s Enneateuch hypothesis, in which he in one publication posited no less than three “Deuteronomistic Histories” (“Das Deuteronomium,” *passim*, summarized in 209f.), he emphasizes the connections between Deuteronomy and the Tetrateuch. This naturally affects the way both are to be read and understood: “In connection with Gen-Num it was thus necessary to read Deuteronomy as Mosaic interpretation of the divine law of Sinai, whose similar aptitude (Gleichsinnigkeit) is secured by both Decalogues. One could even say the current narrative sequence of events unfolds the actual circumstances of the development of Deuteronomy, which had been conceived as a reformulation of the Covenant Code under the leading idea of cult centralization (*ibid.*, 200).

⁷⁹⁷ Mayes, *Deuteronomy*, 161.

specific traditions in Deuteronomy, which are often though not always later than corresponding traditions in Exodus that bear on our topic.

3.1.4 Deuteronomy 4:1-40

Deuteronomistic additions to Deut 4f. originate in the same circle responsible for Deut 4:1-40, which comprises a single unit.⁷⁹⁸ A. Kuenen long ago recognized the priestly language it contains.⁷⁹⁹ More accurately described, the chapter merges priestly and non-priestly traditions.⁸⁰⁰ For von Rad, the prohibition of images in Deut 4:15-20, 23-24 “kann nicht ursprünglich sein (vgl. den Bruch zwischen v. 14 und 15!).”⁸⁰¹ Rofé regards 4:32-40 as independent of the rest of the chapter, assigning it to the exilic period.⁸⁰²

⁷⁹⁸ “This exhortation presupposes the existence of the deuteronomistic material in chs. 1–3, but is not the original continuation of that material, which is to be found rather in the account of the conquest of the land. It is, therefore, a secondary deuteronomistic addition.” Even with the change from plural to singular forms of address characteristic of dtr writings, the entire section remains a single unit (Hayes, *Deuteronomy*, 148; cf. Otto, *DPH*, 163f and n. 32; cf. Rofé, *Deuteronomy*, 21: “The section 4.1-40 is an independent one.” For analyses of Deut 4:1-40 within the larger block of Deut 1–4, see Finsterbusch, *Weisung*, 128-48. Georg Braulik, “Das Buch Deuteronomium,” in *Einleitung in das Alte Testament*⁵ (ed. Erich Zenger, et al.; Stuttgart: W. Kohlhammer, 2004), 125-41, 141, dates 4:1-40 to the “spätexilisch” period. He also ascribes to the same period much of 7f., 9:1-8, 22-24, and 30:1-10. The editing of the gathered materials in chs. 19–25 presumably derives first from the postexilic period (ibid.). Rose (“Deutéronome,” 216f.) posits a close connection between the Yahwist and the Deuteronomist (“L’Historiographie deutéronomiste est ainsi devenue l’Historiographie yahwiste”), and assigns chs. 1–3, 5 to an early dtr layer (“ancienne couche deutéronomiste”), the block of chs. 1–5 to a secondary dtr layer (“couche dtr plus récente”).

⁷⁹⁹ Verses 16-18: זכה ונכבה, זכה ונכבה, זכה ונכבה; v. 25: הוליד, הוליד; v. 32: ברא אלהים (Kuenen, *Historico-Critical Inquiry*, 336-37); Otto, “Deuteronomium 4,” 217-19; Rofé, *Deuteronomy*, 21; Miller, *Deuteronomy*, 61.

⁸⁰⁰ Otto, “Deuteronomium 4,” 218-19: “Dtn 4,19 nimmt als integraler Bestandteil von Dtn 4,15-22 auch Dtn 17,2f. auf, so daß wir hier einen Autor sehen, der gleichermaßen das dtr Deuteronomium wie die Priesterschrift überschaut”; cf. ibid., 221: “Damit ist insgesamt deutlich geworden, daß Dtn 4 an priesterschriftliche und nichtpriesterschriftliche Überlieferungen des Tetrateuch anknüpft, was deren redaktionelle Verbindung in der Pentateuchredaktion voraussetzt”; Rofé, *Deuteronomy*, 21.

⁸⁰¹ *Das fünfte Buch Mose Deuteronomium: Übersetzt und erklärt von Gerhard von Rad* (vol. 8 of ATD; Göttingen: Vandenhoeck & Ruprecht, 1968), 36. Von Rad continues with “der Text wird so zu verstehen sein, daß er ursprünglich von der Horeboffenbarung im ganzen gehandelt hat und das sich die Warnung vor der Anbetung Gottes in einem Bilde erst sekundär an den v. 12 angehängt hat, wo gesagt war, daß Israel am Horeb nur die Stimme Jahwes gehört, mit Augen aber keine Gestalt gesehen habe.” For critical evaluation of the notion that Deut 4:15-20 requires the worship of YHWH to be “both exclusive and devoid of any concrete symbol whatsoever,” see Brian B. Schmidt, “The Aniconic Tradition: On Reading Images and Viewing Texts,” in *The Triumph of Elohim: From Yahwisms to Judaisms* (ed. D. Edelman; Grand Rapids: Eerdmans, 1996), 75-105, 83-8 (quotation from pp. 83-4). “Non-astral inanimate objects are not singled out for censure, just as they are not mentioned in Deuteronomy 5 and Exodus 20” (ibid., 87; see also n. 866 below).

⁸⁰² “The section was composed ... during the Exile, a crucial point in Israel’s history—and not only from the aspect of physical existence. It was a turning point in Israel’s faith, upon which idolatry was eradicated and belief in one God became exclusively dominant. Our passage supplied an ideational, fundamental basis for this turning point” (*Deuteronomy*, 20); cf. the discussion of the secondary position given vv. 32-40 by some scholars in Nathan MacDonald, *Deuteronomy and the Meaning of “Monotheism”* (vol. 2 of FAT;

Others consider vv. 1-30 a composite. T. Veijola brings a recent, detailed counter to the uniformity thesis.⁸⁰³ G. Braulik however has argued well for its coherence.⁸⁰⁴ There still remain issues to resolve in my opinion if one holds to the single authorship thesis (see below). The author of 4:1-40 has been described as a Dtr enthusiast who appropriates priestly traditions.⁸⁰⁵ I have no reservations in placing it among the latest texts of Deuteronomy⁸⁰⁶ as plausibly reworking both “Deut 5(ff.)” and “Exod 19ff.”⁸⁰⁷

Rose labels vv. 1-40 the “Horeb Event,” “a monumental theological treatise in which the authors of ‘Layer IV’⁸⁰⁸ programmatically summarize and expound (darlegen) their theological conception.”⁸⁰⁹ Whereas in this redactional schema Rose attributes the basic sequence of commands in the Deut 5 Decalogue to his “Layer III,” “Layer IV” inserts

Tübingen: Mohr Siebeck, 2003), 187f., who, following Lohfink, characterizes it as a peroration or *peroratio* (ibid., 187, 189, 191).

⁸⁰³ Timo Veijola, *Das fünfte Buch Mose (Deuteronomium): Kapitel 1,1-16,17* (vol. 8/1 of ATD; Göttingen: Vandenhoeck & Ruprecht, 2004), 93-121, cf. especially pp. 96-99; Deut 4:1aß, 10-12a, 13, 14, 22 belong to a *Grundschrift* DtrN wherein Israel is addressed in the second person plural. (Actually, first person is interspersed in vv. 1aα and 10.) The first covenant, theological redaction was accomplished by DtrB (= Dtr Bearbeitung) vv. 1b, 3f, 9, 12b, 15, 16a*, 19, 20, 23aba, 24-29, 31, which focus on the problem of foreign gods and their images. Here both singular and plural address obtain, thus rendering inviable the *Numeruswechsel* criterion. The second redaction (vv. 5-8*) brings into contact the wisdom tradition with the observance of the law. Here, excepting the late addition of v. 7,* with its conspicuous transition to first person plural (בכל־קראנו אליו), second person plural predominates. In the individual expansions to the *Grundschrift* (v. 21) and to the first revision (v. 2a + 2b, v. 21) both speech forms occur, even side by side (v. 21). The two following addenda (vv. 32-35 and 36-40) address Israel in the second person singular; this casts a suspicious light on the single exception (v. 34b) with the two-fold *Numeruswechsel* of the addition; vv. 33, 36 are also suspicious, though for other reasons (ibid., 98); cf. Otto, “postdeuteronomistische Deuteronomium,” 78 and n. 24. Indeed, vv. 33-36 belong to the tradition of the PRR and probably HexRed; see also MacDonald, *Deuteronomy*, 185ff.

⁸⁰⁴ See especially his redactional arguments in *Die Mittel Deuteronomischer Rhetorik: Erhoben aus Deuteronomium 4,1-40* (vol. 68 of AB; Rome: Biblical Institute Press, 1978), affirmed by Schäfer-Lichtenberger in *Josua und Salomo*, 47, n. 140.

⁸⁰⁵ Rofé, *Deuteronomy*, 21: “There can be no doubt that the author is a loyal disciple of the Deuteronomistic school, both in his clear Deuteronomistic style and the fundamental idea: opposition to images in the worship of the Lord (4.9-19, 23-25).” The dtr disciple combined the priestly and dtr traditions together (ibid., 21f).

⁸⁰⁶ Krüger, “Zur Interpretation,” 85: “Dtn 4.1-40 gehört—jedenfalls in seiner vorliegenden Gestalt—wahrscheinlich zu den jüngsten Partien des Buches Deuteronomium.” Recognizing the broad historical scope of this pericope, Krüger suggests that at the time of writing it was inserted not merely into a self-standing book of Deuteronomy but rather into a cross-Pentateuchal work spanning Genesis to Deuteronomy and containing the priestly parts of the Pentateuch (ibid.).

⁸⁰⁷ Ibid., 86.

⁸⁰⁸ Martin Rose, *5. Mose Teilband 2: 5. Mose 1–11 und 26–34: Rahmenstücke zum Gesetzkorpus* (Zurich: Theologische Verlag, 1994). Rose’s four layer diachronic scheme divide as follows: (I) Deuteronomy collection from the time of Hezekiah; (II) Deuteronomy school from Josiah’s time; (III) dtr layer from the period of the exile; (IV) Later dtr layer from the late exilic or early postexilic period.

⁸⁰⁹ Ibid., 2:491. Rose characterizes the treatise not as a systematic *Dogmatik* but rather a composition with the discursive breadth of a sermon and admonition: “Dies geschieht allerdings nicht im Stil einer systematischen Dogmatik, sondern in der diskursiven Breite des Predigens und Ermahnens” (ibid.).

numerous additions that shape the larger theological horizon.⁸¹⁰ The latter layer encompasses not only ch. 5 (see especially vv. 3,⁸¹¹ 5) but also ch. 4, where the *Autoren* have composed “another individual formation” (ein neuer, eigener Gestaltung), one imbued with their distinctive theological interpretation. Therewith ch. 4, particularly vv. 10-14 and 36, offers a key to understanding that aids the interpretation of ch. 5.⁸¹² Rose points out a notable topographical variable, which in this instance functions to distinguish Deuteronomy from the Dec: the prescriptions of the dtn code are communicated “beyond the Jordan” (1:1; 4:46, etc.), immediately prior to entering the land, whereas the Dec is presented as if heard for the first time at Horeb “par le peuple directement de la bouche de Dieu (5,4 ... 5,22 ...).”⁸¹³ These and other factors, for example ch. 4’s familiarity with Jeremiah and the DH, nominate it as a post-dtr composition attributable to HexRed and PentRed.

Otto attributes the entire pericope to PentRed.⁸¹⁴ There are problems with this view. For example, verses 10-14 stand out in the manner in which they intertwine mediate and immediate facets of the divine relationship with Israel. *YHWH* himself speaks to the נָבִיא and writes the Dec on two stone tablets (v. 13), then assigns Moses the position not of mediator but rather teacher of law (v. 14); indeed, vv. 10-14 avoid even a hint of Mosaic

⁸¹⁰ “Das Thema der Schicht III, nämlich in Kap. 5 von der Mitteilung der ersten und fundamentalen Gesetzesreihe (‘Zehn Gebote’) zu erzählen, hat die Redaktion [IV] aufgenommen und zu einer allgemeineren theologischen Reflexion zum ‘Gesetz’ (bes. in V.5-8 u. 40) ausgestaltet, wie sie auch stilistisch Kap.4 als eine Eröffnung zur Gesetzesmitteilung konzipiert hat (bes. in V.1: ‘Israel, höre...!’) (ibid.); cf. Mayes, *Deuteronomy*, 43-44: “There is no doubt but that the work of the deuteronomistic circle represents a process or movement which was not completed in the context of a single editing event incorporating Deuteronomy into the deuteronomistic history... it must be proposed that in the case of Deuteronomy there is clear evidence of more than one deuteronomistic edition. In the context of our understanding the work of the deuteronomistic circle as a process or movement, it must of course follow that the assignment of passages to particular editorial layers is often very uncertain. Nevertheless, there seems to be a least one further deuteronomistic layer in Deuteronomy, apart from that already described, which may be isolated fairly easily. This is the layer which takes its starting point in 4:1-40. It presupposes the existence of the other layer, and is, therefore, the later of the two.”

⁸¹¹ “Not with our ancestors did the Lord make this covenant, but with us, who are all of us here alive today.”

⁸¹² “Damit geben sie (bes. in V.10-14 u. 36) einen Verständnisschlüssel, der fortan für die Lektüre von Kap. 56 gelten soll” (5. Mose, 2: 491).

⁸¹³ Rose, *Deutéronome*, 222; in the presentation of Deut 5 in which “el decálogo es promulgado directamente por Dios y se dirige a todos los israelitas,” vv. 1,6 may suggest the *location* of its disclosure to be immaterial, perhaps heightening the otherworldly character of the event (García López, *El Pentateuco*, 293, emphasis added).

⁸¹⁴ Otto, “Deuteronomium 4,” 219, 221: “Überblickt der Verfasser von Dtn 4,1-40 das Deuteronomium, das Deuteronomistische Geschichtswerk, die Prophetenbücher, insbesondere Jeremia, und die Priesterschrift, so kommt nur der Pentateuchredaktor, der Priesterschrift und Deuteronomium in einer umfassenden Pentateuchkonzeption vereinigt und ausgleicht, als Autor von Dtn 4,1-40 in Frage”; idem, *DPH*, 180.

intermediation.⁸¹⁵ This does not square with PentRed’s program, however, which finds stolid reinforcement in passages such as 5:31 (“... stand here by me, and I will tell you *all* the commandments”). Indeed, PentRed’s program leaves little room for the notion that the עב receiving the Dec directly from *YHWH*, that is, *sans* Mosaic intermediation.

3.1.4.1 *The Pentateuch Redaction (PentRed) in Deuteronomy*

Introduced in Chapter’s One and Two, the Pentateuch Redaction finds its clearest delineation in Deuteronomy. According to PentRed the book of Deuteronomy obtains its essential legitimation not as a result of being revealed directly to the people but rather through its immediate association with the “divinely legitimated, Mosaic office of legal instruction.”⁸¹⁶ The first four chapters of the book function as Moses’ opening address to all-Israel on the eve of his death.⁸¹⁷ The “speech act of the entire first address ... is determined by 4:1-40.”⁸¹⁸ The Mosaic speech consists of a “composite of many teaching voices, deriving from the many teachers of the Deuteronomic tradition.”⁸¹⁹

3.2 *Deut 4:10-12*

How you once stood before the Lord your God at Horeb, when the Lord said to me, Assemble the people for me, that I make cause them to hear ($\text{על־פי} hip'il$ impf.) my words so that they may learn ($\text{למד} qal$ impf. + parag. nun) to fear me as long as they live on the earth, and may teach ($\text{למד} pi'el$ impf. + parag. nun) their children so”;¹¹ you [pl.] approached and stood at the foot of the mountain while the mountain was blazing up to the very heavens, shrouded in dark clouds.¹² Then the Lord spoke to you (pl) out of the fire. You (pl) heard the sound of words but saw no form; there was only a voice.

יום ואשר עמדת לפני יהוה אלהיך בחרב באמר יהוה אלי הקהל לי את-העם ואשמעם את-דברי אשר
למדון ליראה אתי פליהימים אשר הם חיים על-ההאדמה ואת-בניהם ילמדון:
¹¹ ותקרבון ותעמדון תחת ההר וההר בער באש עד-לב השמים חשך ענן וערפל:
¹² וידבר יהוה אליכם מתוך האש קול דברים אתם שמעוים ותמונה אינכם ראים זולתי קול:

⁸¹⁵ Himbaza, *Le Decalogue*, 14: “Le texte de Dt 4,10-14 se garde de dire que Moïse était intermédiaire entre Dieu et le peuple ce jour-la.” This point underscores the reality that the chapter concerns itself more with a sophisticated “dialectic between transcendence and immanence” than with aniconism; cf. MacDonald, *Deuteronomy*, 188. More specifically, the revelation at Horeb may be the central focus of the chapter (*ibid.*, 190).

⁸¹⁶ “göttlich legitimierte mosaische Amt des Gesetzlehrers,” (Otto, *DPH*, 165).

⁸¹⁷ Georg P. Brulik, “Deuteronomium 1–4 als Sprechakt,” *Biblica* 83 (2002): 249-57, 257 (English summary).

⁸¹⁸ *Ibid.*

⁸¹⁹ Fishbane, *Interpretation*, 436; cf. *ibid.*: “The “Mosaic voice” is “pseudepigraphic in the Book of Deuteronomy”; cf. Sonnet, *Book*, 264f; Rofé, *Deuteronomy*, 21.

Having moved from the wider framework of Deut 4f. to the largely self-contained pericope 4:1-40, the focus now shifts to three key verses within the latter, namely, vv. 10-12. Along with Deut 4:1a,⁸²⁰ 5a, 14a,⁸²¹ verse ten⁸²² develops a theory of Mosaic instruction of the community that expands the theory of revelation in Deut 5.⁸²³ In this theory, rather than mediating revelation vouchsafed to him by *YHWH*, Moses transitions to the office of legal instruction,⁸²⁴ which in the law of Deuteronomy interprets the proclamation of the law at Sinai for the Israelite community.

It comes as little surprise to find an institutional *Tendenz* asserting itself relative to the direct revelation of the Sinai event. Deuteronomy in fact preserves and furthers this agenda, but moves in the unanticipated (but cf. the preview in Exod 19:9a and the discussion in §§2.3; see also §7.1), conceptual direction of *revelatio continua*. It does so in association with ongoing, prophetic interpretation of the revelation, which under PentRed's watch becomes the sole prerogative of the Mosaic office.⁸²⁵ A passage such as Deut 18:18 does not represent the Zadokite-Levite authors of PentRed, who seek to move the prophetic beyond the reach of levitical priest-prophets and their lay constituents. It rather reveals a probably hard-won compromise between the prophetic-leaning School of HexRed led by Levites and their sympathizers among upper tier priests. The passage comes to link up with Jer 30:9, which transfers the motif of the "prophet like Moses" to

⁸²⁰ It should be noted that Deut 4:1a does not specify the speaker, only the addressee, Israel. The same is of course true with 6:4. In both instances we may be seeing a later attribution to Moses the teacher of commands already disclosed, perhaps on an *ad hoc* basis, to the people.

⁸²¹ Schäfer-Lichtenberger adds to this list vv. 4a, 7 because they "betonen zwar die Unmittelbarkeit der Gottbeziehung Israels" (*Josua und Salomo*, 47). She however does not follow this line of inquiry very far. This is understandable in view of the monograph's theses that lead in a different direction. One wonders though where this section of her monograph, which she admits (*ibid.*, 43, n. 131) builds on her "Göttliche und menschliche Autorität," constitutes a necessary building block in the edifice supporting the central theses of the monograph.

⁸²² Verse 10 does not only promote Mosaic instruction but also the PRR. If it is PentRed, it is not purely so, but likely constitutes a compromise with HexRed for the latter's support of the PRR.

⁸²³ Otto, *DPH*, 164. Of all these passages, however, v. 10 seems the least likely, since it emphasizes the unmediated reception of torah.

⁸²⁴ Prior to 4:10-14 Moses is one of the people. Only thereafter does *YHWH* single him out, conferring upon him the task of Torah-instructor who will teach the *chukim* and *mishpatim* to Israel (Schäfer-Lichtenberger, "Göttliche und menschliche Autorität," 132). On balance, "die Lehre der Torah legitimiert Mose, nicht Mose die Torah" (*ibid.*, 136).

⁸²⁵ Otto (*DPH*, 193) argues that 18:18 belongs to DtrD. Contra Max Weber, prophetic charisma is not necessarily anti-institutional; see Edward Shils, "Charisma, Order and Status," *American Sociological Review* 30 (1965): 199-213.

the expected Davidides.⁸²⁶ The School of HexRed’ successful insertion of the “brotherhood” term (אחים)⁸²⁷ associated with the theme of the prophet (נביא—also a problematic term for PentRed because of its democratizing tendencies) does not arise from elites. The presumption theme (זי) in both the law of the levitical priest in Deut 17:12f. and 18:20, 22 links the passages together thematically and, in our opinion, authorially. Conversely, PentRed conjoins theophany with direct revelation of law to Moses and thereby *emphasizes the authority of the original revelation* by eternally validating those commandments. Furthermore, it promotes the *sine qua non* nature of their interpretation enshrined in the (proto)canonical book of Deuteronomy. For the School of HexRed, on the other hand, the horizon extends far beyond the Pentateuch, and additional revelation is both possible and necessary. Both circles agree however on the importance of the inculcation of Mosaic law, though with some significant differences in accent and detail.

3.2.1 Nearness and Distance

The theologically distinctive phrasing of Deut 4:10 opens a window into the perspective of the writer’s circle. Parallels between v. 10 and 29:13 [Eng 14] are strong and suggest negotiation at the textual level. Deut 4:10, for example, contains the elements *‘amad + lifnei YHWH*, which occur elsewhere only in Deut 29:13:

⁸²⁶ Otto, *DPH*, 208.

⁸²⁷ In contrast to the positive use of this term, the levitical authors of Isa 65f (= the servant community, often “my servants” עֲבָדָי; 65:8b, 9b, 13, 14a; “his servants” עֲבָדָיו in 65:15; 66:14) apply it pejoratively to their opponents (66:5b ... למען שמי. (אמרר אחיכם שנאיכם מְגִדִיכם למען שמי.)). The hostility is fierce and of a religiously competitive nature. In 66:5 the “brothers” exclude (נדה *pi’el*) the servant community from worship. Zapff (*Jesaja 56–66*, 430f; cf. 433f.) emphasizes the servant community’s own criticism of the temple theology and ostensible syncretistic cult of their detractor-brothers. The temple theology of 1 Kgs 8:29 (“that your eyes may be open night and day toward this house, the place of which you said, ‘My name shall be there,’ that you may heed the prayer that your servant prays toward this place”) comes to be modified in Isa 66:2. Here the poor become the “place” and object that *YHWH* “sees.” Like Isa 58, this is “wo seine heilvolle Gegenwart erweist” (ibid., 431). The similarity with the *Armentheologie* of the psalter is conspicuous; therein the poor are not only a social category but “auch im spirituellen Sinn ausschließliche Angewiesenheit auf Jahwe zu verstehen” (ibid., 431-32). Cf. also Ps 51:17; the “brokenness of spirit” in 66:2 recalls Ps 57:15b; those who tremble at his word (66:2bβ) are those who recoil from the probable consequences of transgression against *YHWH*’s commandments; 66:2 constitutes a self-description of the levitical priest-prophet authors of the passage. They differ with their levitical forebears (cf. the School of HexRed) in that they have moved beyond the concern for integration of alien to the desperate preservation of a Yahwism threatened by late Persian, and increasingly Hellenistic influences in the third-century BCE. They now look more than ever to a purified cult in Jerusalem, though, as the Dead Sea Scrolls indicate, some would find it necessary to retreat to the desert in hopes of spawning autonomous religious renewal.

עמדת לפני יהוה (4:10)

עמד היום לפני יהוה (29:13)

Although only 4:10 explicitly recounts the PRR, the motif of standing before *YHWH* conceptually links 4:10 and 29:13 [Eng 14] with the phrase “taking one’s stand” of Exod 19:17b discussed in Chapter Two (§2.3.2). The motif of the Moab community taking their stand before *YHWH* in 29:9-14 [Eng 10-15] may have existed first, being subsequently transferred to Deut 4:10,⁸²⁸ since Deut 4 postdates both ch. 5 and 29. Whereas the concept of “standing before *YHWH*” in 29:13 [Eng 14] comes to be intensified in 4:10 with the explicit mention of the PRR, v. 11’s reuse of the verb עמד with תחת ההר takes the motif of the Israelites “drawing nearer” (Sich-Nähern)⁸²⁹ a step further. One finds nothing in this passage indicating fear and trepidation of the עם. Rather, the scenario (“you approached and stood” ותקרבו ותעמדון) resembles the intrepid “stand” in Exod 19:17. The distinctive expression “taking one’s stand” (יצב *hitpa’el*) may be the earlier of the two, or the two may be contemporary yet distinctive formulations. Exodus 19:7b may be relatively independent of the path of 4:10 → 29:14. It could connect just as well to other passages using the same verb form.⁸³⁰ While the notion of the people keeping their distance may have been the earlier one,⁸³¹ this interpretation is admittedly difficult to prove. As it stands, it seems restrictive and closely tied to the official, *condensed* presentation of one or two great events at mountains of God to local—both early and ongoing—contexts of revelation.⁸³² In this instance commentators

⁸²⁸ Cf. Otto, *Das DPH*, 160: “Das in Dtn 29,9-14 rahmende Motiv, die angedete Moabbundgemeinde stehe vor JHWH, wird in Dtn 4,10 auf den Horebbund übertragen.” Deut 4 broadly expands the demand for obedience opposite “these words of the covenant” in the paranetic transition (paränetischen Überleitung) from the prehistory to the covenant conclusion in Deut 29:8 and aligned in Deut 4:2 with the canon formula and the commandment paranesis (Gebotsparänese) in 4:6 tied to 4:2. ושמרתם את־דברי הברית הזאת ועשיתם (4:6); לשמר את־מצות יהוה אלהיכם (29:8); ושמרתם ועשיתם (4:6a); ושמרתם ועשיתם (4:6a).

⁸²⁹ Rose, *5. Mose*, 2:495. Rose is inconsistent, however, when he says that v. 11 assumes the people have received mediated instruction from Moses, since he had already emphasized the direct speech of God in v. 10. Only in v. 14 is Moses instructed to teach (ללמד) Israel additional *chukot* and *mishpatim* that they will observe in the promised land.

⁸³⁰ See nn. 682, 1814 and §§2.3.2; 2.3.2.1-2.

⁸³¹ Krüger, “Zur Interpretation,” 88.

⁸³² In his ground-breaking monograph, Robert R. Wilson, *Prophecy and Society in Ancient Israel* (Philadelphia: Fortress, 1980), 31, delimits the contexts in which intermediation is possible. “Intermediaries will exist only in those societies where social conditions require the services of an intermediary....As social conditions become more stable, the need for intermediaries lessens, and their numbers are likely to decrease” (*Prophecy and Society*, 31). Wilson highlights major figures who arise in response to crises that in turn prompt divine intervention for a society, whether through word or action. The latter half of the quote

are well-advised to look beyond the received presentation in order to extrapolate numerous local contexts of worship in which a linear transition from worshipping at a distance to more intimate settings of divine-human disclosure would not necessarily obtain. Still, the way in which v. 11 builds to a crescendo through v. 13 ties the nearness motif to the PRR in very close fashion.

Deuteronomy 4:10 constitutes a particularly explicit statement of the PRR and its theological *raison d'être*: “so that they may learn to fear me as long as they live on the earth, and may teach their children so”⁸³³ (10b; cf. also the even later 31:12f., treated below, §§3.2.2; 3.9).⁸³⁴ The causative stem of שמע in v. 10aβ ועשמעם את־דברי 10aβ, variously rendered,⁸³⁵ is to be emphasized, as well as the secondary meaning of “obey.” The use of the conjunction “that” (אשר, twice in 10b) heightens the motivational force of the verse. This circle of priestly, dtr theologians (alternately described as levitical priest-prophets and their supporters) advocates lay interests by erecting a theological edifice founded

seems to assume a situation in which prophetic consultation is extraordinary rather than a regular part of the worshipper’s experience (for which see *ibid.*, 83, 86). A cursory reading of the Psalms however reveals the belief that personal and repetitive (if not daily) needs of the supplicant provoke responses from the divine; Ps 107:17-20 describe sufferers to whom *YHWH* sends his word (ישלה דברי), which “heals” (רפא) and “delivers” (מלט *pi’el*) them. Although it is possible the supplicants receive the word directly, the psalm probably grew out of a cultic context in which a priest-prophet intermediary interprets the state of affairs (e.g., they “were sick through their sinful ways, and because of their iniquities endured affliction” v. 17) and “applies” the word to the supplicant’s situation.

For Wellhausen (*Prolegomena*, 30f.) theophany took place at local altars. Indeed, it is the revelational encounter that confirms the sanctity of sites such as Shechem; Bethel in Ephraim; Hebron and Beersheva in Judah; Mizpah, Mahaniam, and Penuel in Gilead; see also Levinson, *Chorale*, 308. Exod 20:24b, moreover, suggests a situation in which “the deity proclaims his own name in a theophany that takes place in conjunction with sacrificial worship at an altar. The altar emphasizes that a plurality of cult sites are presupposed as legitimate” (*ibid.*, 318). “The Hebrew text reflected by the MT emphasizes the immediacy of divine presence in a theophany by the altar, אבוא אליך, ‘I shall come to you’ [20:24bβ]. The manifestation of the deity in a theophany is here emphasized in association with the altar” (*ibid.*, 322). “Similarly, in the previous chapter, the deity promises to appear in a theophany to Moses, to affirm his authority: הגה אנכי בא אליך בעב הענן ‘I am about to come in a thick cloud’ (Exod 19:9)” (*ibid.*, 322, n. 145).

⁸³³ V. 10 is the only place in Deuteronomy in which the verb למד is used in reference to the Dec (Finsterbuch, *Weisung*, 153, n. 134). She correctly draws attention to the female role in the instruction of children; the task of making the Horeb experience real to coming generations moreover requires an inspired “telling” (Erzählen), which would perpetuate an appropriate, enduring fear she characterizes as an attitude/posture (Haltung). “Dies Furcht soll nicht kurzzeitig, sondern von Dauer sein” (*ibid.*, 154 and n. 140).

⁸³⁴ Deut 4:36, however, suggests a different motivation for the PRR, namely, to “discipline” (יסר *pi’el*) Israel. See the exegesis below, §§3.3.2-3.

⁸³⁵ Other versions (cf. NJB “I want them to hear me speaking, so that they will learn to fear me...”) exhibit similar causal elements. SamPent (ואשמענון ית מלי) and Tgs. (Ps-J. ואשמעינון ית פתגמי. Neo ואשמע ית דברי, PJT ואשמעינון ית פיתגמי) retain the first person, and causal stem of שמע. LXX (καὶ ἀκουσάτωσαν [aor. act. imper. 3 pl.] τὰ ῥήματα μου) alters to jussive “let them hear my words,” which Vg. *ut audiat sermones meos*, Luth “daß sie meine Worte hören,” and NRSV “I will let them hear my words” appear to follow; Herder (*Bibel*) renders the causative well with “ich will ihnen meine Worte verkünden.”

upon the belief that *YHWH* both instructs them directly and ensures the comprehension of the *tôrôt* they receive. B. Lindars submits the Levites portrayed the traditions in D that they preached, which they termed torah, as much more than a book of a law. Allowing for the prospect that the term torah gained special significance in Deuteronomy, the authors conceivably preached and promoted the code “as a complete expression of the will of God.” Though scholars typically speak of “the book of the law,” “the book of divine instruction” might be the better rendering.⁸³⁶ Such a profile would have found a more receptive audience among the laity in peripheral contexts than among urban populations who were subjected to more official indoctrination of dogma. For PentRed, Mosaic torah was the preserve of Zadokite-Levites, who properly promulgated and safeguarded the mosaically interpreted law.

Also advocating a position similar to the Levites were the authors of Jer 31:31-34.⁸³⁷ These priest-prophets do not limit the teaching of the descendants (so, Deut 6:1-9) to inculcation by repetition, but encourage prophetic approaches to learning along the lines of Isa 50:4, which seem suitable for a wise and discerning people (עַם־חָכָם וְנָבוֹן)⁸³⁸ Deut 4:6; cf. 7f; Gen 41:33, 39; 1 Kgs 3:12b α ; Hos 14:9; but see Isa 29:14b // 1 Cor 1:19).

As Himbaza points out, the lack of intermediation in Deut 4:10-14 is intentional.⁸³⁹ This verity argues against attributing these verses to PentRed, which would not want to miss the chance to propagate the thesis of Mosaic mediation in such a sweeping text (4:1-40). Though one rightly assumes the intended speaker to be Moses in Deuteronomy, the Mosaic narrator actually represents a plurality of personages and circles. The many first person self-references in ch. 4 (vv. 1, 2, 5, 8, 10, 21, 22, 26, 40) betray its architects’ efforts to associate themselves with Moses without restricting themselves to that

⁸³⁶ Barnabas Lindars, “Torah in Deuteronomy,” in *Words and Meanings: Essays Presented to David Winton Thomas on his Retirement from the Regius Professorship of Hebrew in the University of Cambridge* (ed. P. Ackroyd and B. Lindars; Cambridge: Cambridge University, 1968), 117-36, 131.

⁸³⁷ Verse 33a β אַתְּחַבְנֶהּ וְעַל־לִבְּכֶם אֶכְתַּבְנָהּ figuratively depicts the manner in which the *tôrôt* come to be imprinted on the heart. The motif of “writing on the heart” challenges the Pentateuchal hermeneutic of writing the law on tablets inaccessibly deposited in the ark of the covenant. It thus seems safe to assume that not only revealed but also rote inculcation of *tôrôt* is envisioned, since the sober concern for access has been obviated. Jeremiah’s “new covenant” also emphasizes *geistlich* discernment (5:21). Like the law of the priest in Deuteronomy, the entire community suffers for want of knowledge and insight, without which they are unable to first discern and then effectively combat *faux* spiritual direction and inept leadership (5:31).

⁸³⁸ Cf. Herder “ein weises und kluges Volk!”; TNK “a wise and discerning people”; ZUR “ein weises und einsichtiges Volk”; TOB “un peuple sage et intelligent!”

⁸³⁹ See above, n. 815.

personage alone. This furthers the goal of authorizing the ongoing Mosaic institution of interpretation as emerging from the great lawgiver (v. 2 being particularly glaring; mention of Moses resumes in v. 41, 44, 45, 46; after the next mention in 5:1 one waits until ch. 27 for the next reference). In Exodus, Leviticus, and Numbers his name appears at every turn. The non-mention of Moses' name in Deuteronomy is hardly coincidental, and as just mentioned, the omission in 4:1-40, a pericope that straightforwardly advocates the PRR, which implicitly challenges the need for intermediation, seems particularly extraordinary were PentRed to have penned the entire text. Indeed, the non-mention of Mosaic intermediation may argue against the notion of single authorship or the unity of 4:1-40. Much of the remainder could belong to PentRed.

The reader will recall Veijola's notion of DtrN in passages containing second person plural address (1a, 10-12a, 13, 14, 22).⁸⁴⁰ With respect to the PRR, a central component of ch. 4, the address is not as uniform as Veijola would have it; only 1aα, 10a, and possibly 22 (in conjunction with v. 21) support the PRR. While Veijola's nomistic Dtr (DtrN) in Deut 4 may indicate separate authorship or redaction, it does not manifest a clear position regarding the PRR; its usefulness for this study is therefore reduced.

3.2.2 *1 Enoch 89*

On a different plane, in the arguably third-century text of 1 En 89: 28-31, the role played by Moses (The Great Sheep⁸⁴¹) mirrors that of Deut 4:10, in that his presence is at the same time central and peripheral, as the people receive the divine disclosure directly without mediation.⁸⁴² In both 1 Enoch 89 and Deuteronomy 4:10 one could describe Moses' function in various ways: convener, interlocutor, witness, even a midwife facilitating the birth of a new nation. In neither case, however, does he mediate *tôrôt*.

The first person speech in Deut 4:10 documents the deity's determination to retain absolute control of both "the words" and their apprehension; in conjunction with v. 9 it also reinforces the seeming indissoluble connection between the sonic and visual dimensions of the theophany, which 12b then calls into question.

⁸⁴⁰ See Veijola, 5. *Buch Mose*, 96-99 and n. 803 above.

⁸⁴¹ Cf. Isa 63:11 (LXX).

⁸⁴² Cf. Christian, "Reading Tobit," 95, n. 165.

Although v. 10 shares affinity with 5:4—another uncompromising assertion of the PRR—it probably postdates it.⁸⁴³ The characterization of the Horeb event is more detailed in v.10. Here Moses appears as conversation partner of God and liaison between God and the assembly. This carefully formulated “summary,” as has just been mentioned, reveals *YHWH*’s specific intentions and perpetual purposes for the plenary transmission.⁸⁴⁴ The reverential fear moreover produces an appropriate posture for receiving *tôrôt*, which equips the recipients, uniquely qualifying them for service. One could bring into this connection the notion of a kingdom of priests, a holy nation (Exod 19:5-6a). The posture of reverence has been compared with that of Joshua in Deut 1:38, that is, one befitting a servant.⁸⁴⁵

Deuteronomy 31:12, a passage which may have the whole of the Pentateuch in view,⁸⁴⁶ appears to reformulate the elements of 4:10.⁸⁴⁷ Through the doubling of למען in Deut 31:12b (למען ישמעו ולמען ילמדו וַיִּרְאוּ אֶת־יְהוָה אֱלֹהֵיכֶם וּשְׁמְרוּ לַעֲשׂוֹת אֶת־כְּלֵי־דְבַר יְהוָה), the sense of the אשר clauses in 4:10 noted above comes into sharper focus. As in 4:9b, the instruction of the children figures as the concern in v. 10bβ. It is notable that in contrast to 4:10, 31:12a does not promote parents teaching the children but rather children hearing for themselves, along with aliens (cf. 29:9-11 [Eng 10-12]⁸⁴⁸). Although

⁸⁴³ Rose (*5. Mose*, 2: 495) assigns 5:4 to the redactor of layer III, v. 10 to layer IV. He consistently calls the writers “authors” (Verfasser[n]). As already mentioned in the main text above, Deut 4:10-14, 36 are very important for understanding the Horeb event, and these verses intend to prepare the reader/hearer for the presentation of the Dec in ch. 5.

⁸⁴⁴ Otto, “postdeuteronomisch Deuteronomium,” 85.

⁸⁴⁵ Rose, *5. Mose*, 2:495: “mit dieser Wendung [i.e., Israel ‘stood before the Lord’] wird nicht nur die Gegenwart Gottes ausgedrückt, sondern zugleich die respektvolle Haltung Israels, wie sie einem Diener zukommt (vgl. zu 1,38).”

⁸⁴⁶ Cf. Otto, who attributes the passage to PentRed (*DPH*, 180).

⁸⁴⁷ Deut 4:10 and 5:1 may serve as the pattern for the Moab assembly in Deut 31 (ibid., 185). PentRed differentiates between Moses’ function as mediator of revelation at the mountain of God and proclaimer of the interpretation of תּוֹרָה in Moab. The latter function transfers to the priests in 31:9, whereas Moses himself assumes the function of mediating torah at the mountain of God. This presupposes the view that the *Verschriftung* of the *torah* in 31:9a; vv. 9-13 is formulated on a background of the theory in Deut 4:1-40, in which PentRed develops the notion with regard to the differentiation between the Torah’s revelation at Sinai and its interpretation in the land of Moab.

⁸⁴⁸ The postexilic realities in *Yehud* required a new *Begründung* for the existence of allochthonous fellow citizens that HexRed would provide: From the beginning of its becoming a nation, foreigners participated in the exodus of Israel, the taking of the land (cf. Caleb) and then found a solid place within the covenant responsibility in Moab. Here their right to humane support was given through legal sanction: “Cursed be anyone who deprives the alien, the orphan, and the widow of justice.” All the people shall say, “Amen!” (Deut 27:19). The same sentiment imbues Deut 29:10-12 [Eng 11-13]. Joshua again confirms this via the act of covenant renewal in Gilgal (Josh 8:30-35; Achenbach, “Eintritt,” 252). It is nonetheless correct to

the context in 31:11-13 is admittedly that of future readings of the law, the connection between “hearing” and “learning to fear” remains tied to the fear-inducing PRR, as 31:12 clearly echoes 5:22 (treated below).⁸⁴⁹ In Deut 31 however the focus shifts to the written law bequeathed to both the levitical priests and the elders. This text⁸⁵⁰ manifests a compromise between PentRed (Moses writing down the law) and HexRed (the involvement of levitical priests and elders). PentRed’s influence seems dominant, however, because of the distance maintained between the transmission of law and the people, plus the restricted activity of the Levites, who, at least in print, are limited to officiating every seven years (only) “at the place that he will choose” (v. 11). Deuteronomy 31 reflects a postexilic perspective in which Levites had achieved a measure of official status that included a role in the central cult. They nonetheless remained subordinate to the dominant, elite priesthood, which presides over cultic affairs in Jerusalem. Whether they be Aaronide- or Zadokite-Levites remains hard to tell.

Excursus 3: Deut 4:13-14

He declared to you his covenant, which he charged you to observe, that is, the ten commandments;¹ and he wrote them on two stone tablets.¹⁴ And the Lord charged me at that time to teach you statutes and ordinances for you to observe in the land that you are about to cross into and occupy.

וַיִּגְדַּל לְכֶם אֶת־בְּרִיתוֹ אֲשֶׁר צִוָּה אֶתְכֶם לַעֲשׂוֹת עֲשֵׂרֵת הַדְּבָרִים וַיִּכְתֹּבֵם עַל־שְׁנֵי לַחֹת אֲבָנִים:¹³
וְאֵתִי צִוָּה יְהוָה בְּעֵת הַהוּא לְלַמֵּד אֶתְכֶם חֻקִּים וּמִשְׁפָּטִים לַעֲשׂוֹתְכֶם אֲתֶם בְּאֶרֶץ אֲשֶׁר אֲתֶם עֹבְרִים שָׁמָּה לְרִשְׁתָּהּ:¹⁴

Verse 13, noticeably following the events of vv. 11f, concerns the commissioning and “charging” (צוה) of the people; such would be a remote prospect for an עם with diminished capacity or demoralized state. Rather, v. 13 underscores the full capability and culpability—the latter a presumed outcome of the transactional encounter—of the עם. Verse 13 sets forth the view that the torah of Moses is not immediate, divine revelation,⁸⁵¹ a stance Schäfer-Lichtenberger characterizes as a *Gegenposition* to that

note that in Deut 29 the alien serves in a subservient capacity. Not all distinctions between Israelite and alien were abrogated.

⁸⁴⁹ Rose, 5. *Mose*, 2:495.

⁸⁵⁰ See also §1.3.11.10 and n. 349.

⁸⁵¹ “Die Tora Moses ist nicht unmittelbare göttliche Offenbarung” (*Josua und Salomo*, 47).

advocated in 5:31.⁸⁵² In combination with 4:7, v. 13 legitimates the torah and the people's relationship to it, though at the expense of the primacy of Mosaic authority. The עַם take the place otherwise assigned to Moses, namely, as speaking partner and confidant of God, observing the installation of Moses.⁸⁵³ The עַם thus play a not insignificant role in Moses' promotion (cf. the role of the עַם הָאֲרָץ in promoting kings).⁸⁵⁴ The deity is at their disposal, insofar as they receive that for which they ask. Deuteronomy 5:24, 25b is illustrative: "Today we have seen that God may speak to someone and the person may still live... if we hear the voice of the Lord our God any longer, we shall die." In v. 27 the people recruit Moses to approach the deity *for them* and then recount what *their* God has disclosed. *YHWH* overhears the directive (28a) and roundly approbates it (28b; cf. 18:17). The conception lines up with that of 5:4, in which the people speak face to face with God (see exegesis on 5:4 below). What often goes unnoticed is that by leaving the scene of the PRR they relegate to Moses the position they once held.⁸⁵⁵ The 'am exercise authority through Moses by proxy and then abdicate that authority by leaving the scene. An indeed complex figure, Moses serves both God and countrymen.

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Returning to the exegesis of Deut 4:10-12, one observes how the blazing fire in v. 11 conveys both the transcendence and immanence of God. In conjunction with vv. 12, 15, 24, 33, 36 the fire motif repeatedly draws attention to *YHWH*'s ineffability and otherness.⁸⁵⁶ Although the Presence within the fire is palpable, no form materializes.⁸⁵⁷ Within the flow of the narrative, v. 11 leads to v. 12b's insistence on the amorphous profile of the blaze. Verse 11's description is unique in that it contains the only reference

⁸⁵² Ibid.

⁸⁵³ "Israel ist Ansprechpartner Gottes und wird zum Zeugen seines Mose erwählenden und autorisierenden Handelns" (ibid., 48).

⁸⁵⁴ Ibid., 48f.

⁸⁵⁵ "Israel stuft seine Position hinunter und beläßt Mose dort, wo sie gemeinsam zuvor standen" (ibid., 49). But this is viewing the interaction from only one angle. Care is to be taken that *the* modes and levels of authority are not taken at face value. Schäfer-Lichtenberger maintains that, with respect to the content of the divine revelation, *YHWH* alone delegates Torah authority to Moses, who in turn legitimates Torah ("Die Tora wird durch Mose legitimiert," ibid., 50); and yet, it is the teaching of Torah that in turn legitimates Moses (ibid.). In her treatment of Deut 18:9-22 she acknowledges how the high status of the people provides the prophet his own special status. Indeed, the calling of the prophet is tied to the calling of Israel: "der Prophet steht nur deswegen in einer Sonderbeziehung zu *YHWH*, weil *JHWH* zu Israel eine besondere Beziehung hat. Die Berufung des Propheten ist Teil der Berufung Israels" (ibid., 94).

⁸⁵⁶ Miller, *Deuteronomy*, 59.

⁸⁵⁷ But cf. Dan 3:24f. (Aram. דָּמָה לְבָרִאֵלֵהִין "like a son of *the* gods" in the furnace).

to a (possible) plurality of clouds in the Pentateuch.⁸⁵⁸ For the thesis of the PRR, the fire in v. 11 carries additional import. Functioning as a sign of the presence of God, the blaze does not localize on the mountain, but rather reaches the heavens. It thus connects heaven and earth, thereby forming a spatial link between *YHWH* and the *benei yisrael* (cf. Gen 28:12) that ostensibly offsets other efforts to keep them separate.⁸⁵⁹ Deuteronomy 4:36a moreover depicts the fire as transmitter of the voice, but 36b suggests the fiery broadcast originates not in heaven but on earth (a circumstance that proves deadly for Aaron’s sons; Lev 10:1f.). Much of the topographic-epistemological tension within the portrait in Deut 4 ultimately affirms the plenary reception of revelation. As the directness of the exchange between *YHWH* and all-Israel comes into focus, the picture of mediation between the two agents cannot but dim:

At the same time it can be said the fire would be on the earth and the voice of God would resound from it 4:12, 15. Although Deut 4 encompasses the theme “you have seen no form of *YHWH*,” it also guarantees that the people standing at the foot of the mountain can perceive the Dec. From these two potentially contradictory notions a compromise (Spagat) was struck: The fire reaches from heaven to earth. Thereby the position of *YHWH* would remain intentionally unclear, his form having undergone no delimitation. The “voice” comes from the fire. Its place of origin—subsequently emphasized—can be in heaven *or* on earth. Epistemically, these differentiated topologies have no real consequence. Israel hears the Dec, and needs no mediator.⁸⁶⁰

⁸⁵⁸ So the translation of ענן within the phrase in 11בפל וערפל β. Plurality is not a foregone conclusion, though, so NAS (1995) “darkness, cloud and thick gloom”; cf. NJB “a sky darkened by cloud, murky and thunderous.” Given the theophanic import of “the cloud” on the one hand, emphasized oneness of *YHWH* on the other, singularity or collectivity is preferable. LXX renders ענן in 4:11 as γνόφος, “(a) darkness (that conceals),” then translates השך with the more common σκότος. Targums Onq., Neof., and Ps-J. retain עננא “the cloud” within the phrase ואמיטתא עננא ושוכא עננא.

⁸⁵⁹ Cf. Oswald, *Israel am Gottesberg*, 78: “Das Feuer fungiert als Zeichen der Anwesenheit Gottes.” Es ist nicht nur auf dem Berg lokalisiert, sondern reicht bis in den Kern des Himmels (4,11). Daher kann es hier heißen: ‘vom Himmel hat er dich seine Stimme hören lassen’ (4,36).”

⁸⁶⁰ Translating, with some paraphrasis, Oswald, *Israel am Gottesberg*, 78: “Gleichzeitig kann aber gesagt werden, das Feuer sei auf der Erde und die Stimme Jhwhs erschalle daraus (4,12.15). Hinter der topologischen Unklarheit steckt eine klare Konzeption. Transzendence und Kondeszendenz Jhwhs sollen gleichermaßen zum Ausdruck kommen. Dtn 4 kreist um das Thema “Keine Gestalt Jhwhs habt ihr gesehen”, gleichzeitige soll aber sichergestellt werden, dass das am Fuße des Berges stehende Volk den Dekalog wahrnehmen kann. Ein Spagat im wahrsten Sinne des Wortes ist die Folge. Das Feuer reicht von Himmel bis zur Erde. Die Position Jhwhs darin bleibt gewollt unklar, er hat ja keine abgegrenzte Gestalt. Die Stimme kommt aus dem Feuer, ihr Ursprungsort ist—je nach dem, was betont wird—im Himmel oder auf der Erde. Epistemologisch hat diese differenzierte Topologie aber keine Konsequenzen. Israel hört den Dekalog, kein Mittler wird gebraucht” (emphasis added). Deut 5 (excluding secondary additions such as v. 5) would portray a different scenario, as we will see below.

In Deut 4:12 we find a curious variation on the theme of “the sound/voice” (קול), which appears in both 12b α and 12b β . The formulation may have bemused the LXX translator, who assays to transfer various semantic shades of the term. The translation has been complicated by its juxtaposition with *davar/devarim*, another term lending itself to multivalence.⁸⁶¹ The result is an effort to preserve the emphasis on the *comprehensibility* of the transmission.⁸⁶²

In the Hebrew, although v. 12a clearly recounts the Lord speaking (קול *qal*) directly to the people, 12b α foregrounds the “sound” of the words in a way that raises questions about the comprehensibility of that speech. Rose interprets v. 12 as sharing the view of 5:22 that the people did not comprehend the words but only heard a voice.⁸⁶³ This reading reflects a dubious interpretation of 4:12b β , however. While the verse does relativize its sonic elements, the purpose of doing so is probably not to insinuate (a) inapprehension or (b) defective transmission. With regard to (a), the *benei yisrael* show few signs of deficient hearing;⁸⁶⁴ this leaves (b), which entertains the idea of an ineffectual divine transmission, an unlikely premise for an Israelite to propagate. Rather, the relativizing of the sonic dimensions serves an aniconic purpose in this instance, namely, to draw attention to the supernatural dimension of theophany and away from the possibility of seeing God’s form. Israel saw no visage⁸⁶⁵—only a “voice” (ותמונה אינכם ראים זולתי קול).⁸⁶⁶

⁸⁶¹ “You heard a sound/voice of words, and you saw no likeness/form, but heard only a voice” (φωνήν ῥημάτων ὑμεῖς ἠκούσατε καὶ ὁμοίωμα οὐκ εἶδετε ἀλλ’ ἢ φωνήν). Grk. φωνή carries the same semantic meaning as קול, as both are fairly rendered “sound” or “voice.”

⁸⁶² καὶ ἐλάλησεν κύριος πρὸς ὑμᾶς ἐκ μέσου τοῦ πυρός φωνήν ῥημάτων ὑμεῖς ἠκούσατε καὶ ὁμοίωμα οὐκ εἶδετε ἀλλ’ ἢ φωνήν “And the Lord spoke to you from the midst of the fire a voice of words, which you heard, and you no likeness, you heard only a voice” (writer’s tr.).

⁸⁶³ “Was Israel hörte, waren auch nicht direkt ‘Worte’ (vgl. 5,22), sondern die ‘Stimme’ von Worten, also das Reden Gottes nur als akustisches Phänomen ohne ein Erfassen artikulierter und verstehbarer Formulierungen” (5. Mose, 2: 495); Krüger (“Zur Interpretation,” 91) confirms Rose’s reading.

⁸⁶⁴ Since the people “overhear” quite well in Exod 19:19; 33:1-4, there is no reason to assume differently in the Horeb account.

⁸⁶⁵ Tigay, *Deuteronomy*, 47-8, suggests translating *temunah* as “‘visage’ in the sense of ‘aspect,’ ‘appearance’.... the visible aspect of a being, as in the present verse”; cf. *ibid.*, nn. 43f.

⁸⁶⁶ *Ibid.*; Exod 20:4 also concerns itself with restricting the use of some types of image to represent *YHWH*. B. Schmidt (“Aniconic Tradition”) cautions against assuming a blanket censure of visual representations in texts such as Exod 20:3f. and Deut 5 (see esp. pp. 80f.). “While in the history of interpretation both versions of the [second] commandment have been understood to encompass all image making, the broader contexts of Deut 5 and Exod 20 suggest otherwise. That is to say, Deut 5:8-10 and Exod 20:4-6 do not provide an inclusive list of what would have constituted conventional images regardless of whether they be images of foreign gods or those of *YHWH*” (*ibid.*, 81; see also n. 801, above).

The dread associated with an illicit viewing of *temnuna* YHWH⁸⁶⁷ does not apply to the comprehension of *davar* YHWH, however. A similar presupposition encumbers Rose's interpretation of 5:22. In this verse the sentient apprehension of the "words" (22a) has immediate connection with their *Verschriftung*, being inscribed into two stone tablets (22b). No hint of a separation between what the people hear and that which is written materializes.⁸⁶⁸ The current formulation of v. 22 suggests just the opposite.⁸⁶⁹

Both Hebrew and Greek texts of vv. 12-14 display a sequence from theophanic audition to direct proclamation (v. 13a) to mediated teaching (v. 14). Subsequent verses reiterate and intensify the interdiction against fashioning YHWH's form (vv. 15-18), envisioning him or another heavenly deity among the "hosts of heaven" (כל צוא שמים; v.19). On the synchronic level Deut 4 thereby dogmatizes and absolutizes the "second commandment" (5:8f.) in advance. This suggests, once again, that Deut 4 postdates ch. 5,

3.3 Deut 4:33-37

Has any people ever heard the voice of a god speaking out of a fire, as you have heard, and lived? ³⁴Or has any god ever attempted to go and take a nation for himself from the midst of another nation, by trials, by signs and wonders, by war, by a mighty hand and an outstretched arm, and by terrifying displays of power, as the Lord your God did for you in Egypt before your very eyes? ³⁵To you it was shown so that you would acknowledge that the Lord is God; there is no other besides him. ³⁶From heaven he made you hear (שמע *hip'il*) his voice to discipline (LXX "instruct" παιδεύω) you. On earth he showed you his great fire, while

⁸⁶⁷ The Bible does not deny YHWH a visage, but warns against presumptuous gazing. In the present passage even the faintest outline of a being was obfuscated, therefore absolving the people from possible infraction. The writer wished to leave no doubt as to Israel's—perhaps also the deity's—innocence, in this matter.

⁸⁶⁸ So Otto, "postdeuteronomische Deuteronomium," 89-90: "Innerhalb der erzählten Zeit der Fabel des Pentateuch ist dieses Problem dadurch gelöst, daß, wie Ex 20,18 zeigt, das Volk den Sinaidekalog nicht verstanden hat, wenn es nur die Begleiterscheinungen der Offenbarung 'sah' und in Ex 20,19 sagt, es wolle hören,' wenn Mose mit ihm rede. Erstmals in Dtn 5 hört es den Dekalog aus dem Munde des Mose, während der Dekalog in Ex 20,1 direkt von JHWH verkündet wird, und so zeigt sich dieser Vers Ex 20,1 as unmittelbare Leserinformation, die den akteuren auf der Ebene der erzählten Zeit nicht zur Verfügung steht"; cf. *ibid.*, 92f. "Since the people do not understand the Dec in Exod 20, YHWH repeats the image prohibition in the framework of the Covenant Code, now however diverging in a concrete way by connecting to the cult (Exod 20:23), which makes the "decalogish" image prohibition of Exod 20:4 more understandable."

⁸⁶⁹ Contra Rose: "Ausdrücklich wird unterstrichen, daß für Israel die Gottes-Begegnung in nichts 'außer einer Stimme' bestanden habe" (Rose, *5. Mose*, 2:495). In other Deuteronomy passages Rose comes down in favor of the plenary theme, e.g., Deut 4:33, 36 (*5. Mose*, 2: 501f). Although he does not specify whether the people *understood* what they heard in v. 33, he connects v. 36 with 8:5 and says: "Der alleinige, universale Gott, der über Himmel und Erde verfügt (v.36), hat Israel in solchem 'Wissen' unterwiesen ('erzogen'; vgl. 8,5), indem er vom Himmel aus direkt zum Volk sprach." Here he connects the theophany with the impartation of 'knowledge' (Wissen), but then appears to waffle when, once again, he connects the concern about seeing YHWH's *temunah* with cognitive apprehension of his *devarim*, concluding that "in dieser differenzierten Weise soll die Überlieferung von der Wahrnehmung der 'Worte' Gottes (vgl. 5,4.22-23) verstanden werden: nämlich als 'Stimme' (Schall) 'mitten aus dem Feuer'" (*ibid.*, 502).

you heard his words coming out of the fire.³⁷ And because he loved your ancestors, he chose their descendants after them. He brought you out of Egypt with his own presence, by his great power, (all 2nd person addresses are singular)

הַשְׁמַע עִם קוֹל אֱלֹהִים מִדְּבַר מִתּוֹךְ־הָאֵשׁ כַּאֲשֶׁר־שָׁמַעְתָּ אֶת־הַיְיָ:
³⁴ אֹהֶן הַנִּסִּיּוֹת אֱלֹהִים לְבוֹא לְקַחַת לּוֹ גּוֹי מִקֶּרֶב גּוֹי בְּמַסַּת בְּאִתּוֹת וּבְמוֹפְתִים וּבְמַלְחָמָה וּבְיָד חֲזָקָה וּבְזִרְעוֹ נְטוּיָהּ
 וּבְמוֹרָאִים גְּדוֹלִים כָּל אֲשֶׁר־עָשָׂה לָכֶם יְהוָה אֱלֹהֵיכֶם בְּמִצְרַיִם לְעֵינֵינוּ:
³⁵ אֶת־הָרָאָה לְדַעַת כִּי יְהוָה הוּא הָאֱלֹהִים אִין עוֹד מִלְּבָדוֹ:
³⁶ מוֹהֲשָׁמִים הַשְׁמִיעָה אֶת־קוֹלוֹ לְיִסְרָךְ וְעַל־הָאָרֶץ הָרָאָה אֶת־אִשּׁוֹ הַגְּדוֹלָה וּדְבָרָיו שָׁמַעְתָּ מִתּוֹךְ הָאֵשׁ:
³⁷ וַתַּחַת כִּי אָהַב אֶת־אֲבוֹתָיִךְ וַיִּבְחַר בְּזֶרְעוֹ אֶתְּךָ וַיּוֹצֵאֲךָ בְּכַחוֹ הַגָּדֹל מִמִּצְרַיִם:

Our presentation of Deut 4:1-40 as a probable independent block included a few remarks on its possible subsections (§3.1.4). The matter is raised again now in the examination of vv. 33-37. Notwithstanding a few textual interruptions, von Rad argued the relative independence of vv. 29-40 (ein geschlossener Zusammenhang), noting in particular the consistent use of the second person singular.⁸⁷⁰ Within this unit, vv. 32-40 also present a plausible subsection. Based on its underlying structural schema and motif-like (or motive-like; Germ. *motivlich* allows for both meanings) framework, Braulik reckons it an independent *Abschnitt*.⁸⁷¹ The text simultaneously contends for the incomparability of *YHWH* and the uniqueness of the *benei yisrael*. As noted already, Rofé reckons vv. 32-40 an independent subsection,⁸⁷² characterizing it as a “short ‘sermon’” composed by priestly Deuteronomists prior to the composition of Deut 4:1-31.⁸⁷³ Thus for him vv. 32-40 predates the majority of Deut 4.

In addition to declaring the dual danger of the plenary audition of the deity’s voice, namely, hearing it directly and accompanied by a menacing inferno, yet living to tell of it (contra the doctrinaire Exod 33:20; Judg 6:22-24; 13:19-23⁸⁷⁴), Deut 4:33f. presents the

⁸⁷⁰ *fünfte Buch Mose*, 37, excepting the 2 pl. verb at the beginning of v. 29.

⁸⁷¹ Georg P. Braulik, *Die Mittel Deuteronomischer Rhetorik: Erhoben aus Deuteronomium 4,1-40* (vol. 68 of AB; Rome: Biblical Institute Press, 1978), 63: “Die Abgrenzung der V. 32-40 als eigener Abschnitt ergibt sich vor allem aus dem zugrunde liegenden Strukturschema, ferner aus einem motivlichen Rahmen.”

⁸⁷² Rofé (*Deuteronomy*, 17) characterizes Deut 4:32-40 as “a most important theological passage in the Book of Deuteronomy itself, and in the Bible as a whole.” It “is independent of the rest of the chapter. Not only does it explain nothing that appears in the preceding section, but its subject, the monotheistic claim, does not connect at all with the main subject of 4.9-31, the well-argued prohibition of iconic worship” (ibid., 22). In his section “The Liturgical Oration” in *Deuteronomical School*, 40, Weinfeld points to the “new element” of exclusivity in v. 39: “the Lord alone is God.” Weinfeld does not in this context comment on the redactional order in the “admonitory sermon” of Deut 4:1-40 (ibid., 147; cf. Deut 30:15-20; 31:27).

⁸⁷³ *Deuteronomy*, 22.

⁸⁷⁴ Knut Holter, *Deuteronomy 4 and the Second Commandment* (SBL 60; New York: Lang, 2003), 25. Whereas 4:24a includes both verbal and visual aspects, “24b lets Moses and the others conclude the verbal

case for Israel's vitality and incommensurability with rhetorical effectiveness: what other people has survived such phenomena? Although rhetorical questions often figure in formulations of incomparability,⁸⁷⁵ the comparisons made here between human-divine relations and “other nations” stand out,⁸⁷⁶ indicating the uniqueness and extolling the cachet of the *YHWH*-Israel bond, which subtly endorses Israel's prophetic call to missionize. Only with great difficulty does one deny the presence of this program already in the Pentateuch, the post-dtr portions of which dialogue with the *corpus propheticum* (see §§2.2; 3.3; 6.4.11).

3.3.1 Yair Hoffman's Two Covenants

In a Hebrew article Y. Hoffman lays out two covenants made between *YHWH* and Israel, both of which associate with the broader horizon of the exodus from Egypt. The first covenant was effected through the departure from Egypt (*yetz'iat mitzraim*)⁸⁷⁷ and associated with Israel's *first becoming a people*.⁸⁷⁸ The second was the Sinai revelation/covenant.⁸⁷⁹ Regarding the first, Deut 4:34 emphasizes “the one-timeness of the exodus from Egypt” (החד-פעמי של יציאת מצרים), the purpose of which is to place special importance on the persons chosen during this “covenant of national

and visual reflection of v.24a by focusing on the former only” (ibid.). Holter's assertion that the fire is intended “to consume those who continue listening to the voice of Yahweh” in v. 25 (ibid.) may be an overreach. For Rose (5. *Mose*, 421), the fire motif functions to distance *YHWH* from the people. Granted, but this seems a secondary or tertiary goal, the primary being rather to emphasize *YHWH*'s grandeur and the otherworldly nature of the event. The distancing function of the fire motif does not in the end prove very effective (Exod 19:20-25).

⁸⁷⁵ Braulik, *Mittel*, 64; 70-2; Holter, *Deuteronomy 4*, 24-6. Similar rhetorical techniques appear in Deutero-Isaiah, e.g., 41:1-7, 25-29; 43:8-13; 44:6-20 (von Rad, *fünfte Buch Mose*, 38).

⁸⁷⁶ Rofé notes the uniqueness of “the taking a ‘nation from the midst of another.’” The dtr narrative of Solomon's idolatry takes its point of departure from the same assumption (1 Kgs 11:5, 7, 33; 2 Kgs 23:13). Rofé also argues that only works deriving from the “Deuteronomistic school” explicitly stress the notion of election—so also the notion of *YHWH*'s uniqueness in the universe (*Deuteronomy*, 19). Of the existence of such a school we remain unconvinced. For these traditions we prefer to think in terms of the Hexateuch redaction and the *later* School of HexRed.

⁸⁷⁷ Deut 29:24 cf. Yair Hoffman, *yetz'iat mitzraim be'emunat hamikra* (Tel Aviv: Tel Aviv University School of Jewish Studies and University Publishing Projects, 1983), 136f.

⁸⁷⁸ For the notion that the exodus event directly followed directly upon creation see Pss 135f; Jer 32:17-22; and Deut 4:32-39! (Schmid, *Erzväter*, 168 and nn. 685f).

⁸⁷⁹ Deut 26:5 records the Aramean prehistory of Israel (Hoffman, *yetz'iat mitzraim*, 138, draws liberally from von Rad's *Kleine Credo* thesis, which also distinguishes sharply between Sinai and the exodus). Only seventy souls went down to Egypt—and *YHWH* made them into a numerous people (ועתה שמך יהוה אלהיך) (ככוכבי השמים לרב; Deut 10:22b). Hoffman interprets Deut 4:20 as describing proto-Israel as iron-smelters liberated by *YHWH*. By this means *YHWH* took them as a people-possession (אתכם לקח יהוה ... ליהוה לו לעם) (נחלה). From this Hoffman surmises “that previously there was no people of substance in existence” (“שקודם” (לכן לא היה קיים עם של ממש; *yetz'iat mitzraim*, 137).

deliverance.”⁸⁸⁰ The ברית predates the Sinai event and has nothing to do with it.⁸⁸¹ This is not to gainsay efforts in Deuteronomy to coordinate the two covenants, the ancestral traditions, and the taking of the land.⁸⁸² The eighth-century prophet Amos however contends with the idea of a national ברית. “Are you not like the Ethiopians to me, O people of Israel?” (9:7). Ezekiel 20:8 (they rebelled against me ... nor did they forsake the idols of Egypt) and Deut 29:25 [Heb 24] also scruple over the concept of pre-Sinaitic “covenant of national deliverance.” The latter verse makes explicit the conditionality of the covenant: “They will conclude, ‘it is because they abandoned the covenant of the Lord (ברית יהוה) ... which he made with them when he brought them out of the land of Egypt’” (אשר כרת עמם בהציאו אתם מארץ מצרים).⁸⁸³ Though ברית יהוה may connote the Sinai covenant, such a conclusion is neither self-evident nor predetermined. The exodus covenant has legitimizing force for certain “traditional laws,”⁸⁸⁴ and the inimitable escape from Egypt connects to the “one-time-ness” giving of the law at Sinai: Without the exodus as part of the *geschichtlich* story line, there would be no “nation,” no incomparable event, and no revered location (i.e., the “mountain of God” in the wilderness of Sinai) that would occasion such an unprecedented revelation of divine law—to an entire people. This interpretation supports Rofé’s description of the exodus tradition as “a historical portent.”⁸⁸⁵

3.3.2 *Multiple Occasions and Modes of Revelation?*

In his exposition of two covenants Hoffman does not treat with the role played by revelation. For that one looks to Rofé; taking his cue from Hoffman, he proposes the idea

⁸⁸⁰ Hoffman, *yetz'iat mitzraim* 136f.; for Rofé the emphasis functions to differentiate between the first and second generations.

⁸⁸¹ Within the original theme of the exodus from Egypt there are no passing references to the Sinai event, which in contrast to *yetz'iat mitzraim*, is remembered only in the first part of Deuteronomy (chs. 1-11; cf. Hoffman, *yetz'iat mitzraim*, 136). The causal connection between *yetzi'at mitzraim* and obligation to obey *YHWH*'s commandments, however, comes to be emphasized in Deuteronomy. Indeed, Passover and the relations with the Moabites and Ammonites lose significance in the absence of a historical memory of *yetzi'at mitzraim*. In passages such as Deut 6:21-23, 7:8f there is no mention of Sinai, rather the exodus functions as the “central axis” (ציר מרכזי) for the traditions foregrounded there (ibid., 138).

⁸⁸² Ibid., 137f.

⁸⁸³ Ibid., 137.

⁸⁸⁴ Hoffman employs a later rabbinic rubric for laws that have been considered part of the received tradition (“מצוות שמעתי” traditional precepts”), as contrasted with those that can be justified through reason and logic (so, מצוות שקליות “rational precepts”). Passover and the laws pertaining to the Moabites and Ammonites, mentioned above, fall under the former category (ibid.).

⁸⁸⁵ *Deuteronomy*, 22.

of two revelations, “the revelation at Sinai and the Exodus” described in Deut 4:33f. The significance of the non-mention of Sinai in vv. 33f lies in the author’s desire to emphasize *the attributes of Israel* rather than those of *YHWH*.⁸⁸⁶ Regarding v. 34, one could interpret it against the background, and to the advantage of, Hoffman’s pre-Sinaitic covenant, in which case the non-mention of Sinai enables the lionizing of Horeb and its subsequent *revelation of equal or greater magnitude* to the otherwise, nonpareil Sinai revelation. Deuteronomy 5:22-27 belong in the present discussion, for if they preserve polarizing approaches to the Horeb revelation,⁸⁸⁷ they arguably reflect a debate regarding traditions of numerous revelatory events of admittedly lesser magnitude in which the people received unmediated disclosure.⁸⁸⁸ This should not surprise us, as Israelite society involved itself “in every phase of prophetic activity.”⁸⁸⁹

These traditions are preserved and advocated by levitical, dtr and post-dtr circles, and likely share HexRed’s attitude regarding the broader reception of Yahwistic patronage.⁸⁹⁰ Such traditions would conflict with the dominant presentation of the Sinai event by PentRed in which Mosaic mediation enjoys preeminence. Viewed from a constitutional perspective, the Sinai event would be difficult to equal, much less surpass. In a context of peoplehood, however, the exodus covenant combines with ancestral hopes in Deut 4:31, 37 in such a way as to emphasize *YHWH*’s uniqueness (or “oneness”) and faithfulness. These attributes precede the invasion of the inhabited land (v. 38).

⁸⁸⁶ This reading connects with Rofé’s thesis that the first exodus generation was adjudged fearful and incompetent, the second generation elevated to prophetic status and thereby worthy of the PRR. The contrast between the two events is brought to the fore in Deut 5:22-27, in which Rofé detects two contrasting portrayals by two distinct authors. “And since there is no ground for deriving the two reactions from two distinct groups in the assembly of Horeb, one meets a blatant contradiction within the text” (ibid., 16; see further the exegesis on Deut 5:22-27 below).

⁸⁸⁷ See previous note.

⁸⁸⁸ Wilson (*Prophecy and Society*, 83) describes the group-formation aspects of multiple revelations in a religious community: “An individual may receive from the spirits a message that articulates the feelings and hopes of his neighbors... an intermediary might bring supernatural messages that result only in the formation of a simple support group lacking a rigid structure.” Such democratizing of the reception of revelation may be what the laws of Deut 18:9-22 seek to regulate.

⁸⁸⁹ Wilson, *Prophecy and Society*, 86. The fuller citation runs as follows: “on the basis of the comparative evidence, we may expect Israelite society to have been involved in every phase of prophetic activity, from the prophet’s ‘call,’ to the delivery of his message.”

⁸⁹⁰ It makes sense that a plenary revelation to a presumably, diverse assembly would share common ground with notions of an inclusive Israel. Hoffman (*yetz’iat mitzraim*, 137f) points out Deuteronomy’s attempts to arbitrate between various “traditions of established status.”

The pluriformity of the בריתים or contractual relations between *YHWH* and Israel, with their corresponding modes of revelation (e.g., divine words and displays of salvific power occurring at various times and venues; cf. Deut 4:34) play several roles in the narrative, sometimes linear, other times disconnected. As it recounts theophanic occurrences, Deuteronomy displays profound synchronic artistry through its conceptions of time,⁸⁹¹ uses of space, and viewing perspective. Deuteronomy 4:35 (“to you it was shown”) and v. 36 (“from heaven you were made to hear... on earth he showed you...”) intend a type of progression and display assorted perspectives regarding the ways in which *YHWH* chooses to reveal himself and communicate with the עַם.⁸⁹²

These “vantage points” preserve footprints left behind numerous revelatory events. Thinking in terms of multiple theophanic events helps explain some of the confusion regarding what the עַם heard/did not hear, understood/did not understand, saw/did not see, etc. The profusion of less than compelling exegeses of sages⁸⁹³ and scholars alike regarding these problems result from the non-recognition and/or uncritical acceptance of the packaged product, namely, the compression and abridgement of numerous separate revelations (e.g., Sinai, Horeb, plains of Moab [Num 11f; 33:50; 36:13; Deut 1:1-5; 29:1], tent of meeting, Zion, etc.) into one or two events, even though the Tanakh clearly suggests otherwise. Deuteronomy bids us enter into its world, the world of its ancient writer/hearers, where chronological mutability and collapsed time is commonplace.⁸⁹⁴

⁸⁹¹ Though complex, the Deuteronomist’s conception and use of time remains rhetorically effective. Levinson ventures an explanation: “The reiteration of the past transforms it: that applies as much to Deuteronomy’s narratives as to its laws. The rhetoric of the text simultaneously erects fictions of past time and place and breaks down those same fictions. For example, Deuteronomy distinguishes its present, both in the narrative and in the legal corpus, from the past of the previous generation who experienced the exodus, the revelation of law at Horeb, and the wilderness wandering. Within the narrative, Deuteronomy marks itself as taking place הַיּוֹם ‘today’... in contradistinction to those earlier events that took place בְּעֵת הַהִיא ‘at that time.’ No sooner is ‘this day’ distinguished from ‘at that time,’ however, than the Mosaic speaker inconsistently insists “Not with our forefathers did Yahweh make this covenant, but with us, we—these here today—all of us living. Face to face Yahweh spoke *to you* on the mountain out of the fire...’ (Deut 5:3-4)... The addressees of Moses are actually the new generation that arose after the forty years of wilderness wandering” (Levinson, *Hermeneutics*, 151-52; on the (basically Otto’s thesis of) narrated time and time of narration, and the intentional game Deuteronomy sets up between fictive narrator and the real world, see Ehrenreich, *Wähle das Leben!*, 14, n. 55; 16-18, 22).

⁸⁹² At the same time it can be said the fire would be on the earth and the voice of God would resound from there (4:12, 15).

⁸⁹³ For summaries of the sages’ efforts to deal with the seeming inconsistency in Exodus regarding God speaking from on top Mt Sinai (Exod 19:11,18,20) or from heaven (Deut 4:36), see, e.g., Tigay, *Deuteronomy*.

⁸⁹⁴ Braulik, *Mittel*, 66, speaks of the “the universalism of space and time” in Deut 4:32-40.

A caveat is issued against incautious acceptance of *texts concerned with “history” and chronology* (e.g., genealogies and itinerary notices) that align people, places, times, and events for the sake of a larger theological program. Insofar as the larger movement in the narrative’s surface may seem well-drawn and logical, the same would not hold true for the outline’s (apparent) subpoints, which may undergo capricious manipulation. On the other hand, in cases in which inconcinnity reigns on the surface of the narrative, a surprisingly clear though illogical conception may obtain on the supra-textual level.⁸⁹⁵

3.3.3 A Prophetic Nation?

As discussed already, 4:1-40 comprises a late, and for many scholars uniform, composition. Rofé however characterizes both vv. 33, 36 as “interpolations”⁸⁹⁶ and singles out vv. 33,⁸⁹⁷ 35 for sharing “the midrashic tendency” to emphasize “the prophetic standing of the Exodus generation.”⁸⁹⁸ That similar interpolations exist in ch. 5, and that chs. 5 and 4 originally existed in separate sections of Deuteronomy, suggest the interpolations postdate the proto-canonical arrangement of the book; their inclusion in LXX and SamPent⁸⁹⁹ moreover speaks well of a Hellenistic Period *terminus a quo*.

As one reads these verses the role the people play in aggrandizing the deity and—to some extent, vice versa—is intrinsic and inextricable.⁹⁰⁰ Rofé’s thematic rationale for the secondariness of vv. 33, 35 based on an alledged, primary concern in vv. 32-40 to assert *YHWH*’s incomparability and oneness leaves me unconvinced. Even if one ignores the consistent singular address in vv. 32-40 linking these passages linguistically,⁹⁰¹ vv. 33-39

⁸⁹⁵ Cf. Oswald, *Israel am Gottesberg*, 78; Blum, *Studien*, 47 (regarding the deeper conceptual unity of Exod 19–34 irrespective of its surface inconsistencies).

⁸⁹⁶ Rofé also suggests 5:21b (*Deuteronomy*, 22).

⁸⁹⁷ The possibility that v. 33 (perhaps the quintessential dtr/post-dtr commentary on this theophanic event) entertains the idea of a break in the line of communication in this divinely orchestrated event seems remote.

⁸⁹⁸ This “testifies to their lateness” (ibid.). On text-critical grounds, Rofé suggests replacing קול אלהים מדבר with מתוך־האש in v. 33 with the reading in two MT manuscripts noted in *BHS*: קול אלהים חיים, “voice of the living God,” which brings v. 33 in line with the phrasing of Deut 5:26: כי מי כל־בשר אשר שמע קול אלהים חיים מדבר: מתוך־האש כמני יְהוָה. The shared phrase “bears the mark of originality” (ibid., 23f); cf. Deut 4:33 in SamPent, LXX, Ps-J., all of which have the “living God” insertion.

⁸⁹⁹ Rofé, *Deuteronomy*, 22f.

⁹⁰⁰ Cf. Braulik, *Mittel*, 64.

⁹⁰¹ Rofé appears to adjust his interpretation of v. 33f. on p. 18: “A close reading ... reveals that the revelation at Sinai is not mentioned in order to demonstrate the Lord’s attributes, but rather those of Israel.” He then doubts whether v. 33 (and ostensibly v. 35) would be effective by themselves, and concludes that only in conjunction with 5:23 does “the difficulty in 4.33-35 becomes clear: the same late author interpolated here also praise for the Israelites. He answered the rhetorical question ‘has such a great thing

do not commend themselves for verse division on thematic grounds. This said, Rofé's thesis regarding the exodus generation's prophetic special status remains attractive,⁹⁰² his treatment of passages recounting occurrences of the PRR crucial for research.

With Deut 4:35f. the reader arrives at arguable the highpoint and quintessence of the "great sermon" of Deut 4:1-40.⁹⁰³ Verse 36 recounts all-Israel hearing *YHWH*'s voice from heaven, an event portended in v. 11 with its description of a fire "reaching to heaven." (This may suggest a division between vv. 36 and 37; vv. 33-36 may in fact derive from HexRed.) LXX of v. 36 avoids MT's blatant causality in which the deity makes the people hear.⁹⁰⁴ An intriguing question remains regarding what the translators regarded as more problematic: the idea of *YHWH*'s imposing his will (emphasizing dominance), or enabling the people to converse with him (displaying a desire to empower; cf. Ps 18: 36b//2 Sam 22:36b; Darby has "and thy condescending gentleness hath made me great").

3.3.4 *The Immanence of God and the Levites' Cryptic Rejection by Elite Priests*

In his exegesis of 4:37, Weinfeld perceives the significance of traditions emphasizing God's direct dealings with Israel, that is, without recourse to a human intermediary. He points to a correlative text in Third Isaiah (Isa 63:9) in which LXX has "not an ambassador, nor a messenger, but God himself saved them" (οὐ πρέσβυς οὐδὲ ἄγγελος

ever been...?' with what was supremely great in his view—the prophetic standing of the Israelite people at the revelation at Sinai" (ibid.).

⁹⁰² Rofé's "prophetic standing" thesis appears to have the approval of Veijola (5. *Buch Mose*, 116).

⁹⁰³ Rose, 5. *Mose*, 2:502; cf. 491. Holter (*Deuteronomy 4*, 26f.) proposes that in conjunction with Deut 4:12, vv. 33, 36 intend to brandish the verbal to the extent it that it swallows up the visual and "is seen as *the* theophany" (ibid., 26; original emphasis) cf. MacDonald, *Deuteronomy*, 188 and nn. 33-35 (summarizing J. G. McConville): "YHWH's transcendence is guarded by his presence in his words, rather than in an image, and by the emphasis, on YHWH's uniqueness.... The law is closely related to the divine nearness, and this concept stands over against the localization of the deity in an image." MacDonald himself brings helpful balance to the discussion of the alleged antagonism between "hearing" and "seeing" that is supposed to pervade the entire chapter: Aside from v. 36, "elsewhere in Deuteronomy 4 the pair of senses, hearing and seeing, are not set up in opposition to one another. Instead, both are necessary in order to draw the appropriate conclusion from YHWH's revelation at Horeb.... throughout Deuteronomy 4 seeing hearing are not contrasting notions, but instead form a rhetorical pair" (ibid., 193, 194). The rhetoric is not particularly concerned with promoting "monotheism," nor is it laced with aniconic fervor; for that one looks to 4:15-20.

⁹⁰⁴ ἐκ τοῦ οὐρανοῦ ἀκουστὴ ἐγένετο ἡ φωνὴ αὐτοῦ; "Le grec ne fait pas de Dieu le sujet du verbe 'rendre audible'" (Marguerite Harl and Cécile Dogniez, eds., *La Bible d'Alexandrie: Le Deutéronome* [Paris: Cerf, 1992], 144); cf. Onq.; Tg. retains the causative meaning with divine subject.

ἀλλ' αὐτὸς κύριος ἔσωσεν αὐτούς, reflecting Qere פניו הושיעם.⁹⁰⁵ This foregrounds the theme of *YHWH*'s direct dealings with his people.⁹⁰⁶ To be highlighted here is Hanson's view that the passage and indeed the entire prayer of 63:7–64:11⁹⁰⁷ derive from a party of disaffected Levites.⁹⁰⁸ If Hanson's assessment of the "Levitic-prophetic group"⁹⁰⁹ in Third Isaiah is correct, then 63:7–64:11—coupled with the tradition of direct revelation in v. 9—documents levitical involvement in promoting the plenary reception of revelation within the *corpus propheticum*. This subject receives additional attention in Chapters Five and Six. The matter of whether *all-Israel* or a more delimited community, e.g., a "kingdom of priests," constitutes the referent for the lamenting community in v. 16, is given attention in Chapter Six.

3.4 Deut 5:4-5 Within Moses' Second Speech

Deut 5:5 necessarily becomes a later gloss inserted by a hand familiar with the Sinai narrative sequence in Exodus. Apart from verse 5 there is nothing in Deuteronomy 4–5 which necessarily indicates that the authors presupposed the narrative in Exodus.⁹¹⁰

⁹⁰⁵ Cf. MT Ketiv פניו הושיעם לר צר ומלאך פניו הושיעם.

⁹⁰⁶ Moshe Weinfeld, *Deuteronomy 1–11* (vol. 4 of AB; New York: Doubleday, 1991), 213f.; others supporting the LXX reading include Westermann, *Isaiah 40–66*, 385, NRSV, NJB, Herder. Aside from LXX, this reading is not well-supported by other ancient versions; cf. Blenkinsopp, *Isaiah 56–66*, 254, who suggests LXX reads vv. 8b-9a as one verse, and requires a replacement of צָר "afflicted" with צִיר "envoy," "messenger." Blenkinsopp provides no Hebrew textual evidence of this replacement. For a probable *Rückverweis* to Isa 63:9, see Exod 33:12ff, treated earlier in this chapter; cf. Childs, *Isaiah*, 523.

⁹⁰⁷ While Moses' presence fits the context in 63:11, the reference is tenuous. LXX lacks it; Tg. apparently paraphrases it; *GKC* §128c considers it a gloss; cf. Blenkinsopp, *Isaiah 56–66*, 254.

⁹⁰⁸ The Levites protest their exclusion from a cult now dominated by the returning temple party, a "Zadokite program [that] left no room for them in the restoration cult" (Hanson, *Dawn*, 95f).

⁹⁰⁹ *Dawn*, 97. Isa 63:18 is key for Hanson's hypothesis of priestly party conflict: "Your holy people" (עַם-קִדְשְׁךָ; a Levitical self-reference) took possession for a little while; but now our adversaries (צָרֵינוּ, referring to the Zadokite opposition, *ibid*; cf. the "adversaries of Judah" צָרֵי יְהוּדָה in Ezra 4:1) have trampled down your sanctuary" (בַּסָּסוּ מִקְדָּשְׁךָ); cf. Jer 12:10 בַּסָּסוּ אֶת-חֵלְקֵתִי; Deut 8:13 וְקִדַּשׁ וּצְבָא מִרְמָס; cf. 1 Macc 3:45 (τὸ ἅγιον καταπατούμενον) and v. 51 (τὰ ἅγια σου καταπεπάτηγται); cf. *ibid.*: "Designations like 'your servant,' 'tribes of your inheritance,' and 'your holy people' were adopted by the dissident group to distinguish themselves from the remainder of the Israelite people. In the context of this inner-Israelite conflict, the antithetical parallel 'our adversaries' applies most naturally to the Zadokite priestly party. Does not the verse [63:18] then refer to a time during the exile when the Levitical group had charge of the temple site, and is not this short time now contrasted to the new situation after the returning Zadokite group has seized control of the sanctuary?" The reasons for Hanson's non-mention of Aaronides, the *de jure* priesthood of P, are not clear. Cf. Norman Gottwald, *The Hebrew Bible—A Socio-literary Introduction* (Philadelphia: Fortress Press, 1985), 463, n. 5: "The groups I characterize as 'Aaronid' and 'Levitical' are described as 'hierocratic' and 'visionary' by P Hanson." It is also difficult to envision the Levites holding sway over the Jerusalem temple site, except as presented in Chr (cf. Bernard Gosse, "Relations du livre d'Isaïe avec les livres des Rois des Chroniques et le Psautier," *Transeuphratène* 38 [2009]: 139-57, 155f.) and inconspicuously in the Psalter.

⁹¹⁰ Nicholson "Direct Address," 431.

The Lord spoke with you face to face at the mountain, out of the fire. ⁵(At that time I was standing between the Lord and you to declare to you the words of the Lord; ^{5b}for you were afraid because of the fire and did not go up the mountain.)

פְּנִיִּים בְּפָנִים דִּבֶּר יְהוָה עִמָּכֶם בְּהָר מְתוֹךְ הָאֵשׁ:
⁵אֲנֹכִי עֹמֵד בֵּין יְהוָה וּבֵינֵיכֶם בְּעֵת הַהוּא לְהַגִּיד לָכֶם אֶת־דְּבַר יְהוָה
⁶כִּי יִרְאַתֶּם מִפְּנֵי הָאֵשׁ וְלֹא־עָלִיתֶם בְּהָר לְאֹמֶר:

3.4.1 Content and Redactional Considerations

We have described Deut 5 as temporally earlier than Deut 4. In Moses’ second speech (chs. 5–11) one encounters the “basic stipulations of the covenant, the Dec and the Shema.”⁹¹¹ The section 5:1–6:3 serves as an introduction to the Dec strategically placed by dtr⁹¹² and post-dtr tradents at the beginning of the dtn law.⁹¹³ A likely second dtr expansion of the parenetic introduction to D meets us in 9:7-29*.⁹¹⁴ Similar to Deut 4:1-40, and excepting vv. 5, 22* (הענון והערפל) and 26, ch. 5 comprises an “integrated literary unity” (“eingebundene literarische Einheit”).⁹¹⁵ In both Deut 4 and 5 the unity owes to a post-dtr stage of formulation.

In contrast to the Exodus Dec, which disturbs the context of Exod 19f., the Horeb Dec of Deut 5 boasts a suitable introduction. As an apparent citation of the Sinai Dec, however, in some circles the Horeb Dec may have carried chronological taint for being a copy. Deuteronomy was apparently well received in later texts and versions, as its many citations in Jeremiah (primarily from D), SamPent, Qumran texts, and the New Testament indicate.

⁹¹¹ Miller, *Deuteronomy*, 65.

⁹¹² Cf. *ibid.*, (following L. Peritt): “Deuteronomistic responsibility is indicated firstly by the fact that the form of the decalogue here finds its best explanation against a deuteronomistic background, and, secondly, by the fact that outside the two deuteronomistic additions, and some isolated insertions, the original parenetic introduction to the deuteronomistic law (to be found in the passages in singular form of address in 6:4ff.) does not refer to the decalogue or presuppose its presence.”

⁹¹³ Hayes, *Deuteronomy*, 161; García López (*El Pentateuco*, 292-93) notes the import of the transition from narrative in ch. 5 to paranaesis in ch. 6: “El paso de la sección narrativa del cap. 5 a la parenética del cap. 6 requiere especial consideración. Al final del cap. 5 se colocan dos versículos parenéticos, en segunda persona del plural, y al comienzo del cap. 6 se emplean tres versículos parenéticos, pero sólo el primero está en plural. La estructura concéntrica de 5,32–6,3 realza el carácter redaccional de esta pieza, cuidadosamente calculada en los detalles, creada para servir de puente entre dos secciones formal y temáticamente distintas.”

⁹¹⁴ See the exegesis on Deut 5:10 below.

⁹¹⁵ Otto, *DPH*, 115f; cf. *idem*, “Deuteronomium 4,” 197f. The expansion concerns itself with the theory of the Horeb covenant, which unfolds in 5:2-4, 22*-25, 27-31 (*ibid.*, 198). Otto believes the author of Deut 5 “auch nicht der Redaktor des Dekalogs sein kann” (*ibid.*, 198, n. 15).

With respect to the Horeb Dec's *Vorlage*, one already associated with Sinai can be assumed.⁹¹⁶ Additional locations of theophany and divine-human communication independent of Sinai, of which the ancients knew, have not been allowed to surface in this formulation, and consequently remain hidden from view.⁹¹⁷

3.4.2 *The PRR and the Horeb Covenant, the "Covenant of the PRR"?*

The Dec in ch. 5 (re)presents the covenantal obligation of the Horeb covenant that assumes the PRR from the start, that is, that *YHWH* revealed law to the people פְּנִיִּים בְּפְנִיִּים (v. 4), ostensibly at Sinai. It also proposes a relationship between law and revelation that is somewhat unique to Mt. Horeb. According to this theory, the Dec presents the essence of the Horeb revelation vis-à-vis the remaining laws received by Moses alone.⁹¹⁸ With this in mind one could characterize the Horeb Covenant as the covenant of the PRR. Otto believes redactors designed the supplemental verses 5:5,⁹¹⁹ 22*, 26⁹²⁰ to "equalize" the Dec and dtn law by declaring that Moses revealed the Dec to the people.⁹²¹

⁹¹⁶ Köckert, *Leben in Gottesgegenwart*, 176.

⁹¹⁷ Cf. *ibid.*

⁹¹⁸ Cf. Otto, "Deuteronomium 4," 198: "und also der Dekalog als Inhalt der Horeboffenbarung sich zum übrigen deuteronomischen Gesetz verhalte." According to Markl (*Dekalog*, 206f.) Deut 5:3 sets the stage for the interpretation of v. 4, in that it should be viewed as the people's personal experience. Moses' mediating function occurs before and after, not during the PRR. The collocation דָּבַר עִם "speak with" is not common, and occurs in Deut 5:4; 9:10 in the context of God communicating *with* the people; דָּבַר יְהוָה "YHWH spoke" occurs 9x in relative clauses. Only twice does it occur in main clauses, the context of both being the revelation of the Decalogue (*ibid.*, 207).

⁹¹⁹ Relevant in the present connection, SamPent contains both Deut 5:4 and 5:5. In this instance its *Vorlage* is perhaps similar to that used by LXX, namely a Deuteronomy that assumes a redacted Exodus. For helpful remarks on the comparison of SamPent and MT, as well as observations regarding the chronology of SamPent and "pre-Samaritan" texts at Qumran, see Jan Joosten, "La Critique Textuelle," in *Manuel d'exégèse de l'Ancien Testament* (ed. M. Bauks and C. Nihan; Genève: Labor et Fides, 2008), 13-45, especially 21-3. One may list three general categories of difference between MT and SamPent: ideological readings, "vulgar" adaptations (e.g., regularizing orthography; simplifying MT's language and often updating it to later Hebrew; innerbiblical harmonizations, for example harmonizing an account in Numbers with that of Deuteronomy) and ancient variants (*ibid.*, 22).

⁹²⁰ The treatment of Deut 5:22*, 26 is part of our response to Otto's theory regarding these verses. See below §3.5.1, which takes into account Rofé's treatment of vv. 22-27.

⁹²¹ "Die Ergänzung dieser Theorie in Dtn 5,22*.26 egalisiert den Dekalog und das dtn Gesetz: Auch der Dekalog wurde mosaïsch vermittelt dem Volk offenbart" ("Deuteronomium 4," 198-99); cf. n. 924 below. For Markl (*Dekalog*, 207), Deut 5:5 emphasizes the *gewöhnlich* circumstances of the communication between Moses and *YHWH* in order to stress the *Außergewöhnlichkeit* of the PRR of the Dec recounted in 5:4. Fischer ("Eigenart," 22) draws attention to the phenomenon of "mediated immediacy" in Deuteronomy, which is particularly clear in 5:4-5. Here v. 5 "relativizes" the immediacy in v. 4, resulting in an "ambivalent combination": "Doch wird sie gleich im folgenden v5 durch die vermittelnde 'Zwischen-Stellung' Moses relativiert. Diese ambivalente Kombination von 'vermittelter Unmittelbarkeit' lässt sich auch sonst im Dtn beobachten." In his second essay of the volume ("Der Einfluss des Deuteronomiums auf

But vv. 22a⁹²² and 26 do not specify Moses as mediator. Verses 24f. moreover confirm the PRR and iterate the theme that if the people *continue to hear the voice* they will die. The question posed in v. 26 could serve a number of interests, one of which is to stress the need for mediation. In my view vv. 22, 26 are post-dtr and were inserted into ch. 25 by HexRed.

For Oswald, excepting 5:5, *all-Israel* hears the words of *YHWH*, i.e., the Dec in the “post-context” (cf. vv. 22, 24, and even 26).⁹²³ Although v. 5 (perhaps also vv. 22b, 26) allows for both *YHWH* and Moses imparting the Dec, the priority of safeguarding the transcendence of *YHWH* presumably took precedence in the minds of elite clerics, for whom the democratizing potential of the prophetic necessitated a theocratic mediation of the Dec (Offenbarungsmittlerschaft).⁹²⁴

Relevant to the present discussion is the limited nature of Moses’ connection to the Dec, in v. 22b (i.e., only through the tablet motif, through which he becomes the guardian of the Dec tablets).⁹²⁵ The cautious link between Moses and the Dec in Deuteronomy⁹²⁶ likely reflects reservations among the levitical, dtr/post-dtr proponents of the PRR to

das Jeremiabuch,” 247-69) Fischer finds considerable emphasis on the traditions in Deut 4f. in the book of Jeremiah (ibid., 253f. 266).

⁹²² V. 22b leaves open the matter of mediation during the theophanic event itself.

⁹²³ Cf. *Israel am Gottesberg*, 78f. and n. 106; see the discussion above in §1.2.1.10.

⁹²⁴ Cf. also Otto, *DPH*, 125, n. 74. A connection between Deut 5 and 34:10 (“Never since has there arisen a prophet in Israel like Moses, whom the Lord knew face to face” פְּנִים אֶל-פְּנִים) may exist, the goal of which could be to reevaluate Moses. For Otto, in contrast to Deut 34:10, at issue here is “an inner dtr *Fortschreibung* that wishes to reevaluate not Moses but rather Deuteronomy, which has now obtained equal status with the Dec” (ibid.). In his analysis of the covenant conclusion in Moab, Otto further states that the expansion of the Horeb covenant narrative of DtrD (Deut 5:5, 22*, 26) seeks to level out the differentiation between the Dec and Deuteronomy, whereby “the Decalogue and the law of Deuteronomy are revelation-theologically equalized” (offenbarungstheologische egalisieren; ibid., 145). In his discourse on the relationship between Deut 1:5 and 4:1-40 in PentRed, Otto remarks that with the Moab covenant concept DtrL solves the problem posed by the main redaction of Deuteronomy (DtrD). If DtrD reveals only the Dec without mediation, with Deuteronomy preferring the notion of Mosaic mediation, one can understand the latter portrayal as effecting a downgrading (“so kann das als Deklassierung verstanden werden”), a problem that the *Fortschreibung* of DtrD in Deut 5:5, 22*, 26 already seeks to address (ibid. 167-68).

⁹²⁵ Ibid.

⁹²⁶ On another level, the tentativeness associated with the Dec of Deut 5 may owe to levitical priest-prophets. In the dtr/post-dtr traditions of the “second law/covenant” associated with Horeb they found occasion to include allusions to multiple revelatory events in which they and their lay comrades receive direct disclosure from *YHWH*. According to PentRed, Deut 34:10-12 signals the end of Mosaic mediation. Already Deut 34.9 “qualifies the Mosaic period as time of the commandments of God or theologically spoken as Offenbarungszeit,” and Deut 34:10-12 accepts this line as epitaph. From that time on the Torah revelation is accessible only in the Gestalt written down by Moses (Otto “postdeuteronomistische Deuteronomium,” 88f.).

embrace PentRed’s version of the Mosaic mediation of the Dec.⁹²⁷ This may help explain the blatant contradiction between Deut 5:4 and 5:5, where the latter passage provides the theological justification for Moses’ interlocution, an action for which he is taken to task elsewhere (e.g., Num 16).

Beyond matters of mediation, Otto perceives a greater concern for the status of Horeb revelation of the Dec in the Horeb redaction (=DtrD). Rather than necessarily enhancing the person of Moses, the *Fortschreibung* of vv. 22* and 26 works to enhance the status of dtn law.⁹²⁸ The end of v. 22a (ולא יסר) serves most clearly to emphasize a cessation of aural commands, which become etched in stone (22b). The proper fear of the Lord that leads to keeping the commandments takes precedence even in vv. 27-29. Finally, in v. 31, the clearest corollary to 5:5, Mosaic mediation and subsequent teaching of additional *הקיים* and *משפטים* become paramount. After vv. 32f., which do not fit the context⁹²⁹ and whose incorporation of wisdom elements may owe to the author of Deut 4:1-40, 6:1 seems the continuation of 5:31⁹³⁰; the focus now ostensibly shifts to D⁹³¹ (which may already be alluded to in 4:45⁹³²).

3.4.3 *The Moab Covenant*

Deuteronomy 28:69 [Eng 29:1] explicitly separates the land of Moab from Mt. Horeb. Moses dies on Mt. Nebo, which is accessible from the plains of Moab (32:49; cf. 34:1, 5-8). Chapter One contained a *précis* of T. Krüger’s differentiation between the Horeb and

⁹²⁷ The link between Moses, the tablets, and the ark is emphasized in Deut 10:1-5. The Levites then become the guardians of the ark in v. 10, the guardians of the inscribed law associated with the ark in 31:9; in 31:25 they are to place the inscribed law (now called a ספר) next to the ark. The progression from divinely inscribed tablets to mosaically inscribed ספר guarded by the Levites suggests a transition to the mosaic institution of teaching, which in Deuteronomy apparently devolves to the Levites.

⁹²⁸ So Otto: “Diese Fortschreibung will nicht primär Mose als Offenbarungsmittler aufwerten, sondern das dtn Gesetz, das mit der Horeboffenbarung auf eine Stufe gestellt wird” (“Deuteronomium 4,” 199).

⁹²⁹ The motivation in vv. 32f is not fear of the Lord but rather honoring the interpretation of the Mosaic institution by following *those interpretations* to the letter.

⁹³⁰ Mayes, *Deuteronomy*, 174.

⁹³¹ Otto, “Deuteronomium 4,” 198. Following Braulik, Otto suggests that כל־המצוה in Deut 5:1 (cf. 7:1, 8:1; 11:8, 22; 15:5; 17:20; 19:9; 27:1; 30:11; 31:5) includes yet additional parases imparted to Moses (ibid.; cf. 209f.). Regarding the content of 12–26, David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Louisville: New York, 2005), 137, compares it to the redacted legal instructions in Mesopotamian texts. Deuteronomy 12–26 “is a complex mix of old and new.... Multiple sections of Dtn 12–26 are complex revisions of stipulations in the book of the covenant.” It is therefore not primarily an interpretation.

⁹³² Mayes, *Deuteronomy*, 174.

Moab covenants,⁹³³ and introduced the Moab covenant in the context of HexRed à la Otto and Achenbach.⁹³⁴ It may be helpful here again to summarize the postexilic, post-dtr HexRed. HexRed combines the narratives of the promises to the fathers with those of the exodus; it also combines CC, Deuteronomy, and DtrL, and concludes with Josh 24, the latter renowned for its incorporation of dtr and priestly traditions in its *Heilsgeschichte* (vv. 1-28).⁹³⁵

We should emphasize in the present context that HexRed formulates the entire book of Deuteronomy as a document of covenant-renewal in the plains of Moab. To bring home the significance of this theory, digression via excursus is needed. The discussion considers the unique statements in Deut 29 regarding the Moab covenant and their relation to chs. 4, 5, after which the exegesis of ch. 5 will resume (at §3.4.4).

Excursus 4: Literary-historical Considerations in the Relationship between 29:1-15⁹³⁶—an “even more Consequential and Radical” Covenant—and Deut 4;5

Deut 29:1(Eng) These are the words of the covenant that the Lord commanded Moses to make with the Israelites in the land of Moab, in addition to the covenant that he had made with them at Horeb.

אלה דברי הברית אשר צוה יהוה את משה לקרות את בני ישראל בארץ מואב מלבד הברית אשר כרת אתם
בחרב

Following remarks on the equalization of the direct reception of law at Horeb with dtn law, Otto characterizes the agenda of Deut 29:1-14, a key text in the exilic, dtr Horeb redaction, as “even more consequential and radical” (konsequenter noch und radikaler) than that intended by the secondary vv. 5, 22*, and 26 in Deut 5.

⁹³³ §1.2.1.8.

⁹³⁴ §§1.3.11; 1.3.11.11.

⁹³⁵ Achenbach, “Story,” 131; cf. idem., “Der Pentateuch,” 227; on the lateness (post-dtr and post-P) of Josh 24, see Anbar, *Josué*; Römer and Brettler (“Deuteronomy 34 and the Case for a Persian Hexateuch,” 410) believe Josh 24 was “constructed by the Hexateuch redactor, who was familiar with both Priestly and Deuteronomic material, in order to effect closure on his work.” Chapter 24 has connections to the rest of the Pentateuch, many of which “do not show ‘classical’ Dtr language” (ibid.). In terms of the Enneateuch, Josh 24 may function as its key redactional text (Becker, “Endredaktionelle Kontextvernetzungen,” 142).

⁹³⁶ Heb 28:69–29:14. For the sake of simplicity, English versification will be used in this excursus.

x.1 The Horeb ברית in Deut 5

Deuteronomy 5:2f. claims that the generation receiving dtn law by the Mosaic representative (v. 1) is identical to the Horeb generation. Verse three accentuates the difference between the Horeb covenant and previous covenants (e.g., the exodus and Sinai covenants) made with the ancestors: the Horeb ברית was not available to the first generation, but rather first to those “who are all of us here alive today.” The Horeb ברית is restricted to the Dec alone,⁹³⁷ which 5:4 reports that all-Israel received directly. This is the perspective of DtrD, in which the PRR is a means to emphasizing the import of regulations Moses received after the Dec, and not so much for their revelatory significance as for the content specific to matters pertaining to taking and maintaining the Promised Land.

DtrL contrastingly has this generation die in the desert. Addressees of the mosaically promulgated Deuteronomy would become the “second generation” when poised to enter the promised land. According to DtrL this generation does not bear the burden of their parents’ failures, since 1:39 maintains the children of the latter generation did not yet know the difference between good and evil (אשר לא־יידעו היום טוב ורע).⁹³⁸

x.2 Abandoning the Horeb ברית for the Moab ברית, the New Covenant for the Second and Subsequent Generations

Deuteronomy 29:24-26 [Eng 25-27] offers a classic, dtr explanation for the cessation of the Horeb ברית. Israel abandoned (עזב) YHWH by turning to and serving other gods,⁹³⁹ thereby breaking the first commandment. The authors attribute Israel’s disobedience to obduracy. The “obduracy tradition” (Verstockungsüberlieferung) also appears in Isa 6:9f. With possible recourse to the motif in Isa 6:9f., Deut 29:3 valorizes the Moab covenant over against the Horeb covenant of Deut 5. Indeed, 29:3 [Eng 4] intentionally passes over the Horeb ברית with the intent of (1) elevating the status of subsequent laws vouchsafed

⁹³⁷ Otto, *DPH*, 102; Nelson, *Deuteronomy*, 80. Deut 29:25 also suggests a Horeb covenant limited to the Dec (Mayes, *Deuteronomy*, 366).

⁹³⁸ Otto, *DPH*, 102.

⁹³⁹ Cf. the Zadokite-Levite accusation against Levites facilitating idolatrous worship in Ezek 44:12.

to Moses alone (i.e., the Moab covenant) and (2) relegating the PRR to marginalized status.⁹⁴⁰ *Voilà* the radicality of the Moab ברית.⁹⁴¹

⁹⁴⁰ Cf. Otto, “Deuteronomium 4,” 200f.; Dominik Markl, “Deuteronomy’s Frameworks in Service of the Law (Deut 1-11; 26-34),” in *Tora für eine neue Generation* (ed. G. Fischer, et al.; vol. 17 of BZAR; Wiesbaden: Harrassowitz, 2011), 271-83, brings to light the shared themes in Deut 4 and 5, and 29–30, namely, the themes of covenant and the First Commandment; see especially pp. 272f.

⁹⁴¹ The spy narrative (Deut 1:19-46*) historicizes the Horeb promulgation and enables DtrL to stand out critically from the conception of DtrD (= the Horeb covenant). Whereas in the conception of DtrD, Deuteronomy is mediated by Moses as the unfolding (Ausfaltung) of the PRR, in DtrL Deuteronomy becomes the promulgation of Moses in the land of Moab, at Horeb. This suggests the Moab generation was better equipped (besser gerüstet) to take lasting possession of the land than their parents’ generation. Hence the superiority of the Moab covenant of the ‘second generation’ over the Horeb covenant of the *Vätergeneration*. The contrasting of generations is of central importance to the theological conceptions of DtrL (Otto, *DPH*, 102f.). The second generation stands for the real addressees of Deuteronomy to whom the Mosaic interpretation of Sinai torah is presented (Ehrenreich, *Wähle das Leben!*, 17, and n. 67).

Following Otto, in his demarcation between the Horeb covenant and subsequent Moab covenant, Markl (*Dekalog*, 199) characterizes Deut 29 “als Gegenpol zur Aktualisierung des Horebundes in c.5.” Deut 29:13f. however show the Moab covenant to be a *Komplementärstück* to the Horeb covenant with respect to the generations involved. For Grazia Papola, *L’Alleanza di Moab. Studio esegetico teologico di Dt 28,69-30,20* (vol. 174 of *Analecta Biblica*; Roma: Editrice Pontificio Istituto Biblico, 2008), the Moab covenant is “a new and definitive work of God.” It is presented as a covenant that moves significantly beyond that of Horeb, and not merely in terms of time or place. The term “after” (dopo) has profound significance. The third discourse [Deut 29–30] follows the curses of ch. 28 in which the exile is likened to a return to Egypt and presented as a sign of the failure of the Horeb covenant (*ibid.*, 271). A covenant renewal following the exile will not be sufficient. Only with the new heart that *YHWH* gives is “loving obedience” to the commands previously given and broken at Horeb possible. More than simply a renewal, the classical covenantal formulation comes to be transformed: “A Moab, però, non c’è la costruzione di un’arca né di un alto oggetto, manca anche la rinnovata scrittura delle tavole, così come qualsiasi altro indizio evidente di una rinnovazione dell’alleanza dopo la rottura dell’esilio, ma la formulazione classica viene significativamente trasformata nei termini di una relazione amorosa tra Dio e il suo popolo ([Deut]30,6.9). La rinnovazione nasce, per così dire, dall’interno del patto, dall’azione di Dio che manifesta la sua intenzione originaria. Il nuovo inizio, infatti, corrisponde e si intreccia con un’opera nuova e definitiva di Dio che rende possibile finalmente l’obbedienza amorosa” (*ibid.*, 282-83, emphasis added). The radicality of the Moab covenant also presents itself in actually envisioning a return to the time prior to both exodus and exile (*ibid.*, 278); such is possible because *YHWH* is himself “l’origine e il creatore della relazione di alleanza” (*ibid.*, 308).

For similar differentiation between the Horeb and Moab covenants, see Gabriele Corini, *La nuova alleanza in Moab (Dt 28,69-30,20). Israele tra memoria e identità* (vol. 6 of *Biblica*; Milano: Glossa, 2010), 336-7. In contrast to the reciprocal conditions of Horeb covenant (God keep the promises to Israel and Israel obeys the law), the success of the covenant of Moab “si basa esclusivamente sulla fedeltà del Signore,” who performs “la circoncisione del cuore dell’uomo.” Both covenants include the people’s obedience to the law, but such obedience is placed in the background of the Moab covenant, since it is a direct consequence of the divine work, which is placed in the foreground; cf. *ibid.*, 337: “... anche se ugualmente è richiesto ad Israele di obbedire ai comandi della Legge, ma tale corrispondenza è posta in secondo piano, è una diretta conseguenza dell’agire divino”; cf. Ernst Ehrenreich, “Tora zwischen Scheitern und Neubeginn,” in *Tora für eine neue Generation* (ed. G. Fischer, et al.; vol. 17 of BZAR; Wiesbaden: Harrassowitz, 2011), 213-26, 220: “Erst die nachexilische Erfüllung der Herzensbescheidung durch JHWH selbst in Dtn 30,6 (Ebene 3) löst das Dilemma.” (Ebene/level 1 = the challenge of Deut 10:16 to circumcise the heart, level 2 the proclamation of Israel’s failure because of the uncircumcised heart in Lev 26:41; *ibid.*, 219f.; 220-23). “In der Herzensbescheidung (Dtn 30,6) verdichtet sich ein durch JHWH erneuter, nachexilischer Bund, der über die Wurzel רחם “erbarmen” (Dtn 4,31; 30,3) die prototypische Bundeserneuerung von Ex 33-34 aktualisiert, mit dem Abrahambund von Gen 17 kombiniert und dessen Bundesdokument das Dtn ist” (*ibid.*, 223).

Forty years in the wilderness made possible the preparation for the Moab בְּרִית. Only after the time of miraculous provision did the Israelites “know” the Lord as their god (29:5b).⁹⁴² The signs and wonders associated with the exodus covenant ratified with the ancestors⁹⁴³ saw limited effectiveness on account of the people’s alleged deficiency of perception. God had yet to endow the children of Israel with “a mind to understand, or eyes to see, or ears to hear” (ולא־נתן יהוה לכם לב לדעת ועינים) (לראות ואזנים לשמע עד היום הזה 29:3 [Eng 4]). The negative appraisal of the exodus generation extends beyond mere obduracy, beyond the normal *hypo*-natural senses shared by all humanity. The evaluators sketch a caricature utterly void of discernment. Suffering from a kind of spiritual “cerebral impairment,” the עם lack “a heart to know (indepth knowing), eyes to see, and ears to hear.” In addition to authoritative Mosaic teaching⁹⁴⁴ or a herculean reversal of moral turpitude, most needed is an injection of *hyper*- or *super*-natural aptitude. Renovation occurs through a series of divine procedures: an uncommon demonstration of *YHWH*’s faithfulness accompanied by theophanies, deliverance on a national scale, and divine gifting (נתן; 29:3a [Eng 4a]).⁹⁴⁵

The motivation for the portrayal of incompatibility between god and creature runs deeper than merely exposing and emphasizing Israel’s obduracy and general unworthiness. The themes of the competence and incompetence of the people also function as subtexts within the ongoing discussion regarding the efficacy of various covenants:⁹⁴⁶ the crisis calls for renewing, updating, even replacing them.⁹⁴⁷ Although

In his 2011 essay “Tora für eine neue Generation,” 118-119, Otto submits that the addressees of Deuteronomy are to recognize the “end of days” in Deut 4:30 באחרית הימים as the postexilic period, the “today” v. 39, “d.h. am Tag, an dem in der Erzählzeit das Deuteronomium promulgiert wird, wie Mose es in der erzählten Zeit den Überlebenden von Ba’al Pe’or verkündet hat. Sollen die Adressaten des Deuteronomiums, die sich ‘am Ende der Tage’ wissen, die Einsicht in die Einzigkeit JHWH’s ‘in ihr Herz zurückbringen’ (Dtn 4,39), so wird das in Dtn 30,6 weitergeführt und ratifiziert in dem Gedanken, JHWH werde ihr Herz und das ihrer Nachkommen beschneiden” (cf. *ibid.*, 120).

⁹⁴² Otto, “Deuteronomium 4,” 200. 278

⁹⁴³ Cf. §3.3.1 (Y. Hoffman).

⁹⁴⁴ Otto, *DPH*, 103.

⁹⁴⁵ Fischer regards exceptional giftedness of the entire Israelite community as prerequisite for פְּנִים בְּפָנִים divine disclosure in Deut 5:4: “Gott habe damals ‘von Angesicht zu Angesicht’ mit Israel gesprochen, also in einer *Unmittelbarkeit*, die sonst Privileg begnadeter Personen ist und dem Anliegen des Dtn nach intensiver Gottesnähe für die ganze Gemeinschaft entspricht.” The authors of H propose a similarly radical ritual competency of Israel in the area of ritual purification in Lev 22:32b-33; for context, see §6.4.17).

⁹⁴⁶ Cf. the remarks throughout the present chapter regarding the contrast between productive and unproductive fear, presentations of the people as a kingdom of priests and a holy nation, and particularly in Deuteronomy, concerns for covenant ascendancy, i.e., the covenants of the exodus, Sinai, Horeb, and Moab.

moderns are quick to point out the apparent capriciousness of *YHWH/Elohim*'s trial-and-error approaches to creating, destroying, and re-creating in Gen 1–11,⁹⁴⁸ the Hebrew Bible, aside from certain exceptions (Gen 6:1-4; 1 Chr 21:1; Job 1f; Ezek 20:25f.; perhaps Isa 14:12-15) attributes covenantal failure to humanity, laying the responsibility at the feet of the leadership and people of Israel. Biblical writers vary both in the manner in which they apply blame and express preferences for lasting solutions, that is, for bridging the breach between God and people. In the case of the Moab covenant, those responsible for the text of Deut 29:1-15 assay to undermine the validity of the Horeb ברית —and by extension, any notion of the PRR—by emphasizing the not-yet-endowed state of the people of the Horeb ברית (Deut 29:3, contra 4:6-8).

The integration of this sober assessment into high-profile portions of the Sinai pericope led to its becoming the reigning, official interpretation of people vis-à-vis the revelation of law in the Pentateuch, and consequently in the Bible. Scholars generally attribute much of this valuation to the Deuteronomists, reputed masterminds behind the so-called Deuteronomistic History. Though a unidimensional evaluation of the conceptions and authors of the theological panorama of Deut 29 does not do it justice, the boldness of the contrast between the actions of the high god and the incapacity of the hapless first generation lends clarity to our consideration of authorship: the text *does not* present the views of the levitical supporters of the PRR,⁹⁴⁹ and therefore not the views of Deut 5:4, 22*, 26; 29:29,⁹⁵⁰ and much of Deut 4:1-40 (especially e.g., vv. 5-13, 32-40).

⁹⁴⁷ Revealing in this regard are the numerous and varied collocations with the term ברית in Mal 2:4–3:1 alone. Following Eißfeldt (*Introduction*, 222f.), Levinson (*Chorale*, 291) comments on shifting texts and covenants: “In asserting that the divine speech ‘did not continue’ (Deut 5:22) beyond the Decalogue, this text’s Deuteronomistic author seeks to displace the divine speech of the Covenant Code and leave room for the Mosaic mediation of divine speech in the legal corpus of Deuteronomy. Deuteronomy’s polemic rewrites literary history. By circumscribing Sinai and silencing the Covenant Code, the redactors of Deuteronomy sought to clear a textual space for Moab as the authentic—and exclusive—supplement to the original revelation (Deut 28:69).”

⁹⁴⁸ See the thoughtful consideration of the problems in a “good creation” that cannot maintain its pristine state in the essay by Eckart Otto, “Die Urmenschen im Paradies. Vom Ursprung des Bösen und der Freiheit des Menschen,” in *Tora in der Hebräischen Bibel: Studien zur Redaktionsgeschichte und synchronen Logik diachroner Transformation* (ed. R. Achenbach, et al.; vol. 7 of BZAR; Wiesbaden: Harrassowitz, 2007), 122-33.”

⁹⁴⁹ Although Deut 29:9a [Eng 10a] depicts Israel standing before the Lord with יצב, it does so in the simple stem (*qal* participle, fairly rendered in the present tense) and is not to be categorized with the instances in the Hithpa’el stem (usually past tense, so Exod 19:17) that we have tied to the tradition of the PRR.

⁹⁵⁰ The verse is curious and of uncertain origin, though it does emphasize a high degree of discernment and spiritual aptitude, and therefore dovetails well the traditions of the PRR: “The secret things belong to the

Neither does it represent the views of the dtr and post-dtr additions of Exod 19:5-8, 17, 21; 20:22.

In addition to intoning the incompetence of the עַם of the Horeb covenant, the Moab covenant relativizes the Horeb covenant and the efficacy of the PRR by subsuming them under the broader conception of Mosaic law, as Deut 29:8 [Eng 9] is wont to do, and as traditional interpretations of the revelation of law at the mountains of God have inadvertently helped to accomplish. The phrase דְּבַרֵי הַבְּרִית הַזֹּאת (v. 8 αα) may intend to encompass both the Dec directly revealed to Israel at Horeb/Sinai and all additional commandments of Deuteronomy revealed to Moses.⁹⁵¹

The patent variation among descriptions of the law and names of covenants⁹⁵² betrays considerable negotiation among the writers of the books of Exodus and Deuteronomy. This probability lends credence to the idea that the tradition of the PRR had vied for a place among the enduring traditions of Israel. The paucity of PRR passages in this chapter suggests it occupied a marginal place among the dominant and therefore official presentations of the revelatory, law-based covenants in the Pentateuch. As the excursus on Deut 29:1-15 draws to a close, it seems reasonable to conclude that Deut 4:1-40, which postdates both Deut 5 and 29, took up the challenge of revising this state of affairs.

3.4.4 *Heated Hermeneutical Debate?*

Resuming the exegesis of Deut 5:4-5, the two verses offer a parade example of redactional activity within the Sinai pericope in general, and specifically regarding our theme. Whereas v. 4a פְּנִים בְּפָנִים asserts the people's direct reception of revelation,⁹⁵³ v. 5

Lord our God, but the revealed things belong to us and to our children forever, to observe all the words of this law” הַנְּסִתֶרֶת לִיהוָה אֱלֹהֵינוּ וְהַנְּגַלֶּת לָנוּ וּלְבָנֵינוּ עַד-עוֹלָם לַעֲשׂוֹת אֶת-כָּל-דְּבַרֵי הַתּוֹרָה הַזֹּאת

⁹⁵¹ Otto, “Deuteronomium 4,” 200 and n. 21. In any event, Deut 29:19b כִּלְי־הָאֱלֹהִים הַכְּתוּבָה בְּסֵפֶר הַזֶּה points to a larger corpus than the Dec alone.

⁹⁵² See the treatment in *ibid.*, where Otto references an important study by N. Lohfink.

⁹⁵³ In his exegesis of Deut 5:1-5, Von Rad's precommitment to Mosaic mediatorship “die nun folgende Darstellung der Sinaiereignisse betont von Anfang an die Mittlerfunktion des Mose” may explain his foregoing comment on v. 4. Curiously, he chooses instead to register the plenary address theme in relation to v.22: “Nach V.22f. hat Jahwe *ganz Israel* angesprochen” (*fünfte Buch Mose*, 40, emphasis added; ET, 55). Twenty pages later, in his treatment of 5:22–6:3, he appears to have rethought the issue. Giving v. 22 special attention, he proposes vv. 6-22 as “eine spätere Einfügung” (*ibid.*, 60), ostensibly to remove some of the tension between the accounts. He concludes, however, that vv. 6-22 actually represent the earlier plenary reception of revelation by *ganz Israel* later “superceded by a concept in which the appeal to the senses and above all the directness of Yahweh's manifestation of himself was modified in favour of a message transmitted through Moses” (ET, 60 of “eine Auffassung gegen die ältere Überlieferung

(a parenthetical comment in many translations) flatly counters the notion.⁹⁵⁴ The juxtaposition of sharply contrasting viewpoints gives one pause. On the narrative plane it confuses; on the textual level it displays a compromise of positions. Here, however the contrast is sharp to the extent that it is doubtful that an actual “agreement” was reached. One vacillates between characterizing this as a standoff, an ancient counterbalancing effect, or an instance of “agreeing to disagree.”

3.4.5 *Deut 5:4 as the Work of HexRed which PentRed Later Corrects, but which the School of HexRed Reinstates*

As an asyndetic (construction without conjunctions) circumstantial clause subordinate and reacting to v. 4,⁹⁵⁵ v. 5 commends itself as the later verse.⁹⁵⁶ Likely the work of the Pentateuch redactor in the late fifth or early fourth century, it probably saw the light of day without the consent of those responsible for the previous verse. In terms of chronology then, the PRR of v. 4 shows itself to be the earlier tradition.⁹⁵⁷ If not the work of post-dtr Hexateuch Redaction, then it came into being *grace à* of the School of HexRed operating in the later part of the fourth century. In either case it would have coincided with improved status for the Levites,⁹⁵⁸ which, perhaps not surprisingly, brought about an improvement in the status of the women, children, and *gērîm* (גרִים) in

durchgesetzt, derzufolge die Sinnfälligkeit und vor allem die Direktheit der Jahweoffenbarung zugunsten einer von Mose vermittelten Botschaft modifiziert wurde [43]).

⁹⁵⁴ Suggestions that v. 5 attempts to harmonize 5:4 with the Exod 19 account remain unconvincing (cf. Childs, *Exodus*, 352). Nelson (*Deuteronomy*, 79f.) is more on target: “Taken together, vv.4-5 reveal the tension between the competing themes of Horeb and Moab” (ibid., 79); cf. Van Seters, *Lawbook*, 55; Levinson, *Chorale*, 285 (summarizing Van Seters, ibid.): “The Yahwist’s distinctive notion of the Mosaic mediation of revelation (in the Sinai pericope) triggers subsequent Yahwistic glossing and correction of the Horeb narrative”; cf. ibid., 290.

⁹⁵⁵ Childs, *Exodus*, 351.

⁹⁵⁶ Krüger (“Zur Interpretation,” 88) notes the syntactic awkwardness that suggests 5 may be secondary. More convincing perhaps is that v. 5 recalls Exod 20:18ff, itself a dtr redaction containing some post-dtr elements.

⁹⁵⁷ Weinfeld (*Deuteronomy 1–11*, 239f.) obfuscates the significance of v. 4 with “but the concept of face-to-face encounter of the people with God is foreign to Deuteronomy. Besides, it was only with Moses that God spoke face to face.” In his comments on the following verse, however, he enumerates verses that do indeed emphasize *YHWH*’s direct disclosure to the people “(5:19; 4:12, 15, 32-33, 36; 10:4)” (ibid.), after which he suggests the rabbis resolved the tension between v. 4 and v. 5. While face to face encounter with *YHWH* is rare, it does happen (Gen 32:31; Jud 6:22f!). Cf. Veijola, 5. *Buch Mose*, 134; Fischer (“Eigenart,” 22) notes the differentiated conception in Exod 19f. (the people hear directly but do not see), Exod 33:20a (Moses is forbidden from face-to-face encounter: לֹא תִכַּל לִרְאוֹת אֶת־פָּנָי), and Deut 5:4, in which the people see and hear.

⁹⁵⁸ As it is today, fluctuation in status was to be expected among middle-tier functionaries, who rarely enjoyed the consistency of power afforded the upper tiers of society.

the Moab covenant.⁹⁵⁹ That the even later Deut 4:1-40 (which postdates Deut 5 and 29, see above) clearly upholds the PRR is indicative of the intention to “correct” v. 5 and reinstate the earlier notion, which finds a prominent place within Deut 4’s *Geschichtsbild*. We do not share Otto’s confidence in attributing the whole of Deut 4:1-40 to PentRed.

The Pentateuch redactor responsible for Deut 5:5 had marshalled two types of evidence against the plenary address theme: Both Moses’ mediation *and* the people’s fear⁹⁶⁰ effected a distancing of the פה from immediate encounters with *YHWH*. This suggests the matter of immediacy was considered an issue about which there was significant disagreement over a protracted period.⁹⁶¹ That these two themes stand out so clearly in v. 5 adds significant weight to our thesis that the motif of the people’s fear owes to circles clearly at odds with the notion of the PRR. At this state of affairs one should not be surprised.

3.4.6 Childs’ Interpretation of the Conflict between Deut 5:4, 5

In his brief analysis on the plenary theme in Deuteronomy, Childs proposes the following “solution” to the conflict between Deut 5:4 and 5:5: both of the earlier traditions understood “Moses as mediator of the law.”⁹⁶² There are problems with this view. First of all, this statement conflicts with his earlier recognition of the “discrepancy between direct communication to all and mediation by Moses.”⁹⁶³ The main problem in the analysis emerges in the dismissal of the question regarding the testimony of the book of Exodus, especially 20:22. Here he prefers to deal only with questions pertaining to the various “Mosaic offices.” He does hint at a treatment of the motif of the direct reception of

⁹⁵⁹ Deut 29:10-12 [Eng 11-13]; 31:12. The latter passage may be attributed to the fourth-century School of HexRed. The school further develops an openness to the other seen in the fifth-century HexRed, now however within the conceptual horizon of and probably in cooperation with the school (of thought) responsible for H. Note the plenary reception of authoritative teaching by men, women, children, *and* גרים in 31:12. The scene announces the acceptance of גרים into the covenant and enjoins them to obey it (למען) (שמעו ולמען ילמדו ויראו את־יהוה אלהיכם ושמרו לעשות את־כל־דברי התורה הזאת v. 12b). cf. Achenbach, “Eintritt,” 251: “The narrative of the writing down of the torah and its transfer to the levitical priests and elders assumes the theory of the levitization of the priesthood, as it had been worked into Deuteronomy first in post-Dtr *Bearbeitung*. Here is recognizable a post-dtr school that considers it conceivable that the *gērīm* as well as women and children are integrated into the covenant community.” See the similar School of HexRed revisions in Josh 8:33,35; cf. *ibid.*, 251-54.

⁹⁶⁰ Cf. Otto, *DPH*, 117.

⁹⁶¹ Miller’s attempt to harmonize vv. 4 and 5 by suggesting the latter suggests a partial mediation of the Dec does not succeed (*Deuteronomy*, 68).

⁹⁶² *Ibid.*, 359-60.

⁹⁶³ *Ibid.*, 351.

revelation by the people, describing Deuteronomy as “fully consistent” in its portrayal of Yahweh speaking the Dec “directly to Israel” (4:36; 5:22; 9:10), but, there follows no argumentation supporting this statement. The following summation is perplexing, as it does not flow directly the author’s analyses:

It is clear from our analysis that, although there were two early traditions of the Mosaic office, both understood Moses as mediator of the law. *There is no evidence to suggest any other early tradition of a direct transmission of the law to the people....* Verse 4 [Deut 5:4] is a reading of the tradition after the redaction of J and E placed the Decalogue in its present position within the narrative. Verse 5 represents accordingly an earlier tradition of the mediatorial office of Moses.⁹⁶⁴

3.4.7 Timo Veijola’s Interpretation of Deut 5:4, 5

Preferable to Childs’ interpretation is T. Veijola’s, excepting his early dating of the Dec, which remains difficult to affirm.⁹⁶⁵ He sees a progression of *YHWH* speaking directly with the people at Sinai/Horeb, which “soon arouses fear” (bald Furcht auslösen) leading to a request for Moses’ mediation (Deut 5:23-31).⁹⁶⁶ The “face to face” interaction between *YHWH* and the people is rare, since in principle such contact devolves to Moses alone (cf. Exod 33:11; Deut 34:10; but see Exod 33:20a!). Moreover, only in extraordinary circumstances could humans see God’s “face to face” without dying (Gen 32:31; Jud 6:22f). The depiction of the Horeb encounter emphasizes hearing over seeing, though the voice speaking out of the theophanic fire indeed intensifies the visual experience.⁹⁶⁷ The background for this presentation may lie in an older description of the

⁹⁶⁴ *Exodus*, 359-60, emphasis added.

⁹⁶⁵ Veijola dates the Dec to the late monarchic period, the first commandment to around 600 BCE.

⁹⁶⁶ Veijola, 5. *Buch Mose*, 134. It is difficult to tell whether Veijola refers only to the development of the arousal of fear within the narrative itself or the thought of tradents about such fear.

⁹⁶⁷ Cf. Exod 3:2-4. Acts 7:30f emphasizes the visual dimensions of the theophany; Moses marvels/wonders (θαυμάζω) at the spectacle (ἄραμα).

In 1 Kgs 19:11-12, one finds a not so subtle critique of the Sinai theophany: “¹¹ He said, “Go out and stand on the mountain before the Lord, for the Lord is about to pass by.” Now there was a great wind, so strong that it was splitting mountains and breaking rocks in pieces before the Lord, *but the Lord was not in the wind*; and after the wind an earthquake, *but the Lord was not in the earthquake*; ¹² and after the earthquake a fire, *but the Lord was not in the fire*; and after the fire a sound of sheer silence” (secondary emphasis). In v.13, within an eerie silence, God speaks directly to Elijah and vice versa. Knobloch (*nachexilischen Prophetentheorie*, 178) underlines the basic difference between Jer 36 and 1 Kgs 19. In contrast to Jer 36, the Elijah cycle contains no reminiscences of the *Verschriftungstätigkeit* of Moses—much less any reference to him—that the preaching and deeds of Elijah have been written down. Knobloch then points out the tension between 1 Kgs 19 (and Jer 26; 36) and Deut 34:10-12. “1 Kgs 19 and Jer 26; 36 stand in tension to the epitaph of Deut 34:10-12, which coincides the end of all prophecy with the death of the arch prophet.” The *Tradentenprophetie* standing behind the former posits the inception of the prophecy of judgement (*Gerichtsprphetie*) with Elijah: “Just as Jeremiah represents a quasi etiology (redaction) of

Sinai theophany in Exod 19:18 that would undergo further development in Deut 5:22-27; 4:12, 15, 33, 36; 9:10; 10:4—all key verses for the PRR. The older account positions the people at the lower portion of the mountain during the theophany (Exod 19:17).⁹⁶⁸

Deuteronomy 5:4 reflects the developing notion of the PRR, in which *YHWH* speaks face to face to the people “on the mountain” (בהר). This passage places all-Israel on a par with Moses, a claim that v. 5 revokes.⁹⁶⁹ Although Deut 5:22 remains “quite undetermined” (zwar ziemlich unbestimmt), the “prophetic author” of this passage (DtrP) leaves the clear impression that during the theophany the people were on top of the mountain.⁹⁷⁰

Veijola again hints at the earliness of the PRR in saying that

such a great nearness of the people to the majesty was very soon perceived to be indiscreet and only Moses was admitted to the mountain in immediate proximity of God, whereas the people had to remain at the foot of the mountain (v. 5*, cf. 4;11; 9:10-12; 10:1, 3, 5, 10).⁹⁷¹

This conception belongs to the earlier or original wording of Deut 5, where the people also reach the top of the mountain. The later addition of v. 5* places this view in question. The transition found at the end of v. 5, “and he said” (לאמר) ties the direct speech of *YHWH* to the Moses report beginning in v. 6, which differentiates itself from its material and syntactic *Vorbereitung* in v. 4.⁹⁷²

the book of Jeremiah and therewith marks a climactic turning point in post-Mosaic prophecy, so 1 Kgs 19—likewise through conspicuous resort to the Moses-Horeb tradition—is an etiology of critical *Gerichtsprophetie* that, according to the opinion of *Tradentenpropheten* standing behind it, finds its inception in Elijah (ihren Anfang bei Elia nahm.)” In 1 Kgs 19 this culminates in a second Sinai revelation (Joachim Jeremias). In Jer 26; 36, however, it is the writing down of the postmosaic torah of Jeremiah that constitutes the high point. It is not Moses but rather Baruch who writes down the torah mediated through Jeremiah (ibid., 286f). “In dieser bewusst vollzogenen Abgrenzung von den hinter dem Pentateuch stehenden Priesterkreisen sahen sich die Tradentenpropheten von Jer 26 und Jer 36 in der Nachfolge Jeremias und Baruchs in postjeremianischer Zeit als die legitimen schriftgelehrten Hüter der verschrifteten דברי ירמיהו als von Jeremia vermittelte und auf JHWH allein zurückgeführte Torā” (ibid., 287).

⁹⁶⁸ As argued above (§§2.3.2; 2.3.2.1-2; 3.2.1), we interpret Exod 19:17 as representing the point of view of an intrepid assembly “taking their stand” before God.

⁹⁶⁹ Schäfer-Lichtenberger, *Josua und Salomo*, 48.

⁹⁷⁰ Veijola, 5. *Buch Mose*, 134.

⁹⁷¹ Ibid., 134-5 (Eine so große Nähe des Volkes zur Majestät wurde allerdings recht bald als indiskret empfunden und nur Mose auf dem Berg in unmittelbar Nähe Gottes zugelassen).

⁹⁷² Excepting (לאמר), v. 5* belongs to the “generally recognized secondary material in Deut 5” (ibid., 5. *Buch Mose*, 135 n. 70, with literature).

3.4.8 Concluding Comments on Deut 5:4-5

Against Deut 5:5b (כי יראתם מפני האש ולא עליהם בהר לאמר), the dread of *YHWH* does not accompany Pentateuchal passages in which the people fear the Lord (ירא את־יהוה), particularly in dtn/dtr/post-dtr traditions (cf., e.g., Deut 4:10, 6:2, 13, 24; 10:12, 20; 13:4: 14:23; 17:19; 31:12f). It is actually Israel that is to be dreaded and feared (2:25a אָהַל תַּתּוּ אֶת־עַיְנֵיכֶם וְיִרְאַתֶּם אֶת־יְהוָה אֱלֹהֵיכֶם וְלֹא־עַל־אִישׁ וְלֹא־עַל־עַלְיֹתָיו תִּירְאוּ). A fearful people cannot possess the land (1:21bβ; 3:2α, 22; 31:6, 8, 21, 22). The fear in 5:5b does not promise salutary benefit, for example, of keeping the subject from cultic presumption that could prove fatal (Num 16; Lev 10), though such caution might factor into it. Verse 5 portrays a pitiable people whose unknowing fear seeks shelter as much as interlocution. But Moses cannot really protect them. His warrior and military leader status does not quite qualify him for this role in revelatory contexts. His intecessorship, invoked by Israelite⁹⁷³ and non-Israelite,⁹⁷⁴ probably comes closest to the remedying multilevel deficiency. Thus, although the story line leads the reader to believe revelatory mediation is what the people “need” and what Moses can offer successfully, the deeper issue of the peoples’ misapprehension of *YHWH*, that is, according to PentRed and similar breed of elite, remains.

Another consideration of v. 5 presents itself in Carrière’s observation that v. 5 asserts the necessity of Mosaic mediation already *before* the Dec.⁹⁷⁵ To the extent this is correct, it places another question mark against the traditional interpretation of dread of *YHWH* making mediation necessary. The collocation דבר יהוה “the word of the Lord” in v. 5 may also bear mentioning, as it appears nowhere else in Deuteronomy. Carrière proposes that דבר יהוה in this instance includes the Dec, other *tôrôt*, and the prophetic word.⁹⁷⁶ On first blush this seems unlikely. If however v. 5 carefully subsumes דבר יהוה within the hierarchical framework of the Mosaic legal institution, presided over by elite priests, this proposal gains credibility. This notion of the prophetic opposes the less regulated, lay-infused, levitical, conception of the prophetic in the PRR of v. 4.

As we have seen, the Hebrew Bible contains theophanic, mountain of God traditions in which the Israelite community’s self-assertion in the presence of *YHWH* can be deemed

⁹⁷³ Num 11:2; 21:7; 4 Esd 7:106.

⁹⁷⁴ Exod 8:4f, 25f [Eng 8f, 29f].

⁹⁷⁵ Carrière, *Théorie du politique*, 185.

⁹⁷⁶ *Ibid.*

appropriate, even celebrated. Assisted by obliging leadership, the community may embrace to the deity's manifesto for their destiny (Exod 19:8a), at times taking remarkable theopolitical initiative. The coopting of עַם הָאָרֶץ and priests in 2 Kgs 11 //2 Chr 23⁹⁷⁷ furnishes a well-known example of such initiative. The collaboration of political and clerical leaders with the עַם הָאָרֶץ (Jer 1:18; 37:2f; 44:21f; cf. Ezek 7:26f; 22:24-29; Dan 9:6) could prove problematic. This could account well for reservations about the PRR in some circles.

Texts reflecting the involvement of the general public in major decision-making correspond well with the picture of the העַם taking their stand before *YHWH à la* Exod 19:17, and receiving unmitigated דְּבָרִים.⁹⁷⁸ Interpretations that do not take into account these associated traditions with the PRR tend to view Deut 5:4 as an idealistic mirage in the wilderness. The implied boldness in the face of the deity in v. 4 hardly fits the dominant pattern of behavior of a sin-laden society. Opposite the reigning portraiture of a fearful and inept people dependent on a mighty mediator—the prevailing (PentRed) interpretation of commentators for over two millennia—the “voice” of the PRR and its competent, endowed recipients has been muffled, indeed nearly silenced altogether.

Summarizing the exegesis of Deut 5:4f, the text concerns not only *who* has transmitted *what* to *whom*, but also to a certain extent *why*.⁹⁷⁹ The extent to which the

⁹⁷⁷ 2 Chr 23:16 depicts Jehoida the priest making a covenant between himself and all the people, and the king, in that order (הַמֶּלֶךְ לֵהֵיוֹת לְעַם לַיהוָה). The king is thus a rather unimportant player in the venture

⁹⁷⁸ One of the Israelite prophets' primary concerns is that of the diluted and distorted teaching of religious leadership (cf. the “smooth things” and “flattering lips” of Hebrew Bible, e.g., חֲלָקוֹת in Isa 30:10; שִׁפְתֵי חֲלָקוֹת Ps 12:3f; חֲלָק שִׁפְתַי Prov 7:21; cf. Jer 8:8-11, and of Qumran infamy). Within these vignettes (Jer 2:26f; 4:9f; 29:7f) the “students” lack not only discernment but also, it would seem, resolve and *strength* of mind. (Jer 5:31 may describe a slightly different context where the people derive pleasure, וַעֲמֵי אֲהַבּוּ כֵן, from such teaching; cf. 16:16; 26:7-9.) In sharp contrast, the law of the prophet (Deut 18:15-22) envisions a very different community (אֲחֵים), one capable of and culpable for any necessary rejection of text or teacher. Within these contrasts one is reminded of yet another down side of inability and incompetence: they often lead to increasing helplessness, hopelessness, and an overdependence on those in power that prey upon the vulnerable. Although originally applied to political elites, in the postexilic period the wordplay-rich woe-oracle of Isa 10:1-4a came to include priestly elites in Jerusalem as well, who חֲקִיקִים חֲקִיקֵי־אֹן וּמְכַתְּבִים עִמָּל (v. 1).

⁹⁷⁹ Cf. Rose (“Deutéronome,” 222) who explains the tension between the plenary and mediated law in the following way: “In the eyes of the exiles, the dtm code, clearly conceived for a national community living on the land (12:1), oriented toward the sanctuary (12:8-28; 16:1-16), ruled by its kings (17:14-20), had lost its much of its true impact (“impact ‘réel’”). The *עַם* also had need of an ethical orientation adapted to their situation “hors du pays.” The Dec summarized the absolute minimum of that which was to be enjoined, “noyau dur proclamé dans le desert, loin du pays, mais anobli du fait de son statut de loi transmise par une ‘communication directe’ de la divinité” (ibid.).

tradents portraying an intimidated people incapable of (sustained? periodic?) immediate encounter with *YHWH* at the holy mountain intended a factual, or merely deprecating recounting remains beyond ultimate knowing. One thing continues to become clearer for the present writer. The involvement of priest-prophets, probably Levites, in the writing and shaping of portions of all three sections of the canon had much to do with the preservation and promulgation of the PRR and associated traditions. With the assistance of A. Rofé *inter alia* in the following section, the “prophetic” aspects of these Pentateuchal traditions will become clearer for the reader as well.

3.5 Deut 5:22-26

²² אֶת־הַדְּבָרִים הָאֵלֶּה דִּבֶּר יְהוָה אֶל־כָּל־קְהֵלְכֶם בְּהַר מִתּוֹךְ הָאֵשׁ הַעֲנָן וְהַעֲרָפֶל קוֹל גָּדוֹל וְלֹא יָסַר וַיִּכְתְּבֵם
 עַל־שְׁנֵי לְחֹת אֲבָנִים וַיִּתֵּנֵם אֵלַי:
²³ וַיְהִי כִשְׁמַעְכֶם אֶת־הַקּוֹל מִתּוֹךְ הַחֹשֶׁךְ וְהַהָר בֹּעֵר בָּאֵשׁ וַתִּקְרְבוּן אֵלַי כָּל־רָאשֵׁי שְׁבֻטֵיכֶם וְזִקְנֵיכֶם:
²⁴ וַתֹּאמְרוּ הֵן הִרְאֵנוּ יְהוָה אֱלֹהֵינוּ אֶת־כְּבוֹדוֹ וְאֶת־גְּדֻלוֹ וְאֶת־קִלּוֹ שְׁמַעְנוּ מִתּוֹךְ הָאֵשׁ הַיּוֹם הַזֶּה רָאִינוּ כִּי־דִבֶּר
 אֱלֹהִים אֶת־הָאָדָם וְחַי:
²⁵ וְעַתָּה לָמָּה נָמוּת כִּי תֹאכְלֵנוּ הָאֵשׁ הַגְּדֹלָה הַזֹּאת אִם־יִסְפִּים אֲנַחְנוּ לִשְׁמַע אֶת־קוֹל יְהוָה אֱלֹהֵינוּ עוֹד וְנִמָּתְנוּ:
²⁶ כִּי מִי כָל־בָּשָׂר אֲשֶׁר שָׁמַע קוֹל אֱלֹהִים חַיִּים מִדִּבֶּר מִתּוֹךְ־הָאֵשׁ כְּמֵנוּ וַיְחַיִּי:
²⁷ קִרְב אִתָּה וְשָׁמַע אֶת כָּל־אֲשֶׁר יֹאמֵר יְהוָה אֱלֹהֵינוּ וְאֵת תִּדְבָר אֱלֵינוּ אֶת כָּל־אֲשֶׁר דִּבֶּר יְהוָה אֱלֹהֵינוּ אֵלֶיךָ
 וְשָׁמַעְנוּ וְעָשִׂינוּ:

²² These words the Lord spoke with a loud voice to your whole assembly at the mountain, out of the fire, the cloud, and the thick darkness, and he added no more. He wrote them on two stone tablets, and gave them to me.

²³ When you heard the voice out of the darkness, while the mountain was burning with fire, you approached me, all the heads of your tribes and your elders;

²⁴ and you said, “Look, the Lord our God has shown us his glory and greatness, and we have heard his voice out of the fire. Today we have seen that God may speak to someone and the person may still live.

²⁵ So now why should we die? For this great fire will consume us; if we hear the voice of the Lord our God any longer, we shall die.

²⁶ For who is there of all flesh that has heard the voice of the living God speaking out of fire, as we have, and remained alive?

²⁷ Go near, you yourself, and hear all that the Lord our God will say. Then tell us everything that the Lord our God tells you, and we will listen and do it.”

3.5.1 A. Rofé's Differentiation between the Sinai and Horeb Generations and the Notion that the PRR Preceded the Theme of Mediation

A. Rofé perceives tension between the portrayals of the community's response to divine revelation at the holy mountains in Exodus and Deuteronomy.⁹⁸⁰ He believes the portraiture of an intrepid אַבְרָם owes especially to dtr tradents.⁹⁸¹ In Deut 5:24b and 26, for example, the same individuals who elsewhere withdraw in terror now

congratulate themselves on having enjoyed a singular privilege—they heard the voice of the living God speak out of the fire and were not injured at all; they remained alive.⁹⁸² Having thus experienced an unmediated yet safe contact with the deity, the Israelites of the Exodus generation would claim the highest status in the relationship between human and divine.⁹⁸³

Two contrasting reactions of the assembly to the divine revelation lie side by side in the final form of Deut 5:22-27.⁹⁸⁴ Rejecting the idea that they represent two reactions of two distinct groups in the assembly of Horeb, Rofé instead concludes the text manifests the contrasting points of view of two writers.⁹⁸⁵ The first portrays an assembly reeling from the effects of the PRR. The second, later writer wishes “to emphasize the high status of the Exodus and Sinai generation; having received unprecedented theophanic revelation, *they were similar to prophets—and maybe superior to them.*”⁹⁸⁶ The

⁹⁸⁰ Cf. also Himbaza, *Le Décalogue*, 281.

⁹⁸¹ Schäfer-Lichtenberger (“Göttliche und menschliche Autorität,” 131f) underscores “die Unmittelbarkeit der Beziehung JHWH-Israel,” apparent in Deut 4:4 and 4:7, where no hint of Mosaic intermediation can be found.

⁹⁸² Note Jer 2:1-6 exalts the wilderness generation. Verse 6's depiction of Israel's miraculous survival in the desert recalls its survival of the PRR. Only a divinely protected and empowered people could survive these formative experiences.

⁹⁸³ Cf. Aage Bentzen, *Die Josianische Reform und ihre Voraussetzungen* (Copenhagen: P. Haase & Sons, 1926), 49, who speaks of the pairing of humility and pride in the passionate Israelite experience with *YHWH*, ably reflected in Deuteronomy: “Aber diese Gemut, dies Gefühl der Unwürdigkeit, ist mit Stolz gepaart.”

⁹⁸⁴ Likely the work of PRR supporters, v. 29 depicts a constructive fear of the Lord: “If only they had such a mind as this, to fear me and to keep all my commandments always, so that it might go well with them and with their children forever!”

⁹⁸⁵ *Deuteronomy*, 15f.

⁹⁸⁶ *Ibid.*, 16 (emphasis added); cf. Rose, “Deutéronome,” 222. Discoursing on the theme of Pentateuchal prophecy, in their respective examinations of Deut 18:16 within the section of 18:14-22 (the law of the prophet) Schäfer-Lichtenberger (*Josua und Salomo*, 102f) and Carrière (*Théorie du politique*, 166f.) interpret v. 16 as proposing the prophetic office and the torah have the same origin, “one might as well say the same authority” (autant dire même autorité; *ibid.*, 166). From the reference to the Sinai-Horeb event in v. 16 one gathers that, for the literati responsible for vv. 14-22, all mediation between the people and *YHWH* can be thought of as prophetic mediation.

responsibility for vv. 24, 26 “and perhaps further small additions”⁹⁸⁷ devolves to the second writer. Rofé finds evidence of the lateness of these additions in their affinity with midrashic expansion on a similar theme attested in the “third-century” LXX of Deut 26:8; 4:34,⁹⁸⁸ in *Mekhilta*, and in the Passover Haggadah.⁹⁸⁹

Deut 5:22-27⁹⁹⁰

Rofé’s First Writer	Rofé’s Second, Later Writer
<p>v. 23 When you heard the voice out of the darkness, while the mountain was burning with fire, you approached me, all the heads of your tribes and your elders</p> <p>[ותאמרו “and you said”:]</p> <p>v. 25 So now why should we die? For this great fire will consume us; if we hear the voice of the Lord our God any longer, we shall die.</p> <p>v. 27 Go near, you yourself, and hear all that the Lord our God will say. Then tell us everything that the Lord our God tells you, and we will listen and do it.”</p>	<p>v. 22 These words the Lord spoke with a loud voice to your whole assembly at the mountain, out of the fire, the cloud, and the thick darkness, and he added no more. He wrote them on two stone tablets, and gave them to me.</p> <p>v. 24 and you said, “Look, the Lord our God has shown us his glory and greatness, and we have heard his voice out of the fire. Today we have seen that God may speak to someone and the person may still live.</p> <p>v. 26 For who is there of all flesh that has heard the voice of the living God speaking out of fire, as we have, and remained alive?</p>

With the addition of ותאמרו (at the end of v. 23 or the beginning of v. 25) Rofé’s first writer’s contribution (vv. 23, 25, 27) forms a seamless narrative. The second, later writer’s contribution, vv. 24, 26—to which we have added v. 22—also conjoins without much effort.

3.5.2 *The Authors of Fear versus the Authors of the PRR*

Having raised the spectre of the people’s non-productive fear numerous times in this chapter, let us now consider the possibility there developed a critical view of excessive fear regarding the deity (cf. Num 14:9; 13:30f;⁹⁹¹ Deut 31:23; Josh 1:6-9; 8:1; 10:8; Ps

⁹⁸⁷ Rofé, *Deuteronomy*, 16.

⁹⁸⁸ The LXX adds καὶ ἐν ὀράμασιν μεγάλαις “and with great visions” to Deut 26:8 and 4:34; Deut 26: 8 Tg. Onk. has the addition: ובהזוּנָא/וּבְחִיזוּ רַבָּא; cf. Tgs. Ps-J., Neof., and Frg. Tg.

⁹⁸⁹ *Ibid.*, 16.

⁹⁹⁰ Deut 5:22-26 receive fuller treatment below, §§3.5.2-4.

⁹⁹¹ Cf. the stark contrast between the moxy of the minority, non-Israelites, and the fear of the majority, Israelites. Such contrast shows the hand of HexRed.

91; Prov 28:1; Hab 2:4 LXX),⁹⁹² which extends to the New Testament.⁹⁹³ Wénin's observation that the fear of the people at Sinai serves to distance the people from *YHWH* "au profit de" Moses, the sole human speaker,⁹⁹⁴ suggests the authors capitalized on this theme on a plurality of levels. The theme of non-productive fear worked to the advantage of PentRed, for whom the lionizing of Moses was a central aim. It is thus difficult to see these priestly tradents supporting the tradition of the PRR. Rofé's attribution of the characterization of the people as piteously fearful to his earlier writer is a depiction the later writer rejects and seeks to correct. Deuteronomy 5:22-27 contains both perspectives, that is, there are

two opposite approaches to the revelation at Horeb. The ancient stratum was not concerned primarily with the revelation itself, but with the content of the covenant made there. In order to stress the excellence of all its parts, including "the precept, the laws and the judgments," the author was compelled to belittle the significance of that generation ... they were afraid of God's direct presence and asked for an intermediary. In the later stratum, the second author hastened to correct the impression made by the original depiction: the revelation at Horeb was unique, and the people present there attained an exceptional status.⁹⁹⁵

Rofé's sketch of the contrasting reactions of the generation to whom "God has shown us his glory and greatness" and those who "heard his voice out of the fire" (v. 24) is helpful. The description of the first writer's "belittling" all-Israel is jarring, and yet similar slanderings of a subset of Israel confront us elsewhere.⁹⁹⁶ If Rofé correctly interprets Deut 5:22-27 as an intentional denigration of the $\alpha\upsilon$ in order to aggrandize the numerous

⁹⁹² ἐὰν ὑποστείληται οὐκ εὐδοκεῖ ἡ ψυχὴ μου ἐν αὐτῷ ὁ δὲ δίκαιος ἐκ πίστεώς μου ζήσεται "If he vacillates out of fear my soul has no pleasure in him, for the righteous will live by my faith (ὑποστέλλω = draw back for shelter; prevaricate (Liddell-Scott). Cf. Deut 5:28f: "I have heard what this people said to you. Everything they said was good. ²⁹ Oh, that their hearts would be inclined to fear me and keep all my commands always, so that it might go well with them and their children forever! Job 9:33-35. If only there were someone to arbitrate between us, to lay his hand upon us both, ³⁴ someone to remove God's rod from me, so that his terror would frighten me no more. ³⁵ Then I would speak up without fear of him, but as it now stands with me, I cannot." Contrast Rahab Josh 2:1-7, whose productive fear of *YHWH* leads to intrepid action.

⁹⁹³ Cf. ὑποστέλλω and ὑποστολῆς in Heb 10:38 and 39, respectively; cf. the juxtaposition of "the fearful/cowardly and the faithless/unbelieving/untrustworthy" (δειλοῖς καὶ ἀπίστοις; Vg *timidis autem et incredulis*) in Rev 21:8.

⁹⁹⁴ "La requête qu'il fait alors à Moïse écarte clairement le locuteur divin des dix Paroles au profit de leur seul locuteur humain" ("Théophanie," 480).

⁹⁹⁵ Rofé, *Deuteronomy*, 16-17.

⁹⁹⁶ E.g., the upper- vs. middle-tier priestly fracas texts of Num 16 and Ezek 44.

installments of the Mosaic law,⁹⁹⁷ this would make the tradition of the intermediation of Moses a secondary addition, superimposed on the earlier conception in which intermediation is unnecessary and, in the eyes of some, undesirable.⁹⁹⁸ Further, if the deprecation of Israel's aptitude figures integrally within the *secondary* theme of mediation, the notion of a people capable of receiving the PRR will have *preceded* the first writer's contribution to Deut 5:22-27 (namely, vv. 23, 25, 27). The second writer (responsible for, e.g., vv. 22, 24, 26, see above chart), who attempts to "correct the impression made by the original depiction"⁹⁹⁹ succeeded in ensuring the survival of the tradition of the PRR in Deuteronomy, perhaps also in Exodus.

3.5.3 *The Coexistence of the PRR and Mosaicly Mediated Revelation: E. Otto's Interpretation of Deut 5:22-31 within the Larger Context of Developing Deuteronomy*

In view of the importance of Deut 5 within Professor Otto's interpretation of Deuteronomy, the following section singles out the exegesis of Deut 5 and the key role played by vv. 22-31. Otto maintains the exilic writer of DtrD (dtr Decalogue, the dtr *Hauptredaktion*, or the dtr "Horeb Redaction" = Deut 4:45–28:68) developed a theory between Deut 5:22 and Deut 5:31 explaining why the Dec was directly transmitted as divine revelation, whereas the laws of Deuteronomy constituted a proclamation (Kundgabe) of God's will mediated by Moses.¹⁰⁰⁰ Neither the idea of Mosaic mediation of revelation nor Horeb as the place of that revelation had a place in the preexilic deuteronomic Deuteronomy (dtn Dtn).¹⁰⁰¹ This suggests earlier conceptions maintained

⁹⁹⁷ This matter is revisited at the end of this chapter, especially in our consideration of E. Otto's essay "Deuteronomium 4."

⁹⁹⁸ One is reminded here of the dilemma facing Samuel in 1 Sam 8 as the Israelites clamored for a central kingship instead of continuing to allow the deity to direct them in locally by means of local and itinerate priest-prophets and judges, within the tribal system.

⁹⁹⁹ On the other hand, the writer may have revived or imported an ancient alternative mountain of God tradition. On the question of the northern levitical priests sharing a sharply alternative vision of Israel with Hosea, see Christian, "Revisiting Levitical Authorship," 219-26.

¹⁰⁰⁰ "Während die אל-כל-פהלכם (פנים בפנים דבר יהוה) dem Volk offenbart, teilt Gott die וואדברה אליך את כל-המצוה וההקים (הקים ומשפטים) des Deuteronomiums Mose am Horeb mit (למד; Dtn 5,1.31), sie im Kulturland zu halten (Dtn 5,31)" (DPH, 164; 181 and n. 125; idem, "Mose, der erste Schriftgelehrte," 282-84).

¹⁰⁰¹ The document (Urkunde) of Deuteronomy that combines with DtrD contains no theory of Mosaic authorship (Otto, DPH, 181 and n. 125). The BC served as the source for preexilic dtn Deuteronomy. "If the laws of the Covenant Code were supplemented in Deuteronomy, this did not mean that the Covenant Code was no longer valid. In fact, the Covenant Code became part of the Sinai pericope after its revision by Deuteronomy, and as such, a *direct revelation*, whereas Deuteronomy functioned merely as its repetition as

the direct involvement of the deity in revelation. Even the exilic DtrD seems unaware of Moses as the promulgator of *tôrôt*.

By design, dtn Dtn (the original deuteronomic law corpus) functioned as a program of reform that reformulated the BC.¹⁰⁰² Showing little regard for specific historical placement (*geschichtliche Verortung*), it traced itself directly to the authority of *YHWH*. As part of a *Gegenprogramm* towards Assyria it chose Jerusalem as the place of revelation.¹⁰⁰³ Later on, after the destruction of the Jerusalem temple and Dtr's exilic introduction of the notion of Mosaitivity (*Mosaizität*), the declaration of Deuteronomy at Mt Horeb became a mainstream part of Israel's history. A treatment/processing (*Verarbeitung*) of the exilic situation thereby found integration in dtr Deuteronomy.¹⁰⁰⁴ The exilic dtr *Hauptredaktion* (DtrD) provided occasion for theological discussions that would determine the internal redactional horizons of the *Fortschreibungen* in Deut 5:5, 22*, 26. These revisions adapted the Dec to dtn Dtn by *portraying the former as having been revealed to the people yet still mediated by Moses* (thus the paradoxical Deut 5:5). Otto also notes the significance of 5:22b, which, along with 10:4 (treated below), figures in the early fourth-century¹⁰⁰⁵ PentRed notion of the *Verschriftung* of the torah. With this motif PentRed effects an epoch arrangement within the Pentateuch: whereas the era of the ancestors witnesses the literary fixation of neither covenant (Gen 15; 17) nor land-

witnessed by Moses in the plains of Moab. There are hints suggesting that the revision of the Covenant Code did not invalidate it as the older law; rather, a complementary relationship obtained between the two sets of laws. Deut 19:2-13* revised the laws of homicide in Exod 21:12-14" (Otto, "Pre-exilic Deuteronomy as a Revision of the Covenant Code," 115; emphasis added).

¹⁰⁰² See the helpful chart in *DPH*, p. 264; cf. idem, "The Pentateuch Between Synchrony and Diachrony. Perspectives for the Encounter between Africa and Europe," in *South African Perspectives on the Pentateuch between Synchrony and Diachrony* (ed. J. Le Roux and E. Otto; New York: T & T Clark, 2005), 22-49, 46. For a contrary view regarding an early BC, see Van Seters, *Law Book*, which includes the following statement: "Not only is the whole code of Exod 20:22-23:33 a single composition, the work of a single author, but it is also an integral part of a larger Pentateuch source—the exilic Yahwist.... The author shows a remarkable mastery of the Babylonian legal tradition.... The second half of the code is entirely inspired by, and intimates, the Hebrew legal tradition of Deuteronomy and the Holiness Code ... but is modified for the purposes of the new social environment, the diaspora" (173).

¹⁰⁰³ Regarding the centralization of the cult in D, we prefer to think in terms of purification rather than centralization of the cult in preexilic Jerusalem; see §4.13 below and Christian, "Priestly Power that Empowers," 41f.

¹⁰⁰⁴ Otto, *DPH*, 117f.

¹⁰⁰⁵ Achenbach dates PentRed a bit earlier, to the second half of the fifth century BCE, or subsequent to Nehemiah's governorship. He appears not to connect it as directly to Ezra's early fourth-century activity.

promise (ch. 23), the divine inscribing of the Sinai/Horeb disclosure plays an essential role in the formational history of Israel as a constituted people.¹⁰⁰⁶

Jeremiah 30 may intend to critique this latter motif as an antiquarian undertaking. Although the prophet writes down his earlier revelations, he leaves unscripted the present disclosure. Most importantly, *YHWH* writes *tôrôt* on the human heart rather than tablets (Jer 31).¹⁰⁰⁷ Schmid emphasizes the back-connection of Jer 31 to Deut 6 :

La promesse d'une nouvelle alliance en Jr 31,31-34 se réfère visiblement quant celle au Shema Israël de Dt 6,4-9, dont elle renverse les conditions concernant le temps de salut à venir: Israël va recevoir la loi dans son cœur et personne ne l'enseignera plus aux autres.¹⁰⁰⁸

Whereas Deut 4:10 offers the most explicit formulation of direct speech, 5:22 stands out for directing the speech to the entire assembly (קהל); v. 22 thus emphasizes the plenary aspect of the reception of revelation.¹⁰⁰⁹ The other two “*qahal* passages” in Deuteronomy (9:10; 10:4) pepper the recounting of plenary address with technical, “convocation” terminology (“on the day of the assembly”). Together, the three passages emphasize the obligation of the entire community to assemble.¹⁰¹⁰

Deut 5:22 “to your whole assembly”

אל-כל-קהלכם

¹⁰⁰⁶ Otto, *DPH*, 182f; cf. n. 133.

¹⁰⁰⁷ *Ibid.*, 249, n. 44.

¹⁰⁰⁸ Konrad Schmid, “La Formation des Prophètes Postérieurs (Histoire de la Rédaction),” in *Introduction à l’Ancien Testament* (ed. T. Römer, et al.; Genève: Labor et Fides, 2004), 318-28, 324.

¹⁰⁰⁹ Cf. also 10:4.

¹⁰¹⁰ For the two terms often rendered “solemn assembly,” see Exod 12:16, Lev 23:36 (מקרא־קדשׁ); v. 36 also includes (עֲצֻרָה); Deut 16:18, 2 Chr 7:9, Num 29:35, 2 Kgs 10:20, Neh 8:18, Joel 1:14, 2:15 (עֲצֻרָה/עֲצֻרָה). LXX renders מקרא־קדשׁ as κλητή ἀγία “holy convocation,” “עצרה/עצרה as ἐξόδοιο “final day of a festival.” For insightful thoughts on lay leadership and the “popular assembly,” its place and function within a communal paradigm “based on premonarchic Israel” and constituted under the auspices of the Persian government, see Albertz, *Israel in Exile*. E.g., “in alliance with the priestly reformers, they [lay leaders] were in a position to offer the Persians a more reliable political alternative to Davidic rule, in line with the Persian’s own interests. This coalition took the reins in 517.” Premonarchic Israel “had councils of elders and a college of priests, below these a popular assembly.... But this premonarchic model was adapted to the needs of the postexilic community by the formation of a college of priests, coordinate with the council of elders” (131; cf. 375 and idem, *History*, 1:72-76; 93; 2:447). For membership in this diverse community, cf. *Israel in Exile*, 137). On his notion of a “college of priests” and the council of elders see also *ibid.*, 135f.

P. D. Miller (*Religion of Ancient Israel*, 199-200) also recognizes the significance of the phrase “assembly of the Lord,” which may refer not only to a religious gathering but, as a likely gathering of adult males (Dtn 23:1), it probably comprised a “formal session for religious, military, or political purposes. In some ways, participation in the assembly was tantamount to citizenship.” Thus the intention of a passage such as Deut 23:3-7, which selectively admits and excludes certain ethnic groups, would not be to promote the outright exclusion of foreigners from the cult (quoted portion from p. 200).

Deut 9:10 “on the day of the assembly”
ביום הקהל

Deut 10:4 “on the day of the assembly”
ביום הקהל

Schäfer-Lichtenberger contrasts Deut 5:23ff. with 4:9ff. Whereas in the latter *YHWH* delegates a measure of authority to Moses that in turn legitimates the torah, in the former “ist die Bewegung gegenläufig,” in that the direct revelation of the Dec legitimates the torah. The latter mechanism effects the greater force.¹⁰¹¹ Deuteronomy 5:23 offers yet another recounting of the people’s direct reception of the קול, though 23b only specifies leaders coming near (קרבו) to *YHWH*. Through this the עם’s leadership involves itself in the realms of both revelation and the ensuing agency of the Mosaic office, which dispenses legal revelation in interpreted form.¹⁰¹²

Deuteronomy 5:24, 25, 26 each reaffirm the people’s reception of the audible voice of God. Verse 24a connects the audition to the exhibition of *YHWH*’s כבוד¹⁰¹³ and greatness (גִּדְלָה);¹⁰¹⁴ in 24b the assembly expresses astonishment at having (a) survived the theophanic exchange and (b) acquired newfound empowerment (cf. also v. 26).¹⁰¹⁵ The declaration “we have seen that God may speak to someone”¹⁰¹⁶ exhibits the temerity rather than timidity of the קהל. Together, v. 24’s two explicit formulations of the direct address theme (שמענו מתוך האש ... ידבר אליהם אֶת־הָאֵדָם) rival that of 5:22.

At the conclusion of the transmission of the Dec in Deut 5, the עם authorize Moses to approach *YHWH* for them in the future, to mediate further impartation (vv. 23-27).

YHWH affirms the idea (v. 28f) then bids the Israelites return to their tents (v. 30). Moses

¹⁰¹¹ “Göttliche und menschliche Autorität,” 135.

¹⁰¹² That 23a specifies hearing the voice “out of the darkness, while the mountain was burning with fire” seems more stylistic than *sachlich*.

¹⁰¹³ The sole occurrence of this “priestly” term in Deuteronomy.

¹⁰¹⁴ The collocation of קבוד and גִּדְלָה occurs elsewhere only in Ezek 31:18 (בכבוד ובגדל).

¹⁰¹⁵ Relevant to the discussion of the numinous presence within Israel, Rose (*5. Mose*, 2:501) notes that the conception of Deut 4:34 has the high god not only speaking directly to *all-Israel* but also dwelling in close proximity during the exodus from Egypt.

¹⁰¹⁶ NRSV’s permissive translation of the preposition plus non-perfective verb כִּי־יִדְבַר (“that ... may speak”) is correct, though the impersonal “someone” detracts from the intended force of the rhythmic phrasing with singular subject: “may speak to man, yet he lives.” The high god (thought infinite, if exposure to Deutero-Isaiah can be assumed) has spoken to the finite individual and yet the latter has not only survived but seems to have experience enhanced through the process. The vacillation between collective and singular, common in Biblical Hebrew, is not at play here.

however remains stationed before *YHWH* (v. 31).¹⁰¹⁷ Imbedded in the narrative is the view that during the theophany itself, both Moses and the אֱלֹהִים maintain spatial and communicative nearness to their high god.¹⁰¹⁸ This conception does not comport with the portrait of a burning mountain, a virtually intolerable environment for humankind. In the following, Veijola suggests that while both the PRR and nearness theme are original to the account, they come to be perceived as problematic:

[Deut] 5:22 confirms the impression that according to the presentation of *the prophetic author* the people were gathered on top of the mountain during the revelation. Such a great nearness of the people to the majesty *was very soon perceived* to be indiscreet; thereafter only Moses was admitted in immediate proximity of God on the mountain.¹⁰¹⁹

It is difficult to know whether Veijola here views diachrony, to which his phrase “was very soon perceived” alludes, as bringing about either progression in the narrative or changes in the author’s perspective. If the latter, the designation “prophetic author” reveals his agreement with Rofé. Both attribute the view of the exodus generation as a uniquely prophetic people to a *later*, prophetic author. Another viable interpretation attributes the varying perspectives to different priestly and priest-prophet circles: one tilts toward elite priestly monopoly of revelatory traditions and tight control of *the interpretation of their reception* (so Zadokite- or Aaronide-Levite); the other circle of priest-prophet Levites continues to embrace the earlier conception of the unmediated PRR. While on first blush the latter interpretation appears to favor synchrony, it could easily accommodate aspects of diachronic development as well. In Chapters Four and Five we discuss the fluctuating status of the levitical priest-prophets engendered by circumstances during the Babylonian exile and the subsequent, postexilic shuffling of the roles of Israelite religious officiants within the Persian empire, and relative to other Israelite priests and the people.

¹⁰¹⁷ Reading וְאַתָּה פֹּה עִמָּדִי עִמָּדִי as “But you stay here with me” with NIV, NJB; cf. Luth Rev.: “Du aber sollst hier vor mir stehen bleiben”; Rev. Elberfelder “Du aber bleibe hier bei mir stehen!”; TOB “Et toi, tiens-toi ici avec moi.”

¹⁰¹⁸ Krüger, “Zur Interpretation,” 87-8.

¹⁰¹⁹ “Eine so große Nähe des Volkes zur Majestät wurde allerdings recht bald als indiskret empfunden und nur Mose auf dem Berg in unmittelbar Nähe Gottes zugelassen” (5. *Buch Mose*, 134-5, emphasis in writer’s translation secondary).

The lack of agreement observed among commentators regarding the earliness/lateness of the conception of the PRR reveals one of the problems accompanying exclusive dependence upon diachronic explanation. It may turn out that aspects of the PRR, say, those deriving from collective memories of numerous preexilic, revelatory events at local high places, underwent reshaping prior to their insertion into more recent tradition-blocks that in the official presentations emphasize singular, mountain of god experiences with larger assemblies. Deuteronomy 5:5, the quintessential *Gegensatz* of the tradition of the PRR, documents PentRed's bold attempt to correct the problematic conception—and likely promulgation in regional towns and villages—of the plenary reception of revelation, so also the related theme of the “drawing near(er)” (“Sich-Nähern”) of the people.¹⁰²⁰ Regarded as particularly knotty were traditions tied up with depictions of an intrepid and competent people resolute¹⁰²¹ in the face of close encounters with the divine. In this regard, Gen 32:29b sets forth the intriguing perspective of humans winning out in a duel with the divine: “You have striven with God¹⁰²² (כִּי־שָׁרִיתָ עִם־אֱלֹהִים) and with humans, and have prevailed” (Gen 32:29b).

3.5.4 Reading the Canonical Narrative of Deut 5:22-26

Although we follow Otto in assigning vv. 22-26 to a dtr (i.e., not post-dtr) stage,¹⁰²³ the following remarks consider the section, particularly vv. 24b, 25b-26, from a canonical perspective. Deut 5:25b (“if we hear the voice of the Lord our God any longer, we shall die”) stands out for affirming the PRR while at the same time depicting fearful recoiling. Of the passages we have examined in Exodus and Deuteronomy, vv. 24b, 25b-26 does well at depicting the multidimensional human experience of the PRR event(s), namely that the Dec was revealed without mediation and that the experience of its reception was understandably overwhelming even for the heartiest people. Whereas we have

¹⁰²⁰ Cf. M. Rose, *5. Mose*, 2:495. Rose assigns 5:5 to his “Schicht IV,” which endeavors to correct “Schicht III,” the layer responsible for, e.g., 5:4; cf. also Krüger, “Zur Interpretation,” 88.

¹⁰²¹ One could reasonably assume that a people known for their “hardness of neck” (קִשְׁיָה־עֵרֶף) could be stubbornly intent on receiving verbal and other blessings from their god in theophanic contexts as well, so Gen 32:24-32; cf. 27b: Jacob said “I will not let you go, unless you bless me” (לֹא אֲשַׁלְּחֶךָ כִּי אִם־בֵּרַכְתָּנִי).

¹⁰²² LXX lacks the phrase; Targums either lack or radically alter the phrase, which SamPent retains.

¹⁰²³ E.g., Otto, *DPH*, 102, 117f., 145.

emphasized the incompatibility of the PRR and non-productive fear,¹⁰²⁴ on the level of the final, canonical text, the combination of the two along with an affirmation of the people's prophetic competence (v. 26) may have produced an appropriate image of how Israelites receiving direct revelation from God were to do so in "fear of the Lord." The intensity and risk accompanying such encounters—of which Moses knows (Exod 3:5f)¹⁰²⁵—forewarn *all-Israel*, i.e., priest and non-priest alike, not to presume in encounters with the holy matters of the cult.¹⁰²⁶ With gods themselves becoming overwhelmed by what they see and experience (Job 41:1b [Eng 41:9b]),¹⁰²⁷ *a fortiori* humans have their theophanic limits (cf. Ezek 1:28; 3:15; Deut 8:27; perhaps also Isa 6:5-7). Regarding proximity to the Holy One (הַקְדוֹשׁ; cf. Job 6:10), the Hebrew Bible consistently broadcasts warnings on the most severe frequency against contemptuous over-familiarity, which in priestly contexts (1 Sam 2:12-17) is akin to an utter absence of the fear of the Lord. Ancient thought connects such (unwise) carelessness with the notion of the deity's impotence: he does nothing, whether it be good or bad (Jer 5:11-13).¹⁰²⁸

In its formulation of the direct speech theme, Deut 5:26 has recourse to v. 24b¹⁰²⁹ both in the former's collective daring ("as *we* have") and in the foregrounding of the

¹⁰²⁴ Deut 10:20a-b α associates fearing with clinging to God (את־יהוה אלהיך תִּירָא אֹתוֹ תַעֲבֹד וְבוֹ תִדְבָּק); cf. 13:4, also perhaps Josh 23:6-11; v. 12 then warns against again clinging to foreign elements; cf. Ps 119:31 (clinging to the commandment); Jer 13:11 (analogy of clinging waistband//Israel and Judah made to cling [הִקְדִּיף] to God).

¹⁰²⁵ Exod 3:5f reveals aspects of the dynamics of a direct encounter with, and *instigated by* Israel's high god. Located on the sacred mountain, God commands to Moses to keep his distance (v. 5). The restriction has nothing to do with Moses' qualification for receiving directly revealed data. He is nonetheless rendered nonplussed, though in this instance that which is seen, rather than heard, overwhelms. Aside from אֲשֶׁרֶת הַדְּבָרִים, the multimedia theophany associated with the Dec in the books of Exodus and Deuteronomy merges into a collage of otherworldly sights and sounds that resist separation into individual elements.

¹⁰²⁶ To a lesser extent a caveat against presuming to hear *devarim* directly outside a cultic context may be being issued.

¹⁰²⁷ Following NRSV's trans., which appears to follow Symm and Syr.

¹⁰²⁸ Deutero-Isaiah contrasts the responsive benevolence of *YHWH* with the impotence of other gods (17:17b-29); v. 23 link human fear of the gods with the latter's activities in the present coupled with revelation of the future: "Tell us what is to come hereafter (לְאַחֵר), that we may know that you are gods; do good, or do harm, that we may be afraid and terrified."

In D, acting unethically ties directly to a lack of concern for deity defending the wronged party; cf. 15:9; the following verse formulates a similar principle more positively: כִּי בְגַלֵּל הַדָּבָר הַזֶּה יִבְרַךְ יְהוָה אֱלֹהֶיךָ (v. 10b). Both verses motivate based on an express expectation of divine response to individual human "sins of omission and commission," if you will. Further, the internal motives for an individual's (in)action do not escape strict scrutiny.

¹⁰²⁹ Cf. Hayes, Deuteronomy, 173: "This verse [v. 26] continues v. 24 rather than v. 25, and so comes from the late author of ch. 4. It expresses the exclusive privilege enjoyed by Israel in God's closeness, rather than the fear of the danger which this closeness brings." The term "all flesh" (כָּל־בָּשָׂר) in v. 26 is priestly (cf. Gen 6:12, 13, 19; Isa 40:5, 6; Jer 25:31; 32:27; Ezek 20:48; 21:4 and *ibid.*).

individual (“God will speak to a man, and he will live”).¹⁰³⁰ Verse 26 brandishes a phrase used once in the Hebrew Bible: “the voice of the living God” (קול אלהים חיים).¹⁰³¹ Further treatment of the significance of Deut 5:22-26 is not possible here.

3.6 Deut 9:10

ויתן יהוה אלי את־שני לוחות האבנים כתבים באצבע אלהים ועליהם ככל־הדברים אשר דבר יהוה עמכם בהר
מתוך האש ביום הקהל:

And the Lord gave me the two stone tablets written with the finger of God; on them were all the words that the Lord had spoken to you at the mountain out of the fire on the day of the assembly.

García López characterizes the section Deut 9:7–10:11 as the “ruptura y ‘renovación’” of the covenant.¹⁰³² With the people poised to enter the Promised Land, the narrator rehearses their infidelities in the desert. This includes a clear allusion to the golden calf debacle (10:10bβ; cf. 9:16f), which provokes *YHWH*’s ire and results in the nullification of the covenant, with the fracturing of the tablets dramatizing *la ruptura*.¹⁰³³

This section also contains a notable reference to the Levites, who are to “bless in his name (ברך בשמו),” “serve” (שרת), and carry the ark (10:8f). The verse is post-dtr and owes to HexRed.¹⁰³⁴ The Levites’ zeal for *YHWH* in this secondary recounting of the calf incident is patent.¹⁰³⁵

¹⁰³⁰ Translating LXX λαλήσει ὁ θεὸς πρὸς ἄνθρωπον καὶ ζήσεται; cf. MT כִּי־ידבר אלהים את־האדם והי Tg.

ממליל יי עם בריגש דרוה קודשא ביה ומתקיים Ps.Jon. adds “in whom is the holy spirit” ממליל יי עם אנשא ויתקיים

¹⁰³¹ The shorter phrase “living God” (אלהים חיים) appears elsewhere in the Hebrew Bible in 1 Sam 17:26, 36; Jer 10:10; 23:36.

¹⁰³² *El Pentateuco*, 296.

¹⁰³³ *Ibid.*, 296f. MacDonald (*Deuteronomy*, 185) labels the calf incident “paradigmatic apostasy” because of its flagrant disregard for the prohibition against images. In addition to Exod 32, the hand responsible for Deut 9:7 insists on a multitude of rebellions in the desert (so vv. 22-24; cf. Otto, *DPH*, 92).

¹⁰³⁴ Cf. Achenbach, “Story,” 147-48: “The idea that it was the Levites who, in the radical sense of traditional notions of treaty and covenant, followed Moses in the zeal for *YHWH*’s exclusive authority (Ex 32,26-29) is still unknown in the original dtr version of the narrative in Dtn 9 and clearly added afterwards in Dtn 10,8f. There is no hint of the levitical authority in that sense in the basic layers of the dtn or dtr Deuteronomy or the dtr Historian (cf. e.g. 1, 2 Samuel, 2 Kgs 13–25)”; cf. idem, *Vollendung*, 164.

A comparison of the programmatic assertions of Num 16:9f with Deut 10:8f demonstrates that Deut 10:8f does not assume the concept of Num 16:9f, rather it is later and reflects dependence on Num 3, specifically in how to envision the function of non-Aaronide Levites in the sense of *clerus minor*. This means *inter alia* that the choosing of Aaron in P had been dependant on the choosing of Levi. Once Aaron is appointed high priest, the name of Levi in the main diminishes. Indeed, in the whole P sanctuary legend of Exod 25-31, 35-40; Lev 1-16* neither the Levites nor the levitical line of the Aaronides play a role (*Vollendung*, 72).

This priestly tradition, however, hardly represents the sum total of traditions regarding the Levites.

The primary perpetuator of the tradition of the PRR in this section, Deut 9:10, comprises part of 9:7-21, arguably the paranetic introduction to the dtn law.¹⁰³⁶ One should not sever the expansion from vv.1-6, which along with vv. 22-24 appear to form a framework within the extensive section of 9:9–19:21. Otto categorizes this section as part of the exilic DtrD or Horeb redaction, Deut 4:45–28:68.¹⁰³⁷ Much of Deut 9:9–19:21 probably originates with the quills of PentRed that fundamentally revise the earlier perspective of HexRed.¹⁰³⁸ PentRed joins forces, as it were, with the perspective of DtrD, which centers Sinai in its conception as counterpart to Horeb. That Moses’ zeal alone stands out in this section fully fits the profile of PentRed.¹⁰³⁹

The wording of Deut 9:10, specifically the reference to the Dec as “words” recalls 4:10, 5:22, and, as we will see, 10:4 as well.¹⁰⁴⁰ Each specimen specifies the people’s direct reception of the “words.”¹⁰⁴¹ Thus all three passages promulgate the notion of the plenary reception of revelation. In its use of the phrase “out of the fire” 9:10 adopts the

Judges 18:30 suggests Levitical (Mushite family) activity at Dan prior to the time of Jeroboam, who allegedly excluded them from Bethel and other cultic sites (1 Kgs 12:31-32; 2 Chr 13:9; cf. Cook, “Lineage Roots,” 153f). Relevant here is the problem with John Van Seter’s hypothesis of a *Golah* author (J) composing the BC. “During the latter days of the Neo-Babylonian Empire there are no priests mentioned in the Covenant Code, not even in connection with cultic observance, just as there are no Hebrew priests in the whole of J” (*Law Book*, 174). It is difficult to fathom a circle of tradents in the *Gola* that would systematically expunge this retainer class from the “public record.”

¹⁰³⁵ Following Dahmen, Achenbach (*Vollendung*, 164) suggests Exod 32:26-29 probably came across “die Leviten-Legende Eingang” in the narrative first in the course of the post-dtr redactional revision of the material. The zeal of the Levites is also manifest in Deut 17:12 (“as for anyone who presumes to disobey the priest appointed to minister there ... or the judge, that person shall die”); similar to Exod 32, the purpose is to purge evil (רע) from the community. Exhibiting similarly violent zeal in the cult are Kings Jeroboam (1 Kgs 13: 2) and Josiah (2 Kgs 23). Note the near identical language used in both instances: 1 Kgs 13:2 וַיִּזְבַּח אֶת־כֹּל־יְהוָה הַבְּמוֹת , and 2 Kgs 23:20 וַיִּזְבַּח אֶת־כֹּל־יְהוָה הַבְּמוֹת (cf. Albrecht Alt, “Die Heimat des Deuteronomiums,” in *Kleine Schriften zur Geschichte des Volkes Israel* (vol. 2 of 3; München: C. H. Beck’sche Verlagsbuchhandlung, 1959), 250-75, 260).

¹⁰³⁶ For Hayes (*Deuteronomy*, 161), vv. 7-21 comprise a second dtr expansion.

¹⁰³⁷ Otto, *DPH*, 91.

¹⁰³⁸ Ibid. PentRed leaves basically untouched the HexRed-penned Levite passage of 10:8f. The only other occurrence of the form הַבְּדִיל (v. 8aα) occurs, not surprisingly, in Num 16:9aα. Other hip’il perfective forms of בָּדַל show up in Lev 20:24, 25 (*YHWH* separates the community to distinguish between clean and unclean); 1 Kgs 8:53 (*YHWH* separates Israel from the other nations); Ezek 22:26 (priests fail to distinguish between holy and common).

¹⁰³⁹ Cf. the Smend/Vejjola nomistic redactor DtrN, which also lionizes Moses. Whereas the prophetic dtr redactor (DtrP) formulated the basic presentation of the Dec revealed directly to the people, “DtrN hingegen hat die von DtrP eingeführte Sicht weiter entfaltet, wobei er seinem nomistischen Grundsatz gemäß noch stärker den Akzent auf Mose als Ausleger und Lehrer der Tora gesetzt hat (vgl. 1,5; 4,10.14)” (Vejjola, 5. *Buch Moses*, 4).

¹⁰⁴⁰ Along with 5:22 and 10:4, 9:10 constitutes one of the three “*qahal* passages” in Deuteronomy. See above, §§1.3.11.8; 3.5.3.

¹⁰⁴¹ Piel of דָּבַר (“spoke”) in 5:22, 9:10, and 10:4, hip’il of שמע (“caused to hear”) in 4:10.

vocabulary of 5:22.¹⁰⁴² If 9:10—and also 10:4, see below—belong to PentRed, then they document a compromise between HexRed and PentRed, as the latter would not otherwise support the tradition of the PRR.

3.7 Deut 10:4

וַיִּכְתֹּב עַל-הַלְּחָת כַּמִּכְתָּב הָרִאשׁוֹן אֵת עֲשֻׁרֵת הַדְּבָרִים אֲשֶׁר דִּבֶּר יְהוָה אֵלַיכֶם בְּהָר מִתּוֹךְ הָאֵשׁ בְּיוֹם הַקָּהָל
וַיִּתֵּן יְהוָה אֵלַי

Then he wrote on the tablets the same words as before, the ten commandments that the Lord had spoken to you on the mountain out of the fire on the day of the assembly; (b) and the Lord gave them to me.

[N.B. 10:5: “So I turned and came down from the mountain, and put the tablets in the ark that I had made; and there they are, as the Lord commanded me.”]

Part of the second “rupture of the covenant” section (9:7-10:11) introduced in the previous section, 10:4 carries another explicit mention of the PRR. In Deut 9:18-29 Moses intercedes for both Aaron and the people, after which *YHWH* commands him to quarry two *luhot* and construct an *‘aron* of acacia wood to house them (10:1-5).¹⁰⁴³ In this way *YHWH* reveals the intention to renew the covenant, though, in contrast to Exod 32–34, “no se realiza tal renovación.”¹⁰⁴⁴

Similar to 5:22b, 10:4 carries the plenary revelation and *Verschriftung* motifs. Verse 4 underscores the equivalence of the new document and the original (“the same words as before” כַּמִּכְתָּב הָרִאשׁוֹן). The narrator names it “the ten words,” which the deity would have himself imparted directly to the people as in 5:4, 22, and 9:10. Rose holds that “the detailed description of the circumstances of the impartation of the commandments results from a word for word acceptance of the formulation of 9:10.”¹⁰⁴⁵ The correspondence between 9:10 and 10:4 breaks down however in the latter’s conspicuous addition of Moses in v. 4b (“and the Lord gave them to me”). What is more, the removal of 4b-5 does no violence to the context. Verses 4b-5 are clearly PentRed. They perform a similar

¹⁰⁴² Hayes, *Deuteronomy*, 198.

¹⁰⁴³ Veijola (*5. Buch Mose*, 227) considers Deut 10:1-5 (the renewal of the covenant) the second half of two parallel halves of the basic narrative (Gründerzählung) of DtrN. The first half consists of the breaking of the covenant (9:9-12abβ, 15,16a*, 17,21a*b).

¹⁰⁴⁴ García López, *El Pentateuco*, 297.

¹⁰⁴⁵ “Die nähere Beschreibung der Umstände dieser Gebots-Mitteilung erfolgt in wörtlicher Aufnahme der Formulierungen von 9,10” (*5. Mose*, 2:513).

function to 5:5, though in more subtle fashion. In both cases, 5:4 and 10:4a, the PRR is followed by explicit Mosaizing of the event by PentRed.

3.7.1 *Immortalizing Scribal Activity at the End of the Pentateuch*

Beginning with the exilic DtrD, the importance of scribal circles increases appreciably to the time of PentRed. *YHWH* himself is indicated as the writer who writes down the Dec and copies its contents onto new tablets after the destruction of the first tablets. A key notice appears in 5:22a β , revealing information withheld until now, namely, that *YHWH*'s scribal activity is said to have ended there: “and he added no more” (וְלֹא יָסַף).¹⁰⁴⁶ Hereafter, Moses (31:9, 19, 22, 24) and the king, with the levitical priest-scribes (17:18) share the newfound portrayal as writers. The associations foster the idealization of scribal activity. PentRed assays to paint Moses as the ideal scribe who both presents and interprets *tôrôt*. The attribution confers royal attributes to the legist.¹⁰⁴⁷ As the Pentateuch approaches its endpoint, scribal activity comes to be immortalized (Deut 31).¹⁰⁴⁸ This development represents the work of priestly intellectuals.¹⁰⁴⁹

Deuteronomy 10:1-4 recounts the replacing of tablets shattered by Moses in 9:17. In 10:3 Moses fashions an ark,¹⁰⁵⁰ “cuts two tablets of stone like the former ones,” and then proceeds up the mountain. The following verse details the sequence of events: the (1) writing down (2) what *YHWH* had spoken to you (pl.) (3) on the mountain (4) out of the fire (5) on the day of the assembly; the wording of v. 4a α “then he wrote on the tablets, as the first writing”¹⁰⁵¹ may intend a subtle diminution of the Sinai event, and 4b seems a secretarial *denouement* (“and the Lord gave them to me”). It was thought advisable to upstage the first giving of the tablets because of the association of Horeb with the conquest of the land, in which the *interpretation* of the law by Moses or prophet like him (Deut 18:18) takes center stage.

¹⁰⁴⁶ LXX follows suit with “and he did not add (anything)” (καὶ οὐ προσέθηκεν).

¹⁰⁴⁷ *DPH*, 249.

¹⁰⁴⁸ *Ibid.*, 249, n. 44.

¹⁰⁴⁹ *Ibid.*, who points to Wellhausen (*Prolegomena*) and Kuenen (*Historico-Critical Inquiry*) as earlier purveyors of the view that the final redaction of the Pentateuch was accomplished by priests. To be sure, the “wise” also played a role in the developing perception of scribes and scribal activity in Israel; see Perdue, *Sword and Stylus*, *passim*.

¹⁰⁵⁰ Whereas the term acacia (wood) (אֲצִי שֵׁטִים) is prevalent in Exod 25–38, it appears elsewhere only in Deut 10:3 and Isa 41:19.

¹⁰⁵¹ Darby version (adapted)

3.8 Synchronic Summary of the Analyses of Deuteronomy

Summarizing the findings of the synchronic examination of passages in Deuteronomy, biblical traditions tell of the *benei yisrael* receiving commanding revelation within a context of theophany. Descriptions of the events vary profoundly in details, including multileveled observations of visual and aural phenomena, varying locations and topographical movements, psychological and emotional reactions, and theological exclamations and commentary. The well-known instances of the people pleading for mediation reveal a less recognized expectation of both imminent and future revelation. It is thus suggestive of ongoing, *revelatio continua* by means of the legal Mosaic institution or “prophet like Moses” (Deut 18:18) institution that seems most clearly to tie to Jeremiah.¹⁰⁵² Confessing their need for mediation the assembly confers subtle but long-term legitimacy to the gestating institutions. Much less clear at this point in the narrative is the tension over the monopolizing of legal teaching and revelation that had already arisen among elite priests and prophets and the latter’s middle-tier levitical supporters. This matter receives careful attention in Chapters Five and Six, especially the latter.

3.9 Summary of Diachronic Analyses of Deuteronomy

¹⁰⁵² For Knobloch (*nachexilischen Prophetentheorie*, 258f.), texts in the book of Jeremiah cast the protagonist in a role of revelatory mediation that actually surpasses Moses. This is because the new and decisive acts of *YHWH* (Jer 26:3; 36:3) are decisive for *all-Israel* in the postexilic period. The mediating function of Moses is left out (wird ausgespart) because the deity now himself places דברים in the mouth of Jeremiah. “Die so radikalisierte Tora, d.h. wieder allein auf JHWH selbst zurückgeführt Tora, hat in der bundeslosen Jetztzeit unter der Herrschaft König Jojakims nach der Intention der Tradentenpropheten von Jer 26 allein ihren rechtmäßigen Ort im Munde Jeremias. Die wesentlichen theologischen Grundkoordinaten der dtr und postdtr Mosefiktion mit ihrer dezidierten Offenbarungstheorie werden durch Übertragung auf Jeremia rezipiert und damit Jeremia nicht als der ‘Prophet wie Mose’ dargestellt, sondern als derjenige, der als Offenbarungsmittler Mose übertrifft” (ibid., 258-59; cf. ibid., 277 [dates the reception of the Pentateuch by the author of Jer 26; 36 to the second half of the fifth century. Favoring the 5th-4th centuries as the context for important redactional layers in the Book of the Twelve is Jakob Wöhrle, “Israel’s Identity and the Threat of the Nations: Reflections from a Redactional Layer of the Book of the Twelve,” in *The Judeans in the Achaemenid Age: Negotiating Identity in an International Context* {ed. G. Knoppers, et al.; Winona Lake: Eisenbrauns, 2011}, 153-72, see especially 162-66.]). Jeremiah 36:32 is key for this interpretation, as it does not have in mind only the words destroyed by Jehoiakim; at the end of the verse it adds ועוד נוסף עליהם דברים רבים כהמה. Following, Otto, Knobloch reads this verse as repealing the “formulation of the canon formula and with it the canon theory of PentRed. The written continuity of prophetic revelation through Jeremiah challenges the seclusiveness (*Abgeschlossenheit*) of all of *YHWH*’s revelation going to Moses.” The same authorial circle that makes changes in Exodus (on which see ibid., ch. 5) modifies the conception of revelation in Deut 4:8; 11:32 (Mosaic mediation) to direct revelation received by the priest-prophet Jeremiah in Jer 26:4a (ibid., 278).

In terms of diachrony, the book of Deuteronomy may be described as disorderly. Chapter 4 postdates both chs. 5 and 29. The framing motif of the Moab community assembling themselves before *YHWH* in 29:9-14 was subsequently transferred to 4:10;¹⁰⁵³ 31:12, which seems to have the entire Pentateuch in view, arguably reformulates the elements of 4:10.¹⁰⁵⁴

3.10 Viewing both Exodus and Deuteronomy Accounts

The collective memory of Israel¹⁰⁵⁵ would preserve mountain of God traditions in both Exodus and Deuteronomy. The respective thunderous and fiery presentations of the direct reception of the Dec instilled a permanent posture of reverence for the *tôrôt* received and the covenant(s) enacted there.¹⁰⁵⁶ In addition to reflecting the breadth of theophanic presentation of the Dec, the narrative of Exod 19f. also suggests the efficacy of the presentation of *YHWH* covenanting with his recently liberated dependants.¹⁰⁵⁷ The wonder-filled deliverance from Egypt is paralleled by the creation of a nation and the phenomenal sealing of the covenant at Sinai. Traditions recounting those experiences vary and undergo further development in Deuteronomy by means of redactional additions. For example, the so-called Horeb covenant of Deut 5 assumes the breaking of the Sinai covenant in the golden calf incident (Exod 25), and associates the present covenant with those living in the present generation with whom God spoke face to face (Deut 5:2-4). This, Horeb redaction (Deut 5; 9f; 28), assumes the PRR from the start. In

¹⁰⁵³ Otto, *DPH*, 160.

¹⁰⁵⁴ *Ibid.*, 185.

¹⁰⁵⁵ Cf. J. Assmann's discourse on the notion of mnemohistory (Jan Assmann, *Das kulturelle Gedächtnis: Schrift, Erinnerung und politische Identität in frühen Hochkulturen* [München: C. H. Beck, 1999]). Here the interplay between the collective memory of individuals and groups concerns itself not so much with the past history *qua* past but rather with how such history, and especially the key events and players within it, come to be remembered; for a summary and application of Assmann's notion of mnemohistory thesis in English, see Meindert Dijkstra, "The Law of Moses: Memory of Mosaic Religion in and after the Exile," in *Yahwism after the Exile* (ed. R. Albertz and B. Becking; Assen: Royal Van Gorcum, 2003), 70-98.

¹⁰⁵⁶ From the narrative's point of view, "c'est le fait que les signes théophaniques deviennent dix Paroles articulées par des voix qui semble provoquer le recul du peuple. S'il en est ainsi, la proclamation des Paroles instaure une distance qui tient Israël en respect, dans une attitude que Moïse qualifie de "crainte" in interprétant le sens de la venue divine (v. 20)" (Wénin, "Théophanie," 480; cf. Durham, *Exodus*, 302f.). In v. 20 we find hinted what Deut 4:5 details, namely, Moses' reception of "statutes and ordinances" (חוקים ומשפטים) beyond the Dec (Oswald, *Israel am Gottesberg*, 79).

¹⁰⁵⁷ Cf. Wénin, "Théophanie," 480: "Le context narratif invite le lecteur à reconnaître aux dix Paroles leur portée théophanique et lui impose de cette manière la tâche de chercher en quoi cette Loi est théophanie, révélation du Dieu qui vient pour faire alliance avec le peuple qu'il a libéré."

Deut 28:69 [Eng 29:1] one sees a further development. In each instance and irrespective of whether the first or second generation, the people appear to experience the foundational events *en masse*.¹⁰⁵⁸

In the two chapters that follow I employ several methods, for example, social, archaeological, linguistic anthropological, and political approaches to reconstruct the most likely circumstances that led to the development and propagation of the PRR.

¹⁰⁵⁸ The exception to this would be the additional, institutionally received revelation and subsequent interpretation of the law evidenced in BC, the priestly *tôrôt* of H, and even later, theocratic developments in Numbers, e.g., 15:29f. and in the midrashic *Beispielzählung* of vv. 32-36. Joosten (“Structuration des pouvoir,” forthcoming) categorizes these didactic narratives, e.g. Lev 24:10-16 (blaspheming the Name) as “genres of behavior” (*genre de comportement*) that facilitate the persuasive rhetoric in biblical texts, particularly in H. Number 15: 29f. perhaps provides the most detailed picture of the diverse, community-wide culpability to know and observe *tôrôt* in Israel. In view of the Mosaic nexus with these regulations, during the wilderness period, it would suggest a similarly diverse community receiving the Dec.

SECTION C. SOCIAL (INCLUDES ARCHAEOLOGICAL), POLITICAL, AND RHETORICAL ANALYSES

CHAPTER 4

PRIESTLY POWER THAT EMPOWERS¹⁰⁵⁹

If power were never anything but repressive, if it never did anything but to say no, do you really think one would be brought to obey it? What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a *productive network* which runs throughout the whole social body, much more than as a negative instance whose function is repression.¹⁰⁶⁰

4.1 Introduction

Chapters Four and Five do not set forth a Foucauldian model through which biblical data is systematically run in order to test its applicability for research. In the present chapter, where the analogy of electronic circuitry is deployed, I intentionally introduce power principles of the social philosopher Michel Foucault (1926-1984) prior to their fuller delineation in Chapter Five. This makes possible the gradual introduction of the French social philosopher's thought on the one hand, integration of his concepts into both diachronic and synchronic analyses of the germane biblical texts on the other.

The vast scope of Foucault's intellectual discourse, for which he has at times been criticized, resists reduction to a single approach or method, and yet he often succeeds in interweaving the disparate threads of that discourse. For some sociologists Foucault's

¹⁰⁵⁹ This study originated at the 2006 Annual Meeting of the Society of Biblical Literature in Washington, D.C. The original version of this paper, "Priestly Power that Empowers: Cross-Denominational Alliance and 'Popular Religious Groups' in Israel," was presented to the Social Sciences and Hebrew Bible Section at the 2007 Annual Meeting of the Society of Biblical Literature in San Diego. It underwent significant, subsequent expansion before appearing in *JHS* 9, 2009 as "Priestly Power that Empowers." The present chapter comprises a significant modification of the *JHS* article, expanding some sections, deleting others, correcting errata, and dividing into Chapters Four and Five of this dissertation. Previously published material used with permission.

¹⁰⁶⁰ Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (ed. C. Gordon; New York: Pantheon Books, 1980), 119, secondary emphasis. The significance of this quotation will become clear in Chapters Four and Five.

ideas about power have no referent. That his works do not to my knowledge reference priests or biblical texts makes it necessary to work by analogy. In the present chapter I make selective use of his work, applying it briefly to Deut 17:14-20, “the law of the king,”¹⁰⁶¹ with brief reference to passages exhibiting the plenary reception of revelation (PRR).¹⁰⁶² The book of Hosea comes up in the discussion, but for a different reason, namely, to discuss the Levites’ probable eighth-century connection with the prophet and the perpetuation of his message that apparently began in northern Israel.¹⁰⁶³

Epigraphic evidence of eighth-century Palestine shows a remarkable shift in the designation of inscriptions. The shift correlates with a change in both the content of the text and the texts’ participants. The speech and actions of a collective come to the fore. These linear, “alphabetic inscriptions now image people as participants.”¹⁰⁶⁴ To the extent this view is correct, it would increase the probability of non-elites involving themselves at some level of the gathering and recording of traditions. Such may have been the case in the Levites preservation and perpetuation of the northern prophet Hosea’s traditions.¹⁰⁶⁵ Such a development would provide supporting structure already in the prexilic period allowing the tradition of the PRR to take root and mature, from its

¹⁰⁶¹ See also §5.2. The basic thrust of the law of the king is dtr and thus not prexilic in origin (Schäfer-Lichtenberger, *Josua und Salomo*, 70-85; Knobloch, *nachexilischen Prophetentheorie*, 261-63 and nn. 114-18! For detailed analysis of the relationship between the law of the king and Jer 36 see *ibid.*, 263-82.

¹⁰⁶² In §5.2 the discussion of the law of the king emphasizes the post-dtr insertion of Deut 17:18-20, which (along with Deut 31:9-13 and Neh 8) position Levites at the font of political and literary power. It also includes analysis of 1 Kgs 12:1-19 in section §5.5.1.

¹⁰⁶³ Cf. van der Toorn, *Family Religion*, 314f.; 352-62; the Dutch scholar speaks of the eighth-century prophet’s support of the levitical mission. “Hoseas’s sympathy with the Levites shines through in his allusion to the crime committed ‘in the days of Gibeah’ (Hosea 9:9; cf. 10:9) ... the story of the Levite whose wife was raped and brutally killed by the Benjaminites of Gibeah (Judg 19). Characteristically Levite, too, is Hosea’s criticism of Bethel with its cult of the golden calf (Hosea 8:5; 10:5; 13:2)” (*ibid.*, 314).

¹⁰⁶⁴ Seth Sanders, *The Invention of Hebrew* (Urbana: University of Illinois Press, 2009).140; cf. Marc van de Mieroop, *A History of the Ancient Near East ca. 3000-323 BC* (Malden, MA: Blackwell, 2007), 60. Elayi and Sapin (*Beyond the River*, 93) argue that inscriptions provide strong clues as to the literacy level of a given society. “The study of writing should make it possible to measure the degree of literacy of the society in which it was practiced. For that, it must be asked who ordered the inscription, for what readers and to transmit what message.” If one goes beyond the study of formal aspects to problems of language diffusion, the study of writing will also provide clues as to the processes of cultural integration, the oral-written continuum, “connections between writing and society, and writing and magic” (*ibid.*, 94). For example, a study of Persian period monetary inscriptions should include, in addition to paleographic and philological analysis, social scientists that can consider “the numismatic, iconographic, political and economic aspects” (*ibid.* 95).

¹⁰⁶⁵ §4.9.2.

beginnings in cultic theophanies and enactments the level of the local sanctuary, to its eventual integration into the Sinai/Horeb events as experiences shared by all-Israel.

The present chapter also introduces and employs the archaeological model of Douglas A. Knight, particularly his contributions to our understanding of four main types of cities that arguably existed in Iron II Israel.¹⁰⁶⁶ His recent restatement of the notion that the vast majority of the population resided in villages (cf. his “residential cities”), a proposal supported by a cache of material evidence he amasses and interprets, adds support to our conviction of the need to construct a complementary model of itinerant middle-tier representatives. These priest-prophet functionaries served between, on the one hand, royal urban centers and their interests, on the other hand, rural villages with their tribal cultural sensibilities and sociopolitics. We believe that it was through the preaching/teaching of these officiants that the traditions of the PRR most likely developed and, through fits and starts, came to be included in the literature of Israel.

Before proceeding further, we offer the following introduction designed to set the stage for analyzing religiopolitical power dynamics in Israel, according to the basic and admittedly problematic categories of official and popular religion. We begin by acknowledging traditions in Israelite literature, similar to the PRR, that fall outside the lines of what is generally expected.

4.1.1 *Minority Reports*

Biblical writers display a wide range of theological, sociological, and political viewpoints. While some are widely represented, others could be fairly characterized as minority reports.¹⁰⁶⁷ We find a theological example of this in the debate between Job and his traditionalist friends. The protagonist rebuffs the rote rehearsal of the dominant theology,¹⁰⁶⁸ which basically runs “bad things only happen to bad people”¹⁰⁶⁹; a

¹⁰⁶⁶ Knight, *Law, Power, and Justice*, in press; see §4.5 below.

¹⁰⁶⁷ Robert R. Wilson, *Prophecy and Society in Ancient Israel* (Philadelphia: Fortress, 1980), 69, speaks of the “minority voice” of peripheral intermediaries. The peripheral agent rarely impacts the central dogma in a direct way. Rather, it is through his/her great influence on the people. In their eyes the intermediary is a central intermediary, for he plays a decisive role in maintaining the local cult, which is the center of their religious world.

¹⁰⁶⁸ In contrast, Cook describes preexilic and pre-dtn Sinai covenant theology as “a minority tradition of peripheral groups for much of Israel’s history” (*Social Roots*, 45 *et passim*).

sociological example presents itself in the daughters of Zelophedad's intrepid yet successful challenge to the patriarchal system of inheritance that would leave a female-led household in the cold (Num 26f.); the prophet Jeremiah's support of a government clearly hostile to his own, especially during a time of national crisis (Jer 27f.), constitutes an unexpected—for some treasonous—political posture; numerous texts from the Gospels depict Jesus of Nazareth's teachings as reversals, in which the expected teaching or outcome is overturned.¹⁰⁷⁰

Although these examples lend themselves to a multiplicity of interpretations, they share in common elements that pose challenges to the majority, traditionalist view. In view of the fact that the production of literature in the ancient world was usually a complex and costly enterprise, the inclusion of marginalized viewpoints gives pause.

The impact of editorial decisions reaches from the theme of a single pericope to the contours of an entire corpus. During the complex traditioning process, *tradita*¹⁰⁷¹ would either (a) be allowed to remain among existing traditions or (b) gain entrance into the literature, often undergoing revision as they are interwoven into existing traditions.¹⁰⁷²

The circumstances surrounding their survival and ultimate integration into the literature are legion. A dynamic often overlooked when considering ancient redactors' editorial

¹⁰⁶⁹ Perdue, *Sword and the Stylus*, 147, characterizes Job as a “graduate of a sapiential school ... only available to the aristocracy.” More likely, Job's counterthesis is the product of a more peripheral and probably less titled, training experience. Job's wealth is probably greatly exaggerated (1:1-5, 10; 42:10-12). One might hazard a comparison of the sage's social and occupational experiences with those of the prophet Jeremiah. In both cases an antithetic posture toward the mainstream doctrine of their respective “fields” is evident; in both cases the validity and vitality of their theological antitheses prevail in the face of severe physical and psychological suffering.

¹⁰⁷⁰ Sanders (*Invention*, 141) notes the Balaam Inscription's apocalyptic reversal of hierarchies: “Though damaged, it is clear that the text describes an apocalyptic vision of hierarchies reversed and the world turned upside down.” It is not surprising that such a provocative message would be published as an internal monument, which nonetheless seeks wide exposure that a priest-prophet circuit could facilitate.”

¹⁰⁷¹ For a seminal discussion of ancient traditions, *traditum* (sing.) and *tradita* (pl.), see Douglas A. Knight, *Rediscovering the Traditions of Israel*, 3rd edition (Atlanta: Society of Biblical Literature, 2006), 9-16 *et passim*.

¹⁰⁷² To the extent a maximalist view of locally produced alphabetic literature (e.g., Sanders, *Invention*) is correct, the number of written artifacts produced and carried on crafts and trade routes—to which one should perhaps add the “sanctuary circuit” (e.g., already in the Late Bronze Age regional sanctuaries were built at Shiloh—a pilgrimage center—, Deir ‘Alla, Lachish and Tel Mevorakh—the latter two were built on trade routes). Beth Alpert Nakhai, *Archaeology and the Religions of Canaan and Israel* (vol. 7 of ASOR; Boston: American Schools of Oriental Research, 2001), 152, suggests the plausibility of later, Iron Age traditions circulating and finding integration in a developing body of literature such as the Hebrew Bible in Israel, in which small-scale “libraries” probably existed at numerous sites (cf. Edelman, “From Prophets to Prophetic Books,” 41). Texts written in Aegean script were kept for a time in the Deir ‘Alla sanctuary (Nakhai, *ibid.*, 154). The circulation of smaller texts also supports the notion of the redaction of texts outside of a royal chancery, e.g., Hezekiah's reported, eighth-century chancery (cf. Prov 25:1).

principles is the reticence to substantively alter venerated traditions.¹⁰⁷³ This holds true especially with respect to written traditions.¹⁰⁷⁴

4.1.2 *Preexile through the Exile*

A portion of this and the following chapter's argumentation bases itself on the conviction that during the eighth through the sixth centuries (thus from the second half of Iron II into the Babylonian period) levitical priests with prophetic leanings served as mid-level cultic personnel¹⁰⁷⁵ subordinated to regional, elite peers. Probably already in the eighth, and

¹⁰⁷³ Cf. Jean-Louis Ska, "A Plea on Behalf of the Biblical Redactors," *ST* 59 (2005): 4-18.

¹⁰⁷⁴ Alan R. Millard, "La prophétie et l'écriture: Israël, Aram, Assyrie," *RHR* 202 (1985): 125-44, 126-28. Millard discusses letters written to the sovereign in texts found at Nineveh bearing no indication of provenience (cf. BM 82-5-22, 27). The apparent lack of concern for origin indicates *inter alia* that many ancient texts circulated with less than strict accounting. Similar to the familiar phenomenon of attributing the originality for ancient laws (even lawcodes) to later personages (e.g., King Hammurabi), unprovenanced texts in the ancient world were often reused and enriched by additions of oral or written traditions of various dates and provenance. At a point in time they would be given a specific setting and associated with a particular personality and therefore era. Millard urges scholars not to forget the uniqueness of the royal archives of Mari and Nineveh, since "toutes les autres masses de tablettes appartenaient aux établissements religieux ou administratifs, aux officiers du roi ou aux particuliers" ("La Prophétie et l'écriture," 134, emphasis added). Traditions from some locales underwent *Verschriftung* more slowly (e.g., Babylon). In a comparison of Mari and Nineveh texts, it turns out that the prophetic traditions of the former came to be written down earlier than the latter, the specific dates or circumstances of which elude precise determination. The discovered texts appear to document a development in the way texts were constructed. Among the tablets found at Nineveh three exhibit "une étape plus avancée dans la rédaction écrite de la prophétie." These larger tablets contain texts from several letters. The better preserved tablet preserves texts from at least nine letters; prophecies are separated from one another on the tablet face; on two tablets the name and place of origin of the seer is indicated after each prophecy; one of the "seers" (voyant) appears on both of the tablets; although the prophecies on the third tablet are separated by horizontal lines, they nonetheless lack attribution (ibid., 138). Within Israelite literature, "prophetic writings are notoriously nonself-referential, but intertextual connections and borrowings can nevertheless be detected" (Joseph Blenkinsopp, *Opening the Sealed Book: Interpretations of the Book of Isaiah in Late Antiquity* [Grand Rapids: Eerdmans, 2006], 31).

¹⁰⁷⁵ The caste system of Egyptian priests was not altogether fixed. Although often appointed by the Pharaoh, the high priest (the sem-priest) in some instances worked his way up the clerical ladder of success. The higher order of priests were the *hmw-ntr* (literally "servants of god"; n.b., they were deemed "prophets" by the Greeks). The middle-tier priests (*w'b*; Grk οἱ ἄλλοι ἱερεῖς "the rest of the priests") had various specializations (e.g., in astrology, horology, and healing) and accordingly had specific responsibilities. The "shrine-bearers" (*wnw*) were the lower-tier religious personnel, who were quasi- or non-priests. Last but not least were lay magicians who instructed the community in the rudiments of Egyptian religion; cf. Herodotus II.37; Leonard H. Lesko, "Egyptian Religion: An Overview," in *The Encyclopedia of Religion* (ed. M. Eliade; vol. 5; New York: Macmillan, 1987), 37-54, 51f; Alan B. Lloyd, *Herodotus Book II: Commentary 1-98* (Leiden: Brill, 1994), 169-71; Lisbeth S. Fried, *The Priest and the Great King: Temple Palace Relations in the Persian Empire* (Winona Lake: Eisenbrauns, 2004), 56-9; The Minnesota State University *EMuseum* <http://www.mnsu.edu/emuseum/prehistory/egypt/religion/priest.html>, accessed July 12, 2010.

For lower rank religious personnel at Ugarit, see Theodore J. Lewis, "Family Religion at Ugarit," in *Household and Family Religion in Antiquity* (ed. J. Bodal and S. Olyan; Malden, MA: Blackwell, 2008), 60-88, 76f. Describing the roles of these personnel is difficult because of "their absence in the ritual texts

certainly during the seventh century, as part of the general increase in literacy and diffusion of genres¹⁰⁷⁶ at that time,¹⁰⁷⁷ some Levites acquired the scribal ability and historical and theological knowledge needed of those compiling traditions and formulating early portions of the Hebrew Bible.¹⁰⁷⁸ The levitical priest-prophets¹⁰⁷⁹ own

that describe some of the very actions they performed.” Economic texts indicate that unskilled workmen (*b’lm*) were quite active in sacred precincts of the elite. KTU 1.79 and 1.80 indicate that religious personnel such as the Šitqanu were quite involved in village life. The extant texts “refer to all sorts of occasions requiring religious expertise that would have concerned all inhabitants of Ugarit regardless of class.”

For different hierarchical levels among Phoenician priests, see Sergio Ribichini, “Beliefs and Religious Life,” in *The Phoenicians* (ed. S. Moscati; London: I. B. Tauris, 1988), 120-52, 136. “Normal religious ceremonies ... were officiated by professional priests, who, as we learn from various inscriptions, were rigidly structured into several different hierarchical levels. At the summit there was a high priest, who presided over a number of priests and priestesses; below them there was a whole range of minor functionaries, from butchers to perfume masters, from scribes to slaves” (ibid.); cf. also Mark A. Christian, “Mediterranean Grottos and Phoenician Maritime Religion,” in *Mélanges Josette Elayi: Phéniciens d’Orient et d’Occident* (ed. André Lemaire; Paris: Collège de France, Forthcoming).

¹⁰⁷⁶ “By the eighth century, its uses [the linear alphabet] have ranged far from the palace: a text in Jordan records a divine message addressed to a people in the name of a famous prophet, Balaam, rather than a king. By 700 BCE local scripts like Hebrew have escaped the royal chancery; Israelites have used the old linear alphabet to create a literature. In the late Iron Age we find extended linear alphabetic texts in a spectrum of genres: letters from all walks of life, poetry, and ritual blessings. In the kingdoms of Israel and Judah the new writing had assumed a definitive status” (Sanders, *Invention*, 79-80).

¹⁰⁷⁷ We still lack artifactual evidence for a “thriving scribal literary culture” during “the late Judean monarchy (late eighth through early sixth centuries)... We can be sure that scribes were writing them [i.e., Hebrew manuscripts], but we cannot know precisely what they wrote or when” (ibid., 7). Whereas seals from the ninth-tenth centuries BCE are uninscribed, we find an abundant and growing number of inscribed seals and impressions from the eighth-sixth centuries. The early eighth-century evidence suggests a *significant shift in the use of vernacular language*, in which a concerted effort was made by the kingdom of Judah to begin using Hebrew on seals. The time appears to have coincided with the beginnings of a standardized Hebrew (ibid., 108, secondary emphasis). Sanders maintains the process mirrors that of the first WSem. vernacular, Ugarit.

¹⁰⁷⁸ “Hebrew scripts from the eighth through the sixth centuries BCE display uniformity across space and a uniform direction of change across time. This uniform transmission would require deliberate effort Institutions with a well-honed sense of place would have been required to produce this uniformity” (ibid., 127).

¹⁰⁷⁹ For the merging roles of priest and prophet in ancient Mari, see Daniel E. Fleming, “Prophets and Temple Personnel in the Mari Archives,” in *The Priests in the Prophets: The Portrayal of Priests, Prophets and Other Religious Specialists in the Latter Prophets* (ed. L. Grabbe and A. Bellis; Sheffield: Sheffield Academic Press, 2004), 44-64, 46, who notes the tendency of both priest and prophet to remain on the social periphery. Additionally, invoking the term “priest” in large Mesopotamian temples is problematic; one should instead speak of “temple personnel” (ibid., 46).

Happily, the intertwining of the roles of priest and prophet is becoming better recognized in recent biblical scholarship. In Exod 7:1 the archetypal priest Aaron becomes Moses’ prophet; the Deuteronomist depicts Moses as both teacher of *tôrôt*, which includes cultic instruction, the specified domain of the Levitical priest (Deut 24:8; 27:14-26; 31:9-13; cf. 17:9, 18; 31:25-28) and prophetic mouthpiece of *YHWH*; the prophet Haggai is called מלאך יהוה (Hagg 1:13) and Mal 2:7 construes the priest as prophet (מלאך יהוה; cf. מלאכי in 1:1; 3:1); Chr depicts David as prophet, quasi-priest, legislator—and king. Already Max Weber, *Gesammelte Aufsätze zur Religionssoziologie* (3 vols.; vol. 3 Das antike Judentum; Tübingen: J. C. B. Mohr, 1921), 190, had noted the close juxtaposition of priest and prophet in Jer 2:8: “flüssig war die Beziehung zur Prophetie und zum Kultpriestertum”; cf. Hos 4:6, but note the apparent anti-ritualism in Am

contributions include minority views that further the interests of the laity¹⁰⁸⁰—which may therefore be described as populist or popular—over against the views of their more elite “brethren,”¹⁰⁸¹ for example the Aaronide-Levites and Zadokite-Levites,¹⁰⁸² both of whom

5:25; Jer 7:22; and Ps 50 (Otto, “Nähe und Distanz,” 266, n. 12); cf. John Barton, “The Prophets and the Cult,” in *Worship and Temple in Biblical Israel* (ed. J. Day; London: Clark, 2005), 111-22. The Oxford professor considers the question of prophets as cult officials (pp. 114f, 118f.). His caution against prematurely ascribing cultic activity to Israelite “classical prophets” is commendable. Still, the assumption that Israelite prophets are not priests until proven otherwise lacks justification. Barton appears to admit such an assumption is flawed (*ibid.*, section 3, p. 19) but seems reticent to relinquish the image of “classical prophets” as laity unconnected to religious institutions.

Knauf’s comments are helpful here: “Moses being a Levite, a levitical plan being derived from the name of his son, another from his own, together with a Mosaic genealogy for the priesthood of Dan—all this might suggest that Moses became the eponymic ancestor of parts of the Israelite priesthood. *It is perfectly possible that a priest is also a prophet.* After he had become, however, a political leader in the Moses-Exodus-Joshua narrative, the priests of Bethel had to take recourse to his brother Aaron for their legitimation” (E. A. Knauf, “Toward an Archaeology of the Hexateuch,” in *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion* [ed. J. Gertz, et al.; vol. 315 of BZAW; Berlin: de Gruyter, 2002], 275-9486, emphasis added). Van der Toorn (*Family Religion*, 314f.) affirms the levitical background of Samuel, Abijah, Jeremiah: “all three are either associated with or issued from the house of Eli, which is known to be Levite in origin”; cf. Cook, *Social Roots*, 240 and n. 16. “The Levitic background of the Elides can be inferred from the fact that Moses is alluded to as the ancestor of the Shilonite priesthood (1 Sam 2: 27)” (van der Toorn, *op. cit.*, 315, n. 122). “Such men illustrate the difficulty inherent in any sharp distinction between priests and prophet in early Israelite religion. Both the Levites and the Ephraimite prophets were ‘men of God,’ rather than priests or prophets in the narrow sense these terms gradually acquired” (*ibid.*, 315).

The lack of explicit reference to priests in the body of the Psalms remains an unresolved issue. The reference to the levitical, priestly guild in the superscriptions nonetheless publicizes the effectiveness of their significant influence on the literature; cf. Berges, *Jesaja 40-48*, 38-43; additional proponents of levitical involvement in the composition and/or compilation of the Psalms include Bernard Gosse, “Relations du livre d’Isaïe”; *idem*, “Les Lévités,” 48f.; Smith, “Levitical Compilation”; Morton Smith, “Jewish Religious Life,” in *The Cambridge History of Judaism* (ed. W. Davies and L. Finkelstein; vol. 1; London: SCM, 1984), ch. 10, 259-62; the latter’s dependency on von Rad’s views of Levites is manifest. Relevant in the present connection is Ben Zvi’s consideration of self-effacing authorship, in which the “discursive marginalization” of the writers results directly from the discursive marginalization of the present epoch (Ehud Ben Zvi, “What is New in Yehud? Some Considerations,” in *Yahwism after the Exile* [ed. R. Albertz and B. Becking; Assen, The Netherlands: Royal Van Gorcum, 2003], 32-48, 40-2). In contrast to the golden era of monarchic Judah, what remains in *Yehud* “are only (discursive) self-effacing writers, readers, and community leaders such as High Priests who were no match to the David of the tradition” (*ibid.*, 41). On another front, no mention is made of priests in the context of sacrifice in 1 Kgs 18, in which prophets instead dominate; cf. *idem*, “Observations on Prophetic Characters, Prophetic Texts, Priests of Old, Persian Period Priests and Literati” in *The Priests in the Prophets: The Portrayal of Priests, Prophets and Other Religious Specialists in the Latter Prophets* (ed. L. Grabbe and A. Bellis; Sheffield: Sheffield Academic Press, 2004), 19-30, 26-30.

¹⁰⁸⁰ The reciprocal relationship between Levites and the general population is discussed below; see, e.g., §4.8. Cf. also, *Sanctuary*, 155, 196.

¹⁰⁸¹ Cf. אֶזְרָיִם in Num 8:26 and 2 Chr 29:12-15, which likely connotes an intermingling of professional and consanguineous relatedness. More of the former would have obtained in preexilic times.

¹⁰⁸² Notwithstanding the historical problems that arise when attempting to reconstruct the Israelite priesthood, these terms serve as convenient group determinations in which Levi (Semitic *lwy*) is both a vocational and tribal term that comes to connect numerous priestly figures, e.g., Moses, Aaron, Samuel, Zadok, and the “institutions” of which they are often the founders. In both P and Ezekiel Aaronides and Zadokites are called levitical priests; cf. Horst Seebaß, “Levit/Leviten,” *TRE* 21 (1971-): 36-40, 37; Chr

play major roles in the profiling of “official religion”¹⁰⁸³ though not necessarily at the same time and not at the same level of involvement in every book.

During preexilic times some Levites¹⁰⁸⁴ had espoused their perspectives: (1) somewhat cryptically through smaller scale literary production;¹⁰⁸⁵ they often lacked

relates Aaronides to Levites; cf. Knoppers, *1 Chronicles 10–29*, 826: “A basic kinship between the Levites and the Aaronides is maintained (1 Chr 23:32). The sons of Aaron (v. 13) are ultimately Levites (v.6). They share a common genealogy.” The term Aaronide-Levite would not however apply to the author(s) of Lev 17–26; for a brief reconstruction of the merging of Levite, Zadokite, and Aaronide in the fifth century, see Otto, *DPH*, 279f; note Schaper’s reference to the “levitical-Aaronide priesthood” in “Aaron,” in *RGG^d* (Tübingen: Mohr Siebeck, 2002), 1: 2-3, 2; Carrière (*Théorie du politique*, 159) differentiates between “les lévites” and “les prêtres-lévites, ‘fils de Sadoq’” in Ezek 44; Risto Nurmela, *The Levites: Their Emergence as a Second-Class Priesthood* (vol. 193 of SFSHJ; Atlanta: Scholars Press, 1998), 75, argues that levitical lineage was conferred to Zadokites no later than during Hezekiah’s reign. Aaron, moreover, “was very likely an eponym of the Levitical priesthood prior to any division into higher and lower ranks. As the Zadokites obviously were regarded as Levites at the latest during the reign of Hezekiah, they were provided with Levitical (to be distinguished from Aaronic) lineage at least a century before the division of the priesthood began to emerge as a consequence of Josiah’s reform” (ibid., 76).

It is incumbent upon scholars to modify currently used priestly-group terminology in a way in which distinctions become more specific while maintaining their interrelatedness. My proposal hopefully represents a step in the right direction. Aaronide-Levites and Zadokite-Levites constitute priestly factions that lay claim to elite status, a status that Levites seldom if ever attain. The nomenclature represents an effort to taxonomize these “groups” sociopolitically, historiographically, and finally historically. The terms do not precisely correspond to actual historical groups, the actual number of which would probably exceed three, and the migrating views of which one could never precisely plot (cf. Mark A. Christian, “Revisiting Levitical Authorship: What Would Moses Think?,” *ZA(B)R* 13 [2007]: 194-246, 229). Succinctly stated, the terms adumbrate three interrelated yet diverging profiles of Israelite cultic personnel. Regarding problems with the historical existence of a Zadokite priesthood prior to the late Second Temple period, see Alice Hunt, *Missing Priests: The Zadokites in Tradition and History* (New York: T & T Clark, 2007), chs. 4–6; for a contrary view, see E. Otto’s evaluation of same, “Die Zadokiden—eine Sekte aus hasmonäischer Zeit? (Review Article)” *ZA(B)R* 13 (2007): 271-76. For the importance of the Aaronide priesthood in general, see James W. Watts, “The Torah as the Rhetoric of Priesthood,” in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (ed. G. Knoppers and B. Levinson; Winona Lake: Eisenbrauns, 2007), 319-31. The emphasis placed on the Levites and Zadokite-Levites in this chapter seems justifiable in view of the pronounced emphasis on Deuteronomism.

¹⁰⁸³ One priestly faction’s official doctrine could run counter to another. If both groups were elites, as in the case of Aaronide-Levites and Zadokite-Levites, and the point of contention were major, the survival of Israel’s “official religion” could be jeopardized. On the rivalry between Aaron and Zadok, see the brief, incisive remarks of Nihan, *Priestly Torah*, 606f. and nn. 111, 117.

Although most commentators would argue that at least by the time of the exile the centralization of the cult in Jerusalem would have constituted an essential Israelite tenet, Watts (“Torah as Rhetoric,” 323) suggests otherwise: “The fact that Samaritans and Jews shared both the Torah and a common priesthood can hardly have been a coincidence. Aaronide priests of [the high priest] Joshua’s family also founded and directed a Jewish temple in Leontopolis, Egypt [cf. *Ant.* 12.397, 13.62-73 and *Wars* 7.426-32]. It seems that the Aaronide priests, or some of them at any rate, were far less committed to Deuteronomy’s doctrine of the geographic centralization of cultic worship in Jerusalem than they were to P’s doctrine of the Aaronides’ monopoly over the conduct of all cultic worship, wherever it might take place.” Watts argues that Deuteronomy’s privileging of priests demonstrates support for P’s core ideology (ibid., 324, n. 11). For further discussion on the problems associated with the notion of the preexilic centralization of the cult, see §4.13; 4.13.1-3 below.

¹⁰⁸⁴ A relief from Sennacherib’s palace in Nineveh (ca. 705-681 BCE) depicts an Assyrian warrior overseeing the marching of deported Israelites. The vanquished carry lyres, which presumably accompany

“literary clout” because of their hinterland location (and likely stigma¹⁰⁸⁶); and (2) through the collation and preservation of primarily oral traditions some of which experienced partial *Verschriftung*. Only later would their unfinished, written materials see publication in an official literary project. The viability of the oral-written continuum helped ensure the survival of many of these traditions.

4.1.3 *Levites in the Postexilic Period*

Beginning in the fifth century, with supporters from various strata of Israelite citizenry, some Levites found increased opportunity to advance their views and champion those of their constituents in the “official literature.”¹⁰⁸⁷ The scribal and interpretative techniques

them in the singing of laments. Such activity is otherwise uncommon for exiled peoples (Berges, *Jesaja 40–48*, 40, who provides the image, as well as the detail that the list of tribute with which Hezekiah ransoms [loskaufen] Jerusalem from Sennacherib’s invasion of 701 includes male and female singers). With this external evidence the existence of a worship music culture in Israel—with which Levites are often associated—is confirmed already in the eighth-century BCE (*ibid.*, 39).

The mid-sixth-century taunt to “sing a song of Zion” “assumes there was a group of men among the *Gola* in which the cult musical tradition of Zion songs was cultivated” (*ibid.*, 40). Berges then points out the greater prominence of the “temple music tradition” in Ezra-Nehemia and Chr than in P or Ezekiel. He surmises the former assumes a well-developed tradition (*ibid.*), yet without mentioning the prophetic-priestly dimensions of such activity. Although he *does* note the explicitly prophetic title of Asaph in 2 Chr 29:30, “auf ihn werden zwölf Psalmen zurückgeführt (50; 73–83),” and elsewhere mentions the prophetically infused “musikalische Dichtkunst” of Asaph, Heman and Jeduthun (1 Chr 25:1-6; note vv. 1, 6 explicitly connect prophesying with the playing of lyres, harps, and cymbals), he makes insufficient mention of the (levitical-)priestly involvement in such a celebrated, temple-related activity (as one finds in, e.g., Zech 7:2f. “Now the people of Bethel had sent Sharezer and Regem-melech and their men, to entreat the favor of the Lord, and to ask the priests of the house of the Lord of hosts and the prophets ...”; cf. vv. 5f. Berges does, however, hint at the scribal connections such prophetic worship-leaders would have had, but then, surprisingly, affirms Gerstenberger’s minimization of the prophetic characteristics in favor of the proclaimer (Rufer) and preacher (Prediger) of salvation (*ibid.*, 39).

¹⁰⁸⁵ Sanders (*Invention*, 120) unequivocally maintains that “a state is not a prerequisite of scribal production.”

¹⁰⁸⁶ Otto (*DPH*, 186, n. 144) draws attention to the preexilic, dtn Deuteronomy’s depiction of Levites as *personae miserae*, “die Leviten erst im dtn Deuteronomium als *personae miserae* auf der Bühne des Alten Testaments erscheinen (cf. Reinhard Achenbach, “Levitischer Priester,” 285, who lists the following as older, dtn references to the priesthood, with keyword נכה [17:12; 18:3; 19:17; 20:2; 26:3f], which would later be revised, though the distinction between priestly tasks and the subordinate service of the ordinary Levites would remain in passages such as 18:6ff; 27:14; 31:25). Dies Bild ändert sich erst postdtr mit der Einführung der in Dtn 18,1f.5 und entsprechend in Dtn 17,9*.18; 21,5; 24,8; 31,9.” PentRed has recourse to (zurückgreifen) HexRed and integrates its concept.

¹⁰⁸⁷ Cf. the Levite priest Jehoiada, who gains access to the crown (2 Kgs 12:2; cf. Deut 33:10). Cook, *Social Roots*, 214) believes Jehoiada found a way to hold an official post in Jerusalem while maintaining solidarity with his levitical brethren living in the Judean countryside (*ibid.* and pp. 240f.). Cf. also the survival and later publication of the Jeremianic materials, some of which, noted above in the Introduction, would have been viewed as treasonous by Judahite royal officials in the early years of the sixth century BCE. As for the Levites, the Pentateuch redaction of the late fifth century documents a change in levitical status evident in the Hexateuch redaction earlier in the fifth century. The Levites’ increasing responsibilities in urban centers is evident in their new-found role of distinction caring for and processing with the ark of the covenant

used during this time of increased literary output were shared by both priestly and prophetic circles alike.¹⁰⁸⁸ Although Otto is correct to note the *hermeneutical* divergence between competing postexilic priests and prophets,¹⁰⁸⁹ the lines dividing “priests” and “prophets” remain less than clear.¹⁰⁹⁰ A caveat is therefore issued against assuming a sharp dichotomy between the two “groups.”

Beginning with the first half of the fifth century, and in light of their successes in the hinterland, many Levites saw an increasing acceptance of their brand of priestly-prophetic Deuteronomism.¹⁰⁹¹ Having experienced an increase in status in sixth-century Babylon,¹⁰⁹² they found opportunity to infiltrate higher circles among the governing and

(Hexateuch redaction); their increased involvement in the promulgation of *torah* particularly evident in Deut 31:9-13 may owe to the Hexateuch redaction (Achenbach) or the Pentateuch redaction (Otto). We would agree with Achenbach in this instance.

¹⁰⁸⁸ Otto, “Scribal Scholarship,” 176, 178.

¹⁰⁸⁹ “The hermeneutics employed by the prophetic schools in postexilic times was entirely different from Priestly hermeneutics of the Pentateuch (sic). Postexilic discourse in the prophetic schools was no longer the kerygmatic type of prophecy observable in the preexilic period but instead a literary process that Odil Hannes Steck once called *Tradentenprophetie*” (ibid., 176; cf. idem, “Nähe und Distanz,” 268-70).

¹⁰⁹⁰ See Edelman, “Prophets to Prophetic Books,” 29-54.

¹⁰⁹¹ Nakhai believes northern Levites served in both the early and later periods in rural and central settings, but that later (exilic and postexilic) times saw them exert more literary influence. She suggests they may have even “become the core of the Deuteronomistic group” whose writings condemned the *bāmôt* at the rural sanctuaries in which they had served in the past (*Archaeology*, 167). This view, however, blurs the distinctions between different priestly strata of which the biblical text speaks (Zadokites, Aaronides), which would not only help differentiate between the priestly personnel serving at rural (Levites) and central (Zadokite-Levite, Aaronide-Levite, and later promoted Levites) but enable a diverse view of the different priesthoods vying for ascendancy within Deuteronomistic writings and traditions.

¹⁰⁹² See below, §5.6. Berges, *Jesaja 40-48*, 40, follows O. Keel in characterizing the levitical, *Golah* Asaphites returning to the land of Israel as elites. The Levites likely obtained their increased status while in Babylon. The Asaphites continued to enjoy their prestige, even receiving Davidide commissioning to minister before the ark (1 Chr 16:37). Heman(ites) and Jeduthun(ites), on the other hand, had remained in Israel, and likely experienced no increase in status.

For the likelihood of Israelite-led school instruction in Babylon during the exile, see Perdue, *Sword and Stylus*, 144. In this section of his monograph Perdue reigns in his enthusiasm for a seeming profusion of Israelite schools (see, in contrast, ibid., 145: “Thus the exiles must have had several schools ...”) with the following qualification: Although archaeology and written evidence cannot confirm the existence of schools among the *Golah*, “the large number of texts likely written and redacted during this period in order to preserve Jewish culture points to the necessity of some schools where this activity of composition, writing, and, due to the lengthy period of exile (more than two generations), *education must have occurred*. At least one may imagine fathers and mothers teaching their children, with some receiving scribal instruction from their fathers” (emphasis added). The allusion to *ad hoc*, “village school” instructional contexts recalls non-urban areas in Israel, dependent upon itinerant priest-scribes such as the middle-tier Levites to lead local instructional efforts.

We have another clear indicator of Judahite cachet in Mesopotamia. Around the middle of the sixth century, Babylon witnessed the preaching of a prophet (cf. Isa 50:4), who found himself among circles conducive to proclaiming Cyrus the Persian the coming Messiah (45:1).

priestly classes of Israel.¹⁰⁹³ An important phase in their rise (in Israel) coincided with Nehemiah's activity in Jerusalem during the second half of the fifth century (cf. the key text of Neh 8).¹⁰⁹⁴ The period witnessed an increase in cultic activity.¹⁰⁹⁵ For some Levites this entailed relocating from the so-called "levitical towns" to larger centers. Such a move made possible a closer working relationship with government officials and the upper tier of religious personnel based in the region's capital, a center Buccellati describes as "the point of convergence and irradiation of a larger and more complex organism."¹⁰⁹⁶ Here some Levites would find opportunities to involve themselves in

¹⁰⁹³ In his groundbreaking monograph, Römer adapts the Weberesque model of A. Steil (considers the crises leading up to the French Revolution) to an exilic context. Steil posits three different advocates of crisis ideologies, the prophet, priest, and mandarin. "The prophetic attitude considers the crisis as the beginning of a new era. The representatives of this view are people who stand in the margins of society, but who nevertheless are able to communicate their views." The priestly view is held by those who believe a return to the sacral, divinely-ordained society will precede deliverance from the exilic crisis (*So-called*, 111) "The so-called 'mandarin position' sums up the attitude of high officials, who try to understand the new situation and to make do with it in order to maintain their former privileges. The mandarins try to objectivize the crisis by the construction of a history, which provides the reasons for the breakdown of the former societal structures" (ibid., 111-112). Römer sees proponents of the three positions in Second Isaiah, P, and the Deuteronomistic school, respectively (ibid., 112-15).

In the present study I envision middle-tier, prophetic Levites advocating both the prophetic and priestly "attitudes" outlined above, though the latter belongs more to fifth-century than eighth- or seventh-century Levites. High-ranking officials or bureaucrats, the "mandarins" comprise the retainer class, those priestly and non-priestly specialists who work closest with the commanding ruler—either in preexilic or exilic times. A combination of elite laity and Zadokite-Levites make up the mandarins. This group would comprise the elite wing of the Deuteronomists, which resides in the larger cities. They would have exclusive guilds that nonetheless had a measure of interchange with the less exclusive, levitical guilds based in smaller centers that afford sustained contact with the general population (cf., e.g., the levitical cities). I see the "mandarin Deuteronomists" promoting a version of Israelite "official religion" that admits some levitical-lay perspectives in a preexilic context, increasingly so in the sixth and fifth centuries, though postexilic official Israelite religion would come to include P and, increasingly, the *sui generis* perspectives of Aaronide-Levites.

¹⁰⁹⁴ Cf. Morton Smith, "Jewish Religious Life," in *The Cambridge History of Judaism* (ed. W. Davies and L. Finkelstein; vol. 1 of 4; London: SCM, 1984), Ch. 10, 262, who perhaps exaggerates the Levites' dependence on Nehemiah's reforms: "Almost all Levites owed their support from the tithe, and their positions in the Temple, to Nehemiah, hence their unanimity in following his party line." For critique of the portrait of Nehemiah as staunch supporter of the Levites (e.g., Schaper, *Priester*, 230ff.), see Wright, *Rebuilding*, 206-11. For example, in light of Neh 13:6, "the reader must understand Nehemiah's remonstrance [13:11a] not as his own *solicitude* for the Levites, but rather as an accusation of the community leaders for failing to impose the stipulations of the pact they had previously signed (10:38)" (ibid., 206, original emphasis). Only in later additions (e.g., 7:1-3, 13:22a) does Nehemiah's support of the Levites become pronounced. And in contrast to the later additions of Neh 13 (e.g., vv. 10-13, 14b), "the earliest layers of chap. 13, which itself appears to be an addition to the building report [the *Urtext* of the book of Nehemiah for Wright], lends support to the contention that the historical Nehemiah, in contrast to the claims of later tradition, was not concerned to promote the Levites" (ibid., 210).

¹⁰⁹⁵ Cf. Achenbach, "Tora und die Propheten," 26-71, 33f.

¹⁰⁹⁶ Giorgio Buccellati, *Cities and Nations of Ancient Syria: An Essay on Political Institutions with Special Reference to the Israelite Kingdoms* (vol. 26 of *Studi Semitici*; Rome: Università di Roma, 1967), 224. Jerusalem and Samaria were not city-states but rather simply the capital cities of national kingdoms (cf. the

“official” administrative activities,¹⁰⁹⁷ including more prestigious scribal tasks.¹⁰⁹⁸

Increased participation in larger cultic events can probably be assumed during this period, so also greater participation in the formulating and writing of sacred literature, in dialogic though not always amiable relations with the elite Zadokite-Levites or Aaronide-Levites.¹⁰⁹⁹ These circumstances made it possible for the Levites to exercise literary

Aramean kingdoms of Syria and Transjordan). National kingdoms bore the names of people and were slow to accept the principle of dynastic succession. National states such as Edom, Moab, Ammon, and Aram began to emerge at the end of the second millennium BCE; cf. *ibid.*, 236-38 and Roland de Vaux, *Ancient Israel—Its Life and Institutions* (trans. John McHugh; Grand Rapids: Eerdmans, 1997), 91f.

Nakhai, *Archaeology*, 167, relates the growing independence of rural priests of local sanctuaries from elites priests of the capital referred to by her as “the royal clergy.” The former’s rising influence ostensibly led to Hezekiah’s and Josiah’s anti-*bāmôt* campaigns, which sought to eliminate the rural priests power base.

¹⁰⁹⁷ Cf. Neh 13:13: “And I appointed as treasurers over the storehouses the priest Shelemiah, the scribe Zadok, and Pedaiah of the Levites, and as their assistant Hanan son of Zaccur son of Mattaniah, for they were considered faithful; and their duty was to distribute to their associates.” In her reading of v. 13 Christine Schams, *Jewish Scribes in the Second-Temple Period* (vol. 291 of JSOTSS; Sheffield: Sheffield Academic Press, 1998), 311, is probably correct in connecting the distribution of the tithe to the Achaemenid administration’s general collection of taxes. For chronological placement of Neh 13:10-14 within the Nehemiah story, see Wright, *Rebuilding*, 204f. In 13:10-14 Nehemiah “recounts ... his actions as he came to the province for the first time.... The situation that forced the Levites to abandon their posts in order to support themselves could not have arisen overnight.... Since the Judeans probably did not undergo a change of opinion vis-à-vis the Levites during his administration, this paragraph must refer to a situation that already existed before the wall was repaired and present the reappointment of the Levites and singers as one of Nehemiah’s earliest achievements” (*ibid.*, 204-05).

¹⁰⁹⁸ Cf. Joseph Blenkinsopp, “The Sage, the Scribe, and Scribalism in the Chronicler’s Work,” in *The Sage in Israel and the Ancient Near East* (ed. J. Gammie and L. Perdue; Winona Lake: Eisenbrauns, 1990), 307-18, 310: “... very probably from the early preexilic period, Levites were beginning to take over some aspects of the scribal function. Thus the Chronicler (or, more probably in this instance, a later interpolator) has a Levitical scribe recording the twenty-four priestly courses during David’s reign (1 Chr 24:6). He also records that at the time of Josiah’s great religious reform some Levites functioned as scribes, and the context is suggestive of religious rather than secular activity (2 Chr 34:13). This is probably one example of a process by which several originally distinct functions, for example, those of liturgical musician and gatekeeper, were absorbed by the Levitical office during the Persian period.” Perdue (*Sword and Stylus*) in contrast sees scribal tasks assigned to Levites *after* their losing priestly privileges, a demotion spearheaded by their Zadokite rivals.

¹⁰⁹⁹ The era saw an increased involvement of Aaronide-Levites in Jerusalem. Lev 4; 5–7 (texts which assume and depend on ch. 4) and 11–15 comprise legislation designed to regulate personal purification rituals and rituals pertaining to the atonement of sin; cf. *ibid.* and Christophe L. Nihan, “From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus,” Dissertation, Lausanne University, 2005, 216-18. Nihan dates Lev 4–7 and 11–15 to the middle of the fifth century “at a time when P was still transmitted as a discrete document, but nevertheless shortly before its inclusion within the Pentateuch” (*ibid.*, 218). Neh 10:40 indicates a neglect of the temple before Nehemiah. In contrast, his governorship, beginning in 455 BCE, corresponds to an era of economic development in *Yehud*, especially in Jerusalem (*ibid.*, 217; cf. the revised version of Nihan’s dissertation: *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (vol. II/25 of FAT; Tübingen: Mohr Siebeck, 2007), 195-97.

The absence of the Aaronides in the fifth-century book of Malachi is curious. The book knows of but does not uphold the distinction between two classes of cultic personnel, as do Ezekiel and P (Joachim Schaper, “The Priests in the Book of Malachi and Their Opponents,” in *The Priests in the Prophets: The Portrayal of Priests, Prophets and Other Religious Specialists in the Latter Prophets* [ed. L. Grabbe and A.

leadership in the formulation of the Hexateuch. It is to them and their supporters among elite priests where one looks for the driving force behind the inclusive—and in many respects empowering—Hexateuch redaction. Regarding terminological representation of middle-tier priests in the Hebrew Bible, the “secondary priests” (כהני המשנה) over whom Hilkiah presides in 2 Kgs 23:4 offer a helpfully explicit identification.

4.1.4 “Popular Religious Groups” and “Official Religion” in Israel

Attributing streams of thought to authors believed responsible for perpetuating a group’s views remains a common and worthwhile practice among biblical scholars. Sociological approaches to identifying groups tilt in the direction of delineating religious factions.¹¹⁰⁰

Bellis; Sheffield: Sheffield Academic Press, 2004], 177-88). Similar to Deut 18:1-8, Malachi views all Levites as priests (cf. Mal 2:4; 3:3); see also Lester L. Grabbe, “A Priest is without Honor in his Own Prophet,” in *The Priests in the Prophets: The Portrayal of Priests, Prophets and Other Religious Specialists in the Latter Prophets* (ed. L. Grabbe and A. Bellis; Sheffield: Sheffield Academic Press, 2004), 79-97, 88, 91; Julia M. O’Brien, *Priest and Levite in Malachi* (Atlanta: Scholars Press, 1990), 47f; 111f; Paul L. Redditt, “The Book of Malachi in Its Social Setting,” *CBQ* 56, no. 2 (1994): 240-55, 252. Both Deut 18:1-8 and the book of Malachi postdate and arguably stand in opposition to Ezek 44 and P (Schaper, *op. cit.*, 182). Schaper’s reasons for concluding the dissenting views in Malachi are not those of Levites are not altogether clear (*ibid.*, 181, 186). According to Mark Leuchter, Malachi represents the views of marginalized Levites: “Malachi strongly castigates the Zadokites from a disadvantaged Levitical perspective” (*Polemics*, 176).

It is unlikely that Malachi calls for “the rehabilitation of the Levitical priesthood” or “the restoration or reinstatement of the covenant of Levi as it was in the former days” (Andrew E. Hill, *Malachi: A New Translation with Introduction and Commentary* [vol. 25d of AB; New York: Doubleday, 1998], 204). In my view, the dissenting voices in Malachi belong to a small circle of either Zadokite- or Aaronide-Levites who would reform the corrupted religion of their mainstream, elite cohorts. Their criticism includes a contentious recognition of the fifth-century, levitical mission. Reciprocal relationships may be assumed: a levital rise in status would have depended in part upon their supporters among their more powerful peers, who in turn benefitted from an improved image among the general population. The pretentious reference to the “covenant of Levi” (Mal 2:4, a hapax) adds antiquity to the Zadokite/Aaronide cause. The premise in Malachi of Levites enjoying full rights as altar priests probably has recourse to the authoritative presentation of the levitical priesthood in Deuteronomy (cf. 33:8-11, “Blessing of Moses”), and probably does not represent the priestly reality in Jerusalem during this late period (so Grabbe, “Priest is without Honor,” 91). All things considered, the dispute in Malachi is indeed intrinsic to the priesthood, “a critique of the priesthood from the inside” (*ibid.*).

By aggrandizing the levitical priesthood, the dissenting Zadokites/Aaronides seek to sever, at least in principle, their ties with the Zadokite/Aaronide priesthood of the fifth century. The situation reminds of the later Qumran community splitting off from the compromised Jerusalem priesthood in hopes of forming a more perfect union, i.e., a purer, priestly sodality. Both factions appear to share received traditions, yet the covenanters lose no time producing rival interpretations and new authoritative literature, even “scripture.” Thus dissenters in Malachi and at Qumran make deft use of received texts, some of which claim hoary antiquity, to legitimate their cause. Malachi’s “covenant with Levi” could conceivably derive from an early, priest-prophet “sectarian text” produced by zealous supporters of a “levitical covenant” (made with Moses? Exod 32:25-29; Deut 33:8-11).

¹¹⁰⁰ Patricia Dutcher-Walls, “The Social Location of the Deuteronomists: A Sociological Study of Factional Politics in Late Pre-Exilic Judah,” *JSOT* 16, no. 52 (1991): 77-94; *idem*, “The Circumscription of the King: Deuteronomy 17:16-17 in its Ancient Social Context,” *JBL* 121 (2002): 601-16.

One method of conceptualizing difference is to differentiate between official, centralized factions on the one hand, decentralized, populist groups on the other. The tendency to overdraw the lines of distinction between official¹¹⁰¹ and popular religion¹¹⁰² should be avoided. Regarding the latter category, in not a few contexts it may be best to speak in terms of popular religious *groups*. That said, for its familiarity and terminological contrast with its official counterpart, the present study tends to use the more familiar determinative “popular religion.”

4.1.5 *Conceptualizing Heterodox Religion in Israel with Jacques Berlinerblau*

The Hebrew Bible offers numerous examples of popular or indigenous religious praxis within Israel proper.¹¹⁰³ Expressions of heterodoxy derive from both leadership and the general population and frustrate efforts at precise delineation. It is therefore problematic to speak in terms of “*the* popular religion” of ancient Israel, because it diminishes the sociological richness of the society being studied.¹¹⁰⁴ Accordingly, J. Berlinerblau urges scholars of religion to think in terms of “popular religion” being composed of “heterodox social movements.”¹¹⁰⁵

¹¹⁰¹ Prior to the 1970’s the majority of scholarly works on Israel’s religion concerned themselves mainly with the “official” dimension; cf. Jacques Berlinerblau, *The Vow and the “Popular Religious Groups” of Ancient Israel: A Philological and Sociological Inquiry* (vol. 210 of JSOTSS; Sheffield: Sheffield Academic, 1996), 18.

¹¹⁰² The term “popular religion” defies simplistic definition. With no current consensus on the meaning of the term it may be advisable to leave it in quotations (*ibid.*, 19).

¹¹⁰³ Consider, e.g., devotees of the Queen of Heaven (Jer 44); those that venerate teraphim, usually translated “household gods” (Gen 31); 1 Kings 11:7 describes Solomon building “a high place for Chemosh the abomination of Moab”; Jer 32:35 condemns the Israelites’ “high places of Ba’al in the valley of the son of Hinnom” on which they sacrifice their children to the god Molech; 1 Kgs 15:13 recounts the deposing of the queen mother Ma’acah for fashioning a *גַּפְלֹתָא*, adjudged a contemptible image to the goddess Asherah; Manasseh erects altars for Ba’al, worships, and serves all the host of heaven (2 Kgs 21:7).

¹¹⁰⁴ *Vow*, 22; Cook, *Social Roots*, 269f.

¹¹⁰⁵ *Ibid.*, 22, n. 11. “If there is such a thing as ‘popular religion,’ there is probably more than one manifestation of it in the society which is being studied. It is for these reasons that the term in question can be misleading. It implies that in every society there exists a single ‘popular religion’ comprised of one homogenous group. This assumption of homogeneity is quite at odds with the opinions of the authors of the Old Testament” (*ibid.*, 22).

4.1.6 Official Religion

“Official religion” seeks to obtain and maintain *de jure* status. Such status provides its proponents and practitioners advantages such as prestige and legitimacy. It also provides stability within a competitive environment that might otherwise spiral into a maelstrom of religious factionalism. Competition between factions is not necessarily destructive, however; it often plays a positive role in shaping the political and theological contours of the “official religion.”¹¹⁰⁶ Even when sharp, internal conflicts erupt within its ranks, “official religion” tends to form barriers around itself to protect against aberrancy. In the event an internal factions pushes the envelope too far and threatens the survival of the conglomerate, an individual or group subscribing to the authorized religion rises up to condemn the schismatic group as heretical. A border is thereby established and reinforced.¹¹⁰⁷ The result is a “consolidation of antagonistic factions under one tent [which] constitutes one of the major tasks—as well as the peculiar genius—of an ‘official religion.’”¹¹⁰⁸ This state of affairs leads Berlinerblau to characterize “official religion” as both a single and multiform alliance.¹¹⁰⁹

Allowing for the general veracity of Berlinerblau’s theses and characterizations just introduced, we begin our investigation cognizant of the fact that not a few aspects of an authorized religion remain negotiable.¹¹¹⁰ Today’s *internal* faction within official religion

¹¹⁰⁶ Carrière (*Théorie du politique*, 41) underlines the close connection between political and historical conditions, social organization, and the cultural situation (l’état de la culture). Knauf traces the “opposition” to the temple and palace, which at the time of the fall of Judah began laying the ideological groundwork for a new phase in Israelite religion. The Torah and the prophets would emerge in the Persian period from this milieu (Ernst Axel Knauf, “Les Milieux Producteurs de la Bible Hébraïque,” in *Introduction à l’Ancien Testament* [ed. T. Römer, et al.; Genève: Labor et Fides, 2004], 49-60, 57f.).

¹¹⁰⁷ One unexpected feature of official religion presents itself in its inner resiliency, e.g. when one group publicly condemns the other. Such stigmatization often produces “deviant” social actions beginning with the nurturing of feelings of resentment and culminating in a radical reaction, at times including insurgence. Such insurgence might take the form of the production of fractious protest literature, or, in more extreme situations, expressions of violence. Berlinerblau contends that the “deviant” actions emerge from the stigmatization of the less dominant group by the empowered group, which promotes the dominant stream within official religion (*Vow*, 23).

¹¹⁰⁸ *Ibid.*, 22. Viewed in this way, the strife in Malachi that produced countermovements within the larger Israelite sphere of priests and prophets of the fifth century did not lead to the kind of schism documented for Qumran.

¹¹⁰⁹ *Ibid.* Berlinerblau does not deal with the competition between Israelite and Neo-Assyrian religion, for which see E. Otto; see his *Politische Theologie und Rechtsreform*, 374.

¹¹¹⁰ Edward Shils, “Charisma, Order and Status,” *American Sociological Review* 30 (1965): 199-213, 208, employs the term “dissensus” to characterize the dynamic of difference that inevitably obtains among elites themselves. Although the “sense of affinity generated by their common centrality” produces cooperation, their individual or group differences nonetheless generate a degree of dissensus.” This “intra-elite

may become tomorrow's expression of "popular religion," blooming outwardly or *externally*, developing in tandem with a social movement. This eventuality signals the importance of ascertaining, to the extent it is possible, the social locations and major players involved in socioreligious negotiations. In the ancient Holy Land, how and among whom might such dialogues occur? Through which avenues could changes of direction be effected? Might these routes through which the notion of the PRR would most likely develop and survive?

4.1.7 *Official Religion as a Network*

In the *JHS* version of this chapter I used contemporary electronic terminology to illustrate a complex network of greater and lesser powers feeding from *both* central and local circuits¹¹¹¹ to the desired destination(s). Considerable difference obtains between electronic circuitry and human interconnections, since with the latter the data (a) moves more slowly through the line and (b) undergoes modification as it proceeds. The strength of the "connection" to the original or secondary "source" varies, and in most instances the feed within a "human circuit" or social body (Foucault¹¹¹²) weakens. A break in the flow of information (cf. a "break[down] in communication") may result.

Within the network of "official religion," no small effort is expended to maintain the connection.¹¹¹³ The human transmitter of the commissioned message may modify it¹¹¹⁴ as

dissensus" then spreads to other segments of society, finding particularly receptive ears "among strata and groups already unwilling to acknowledge the claims of the powerful to supreme and exclusive embodiment of principles of cosmic and social order." Nonetheless, "a considerable degree of consensus exists among the various sectors of the elite" (ibid., 210).

¹¹¹¹ Modern protection systems use a combination of central and local circuitry; local circuitry protecting a specific area connects to a supervisory circuit at a central station; supervisory circuits are protection circuits that monitor system parameters, e.g., the flow of current.

¹¹¹² Foucault, *Power/Knowledge*, 119.

¹¹¹³ Formulas function to promote loyalty to the sovereign and official doctrine; cf. the messenger formula "Thus says ..." common to texts in the ancient Near East. In a distinctive formulation appearing over a hundred times in Ezekiel (indicative of the Zadokite-Levite preference for it) in Ezek 44:9: "Thus says the Lord God (יהוה): No foreigner, uncircumcised in heart and flesh, of all the foreigners who are among the people of Israel, shall enter my sanctuary (מקדש)." ¹¹¹⁴

¹¹¹⁴ Even if the message is a written document bearing the seal of the original sender the messenger would nonetheless contextualize that communication. Depending on the recipient, the messenger might feel it necessary to paraphrase and perhaps translate the contents of the message.

Essential to communication, road systems in the ancient world were often very efficient, even in remote regions. "While the routes leading through deserts could hardly have been built roads, but tracks well known to the caravan leaders, those in Asia Minor and Iran, which often had Assyrian, Hittite and other precedents, were in very good condition. Although they were unpaved, Aristophanes already reports that

the situation demands. As representatives of official religion, commissioned messengers along the chain would be (1) knowledgeable of the jurisprudence inside and outside¹¹¹⁵ of the realm, (2) fluent in the official doctrine and (3) perceived as dedicated to disseminating it,¹¹¹⁶ (4) conversant with dissenting views, some of which could be characterized as popular or populist and some of which messengers could be covertly promoting. Personnel within this network would be specialists:

even carriages could easily travel on them. The roads were equally suitable for military purposes such as the rapid transportation of soldiers, military vehicles, material and luggage, and for civilian use including the conveyance of men, animals and goods and *for the transmission of news*" (Josef Wiesehöfer, *Ancient Persia: From 550 B.C. to 650 A.D.* [trans. Azizeh Azodi; London: Tauris Publishers, 2001], 77, emphasis added). For the effective road network developed by the Persian Empire, see Josette Elayi, *Byblos, cité sacrée (8e-4e s. av. J.-C.)* (vol. 15 of Supplements to Transeuphratène; Paris: Gabalda, 2009), 124f. Although the Babylonians opened up some intermountainous routes, "ce sont surtout les Perses qui développèrent et améliorèrent le réseau routier, en particulier sur le plan de la sécurité ... et des capacités logistiques pour le transfert des troupes d'une région à l'autre ..." (ibid., 125). The improvement of the road system was in large part due to Persia's push to the west.

John S. Holladay Jr., "Toward a New Paradigmatic Understanding of Long-Distance Trade in the Ancient Near East: from the Middle Bronze II to Early Iron II—A Sketch," in *The World of the Aramaeans, II: Studies in Language and Literature in Honour of Paul-Eugène Dion* (ed. P.M.M. Daviau, et al.; vol. 325 of JSOTSS; Sheffield: Sheffield Academic Press, 1987), 136–98, tells of donkey convoys and caravans travelling between Assur and Anatolia: "Almost all of our presently available texts relate to the operations of Level 2 of this settlement, dated to the period of the Old Assyrian dynasty in Assur. Nine or 10 other 'harbours,' *kārums*, and a dozen or so 'stations,' *wabartums*, subordinate to the 'harbours,'" existed at other Anatolian capitals and smaller towns, all apparently being subordinate to the Karum Kanesh" (p. 183). More than 30 trading stations have been estimated for this colony alone. The period witnessed a "widespread network of trade relations" (pp. 183-4). Travelling expenses included items such as food and fodder, grazing rights, lodging, additional personnel, including porters, additional donkeys, payments to messengers, guides, the costs of military protection and gifts to local dignitaries, both en route to Anatolia and within Anatolia (ibid., 184-6).

¹¹¹⁵ Cf. Bernard M. Levinson, "The First Constitution: Rethinking the Origins of Rule of Law and Separation of Powers in Light of Deuteronomy," *Cardozo Law Review* 27, no. 4 (2006): 1853-88, 1863: "Israelite authors were well tutored in the topical and formal conventions of cuneiform law"; cf. ibid., 1864. Pace Levinson, not all Israelite writers but rather primarily scribes "on higher levels of the administration" would have knowledge of national as well as international laws (Schams, *Jewish Scribes*, 310). Whereas some literati would possess particular expertise in narrative traditions or poetry, others would plausibly specialize in types of lists, or international law. Such division of expertise may lend support for the notion of authorial circles or guilds cooperating on a large literary project. On the proto-canonical level, experts in various traditions would be qualified to participate in the complex literary task of integrating diverse conceptions and corpora. A priestly scribe such as Ezra—if we may accept the veracity of Artaxerxes' commissioning letter (Ezra 7:12-25)—has the additional advantage of involvement at high levels of imperial governance from which he can both negotiate with Israelite literati and parley with Persian superiors. The communities of Ezra and Nehemiah had their "own organs of self-administration, in whose affairs the Persian satrap did not intervene" (Muhammad.A. Dandamaev and Vladimir G. Lukonin, *The Culture and Social Institutions of Ancient Iran* [trans. Philip L. Kohl with the assistance of D. J. Dadson; Cambridge: Cambridge University, 1989], 104). Ezra's was a crucial communicative link between national and international networks. Whereas his account of the Persian sovereign's largesse and fear of *YHWH* may lack historicity, it brims over with political expediency, benefiting both Ezra and his *torah* campaign.

¹¹¹⁶ Malachi 2:7 describes the successful, vv. 8f the failed priestly messenger of *YHWH* whose just deserts for having served the people well are divinely sabotaged.

“Official religion” differs from “popular” varieties in so far as it consciously aspires to elaborate, systematize, codify and clarify the particular metaphysical beliefs upon which it is predicated. Such an endeavor necessitates *a group of specialists* trained in performing particular tasks. Sociologists refer to this group as “the intellectuals.”¹¹¹⁷

Berlinerblau’s description of specialists applies to central elites responsible for the drafting and the preliminary promotion of official doctrine. Within the network we are describing, however, the personnel who actually disseminate doctrine in the hinterland (e.g., the levitical priests) would require different training leading to development of a unique set of specialist competencies, for example, indepth familiarity with local cultures, the ability to cooperate with and arbitrate between community leaders, and, perhaps especially, to negotiate between tribal and state interests. These Levites remain “specialists” even while lacking expertise in the specific sub-disciplines expected of urban elites. The elite cultic personnel often mentioned in this study arguably benefit from extensive training in choice guilds (cf. the term משפחות in 1 Chr 2:55). Nonetheless, caution is in order when positing qualitative differences between their overall socioreligious and political competencies and those of their middle-tier associates. For one thing, elite status can come through means other than expert training, knowledge and skilful performance!¹¹¹⁸ Taken together, middle-tier Levites likely developed just the

¹¹¹⁷ Vow, 26, italics added. Though helpful, Berlinerblau’s definition is problematic in three respects. First, that “metaphysics” begins with Aristotle raises the question of the applicability of Berlinerblau’s definition for “official religions” prior to the fourth century BCE; second, it privileges belief-oriented religion at the expense of the more ritually-oriented religions of the ancient Near East; third, focusing on the intellectual at the expense of the practical, occupational dimensions of specialization.

The Kenites and (according to 1 Chr 2:55 and reading “Rechab” with LXX in 1 Chr 4:11) Rechabites (Jer 35; cf 2 Kgs 10:15-27) were itinerant specialists in metallurgy in Israel. Several aspects of Gottwald’s characterization of these craftsmen plausibly apply to preexilic Levites: “All in all, the Kenites/Rechabites appear as an occupationally specialized group which stood somewhat apart in Israelite society, could do business with Canaanites and Israelites, but were also fierce Yahwists and in decisive cultural and sociopolitical matters were counted as a part of Israel” (Norman Gottwald, *The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel, 1250-1050 BCE* [Maryknoll, NY: Orbis Books, 1979], 321).

¹¹¹⁸ Relevant in this connection, the book of Deuteronomy in general downplays patriarchy as a principle governing structure. (Joshua Berman, “Constitution, Class, and the Book of Deuteronomy,” *Hebraic Political Studies*. 1, no. 5 [2006]: 523–48, 527). This has significant implications for a society in which offices tend to be inherited. That in the “law of the king” the levitical priest (likewise the king) is “chosen” by *YHWH*, and while this may include the entire tribe of Levi (Deut 10:8; 18:1), it nonetheless works to destabilize any hereditary hegemony afforded a priestly pedigree. That the citizen—“you” in Deuteronomy—participates along with the Levites within the “brotherhood” (cf. Deut 12 and *ibid.*, 536f.) also undercuts hegemonic control of the cult. Finally, Deuteronomy’s blurring of any dividing lines between priest and Levite—which P contrastingly reinforces—calls into question the notion of an exclusionary clerical class.

skills needed in rural contexts on the one hand, during times of occupation (which in turn could lead to relocation) on the other.¹¹¹⁹

In what follows in this and the following chapter (Chapter Five) we will illuminate facets of specialized knowledge, especially with respect to how it functions in the circulation of power. Particular attention is paid to the roles middle-tier personnel play in the distribution of power, which issues from the seat of authority in a realm. We will also demonstrate how tensions between more and less official Israelite religions and their elite Zadokite-Levite and middle-tier Levite proponents, respectively, find clearer delineation through the deployment of aspects of the thought of Michel Foucault. As mentioned in the introduction, the primary biblical texts to which Foucauldian thought is applied are Deut 17:14-20, the “law of the king” and select PRR texts that received extensive exegetical treatment in Chapters Two and Three.

4.2 Central and Peripheral Origins of “Deuteronomism”

The dating of the writing of the “law of the king” should include external considerations. T. Römer adduces evidence for a seventh-century genesis of Deuteronomism,¹¹²⁰ a point on the temporal grid around which scholars tend to congregate.¹¹²¹ Whereas a preexilic onset leads in the direction of the reign of King Josiah, a beginning in the Hezekian period¹¹²² should not be discounted altogether.¹¹²³ But does eighth- or seventh-century

¹¹¹⁹ See below, §4.7.

¹¹²⁰ One of the problematic connotations accompanying the term Deuteronomism is that of an ideological program at odds with priestly interests. Though such differentiation may sometimes prove helpful, e.g., in comparisons with P, priest-prophet-scribes involved themselves in the literary production of much of the material in the Hebrew Bible. The merging of roles and voices on the one hand, cross-fertilization of legal traditions in the major law codes makes sharp division into “priestly” and “Deuteronomi(sti)c” categories difficult.

¹¹²¹ Römer, “Transformations,” 2; cf. Konrad Schmid, “Hatte Wellhausen Recht? Das Problem der literarhistorischen Anfänge des Deuteronomismus in den Königbüchern,” in *Die deuteronomistischen Geschichtswerke: Redaktions und religionsgeschichtliche Perspektiven zur “Deuteronomismus” — Diskussion in Tora und Vorderen Propheten* (ed. M. Witte, et al.; vol. 365 of BZAW; Berlin: de Gruyter, 2006), 19-43, 21-2: “Historisch gesehen kommt für den Deuteronomismus grundsätzlich die gesamte Zeitspanne von Asarhaddon bis Matthäus und Lukas in Frage und in literarischer Hinsicht kann in Gen II Reg kein Buch von vornherein aus der Deuteronomismus-diskussion ausgeklammert werden.”

¹¹²² Cf. Ansgar Moenikes, “Das Tora-Buch aus dem Tempel: Zu Inhalt, geschichtlichem Hintergrund und Theologie des sogenannten Ur-Deuteronomium,” *ThGl* 96 (2006): 40-55, 53f. *et passim*, who reconstructs and dates Ur-Deuteronomy to the reign of Hezekiah. Later, during Josiah’s reign, the legal document becomes a covenant charter and in some measure a national, foundational law (Staatsgrundgesetz). At the time of the “discovery of the law” in 2 Kgs 22f, however, the determination *torah* had not yet been firmly established; indeed, the collocation *torat moshe* would see its first appearance in the redaction of the

Judah provide the circumstances conducive to extensive dtn literary activity? A growing number of scholars nowadays look to Jerusalem of the middle of the Persian period as a probable environment for literary production on a large scale. Consequently, those who would preserve the idea of production in the preexilic period—or early Persian period—may now need to think in terms of a reduction in scope, for example, from large scale production to a *preparation* of materials.¹¹²⁴

Josianic History Work (cf. 2 Kgs 23:25a). From the time of Hezekiah to Josiah (i.e., from the time of the compiling of Ur-Deuteronomy to the “discovery of the law”) *YHWH* alone was the lawgiver. Cf. Deut 6:17, 20-25; 28:45; cf. also Deut 4:13, 23; 5:32, 33; 9:12, 16 and Norbert Lohfink, “Das Deuteronomium,” 387-91; Alexander Rofé, “Ephraimite versus Deuteronomistic History,” in *Storia e tradizioni di Israele: Scritti in onore di J. Alberto Soggin* (ed. D. Garrone; Brescia: Paideia Editrice, 1991), 221-35; Ehud Ben Zvi, “Josiah and the Prophetic Books: Some Observations,” in *Good Kings and Bad Kings* (ed. L. Grabbe; London: T&T Clark, 2005), 47-64, 57f.

¹¹²³ Ibid.; Zenger, “Theorien,” 103; William M. Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University, 2004), 75f; Leuchter, *Polemics*, 170-72.

It may be that King Manasseh deserves credit for certain “reforms” beneficial to Judah as well; see Lester L. Grabbe, “Reflections on the Discussion,” in *Good Kings and Bad Kings* (ed. L. Grabbe; London: T&T Clark, 2005), 339-50. “Trying to make fine distinctions between the seventh-century finds is very subjective because there are no destruction layers between the invasions of Sennacherib and Nebuchadnezzar. This means that finds conventionally assigned to the reign of Josiah could actually come from Manasseh, and vice versa” (ibid., 341); cf. Bernard M. Levinson, “Reconceptualization,” 527, 528: “Possibly, Deuteronomy stemmed from the hands of court scribes under Manasseh who were committed to the ideals of Hezekiah’s initial cultic reform and centralization. . . . The mistrust of royal power, on account of Manasseh’s pragmatic foreign policies, might well account for the sharp delimitation of royal authority by the authors of Deuteronomy” (cf. Knobloch, *nachexilischen Prophetentheorie*, 261, n. 114). See also Knauf, “Archaeology of the Hexateuch,” 291, n. 74.

¹¹²⁴ This would be particularly true in Persian period Jerusalem prior to the middle of the fifth century; see above, n. 241. Preparation and collection assuredly included the critical appraisal of traditions. Would traditions ill-fitting the profile of the current project be preserved only to be inserted into another document? Evidence for these late “insertions” meets us, e.g., in alternative traditions that paint the period of wilderness period in glowing colors (Jer 2:2f.). Jeremiah likely has recourse to Hoseanic traditions about the wilderness; cf. Thomas B. Dozeman, “Hosea and the Wilderness Wandering Tradition,” in *Rethinking the Foundations: Historiography in the Ancient World and in the Bible* (Festschr. John Van Seters) (ed. S. McKenzie and T. Römer; vol. 294 of BZAW; Berlin: de Gruyter, 2000), 55-70, 69: “[Hosea’s] use of the desert to express desolation imagery may not technically be a tradition, but it is certainly a shared experience of the prophet and his audience that has entered the literary tradition.”

On a different front, the desert tradition seems to have provided Jerusalem Temple priests an idyllic setting where land inheritance, agriculture, kingship, and administrative regulation—with their competing, “secular” mechanisms—do not come into play. For Knohl (*Sanctuary*, 156f.), the tabernacle in the desert functions as metaphor for the “hidden recesses of the Temple” where priests approach the mysterious God who reveals himself inside the sacred precinct. That both prophet and priestly circles would make weighty use of the desert motif (in competing fashion?) is indicative of sustained engagement with each other on the one hand, the commonly held conviction that early Yahwism was rooted in the desert on the other.

4.3 Priest-Scribes and Schools

The eighth and seventh centuries BCE witnessed a modest augmentation of a preexisting core of Israelite traditions.¹¹²⁵ Priest-scribes initiated a preliminary collation of tradition strands—the selection and collation constituting acts of interpretation¹¹²⁶—with the goal of assembling a coherent narrative of Israel’s history.¹¹²⁷ Although the reported discovery

¹¹²⁵ Hans Walter Wolff, *Hosea: A Commentary on the Book of the Prophet Hosea* (trans. G. Stansell; Philadelphia: Fortress Press, 1974), 216, saw the beginnings of Deuteronomism in Hosea and his priest-prophet, levitical supporters who looked to Moses for their priest-prophet forebear. Wolff saw evidence of the connection between Moses and early Levitism in Judg 18:30. That the Levite in this passage is given a name has astonished some scholars. Aage Bentzen, *Die Josianische Reform und ihre Voraussetzungen* (Copenhagen: P. Haase & Sons, 1926), believed the tentative elements in v. 30 derive from the revising quill of the Levites’ detractors, the Zadokite priests: “und die Bearbeiter sind wohl wahrscheinlich die Sadokiden” (p. 80). For Cook, “Lineage Roots,” Judg 18:30 testifies to continuous levitical activity at the Dan sanctuary through the fall of Israel (cf. n. 1034, above); cf. Steven S. Tuell, “The Priesthood of the ‘Foreigner’: Evidence of Competing Polities in Ezekiel 44:1-14 and Isaiah 56:1-8,” in *Constituting the Community: Studies on the Polity of Ancient Israel in Honor of S. Dean McBride Jr.* (ed. S. Tuell and J. Strong; Winona Lake: Eisenbrauns, 2005), 183-204, 204: “Judges 18:30-31 identifies Jonathan, cult founder at Dan, as the grandson of Moses. We are further informed that his descendants continued as priests for the Danites until Assyrian exile, serving at the Dan temple until its destruction. This strongly suggests the Elide line, which served at Shiloh, traced its lineage to Moses, not Aaron—which would, of course, still make it a Levitical priesthood.” Cf. also Achenbach, “Levitishe Priester,” 288.

There are however textual problems with the reference to Moses in Judg 18:30 over which later literati scrupled. *Nun suspensum* was consequently added to the original $\eta\psi\mu$, producing the anomalous $\eta\psi\mu$, effecting the replacement of Moses with Manasseh; cf. BHS and Emanuel Tov, *Textual Criticism of the Hebrew Bible* (Minneapolis: Fortress, 1992), 57; Joseph Blenkinsopp, “Bethel in the Neo-Babylonian Period,” in *Judah and the Judeans in the Neo-Babylonian Period* (ed. O. Lipschits and J. Blenkinsopp; Winona Lake: Eisenbrauns, 2003), 93-107, 102. Eduard Meyer, *Die Israeliten und ihre Nachbarstämme* (Halle: Max Niemeyer, 1896), 72-89, 72 and n. 1, ascribed the alteration to pre-dtn hands. He begins his fêted section “Mose als Ahn der Priester: Der geschichtliche Stamm Lewi in Qades” (pp. 72-82) thus: “Als Ahn der israelitischen Priester erscheint Mose bekanntlich auch in der zwar relativ späten aber doch sicher vordeuteronomischen Glosse Jud. 18,30, welche die Priester von Dan, die nach der alten Erzählung cp. 17f. von einem namelosen Judäer aus Betlehem, der Lewit (Priester) geworden ist, abstammen, auf Jonatan ben Geršom ben Moše, also auf den Sohn des Mose und der Sippora zurückführt; und noch im Priestercodex trägt ein Lewitengeschlecht den Namen Muši, ‘das mosaische’” (cf. Exod 6:19; Num 3:20). On balance, Judg 18:30’s value as evidence of the *early* attribution of Mosaic descent to Levites remains dubious.

¹¹²⁶ Cf. Schmid, “La Formation,” 318-28, 320.

¹¹²⁷ Raymond F. Person, Jr., *The Deuteronomistic School: History, Social Setting, and Literature* (vol. 2 of SBL Studies in Biblical Literature; Leiden: Brill, 2002), 28. I know of nothing disqualifying the thesis that the gathering, preserving, and developing of earlier (primarily oral but also some written) traditions occurred in preexilic Israel on a modest scale. Albertz continues to entertain the possibility of significant textual development in the preexilic period: “Thus, from the general viewpoint of cultural development there is no reason why large parts of the Old Testament literature could not have been written in early stages: In the Persian period or in the Babylonian and Assyrian period up to the eighth or even ninth centuries” (Rainer Albertz, “An End to the Confusion?: Why the Old Testament Cannot be an Old Testament Book,” in *Did Moses Speak Attic?: Jewish Historiography and Scripture in the Hellenistic Period* [ed. L. Grabbe; JSOTS 317; Sheffield: Sheffield Academic Press, 2001], 30-46, 33). Regarding possible ninth-century, pentateuchal texts see Marc Zvi Brettler, “Method in the Application of Biblical Source Material to Historical Writing (with Particular Reference to the Ninth Century BCE)” in *Understanding the History of Ancient Israel* (ed. H. G. M. Williamson; Oxford: Oxford University, 2007), 305-36. A self-described “cautious minimalist” (ibid., 332), Brettler nonetheless entertains the possibility

of the book of the law during Josiah's seventh-century reign (cf. 2 Kgs 22:3-20) is suggestive of significant literary amassing by that time,¹¹²⁸ it may in reality point to the *onset* of such a project. Although patronized by a Judean sovereign, it fell into desuetude during shifts of power, only to be picked up again, expanded, eventually culminating in the sprawling "Deuteronomistic Histories."¹¹²⁹

As for the notion of a Deuteronomic¹¹³⁰ "school," a time prior to the time of the Babylonian exile seems doubtful:

Therefore, even though the Deuteronomic school probably had its scribal roots in the professional scribes of the late monarchy and drew upon writings produced by these professional scribes, I prefer to talk about the origin of the Deuteronomic school in the

of "some material *written* in the ninth century" (ibid., 315, secondary emphasis). We would affirm Brettler's caution, particularly with respect to the *amount* of textual development at such an early period.

Otto (*DPH*, 251) argues that Zadokite priests wrote seventh-century dtn texts in Jerusalem, the one place providing them access to Neo-Assyrian texts. The Zadokites' treatment of the material presents itself in the preexilic portion of Deuteronomy. This argument has merit. However, even if dtn Deuteronomy saw its initial *Verschriftung* in Jerusalem, familiarity with major themes in Neo-Assyrian texts—including redaction techniques in Assyrian legal texts (idem, *Politische Theologie und Rechtsreform*, 364)—could have come by way of educated, well-traveled scribes. The scribes would involve themselves in making abridgements of such texts for pedagogical, propagandistic, and other reasons. Not claiming to be official codes, the abridgements—and their makers—run less risk of being "cursed" for "taking from" or "adding to" an *authoritative* text. The later scribe and wisdom teacher Ben Sira (early second century BCE) appears to have traveled widely (cf. Ben Sira 39:4) and he would not be alone in this; Perdue, *Sword and Stylus*, 273. In general, I do not envision as great and direct an Assyrian influence on the Israelite composer/compiler of dtn Deuteronomy as does Otto, or, for that matter, Knauf, "Observations."

¹¹²⁸ Achenbach ("Die Tora," 36) maintains the "late dtr Bearbeiter" of 2 Kgs 22—23 considered the *sefer* found by the priest Hilkiyah (2 Kgs 22:8, 11; 23:24), which had to be of Mosaic origin, a binding document connecting them to *YHWH* in a covenant-theological sense (cf. v. 25). This suggests the "document" had been in existence for some time.

¹¹²⁹ On the plurality of the DH, see Schmid, "Das Deuteronomium," 193-211, especially 208-11. Most scholars continue to speak in terms of dtr redactions in Josh-2Kgs, as Nihan explains: "Toutefois, 'le très grande majorité des chercheurs continuent néanmoins d'admettre l'existence d'une ou plusieurs rédactions de type 'deutéronomiste' dans les livres de Josué à 2 Rois, rédactions qui ont joué un rôle essentiel dans la formation de la collection des Prophètes antérieurs; simplement, ces rédactions ne sont plus nécessairement liées à un projet historiographique aussi précis que ne le voulait Noth" (Christophe L. Nihan, "L'Analyse Rédactionnelle," in *Manuel d'exégèse de l'Ancien Testament* [ed. M. Bauks and C. Nihan; Genève: Labor et Fides, 2008], 137-89, 144; "Put simply, these redactions are no longer necessarily tied to a historiographic project as precise as Noth would have wished").

¹¹³⁰ In *Deuteronomic School* Person abandons the term "Deuteronomistic" in favor of the allegedly more comprehensive "Deuteronomic" because (1) the terms are often interchanged indiscriminately; (2) Noth's original distinction between the two terms was chronological (moving unidirectionally from proto-Deuteronomy to the Deuteronomistic Historian); (2a) since we cannot really distinguish between primary and secondary texts, and since "it is more likely that various Deuteronomic texts influenced each other at different times," the chronological scheme has lost its significance. Notwithstanding the value of the points Person raises, the risk of further decline in diachronic analysis by jettisoning "Deuteronomistic," particularly in English language scholarship, seems to me greater than the uncertainty associated with a more nuanced system. As already stated, an equally pressing problem of terminological inexactitude confronts current research in the need to distinguish between the authorial circles of priests involved in deuteronomic, deuteronomistic, and post-deuteronomistic projects.

exilic period, when the overall framework of the Deuteronomic History probably first took form. This preference denotes the tremendous change in outlook that the destruction of Jerusalem and the Babylonian exile must have made on the people of Judah especially those who were taken into exile, including the professional scribes of the royal bureaucracy.¹¹³¹

R. Person's caution is commendable regarding the notion of an authorized school, which he would define as a guild that originates in the bureaucracy of the monarchy.¹¹³² Guild

¹¹³¹ Person, *Deuteronomic School*, 28; arguments in favor of the existence of an eighth-century "Ephraimite School" can be found in Rofé, "Ephraimite"; see E. A. Knauf, *Josua* (Zürich: Theologischer Verlag Zürich, 2008), 17, who envisions a preexilic school "wahrscheinlich am Palast (mit dem Tempel), nach dem Exil am Tempel angesiedelt." Perdue (*Sword and Stylus*, 108) envisions an eighth-century "rise of the Deuteronomic school." The leadership of "this largely priestly party" appears to have consisted primarily of Levites, though Perdue prefers the (broader?) appellation "Deuteronomists." The Levites, with their sympathies with local expressions of worship, raised the hackles of their Zadokite rivals, who would unsuccessfully attempt to outlaw the worship of all but a single, masculine manifestation of *YHWH*. As the later Zadokites gained power, the Levites (or "Deuteronomists") forfeited their priestly functions. The loss led to a diminution of status, resulting in relegation to scribal and minor cultic duties. Thus for Perdue the picture of levitical priests in Deuteronomy reflects an early (preexilic) position of empowerment.

¹¹³² Scribes did not however necessarily belong to the bureaucratic elite in the ancient Near East. In New Kingdom Egypt the term for scribe may simply describe a literate individual (Edward F. Wente, "The Scribes of Ancient Egypt," in *CANE*, 2211-21, 2211); there exist texts penned by the official class (e.g., the *Miscellanies*) that aggrandize the scribes' status in an "unctuous self-serving" fashion that arguably benefits the elite patrons more than the scribes themselves (ibid., 2218; cf. Perdue, *Sword and Stylus*, 77). Not all scribes had wealthy patrons. Similar to the Levites, a middle-tier scribe's sustenance could depend upon their ability to balance official directives with local concerns. Wente describes a regional conflict at a village located at a Theban desert escarpment in which an administrative scribe performs vital tasks for the community; he attends to village complaints, serves on the village tribunal in which he administers and witnesses to oaths, officiates verdicts, and in cases of stalemate draws up the questions to hand to the local oracle in hopes of receiving a divine decision. In the duration the scribe supplements his own income by reading and writing letters and drawing up sale records and legal documents. (Cf. also Beaulieu, "Official and Vernacular Languages," 198.) Wente adds the detail that scribes tend to be well-liked by villagers (*op. cit.*, 2219). That examples of occasional, oppressive and bribe-taking scribes are also recorded suggests the reliability of the descriptions of mutually beneficial relationships between scribes and less educated villagers. We may say the Ramesside community of Deir el-Median experienced a scribal power that empowers. (For a similar situation in Ugarit, see Lewis, "Family Religion at Ugarit," 77.)

The status of Mesopotamian scribes appears to be higher, probably due to the extensive training required to learn sign-forms and their multiple phonetic readings. The students' native language is often Assyrian or Amorite. This suggests their formal training, which likely begins with an introduction to Sumerian, is multilingual from the start. This seems to me to indicate *significant preliminary training* prior to entering choice scribal schools. Tablets from the Old Assyrian trading colony at Kanesh (modern Kültepe) demonstrate the cuneiform literacy of some merchants. Still helpful is Moran's brief survey of the linguistic diversity within second millennium cuneiform culture (*Amarna Letters*, xviii-xxii).

Persian period scribes often live among the general population as members of guilds, e.g., the "scribes of the army." Although possessing competency in both Akkadian cuneiform and Aramaic, many scribes nonetheless do not find opportunity to move up the ranks from low-level administration.

Temple scribes do not as a rule involve themselves in the cult, although they do assist in the preparation of tablets used as votive offerings and cooperate with priests in their respective recording and interpretation of astronomical data (cf. the late, first millennium ephemeride texts); cf. Laurie E. Pearce, "The Scribes and Scholars of Ancient Mesopotamia," in *CANE*, 2265-78, 2265-74. The scribal craft moreover is graced by its divine patrons, the goddess Nisaba and later the god Nabu, in whose temples and chapels scribes deposit beautifully engraved tablets (A. Leo Oppenheim, *Ancient Mesopotamia: Portrait of a Dead Civilization*

members receive training and then in turn train others.¹¹³³ By preserving and expanding earlier materials, for example, early forms of Deuteronomy, “the Book of the Annals of the Kings of Judah,” and Jeremianic poetry, they further the official religiopolitical ideology through literary means, expressing it through a common language and often similar terms and phrases.

To be sure, there was neither a single “official political ideology,” nor a solitary, monolithic “official religion.” The political and religious *tradita* that passed through the communication and (to some extent) literary network, sometimes congealing and ossifying, other times undergoing radical alteration to the point they no longer qualified as “official,”¹¹³⁴ demonstrated a certain resiliency. The *alteration of tradita* may owe in part to ideas fermenting in local instructional contexts. The *survival of tradita* owed to numerous factors, for example, perceived antiquity, wide distribution, influential advocates,¹¹³⁵ and purported official derivation.

[Chicago: University of Chicago, 1977], 242). Pearce nonetheless maintains that Mesopotamian scribes function primarily in administrative and bureaucratic roles, their responsibilities including regional travel to fulfill commissioned tasks and purchase grain for the temple complex. Curiously, Oppenheim brooks no hypothesizing of the status and political influence of Mesopotamian scribes (*Ancient Mesopotamia*, 242).

The complexities of administrating a court, temple, and maintaining an empire require the cooperation of numerous specialists, e.g., various administrators, military personnel, priests, scribes, doctors, visionaries, archivists, astronomers, and craftspeople. Without an efficient communication system through which authority and direction is distributed, cooperation among specialists can rapidly deteriorate to conflict. A successful network of this kind would necessarily include middle-tier specialists who cooperate with and even empower the general population. For “lower-level” scribes, who, similar to the *saprayya* scribes of Elephantine, “functioned primarily as notaries, drawing up and witnessing documents concerning marriage, property, law suits, and the like,” see Blenkinsopp, “Sage,” 310; cf. Perdue, *Sword and Stylus*, 191; cf. Sanders, *Invention*, 131.

¹¹³³ This however defends the view that scribal skill did not always trace directly and only to a monarchic bureaucracy. Although priest-scribes may not have achieved equal proficiency in both sacerdotal and scribal disciplines, they likely received interdisciplinary training through which they could achieve modest competency in complementary areas.

Schams (*Jewish Scribes*, 311) proposes a dubious distinction between scribes and priests in the Persian period with the statement “scribes on the middle and lower levels may have taught reading and/or writing on a very limited scale to priests and Levites.” The remark in the following paragraph that “influential scribes are likely to have belonged to established and influential families and at least some scribes were of priestly or Levitic descent” seems to suggest non-elite scribes would have been financially dependent upon their priestly and Levitic pupils. Although the situation Schams describes may be reflected in Chr and *Testament of Levi* (ibid.; the latter text dates to the second century BCE; the author similarly links the two writings on p. 279: “both writings convey the notion that scribes were generally Levites”), it would require “priests and Levites” to reside in cosmopolitan centers, since, as the author points out, “outside the Temple and the Achaemenid administration few or no independent scribes could be found” (ibid., and cf. p. 312).

¹¹³⁴ That is, the traditions had suffered loss of their defining, “official” contours, thereby leading to a “break in the circuit.”

¹¹³⁵ Whereas peripheral intermediaries in societies (e. g., Hosea and the levitical priest-prophets in Israel) usually remain closely tied to peripheral cults, elites connected with a society’s central cult sometimes

4.4 The Sanctuary Circuit and Eighth-century Literary Production

One would expect a ruler such as King Hezekiah to have a more professional literary guild with a centralized base. For a regional guild or emergent school in the eighth and seventh centuries¹¹³⁶ one looks to the peripheral priest-prophet movement.¹¹³⁷ We

begin their service in peripheral contexts (cf. Wilson, *Prophecy and Society*, 69). Whether support comes from former peripheral Levites, or sympathetic, lifetime elites, a small support group can be sufficient to allow the peripheral personnel to continue their activities, and we would add, to maintain their distinctive traditions. Though the role society plays in validating such personnel differs according to culture and context, they remain considerable in both peripheral and central settings (ibid., 51-62). Wilson's debate with the Weberian notion of the lone, charismatic prophet preaching counter-cultural and counter-theological messages animates his discussion (cf. ibid., 58).

Wilson comments on peripheral shaman moving into the mainstream of the official, centralized cult: "Yet many shamans are originally social outcasts who experience their initial possession long before they are allowed to function as their society's intermediaries. By learning to control their trances and master their spirits, the shamans are able to enter the central cult and thus upgrade their peripheral status, at least while they are carrying out their cultic duties" (ibid.). The vacillating status of religious personnel (cf. also ibid., 69f.) offers additional rationale for the use of qualifying descriptives such as Aaronide- and Zadokite-Levites (see n. 716 above), in which *lwy* signifies the broader, underlying occupation. Restricting the signification of the gentile to family lineage alone is to miss the indications of converging and diverging self-identifications by biblical authors who themselves subdivide into variegations of priests, prophets, scribes, and the wise.

¹¹³⁶ 2 Kgs 6:1 speaks a problematically small place of gathering and instruction for a school of prophets. For the plausibility of an early eighth-century "school" context (in the Sinai desert?) producing the Kuntillet Ajrud inscription ca. 800 BCE, see Sanders, *Invention*, 123f. The caption to Figure 11 (drawing of Kuntillet Ajrud inscription ibid., p. 123) reads "Israelite education out of school, c. 800 BCE..." Cf. ibid., 124: "This small, isolated desert way station is precisely where we do not expect a school, and precisely where we do expect (sic) to see skills and goods transported over great distances. Here we find not just writing but practice texts, generative of the skill that creates writing, connected to pilgrimage and trade routes." In contrast, David Jamieson-Drake, *Scribes and Schools in Monarchic Judah: A Socio-Archeological Approach* (vol. 109 of JSOTSS; Sheffield: Almond Press, 1991), 155f., balks at the notion of local schools in the eighth century. His reading of Lachish's artifactual evidence permits merely "an interest in learning to write by someone with access to the environs of the palace... Schools would be located in Jerusalem, if schools even existed." Offering a head-one challenge to Drake's skepticism of 8th-century schools is Hutton, *Palimpsest*, 169ff.; cf. Ryan Byrne, "The Refuge of Scribalism in Iron I Palestine," *BASOR* 345 (2007): 1-31, 5, n. 21: "Jamieson Drake's oft-cited manifesto (1991) rejects nearly any notion of scribal culture at all until the very late Iron Age II on the equation of monumental architecture with literate *haute couture*. While I indeed envision state patronage as a cultivator of scribal refinement and apparatus for professional organization, Jamieson-Drake's work strikes me as fatally reductionist in its appropriation of passé political taxonomies from structuralist anthropology."

¹¹³⁷ D. Edelman ("Prophets to Prophetic Books," 33) emphasizes the semantic breadth of Heb. כהן, "priest," noting for example the numerous cases of the merging of the offices of priest and prophet, viz., Isaiah, Jeremiah, Ezekiel, Samuel, Zechariah, and Micah. "This suggests that the term *kohen* included a range of sub-specialties and was not limited to the offering of sacrifices on the altar and the manipulation of sacrificial blood... it is interesting to note that the corresponding term in Arabic, *kahin*, was used of a person who primarily received and communicated divine visions and dreams and predicted great events in ecstatic trance, formulating utterances in short, rhymed sentences." Wilson (*Prophecy and Society*, 22f.) considers the semantic breadth of Grk. *prophētēs*. LXX uses the term to translate several Hebrew words (נביא, חזן, רֹאֵה). In the ancient literature "the earliest descriptions of the activities of the *prophētēs* seem to have overlapped those of the medium and the diviner. All of these specialists were concerned with proclaiming and interpreting divine messages and on occasion with speaking about the future. All three also provided means by which people could contact the gods." Traditionally, the priest's authority has been

envision itinerant literati—whether priests, scribes,¹¹³⁸ prophets—or a combination of all three¹¹³⁹—connected indirectly to a cosmopolitan center such as Jerusalem.¹¹⁴⁰ Officials of the elite tier would serve in the larger cities and thereby remain more closely connected to the official dogma that emanates from the center of national power. If this be an accurate statement, which level of officiants would work among the masses living outside of urban centers?¹¹⁴¹

4.5 *Conceptualizing Iron II Cities and Towns with Douglas A. Knight*

Knight¹¹⁴² differentiates between four types of cities in Iron II Israel,¹¹⁴³ each type functioning in unique ways. Only in *residential cities* or *towns*, the smallest and most numerous category of city-types, would officials have regular and meaningful interaction with village populations. Because planners of larger cities often designate portions of the city as non-residential space,¹¹⁴⁴ the actual population of the city does not necessarily

thought to derive from participation in the cult, the prophet's from personal charisma and receiving personal revelation (ibid., 27 and n. 15). In terms of function, "prophets, shamans, witches, mediums, and diviners can also be priests if they have regular cultic roles in their societies. In turn, priests can on occasion function as diviners, prophets, or mediums.... The fact that priests sometimes have other religious functions prevents sharply distinguishing the priests from other religious specialists" (ibid., 27).

¹¹³⁸ With J. Blenkinsopp and M. Weinfeld, Perdue includes sages, "whose numbers increased during the Second Temple due to the expansion of literacy," in aspects of the publication of Israelite traditions. "The compilers of these law codes would have been scribes who were closely related to the sage" (*Sword and Stylus*, 101, n. 26).

¹¹³⁹ Numerous passages connect priests with the written word, e.g., Micah 3:11; Zeph 3:4; Ezek 44:24; Hag 2:11-13; cf. Grabbe, "A Priest is without Honor," 88; Edelman, "Prophets to Prophetic Books," 32: "... there is growing suspicion that a number of former distinctive specializations have been collapsed into the single category labeled *nābī*'."

¹¹⁴⁰ Elite scribes who were not cultic personnel would most likely remain close to cosmopolitan centers. Middle-tier scribes would, as a matter of course, need to supplement their income with free-lance work among the general population.

¹¹⁴¹ With respect to Bronze Age Ugarit, T. Lewis ("Family Religion at Ugarit," 72) estimates a population of 6,000-8,000 inhabiting some 1,000 domiciles. "The densely populated city constituted approximately 25 percent of the population of the entire kingdom that included some 150 towns and villages in the area. Thus local practices of religion made up the lion's share of the kingdom's religious experience." I see no pressing reason to disallow a similar attribution of importance to local religion in Israel.

¹¹⁴² *Law, Power, and Justice*.

¹¹⁴³ Precise chronological dating continues to elude scholars. An advocate of late chronology, Israel Finkelstein now dates the transition from early to late Iron I from 899-872 BCE. Cf. his "Megiddo Update: The Late Bronze and Iron Ages," paper presented to the Archaeological Excavations and Discoveries: Illuminating the Biblical World section at the Annual Meeting of the Society of Biblical Literature in Boston, 2008. The present study however assumes the common dating of Iron II to the period between 900 and 600 BCE.

¹¹⁴⁴ Non-residential space would include e.g. administration buildings, market-places, palace and temple grounds, and areas devoted to the military. The proportion of residential space to the overall size of the city

exceed that of a *residential town*.¹¹⁴⁵ Although archaeological evidence demonstrates an uneven spread of Iron II residential towns, their frequency in the central highlands may suggest a desire to settle within the larger, political and economic ambit of capital cities. It is to be emphasized that residential towns did not come into being as a result of urban planning.

Local administrative cities comprise Knight's second city-type. Contrastive with the lack of public buildings in *residential towns*, *local administrative cities* show clear signs of state design. Grain silos, storehouses (cf. the מסכנות in 2 Chr 32:28) treasuries (cf. the אצרות of 1 Kgs 14:26; 1 Chr 26: 26; 27:25; 2 Chr 12:9), and fortifications are in evidence. In terms of both frequency and rank within the government hierarchy these cities (cf. e.g. Beersheba) fall between *residential towns* and *royal cities*, the third city-type.¹¹⁴⁶ The *capital cities* of Samaria and Jerusalem constitute Knight's fourth site category.

That the monarch's architects reserve less than twenty-five percent of the built-up area of *royal cities* for residential use¹¹⁴⁷—*capital cities* would not reserve any more—indicates that the major urban centers for all practical purposes remain out of touch with the needs of the general populace. It stands to reason that elites residing in power centers would be quite dependent upon middle-tier officials to provide the communicative link between them and inhabitants of *residential towns*.¹¹⁴⁸ *Local administrative cities* (second city-type) may function somewhat in this capacity as well. It may be helpful to envision an outer network of villages, *residential towns*, and *local administrative cities* on some

is determined to a significant degree by the function of a given city (cf. Knight, *Law, Power, and Justice*, 162f.).

¹¹⁴⁵ In addition to villages, Knight divides Iron II Israelite settlements into medium, large, and very large sites. The smallest residential towns rarely exceed twelve acres in size, and yet have a population of ca. 500-1,250 (ibid., 163).

¹¹⁴⁶ The more populous and economically prosperous northern Israelite kingdom included the *royal cities* of Megiddo, Hazor, Gezer, and Dan, whereas Lachish functioned as Judah's *royal city*. Each of these cities were carefully planned by official architects serving the sovereign (ibid., 165-67).

¹¹⁴⁷ Ibid., 162; I wish to thank Professor Knight for graciously providing prepublication portions of his forthcoming monograph in 2009.

¹¹⁴⁸ There were no doubt situations in which middle-tier personnel knew a local language that elite personnel living in urban centers did not. Cf., e.g., the quite literate "doctor" from Isin who could not communicate with a peasant woman from Nippur. The story, dubbed the "Illiterate Doctor," concludes with the woman having the Edubba students chase the learned doctor from Nippur! (Christopher Woods, "Bilingualism, Scribal Learning, and the Death of Sumerian," in *Margins of Writing, Origins of Cultures* [ed. S. Sanders; vol. 2 of Oriental Institute Seminars; Chicago: Oriental Institute of the University of Chicago, 2006], 91-120, 109-11). See additional comments regarding this story below, n. 1436.

fronts functioning somewhat independently from the inner network of *royal* and *capital cities*.

The electronic analogy of local and central circuitry adumbrated above proves helpful here. The outer network of sites are interconnected by semi-independent local circuitry that connects to the supervisory circuit at a central station (so, *royal*, or perhaps *local administration* cities, for example, Lachish¹¹⁴⁹), thereby linking outer and inner sites. The distribution of power from the largest city-type, the *capital city*, to the general population, would require an efficient, complex, yet adaptable communication network.¹¹⁵⁰

Specialists among the high provincial officials would likely remain in larger cities, visiting *residential towns* and local sanctuaries seasonally to strengthen the local circuitry and to key open the lines of communication and accountability between people, middle-tier officiants and the regional offices in local *administration cities*.

It would fall to middle-tier “specialists” to fuel the local fires of sacrifice and devotion at stops along the sanctuary or village circuit.¹¹⁵¹ In the Levites’ capacity as teachers—an activity famously associated with them—they would likely bring with them an abridged code of legal and sacral regulations (cf. Ur-Deuteronomy, the Decalogue,¹¹⁵² portions of the Covenant Code,¹¹⁵³ etc.)¹¹⁵⁴ and a modicum of writing materials with which to teach or tutor local hopefuls aspiring to part-time “employment” as literate, semi-specialists.¹¹⁵⁵

¹¹⁴⁹ Davies, “Urban Religion,” 107. Lachish doubled as a fortress.

¹¹⁵⁰ The same held true in the ca. 350 kilometer kingdom of Ugarit. “Within it, social, political, religious and economic ties linked some two hundred towns and villages to the capital city” (Nakhai, *Archaeology*, 122). Although required to participate in the national cults, villagers were also known to participate in their local cults in the countryside, the structures of which “ranged from royal sanctuaries to neighborhood and rural chapels” (*ibid.*, 123; cf. 125). The local sanctuaries were dedicated to local deities, which were to then be subordinated to the head of the Ugaritic pantheon, El. The announcement of subordination was ostensibly reported through a return feed to the capital via the Late Bronze Age communication network. This may well have been accomplished by middle-tier priests of the kingdom of Ugarit, who had to balance loyalties to local sanctuaries—from which they received a measure of their provisional support—with allegiances to the royal, national cult (cf. *ibid.*); cf. Lewis, “Family Religion at Ugarit,” 72-6; for likely “local sanctuaries at *gitu*-farm communities under the supervision of the crown and/or temple of Ilu,” see *ibid.*, 74.

¹¹⁵¹ Cf. 2 Chr 17:7-9 and Blenkinsopp, “Sage,” 310f.

¹¹⁵² The Ten Commandments “are an excellent example of teaching structured for memorization” (David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* [Louisville: New York, 2005], 137).

¹¹⁵³ The Covenant Code in many respects reflects an agricultural context. It contains laws in their early form of development, not far removed from their origination as local customary law. “Se laisse lire comme un exemple d’une collection préexilique de droit coutumier” (Knauf, “Milieux,” 54).

¹¹⁵⁴ Carr (*Writing*, 134f.) asserts that education-enculturation in Israel would have also incorporated “more tradition material,” well-known, *available* documents from surrounding peoples. The influence of Near

4.6 Lower-Tier, Lay Personnel?

D. Edelman speaks of “part-time,” even unaligned status of some religious personnel, “who worked in other occupations but who served as divine vehicles from time to time or who worked free-lance within settlements, without any official affiliation.”¹¹⁵⁶ Aside from membership in an exceptional guild, or fortuitous increasing need for their services, the prospects of free-lance workers were less than secure. Building a reputation and networking with official representatives (probably middle-tier personnel serving in the hinterland), local clients and clientele would be an important avenue toward more assurance of work. One could conceivably characterize these “unofficial” personnel as lower-tier—likely lay—functionaries that would endeavor to somehow integrate their “religious” service into their regular occupation. Though not wielding great economic influence, through their alignment with both the populace and middle-tier personnel these lower-tier officiants¹¹⁵⁷ could pose a sociopolitical threat to elites.¹¹⁵⁸ Their propinquity to the general public could on the other hand prove advantageous to middle-tier personnel and their supporters among the top tier of priest-prophets. It is probably this kind of multi-rank cooperation that could assure the survival, and lead to the inclusion, of “minority views” of “popular religions” in the official literature. We believe such views include the PRR and its possible companion theme of an intrepid and *geistlich* competent people at Sinai/Horeb, along with other portraits of the people as prophetically gifted and competent. To be contrasted with this view is the “official” position of PentRed, in which a timid and incompetent people seek immediate (Mosaic) mediation in theophanic

Eastern literature shows itself in the adoption of certain terms and concepts in Israelite works. This may hold true especially respecting gnomic materials; cf. Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Winona Lake: Eisenbrauns, 1972), 298-319. The warning against “adding to” or “subtracting from” a written artifact (so, Deut 4:2) is a parade example of scribal formula originating outside of Israel (Carr, *Writing*, 136).

¹¹⁵⁵ Talented and ambitious students might be availed the opportunity to relocate to a larger, urban center, possibly even the capital, in hopes of joining a highly regarded guild of specialists. With their intimate knowledge of local customs and culture these apprentices would one day make ideal emissaries, sent back to their homeland to serve the interests of the national state.

¹¹⁵⁶ “From Prophets to Prophetic Books,” 32. Cf. perhaps the “shrine-bearers” (*wnw*), the lower-tier religious personnel in Egypt comprised of quasi- or non-priests; see n. 1075 above.

¹¹⁵⁷ For a lower-tier, a “third class priesthood,” see Risto Nurme, *The Levites: Their Emergence as a Second-class Priesthood* (vol. 193 of SFSHJ; Atlanta: Scholars Press, 1998), 171-73; Nakhai, *Archaeology*, 167, speaks in terms of a “priestly underclass” (1) associated with rural *bāmôt* and (2) “removed from the vortex of royal power.”

¹¹⁵⁸ Cf., e.g., the remarkable assertiveness of the עַם הָאָרֶץ; cf. also Wilson, *Prophecy and Society*, 73f.

encounters with *YHWH*.¹¹⁵⁹ In view of the Levites' recognized involvement in Israelite instruction, and because we will argue that non-elite school instructors would not have necessarily been adverse to revelatory intrusion (cf. Isa 50:4f.), we include the following discussion regarding schools in Israel.

4.7 Reconceptualizing the "Israelite School"

On one level, we may designate all literary activity as the product of a "school," since all literati ultimately owe their ability to read and write to a training experience; they are "schooled" in the arts of reading and writing. One should therefore broaden the concept of a "school" to include intermediate, less sophisticated instructional contexts that could provide opportunities for achieving a moderate level of literacy, perhaps even literary skill.¹¹⁶⁰

Ancient Near Eastern scribal techniques and text genres were developed largely in Babylonia during the second millennium BCE.¹¹⁶¹ The first stage of training focused on learning to write signs,¹¹⁶² which the student then used to make lists of terms and concepts often referred to as lexical lists¹¹⁶³ (cf. Germ. Begriffslisten). In the Babylonian record the lack of practice-oriented materials at this stage of training is conspicuous. On

¹¹⁵⁹ These themes and their evidentiary passages were treated in detail in Chapters Three and Four.

¹¹⁶⁰ In her discussion of the emergence of the Late Bronze Age (12th century?) Protosinaïtic script, Orly Goldwasser ("Canaanites Reading Hieroglyphs. Part I – Horus is Hathor? Part II – The Invention of the Alphabet in Sinai," *Ägypten und Levante* 16 [2006]: 121-60, 131) mentions "private inscriptions" that were "probably written by lesser scribes or by individuals with limited scribal education, as some 'mixed' inscriptions [containing, e.g., hieroglyphs, cursive hieroglyphs, and hieratic signs] testify"; see also the references for the so-called "expedition script dialect" in *ibid.*, n. 60. Protosinaïtic may have been invented through the adoption of a mélange of Egyptian "scripts" (*ibid.*, 133). For the patronage of local, middle-tier scribes already in the early Iron Age, see David M. Carr, "The Tel Zayit Abecedary in (Social) Context," in *Literate Culture and Tenth-Century Canaan* (ed. R. Tappy and P. McCarter; Winona Lake: Eisenbrauns, 2008), 113-29, 115: "There was no state at this point, but there were prestigious sponsors who came to value small inscriptions on their arrowheads, votive offerings, and so on."

¹¹⁶¹ Van der Mieroop, *History*, 59. Babylonian sign forms, readings, and tablets were imported into numerous scribal schools, e.g., Ebla, Mari, and Nabada (or Tell Beydar, a walled, Early Bronze Age site in north-eastern Syria). Babylonian scribes were sometimes brought into regions of Syria to oversee local instruction (*ibid.*, 60).

¹¹⁶² "The form of the script often was viewed as an essential part of a broader and holy script-language that educated people had mastered ... the learning not just of signs but also of particular forms of signs ... distinguished the given scribal system" Carr, "Tel Zayit Abecedary," 114.

¹¹⁶³ The lists were compiled in a "set sequence, [and] provide the earliest systematic evidence of Mesopotamian speculative and associative thought." Included in the assortment were the names of cities and gods, animals, birds, professions, woods, and the like (van der Mieroop, *History*, 61; cf. H. Vantispout, "Memory and Literacy in Ancient Western Asia," in CANE [ed. J. Sasson; vol. 4 of; New York: Scribner, 1995], 2181-96, 2189).

the surface it appears that numerous signs were learned that found little or no further application.¹¹⁶⁴ This suggests, for one thing, the centrality of the spoken word in such instructional contexts, which would require of the instructor both knowledge and the ability to improvise lesson plans and exercises.¹¹⁶⁵ With a dearth of hands-on instructional materials it is improbable that the teacher would assign lessons to be done independently, and without oral explanation the lexical lists would make little sense.¹¹⁶⁶

In the second stage of Babylonian training the student transitions from copying *Begriffslisten*¹¹⁶⁷ to writing excerpts of literary texts. Training at this level requires a great deal of time, though not necessarily the equivalent of full-time instruction within a comprehensive curriculum. Instructors have at their disposal canonical texts, for example, *Enuma Elish* and wisdom texts; they also have topographic and lexical lists, as well as curses and prayers.¹¹⁶⁸ Through these pedagogical processes teachers transmit the classical formation of their tradition.¹¹⁶⁹ Crucial to this stage is the mastery of the basic

¹¹⁶⁴ Frank Ueberschaer, *Weisheit aus der Begegnung: Bildung nach dem Buch Ben Sira* (vol. 379 of BZAW; Berlin: De Gruyter, 2007), 67; cf. Sanders, *Invention*, 98.

¹¹⁶⁵ Old Babylonian Edubba has preserved the so-called “Edubba dialogues” that suggest scribal teachers drilled their students orally. Indeed, the Edubba tablets may document exercises in transcribing the spoken word. From this Woods (“Bilingualism,” 108; cf. 111-14) deduces “the writing of Sumerian was learned orally. The language of instruction was Sumerian or a mixture of Sumerian and Akkadian, and mastery over spoken Sumerian was a requisite scribal skill.... Sumerian was the glue that held the scribal guild together, and as such, it served a crucial ideological function in shaping scribal identity.” Woods argues that the preponderance of deictics in the grammatical tradition suggests “their purpose lay in the teaching and drilling of discourse Sumerian. It is a conclusion that finds support in the hundreds of additional entries in these ‘grammatical vocabularies’ that consist of interrogatives, temporal adverbial expressions, and quirky idiomatic expressions” (Woods, “Bilingualism,” 109). Many of the phrases clearly reflect day-to-day speech, so “This is enough!”, “my mouth is loose”, “my mouth is sweet”, “I feel my beauty marks?” (Woods’ trans., *ibid.*, 109f.; cf. 111-14).

¹¹⁶⁶ Ueberschaer, *Weisheit als Begegnung*, 67; van der Mieroop, *History*, 61. The degree of literacy and literary competency in the ancient world would vary considerably. Wentz (“Scribes,” 2214) tells of boys from middle-income families attending schools and subsequently landing prestigious positions in the officialdom of New Kingdom Egypt. Children of peoples of diverse origins were especially encouraged to become scribes. Texts were drawn up to steer students toward academics and away from contemplating military life, which “offered an attractive alternative for advancement.” Not surprisingly, literacy levels were higher in major administrative centers. Instances of female literacy were few, and in most cases can only be inferred (*ibid.*; but see below, §4.7 and n. 1200).

¹¹⁶⁷ The lexical lists from which students of Sumerian and Akkadian learned to read and write were occasionally characterized as a “language” (*lišānu*; Sanders, *Invention*, 49).

¹¹⁶⁸ Ueberschaer, *Weisheit als Begegnung*, 66.

¹¹⁶⁹ Gonzalo Rubio, “Writing in Another Tongue: Alloglottography in the Ancient Near East,” in *Margins of Writing, Origins of Cultures* (ed. S. Sanders; vol. 2 of Oriental Institute Seminars; Chicago: Oriental Institute of the University of Chicago, 2006), 33-66, 50, relates that in the Mesopotamian literary scribal tradition scribes often had to manage “two parallel streams of tradition: a written curriculum characterized by an antiquarian ideology and an oral heritage of scholarly interpretation of this written tradition. This situation resembles the linguistic dichotomy of alloglottography, in which the oral component (the

terms and concepts specific to the field of vocation into which graduates subsequently enter.¹¹⁷⁰

Written and oral worlds merge rather mysteriously in these ancient instructional contexts. This may help explain the multidimensional and multimedia presentation of the Sinai/Horeb theophanies (discussed in Chapters Three and Four), in which visual, sonic, topographic, celestial, and discursive elements intermingle and to some extent even interact.

In the first two stages the explanation of the *Begriffslisten* by competent instructors and tutors inculcate proto-scientific and cultural information. The school's value thus shows itself in teaching students to read and write on the one hand, facilitating and overseeing their basic cultural formation (*kulturelle Grundbildung*) on the other.¹¹⁷¹

Following the completion of the second stage of training, students transition to more sophisticated levels in hopes of advancing further into their respective fields. At this

language of utterance) is completely divorced from the written anchor (the language in which the text is written). Throughout Mesopotamian history, scribes painstakingly learned a language that had long died (Sumerian) and had to use an artificial and conservative variant of their native language (an Akkadian dialect). For the most part, the late Akkadian dialects (Neo-Assyrian, Neo-Babylonian, Late Babylonian) were not spoken languages, but rather manufactured attempts to preserve a linguistic relic, from which all spoken dialects had departed long ago." Arguing in the same volume (*Margins of Writing*) that Sumerian was still spoken in the first few centuries of the second millennium, "and in some areas possibly beyond that," is Woods, "Bilingualism," 92 *et passim*. "Likely the language died different deaths in different communities and socio-linguistic environments, with some terminal dialects being mere ghosts of the language Gudea spoke, while elsewhere the language died intact and its fluent-speaking communities themselves were dissolved" (*ibid.*, 102; contra Vantispout, "Memory," 2189: "By 1,800, but perhaps even as early as 2000, Sumerian was no longer a spoken language").

For a possible student-produced copy of a Middle Bronze tablet of the Atrahasis flood story, see James R. Davila, "The Flood Hero as King and Priest," *JNES* 53 (1995): 199-214, 205f. The spelling *ú-ul* in ln. 10 of the obverse suggests the (student?) scribe copied the form verbatim from an Old Babylonian original. In this tradition Atrahasis appears to be a priest of uncertain status who trafficks in the prophetic (e.g., reception of dreams, visions, etc.) and resides in Ea's temple.

¹¹⁷⁰ In an Old Babylonian bilingual text of Sumerian and Akkadian published in 1998 by M. Civil, the Mesopotamian instructor drills students in both languages, using a series of imperatives connected with the making of clay tablets. In a text designated as "grammatical vocabulary," the absence of concerns for the isolated scribal life of the Edubba is conspicuous. Instead they comprise practical commands for use in common Mesopotamian vocations, e.g., agriculture, the making of reed mats, and the production of malt. These texts "are based in real world practice, that is, the workplace.... The pragmatic role of these texts is further suggested by the simplicity of their language. As instructions that are couched as imperatives, they are typical of the type of simplified registers of language that are employed to facilitate communication between interlocutors who do not share a common native language, such as 'foreign talk' and ... foreign-worker dialects and jargons, for example, *Gastarbeiterdeutsch* ("guest-worker"); Woods, "Bilingualism," 111-14 and n. 133).

¹¹⁷¹ Ueberschaer, *Weisheit als Begegnung*, 67; Beaulieu, "Official and Vernacular Languages," 202, 207.

juncture, students—likely young adults by now—become fulltime scholars and scribes of literature and religious texts.¹¹⁷²

Frank Ueberschaer believes some Babylonian schools operated relatively independent of temples and administration.¹¹⁷³ In such pre-professional environments students were advised to tailor their knowledge and cultural formation for the distinctive preferences of their employers, colleagues, and clients, be they at the elite or plebian levels of society.

Though the above sketch presents the Babylonian system, it helps us think in terms of gradated and vocational-specific education in Israel, which was likely connected to regional sanctuaries and administration. To be sure, the material record of Iron Age Israel complicates efforts to apply the Babylonian school picture just sketched on any broad scale. Still, we should allow for sublevels and significant variation within the various stages. Generally speaking, middle-tier Levites would have risen to the second and probably lower third level, with the average village student achieving the first, the talented (and likely more well-to-do) student reaching the second levels in times when the status of the Levites increased, opportunities to augment their studies enabled fuller involvement in royal literary projects.

The first texts introduced in small-scale “schools,” some of which may have been weigh-stations within the Israelite network, arguably contained some of the following: brief narratives, condensed legal texts (cf. the Decalogue, Dodecalogue, or a similar summary¹¹⁷⁴) rudimentary sacral regulations, proverbs, traditional poetry and hymns, and

¹¹⁷² The advanced student in Babylonian could translate Sumerian signs into his native Babylonian, thereby converting the syllabic writing into a spoken language, which facilitated the comprehension of the *Begriffslisten* (Sanders, *Invention*, 84; Rubio, “Writing in Another Tongue,” 48-52). To claim that Iron II Hebrew writers could “produce artful texts without any curriculum at all” (Sanders, *Invention*, 129) puts a strain on the available artifactual evidence.

¹¹⁷³ “Die praktische Seite des Bildungssystems wurde offenbar in Fachausbildungen geleistet, in denen sich die Schüler nach der Schule für bestimmte Berufe spezialisierten. Das bestätigt indirekt die Vermutung, dass die babylonischen Schulen relativ selbständig gegenüber Tempeln und Verwaltung waren” (*Weisheit als Begegnung*, 67).

¹¹⁷⁴ Legal abridgements such as these circulating among Yahwists prior to the fifth century did not necessarily carry Mosaic attribution. R. G. Kratz, “The Legal Status of the Pentateuch between Elephantine and Qumran,” in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (ed. G. Knoppers and B. Levinson; Winona Lake: Eisenbrauns, 2007), 77-103, 94, believes that pentateuchal literary corpora only gradually evolved into the Mosaic torah: “the evidence from the archives of Elephantine and from the ‘library’ from Qumran leads ... to the conclusion that the Torah of Moses as well as the other biblical books did not belong to the official canon of Jewish educational literature.” Kratz adds: “a common knowledge and practice of the Torah of Moses cannot just be taken for granted simply because the biblical literature and tradition of biblical Judaism presuppose it” (*ibid.*).

perhaps some genealogical material.¹¹⁷⁵ The introduction to these materials, much of which began and continued to be supplemented with oral recitation, did not take place within the context of systematic education. Rather, it would probably be formulated for the purposes of verbal recitation and developing small “presentations” some of which likely accompanied dramatic reenactments in regional and local contexts. With the von Radian notion of “levitical sermons” in mind, these would be auspicious contexts for their development and delivery.¹¹⁷⁶ One imagines some of the favorite themes including *Israel*’s experiences with *YHWH* and *Elohim*: defeat of enemies, protection and salvation of venerated ancestors, deliverance, theophany, revelation of divine law—the PRR may have been a favorite.¹¹⁷⁷ Instructional presentations made by levitical teachers at these schools would also include references to laws of occupying or neighboring nations impacting local commerce, the processing of legal matters, and religion.¹¹⁷⁸

The description of the circuit judge and priest-prophet Samuel¹¹⁷⁹ making the rounds at regional centers suggests the existence of an interconnected series of stops, opportune

¹¹⁷⁵ Formal teaching of history was unlikely. If evidence from Egypt may apply, classical texts did not comprise the only tutorial materials: “students studied not only the classics of culture written in the Old and Middle Kingdoms, but also a collection of various writings called the ‘Miscellanies.’ Much of the literature of ancient Egypt survived as schoolchildren’s copies. Following the completion of the first level of education, some students then entered into more advanced training that was essentially vocational. For those who were preparing for the priesthood, the place of education was called the ‘House of Life,’ which served as a scriptorium for the copying of older texts and the writing of newer ones and was attached to each of the important temples in the kingdom” (Perdue, *Sword and Stylus*, 77). For stages of education in the Hellenized East, cf. *ibid.*, 78f. “One would expect that a similar process occurred for the few Hellenistic Jews who were citizens of the *poleis*” (*ibid.*, 79).

¹¹⁷⁶ Public occasions availed sages opportunities to testify of *YHWH*’s faithfulness in their own experiences (cf. Ps 32:6f; 34:6f.). These included times of doubt and vexation (Ps 73), physical suffering aggravated by condemnatory assessments (Job), the betrayal of intimates (Ps 41:9), *inter alia*. A combination of acts of deliverance and promises of vindication (Ps 37:5f.) on behalf of both groups and individuals provided students the intellectual rationale and *beispielig* motivation for participating in praise (cf. *ibid.*, 195), as well as for practicing and promoting pious living in general.

¹¹⁷⁷ Such a setting provided Levites opportunities to promote “revealed traditions,” some of which found their way into the Pentateuch.

Cf. also 1 Enoch 89:28-31, *Shemot R.* 5.9; Baruch Levine, *Numbers 1-20: A New Translation with Introduction and Commentary* (New York: Doubleday, 1993), 342; Elliot N. Dorff, “Medieval and Modern Theories of Revelation,” in *Etz Hayyim*, ed. D. Lieber (Philadelphia: Jewish Publication Society, 2001), 1399-05, 1401.

¹¹⁷⁸ Cf. Gösta W. Ahlström, *The History of Ancient Palestine* (ed. D. Edelman; Minneapolis: Fortress, 1993), 679f.

¹¹⁷⁹ In light of the profusion of competencies, the Samuel *Gestalt* probably comprises several officiants. Moreover, that he operates independent of institutions makes him an ideal political and theological intermediary to travel the sanctuary circuit. The similarity to aspects of the Levite *Gestalt* is difficult to miss.

locations for training and indoctrination.¹¹⁸⁰ It has been argued that Israelites established levitical cities in (former) centers of Canaanite scribes.¹¹⁸¹ Theoretically, such centers could continue to be used for various purposes, including school-related activities. In addition to judging and cultic officiating, a several day stay by a Samuel-type would enable extended discussions with local elders¹¹⁸² and the (continued) schooling¹¹⁸³ of local arbiters and cultic assistants.¹¹⁸⁴

Regarding the elders, Achenbach and others are correct to emphasize the role of the counsel of elders (Ältestenrat) in the teaching and bequeathing of Israel's traditions and customs.¹¹⁸⁵ Lacking in this interpretation however is the source of the elders' own expertise in cultic matters and the means by which they pass this on to Israel;¹¹⁸⁶ the

¹¹⁸⁰ Some regional sanctuaries enjoyed a measure of state sponsorship. The lack of evidence for animal sacrificed in domicile shrines suggests families made periodic pilgrimage to regional sanctuaries, probably to participate in larger community rites. "The regional, state-sponsored sanctuary thus became a context for the pursuit of personal concerns as well as—presumably—the locus par excellence for the promulgation of official ideology" (Saul M. Olyan, "Family Religion in First Millennium Israel," in *Household and Family Religion in Antiquity* [ed. J. Bodel and S. Olyan; Malden, MA: Blackwell, 2008], 113-26, 118).

¹¹⁸¹ Edward Greenstein, "The Canaanite Literary Heritage in Ancient Hebrew Writing (Hebrew)" *Michmanim* 10 (1996): 19-38, 27, who evaluates the theory of A. Demsky.

¹¹⁸² The elders themselves function as mediators of the instruction they receive. This is made explicit in a later text (Deut 31:9-13) written by the Hexateuch redactors (first half of the fifth century) that may accurately reflect aspects of the general dynamic in the transmission of instruction from cultic personnel to local leaders; cf. Achenbach, *Vollendung*, 631: "Daneben sind für ihn die Ältesten Israels wichtige Mittler der Überlieferung (Dtn 31,9-13)"; cf. *ibid.*, 254. Verse 12 is suggestive of the involvement of the general population, including the *gerim*: "Assemble the people—men, women, and children, as well as the aliens residing in your towns—so that they may hear and learn to fear the Lord your God and to observe diligently all the words of this law." The expectation of torah observance by all parties in this late text is remarkable.

¹¹⁸³ Evidence exists that Bronze Age Babylonian scribes were brought into regions of Syria to oversee local instruction (Van der Mieroop, *History*, 60). Sanders discourses on "craft scribalism," the skills of which "were taught at scattered sites and communicated over time and distance through trade networks and family traditions. Like pottery and metallurgy, this sort of scribalism could easily be brought into the service of the state but did not require the same massing of people and resources as a chancery. Craft scribalism could be turned toward the state's purposes but was not bonded to it" (*Invention*, 131).

¹¹⁸⁴ Useful contemporary analogies might include part time clergy and justices of the peace.

¹¹⁸⁵ The elders "schlachten die Passa-Schafe, die markieren die Schwellen des Hauses, sie erhalten in [Deut] 12,25-28 den Auftrag, die Nachkommenschaft über die Taten Jahwes und die Bräuche zu belehren. Die Durchführung mündet in die Belehren der Kinder, die generell die Aufgabe Israels bei Anlaß all seiner Feste sein wird (Dtn 6,20-25, täglich 6,6-9). In diese Sinn kommt dem Ältestenrat in Dtn 31,9-12 auch die Funktion der Belehrung der Generationen Israels zu" (*Vollendung*, 254).

¹¹⁸⁶ *Ibid.* Similarly, Schmitt ("Ältesten," 61), following Noth (*zweite Buch Mose*, 76), speaks of the complexity of the task entrusted to the elders, though he suggests they have received their training by Moses and Aaron: "Doch ist hier mit komplexeren Aufgaben der Ältesten zu rechnen: So stellt die Rede Moses an die Ältesten in Ex 12, 21-27 dar, in welcher Form Mose das ihm und Aaron in Ex 12,1ff von Jahwe Mitgeteilte weitergibt und weitertradiert lässt." Exod 12:1ff. is "eine Neuinterpretation der Passa-Bestimmungen von P," though in contrast to P, here Passover is viewed as a *Schlachtopfer* in the sense of Deut 16:1-8 to be carried out at the central sanctuary. That Exod 12:21-27 constitutes a arrangement/negotiation (Vermittlung) of both priestly and dtn/dtr conceptions (deuteronomisch-deuteronomistischen Vorstellungen) suggests how we are to understand the function of the elders, that is,

construal also needs to show a connecting link between a highly competent (priestly?) eldership and middle-tier cultic functionaries, the latter being the likely teachers and tutors of the former.

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Excavated evidence demonstrates a continuum of ways to write in Iron Age Israel, including what one might describe as non-scribal writing.¹¹⁸⁷ The Balaam Inscription of Deir ‘Alla¹¹⁸⁸—the first prophetic text to be excavated in the Iron Age Levant—documents an eighth-century “prophetic genre” written in poetic, non-standard Hebrew. The dialect of the Deir ‘Alla texts could be characterized as a non-national language.¹¹⁸⁹

Rather than coming into being through a king’s commission, the gods initiate the Balaam prophecy. The first line of the inscription designates it as a message. The circle of professional visionaries standing behind the inscription¹¹⁹⁰ wish to circulate its message through a regional network, though not in the name of a king, nor through the medium of a royal monument.¹¹⁹¹ Indeed, the painted plaster artifact¹¹⁹² was discovered affixed to an internal wall of an ordinary building.

within the framework of this postexilic task of negotiation (Vermittlungsaufgabe). The elders, then, are given the task of transmitting and interpreting anew the Mosaic tradition to postexilic Judah (ibid., 61f.; cf. Deut 32:7; see also 31:9-13; Josh 24:31; Judg 2:7). Schmitt maintains that in the elder’s torah teaching the prophetic tradition is also taken into consideration (dass bei der Torauslegung der Ältesten auch die prophetische Tradition zu berücksichtigen ist”; ibid., 62).

¹¹⁸⁷ The Levites’ linguistic flexibility may have helped create and maintain a network of “pedestrian, non-scribal use of writing” unique to Israel (cf. ibid., 133; cf. Carr, “Tel Zayit Abecedary,” 115f.). Indeed, “non-scribal writers” in Israel may have exploited the Phoenician alphabet in such a way as to have significant historical impact. Epigraphic evidence tends to confirm this. E.g., early uses of the Greek alphabet (i.e., in Iron II) reveal widespread use of alphabetic writing that facilitated “the production of artful texts far from schools” (Sanders, *Invention*, 133; 133-36; cf. p. 136: “the [Greek] linear alphabet did not need schools or states to spread widely or be used in complex new ways”).

¹¹⁸⁸ See, e.g., the essays in J. Hoftijzer and G. Van Der Kooj, *The Balaam Text from Deir ‘Alla Re-Evaluated Proceedings of the International Symposium held at Leiden 21-24 August 1989* (Leiden: E. J. Brill, 1991), particularly the essay by Manfred Weippert, “The Balaam Text from Deir `Alla and the Study of the Old Testament,” in ibid., 151-84.

¹¹⁸⁹ Sanders, *Invention*, 140, 142.

¹¹⁹⁰ “Sharing more distinctive features in vocabulary and verbal system with the language of biblical prophecy than it does with the narrative prose of the Siloam inscription, it [Balaam Inscription] represents the professional tradition of visionary speakers, not scribes” (ibid., 140).

¹¹⁹¹ As an object, it replicates the Siloam Inscription, as both are “interior monuments.” “Published” as a self-described *spr*, it legitimates itself through the claim of divine origin and importance as imperative revelation from the gods intended for reception by the broader public. The human conduits of the transmission (e.g., Balaam of Peor) convey divine messages and power directly to the people. Although the inscription suggests independence from the sovereign’s authority and will, the account in Num 22–24 assumes an open, communicative link between the religious functionary and both sovereigns, that is, divine and royal (Balak, ben Zippor, King of Moab; Num 22:4). Based on the extant epigraphic evidence, both accounts document a previously nonexistent genre, i.e., a prophetic narrative in which the religious

Perdue gives the Israelite school notion considerable attention in his recent monograph. He envisions several types of “schools” operating in a variety of venues:

Schools would have been located in the home of the teacher, the gate or marketplace, or even perhaps in a separate building; they consisted of private tutors and larger staffs, and possessed a variety of curricula that depended on the nature of the education given (administrative, legal, and scribal). While textual evidence indicates the subjects taught were largely compositions of moral instruction, material culture points to a variety of written and epigraphic sources, ranging from cuneiform tablets, to papyri, to scarabs, to bullae, to stamped jar handles, to mortuary inscriptions.¹¹⁹³

This view does not differentiate between the social and societal settings in which instructional experiences could be had. The quoted statement leaves the impression of a large, multi-sector, urban area similar in some respects to a small college town, where life and livelihoods revolve around the local educational institution (not envisioned in the Israelite use of earlier, “Canaanite” centers mentioned above). Assuming positive attitudes toward education (perhaps inspired by Greek models) held by Israelite society as a whole overworks the evidence. Among those possessing moderate to advanced levels of literacy,¹¹⁹⁴ broad support for a historically and religiously informed *populace* should probably not be assumed. Either the content taught or degree of knowledge learned might

functionary transmits a divine message (em)powered only indirectly by the realm’s central source of authority (*pace* Sanders, *Invention*, 141, who presupposes no connection to royal power in the two accounts). The inscription’s language was likely tailored to appeal to lower-tier functionaries, semi-literate laity, and those to whom the message the texts were to be read—by command; cf. Deut 27: 1-4: “Then Moses and the elders of Israel charged all the people as follows: . . . On the day that you cross over the Jordan into the land that the Lord your God is giving you, you shall set up large stones and cover them with plaster [better is “coat them with plaster” *בְּשֵׂיֵד אֲרָתָם אֹתָם*]. You shall write on them all the words of this law . . . you shall set up these stones . . . and you shall cover them with plaster.”

¹¹⁹² Cf. the eighth-century, interior-wall plaster inscriptions from Kuntillet Ajrud, which is also located at a stop along desert trade and pilgrimage routes and which also recounts divine revelation imbued with “sovereign power” (cf. *ibid.*, 142).

¹¹⁹³ Perdue, *Sword and Stylus*, 70-71.

¹¹⁹⁴ One of the rare Old Babylonian exemplars of a prophet presenting a message directly to the king is reproduced by Pongratz-Leisten (“When the Gods are Speaking,” 155f.; ANET, 604), who twice characterizes the prophet’s self-quilled letter as “badly written” (*ibid.*, 157). Regarding the text from Uruk dated to ca. 1,850 BCE, “it seems that the writer, obviously the prophet, had not been trained in writing or an established formula of how to communicate prophetic messages to the king in the form of a letter as is evident in the Mari texts” (*ibid.*). Also noteworthy to the present writer is the apparent lack of screening and/or quality control by the sovereign’s (King Sinkašid/Sin-Kašid) deputies. Were there for instance other crudely written prophecies and oracles in the ancient Near East that did *not* pass the contemporary literary litmus test for suggested regal reading?

prove a sticking point.¹¹⁹⁵ Advocates of the education of the general populace such as middle-tier Levites¹¹⁹⁶ and arguably community elders might it necessary to offer advanced training on the stealth.¹¹⁹⁷ And it is not impossible that such training included learning to post painted artifacts similar to the internal monument discovered at Deir ‘Alla.

Heads of households would often have a hand in the supervision of local training centers, where took place the training of artisans and craftsmen¹¹⁹⁸ whose work contributed significantly to local society.¹¹⁹⁹ That there would be no female participation

¹¹⁹⁵ Eccl 1:12-18 serve up a subtle deterrent toward those who would seek after higher understanding through education מְכַאֵב יוֹסִיף דַּעַת יוֹסִיף רַב־כֶּעַס וְיוֹסִיף דַּעַת יוֹסִיף מְכַאֵב (v. 18); Ps 131:1f. may subtly critique pursuers of lofty knowledge.

¹¹⁹⁶ Smith (“Jewish Religious Life,” 262) underscores the Levites’ precarious position between elite priests and the poor—the latter being their own former state—and their great need for the advocacy of Governor Nehemiah. Smith’s recognition of the multilayered interdependencies and shifting status of the Levites during this period is repeatable: “Nehemiah’s success in winning the support of the poor had enabled him to put through his (basically deuteronomic) reforms, and to establish the Levites in the Temple. The Levites had formerly been poor themselves and now depended, for protection against the priests, on continued support by the city populace.” We would qualify this depiction by saying that not all Levites would have moved from their local contexts into Jerusalem.

¹¹⁹⁷ Perdue (*Sword and Stylus*, 90) relates that mishnaic sages debated the merits of the general public reading the book of Proverbs in *Avot*.

¹¹⁹⁸ Goldwasser (“Canaanites Reading Hieroglyphs,” 152f.) submits that the Protosinaïtic alphabet was in use as a “caravan-script” contemporaneous with the writing of hieratic and hieroglyphic inscriptions. The “caravan-script” was born on the fringe of Canaanite society... not ... in the milieu of the educated Canaanite-Egyptian scribes, but in that of the Canaanite miners and caravan population.” Alternatively, she characterizes the non-standardized writing as “the script of the poor.” Again, “Canaanite caravans, with workers, soldiers, and their families, continued to wander in Egypt and in Canaan, probably mainly in Southern Canaan during the Middle and Late Bronze Ages. The knowledge of the script continued to move in these very circles. No schools and no scribes were involved. People learned from each other the forms of the letters, in order to write their names, or to write the name of their god.... In any event, no large scale writing was involved and no conditions for any cursive developments or standardization were created. All this would have to wait until the official establishments of the ninth-century states adopted the ‘script of the poor’ and made it the new official script of the Near East” (ibid., 153). Indeed, “the people that invented the script belonged to the lower echelons of Egyptian and Canaanite societies” (ibid., 152).

During Iron I (12th -11th centuries BCE), after the collapse of city-states (e.g., Babylon) and empires (Egypt) there was no official, alphabetic language. The inscriptional evidence of Palestine intimates a link between the teaching of writing and weapon production, e.g., the abecedary written on a clay axe-head found at Beth Shemesh. “This tool tangibly connects to the crafts of scribe and metalworker ... alphabetic writing was taught outside the elaborate school settings of the Mesopotamian-style city-state. The isolated settings of these discoveries also suggests that writing was distributed through travel” (Sanders, *Invention*, 107; 127, 130-32; van der Mieroop, *History*, 130-48).

¹¹⁹⁹ James Crenshaw, *Education in Ancient Israel: Across the Deadening Silence* (New York: Doubleday, 1998), 86f. Pace Perdue, *Sword and Stylus*, 56, I envision families, certainly extended households (משפחות), producing and cherishing their own traditions, some of which would eventually find their way into regional worship and wisdom (con)texts, albeit in modified form.

in these activities at the village level seems an extraordinary hypothesis.¹²⁰⁰ The mentions of the wise women of Tekoa (2 Sam 14:1-24) and of Abel in Beth-Maacah (2 Sam 20:16-22)—both small towns—attest to savvy, politically active women serving in prominent leadership positions in their respective communities.¹²⁰¹

4.8 *The Itinerant's Task and Sociopolitical Balancing Act*

The impact of teachers—even “visiting instructors”—can be considerable. With a portion of the peripatetic's livelihood dependant on relationships with their constituents, one would expect to see contextualization of the message and the making of (local) concessions.¹²⁰² The empathetic leadership of a flourishing religious community knows the importance of remaining flexible, that is, regarding non-essentials. This entails a certain responsiveness to the needs of the laity. Notwithstanding the difference in their spheres of competence, successful priests recognize the key role played by the laity in the

¹²⁰⁰ In her incisive essay, “The Female ‘Sage’ in Mesopotamian Literature (with an Appendix on Egypt),” in *The Sage in Israel and the Ancient Near East* (ed. J. Gammie and L. Perdue; Winona Lake: Eisenbrauns, 1990), 3-17, Rivka Harris defends the view that female scribes, *nadītus*, did not serve the needs of their sister *nadītus* alone: “they and other celibates such as the *entu* priestesses Enheduanna and Ninshatapada living outside of the embroilment of wifely and motherly demands had the leisure (motivation and capacity) to devote themselves to learning and scholarship as did many a medieval nun” (9-10). Women often functioned “outside and below the domain of the official, temple-centered religious life” (ibid., 13). As for school training, evidence is lacking for coed instruction. One may accordingly envision private tutoring as the means of females acquiring such instruction (ibid., 15). In my judgment, private tutoring also suggests that some tutors would have been female. After achieving sufficient command of the rudiments, they might instruct either gender. Most villages would provide an elementary level of schooling, contexts in which women would teach in a household or private tutoring context. They would teach not only “children of elite families in their own residences,” as “was the case in Greek education” (Perdue, *Sword and Stylus*, 71), but indeed children from the majority population. We need not impose modern conceptions of cosmopolitan, regulated and standardized “public schools” on the ancient and extended family contexts in settlements.

“There was undoubtedly an ancient Near Eastern oral literature to which women contributed. ... The scribes of the manuscripts were probably men—all profession scribes were—but the authors may well have been women” (Harris, “Female, ‘Sage’” 16). Similar literary contribution of women can be assumed in the production of certain biblical texts, e.g., the psalms. Finally, that the scribal office was “generally hereditary” both outside (Blenkinsopp, “Sage,” 309) and inside Israel (Perdue, *Sword and Stylus*, 187)—perhaps in a family guild (see 1 Chr 2, especially v. 55, in which *משפחות* likely connotes “guild” in this context; cf. ibid.; Blenkinsopp, “Sage,” 310)—also admits of female involvement in aspects of the enterprise. For the training of sages in Ptolemaic times, see Perdue, *Sword and Stylus*, 231f.

¹²⁰¹ Cf. ibid., 53, 71.

¹²⁰² The family is the least controlled institution in Israel, and as such remains susceptible to integrating questionable practices. This could include serious deviation, to which H speaks in Lev 18:21; 20:2-5; 20:6; see Klaus Grünwaldt, *Das Heiligkeitsgesetz Leviticus 17–26. Ursprüngliche Gestalt, Tradition und Theologie* (vol. 271 of BZAW; Berlin: 1999), 382. The local cult, moreover, can become the gateway for “foreign” cultic elements (“und der Kult stand stets in der Gefahr, unterderhand zum Einfallstor fremdkultischen Elemente zu werden,” ibid.; cf. Lev 17:7, 8f.).

renewal of the community.¹²⁰³ Albetz perceives “a readiness for compromise” in the ethical qualifications of holiness in passages such as Exod 31:13; Lev 11:44f; 19ff.¹²⁰⁴ Recent research in ancient Near Eastern law has demonstrated that royal law was supplemental to local, customary law, which was not necessarily written down.¹²⁰⁵ This suggests local legal innovation occurred without royal consent. Itinerant teachers could approve certain innovations. Being answerable to their regional superiors, however, and wishing to retain their status as official representatives, effort would be made to maintain an image of fidelity to the official position, and their personal commission.¹²⁰⁶ They would also be proactive in an effort to forestall unfavorable reports on their activities by superiors and competitors.¹²⁰⁷ The middle-tier itinerant would endeavor to balance

¹²⁰³ Rainer Albetz, *A History of Israelite Religion in the Old Testament Period* (trans. John Bowden; 2 vols.; London: SCM, 1994), 2: 489.

¹²⁰⁴ *Ibid.*

¹²⁰⁵ Michael Lefebvre, *Collections, Codes, and Torah: The Re-characterization of Israel's Written Law* (vol. 451 of LHB/OTS; New York: T & T Clark, 2006), 17; Knight, *Law, Power, and Justice*, ch. 4 *et passim*.

¹²⁰⁶ Pierre Briant, *From Cyrus to Alexander: A History of the Persian Empire* (trans. Peter T. Daniels; Winona Lake: Eisenbrauns, 2002), 344f., reports that whereas Persian satraps and generals occasionally receive royal instructions “that they had to follow to the letter” they might nonetheless adapt the message, subsequently dispatching a crafted letter to the sovereign detailing their diplomatic efforts.

Following an over twenty page *tour de force* presentation of social-scientific models and cross-cultural parallels, Cook comments on the delicate balance between tribal allegiances and central power: “When new centralizing power emerges from either inside or outside of their society, traditional priests do not vanish (unless state authorities physically expel them). Faced with new authorities, priests must choose between differing strategic reactions. They may resist centralizing authority. They may cooperate with it, if possible. Or, they may pursue their own interests by *secretly working with the new authorities* while falsely assuring their own tribal constituencies of their continuing allegiance” (*Social Roots*, 186, secondary emphasis).

¹²⁰⁷ Letters from vassals to their overlords in the early second-millennium document a preoccupation with day-to-day political problems in their locales. Vassals would write up other vassals, accusing them of disloyalty to the state and its official doctrine. Mieroop (*History*, 136) characterizes the accusations as “technical maneuvers in the competition over land and the control of routes.”

Already in Late Bronze Age (1,500-1,100 BCE for Sanders, *Invention*, 77) Palestine, letters often written in non-standardized, linear (“local alphabetic”) script kept the Egyptian empire’s network of communication operational. The written transmissions flowed in a number of directions, providing opportunity for “city-states to talk back” (*ibid.*, 98). Cf. *ibid.*, 101: “The Amarna letters made the empire into a comprehensive realm of communication by building long-distance relationship between rulers and their agents.” Again, the communication network was quite functional, though, linguistically unsophisticated: “the alphabet during the Late Bronze Age was a local craft technique that acquired increasing prestige during the retrenchment of the Egyptian empire and the collapse of the major city-states.” It survived, in contrast to syllabic Babylonian cuneiform, because it was “a low-budget and multimedia writing technology ... tied to a local, less differentiated social structure” (*ibid.*).

Persian provinces had their royal spies, an institution called the Eyes and/or Ears of the king. King Cyrus for one had a king’s Eye. The corps of spies reported any dereliction of duty or hints of rebellion to the king (Pierre Briant, *From Cyrus to Alexander: A History of the Persian Empire* (trans. Peter T. Daniels; Winona Lake: Eisenbrauns, 2002), 344). Persians were adept at the art of “divide and rule,” utilizing all available means to bring problematic officials into discredit; cf. Muhammad A. Dandamaev, *A Political History of the Achaemenid Empire* (trans. W. Vogelsang; Leiden: E.J. Brill, 1989), 256. Cf. Josephus *Ant.*

loyalties between peripheral constituents and the authorities living in administrative and royal cities (Knight's second and third city-types), who would in turn answer to authorities in the capital city (fourth city-type).¹²⁰⁸

A combination of regional itinerant and locally residing teachers probably provided some villages their first exposure to what would become classical Israelite literature.¹²⁰⁹ These were contexts in which alternative views of foundational events in Israel's history, for example, the PRR and its companion theme of a competent and *geistlich* people, could be nurtured and propagated. Different regions bring with them different points of view regarding the relationship of divine and human beings. The Hebrew Bible makes spares no ink in intoning the mantra that the people and practices of northern Israel

10.251-56 (Daniel betrayed by Persian rivals). In Amos 7:10-17, Amaziah, priest of Bethel, reports unfavorably on Amos' prophecies to Jeroboam II, whose imminent death is foretold. Amaziah's description of the Bethel sanctuary as "the very center of the house of Israel," "the king's sanctuary," "the temple of the kingdom" betrays the royal patronage of the site. For plausible ancient Near Eastern parallels see J. Blake Couey, "Amos vii 10-17 and Royal Attitudes Toward Prophecy in the Ancient Near East*," *VT* 58 (2008): 300-14.

¹²⁰⁸ This is not to imply that local Levites would find no occasion for direct contact with elites residing in capital cities. Remarking on David's organization of a large body of priests and Levites in 1 Chr 15, Nakhai (*Archaeology*, 165) entertains the notion that the early monarchy sought to resettle the Levites in strategic locations throughout the land in hopes of strengthening the "official" signal within the realms' religious network. She links the list of levitical cities in Josh 21 to the same, tenth-century royal agenda.

The ninth-century Moabite stone or "Mesha Stele" details King Mesha's building and rebuilding initiatives. Included in his efforts to consolidate the realm was the annexation of the northern Israel town of Jahaz to neighboring Dibon. Gösta W. Ahlström, *Royal Administration and National Religion in Ancient Palestine* (Leiden: Brill, 1982), 13-15, surmises the Levites of Jahaz were closely tied to the state to the extent of being considered "state employees." (*ibid.*, 15; cf. 53). He also emphasizes various ancient Near Eastern state's direct involvement in constructing sanctuaries monitored by district governors. He relates that in Egypt, e.g., governors served as temple superintendents (*ibid.*, 46f.).

The notion that empires could directly control the activities of outlying sanctuaries, however, invites criticism; cf. van der Mieroop, *History*, 87-9, who relates how the Sutilian tribe's distant from palace control (in Mari) enabled them to avoid certain requirements (e.g., census, military service) and court-appointed, middle-tier officials that would dominate palace-tribal interactions. Not surprisingly, Mari elites characterized the Sutilians as unruly and unprincipled.

¹²⁰⁹ See above, §4.7. Cf. Ahlström, *Royal Administration*, 47. Not all Israelites would be able to attend major, official readings of "the law" (cf. Deut 31:9-11), and the description of the Levites' interpretative participation in Neh 8:7-9 doubtless makes punctiliar what in all likelihood was an ongoing and diffused ministry of promulgation and teaching. There is something of this in Deut 31:12-13 as well: "Assemble the people—men, women, and children, as well as the aliens residing in your towns—... and so that their children, who have not known it, may hear and learn to fear the Lord your God, ..." The postexilic authors of these passages wish to portray the Levites disseminating doctrine in close cooperation with central power. The texts suggest an increased status of *some* Levites (e.g. those mentioned by name in Neh 8; a passage like Ezra 10:5 however indicates they are not in fact the top tier of cultic personnel) during the fifth century. Be that as it may, other Levites, some of whom were not deported to Babylon in the early sixth century, continued to work under such difficult circumstances in the hinterland that a later search for them turned up precious few.

contrasted with those of Jerusalem and regions to its south, already from the time of the early monarchy.

4.9 *The Impact of the Northern Israel and the Northern Kingdom*

A key biblical text supporting the existence of the Northern Kingdom and theses regarding the region's impact on biblical literature is 2 Kgs 17. The chapter, which purports to take place during King Hoshea's reign, offers several salient details about the northern experience, including the customs the people followed (vv. 7-12, 16-18; 21b-22) and the site of their resettlement by the Assyrian King Shalmaneser. Also recounted is a subsequent decision of an unnamed Assyrian king to return a deported Israelite priest to Bethel (not Samaria!). The reason: to teach the transcolonized population (v. 24) how to appease *YHWH*, who had reportedly become indignant at the incompetent worship of foreigners (vv. 25-28).¹²¹⁰ "The narrator pictures a state of affairs in which there were no Yahweh priests in the province," a situation which led to fatal lion attacks.¹²¹¹

Viewed from the southern perspective, northern Israel would become the epitome of an apostate sibling. Perfidious Israel became an easy target against which to launch prophetic diatribes, some of which originated in the North itself. The purportedly less wayward South would come to mimic its sibling's sins, thereby attracting to itself trenchant comparisons, e.g., "you became more corrupt than your sister" (Ezek 23¹²¹²). Scholars need not accept wholesale the biblical portrayal of the Northern Kingdom to acknowledge the interweaving of northern and southern traditions. Included in the tapestry of traditions are details of the aspirations and actions of neighboring states. Such multinationality would seem to argue for genuineness of so-called "northern traditions," since excising them would compromise the integrity of the narrative. On balance, attempts to trace the influence of a separate northern perspective in biblical literature

¹²¹⁰ Cf. Ahlström, *History*, 676-80. Improperly worshipping the god of the land could be "disastrous. It meant that no one knew how to follow the rules of the land" (ibid., 677).

¹²¹¹ Ibid., 679. For geopolitical arguments supporting the uniqueness of northern (and far-northern) Israel, see Christian, "Revisiting Levitical Authorship," 221-26 (excursus).

¹²¹² The book of Ezekiel maintains both Israel and Judah were already corrupt prior to the exodus from Egypt. This perspective adds complexity to an already convoluted Israelite history (if one may still refer to such in the singular, thus the helpfulness of the Germ. term *Geschichtsbild* for research).

should continue,¹²¹³ irrespective of our lack of *unbedingt* certainty, or the geographically specific search having gone out of vogue.¹²¹⁴

The notion that Deuteronomism ties to the eighth century BCE prophetic movement within, particularly northern, Israelite tradition has a venerable scholarly history, and aspects of it continue to remain attractive.¹²¹⁵ In the book of Hosea, for example, the protagonist sees himself and his supporters continuing the mission of the northern prophet Elijah, and ultimately the Egyptian Moses.¹²¹⁶

¹²¹³ Wilson (*Prophecy and Society*, 17, n. 35) maintains confidence in the northern origin of Deuteronomic traditions in the face of scholarly challenges.

¹²¹⁴ Recent epigraphical research, e.g., in interpretations of the 10th-century BCE Tel Zayit abecedary, argues for the existence of an “emergent state structure, one that included borrowing or adaptation of the Phoenician alphabet scribal system in some administrative centers and the learning of this system by a limited number of officials” already in late 10th-century Israel (Carr, “Tel Zayit Abecedary,” 124); cf. *ibid.*, 120: There is “striking similarity between Iron Age inscriptions from both the Southern and Northern Kingdoms. . . . it is virtually impossible to identify major differences between the script series of Judah and Israel. Though the two kingdoms appear as highly distinct and sometimes hostile enemies in the biblical narrative, the epigraphic record suggests a shared scribal tradition, perhaps on the analogy of the related versions of the Sumero-Akkadian tradition found at Nippur, other cities in southern Iraq, and then later Babylonian, Assyrian, and other cities.” It should be noted that Carr interprets the disputed Tel Dan Inscription as evidence supporting the existence of a historical house of David, “a historic state-dynasty” (*ibid.*, 122). On the other hand, Carr is careful to distance his view from earlier, “maximalist” theories such as those positing an extensive, 10th-century “Solomonic Enlightenment” associated with the presupposition of widespread literacy (*ibid.*, 121, 122, 124, 125).

¹²¹⁵ Cf. Félix García López, “Le Roi d’Israel: Dtn 17,14-20,” in *Das Deuteronomium: Entstehung, Gestalt und Botschaft* (ed. N. Lohfink; Leuven: Leuven University, 1985), 277-97, 297: “Le texte protodeutéronomique de 17,14-20, de même que celui des chap. 6–11, a vu le jour dans le royaume du Nord, avant la chute de Samarie, et s’inscrit dans le même courant/tradition que le prophète Osée.”

¹²¹⁶ Cf. Erich Zenger, “Das Buch Hosea,” in *Einleitung in das Alte Testament*⁵ (ed. E. Zenger et al.; Stuttgart: W. Kohlhammer, 2004), 521-28, 526: “Vor allem 12,14 könnte als Zeugnis für das prophetische Selbstverständnis gewertet werden, wonach Hosea sich selbst, wie schon vor ihm Elija, als Inhaber eines ‘Exodus-Amtes’ sah, das sich von Mose herleitete”; cf. van der Toorn, *Family Religion*, 312f.; A. A. Macintosh, *Hosea* (ed. J. Emerton, et al.; Edinburgh: T & T Clark, 1997), 512f. The reference to Moses in this verse may preserve the oldest extant *mention of Moses as prophet*; the passage likely influenced Deut 18:15ff (cf. 34:10). Hans Walter Wolff, *Hosea: A Commentary on the Book of the Prophet Hosea* (trans. G. Stansell; Philadelphia: Fortress Press, 1974), 216 proposed that Hosea was the first to *name* Moses prophet; a year later Rudolph summarily rejected the proposal without offering counterarguments (Wilhelm Rudolph, *Hosea* [Gütersloh: Gütersloher Verlaghaus, 1966], 231, n. 28). On the early development of various *Mosegestalten*, e.g., the preexilic Neo-Assyrian Moses vis-à-vis the Persian Period Egyptian Moses, see Thomas C. Römer, “La Construction d’une ‘vie de Moïse’,” in *Ancient and modern scriptural historiography = l’historiographie biblique, ancienne et moderne* (ed. G. Brooke and T. Römer; vol. 62 of BETL; Leuven: Peeters, 2007), 109-25. By making the desert journey from Egypt to the Promised Land an integral component in Israel’s *Geschichtsbild*, Hosea may also have been the first to lay the foundation for subsequent, exilic *Heilsgeschichten* (Dozeman, “Hosea,” 58, 69).

4.9.1 Deuteronomy Ideology's Possible Northern Provenience¹²¹⁷

Let us briefly rehearse several arguments that favor a northern origin for some traditions in Deuteronomy, and in some instances within the hexateuchal framework.

--Deuteronomy 11:26-32; 27 (cf. Josh 8:30-35) give prominence to Mounts Ebal and Gerizim.

-- Deuteronomy contains no trace of the notion of Zion as dwelling place of *YHWH* in the mythical sense, which one would expect to find in a Judahite or Jerusalemite text. Instead of a Jerusalem "Kabod Theology," texts such as Deut 12:5,11, 21; 14:23f.; 16:2,6,11; 26:2 foster a "Name theology" (Lindblom, *Erwägungen*,¹²¹⁸ 53 and n. 64).

--Deuteronomy replaces the notion of the choosing of Zion and the Davidic dynasty with the consistent and emphatically conveyed choosing of all-Israel.¹²¹⁹

--Although the Promised Land is considered richly blessed in Deuteronomy, nowhere is it said to belong to *YHWH* (Lindblom, *Erwägungen*, 54, 55).

--Shechem's importance as cultic center and possible seat of Deuteronomic tradition.¹²²⁰

**Deut 27:14 emphasizes the Levite's leadership in Shechem's ceremonies of covenant renewal.¹²²¹

--Affinities with the northern prophetic traditions of Hosea (McCurley 302f.;¹²²² Lindblom, *Erwägungen*, 52).

¹²¹⁷ See also n. 1215 above.

¹²¹⁸ Johannes Lindblom, *Erwägungen zur Herkunft der Josianischen Tempelurkunde* (Lund: C. W. K. Gleerup, 1971).

¹²¹⁹ Lindblom (ibid., 53) concedes such ideation does not derive from Deuteronomy; rather, the idea of the choosing of Israel *among all the peoples of the earth* "ist für Deuteronomium charakterisch und wird hier gut verständlich als eine bewusste Übertragung der Idee von der Auswahl Zions und der Familie Davids auf das ganze Volk Israel" (ibid. and n. 65).

¹²²⁰ Weinfeld, Deuteronomy 1–11, 10f. (supported by Greek "foundation stories"), 44-55; Wright, "Deuteronomy," 326; van der Toorn, *Family Religion*, 353, n. 55; Christian, "Priestly Power," §1.10, in which the significance of Shechem is considered within the context of the debate over the purported, preexilic centralization of the cult; In *Social Roots*, 241, Cook proposed that some "disenfranchised priests in the northern kingdom maintained peripheral, sectarian communities of worship ... at sites such as Shechem, [which] may have harbored and generated Asaphite psalms at Hosea's time" (cf. ibid., 259-62).

¹²²¹ Ibid., 260. Commenting on holy war ideology, Foster R. Jr. McCurley, "The Home of Deuteronomy Revisited: A Methodological Analysis of the Northern Theory," in *A Light unto My Path: Old Testament Studies in Honor of Jacob M. Myers* (ed. H. Bream, et al.; Philadelphia: Temple University Press, 1974), 295-317, 312) says that "holy war point[s] to the north, for [it] is known to have been used at Shechem and Gilgal."

¹²²² Whereas McCurley (ibid., 298; 311f.) affirms similarities with respect to traditions dealing with redemption, God threatening to take the people back to Egypt because of unfaithfulness (Deut 28:68/Hos 7:16; 8:13; 9:3; 11:5), and references to *YHWH* discovering Israel in the desert (Deut 32:10/Hos 11:1ff.; 9:10) he scruples over the oft-argued "love connection" between Deuteronomy and Hosea. "Therefore,

**both works express great concern over the apostasy of Israelites to the Ba'al cult, a particularly pronounced problem in the north, as Elijah traditions make clear.

**the exodus tradition looms particularly large in both Deuteronomy and Hosea, and the house of Joseph appears to have been dedicated to preserving that tradition.

**the positive depiction of the wilderness tradition Deut 8/Hos 2:14f. (McCurley, "Home," 301f.).

--Deuteronomy's distinctive homiletic tone honed by northern Levites (Lindblom, *Erwägungen*, 19f.; Christian, "Revisiting Levitical Authorship," 215-21).¹²²³

--Purported points of contact between northern theocratic ideology and the ideal of kingship set forth in the law of the king.¹²²⁴

--The concern not to choose a non-native for a king expressed in Deut 17:15 seems more an issue for the northern charismatic, rather than southern dynastic, kingship.¹²²⁵

-- Some psalms, particular Asaphite psalms (50; 73–83), share levitical authorship in common with Deuteronomy.¹²²⁶

while one might argue that the election-covenant love relationship can be portrayed in husband-wife or father-son images, the specific use of אהב in Deuteronomy is not so clearly or directly related to Hosea that one must think necessarily of a borrowing from Hosea or even of a common tradition underlying both. While both Hosea and Deuteronomy God's love is unmerited, in Hosea this love is described in intimate, familial terms, in Deuteronomy, in formal covenant categories" (ibid., 299). McCurley concludes, however, that their exist too many points of comparison to reject the connection between Deuteronomy and the book of Hosea.

¹²²³ For northern, postexilic levitical authorship of the prayer in Neh 9, see Lena-Sofia Tiemeyer, "Abraham: A Judahite Prerogative," *ZAW* 120, no. 1 (2008): 49-66, 62f. Following P.D. Hanson, Tiemeyer thinks these levitical authors "were never in exile but had instead lived out the exilic years in Judah." Jeremiah 41:4f. recounts 80 men returning from Shechem, Shiloh, and Samaria and worshipping at God's house at Mizpah. Whereas Mizpah functioned as an administrative centre, nearby Bethel served as a cultic center (ibid., 63, citing Blenkinsopp regarding Mizpah and Bethel). Lipschits ("Imperial Policy," 35) suggests Mizpah served as the capital of Judah "during the 141 years from the time of Gedaliah, the son of Ahikam (586 BCE ...) to the end of the Neo-Babylonian Period ... and probably until the end of Nehemiah (445 ...)."

¹²²⁴ Van der Toorn, *Family Religion*, 353.

¹²²⁵ McCurley, "Home," 300, with reservations expressed on 300f. McCurley also mentions that the prohibition against war chariots, multiple marriages, and treasure-hoarding seems anti-Solomonic or anti-Omrade (ibid.).

¹²²⁶ Cf. Louis C. Jonker, "Revisiting the Psalm Headings: Second Temple Levitical Propaganda?" in *Psalms and Liturgy* (ed. D. Human and C. Vos; vol. 410 of JSOTS; London: T & T Clark, 2004), 102-22, 109: "... there is general agreement that the Korahite and Asaphite psalms have a northern origin, probably in Levitical Priestly circles"; Cook, *Social Roots*, 24f.; cf. Kraus, *Psalms 1-59*, 490f., who affirms J. Jeremias' conclusions about levitical authorship of the 'great festival psalms' Pss 50; 81; 95 in Jörg Jeremias, *Kultprophetie und Gerichtsverkündigung in der späten Königszeit Israels* (vol. 35 of WMANT; Neukirchen-Vluyn: Neukirchener Verlag, 1970), 125ff. "In the 'great festival psalms' priestly (Levitical) speakers take the floor. They actualize the commandments of God in a speech of judgment. Such 'Levitical sermons' should be dated relatively late; they have their counterpart in the Chronicler's historical writing.

Minor considerations include the demythologizing of the ark, condemnation of astral worship and polemics against angel worship, similarities between Deuteronomy and the Elohist¹²²⁷ and BC.¹²²⁸

Surveying the theories of the provenance of Deuteronomy, I find attractive a modified version of L. Rost's and E. W. Nicholson's respective theses, namely, that the conglomeration of legal traditions making up Deuteronomy owe to no little extent to traditions growing out of preexilic experiences in northern Israel. Some of these traditions (including Hosea traditions) were brought to Judah by a mixture of fleeing priest-prophets and sages between 722 BCE and 622 BCE. They existed in largely oral summaries. In the early sixth century Zadokite-Levite priests came to monopolize the legal traditions accompanying refugees to Babylon, finding opportunity to begin writing down texts, some of which were laws. Later, by the middle of the sixth century and with the support of community members, sympathizers among (a) the Zadokite-Levites and (2) acquiescent government officials, some Levites in Babylon involved themselves in the collation and composition of a text like Deutero-Isaiah.

Other traditions and traditionists remained in Judah. As the *Golah* began to return around 530 BCE the levitical, Deutero-Isaiah circle found common cause with circles who remained in Judah, including non-elite cultic functionaries, whose vision of a revived Yahwism contrasted with the Aaronide-Levite elites that would dominate the Jerusalem temple and "official religion" during the early period of the return (J. Schaper, 2000). Not only Hosea and Amos but also the words of Judean prophets began to be included among these circle's traditions. Within context of the mid-fifth century mission of Nehemiah these traditions came to form the Hexateuch. Among these traditions was a reformulation of Hosea's idea of a holy people capable of "invading" the known world

Here we would have to start with the thought that the Levites of later times occasionally presupposed spiritual and prophetic *charismata* for their service, or that in postexilic times prophets arose in Levitical circles" (Jeremias, *Kultprophetie*, 127, cited in Kraus, *Psalms*, 490); Cook (*Social Roots*, 237 and n. 10) enumerates other scholars that hold to the northern provenance of Asaphite psalms: Martin J. Buss, Harry P. Nasuti, Graham I. Davies, and Michael D. Goulder (see the discussion in *ibid.*, 236-41; 247 and nn. 33-35). Regarding the opportunities in which Levites perpetuated the PRR, Cook suggests the festival of Sukkoth as a likely *Sitz im Leben* in which preexilic Levites "could freely promote their Sinai beliefs" (*ibid.*, 264).

¹²²⁷ Van der Toorn, *Family Religion*, 354 and n. 60; Wright, "Deuteronomy," 326; McCurley, "Home," 302-05.

¹²²⁸ Lindblom, *Erwägungen*, 54.

with a Yahwism that could include aliens devoted to the essentials of covenant loyalty and keeping the Sabbath. A generation later and benefitting from Persian backing, Ezra led a group of elites (designated Aaronide-Levites) in a counter movement to HexRed's notion, envisioning a restoration of true Israel fueled by the exclusion of foreigners, ethnic purity, and a prominent emphasis on encultating the law with Moses as the consummate lawgiver (PentRed). In the fourth century H takes up both HexRed and PentRed notions and places them officially in the capable hands of the Aaronides, though the Levites are behind-the-scenes agents in H's paradigm. Here holiness truly becomes possible for all surviving Israelites; for this reason they were called to a new level of societal priestliness, whereby non-priests now to take a more active role in cultic activities, even evaluating Aaronide priestly competency and aspects of day-to-day behavior (see §6.4.20.5).

4.9.2 *Hosea, the Kemarim, and Northern Israel*

The enigmatic Hebrew word כֹּמֵר (“priest” already attested in Old Aram. *kûmrā*, and Phoen. *kmr*) appears only in Hos 10:5, 2 Kgs 23:5, and Zeph 1:4. The כֹּמֵר appears to associate with Ba'al worship and has been linked to astral worship.¹²²⁹

In the first millennium BCE, the priestly title *kumr* rarely occurs outside of Aramaic texts. Intriguingly, there exists no clear description of the priest's office and activities, though in a letter to Sargon II a *kumr* is called ^{lú}SANGA¹²³⁰ and “servant of the king”; both descriptives indicate high status.¹²³¹ While not extensive, these data raise the possibility that writers using the term כֹּמֵר exploited the malleability of the Aramaic term, applying it selectively and pejoratively against some priests associated with royalty (especially 2 Kgs 23:5) and those accused of trafficking in foreign deities.¹²³²

¹²²⁹ Wolfgang Schütte, “Der Priestertitel *kmr*,” *BN* 119/120 (2003): 42 and n. 3.

¹²³⁰ The *sanga/šangûm* was a high-ranking priest or principal administrator of a temple.

¹²³¹ Edouard Lipinski, *The Arameans: Their Ancient History, Culture, Religion* (vol. 100 of OLA; Leuven: Peeters, 2000), 507.

¹²³² The title *kumr*, “priest,” is used in Old Assyrian, Old Babylonian Mari, and Middle Assyrian texts (cf. *AHW*, 506a: *CAD*, K, 534-35). Scholars have yet to resolve *kumr*'s linguistic affiliation. In ARM 8 1:37-39 one finds three different persons designated *kumrum*. One of these, Iddin-Ili, likely serves as the *sanga/šangûm* “priest” of the god Itur-mer, who reportedly reveals a dream to one of the king's relatives (ARM 26:238 = LAPO 18, 1095). The vocabulary for professional positions is apt to shift. The Mari material is particularly useful in that it provides more than just a title (Jack M. Sasson, personal communication).

Hosea 10:5 ties כַּמְרִים specifically to the northern sanctuary of Bethel.¹²³³ Though widely used in the ancient Near East, Semitic root כַּמַּר resists precise definition (arguably “the excited one,” “the hot one,”¹²³⁴—probably not “eunuch”¹²³⁵). As tends to be the case when single words carry heavy ideological cargo, their earlier or original meanings may become obscured, lost, or replaced. This sociolinguistic phenomenon can of course work to an author/redactor’s advantage, perhaps especially when using international words. This appears to have been the case with the biblical application of כַּמַּר.

On the surface, Hebrew Bible כַּמַּר’s association with non-Yahwistic cultic service clearly differentiates it from the *khn* (כֹּהֵן).¹²³⁶ And it should be noted that in the Elephantine materials כֹּהֵן refers to Yahwistic priests while כַּמַּר refers to the Egyptian priests of Khnum.¹²³⁷ Such differentiation may owe to the influence of the Palestinian biblical tradition,¹²³⁸ however, since ancient Near Eastern evidence does not confirm fundamentally negative connotations of כַּמַּר.

Regarding behavioral connotations of the term, Manfred Görg doubts biblical writers chose Near Eastern Semitic כַּמַּר to suggest ecstatic behavior, cult dancing (including prostration),¹²³⁹ controlled (gesteuert) gestures, or gesticulated speech that Hebrew *khn* rarely if ever connoted.¹²⁴⁰ He reflects on the priestly (כֹּהֵן) attributes of King David’s ecstatic dance in a linen ephod before the ark (2 Sam 6:13f.).¹²⁴¹

Traditions connecting the כַּמְרִים with pagan practices known in northern Israel (Hos 10:5) made them an easy target to set up and at which to cast aspersions in the literature

¹²³³ Cf. Edelman, “Prophets to Prophetic Books,” 37.

¹²³⁴ *KB*, s.v.; Manfred Görg, “Der Priestertitel *kmr* und *khn*,” *BN* 30 (1985): 7-13, 7f.

¹²³⁵ Aelred Cody, *A History of the Old Testament Priesthood* (vol. 35; Rome: Pontifical Biblical Institute, 1969), 14, n. 28: “The priests called *k^emārīm* in the Old Testament, then, are not eunuchs”; Görg, “Priestertitel *kmr* und *khn*,” 8.

¹²³⁶ *Ibid.*, 7.

¹²³⁷ Cody, *History*, 14, n. 28.

¹²³⁸ *Ibid.*

¹²³⁹ Görg (“Priestertitel *kmr* und *khn*,” 9) draws attention to the “Ecstatic from Byblos.” He was the figure in the well-known Wen-Amun tale which “mit einer Funktionsbezeichnung ausgestattet wird, die mit dem Determinativ eines Mannes in tanzender Bewegung versehen ist, wobei der Aspekt der rauschhaften (ekstatischen) Mobilität besonders akzentuiert erscheint.”

¹²⁴⁰ *Ibid.*, 8-10. Based on Arabic *khn* denoting an (ecstatic) seer, Mowinckel argued that Hebrew *khn* most likely could and did originally include this meaning in its semantic repertoire (*ibid.*, 8 and n. 22).

¹²⁴¹ “Es bleibt jedoch zu bedenken, daß neben der dem *khn* allmählich zu zugewachsen Opfertätigkeit gerade jene Kompetenzen koordiniert und für David reklamiert werden, die für den ‘Priester’ von Haus aus charakteristisch zu sein scheinen: ‘Kulttanz’ und ‘Orakelpraxis,’ wie man diese Functionen auch immer im Detail definieren mag. Ob der Erzähler auch ohne Einführung des Priestertitels nicht doch zu erkennen geben will, daß für ihn David unter anderem in der gewachsenen Tradition des *khn* steht? (*ibid.*, 13).

of the South (2 Kgs 23:5; Zeph 1:4). In 2 Kgs 23:5 the כמרים are “appointed by the kings of Judah to make sacrifices in the high places at the cities of Judah and around Jerusalem” (נתנו מלכי יהודה ויקטר בבמות בערי יהודה v. 5α). During the monarchic period, these otherwise nameless priests linked with the North functioned in the official cult, “serving by royal appointment in royally sponsored temples and cultic complexes.”¹²⁴²

4.9.3 Plausible Links between Levites and the Kemarim

Though the literary record does not provide explicit evidence, it may be that insinuations connecting Levites and the כמרים form the contextual backdrop of the intensity of the accusations of promoting idolatrous worship leveled against Levites in Ezek 44:9-15. (With similar intensity the narrative in Exod 32 [cf. Deut 33:8f.] may seek to reverse the direction of the accusation of making idolatrous concessions to the people, applying it to elite Aaronide-Levites.) On another front, כמרים and לויים may have been thought to interchangeable words for cultic personnel in some regions, for example in the North.¹²⁴³ It should also be mentioned in this connection that the pejorative use of כמר in the Hebrew Bible recalls pejorative application of the similarly neutral and widely used root לזה in Ezek 44 and Isa 56:6.¹²⁴⁴

The author(s) of Hosea probably viewed the כמרים as original elements of the YHWH cult.¹²⁴⁵ Having conceivably had close association with the כמרים, some of Hosea’s levitical supporters, as part of their embracing the Hoseanic program,¹²⁴⁶ endeavor to

¹²⁴² Edelman, “Prophets to Prophetic Books,” 36-7; for networks of regional high places dating to the early period of the Divided Monarchy, see Nakhai, *Archaeology*, 63.

¹²⁴³ Independently, Diana Edelman, “Cultic Sites and Complexes Beyond the Jerusalem Temple,” in *Religious Diversity in Ancient Israel and Judah* (ed. F. Stavrakopoulou and J. Barton; London: T & T Clark, 2010), 82-103, 86f., edges up to a similar conclusion. Regarding 2 Kgs 23:9, “here we would need to assume that these cultic personnel had been associated in some capacity with Yahweh but were deemed ‘contaminated’ by their postings in the *bāmôt* of dubious legal status or which also honored other deities in addition so they were being excluded from a right to serve in Jerusalem—a right they otherwise would have been entitled to exercise (assuming they were Levites: Deut 18.6-8).”

With respect to the “*bāmôt* priesthood,” Nakhai (*Archaeology*, 63) leaves open their identity, though they seem to have “grown increasingly independent of the royal [so, elite] clergy by presenting them with alternate positions of status.” Hezekiah and Josiah would both attempt “to eradicate the *bāmôt* priesthood’s power base ... Despite these attempts at control, it remained possible for Israelites and Judaeans to worship Yahweh in places of their own choosing” (ibid.).

¹²⁴⁴ Word play on the root *lwh* in Isa 56:6a intends a slur at Levites who “join themselves” (*nip’al* of *lwh*) to the Lord (Tuell, “Priesthood of the ‘Foreigner’”; cf. Christian, *Torah Beyond Sinai*, ch. 8).

¹²⁴⁵ Schütte, “Priestertitel,” 42.

¹²⁴⁶ It is not of course impossible that Hosea was himself a Levite; see Cook, *Social Roots*, 231-66; Ben Zvi, *Hosea* (vol. 21a/1; Grand Rapids: Eerdmans, 2005), 27. Van der Toorn (*Family Religion*, 313 and nn.

distance themselves from those past associations. Although such efforts may have been religiously and sociopolitically expedient, it is unlikely that Levitical approval of the condemnation of the כמרים in Hosea 10:5¹²⁴⁷ would clear the former's reputation in the south regarding former cooperation with כמרים in the North.¹²⁴⁸

Currents of these highly charged issues, namely, matters of reputation and competition among the various strata of priestly, prophetic, and sagacious leaders of Israel, coursed through the channels of Israelite tradition. A final point is interjected into the discussion of the כמר by Schütte, namely, that one should be careful about making assumptions based on comparisons with a supposedly definitive "Israelite" notion of כהן, because the priests of neighboring peoples and religions also used the term כהן to represent a priest.¹²⁴⁹ This should steer interpreters away from making unqualified statements about כמר. With Schütte, there are advantages to simply categorizing the כמרים as a priestly caste of the Yahwistic cult.¹²⁵⁰

The surprising support for Levites in Deuteronomy (some of which predates the exile and therefore cannot be post-dtr) may partly seek to exonerate them from past actions and associations,¹²⁵¹ say, with the כמרים and also perhaps Bethel.¹²⁵² Deuteronomy, likewise

116f.) looks approvingly upon A. H. J. Gunneweg's notion of Hosea as temple prophet and W. Wolff's relegation of the anti-prophetic traditions in the book of Hosea to Judahite glossing; see *ibid.*, 314: "In what may be a reflection upon his personal experience, Hosea observes that the prophet is faced with hatred in the temple where he serves (Hosea 9:8)."

¹²⁴⁷ Bentzen (*Josianische Reform*, 90) posited a tension between lax and strict observance among the ranks of the levitical order: "Es hat vielleicht eine Spaltung zwischen einer laxeren und einer strikteren Observanz im Levitenordnen gegeben"; cf. Christian, "Revisiting Levitical Authorship," 215, n. 92.

¹²⁴⁸ See additional comments about the *kemarim* in §5.6.

¹²⁴⁹ "Priestertitel," 42 and n. 3.

¹²⁵⁰ *Ibid.*, and nn. 8f.

¹²⁵¹ Their *lack* of association with "Israel" in their pretribal days, i.e., before *lwy* became a tribe of Levi, also factored in the equation of questionable origin and priestly descent; cf. the questions regarding Moses' Egyptian origins and spiritual enlightenment through a Midianite priest, his father-in-law Jethro/Hobab.

¹²⁵² "The inhabitants of Samaria tremble for the calf of Beth-aven. Its people shall mourn for it, and its idolatrous priests (כמרים) shall wail over it, over its glory that has departed from it" (Hos 10:5). Hosea's pejorative appellative Beth-aven, for Bethel, suggests later developments initiated by Jeroboam I there tarnished its *earlier reputation* as a legitimate Yahwistic shrine, evoked in 12:5 [Eng 12:4] in association with *YHWH's* appearing to Jacob, who for Hosea's audience "represents and embodies the later people of Israel as a whole" (Cook, *Social Roots*, 243; cf. 242 and nn. 21f.).

This made Bethel an ideal locus and typos around which stories and traditions of *YHWH's* unmediated theophanies to the children of Israel, e.g., the PRR, accrued, developed, and were promulgated near and far by levitical priest-prophets and their influential advocates. 2 Kgs 4:8-10 is relevant in the present connection: a wealthy female (אשה גדולה v. 8aα) supporter of the peripheral prophet Elisha provides him—and we may surmise others like him—food and lodging as he travels his circuit. She and her husband actually have built and fully furnished a walled, roof-chamber (עלית-קיר v. 10aα) to accommodate peripatetics; in 5:1-24 Naaman the Syrian is eager to impart great wealth to the prophet-healer Elisha, who

Josianic traditions, regards northern Israel and perhaps even the Northern Kingdom as worthy of salvaging. But the Josianic period plausibly witnessed the systematic downgrading of the כַּמְרִים.¹²⁵³ With respect to theories of the northern provenance of Hosea and Deuteronomy and their consequent relatedness discussed in the last few sections (§4.9), that scholars have at times rushed to positive judgment in their favor does not warrant their summary disqualification in the present.¹²⁵⁴

Thus far our research has not presented data requiring an adjustment of the theme of the PRR specific to the northern kingdom, except for the following general observation: While non-Judean urban centers and cultic complexes on the one hand tend to suffer stigmatization, on the other hand they suggest a less tightly controlled religious system. If one can hold in abeyance the anti-northern pejoration infusing the Deuteronomistic Histories, the apparent, international diversity of the religious scene in the north provides alternative “Israelite” values in which are imbedded variant views of its foundational events. For example, Mt. Gerizim and other northern high places likely boast traditions of the reception of divine revelation that did not survive the final, official Judean revision and formulation of its history. Although we lack proof for this projection, the greater burden would seem to fall upon those who would reject this probability out of hand.

4.10 *Brief Comments on the Law of the King*

In the *JHS* version of the material in the present chapter, Deut 17:14-20 or “the law of the king” received a significant attention for reasons of its helpfulness in illustrating Foucault’s notions of power and its reflections of traditions associated with the North, particularly the antimonarchic sentiments of vv. 16f. The present chapter has retained

will rid him of his skin disease; cf. Jeremy M. Hutton, *The Transjordanian Palimpsest: The Overwritten Texts of Personal Exile and Transformation in the Deuteronomistic History* (vol. 396 of BZAW; Berlin: De Gruyter, 2009), 174.

¹²⁵³ “Eine Entwicklung zur Illegitimisierung, wie sie für die Himmelsheeranbeter offenkundig ist, darf man als das Geschick der kmrym seit der Josia-Zeit vermuten” (Schütte, “Priestertitel,” 42).

¹²⁵⁴ For recent support for the northern, priest-prophet derivation of Deuteronomy, see Jeffrey C. Geoghegan, “The Levites and the Literature of the Late-Seventh Century,” n.p. [cited 5 October 2010]. Online: http://www.arts.ualberta.ca/JHS/Articles/article_71.pdf: “In view of Dtr’s interest in the rights and responsibilities of the Levites, as well as his emphasis on the efficacy of the prophetic word, I would agree with those scholars who trace Dtr’s heritage to northern, priest-prophet circles who had migrated south following the fall of the northern kingdom”; cf. Alt’s perspicacious treatment of this topic: Albrecht Alt, “Die Heimat des Deuteronomiums,” in *Kleine Schriften zur Geschichte des Volkes Israel* (vol. 2 of 3; München: C. H. Beck’sche Verlagsbuchhandlung, 1959), 250-75; Hutton, *Palimpsest*, 174f. and n. 68.

only a small portion of these analyses for their helpfulness in illustrating Foucault's dynamic of power; a second reason presents itself in the office laws importance for a Hexateuchal treatment of the Levites (and in conversation with a similarly sketched sodality in H), particularly regarding the "law of the prophet," and for the clarity in the redactional composition of Deut 17:14-20 (especially the post-dtr Levite verses 18-20).

In his treatment of the law of the king, García López identifies "protodeutéronomique" texts and traditions. If recognized as such by the authors and redactors of a "Josianic edition" (on which see below), it would help explain the survival of sharply negative views of the king and kingship within that edition. Likely candidates for the compiling and partial composition of the proto-dtn texts present themselves in circles of priest-prophets (cf. cult prophets), early Levites¹²⁵⁵ officiating during an era in which their designation owed more to the vocational aspect of Semitic *lwy/h*¹²⁵⁶ than to

¹²⁵⁵ For the notion that Deut 33:8-11 (which address the levitical priesthood in the person of its founder, Moses, as "your loyal one" [v. 8 aß]) preserves a tradition predating the stories of Massah and Meribah in which the Levites struggle with God for possession of the Urim and Thumim at the regional cultic center of Kadesh, see Meyer, *Die Israeliten*, 72-89.

It is difficult to maintain the position of de Vaux (*Ancient Israel*, 362) that the Levites "alone exercised the priesthood" in eighth-century Israel. He later acknowledges the "hypothetical" nature of this reconstruction (*ibid.*, 371). Generally speaking, one must be careful not to delimit "the Levites" to a particular activity at a particular time.

¹²⁵⁶ Cf. S. Dean McBride, "Jeremiah and the Levitical Priests of Anathoth," in *Thus Says the Lord: Essays on the Former and Latter Prophets in Honor of Robert R. Wilson* (ed. J. Ahn and S. Cook; vol. 502 of LHB/OTS; New York/London: T & T Clark, 2009), 179-96, 183f; Weber, *Gesammelte Aufsätze* [Das antike Judentum], 181f, long ago noted the non-Hebraic origin of the name Levi. "Der Name 'Levi' hat keine hebräischen Etymologie" (*ibid.*, 181).

Seebaß, "Levit/Leviten," 38, believes the landless Levite living as a "stranger" in Deuteronomy corresponds to the landless *ger* dependant upon a portion of the tithe for his very survival. This report belongs among independent stories (e.g., Judg 17f; 19f.). While the Levites appear in Deut 33:8-11 and thereafter as a tribe, such a conception does not comport with the picture in earlier texts such as Exod 32:29 and Deut 33:9 "da ein Stamm letztlich auf Vaterhäuser zurückging" (*ibid.*, 39; cf. Reinhard Achenbach, "Levi/Leviten," in *RGG*⁴, 293-95, 293f.). Seebaß wonders whether the "Levite" appellative was intended as a slur by their detractors (cf. Deut 33:11b) because of, e.g., the zeal they displayed in behalf of their "client god" (cf. Exod 32:25-8); Semitic *lwy* (cf. Heb. לוי) may be a hypocoristic personal name meaning "client of god X" (cf. the Mari and Egyptian parallels in Seebaß, "Levit/Leviten"; Achenbach, "Levi/Leviten," 293; Ahlström, *Royal Administration*, 51); cf. J. A. Emerton, "Priests and Levites in Deuteronomy: An Examination of Dr. G. E. Wright's Theory," *VT* 12 (1962): 129-39, 130, 135-38: "The closing of the local sanctuaries created a class of client-Levites, but Deuteronomy still recognizes their right to act as priests when they come to the central sanctuary" (p. 138); Wright, *Deuteronomy*, 321, 413f.

In his consideration of Semitic *lwy* Bentzen (*Josianische Reform*, 77) posited that the Levites "attached themselves" to the service of *YHWH* as priest. He also related S. R. Driver's remark that when "applied distinctively to Aaron" (cf. Exod 4:14), *lwy* "must denote not ancestry but profession" (*ibid.*); cf. C. F. Burney, *The Book of Judges with Introduction and Notes* (New York: KTAV Publishing House, Inc., 1918/1970), 436-41; see Gary Knoppers, "Hierodules, Priests, or Janitors? The Levites in Chronicles and the History of the Israelite Priesthood," *JBL* 118, no. 1 (1999): 49-72; see also the critical evaluation of

the tribally affiliated priesthood *lwy*, an arguably later development.¹²⁵⁷ The word may have served as a *terminus technicus* for religious functionaries (cf. the portrayal of the decentralized and transient Levite in Judg 17–20) stationed or travelling within a realm.¹²⁵⁸ In Hosea 12:10b [Eng 9b]¹²⁵⁹ the prophet recalls *Sitze im Leben* when “the people experienced immediate encounters with God at periodic festal assemblies (מועדים) of the tribes.”¹²⁶⁰ Cook argues in favor of Hosea’s levitical heritage; as a Levite he preaches that “God will encounter Israel anew in this way.”¹²⁶¹ Regarding Hos 12:7–10, moreover, he relates the following:

Whether this text preserves authentic memories of presettlement “wandering” of the Israelites is hard to know. What is safe to say is that it recollects the semisedentary, “pioneer” lifestyle of the early Israelites ... The days of the tents were the days of the מועד (“assembly”).¹²⁶²

It is quite plausible that early cultic officiants¹²⁶³ such as these associated themselves in some way with Hosea and his message.¹²⁶⁴

Knopper’s essay in Kyung-jin Min, *The Levitical Authorship of Ezra-Nehemiah* (vol. 409; Sheffield: Sheffield Academic Press, 2004), 68f.

¹²⁵⁷ Recent research foregrounding the compositional development of the Hexateuch indicates the institution of “levitical priests” (לויים הכהנים) did not see its full expression until the postexilic period (Reinhard Achenbach, “The History of Pentateuchal Redaction and the Development of Sacerdotal Institutions,” paper presented at the 2006 Annual Meeting of the Society of Biblical Literary in Washington D.C.). The concept takes hold subsequent to the insertion of P and the post-Dtr History; cf. idem, “Die Tora,” 31: “Das Konzept der Levitizität des israelistischen Priestertums ist demnach nicht älter als die redaktionelle Verbindung von P und D, die der Hexateuch-Redaktor geschaffen hat”; idem, *Vollendung*, 72–74; idem, “Der Pentateuch,” 226f. This history of development may be a corrective to the notion that tribes are always the primitive ancestor of the state; see Sanders, *Invention*, 69.

¹²⁵⁸ Cf. Ahlström, *Royal Administration*, 48f., with literature.

¹²⁵⁹ “I will make you live in tents again, as in the days of the appointed festival (כימי מועד).”

¹²⁶⁰ Cook, *Social Roots*, 263.

¹²⁶¹ Ibid.

¹²⁶² Ibid.

¹²⁶³ In early times *lwy* were not necessarily associated exclusively with Israel or with *YHWH* (Weber, *Gesammelte Aufsätze* [Das antike Judentum], 181f: “Es ist möglich, daß Leviten auch außerhalb Israels im Dienste des minäischen Stammesgottes Wadd tätig waren”). E. Meyer correctly recognized the likely, pre-priestly status of the eponymous Levi, who collaborates with Simeon in the slaughter of the convalescing converts in Shechem (Gen 34; cf. 49:5). There may exist in Israelite memory traditions of the transition from the (formerly secular) tribe of Levi to the priesthood at Kadesh, where Levites at a later time come to be linked with the distinctly priestly *Mosegestalt* that associates with events occurring at Kadesh. Meyer argued that in Israel’s distant past the elders alone administered the priestly functions (“die Funktionen, die in der Gegenwart die Priester ausüben, verwalten in der Urzeit der Ahnherr allein”; *Die Israeliten*, 72). This view would help explain numerous passages in which elders appear to play an important cultic role in conjunction with priests (cf. Exod 24:1, 11).

¹²⁶⁴ It is admitted that much of the material following the Samson narrative in Judges is late (cf. Achenbach, “Der Pentateuch,” 229, n. 13, regarding Judg 17f.). The traditions of the Levites in chs. 17–20 nonetheless contain reliable information about decentralized, non-elite priests during a time prior to the Israelite monarchy. Deut 12:12 (Levites living in towns without inheritance) is a dtr addition (along with vv. 8–11)

4.11 The Status of the Levite in Judges 20:5

It is significant that the Levite in Judg 20:5 characterizes his concubine's abusers not as rowdies but rather as "the lords/notables/property owners of Gibeah" (בעלי הגבעה). This Levite is no drifter, rather a regionally authorized cult officiant¹²⁶⁵ exercising leadership within a kingless realm (Judg 19:1a).¹²⁶⁶ The scene could be pre- or postmonarchic. Also noteworthy is the Levite's prophetic-symbolic method of inciting an uprising, which suggests the people as a whole can and should be involved in adjudicating capital offenses.¹²⁶⁷ Heinous but effective, "the Levite's butchered concubine in her bloody journey round the whole country *challenges all Israel* to be

to D that dates to the Babylonian period (Römer, *So-called*, 131); the passage may be a redactional composite (Rofé, *Deuteronomy*, 97-98, see the literature in n. 2) that reflects the tenuous, rural existence of middle-tier Levites in residential towns and their dependence upon the local population. That the benevolence to the Levites and slaves in v. 12 is linked with rejoicing in the Lord's presence (שמח לפני יהוה) is striking; relevant in this connection is that vv. 15, 20–21 permit sacrifice independent of the sanctuary (cf. Rütterswörden, *Deuteronomium*, 75); Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University, 1997), 49; Otto, "Das Heiligkeitsgesetz im Narrative des Pentateuch," 81. In Lev 17, however, the Aaronide would come to outlaw this "decontrolled," profane slaughtering.

As for the connection of Hosea and Levites, note the former's representation of the wilderness period as a time of innocence preceding the corruption of the regional priestly and sacrificial "institutions," which leave Israel particularly vulnerable to Canaanite influence (Hos 4; 6:6). The time of purification in the wilderness is not limited to the past, however; Hos 2 envisions the *future* wilderness experience as the context for the restoration of YHWH's relationship with Israel; cf. Norman Gottwald, *All the Kingdoms of the Earth: Israelite Prophecy and International Relations in the Ancient Near East* (New York: Harper & Row, 1964), 138f. The geographical and metaphorical features of the concept of renewal in the wilderness lend themselves to repeated use by priestly and visionary groups. This may be especially true of the priestly-prophetic Levites associated with the Hoseanic tradition.

For connections in the preaching themes between Hosea and the levitical, priest-prophet Jeremiah (Jer 33:17-22!), see W. Schmidt, *Introduction*, 242. Jeremiah displays Hoseanic influence in his preaching themes (marriage relationship with YHWH; harmonious time in the desert prior to entering the land, renouncing the worship of idols and alien gods, particularly the Ba'al cult and its rites) and concepts used (being faithless, abandoning/forgetting YHWH, playing the harlot), though his formulations bear their own distinctive markings. The likelihood of levitical priest-scribes involving themselves at stages of the shaping and editing of these books remains high. "Even the radicality of his insight into human guilt is something Jeremiah shares with Hosea (Hos 5:41 etc.)" (ibid.). cf. Jer 2:22; 3:1-5; 17:1,9; 30:12f; Wilson, *Prophecy and Society*, 17, who categorizes the shared traditions, along with DH and E, as Ephraimite.

¹²⁶⁵ The Levite in Judg 19:1 stays/sojourns (גר) in a relatively remote region הר־אפרים ("in der äußersten Ecke des Gebirges Efraim" [Herder, *Bibel*]).

¹²⁶⁶ A. Graeme Auld, *Joshua, Judges, and Ruth* (Philadelphia: Westminster Press, 1984), 241f.

¹²⁶⁷ The portrayal of intertribal operations may derive in part from the Greek notion of the amphictyony (A. D. H. Mayes, *Judges* [Sheffield: Sheffield Academic, 1995], 56-62, especially 60f.), which however remains a problematic model for Israel because of the lack of proof of a preexisting people and a central sanctuary. In Judges 19-21 alone one encounters three sanctuaries, Mizpah (20:1), Bethel (20:18), and Shiloh (21:16-21). The plurality of sanctuaries reminds us again of the need for middle-tier religious leadership, which would alone be capable of sustained contact with village populations. Note that in the debacle of Exodus 32 the rebels are the Levites' very brethren and neighbors (אהיו ... רעהו ... קרבו [v. 27]).

judge.”¹²⁶⁸ Whereas the Levite is recognized by local leaders as a regional official, he is at the same time a nonconformist, a priest-prophet believed capable of uniting a broad, cross section of the people. Such an achievement would be inconceivable were not an effective communication network thought to exist.¹²⁶⁹ The episode assumes the readership’s recognition of the communicative and motivational (cf. homiletical) aspects of the levitical office and its authority.

4.12 *Diverse Traditions and Compendia*

Both Hosea and the Levites, the latter fairly described as Hoseanic disciples,¹²⁷⁰ presumably had access to and responsibility for preserving and transmitting¹²⁷¹ a

¹²⁶⁸ Auld, *Joshua, Judges, and Ruth*, 240 (secondary emphasis).

¹²⁶⁹ Though idealized, it would be strange were this depiction to have no historical basis.

¹²⁷⁰ In the discussion of the provenance of Hos 14:2-9, often regarded too optimistic to derive from the prophet himself, Nogalski (in agreement with J. Jeremias) attributes the text to Hoseanic disciples. That Levites would have been supporters of the arguably “popular religion” of the Hoseanic tradition seems likely. In any event, the authors of vv. 2-9 clearly continue the “love theme” (v. 4) that spans the entire book. Whereas the context of vv. 2-9 postdates the destruction of Samaria (vv. 2-4 presuppose the destruction announced in 13:16 [Heb 14:1]), it does not necessarily require a postexilic setting (James Nogalski, *Literary Precursors to the Book of the Twelve* [Berlin: Walter de Gruyter, 1993], 58-65, especially 60f, 64f, 66, n. 31). The prophetic criticism of the priestly altar ministry in 6:5f is telling and suggestive of a priestly-prophetic alliance opposing altar priests (cf. Christian, “Revisiting Levitical Authorship,” 221, where is also noted the author of Hosea’s distinctive use of priestly terms such as תורה, משפט, and ברית, all of which are subsumed under the broad concept “knowledge of God” [דעת אלהים; cf. 4:1; 6:6]). That in 6:6 מעלות אלהים ודעת אלהים ולא-זבה ודעת אלהים מעלות אלהים “knowledge of God” appears to stand in opposition to burnt offering may suggest a clash between, on the one hand, elites who specialize in arcane priestly regulations and allegedly ignore the heart of the law, and on the other hand the priestly-prophetic Hoseanic faction that promotes a less technical yet far-reaching Yahwistic code, the true דעת אלהים. For the concept of a selective, summarized *tôrôt*, consider the collocation יהוה תורת יהוה strategically placed in the Psalter (1:1; 19:7; 119:1; cf. *ibid.*, 195f, in agreement with R. G. Kratz, “Tora Davids.”

¹²⁷¹ As was stated in the beginning of the present study, expansive production of biblical materials in preexilic times is unlikely. Prophetic literature, largely written in literary Hebrew, tended to target a specific group (Ben Zvi, “Beginning to Address the Question: Why Were Prophetic Books Produced and ‘Consumed’ in Ancient Yehud?” in *Historie og konstruktion. Festschr. Niels Peter Lemche* [ed. M. Miller and T. Thompson; Copenhagen: Kobenhavens Universitet, 2005], 30-41, 31-32). One could plausibly draw on Ben Zvi’s observation to support the notion of a link between Hosea and the Levites, since cooperation between prophet and priest would broaden the scope of the dissemination of traditions, thereby increasing their chances of their survival. As we consider the corpus of Deuteronomy, Ben Zvi’s hypothesized prophetic literature scenario should probably be modified to include a conscious effort on the part of the authors *not to target a single group*. Proclaimed in a homiletic manner by the venerated prophet and lawgiver Moses, the communal impact and acceptance of the message would thereby increase dramatically.

A large number of persons would not be needed to produce the texts; a secure and accessible place of storage would be required. A few scrolls produced during, say, Hezekiah’s reign, could have been deposited in a Jerusalem temple archive, left relatively untouched during Manasseh’s reign, and then “rediscovered” around the time of Josiah’s brief tenure. (For compelling, textual evidence that “the men of

compendium of northern traditions.¹²⁷² Some of these traditions conflicted with what was—or would become—the official, dominant position.¹²⁷³ One should bear in mind the

Hezekiah” involved themselves in the *redaction* of Proverbs see Perdue, *Sword and Stylus*, 94f.; עתק [hip’il] in Prov 25:1 is decisive; Herder, Zürcher, and Schlachter 2000 offer the sense best of הַעֲתִיקוּ with “zusammengestellt haben.”) Plans for a larger scale history project were not realized because of his untimely demise. This dealt a deleterious blow to a division of the contemporary, priestly-prophetic movement. (Regarding the notion of the discovery of previously unknown traditions, which in contrast to preexilic dtn traditions, instigated the severe measures attributed to Josiah in 1 Kgs 13, see Alt, “Heimat,” 259-61.)

Sixth-century Babylon deserves a place in this discussion. One would expect the literary activity there to be driven by different interests (though the perspectives and preferences of the *Golah* would likely dominate). Indeed, it is the variety of perspectives originating in different geographic and temporal settings that helps account for the rich diversity of viewpoints in the Hebrew Bible; cf. Ben Zvi, “Beginning,” 34–35 and n. 9, whose comments apply in particular to the developing prophetic literature.

In fifth-century Jerusalem, the combination of external circumstances (e.g., the hypothesized authorization of Judahite documents by Persian high officials) and the desire to resume the great literary project occasioned its reactivation. The era witnessed the expansion of earlier materials, and also the writing and inclusion of new compositions, e.g., earlier portions of the Ezra-Nehemiah corpus. This was a time in which the resources and infrastructure to support a complex operation were in place. Still, the number of literati required to carry out the project would not need to be great.

¹²⁷² Within the call to repentance in Hos 14:2–4 [Eng 1-3], vv. 3-4 [Eng 2-3] reflect dependence upon both northern (Deut 17:16) and southern traditions (Isa 30:16); v. 3 [Eng 2], moreover, with its spiritualization of the thank offering, closely resembles traditions found within the Psalter (40:7 [Eng 6]; 50:9, 13–14). Ina Willi-Plein, *Vorformen der Schriftexegese innerhalb des Alten Testaments. Untersuchungen zum literarischen Werden der auf Amos, Hosea und Micha zurückgehenden Bücher im hebräischen Zwölfprophetenbuch* (vol. 123 of BZAW; Berlin: De Gruyter, 1971), 231, argues that vv. 3-4 [Eng 2-3] are post-Hoseanic, manifesting an “internal allegorizing of cultic law” in combination with prophetic critique: It “kann gesagt werden, daß hier eine geistige Synthese von Kultvorschriften und prophetischer Kultkritik zugrundeliegt, die es geraten erscheinen läßt, eine nachhoseanische Entstehung von v. 3–4 zu erwägen” (ibid.; cf. Nogalski, *Literary Precursors*, 66). It is not impossible that vv. 3–4 represent internal development within the book of Hosea alone (cf. 8:14; 10:13) as Rudolph thought; the connection with Isa 30:16 is however quite strong, and the influence of and conversance with traditions found in other biblical writings is very likely. A circle of priestly-prophetic literati sympathetic with the ministry of Hosea seems the likely origin of this work. Additionally, the connection with the criticism of royal power and dependence upon military might between the law of the king (Deut 17:14-20) and Hos 8:14; 10:13 is apparent.

¹²⁷³ Cf. H. W. Wolff, “Hoseas geistige Heimat,” especially 90-92; idem, *Hosea*, 144; we may read וכתב לו ... מלפני הַכֹּהֲנִים הַלְוִיִּם (Deut 17:18b) with S. R. Driver (*Deuteronomy*, 212, n. 18) as “under the eye of, in the keeping of,” with recourse to Mal 3:1, Isa 65:6; מלפני ... כתב may be employed on the analogy of לקח מלפני in Exod 36:3. Priests oversee not only the processing of donations but also the gathering, preserving, writing, and copying of traditions, and they appear to function in this supervisory capacity at the highest levels of Israelite society. In Babylonian society, in contrast, this activity reportedly remains the sole prerogative of the sovereign (cf. the Code of Hammurabi, Epilogue 57:59-78), and the conception continues to be in effect into the late Babylonian period. In sum, explicit attribution to anyone but the king—whether god or priest—for writing down laws is completely foreign to the ancient oriental world (Otto, *DPH*, 123f.). Regarding the remnants of northern traditions making their way to Jerusalem, see Rofé, *Deuteronomy*, 7f. “Refugees from the North arrived in Jerusalem with a notable literary legacy: remnants of the covenant tradition and songs were embedded in the Book of Deuteronomy; remnants of historical tradition—in the Former Prophets; and remnants of prophecy—in the Book of Hosea.... in the succeeding generations, the descendants of these refugees became devotees of the Davidic dynasty and exponents of the chosen status of Jerusalem. *The transition was gradual*, as can be seen from the law of the king, in Deut 17.14-20, which deals with the monarchy in fairly lukewarm terms, viewing it (pejoratively) as an imitation of the nations, limiting it, and warning about its injustices” (ibid., 8; emphasis added).

diverse nature of the “collections” found among ancient sources.¹²⁷⁴ Ben Zvi avers “it is extremely unlikely that biblical prophetic texts were composed or redacted within and for social groups that knew of only one piece of religious literature: the one they were writing, rewriting, or learning from.”¹²⁷⁵ It is reasonable to hypothesize the circulation of oral and written traditions in spite of their lack of autonomy or completeness. What is more, they could be inserted into a recognized work at any stage of their development.¹²⁷⁶

Some prophetic traditions would have needed sponsorship among the ranks of priest-prophets before joining the developing biblical literature.¹²⁷⁷ Of the four names of authors appearing only in the superscriptions of books in the *Dodekapropheton*, three belong to Levites;¹²⁷⁸ of the seven appearances of the name Isaiah in Second Temple texts, four

¹²⁷⁴ The divergent manner in which oracles were recorded in the ancient Near East is well documented; see Millard, “La prophétie.” This may suggest the involvement of middle-tier circles of literati, who “wrote” in locations in which the method of recording divine utterance varied. The scribal scenario is reminiscent of the so-called liturgical Psalms, whose writers have formalized originally *ad hoc* worship experiences occurring in different sacred precincts. The result is cultic liturgy (cf. Pss 15, 20, 24, 132). The imitation of these liturgies by the eighth-century prophets Hosea and Micah suggests preexilic provenance. Local settings allow for divergent beliefs and rituals, local expressions of popular piety some of which find their way into the official literature. That expressions of personal religiosity (cf. Rainier Albertz, *Persönliche Frömmigkeit und offizielle Religion: Religionsinterner Pluralismus in Israel und Babylon* [Stuttgart: Calwer, 1978]) would be critically scrutinized and subsequently normalized prior to their inclusion in the official literature goes without saying.

¹²⁷⁵ Ehud Ben Zvi, “Studying Prophetic Texts against their Original Backgrounds: Pre-Ordained Scripts and Alternative Horizons of Research,” in *Prophets and Paradigms: Essays in Honor of Gene M. Tucker* (ed. S. B. Reid; Sheffield: JSOT Press, 1996), 209-28, 134. Isolated additions to texts are sometimes better explained by *Fortschreibung* (in contexts that may not have an entire text in view) than by the notion of comprehensive redaction of an entire work (cf. Thomas Römer, “Osée,” in *Introduction à l’Ancien Testament* [ed. T. Römer, et al.; Genève: Labor et Fides, 2004], 383-98, 391, where is mentioned W. Zimmerli’s advocacy of the *Fortschreibung* model respecting the book of Ezekiel, and M. Nissinen’s application of the same to his analyses of Hos 4 and 11).

¹²⁷⁶ In 1966 W. Richter posited a *Retterbuch* (Book of Saviors) comprised of Judg 3–9 and composed during Jehu’s reign (841-814 BCE). The collection consists of the narratives of Ehud, Barak, Gideon and Abimelech. The narratives differ in their degree of elaboration and completeness, the Ehud story manifesting the least signs of revision. *Das Retterbuch* underwent two subsequent revisions, namely, Rdt1 and Rdt 2; see Wolfgang Richter, *Traditionsgeschichtliche Untersuchungen zum Richterbuch* (Bonn: Peter Hanstein, 1966); cf. Philippe Guillaume, *Waiting for Josiah: The Judges* (New York: T & T Clark International, 2004), 8, who credits Richter with being the first to identify a pre-Dtr collection of savior narratives.

In contrast, Deuteronomy’s self-designation as *sefer* may suggest it wished to be viewed complete in a proto-canonical sense. Such a notion encounters interference in view of the Temple Scroll, whose author-redactors took great interpretative liberties with the “Deuteronomy” in their possession.

¹²⁷⁷ Cf. Edelman, “Prophets to Prophetic Books,” 43: “Various specialists whose words have been selected to form the inspirational core of the prophetic books were cultic personnel who might best be classified as different classes of ‘priests’ (*kōhānīm*).”

¹²⁷⁸ “Joel is a common Levitical name in Chronicles,” Zephaniah the Levite appears in 1 Chr 6:36 [Heb 21], Obadiah the Levite in Neh 12:25 (Blenkinsopp, *Opening the Sealed Book*, 31 and n. 6). For mentions of the name Isaiah in the Elephantine papyri and in seals and bullae, see *ibid.*, n. 30.

again attach to Levites.¹²⁷⁹ Blenkinsopp speaks of the “high level of fluidity and artificiality” in attributing prophetic discourses and sayings to named individuals.¹²⁸⁰ The great likelihood of the involvement of Levites in preserving and propagating these traditions is becoming more apparent.

If hypothesized connections between eighth-century Hoseanic traditions, Deuteronomy, and the reign of Josiah may still be taken seriously,¹²⁸¹ the priest-prophet movement¹²⁸² would then predate the activities of the Josiah figure by a century.¹²⁸³ This

¹²⁷⁹ Ibid., 30; cf. Berges, *Jesaja 40–48*, 39, n. 19.

¹²⁸⁰ Blenkinsopp, *Opening the Sealed Book*, 30; cf. Edelman, “Prophets to Prophetic Books,” 42.

¹²⁸¹ Associating prophetic texts with Josiah (or Hezekiah) on thematic criteria alone remains problematic. Ben Zvi weighs in on the issue in “Josiah and the Prophetic Books,” 59–64. One would expect more explicit mention of Josiah and his deeds in prophetic literature. Instead, in the relevant prophetic literature (a) none point to Josiah’s actions in Kings, and (b) the name of Josiah is missing in virtually “every text including those that were or could have been explicitly set in his times (e.g., the books of Zephaniah, Jeremiah, Nahum)” (ibid., 60). If the time of a historical Josiah still presents a viable possibility, then it was thought advisable not to mention his name in order to allow for a broader circle of advocates of these themes. In our view, priest-prophets present themselves as likely candidates.

Pakkala’s verdict (Juha Pakkala, “The Date of the Oldest Edition of Deuteronomy,” ZAW 121 [2009]: 388–401, 391), though negative, is relevant in this connection. “The link between Josiah’s reform and the *Urdeuteronomium* is also a very complicated issue, with many moving parts and with very little agreement among scholars... the fixation with discussing the dating of Deuteronomy on the basis of Josiah’s reform has blinded many scholars to features in the text itself, and in Deut 12 in particular. In fact, when one looks at the traditional dating, it is difficult to find any concrete arguments in favor of Josiah’s reign as the original background... Considering the problems with the sources, it is very difficult to say much that is historically reliable about Judah during the reign of King Josiah.”

¹²⁸² Priests as a rule belong to the ranks of the literati. Since the literati play fundamental roles determining the image of the prophet in the literature, perhaps especially if the prophet (or prophetic circle) were to lack the ability to write, a measure of “discourse” on the literary plane between prophets and priests is to be assumed. If prophet and priest were to agree on ideological or theological matters, another level of “cooperation” would then come into play. In texts reflecting *disagreement* between priest and prophet, the level of cooperation presumably drops. In any event, it is difficult not to envision priestly literati involved in the process of preserving and promulgating prophetic traditions, perhaps especially written ones.

Ben Zvi’s restriction of the production of the prophetic literature to Persian period Jerusalem gives rise to several reservations. Although in several essays he makes a strong case for *major* composition occurring during this time (though recent research now shows this to be possible first in the middle of the period) it is also conceded that with adequate supportive structure a relative few literati would be required to produce the literature. In “What is New in Yehud” reference is made to the “main authoritative literary productions” among the Jerusalem prophetic literature, which then expand to include the Pentateuch and even the “Exodus-Kings narrative” (ibid., 38). In ibid. n. 21, the author offers a few exceptions to his rule that authoritative literature (excepting the Chronicler) does not refer to its own present. This statement seems problematic on two counts: (1) when, for whom, and in what sense did the Jerusalem literature become “authoritative” in a way that Ezra-Nehemiah and Chronicles did not?; (2) the Mosaic speech in Deut 4 begins with “so now, Israel, give heed” (ועתה ישראל שמע), followed by a string of participles accentuating the present; cf. similarly Deut 5:1. Regarding the statement that the “entire story of Israel in the ‘Primary Hi(story)’ leads to exile, and implicitly or explicitly to the theme of overcoming of ‘exile’” (*sic*; ibid., 38; cf. *passim*), it is difficult to envision how such an affecting preoccupation would not have produced more “authoritative literature” already in the exilic period, especially given the probability of at least a preparatory gathering of traditions during that time.

does not require a *written* Hosea in the eighth century. Though containing traditions dating to that time,¹²⁸⁴ the first written “edition” probably saw the light of day in the seventh century.¹²⁸⁵

4.13 *Preexilic Purification Rather Than Centralization of the Cult*

The theme of cultic centralization in Jerusalem has received an inordinate share of attention because on first blush it appears to correspond with general Deuteronomic requirements. “In contrast, the purification measures or purges mentioned in 2 Kgs 23¹²⁸⁶ are less easily related to Deuteronomic law.”¹²⁸⁷ Nonetheless, since scholarship as a whole has tilted toward viewing the core of 2 Kgs 22f. as advocating centralization of the cult, the literary-critical reconstruction of these two chapters has tended to dominate the discussion.¹²⁸⁸ Several scholars, however, have reconstructed compelling reform reports

¹²⁸³ The setting for the book of Hosea’s composition “could extend any time from the lifetime of the prophet in the mid-eighth century BCE through the reign of King Josiah in the late-seventh century. Certainly, the reunification of Israel and Judah under a Davidic monarch is central to Josiah’s concerns, but the concern to show mercy to Judah and the interest in reuniting Israel and Judah under one king is hardly exclusive to the period of King Josiah. As indicated elsewhere, there is extensive interest in such issues during the time of King Hezekiah and perhaps before that time as well” (Sweeney cited in *ibid.*, 58). With regard to possible eighth-century Isaianic traditions, Blenkinsopp, *Opening the Sealed Book*, 31, entertains the notion of a “solid 8th-century B.C.E. substratum attributable to one individual who took over and took further the fundamental critique of contemporary society articulated by Amos.”

¹²⁸⁴ G. Yee (*Composition*, 307f.) argued in the mid-1980’s that a “Collector-C,” a disciple of Hosea working roughly around the time of Hezekiah’s reform, created the first written tradition of Hosea “which later editing expands and modifies.” For critique of Yee’s theses of Hoseanic development, particularly the lack of methodological clarity in distinguishing early material attributed to Hosea from the “final redactor,” see Nogalski, *Literary Precursors*, 62-5. The problems for Römer (“Osée,” 391) lie in Yee’s (a) dependence on F. M. Cross’s hypothesis of two stage redaction of the Deuteronomic History and (b) attribution of so many textual additions to a large, comprehensive redaction that would have in view the horizon of the entire book of Hosea.

¹²⁸⁵ The book had a multistage development including *Fortschreibung*. Cf. Zenger, “Das Buch Hosea,” 526: “Das Buch ist das Endresultat eines mehrstufigen Fortschreibungsprozesses (‘Schneeballeffekt’ bzw. Modell des ‘rolling corpus’: am Anfang steht ein Textkorpus, das sukzessiv angereichert wird, teils durch punktuelle Fortschreibungen, teils durch übergreifende Redaktionen)”; cf. the brief research summary in *ibid.*, 525f; for more contextualization and elaboration see Römer, “Osée,” 389-92. For helpful differentiation between “global book redactions” and “local *Fortschreibungen*,” though in this instance specific to the book of Joshua, see Knauf, *Josua*, 17.

¹²⁸⁶ The high degree of layered development in 2 Kgs 23 does not commend it for use in constructing broad theory (Pakkala, “Date,” 390), e.g., that it would confirm the preexilic centralization of the cult in Jerusalem. Indeed, “the origin of basically every verse in this chapter [2 Kgs 23] is debated” (*ibid.*, n. 12).

¹²⁸⁷ Christoph Uehlinger, “Was there a Cult Reform under King Josiah? The Case for a Well-grounded Minimum,” in *Good Kings and Bad Kings* (ed. L. Grabbe; London: T&T Clark, 2005), 279-316, 298.

¹²⁸⁸ Pakkala, “Date,” 391.

that do not mention centralization.¹²⁸⁹ Von Rad argued that the material supporting centralization was added only in a very late stage of redaction.¹²⁹⁰

The cult constituted the core concern of Josiah's seventh-century reform,¹²⁹¹ not the centralization advocated in Deut 12 (cf. vv. 5f, 11, 13f, 18¹²⁹²).¹²⁹³ Practical considerations make it impractical if not impossible to outlaw all profane *Schlachtungen* beyond the central sanctuary. In the case of Lev 17, the primary goal is to prevent sacrificing to goat demons (שעירים v. 7).¹²⁹⁴ The removal of the cults of Ba'al, particularly the cult of Asherah (2 Kgs 23:6-10*), which "is proved outside of Jerusalem for the eighth century,"¹²⁹⁵ constitutes a central component of the purification of the *YHWH* cult (cf. Deut 16:21-2; 2 Kgs 23:15b). The problem of the gods of heaven (2 Kgs 23:11-12) however reflects Assyrian influence, the minimizing of which requires shutting

¹²⁸⁹ See the literature in *ibid.*, 299, n. 88; for earlier arguments against interpreting Deut 12 and 2 Kgs 23 as programmatically advocating cultic centralization see T. Oestreicher, *Das deuteronomische Grundgesetz* (Gütersloh: 1923), especially 12-57; for English summary see Julius A. Bewer, "The Case for the Early Date of Deuteronomy," *JBL* 47, no. 3/4 (1928): 305-21 (Bewer critiques Adam Welch's arguments, some of which derive from or parallel those of G. Hölscher in his objections to a Josianic centralization of the cult in Jerusalem); see also Erik Eynikel, *The Reform of King Josiah and the Composition of the Deuteronomistic History* (vol. 33 of OTS; Leiden: Brill, 1996), 7f., regarding Hölscher's counter to the Josianic centralization hypothesis; see also Cook, *Social Roots*, 62, n. 39; Cody, *History*, 133 and n. 20.

¹²⁹⁰ "Nun hat es sich aber immer deutlicher gezeigt, daß die Zentralisationsforderung im Dt. doch nur auf sehr schmaler Basis steht und sich auch literarisch verhältnismäßig leicht als seine späte und letzte Aktualisierung des weitschichtigen Stoffes abheben läßt," *Deuteronomium-Studien* (Göttingen: Vandenhoeck & Ruprecht, 1948), 46 (ET 67); Cody, *History*, 133, n. 20; Leonhard Rost, "Zur Vorgeschichte der Kultusreform des Josia," *VT* 19 (1969): 113-20, 115, accepts a very limited notion of centralization in Proto-Deuteronomy, namely that the law only tried to curb unauthorized sanctuaries. Only with later reinterpretation do we see the push for a single sanctuary: "Das Gesetz richtet sich demnach gegen solche Heiligtümer, die ohne Autorisierung durch Jahwe menschlichem Wünschen und Wollen ihre Entstehung verdanken. Daß das Gesetz später uminterpretiert worden ist, als fordere es nur ein einziges Heiligtum, steht auf einem anderen Blatt."

¹²⁹¹ Pakkala ("Date," 388, 389) dismisses the "reconstructed oldest texts in its preserved form" of Deut 12—and indeed of all of *Urdeuteronomium* (*ibid.*, 392) from consideration as a preexilic text based on thematic-historical grounds, namely, that "it can only have been written in a context where there was no temple, state, or monarch." For a literary-historical rejection of the earliness of the chapter, cf. *ibid.*, 388: "Deuteronomy may give the best indication of the time when the *Urdeuteronomium* was written as a composition and unit."

¹²⁹² Cf. also the provisional v. 21: "If the place where the Lord your God will choose to put his name is too far from you (כִּי־יִרְחֶק מִמֶּךָ), and you slaughter as I have commanded you any of your herd or flock that the Lord has given you, then you may eat within your towns (וְאָכַלְתָּ בְּשַׁעְרֶיךָ) whenever you desire."

¹²⁹³ The Deuteronomic Code's reputed insistence upon centralization at the "chosen place" flies in the face of its conspicuous lack of instructions that would regulate communal sacrifice in that one place (Nakhai, *Archaeology*, 65).

¹²⁹⁴ In Deut 12, Moses' interpretation in the land of Moab adopts the prohibition of profane slaughtering of Lev 17 and broadens it to include the destruction of cult sites of foreign gods in the Promised Land, whereas Lev 17 applies mainly to the wandering period.

¹²⁹⁵ Hardmeier, "King Josiah," 154.

down those associated cults.¹²⁹⁶ That the seventh-century edition of Hosea influenced later dtn/dtr circles on numerous fronts (e.g., the covenant, and the exclusive veneration of *YHWH*), and against an Assyrian backdrop, seems likely;¹²⁹⁷ that it directly influenced centralization ideology remains a hypothesis in need of probative evidence.

4.13.1 *Deut 12, Centralization, and the Purity Challenges of a Mixed Community*

We raise the issue of how well the notion of centralization squares with the conception in D that a *mobile* military camp becomes holy by virtue of *YHWH*'s indwelling.¹²⁹⁸ The architects of this camp staging do not sidestep but rather face cultic concerns head-on (cf., e.g., the “hygiene regulations” in v. 15 [Eng 14]). The burden of proof would therefore fall on those who believe that in the “camp”—whatever mobile or distributive connotations *מחנה* includes—sacrificial offering would be disallowed. A similar line of questioning asks what *YHWH*'s very presence in the *מחנה*, in the admittedly post-dtr text of Deut 23:10-15 [Eng 9-14], would mean for a Jerusalem-only centralization schema, whether that schema be recent or preexilic. The conceptions in vv. 10-15 [Eng 9-14], which the post-dtr redactor of the Hexateuch skillfully places after the so-called “law of the community” in vv. 3-10 [2-9],¹²⁹⁹ indicate a measured openness to the integration of foreigners. By regulating such integration with an obvious emphasis on individual cultic status (including expressed concerns for their personal hygiene and, accordingly, the aliens' ability to participate in community cultic events), one could assume the neophytes had access to a cultic site at which they could present offerings.

By all accounts, a centralized sanctuary to which elites regulate access proffers an unlikely route for new converts to find their way into the heart of Yahwistic praxis. This

¹²⁹⁶ Ibid., 153-55.

¹²⁹⁷ Cf. Römer, “Osée,” 397; idem, “L'école deuteronomiste et la formation de la Bible hébraïque,” in *The Future of the Deuteronomistic History* (ed. T. Römer; Leuven: Leuven University Press, 2000), 179-93, 185f. Following Nissinen, Römer takes notice of the influence of Assyrian ideology on the writers of both Deuteronomy and the redactors of Hosea: “... certaines idées deutéronomistes (alliance, vénération exclusive de YHWH) peuvent aussi s'expliquer comme une reprise directe de l'idéologie assyrienne, laquelle a pu inspirer tant les auteurs du Dt que les rédacteurs d'Osé” (“Osée,” 397).

¹²⁹⁸ “Because the Lord your God travels along with your camp *מחנה* בקרבך ... therefore your camp must be holy” (23:15 [Eng 14]).

¹²⁹⁹ We agree with Achenbach (*Vollendung*, 230, n. 121; 631) against Otto (*Das DPH*, 256) that “the law of the community” Deut 23:2-9 derives from the *Diskussionraum* of HexRed rather than PentRed. Additionally, it may also be that 23:2-9 had been developed under the influence of Isa 56:1-8, which strengthens the message of HexRed. HexRed's language and idea-world appear to situate between that of Deutero- and Trito-Isaiah (Achenbach, *Vollendung*, 631).

remains particularly true for those living among the general population in residential cities, where introduction and access to cultic worship would be a crucial component in successful religio-political integration.¹³⁰⁰ The texts just mentioned connect to the wider, postexilic conception of the notion of the holiness of the people of Israel (cf. Deut 7:6, replicated in D in 14:2), which in key texts in the Holiness Code (e.g., Lev 19:33f.) and Third Isaiah (56:1-8; Isa 61:6a; 62:12a) have in view an amalgamated,¹³⁰¹ inclusive concept of communal holiness. Reconciling this view with one that restricts altar worship to a single sacred space in an urban capital requires special pleading. Similar to the evolving dtn/dtr/post-dtr program in Deuteronomy, the latter two texts manifest in-process ideation¹³⁰² more than ossified beliefs and tenets. As such, their intention is as much to recommend as proscribe.¹³⁰³

4.13.2 *Elephantine and Centralization*

The surviving documents from the fifth-century Jewish colony at Elephantine, Egypt demonstrate the colony's lack of awareness of centralization laws, whether in Deut 12 or Lev 17. And familiarity with the first commandment cannot be demonstrated. Kratz remarks:

¹³⁰⁰ Cf. the challenges faced by the early Jewish-Christian church as they endeavored to integrate Gentiles, e.g., Acts 15:5-10; the final verse is particularly poignant, as it equates overburdening converts to Judaic religion with putting God to the test: "Now then, why do you try to test God (νῦν οὖν τί πειράζετε τὸν θεόν) putting on the necks of the disciples a yoke that neither we nor our fathers have been able to bear?"

¹³⁰¹ The developmental history of Lev 19:33f is complex on both diachronic and synchronic planes; cf. Nihan, *Priestly Torah*, 475f.

¹³⁰² Openness to the other and to new ways of religio-societal thinking found integration into Israel in fits and starts. B. Gosse describes the resistance to certain conceptions in Isaiah among those who had not experienced the Babylonian exile: "L'importance donnée au retour de l'exil et l'importance de l'ouverture aux étrangers, même dans le culte, souligne qu'il doit s'agir d'exilés de retour à Jérusalem. Cela correspond également à la relecture des Ps 105-106, opérée en fonction des désillusions du retour de l'exil. L'importance donnée au culte, même si c'est de manière contestataire, permet de proposer qu'il pouvait s'agir de lévites ... on comprend que pas mal d'ouvertures et perspectives nouvelles du livre d'Isaïe n'ont pas été retenues dans la communauté post-exilique et ont même été rejetées. Mais ces pierres d'attente ["toothing stone" in architecture; used figuratively to connote something partially achieved with expected continuation] ont pu permettre d'ouvrir plus tard de nouvelles perspectives" ("Relations du livre d'Isaïe," 157).

¹³⁰³ I suppose similar things could be said for integrating alien persons, that is, that such a notion would somehow represent a utopian vision, in contrast to a more politically and economically pragmatic centralized cultus. But this would apply to an urban capital that for a variety of reasons might merely feign openness to alien integration and participation. It would not apply to residential cities with their religious and socio-economic realities. Such realities require "a program of comprehensive social reform in response to the problems of the time" (Knohl, *Sanctuary*, 217, referring here to the Holiness Code texts of Lev 19:9-18, 33-36; 23:22; 24:17-22).

The correspondence regarding the destruction and rebuilding of this temple does not seem to indicate that the Jews in Elephantine felt any embarrassment that they swore to or worshiped more than one god at a temple outside Jerusalem or indeed that they even felt the need for any embarrassment on this front.¹³⁰⁴

Notwithstanding questions over the applicability of Elephantine evidence—lack of in this case—to the situation in Israel proper, our brief discussion has called into question the view that “Jerusalem only” centralization would have figured centrally in pre-dtr Deuteronomism.¹³⁰⁵ We have argued rather that the so-called “Josianic reform” aimed at purifying rather than centralizing the cult—*Kultreinheit* rather than *Kulteinheit*. The Elephantine data raises the pertinent issue of how a central doctrine of “official religion” could have had such a minimal impact on their formulations of Yahwism, even in admittedly outlying areas.¹³⁰⁶ *A fortiori*, Nehemiah seemed unaware of the centralization command (e.g., that of Lev 17).¹³⁰⁷

¹³⁰⁴ “Legal Status,” 84. Elephantine evidence—or lack thereof—also indicates the community possessed rudimentary knowledge and understanding of the Passover. “One can only say this: at Elephantine, Mazzoth was probably celebrated at the temple, and Passover was a specific day of the year... in Elephantine—as far as we can see—this situation was not based on the stipulations of the Torah of Moses and, furthermore, that this situation existed earlier than the regulations pertaining to Mazzoth found in the so-called Passover Letter. The same can be said of the Sabbath... Here, too, the biblical traditions combine what were originally two customs, the feast of Sabbath (often mentioned together with the new moon; see 2 Kgs 4:23) and the prohibition of work on every seventh day of the week (see Exod 23:12). At Elephantine, both customs were known but, as far as we can see, not yet combined” (85-6).

¹³⁰⁵ It may be also be said that the concept of centralization in 2 Kings 23:8f shows further development than that which we see in the canonical Deuteronomy (Philip Davies, “The Place of Deuteronomy in the Development of Judean Society and Religion,” in *Recenti Tendenze nella Ricostruzione della Storia Antica d’Israele: Roma, 6-7 marzo 2003* [ed. M. Liverani; Roma: Accademia Nazionale dei Lincei, 2005], 139-55, 153). For example, the narrative in Kings reflects a heightened intensity of the debate within the Israelite priesthood. On balance, the account of Josiah destroying Bethel (cf. the prophecy of 2 Kgs 13) “can therefore be suspected of having been ascribed to Josiah in order to eliminate the claim of Bethel to occupy the exclusive place ordained in Deuteronomy—on the basis of having been the major sanctuary during the Babylonian period” (ibid.).

¹³⁰⁶ Deuteronomy 18:3f appears to call the centralization notion into question as it seeks to make provision for the Levite in outlying areas (Carrière, *Théorie du Politique*, 151f and n. 204); cf. Deut 14:22-29; v. 24 is “awkwardly overloaded”; the phrase “because the place ... to set his name there” is secondary, likely taken from 12:21 (Mayes, *Deuteronomy*, 246).

Elephantine may have played a role within the wider-Israelite network, even constituting a stop on the literary travel route, as Jewish sages’ interaction with the *Sayings of Ahiqar* intimates (Perdue, *Sword and Stylus*, 40f.). The sayings “dating from the seventh century” moreover “point to the court as only one of the social milieus and suggest a more middle-class social setting than that of powerful aristocrats” (ibid., 41).

¹³⁰⁷ Reinhard Achenbach, “Das Heiligkeitsgesetz und die sakralen Ordnungen des Numeribuches,” in *Colloquium Biblicum Lovaniense LV—The Books of Leviticus and Numbers* (ed. T. Römer; vol. 215 of BETL; Leuven: Peeters, 2008), 145-77, 147 and n. 9.

4.13.3 Significance of the Question of Cult Centralization for the PRR

In nuce, by challenging the presumed cult centralization in preexilic Jerusalem we place a support brace around the Achilles' heel of the Levite hypothesis.¹³⁰⁸ Moreover, the lack of consensus in research regarding centralization in preexilic Israel lends a measure of support for the widespread continuation of multiple sanctuaries in both northern and southern Israel from the preexilic period, throughout the Babylonian exile, and beyond. In addition to northern sites such as Bethel, Hazor, and Shechem, we may assume numerous other, smaller cultic, unfortified sites among the general population living in villages and residential cities.¹³⁰⁹ One also thinks of sanctuary at Dan, the far north location of which disqualified it from candidature as "a location for real centralization of worship."¹³¹⁰ By the same token, Dan's distance from Jerusalem hardly nominates the latter as a choice site for cultic centralization. On the other hand, if, say, a Judahite contingency wished to discourage Dan from participation in all-Israel's religion, the Jerusalem centralization program could prove useful.

Regional sacred installations require the administration and oversight of cultic personnel, though the smallest and most obscure sites (conventicles?) could operate with a minimum of professional officiants. They rely instead upon lower-tier, part-time or quasi-priests with little or no official affiliation.¹³¹¹ Middle-tier Levites could provide instruction and periodic supervision. Such settings would provide opportunity for selective (1) discouragement of problematic practices and (2) encouragement and development of local, popular beliefs and practices that build community and encourage loyalty to the national religion—with which Levites would be conversant. Among the latter were traditions of the PRR occurring at various times and locations and experienced

¹³⁰⁸ Cf. Cook, *Social Roots*, 62, n. 39: "The question of whether outsider Levites would have supported Deuteronomy's focus on cult centralization has been the Achilles' heel of the Levite hypothesis."

¹³⁰⁹ Nakhai (*Archaeology*) finds numerous small sanctuaries deriving from Middle Bronze II (ca. 2,000-1,550 BCE). The majority located in the countryside in unfortified settlements, and were therefore accessible to the general population. Even if only a small portion of these sites remained standing in Iron II Israel, knowledge of their location would likely be retained. For this reason they were commended for continued use, even in the event the site had been dismantled and later underwent only partial refurbishing.

¹³¹⁰ Cody, *History*, 133.

¹³¹¹ Regarding the *wnw* priests of Egypt, see nn. 1075, 1156 above.

by a people with the capacity for encountering their high god directly, without shrinking back in terror.¹³¹²

4.14 Hosea's Critique of the Kingship

I will destroy you, O Israel; who can help you? Where now is your king, that he may save you? Where in all your cities are your rulers, of whom you said, "Give me a king and rulers"? (Hos 13:9-10)

While criticism of the monarchy remains one of the hallmarks of Hosea's message, the precise target of his remarks remains less apparent. The northern prophet does not really differentiate between the institutions of the monarchy and the *sarim* and their establishment on the one hand, and the cultic institutions and apparatuses he adjudges idolatrous on the other. He parallels the establishing and maintaining of state institutions with the cult, concluding both to be fundamentally flawed.¹³¹³ His homiletic-style criticism may be characterized as a combination of theological and *Realpolitik* rebellion.¹³¹⁴

The institutional circumstances reflected in the book of Hosea correlate with the political realities of eighth-century Israel.¹³¹⁵ Though a northern prophet, he resembles his southern, prophetic contemporaries (e.g., Isaiah and Micah¹³¹⁶) for the way in which he evaluates the kingship along with the aristocratic layer of the *sarim*, and under them

¹³¹² See Chapters Three and Four of the present study. The wistful author of Isaiah 63:11bβ longs for the Israel in which the dwelling of the *ruach ha-kodesh* was the norm: אֵיךָ הָיָה בְּקִרְבּוֹ אֶת־רִוּחַ קֹדֶשׁ; linked with the wonder-working Moses "his servant," v. 11a-bα suggest the writer of v.11's connection with advocates of the PRR (cf. Isa 64:1-4). Theophanic occurrences of the PRR included law as well as salvific revelation. Smith ("Jewish Religious Life," 261) affirms the Levites' compositional activity in the Psalter, noting their perpetuation of the miraculous: "The expected salvation is commonly miraculous, sometimes it involves an epiphany complete with lightning, thunder, earthquake etc. (for example, Ps. 18) ... These psalms and the Chronicler's stories of miraculous deliverance are similar expressions of the same mentality."

¹³¹³ A. Moenikes, "The Rejection of Cult and Politics by Hosea," *Henoah* 19 (1997): 3-15, 12f.

¹³¹⁴ "Man kann jedoch ... vom *realpolitischen* Anarchismus Hoseas ... (sprechen), wobei Hosea neben dem realpolitischen auch ein theologischer Anarchismus zuzusprechen ist" (*grundsätzliche Ablehnung*, 204, original emphasis).

¹³¹⁵ *Ibid.*, 202 (apud H. Utzschneider).

¹³¹⁶ Moenikes perceives a fundamental difference between the critique of Hosea on the one hand, Isaiah and Micah on the other. The former rejects the monarchy and its associated institutions *en bloc*, while Isaiah and Micah criticize specific kings without rejecting the validity of the monarchy as an institution. Intriguingly, a capital city plays no role in Hosea's critique, which is on the whole independent of time and place.

the כהנים (and שפתיים). Hosea's critique amounts to a wholesale rejection of the official, religiopolitical network.¹³¹⁷

Although lacking practicality, his program nonetheless appeals to those among the clergy and general population who see in the traditional alternative to the current, official religion, an ancient, divine mandate the rejection of which has brought once vibrant Yahwism to the brink of ruin. The idealistic voices in the extant Hoseanic message—similar to those speaking in portions of the law of the king—appear to have been difficult to silence, and for this reason remained a threat to the dominant, religiopolitical agenda.¹³¹⁸

Hosea's critique of kingship also stands out for its juxtaposition of institution rather than people with foreign gods.¹³¹⁹ It is the alien institution that truly alienates Israel from God. Prone to religious wanderlust though they may be, it is through the establishment of a kingship that the Israelites' flirtation with foreign gods blossoms into a full-blown affair (Hos 2:13, 16f.).¹³²⁰ The later, positively portrayed link between Levites and the monarchy in Chr and in post-dtr passages in Deuteronomy, e.g., 17:18-20—both texts reflect the Levites' increased status in the postexilic period—has no place within the purview of the preexilic architects of the book of Hosea.¹³²¹ It bears mentioning in the

¹³¹⁷ “The desire to have a king like the other nations is quite reminiscent of the antimonarchical source at 1 Sam 8:5 (cf. Deut 17:14b), and such a negative attitude was probably northern” (McCurley, “Home,” 299-300; the author admits the similarities between 14b and the Samuel passage “may be explained as the common work of the Deuteronomistic editor” (ibid., 300).

¹³¹⁸ Regarding Levites as likely supporters of the conservative, traditional aspects of Hosea's message, cf. McBride (“Jeremiah,” 184), who characterizes them as “militant and literate Yahwistic loyalists who understood themselves to be executors of Moses' legacy of covenantal law and theological politics.”

¹³¹⁹ “So parallelisiert Hosea das *Königtum* mit Fremdgöttern und nicht das Volk” (ibid., 207, original emphasis).

¹³²⁰ See Knauf, *Josua*, 25, regarding the stage of the tradition-forming process reflected in Hos 2:16f.; cf. 9:10.

¹³²¹ Neither does it figure in the conception of the marginalized “servant(s)” in Isaiah. Gosse (“Relations du livre d'Isaïe,” 154-56) contrasts Chr's Levites enjoying increased status in their newfound employment in the Jerusalem temple and supporting the Davidic dynasty, with the persecuted Levites of Isaiah, the “servant(s)” “se situent dans la suite d'Is 42,1” (ibid., 154), who eschew Davidic dreams and ground future hopes more securely in premonarchic heroes (e.g., Moses and the patriarchs): “Le groupe minoritaire et persécuté des disciples du ‘serviteur’ a pu vouloir par compensation se rattacher à la grande tradition biblique” (ibid., 156; cf. Isa 63:7–64:11; Pss 90–106 and idem, “Les mentions”; Moses is presented in continuity with the patriarchs in Isa 63:7–64:11 and in Pss 90–106, in which the titles “elect” and “servant” have been transferred from David to Abraham and then the community; Ps 105f. are interpretive touchstones: the empowered Levites of Chr accommodate the Psalms that the persecuted Levites of Isaiah contest (idem, “Relations du livre d'Isaïe,” 148-54). On the levitical minority behind Isa 63:7–64:11 see Hanson, *Dawn*, 95f.

present connection that Hosea does not limit his remarks about the monarchy to a particular time or place.

Preexilic levitical supporters of the Hosean agenda shared aspects of his anti-institutional views.¹³²² In perpetuating the notions of the PRR and a religiously competent population—that is, competent with the assistance of regional priest-prophetic leadership (cf. Samuel)—the Levites and their constituents may have inaugurated a new means of resisting royal or central power: through the potent, up-and-coming literary voice of the populace in Western Semitic culture of the eighth and seventh centuries. In Israelite culture of this period this was largely associated with the priest-prophet movement.

Later, during the period of the sixth-century Babylonian exile, the idea of regional rather than centralized *offices* may have emerged. This would be a hybrid institution more suitable for tribal societies, which would continue to be reshaped in postexilic writings. The *concept of offices* inherited and furthered preexilic sentiments of the nascent middle class. The office laws in Deuteronomy provide a window for us to observe aspects of this political and conceptual development.

4.15 *The Literary Composition and Developmental History of Deut 17:14-20 within the Larger Section of Deut 16:18-18:22 and D (Deut 12–26*): Developing the Notion of Office*

Since the early 1990's several scholars have proposed that Deut 12–26 developed through a comprehensive “decalogizing” of a preexilic core consisting of a tradition of “privilege law” (chs. 12–16*; 26*).¹³²³ During the exile, regulations pertaining to certain offices

¹³²² Levites may have been concerned not only with royal institutions but also with an “institution” that would underwrite the *kemarim* (Hos 10:5 and cf. our comments on the *kemarim* above, §4.9.2.

¹³²³ Rütterswörden (*Deuteronomium*, 13f.) summarizes the views of M. Rose (layer model), N. Lohfink, and G. Braulik (block model), each of whom dates the original dtn collection, “[die] älteste Fassung” of Deuteronomy, to the time of Hezekiah. Similar to Otto, Rütterswörden detects a direct link between select Assyrian literature, namely the vassal treaty of Esarhaddon (VTE), and the preexilic dtn collection. Rütterswörden bases his preexilic—or exilic—date for this activity on the hypothesis that an Assyrian prototype would have lost much of its relevance by the postexilic period. Like Otto, he believes Deuteronomy is based on a *Bundesbuch*, and that *cult centralization does not* serve as the catalyst for the new formulation of the laws of that covenant book (*ibid.*, 15f.).

As for the law of the king, U. Dahmen says the law’s fundamental formulation is dtn and dates to the preexilic period “... es in seinem Grundbestand also bereits vorexilisch resp. Dtn ist” (*Leviten und Priester*, 246; cf. *ibid.*, 246ff.). Kenneth E. Pomykala, *The Davidic Dynasty Tradition in Early Judaism: Its History and Significance for Messianism* (Scholars Press: Atlanta, 1995), 23, also dates it to the preexilic period.

(16:18–18:22¹³²⁴) were added. In a subsequent step, chs. 19–25 (which demonstrate familiarity with both Lev 19 and Ezek 18) were then added (Braulik). Central to this construction is the view that 16:18–18:22 trace as a self-contained unit to a dtr redaction, and possibly to a literary prehistory independent of the book of Deuteronomy. The later dtr reviser apparently intended to stretch a bow from Deut 12 (vv. 2-4, 29-31) to 17:1 (or 16:20–17:1). Through a series of redactional additions the lawgiving as a whole came to reside under the rubric of the promise of life and land possession. Tied to the obedience of the commandments, the promise of the land therefore remains conditional. The redactional structure connected with the preexilic Deut (and perhaps also with the Covenant Code) is thus recast, whereby Deut 12:1–17:1 becomes a summarized block of sacral centralization laws.¹³²⁵ The section contrasts with the following pericope, the composition of the central offices (17:2–18:22), in which offices associated with regional courts have been removed from the dtn court system because they clash with the dtr concept of centralized offices. The manner in which the dtn court is regulated, however, stays to some extent the same, since both are regulated by judges and levitical priests.¹³²⁶

It would be the insertion of the law of the king (and, to some extent, the law of the prophet, 18:9-22) that would ultimately reshape the court system into a system of offices.¹³²⁷ The scope of the law of the king extends beyond merely circumscribing kingly behavior. At least in theory, it reroutes the religiopolitical interconnections of Israelite polity.¹³²⁸ The innovation brought mainly benefit to Levites that embraced it,

¹³²⁴ Cf. the laws of the “judges and officials” (שפטים ושטרנים) in 16:18-17:8; kings in 17:14-20; priests in 18:1-8.

¹³²⁵ Eckart Otto, *Theologische Ethik des Alten Testaments* (vol. 3/2 of *Theologische Wissenschaft*; Tübingen: Mohr Siebeck, 1994), 194f.

¹³²⁶ *Ibid.*, 195. Cf. also Deut 31:9ff, which depicts the cooperative torah-leadership of Levites and judges. The text likely derives from the redactors of the Pentateuch during the early postexilic period when some Levites were experiencing a change in status, becoming more involved in the administrative affairs of larger centers than their traditional towns. The larger centers also provided locations where Levites could meet not only with their superiors but also other middle-tier personnel.

¹³²⁷ *Ibid.* For post-dtr reception of Deut 18:9-22 (thus a pentateuchal tradition) in the book of Jeremiah see Knobloch, *nachexilischen Prophetentheorie*, 255-59. A crucial matter in the *Rezeptionsgeschichte* of the Pentateuch with which the *corpus propheticum* wrestles is the legitimizing of the Yahwistic prophetic office. Knobloch asserts that “through the inverted reception of Deut 18:18,20 in Jer 26:2,8 the legitimacy of Jeremiah is established from the beginning” (*ibid.*, 256).

¹³²⁸ Such a program does not sound like the work of aristocratic elites alone. It likely derives from a circle of priest-prophets asserting the views they promote throughout their network, as both feeding and splitting off from the main (or official) religiopolitical source of power. Such a break in the system carries with it some risks, however. Because of its potential to short-circuit the main system, deviation from the official doctrine must not exceed certain parameters.

raising them to a new level of acceptance in mainstream religion. At the same time, those capitalizing on this opportunity would come to realize its hidden costs. For one thing, some loss of freedom and flexibility possible in their work on the periphery¹³²⁹—for which they at times received severe denunciation—would be inevitable. One might describe these shifts in status as a continuum along which priest-prophets could move in either direction.¹³³⁰ This being the case, the tendency to think in terms of “discussions” occurring between high-ranking intellectuals should be avoided. We lack the evidence to limit the parties involved in reforming office jurisprudence in Israel to elite specialists.¹³³¹ Here as elsewhere in Deuteronomy middle-tier Levites have a voice—and represent voices—to be reckoned with.

For the literary arm of a popular movement to pose a genuine challenge to the status quo (in this context the concept of the oriental despot and affiliated offices) it must first bestir a critical mass of individuals into action. The movement would be empowered by a combination of enthusiasm and a resolve to utilize all available means to accomplish its goals. Efforts to avoid open challenge, hyperbolic rhetoric, and unachievable optimism would be expected.¹³³²

4.16 *Deut 17:18; 31:9-13; Neh 8: Priests, Law, and Authorship*

With respect to ancient Israel, one looks to postexilic times for the production of texts such as Deut 17:18; 31:9-13; Neh 8, which portray priests receiving a specific command to write or copy law. The scenario suggests, *inter alia*, their participation in the shaping of an official, perhaps royally sponsored publication. In the case of Deut 31:9-13, with its

¹³²⁹ Cf. Wilson, *Prophecy and Society*, 86. The reciprocity between middle-tier personnel and their local clients could be significant, helping the Levite to compensate for the powerlessness felt in elite, central contexts and possibly society as a whole; cf. *ibid.*, 70f.

¹³³⁰ *Ibid.*, 86.

¹³³¹ The influence on public policy wielded by the middle and lower classes is in evidence in Assyrian annals. King Shalmaneser III's long and successful reign was cut short by an uprising generated by free citizens and Assyrian rural nobility demanding a comprehensive reform of the Assyrian state. The elites, namely the high court officials and Shalmaneser, along with provincial governors, resisted and finally subdued the rebels. The protracted fighting and national turmoil however led to Assyria's subsequent decline (cf. Knapp, *History*, 223f.). The failed Assyrian policies led authorities in Israel, Persia, and elsewhere in the Near East to reevaluate their procedures for handling grievances of the general population transmitted through their middle-tier representatives. On the function of the office laws, see below, §§6.5; 6.5.1.

¹³³² “En définitive, c'est un programme de vie qui est en train de s'élaborer, en partie idéal—comme tout bon programme—mais bien fondé sur l'expérience concrète et réelle que le peuple a de la monarchie” (García López, “Roi,” 293).

conspicuous role in the canon theory of PentRed (in brief, the theory includes Deut 31:9-13 and the eulogy of the death of Moses in 34:10-12), Knobloch thinks the Levites in Deut 31:9-13 are actually Zadokite priests acting like Levites.¹³³³ The lack of explicit association of priests and publication in earlier texts may have been a monarchic-period, royally sponsored *Tendenz* to play down the important role of priests in publication that later, postmonarchic priest-scribes sought to redress.¹³³⁴ Alternatively, levitical priests

¹³³³ “Diese Kanontheorie besagt in ihrer Logik nichts anderes als die Abgeschlossenheit des Gotteswillens in der von Mose im Lande Moab ausgelegten Sinaitora (Dtn 1,5), die er nach Dtn 31,9 verschriftete und zur Aufbewahrung und Vermittlung für spätere Generationen im Verheißenen Lande den *sich levitisch gebenden zadokidischen Priestern* übergab” (nachexilische Prophetentheorie, 277, emphasis added). The author also perceives the Aaronides of Exod 4:14-16 acting like (sich geben) Zadokite priests, who hover in background as draftsmen of HexRed and PentRed: “Hinter der sich aaronidisch gegebenden Priesterschaft in Ex 4,14-16 kommen nicht die Aaroniden der Priesterschaft zur Sprach, die sich in exilischer Zeit von den Jerusalemer Zadokiden mit ihrem dtr Deuteronomium (DtrD, DtrL) separierten und sich hinfort nicht mehr auf Zadok, die davidische Dynastie und den Tempel. Die hinter Hexateuch- und Pentateuchredaktion stehenden Zadokiden späterer Generationen integrierten die aaronidische Priesterschaft in ihre nachexilischen Literaturwerke und bedienten sich dann wie in Ex 4,14-16 auch anderenorts aufgrund legitimatorischer Interessen des Aaronidenmotivs, ‘um ihre auf Jerusalem beschränkte Geschichte bis auf Mose zurückzuführen’” (ibid., 200-01, cited portion from Otto, *DPH*, 260).

Authorial anonymity, alternatively cryptic pseudepigraphic authorship, enabled Levites to involve themselves in numerous writing projects. In addition to their role in composing and editing psalms, Berges (*Jesaja 40–48*, 38f, 42; 358-61) credits the prophetically leaning Levites with the writing of the *Heilsdrama* of Second Isaiah. Oracle-givers, moreover, often speak in a poetic verse that “can be ambiguous, or even cryptic” (D. Edelman, “From Prophets to Prophetic Books,” 34).

Explicit attribution to priests of the writing of sacred history is more forthcoming in later times (cf. 1 Macc 16:13f.). Josephus dates the priestly authorship of scripture “from the earliest antiquity” (*Apion* 1.28; in the following verse he joins prophets and priests together in the enterprise). But this is not the case in certain, high profile rabbinic writings. For example, with respect to the sages’ view of the Levites’ involvement in the chain of tradition, Levinson (*Chorale*, 72, n. 53) finds a glaring omission in the famous introduction of *Pirqe ‘Abot* 1:1. “This chain of command legitimates the rabbinical movement as heirs to a legal authority that goes directly back to revelation itself.... It conveniently omits the priests and Levites.” Because the Song of Moses validates the connection between divine revelation and the Levites (Deut 33:10), Levinson labels this omission “inconsistent with scripture” (ibid.). “*‘Abot’s* rewriting of legal history thus *takes place by means of silence*, as the rabbis seek to validate their claim to power at the expense of rival claims that are actually far more legitimate from the vantage point of tradition” (ibid., emphasis added). The question then presents itself as to which religious/priestly line or version of sacred (sacerdotal) history these rabbis cryptically subscribed. I would like to thank Dr. Levinson for drawing my attention to his reading of *‘Abot* 1.

¹³³⁴ Cf. Ezra, הכהן הספר, “scribe of the words of the commandments of Jehovah, and of his statutes to Israel” (Ezra 7:11). Emphasizing the importance of the Ezra figure for the diaspora is A. Causse, *Les Dispersés D’Israël: Les origines de la diaspora et son rôle dans la formation du judaïsme*, Paris, Félix Alcan, 1929, 73: “Le grand homme de la diaspora orientale au V^e siècle, celui qui devait marquer de son influence décisive le judaïsme de ce temps est un prêtre-scribe, ‘versé dans la loi de Moïse, ayant appliqué son cœur à étudier et à mettre en pratique la loi de Yahvé et à enseigner au milieu d’Israël les commandements et les ordonnances.’” For the fifth-century, transitional role played by the priest-scribe Ezra in how and what priests taught, see Michael Fishbane, “From Scribalism to Rabbinism: Perspectives on the Emergence of Classical Judaism,” in *The Sage in Israel and the Ancient Near East* (ed. J. Gammie and L. Perdue; Winona Lake: Eisenbrauns, 1990), 439-56., 440-42; cf. Perdue, *Sword and Stylus*, 181f. “The new understanding of the scribe as the authoritative and inspired interpreter of the Torah may be traced in the books of Chronicles and Ezra-Nehemiah” (ibid., 182); cf. Ps 119:18: גְּלִיעֵינִי וְאַבְיָטָה נִפְלְאוֹת מִתּוֹרַתְךָ.

may have struck a compromise with pro-monarchic elements within the governing class. The compromise authorized the inclusion of Levite-sponsored legal amendments in an official project yet without explicitly mentioning their involvement. In producing a text such as the “law of the king” *qua* law, prudence would dictate the Levites maintain postures that were either tangential (Deut 17:9) or upstaged (v. 18; 31:9).¹³³⁵ The scenes in Deut 17:18, 31:9-13, and Neh 8 depict an increase in status of at least some Levites. Even with the conspicuous association of texts and priests suggestive of the latter’s compositional involvement, several gaps are left for the audience to fill in.

Excursus 5: Local Power Networks in the Ancient Near East

Babylonian tablets and Aramaic documents indicate that satrapies and their subordinates possessed the authority to render justice in each satrapy.¹³³⁶ The local power network had its own system of checks and balances, providing middle-tier functionaries opportunity to exercise their local prerogatives and agendas, including the occasional modification of official policies of the crown.

It would be the responsibility of the Great King’s executive staff to monitor the ongoing arbitration of regional court cases.¹³³⁷ Pierre Briant relates that “the Great King

¹³³⁵ Otto (*DPH*, 196f.) has noted the similarity between Deut 31:9-13 and Ezra’s lection of the law in Neh 8, proposing that the latter text, in which the Levites play a prominent role, references the former. The topic of the Levites in Ezra-Nehemiah will be treated in more detail in a subsequent study. For brief additional comments on the law of the king, see §5.2.

¹³³⁶ Briant, *Cyrus to Alexander*, 345. The division of the Persian empire into provinces may have begun with Cyrus. The Behistun inscription lists 22 provinces; Herodotus (III.89) mentions 20. Palestine belongs to the fifth satrapy, Babylonia-Abr Nahara; cf. Ahlström, *History*, 821. In his chapter treating the period 360-287 BCE, John D. Grainger, *Hellenistic Phoenicia* (Oxford: Clarendon Press, 1991), 9, states that the Persian governor of Phoenicia established his headquarters at the “unoccupied site of Tripolis.” Compared with the governor, the region’s satrap probably enjoyed a higher rank. Important for the present study: the satrap “was peripatetic, and would visit regularly. No doubt a palace for his use existed in the city.”

¹³³⁷ An effective way to ensure a strong communication network is to form a permanent army levied from provinces, a desideratum Tiglath-Pileser III (cf. 2 Kings 15:29; 16:7, 10; “Pul” in 1 Chr 5:26; 2 Kings 15:19) fulfilled in the eighth century BCE. Tiglath reduced the size of provinces considerably in hopes of inhibiting the rebellion against governors, a common problem in larger provinces. The resultant system of communication was rapid and efficient; see A. Bernard Knapp, *The History and Culture of Ancient Western Asia and Egypt* (Belmont, CA: Wadsworth Publishing Company, 1988), 226. In the absence of such an army one can plausibly postulate middle-tier officials and tax collectors, probably accompanied by a small security force, moving between stations in the administrative network. Rations for such travel in the Persian period are recorded in Achaemenid administrative records. “Travelling parties of many sizes are attested in our texts” (H. G. M. Williamson, *Studies in Persian Period History and Historiography* [vol. 38 of FAT; Tübingen: Mohr Siebeck, 2004], 224-29, quote from p. 229). Persepolis tablets record that food rations were distributed to both individuals and groups travelling within the Persian empire (Briant, *Cyrus to Alexander*, 422); cf. Wiesehöfer, *Ancient Persia*, 71, 76. For the involvement of Israelites in foreign armies

could intervene in decisions at any moment if the local populations exercised their right of appeal.”¹³³⁸ The picture Briant paints of the sovereign’s alacrity should be tempered by the Foucauldian principle of the distribution of power (see Chapter Five), where the sovereign “intervenes” only indirectly through the official power network, an intervention that may be slowly realized.¹³³⁹

Of particular import to the present discussion is the influential role played by the local population. The Great King makes use of the people’s appeal “as a means of tempering and controlling the possible arbitrariness of the satraps.”¹³⁴⁰ This point should be emphasized. In light of the political necessity of the sovereign exploiting the people’s appeal, it makes sense that leadership strata operating among the populace would seek opportunity to curry favor with the royal agenda in hopes of integrating local interests.

Some level of reciprocity can be assumed. For example, a sovereign’s alacrity in responding to uprisings was crucial. Neglect and unresponsiveness to local concerns that became uprisings led to King Darius’ loss of significant parts of the southern and southeastern lands of the Iranian plateau.¹³⁴¹

Since the sovereign is apprised of the situation through the official communication network,¹³⁴² and whereas accused satraps would be slow to tell on their misconduct or

see now Jacob Wright, “Surviving in an Imperial Context: Foreign Military Service and Judean Identity,” in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context* (ed. O. Lipschits, et al.; Winona Lake: Eisenbrauns, 2011), 505-28. “Foreign military service not only has a long history that predates the Babylonian destruction but was also one of the major factors that propelled the growth of Judean diasporas” (ibid., 518).

¹³³⁸ Briant, *Cyrus to Alexander*, 422.

¹³³⁹ Asia Minor sovereigns were not averse to humiliating satraps by refusing them audience. Recounting his treatment by Cyrus the Younger, the Spartan Callicratidas opines: “When I went to find Cyrus, he put off doing what I asked day after day, and I could not find satisfaction without endlessly going to the Gate (Xenophon, *Hell.* I.6.6–10, cited in ibid., 346). That the Persepolis texts speak of “express messengers” travelling to and from the sovereign (cf. Wiesehöfer, *Ancient Persia*, 76) suggests Callicratidas’ frustration did not lie in a *lack of efficiency* of the existing communication system.

¹³⁴⁰ Ibid. Satraps asserting themselves against Persian control would at times enlist foreigners in hopes of throwing off imperial control. This could lead to a change of policy towards the foreign sympathizers. Artaxerxes I and his successors found it necessary to modify imperial policy toward Greece (Dandamaev, *Political History*, 256).

¹³⁴¹ A competitor named Vahyazdata (claiming to be a son of Cyrus named Bardiya) exploited the temporary lack of local control. Winning widespread support among the general population, he wrested territory (see Dandamaev, *Political History*, 115ff.) It may be that Vahyazdata’s dubious heritage worked in his favor as he cultivated revolt in outlying territories. Whatever the case may have been, “the Persian people showed strong support” for the revolutionist (ibid., 118).

¹³⁴² Elayi and Sapin, *Beyond the River*, 82, uncover evidence of a significant network of communication between coastal Phoenicia and inner Syria: “For a long time a contrast has been set up, using many legitimate arguments, between the coastal area of Phoenician cities and the non-urban and essentially

poor performance, it is logical to assume the populace had representatives advocating their interests.¹³⁴³ Recalling the analogy of electronic circuitry introduced at the beginning of this chapter, the power dynamic in the described circumstances resembles a *return feed* whose transmission originates in the people themselves. The transmitted data moves through the network (cf. “up the chain of command”), ultimately arriving (in edited form!) at the seat of supreme power where official decisions and policies are made.¹³⁴⁴

Middle-tier officials could combine their limited *de jure* authority with the *de facto* power of the general population to influence public policy, at times trumping the authority of regional superiors. In such cases the middle-tier personnel empower the people. The following chapter continues to foreground methods from the social sciences and linguistic anthropology in behalf the thesis that the Levite’s priestly scribal empowerment translates into benefit for the general population. One notable example of socioreligious empowerment came through the inclusion of the tradition of the PRR accompanying positive depictions of the Israelite people in official religious literature.

aramophone areas of inner Syria. But archaeology and linguistic geography confirm the existence between these two cultural areas of relations, for which we understand neither the networks nor their basic socio-economic systems: rather than a clear-cut frontier, our meagre documentation indicates instead a complex interpenetration in the areas of intramountainous communication.”

¹³⁴³ Having the most contact with the local population, it was the satrap’s subordinate upon whom the satrap’s superiors called to present the people’s case. In the early fifth century a certain Gadatas, manager of Darius I’s estates in Asia Minor, appears to have ignored an Apollon oracle exempting the “sacred gardeners” of local temples from paying taxes and tilling royal lands. The priests of these local temples reported Gadatas’ greed, and Darius I personally upbraided the manager in a letter (ca. 494 BCE; see Dandamaev and Lukonin, *Culture and Social Institutions*, 365f.). In the book of Ezekiel (cf. 8:1; 14:1; 20:1) the repeated mention of the elders coming before Ezekiel is indicative of substantial exchanges between Zadokite-Levites and the general population. The scenes do not only suggest political benefit for Zadokite-Levites (Leuchter, *Polemics*, 158), they also tell on the laity’s involvement in cultic-prophetic events.

¹³⁴⁴ Mieroop (*History*, 134) likens the system of communication within ancient Near Eastern realms to that of a “large village ... In order to maintain the system, they were in constant contact with one another, sending envoys back and forth with oral and written messages.” Such a communication network was not limited to the boundaries of an individual realm (ibid., 134-42). This increases the likelihood of neighboring nations assigning certain tasks to itinerant, middle-tier Levites. Those frequenting border areas might find occasion to serve clients with very different loyalties (cf. David serving Philistines in 1 Sam 27f.). This could result in complex sociopolitical entanglements (1 Sam 29:4).

CHAPTER 5

THE DISTRIBUTION OF POWER AND THE INTEGRATION OF NEW KNOWLEDGE¹³⁴⁵

5.1 *The Distribution of Power*

Among the many topics Michel Foucault treated in detail was the notion of power, particularly how and when power is distributed. For example, even in apparent contexts of absolute power, when “everyone and everything is, in principle, subject to the sovereign,” the actual exercise of that power may not occur, since the exercise of power only comes into play when specific laws or rights have been violated.¹³⁴⁶ Even then, the sovereign’s reach depends upon the distribution of power through a complex network. Major players within that network include middle-tier “specialists.”¹³⁴⁷

In Assyrian and Babylonian ideology the sovereign retains exclusive control over the production and maintenance of law. Israel was probably more forthcoming regarding the actual holders and dispensers of power in society. With regard to its relationship to the divine sovereign, *YHWH*, Israel repeatedly acquiesced to this rule (cf. the renewal of the Sinai covenant in Josh 24), which is outlined in a binding contract or covenant.

Covenants that existed prior to the sixth century BCE would undergo changes in formulation and become increasingly associated with a written code, even wondrously summarized into the Decalogue. The exilic dtr redaction and expansion of the preexilic Deuteronomy (cf. E. Otto’s DtrD = Dtr Decalogue, the “main redaction” by which the Decalogue finds insertion into Deuteronomy) proposed a new type of law-based, covenantal rule. Instead of a monarchy or oligarchy, the people retain a degree of self-rule as they commit to fulfilling the divine will summarized in the Ten Commandments. Otto’s words are pertinent:

¹³⁴⁵ Much of this chapter first appeared as Part II of my “Priestly Power that Empowers.” A significantly expanded Part I now comprises Chapter Four.

¹³⁴⁶ Joseph Rouse, “Power/Knowledge,” in *The Cambridge Companion to Foucault* (ed. G. Cutting; Cambridge: Cambridge University Press, 2005), 95-122, 103. This study however concerns itself less with occasional, overt acts of power than with the ongoing expressions of power necessary for the perpetuation of an official, ideological program.

¹³⁴⁷ See Chapter Four for clarification on my conception of middle-tier, Israelite priests.

In der Konzeption von DtrD wird Israel als קהל (Deut 5,22) nicht durch Herrschaftsinstanzen eines königlichen Staates, sondern durch einen JHWH-Bund konstituiert. Nicht eine staatlich Hierarchie, sondern die gemeinsame Erfüllung des Gotteswillens in Gestalt des Dekalog integriert die Gemeinschaft des Volkes.¹³⁴⁸

5.1.1 *Shifting Power in the Transfer of Knowledge and Information: The Deity, the Sovereign, and Teachers of the Law*

Theoretically, the new conception wrests power from the sovereign and places it in the hands of those bearing the primary responsibility for teaching the law and explicating its meaning. In villages and residential cities, this task would fall to the levitical priests. Although idealized, the depiction in Neh 8:7f. of the Levites helping the people to understand torah (הלויים מבינים את-העם לתורה) retains some historical value. In v. 8 the Levites read the torah with interpretation (מְפָרֵשׁ), to make it understandable (שׁוֹם שְׂכָל).

In the post-dtr text of Deut 17:18-20 the sphere of authority of the Levites appears to extend to the supervision of the copying of the law in the king's presence. That the sovereign requires a copy signifies he no longer functions as the deity's choice to inscribe the original document, which is customary in Assyrian and Babylonian models. In Deuteronomy, the Israelite sovereign is made subordinate to the law that *YHWH* himself writes.¹³⁴⁹ As the sovereign's revelatory monopoly decreases, that of the priest-scribe-interpreter increases.

In this conception a priest-scribe plausibly represents Moses,¹³⁵⁰ who stands in the place of the king. This development occurred in no small part through the efforts of the priestly, postexilic Pentateuch redactors.¹³⁵¹ Through PentRed's additions the torah *written by Moses* would become the *editio princeps*. In line with Deut 31:9, 22, 24, Deut 17:18 has the king copy the law, now under the scrutiny of the levitical priest-scribes. Thus in the Deuteronomy redacted by the Pentateuch redactor both Moses and the

¹³⁴⁸ *DPH*, 124.

¹³⁴⁹ *Ibid.*, 124, n. 70.

¹³⁵⁰ One hue on PentRed's palette of Mosaic attributes is that of the kingly Moses, kingly in that he both conveys and interprets Torah; cf. n. 261 above, para. 2.

¹³⁵¹ "The scribal intellectuals responsible for the drawing up of this phase of the origination of the Pentateuch are to be classed with priestly circles" (*ibid.*, 249; cf. the helpful *Forschungsgeschichte* in *ibid.*, n. 45).

supervised sovereign become scribes,¹³⁵² a development Otto characterizes as a “splendid victory for the scribal authors of Deuteronomy.”¹³⁵³ Based in part on the numerous theological and terminological affinities between parts of Deuteronomy and the book of Ezekiel, Otto (cf. also R. Achenbach, and now H. Knobloch), attributes the authorship of Deuteronomy to the Zadokite priests.

This view, however, is in need of modification to include the literary and theological contributions of the levitical priest-scribes, who as we argue below would experience yet another an increase in status in the fifth century BCE. As mediators of official information from central power, itinerant specialists learn to adapt the message with which they are entrusted. According to Foucault, opportunities to exercise this prerogative present themselves especially during times of peace and stability, when the exercise of power is considered unnecessary.¹³⁵⁴ To the extent this is true, the relaxing of imperial muscle and occasional lulls in oversight would allow local officiants involved in inculcating official policy an increased degree of autonomy; with such latitude they could adjust the level of expectation placed on the people, whether that expectation be the government’s or their own.¹³⁵⁵ The latter action could be accomplished by verbally revising requirements and regulations (written revisions were precarious, leaving the reviser open to reprisal).¹³⁵⁶ An itinerant arbiter or judge, moreover, may demonstrate leniency when adjudicating actions interpretable as offenses against the state.¹³⁵⁷

¹³⁵² Moses’ multiple competencies are well known. For Crüsemann he brings together the two spheres of clergy and laity: “In the postexilic period Moses was just an image, but an extremely effective one for the correlation of tradition and autonomy. He stood for the possibility and necessity to bring together the interests and traditions of divergent groups, especially between priests and laity. He is thus not an identifiable authority figure, but neither does he stand for the whole, like Abraham” (*Torah*, 107).

¹³⁵³ “So werden im Deuteronomium nicht nur Gott, sondern auch Mose und der König zu Schriftgelehrten—ein glänzender Sieg der schriftgelehrten Autoren des Deuteronomiums” (Otto, *DPH*, 124, n. 17).

¹³⁵⁴ In the accounts of Absalom usurping his father David’s power (2 Sam 15:1-6) and the sons of Eli’s sullyng the Elide priesthood’s reputation (1 Sam 2:12-17), the reprehensible behaviors occurred *over* time and *during* times when their fathers neglected to properly exercise their authority.

¹³⁵⁵ Cf. the newcomer Rehoboam’s unsuccessful attempt to exploit heavy-handedly his people in 1 Kgs 12:1-16.

¹³⁵⁶ This helps explain laws such as the death penalty prescribed in Tob 6:13. It is attributed to Moses, yet the law does not appear in the Pentateuch; see Christian, “Reading Tobit,” *passim*.

¹³⁵⁷ Deuteronomy 17:11 contains material describing local arbitration, and could very well contain older material “dealing with inquiry directed to God” that did not survive pentateuchal editing (Norbert Lohfink, “Distribution of the Functions of Power: The Laws Concerning Public Offices in Deuteronomy 16:18–18:22,” in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy* [ed. D. Christensen; Winona Lake: Eisenbrauns, 1993], 336-52, 350). It is unlikely that the *torah* reference (על־פי)

5.1.2 *Discursive Power*

Foucault also considered the dynamics accompanying the merging of religious and political power. His work on religion during the nineteen-seventies investigated the relationship between experience, knowledge and power. He maintained that the religious and political “dissolve into the same network of power relationships.”¹³⁵⁸ The religious impulse moreover assumes the form of discursive power in an attempt to wrest the powers of governance.¹³⁵⁹ The term (and concept of) discursive power encapsulates Foucault’s thought regarding the interconnection of specialized knowledge and power. Although the use of discursive power does not devolve to religious contexts alone, the invoking of religious sentiments and categories constitutes a uniquely potent force, one capable of cutting across otherwise restricted social boundaries. Discursive power also shows remarkable flexibility: it can be deployed by competent persons at all levels of society and on behalf of both official and populist agendas.

5.1.3 *Creating New Forms and Balancing Old and New*

In laying out the circumstances that precede societal change Foucault argued that the creation of new “forms” (cf. “institutions”) becomes necessary in contexts in which traditional forms have become invalid. One cannot reject traditional forms altogether, however, since the radical rejection of recognizable forms results in relapsing into older, mechanical forms.¹³⁶⁰ A balance must be struck and maintained.¹³⁶¹

התורה אשר יורוך)—dtr or later—is to a comprehensive body of Mosaic teaching, but rather the local legal traditions of the Levites, or what is left of them; cf. Georg P. Braulik, “Die Ausdrücke für ‘Gesetz’ im Buch Deuteronomium,” *Bib* 51 (1970): 39-66; Jean-Pierre Sonnet, *The Book within the Book: Writing in Deuteronomy* (Leiden: Brill, 1997), 74 and n. 98; Otto, *Theologische Ethik*, 195.

¹³⁵⁸ Jeremy R. Carrette, *Foucault and Religion: Spiritual Corporality and Political Spirituality* (London: Routledge, 1999), 140.

¹³⁵⁹ *Ibid.*, 141.

¹³⁶⁰ Arpád Szokolczai, *Max Weber and Michel Foucault: Parallel Life-works* (London: Routledge, 1998), 55.

¹³⁶¹ Dutcher-Walls (“Circumscription of the King,” 616) points to the need for balance of loyalties in religiopolitical international relations, in this instance Israel’s complicated vassal relationship with Assyria: “At least one faction found it possible to advocate that the king attempt a careful balance between being loyal to Yahweh and being loyal to Assyria, that is, that the king can be both a good servant of Yahweh and a good vassal to Assyria”; cf. the “dual loyalties” of Nehemiah and Ezra (service to *YHWH* and the Persian government) and the narrative portions of Jer 27–29; 38 regarding loyalty to Yahweh and allegiance to Babylon (*ibid.*, n. 62).

In a biblical context, T. Römer perceives in the writings of exilic Deuteronomists the desire to maintain such balance; they seek to neither reactivate the older institutions nor fully embrace the prophetic enthusiasm of, say, Second Isaiah.¹³⁶² In addition to overtly restricting the sovereign's prerogatives and reconstituting certain institutions, subtle attempts are made to substitute the *sefer* "book" for the temple and, to some extent, the prophetic office as well.¹³⁶³ The various writers and architects of Deuteronomy show themselves ingeniously resourceful in their considered renovation of the existing theopolitical and legal frameworks. Similar things could be said for the writers of the Holiness Code.

5.1.3.1 Architects of the "New Forms" in Deuteronomy

I believe the data points to Levites playing a significant role in promoting a new concept of leadership,¹³⁶⁴ and it is significant that the legislation that empowers Levites to make near-executive decisions (Deut 17:8-13) precedes that of the king:

If a judicial decision is too difficult for you to make between one kind of bloodshed and another, one kind of legal right and another, or one kind of assault and another—any such matters of dispute in your towns—then you shall immediately go up to the place that the Lord your God will choose, where you shall consult with the levitical priests and the judge *ובאת אליהם הלויים אל-השפט* who is in office in those days; they shall announce to you the decision in the case.

In contradistinction to the curbing of kingly power in vv. 16-20, this piece of legislation enhances the power of the Levites and confers to them adjudicative authority. Within the dtn/dtr (and respecting vv. 18-20, post-dtr) program, the Levites who have experienced a significant increase in religiopolitical status in the fifth century now possess the wherewithal to more directly impact "official religion." Drawing upon past (prophetic, Hoseanic-levitical) and present (increasingly priestly-prophetic, scribal-levitical)

¹³⁶² Römer, "Transformations," 5.

¹³⁶³ Ibid.

¹³⁶⁴ Dutcher-Walls locates these authors among the Judean elites ("Circumscription of the King," 616). Also to be emphasized is the discursive power wielded by the representatives of non-elites. Which group of officials stands the best chance of striking a balance between the elites and the general populace? As the middle-tier leadership advocates their constituents' views a significant force for change emerges, though usually slowly and subtly over time. As the validity of traditional institutions (cf. Foucault's "forms") waxes and wanes, however, fresh opportunities for change present themselves. The reevaluation of leadership and institutions is not restricted to Israel. The negative assessment of elites of neighboring lands would probably benefit middle-tier Levites who draw parallels between similar experiences they have had with Israelite overlords.

perspectives, the recently empowered Levites undertake the establishing of a workable peace between upper and lower classes.¹³⁶⁵ Levites made likely candidates for fostering reciprocal relations between unequals, both inside and outside of Israel. In the postexilic era, with its growing skepticism toward prophecy (Zech 13:1-6), their involvement “mit den sich endformierenden Büchern des Pentateuchs”¹³⁶⁶ assured the preservation of inclusive notions of purity and supportive attitudes towards pious Yahwists lacking ethnic pedigree (Isa 56:1-8; cf. HexRed).

The dtn program had also minimize the need for executive power, thereby undercutting attempts to legitimate its misuse. Similar to the prophet Hosea, preexilic dtn circles entertain the notion that kingship is unnecessary. The later dtr writers contrastively do not reject the institution altogether, as 1 Sam 8:10-18 indicates.¹³⁶⁷ Their competitors among the circles of priestly elites, particularly those Zadokite-Levites and Aaronide-Levites that, respectively, monopolize worship at the sacrificial altar, would prove their greatest challenge, a challenge that would continue from the fifth century well into the Hellenistic period.¹³⁶⁸

¹³⁶⁵ “To the dtn author the program of tribute prohibition, limitation of the pledge-law, and debt forgiveness in the *shmitta* year had to appear far more effective than the Assyrian code in preventing the drifting apart of rich and poor in society.” If it did not, the temptation to lapse into something akin to the Neo-Assyrian (an)-*durāru*- institution would be considerable (Otto, *Politische Theologie und Rechtsreform*, 374).

¹³⁶⁶ Berges, *Jesaja 40–48*, 42.

¹³⁶⁷ García López, “Roi,” 292. Attitudes toward the monarchy would continue to fluctuate. Achenbach (“Die Tora,” 31) argues that with the establishment “und wohl auch Kanonisierung des Hexateuch” in the early Persian period, a new notion of the people of Israel and their religious makeup (seine religiöse Verfassung) emerged. Rather than grounding itself in the national sovereignty of the monarchic period, a new ideal of being religiously constituted by Mosaic law and the responsibility to venerate only *YHWH* emerges from the Joshianic covenant at Shechem. The new conception benefits from both the new theological grounding and the political pressure of the Persians under Xerxes I. With the removal of Babylonian power, Xerxes I found opportunity to effect important changes in the regions of Trans-Euphrates. This may be the backdrop for the increasingly critical views toward a return of the glory days of the early monarchy. Late insertions documenting the sharply antimonarchic sentiment include Judg 6:8-10; 8:22-23; 10:14, 16; 1 Sam 7:3-4, 8:6-20*, 10:18-19a, and 12:12b-13a, which adopt themes from the programmatic, hexateuchal text of Josh 24:1-28 (ibid, 31f.).

¹³⁶⁸ Cf., e.g., the fourth-century, Zadokite “theocratic revisers” (theokratischen Bearbeitungen) as outlined by Achenbach in “Der Pentateuch”; idem, *Vollendung*, 433-628; idem, “Numeri und Deuteronomium,” in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischen Geschichtswerk* (ed. E. Otto and R. Achenbach; Tübingen: Vandenhoeck & Ruprecht, 2004), 123-34; cf. also Christophe L. Nihan, “La mort de Moïse (NB 20,1-13; 20,22-29; 27,12-23) et l’édition finale du livre des Nombres,” in *Les dernières rédactions du Pentateuque, de l’Hexateuch et de l’Ennéateuque* (ed. T. Römer and K. Schmid; vol. 203 of BETL; Leuven: Leuven University Press, 2007), 145-82. Not surprisingly, the Zadokite-Levite, theocratic revisors of the fourth century did not support the ameliorated status of the Levites. Consequently, the latest phases of the revision endeavor to move Levites into the background (Achenbach, “Levitishe Priester,” 286).

5.2 Idealized Religiopolitical Collaboration and the Law of the King¹³⁶⁹

In Chapter Four we posited that the official religious network composed of dominant and less dominant parties can withstand considerable conflict without causing a short circuit in the tradition chain. Indeed, “popular” and “official” religions are “firmly intertwined ... in a complex and articulated circularity.”¹³⁷⁰ The same holds true in the relationship between priest and king. In the pericope of Deut 17:8-13, v. 8 positions the Levites in a place of power. If “the place that the Lord your God will choose” designates Jerusalem, this would position them close to the king. On the other hand, if the cryptic reference to a local, approved sanctuary in v. 8b¹³⁷¹ derives from levitical circles, or exhibits a point of negotiation between Levites and Zadokite-Levites, the text would appear to be authorizing Levites to try cases in lieu of the monarch. Equally surprising, the Levites would be assuming the seat usually held by elites ensconced in the central power base.¹³⁷² Without specifying a particular cultic site, the law of the king brings the Levites and their authoritative torah oversight into the sovereign’s very presence:

When he has taken the throne of his kingdom, he shall write for himself a copy of this law written for him in the presence of the levitical priests. It shall remain with him and he shall read in it all the days of his life, so that he may learn to fear the Lord his God, diligently observing all the words of this law and these statutes (Deut 17:18-19).

This idealized picture belongs to one of the later redactional layers in the law of the king,¹³⁷³ in which a combination of changing sociopolitical circumstances and the Levites’ reputation appears to have won them commanding legitimacy, at least on the literary plane. The association with Levites and writing could here have to do with ensuring their participation in the form of a contract, as one finds in Mesopotamia, where the purpose of writing some documents was “to protect the rights of those who were in a particularly vulnerable condition” (Dominique Charpin, *Writing and Kingship in Old Mesopotamian Babylonia* [trans. Jane Marie Todd; Chicago/London: University of Chicago, 2010], 48). Though conceivably deriving from Hoseanic-levitical dtr circles

¹³⁶⁹ The law of the king is discussed on a number of fronts in Chapter Four.

¹³⁷⁰ E. Pace (1972) cited in Berlinerblau, *Vow*, 23.

¹³⁷¹ “Then you will go up *immediately*” (NRSV v. 8b וקמת ועליית) is suggestive of a local site.

¹³⁷² Some categories of offenses would still need to be tried in the central court.

¹³⁷³ Cf. Otto, *DPH*, 185f.

(García López), v. 18 more likely originates in the late-fifth or early fourth-century Pentateuch redaction (which for E. Otto originates in Zadokite circles), though not without input from the Levites themselves. It is a remarkable text, too much so actually. Given the Levites' place in society as depicted in most dtn/dtr texts, the passage reflects an unrealistic state of affairs in which prominent Levites attain elite status among the highest level of the national cult.¹³⁷⁴ This picture contrasts greatly with what we find in the Holiness Code.

The Levites' positioning in the Jerusalem temple depicted in Chr, which also contains unrealistic aspects, comes to mind.¹³⁷⁵ As Knoppers has pointed out, the Chronicler's "reuse and transformation of" P and Ezekiel "moves his own position toward the position found in Deuteronomy."¹³⁷⁶ One could describe all of these texts, with the possible exception of Ezek 40–48, as negotiated texts. The present study does not claim originality in pointing this out, since theses of "levitical authorship" have been recognized for a long time and by numerous scholars.¹³⁷⁷ We do however seek to reinstate the Levites as credible participants in the negotiation and construction of not insignificant portions of the Hebrew Bible.

The post-dtr text of Deut 17:18-20 (along with 31:9) is, however, nonpareil. Little exists in earlier biblical texts suggesting the Levites belong to the ranks of the elite, who alone would preside over the formal procedure adumbrated in v. 18, in which a copy of

¹³⁷⁴ If there is merit to our suggestion that the Babylonians exploited the Levites' multilingual skills (see §5.6), the same could be true during the subsequent Persian period, *mutatis mutandis*. Achaemenid glottography (writing in another tongue) apparently began with writing in Elamite (Elamography). During the fifth century a switch to writing in Aramaic occurred. "This new Arameographic glottography was partly preserved in those scribal relics known as Arameograms. The writing of Middle Iranian languages involved a large number of Arameograms..." (Rubio, "Writing in Another Tongue," 40). Aramaic-speaking, multilingual Levites (cf. Neh 8, especially v. 8) made likely recruits for assisting in this project, which would place them in positions of political—and literary—influence.

¹³⁷⁵ 2 Chr 17:1-8 implies some Levites have gained a seat among the elite, and yet they appear to be sent out by King Jehoshaphat to both urban and highly populated areas to teach ספר תורה יהוה (cf. vv. 7-9 and Perdue, *Sword and Stylus*, 71f.). Speaking in a context of the wisdom Psalms, Perdue describes the final redactors of the Hebrew Bible as "temple scribes of Jerusalem under the direction of the Zadokite priesthood" (ibid., 161; cf. 165: "During the Second Temple period, scribes educated in a wisdom school and serving under the jurisdiction of the Zadokite priests edited the Psalter") has the dual advantage of not restricting Levites from participation while at the same time insinuating their subordinate position. We would however qualify "Zadokite" as Zadokite-Levite and leave open the possibility of the involvement of the Aaronide-Levites.

¹³⁷⁶ Knoppers, "Hierodules," 71, n. 84.

¹³⁷⁷ Cf. my "Revisiting Levitical Authorship."

the law (משנה התורה) by some means¹³⁷⁸ becomes the king's official copy. The king is portrayed as a pious observer of torah in v. 19, echoing the portrayal and activities of Joshua (Josh 1:7f.; 8:30-35; 24:25-27). One wonders if the "king" in vv. 18-20 might somehow represent a "leader like Joshua." As both a dtr text and part of the book's framing (along with chaps. 23f.), Josh 1 sketches a positive yet complex image of leadership, complex because of Joshua's idealized adherence to his torah.¹³⁷⁹ It is significant that outside of the secondary insertion of Deut 17:18-20 the law of the king requires no torah piety from the unnamed ruler.¹³⁸⁰ In contradistinction to this undeveloped leadership *Gestalt*, Joshua is torah scholar, military commander, land distributor,¹³⁸¹ and legislator:¹³⁸² an impressive résumé for a "successor like Moses." Some features of the *Josua bild* in Josh 1 (cf. Deut 31:23) may derive from Assyrian conquest accounts.

Deuteronomy 17:19 evokes another image: David ben Jesse of the Psalms and Chr. The chapter closes with an unrealistic expectation of the sovereign (vv. 19f.). In each instance (Deut 17, the Psalms, and Chr) the relationship between a king like David and the Levites is very close.¹³⁸³ In subtle fashion the dtn/dtr portrait of the monarchy in Deut 17 advances the idea of an ideal Davidic institution while simultaneously setting forth

¹³⁷⁸ MT suggests the king wrote it for himself (וְכָתַב לוֹ = Tg.); LXX has the king write the book, though by the hands of the priests (καὶ γράψει ἑαυτῷ τὸ δευτερονόμιον τοῦτο εἰς βιβλίον παρὰ τῶν ἱερέων τῶν Λευιτῶν). No consensus obtains among the versions or translations.

¹³⁷⁹ Cf. Félix García López, "La Muerte de Moisés, la Sucesión de Josué y la Escritura de la Tôrah (Deuteronomio 31–34)," in *The Future of the Deuteronomistic History* (ed. T. Römer; Leuven: Leuven University Press, 2000), 85-99, 98f.

¹³⁸⁰ Pace Otto, *DPH*, 123.

¹³⁸¹ Gordon Wenham, "The Deuteronomic Theology in Joshua," *JBL* 90 [Jn 1971]: 140-48, 145f.

¹³⁸² See chapter four in Christian, *Torah Beyond Sinai*.

¹³⁸³ Cf. Christian, "Revisiting Levitical Authorship," 194-206; Gosse, "Relations du livre d'Isaïe," 151 : "ce rôle de David est étroitement lié à celui des lévites." Consider also the enigmatic, secondary passage in Jer 33:21-22; v. 22 reads: "Just as the host of heaven cannot be numbered and the sands of the sea cannot be measured, so I will increase the offspring of my servant David, and the Levites who minister to me" אֲתִי מִשְׁרָתִי בְּפֶנֶי מִשְׁרָתִי אֲתִי 22b; cf. Gen 13:16; 22:17). The plural construct מִשְׁרָתִי before an object pronoun is inexplicable, and should be amended to מְשָׁרְתִי as in v. 21, so William L. Holladay, *Jeremiah 2: A Commentary on the Book of the Prophet Jeremiah Chapters 26–52* (Philadelphia: Fortress Press, 1989), 227. Verses 21f. figure within the unit of vv. 14-26 (late fifth to early fourth century), probably the longest unbroken unit of Jeremiah missing in the Greek (Bruce Vawter, "Levitical Messianism and the New Testament," in *The Bible in Current Catholic Thought* [ed. J. McKenzie; New York: Herder and Herder, 1962], 83-99, 83). Vawter surmises the author of vv. 14-26 shares a similar disillusionment with Zadokites, the Chronicler, and postexilic prophets. Regarding David and the Levites, Vawter believes the latter may substitute for David in some late postexilic contexts. More precisely, levitical messianism comes to replace the Davidic (ibid.)

elements of a more pragmatic, religiopolitical institution.¹³⁸⁴ The combination would prove itself attractive to various societal strata. Elites are not immune to the contagious hope for a “better future,” and flexible utopian images of institutions like the perpetual Davidic dynasty (2 Sam 7) may appeal to various societal strata. In spite of their tendency to evolve and diverge, utopian images remain capable of communicating “a strong sense of convergence.”¹³⁸⁵

5.3 Post-dtr Levites of Deuteronomy Challenge the Existing Religiopolitical Framework

As stated above, although one would expect the monarchy to dominate, Deut 17:8-20 (cf. 18:1-8) projects a striking image of religio-politically empowered Levites.¹³⁸⁶ The portrait blurs the lines between the existing categories of dominant and less dominant religiopolitical institutions, thereby challenging the tenets of official religion.¹³⁸⁷ The giving of a torah copy to the king by levitical priests (17:18) functions to adaptively

¹³⁸⁴ Carrière’s (*Théorie du politique*, 44) comment regarding “the institution” in the office laws is insightful: “La notion d’institution peut faire référence soit à la chose ou à la personne instituée, soit à l’acte d’instituer” (ibid.); cf. Davies, “Place of Deuteronomy,” 149, 151-53; Weinfeld, *Deuteronomy*, 168: “These institutions are successively referred to in Deut. 16:18-18:22 and are depicted not only in realistic terms but also in terms of the ideal at which this neutral circle of scribes was clearly aiming—a national regime which incorporated all the normative, spiritual, and religious circles of the period.” In the following paragraph Weinfeld problematically links any and all antimonarchic sentiments in the law of the king to Solomon’s reign.

¹³⁸⁵ Ehud Ben Zvi, “Utopias, Multiple Utopias, and Why Utopias at All?: The Social Roles of Utopian Visions in Prophetic Books within their Historical Context” in *Utopia and Dystopia in Prophetic Literature* (ed. E. Ben Zvi; Helsinki: Finnish Exegetical Society, 2006), 55-85, 77.

¹³⁸⁶ In Deut 18:1-8 we find no hint of a *clerus minor*, which may first emerge in Lev 21–22, seeing subsequent development in the book of Numbers, e.g., chs. 16–18 (Achenbach, “Der Pentateuch,” 229-232); cf. ibid., 232: “Neben den Kultvorschriften des der Priesterschrift verbundenen Traditionskreises wird erst mit dem Heiligkeitsgesetz (Lev 21–22) eine über Dtn 18,1-8 hinausführende Ordnung des Priesteramtes im Pentateuch etabliert, die allerdings noch keinerlei Regelungen für einen Clerus minor enthält. Deren Ausbau im Numeribuch stellt die letzte Phase der Pentateuchbearbeitung dar.” The germane texts in Numbers exhibit little indication of monarchic power, but rather a society infused with embryonic, theocratic principles. The projected society is one in which *YHWH* alone rules. We hasten to add that such is not the case in Deut 17.

¹³⁸⁷ Douglas A. Knight, “Whose Agony? Whose Ecstasy?” in *Shall Not the Judge of All the Earth Do What is Right?* (ed. D. Penchansky and P. Redditt; Winona Lake: Eisenbrauns, 2000), 107, 110, offers the qualifier that though the law of the king reflects the sentiments of non-elites it continues to affirm aspects of the monarchy. Whereas the restraints placed on the sovereign do not “carry constitutional weight” they nonetheless “serve the interests not only of the masses but also of the nonroyal elites” (ibid., 108). Dutcher-Walls (“Circumscription of the King,” 615f.) raises the issue of “dual loyalties,” whereby a political program is tailored in such a way that the limitations placed on its own sovereign’s actions achieve both the internal goals of a state (“internal dynamics”) and demonstrate, though in veiled terms, loyalty to the imperial sovereign (“external dynamics”).

connect the following section, 18:1-8, which treats the levitical priests.¹³⁸⁸ One reason for the adaptation is that the priestly service at the central sanctuary concentrates almost entirely on the torah (17:9-12), whereas it is the citizenry that concerns itself with sacrifice (18:3).¹³⁸⁹ Although those responsible for these late texts stop short of rejecting traditional forms altogether, their quasi-reversals¹³⁹⁰ at times stretch existing conceptions to their breaking point. (Foucault maintains that through such conflict between traditional and novel forms new, functional power/knowledge comes into being.) For example, assuming with Deut 33:8 that the levitical priests had in early times administrated the *urim* and *thummin*, such inquiry of God may now have been stripped from them.¹³⁹¹

The elite tier of the clergy may have found it expedient to “honor” the Levites by sanctioning their teaching (to subtly distance them from more specifically cultic functions?) at the highest level. Such staging, which presumably required the acquiescence of the Levites, already well-aware of their reputation for accredited torah-teaching (a frightful specter for the Zadokite-Levites responsible for Ezek 44). The incentive for the Levites was a broader sphere of influence in matters of the state. Increased influence in such circles availed them increased opportunity to, inter alia, guide non-priests into greater competencies in the area of sacrificial worship (so, Deut 18:3 and H¹³⁹²). Such acquired knowledge brought with it empowerment for the people and arguably for functionaries working closely with them. In the following section the theoretical foundation of our discussions of communicative circuitry are introduced.

¹³⁸⁸ “Weil er [the king] sie in Abschrift aus den Händen den levitischen Priester empfängt (17.18), schließt das Gesetz über die levitischen Priester daran passend an (18.1-8)” (Braulik, *Deuteronomium II*, 122.

¹³⁸⁹ Braulik, *Deuteronomium 6*, 122.

¹³⁹⁰ Cf. §4.1.1.

¹³⁹¹ “Falls die Leviten/levitischen Priester früher die Orakelinstrumente Tummim und Urim verwaltet haben (33.8), ist ihnen solche Gottesbefragung nun entzogen” (Braulik, *Deuteronomium II*, 122). The loss of official sanctioning would not halt levitical ministry in local settlements. Psalms 5:4 and 27:4 document the making of a sacrifice in order to determine omens (בְּקֶרֶת), one of the methods of inquiry the Levites would have performed for Yahwists unable or loath to make the trek to the capital. In cases where an animal could not be procured, incense might be substituted, in which case the priest-prophet might interpret the patterns of smoke as means of determining the divine will (cf. Edelman, “Prophets to Prophetic Books,” 33). For a monarchic context of a similar ritual, cf. 2 Kgs 16:15. Such mechanisms would require an altar of some sort and a priest with divinatory training (ibid.). Inferring divinatory practice by the prophet Amos from the use of the root *b-q-r* in Amos 4:4; 6:12; 7:14 begs the question (ibid., n. 14, following P. Davies and M. Bič).

¹³⁹² Levitical support of lay participation in H receives additional treatment in Chapter Six.

5.4 Michel Foucault's Network of Power

In his writing on the relationship between power and knowledge, Foucault speaks somewhat interchangeably of “sovereign power” and “juridical power.”¹³⁹³ He takes particular exception to the assumption that a close union automatically obtains between sovereignty and the state. The social philosopher focused much of his attention on the emergence of a new type of power in seventeenth and eighteenth century Europe.¹³⁹⁴ Although it is true that the state “schematizes power in a juridical form,”¹³⁹⁵ the actual implementation and enforcement of law often occurs in diverse social locations far from central control. It is in these regional settings where regal power often finds practical expression.¹³⁹⁶ Foucault believed it essential to separate the *principle* of sovereignty from its *manifestation* in an actual sovereign.¹³⁹⁷ Rather than emanating from the central hub of control, power relations disseminate through extensive social networks.¹³⁹⁸ Such networks are multi-tiered; they relay power in various directions—vertically, laterally, even contrarily.¹³⁹⁹ One might think here of the role propaganda plays in ensuring both the loyalty of the human agents of these networks and the willingness of the objects of such control to support the *de jure* program. But the force of propaganda often wanes in outlying areas where individuals receive the message late and indirectly.

M. Liverani's sketch of the inadequate communication network in the Assyrian hinterland is instructive:

The further one moves from the inner core, coarser channels are adopted, which reach wider circles although more superficially. The farmer of a remote village knows only that there is a monumental capital (objectual message) which in fact he has never witnessed; he knows only that some far-away sub-human enemies have been destroyed (oral message), even if he had never seen them and was never threatened by them. He knows that all this is the king's work, and this is enough, enough to

¹³⁹³ Rouse, “Power/Knowledge,” 103.

¹³⁹⁴ Foucault, *Power/Knowledge*, 103f.

¹³⁹⁵ Michel Foucault, *The History of Sexuality* (trans. Robert Hurley; New York: Pantheon Books, 1978), 1:85; cf. Rouse, “Power/Knowledge,” 104.

¹³⁹⁶ Even with modern communication systems this power dynamic continues to replicate itself.

¹³⁹⁷ Rouse, “Power/Knowledge,” 104.

¹³⁹⁸ “Power is employed through a net-like organization,” Foucault cited in *ibid.*, 108.

¹³⁹⁹ Cf. *ibid.*, 109: “Agents may thereby also exercise power unbeknownst to themselves, or even contrary to their intentions, if other agents orient their actions in response to what the first agents do.”

surrender part of his crop without grumbling too much, enough to take part in a military campaign rather than run away.¹⁴⁰⁰

The Italian scholar points to the occurrence of peasant revolts, which he attributes to an “inadequacy in the monolithic value system.”¹⁴⁰¹ Combining Foucault, Berlinerblau, and one of the working hypotheses of this and the previous chapter, one could say that such revolt resulted from a breakdown in the network. The breakdown was caused by the lack of deployment of competent, locally integrated middle-tier personnel who could best distribute and thoroughly inculcate the official value system to the masses.¹⁴⁰²

5.4.1 Power-Sharing with Peripheral Agents

Foucault also discourses on power-sharing with interdependent agents. Levitical priests commend themselves in this context. Proposed as a *new type of leader* of Israelite official religion in several texts in Deuteronomy, they are pictured as frequenting the executive domain yet somehow continuing to cooperate with lay elements of the populace.¹⁴⁰³ Deut

¹⁴⁰⁰ Mario Liverani, “The Ideology of the Assyrian Empire,” *Power and Propaganda; a Symposium on Ancient Empires* (1979): 297-319, 302.

¹⁴⁰¹ *Ibid.*, 302-303.

¹⁴⁰² For the important, additional installment of Foucault’s work regarding the power of specialized knowledge and the importance of such knowledge integrating into an existing epistemological system, see below, §5.5.2.

¹⁴⁰³ Cook (*Social Roots*, 56; 61) believes “the elders” joined with Levite refugees to advocate their peripheral, non-dominant theological views in Hezekian Jerusalem, and the עַם הָאֲרֶץ, whose formative influence combined with the later support of “outsider Levites” (including Huldah?) helped make Josiah the “good king” he was. Cook points to Wilson (*Prophecy and Society*, 222f.), who had earlier suggested Huldah (a Mosaic prophetess who “may have had connections with the bearers of the Ephraimite traditions”; *ibid.*, 223) and Hilkiah as peripheral Ephraimite Levites that found increased status in the central court. The promotion would have occurred during an early stage of the king’s efforts to reform the central cult, supposedly according to the pro-levitical dictates of Deuteronomy. Some of Josiah’s reforms, however, exceeded those requirements (*ibid.*, 222).

Relevant to the consideration of the role Huldah played in affirming the Judean sovereign is brief consideration of early female prophecy in Mesopotamia. Pongratz-Leisten recognizes its early manifestations in the goddess Inanna pronouncing a blessing (“the holy unalterable word” *inim kug nu-kúr-ru-da*) over the king in a royal hymn of the Isin period (end of the 2nd millennium; “When the Gods are Speaking,” 145-47, with translation of Ishme-Dagan A 100-111 on p. 146). Although the meaning and significance of the phrase *inim kug nu-kúr-ru-da* remain a matter of debate, the hypothesis that it refers to either Inanna’s prophesying to the king or mediatory role in the assembly of the gods gains some support from the Kititum/Ištar oracle to King Ibalpiel II of Ešunna from Ishchali in the Diyala region. The text of the oracle, written some 180 years later, documents the merging of the two aspects (prophecy and mediation) (*ibid.*, 146 and n. 82; translation of Kititum oracle on pp. 157f). Later, with the succeeding Sinkašid dynasty in Uruk, although the office of the en-priestess (high ranking priestesses who reputedly initiated the *hieros gamos* with kings and priests) of Inanna would continue, kings no longer referred to the *hieros gamos*. Pongratz-Leisten attributes the change to the sovereigns’ preference for using “the

17:8-13 and 2 Chr 19:8-11 (the latter depending upon the former) reflect administrative cooperation between priestly and lay leadership. The type of hands-on, litigious involvement depicted in these texts, irrespective of their precise temporal context, would be difficult to reproduce in the bustling cultic center of a royal or capital city. In view is rather that of regional sites of adjudication, likely in proximity to outlying cities (cf. Deut 17:8; 2 Chr 19:10). From such contexts would come rulings, judgments passed down by the peripheral agents (cf. the judges “in your gates” בשעריך in Deut 17:8), which were rarely written down, typically passed on unsystematically and thus incompletely. L.-J. Bord believes the “incomplete character” of certain laws in the Pentateuch preserves features of this kind of legal orality: “Le caractère ‘incomplet’ du corpus juridique présent dans le Pentateuque milite en faveur de l’existence de lois non écrites, fondées sur les jugements rendus par ceux qui auraient à juger.”¹⁴⁰⁴ It seems to me that Deut 17:8-13 and 2 Chr 19:8-11 impute measured legitimation to these sites, secondarily to the peripheral personnel serving there. Even though Jerusalem is specified in the Chronicles text (v. 8), the final words of the verse (וַיֵּשְׁבוּ יְרוּשָׁלַיִם) imply the continuation of other

framework of prophecy in order to convey their close and exclusive relationship with Inanna/Ištar and the divine world” (ibid., 147; idem, *Herrschaftswissen*, 302).

The text of the Kititum/Ištar oracle (FLP 1674 in Pongratz-Leisten, ibid., 157-58) clearly shows Ištar’s great authority, prophetic role, and mediatory role between the gods and the king. Note also in the last sentence her promise to “strengthen the foundations of your throne.” Here she adopts the formal language spoken by kings who proclaim their support for newcomers to the throne:

O King Ibalpiel! Thus says the goddess Kititum: “The secrets of the gods lie before me, (and) because the invocation of my name is ever in your mouth, I shall reveal to you one by one the secrets of the gods. At the advice of the gods, and by the command of Anu, the country is given you to rule. You will loosen the sandals of (= legally take in possession?) the Upper and Lower country, you will have at your disposal the treasures of the Upper and Lower country ... Your economy will not diminish. Wherever in the land your hand has laid hold, there will be the permanent ‘food of peace.’ (And) I, Kititum will strengthen the foundations of your throne. I have provided you with a protective spirit. May your [e]ar be attentive to me!”

From her monograph Pongratz-Leisten states : “Wenn Ištar oder auch Kititum von Ischchali dem König das Geheimnis der Götter in Orakeln offenlegen, so ist die Ausdruck einer theologischen Konzeption, die Ištar in eine besondere Nahe des Königs rücken soll und diesem in einer Art Vermittlerrolle die “Plane” der Götter mitteilen läßt. In diesem Kontext ist meiner Ansicht nach eben nicht ein spezielles, erlernbares Wissen, sondern eher das Schicksal des Königs als Amtsträger angesprochen, und pirištu oder niširtu sind als Synonym zu ušurtu “Plan” zu verstehen” (*Herrschaftswissen*, 302).

The king depends not only upon political and military machinery but also “his cultic and divinatory knowledge of how to secure his leadership by means of close communication with the gods summarized under the term *niširtu* ‘secret knowledge’” (idem., “When the Gods,” 159).

¹⁴⁰⁴ Lucien-Jean Bord, “La Loi, le droit et la justice: réflexions sur les droits cunéiformes et biblique: a propos de deux livres récents,” *Biblica* 82 [2001]: 99-107, 106; cf. Dale Patrick, *Old Testament Law* (Atlanta: John Knox Press, 1985), 185-204.

sites, from which revenue can be extracted (cf. v. 10). This policy was to be discontinued through Hezekiah's reforms in 2 Chr 31.¹⁴⁰⁵

The degree of control Jerusalem exerted over outlying areas and the peripheral agents frequenting them, which would vary depending upon the period, is unknowable. Of note, the two terms denoting authorized officials in Deut 16:18 (שֹׁטְרִים וְשֹׁפְטִים), the term שֹׁטְרִים can denote "scribes." Whether or not the two terms intend a composite figure,¹⁴⁰⁶ the officials have the authority and possess the skills not only to intervene in local juridical procedures but also to further the official interests of central control. They would also endeavor when possible to affirm local legal traditions and rulings while reserving the right to edit and summarize for reuse.

Successful peripheral agents could exert significant influence within their spheres of jurisdiction the impact of which could be felt for generations. A period of social and political upheaval coupled with fervent prophetic activity generates a larger-than-life figure like Samuel, who wields considerable, even executive, power in the land. His regional (and implied national) jurisdiction includes the authority to promote and demote "national" political leaders on the one hand, replace incumbent priests with prophetically infused, circuit personnel conversant in the emerging national state's law on the other.

Incidentally, that Samuel functions as priest without the title in Sam–Kgs (whereas Chr is more explicit) does not signal conflict between his Ephraimite lineage and the later, tribally based notion of the levitical priesthood. After all, Samuel is designated כֹּהֵן in 1 Sam 2:35. Rather, the dearth of explicit references to Samuel as priest in Sam–Kgs functions to (1) disassociate him from the Elides with their close connection to a single

¹⁴⁰⁵ Cf. Baruch Halpern, "Jerusalem and the Lineages in the Seventh Century BCE: Kinship and the Rise of Individual Moral Liability," in *Law and Ideology in Monarchic Israel* (ed. B. Halpern and J. Levenson; Sheffield: JSOT Press, 1991), 11-107, 59: "The rural priesthoods lost direct access to agricultural revenues as the state took formal control of the cult ... the state probably underwent a transition from tax farming through priesthoods (2 Ch 31:16-20), though possibly deduced from his registration of the lineages (1 Chr 4:41) With the priests and the population under crown control, countryside conservatism could no longer put the brake on royal innovation." The LXX translator of 2 Chr 19:8 reckons support for rival centers to be problematic and literarily restricts access to them: καὶ κρίνειν τοὺς κατοικοῦντας ἐν Ἰερουσαλὴμ "and to judge the inhabitants in Jerusalem." It also may be that וישיבו "and they brought back" in the introductory verse (v. 4) to the Jehoshaphat piece influenced the formulation—or revision—of v. 8, which intimates a "return" from outside of Jerusalem. Cf. H. G. M. Williamson, *1 and 2 Chronicles* (Grand Rapids: Eerdmans, 1982), 290f. With respect to v. 4, LXX translates the *hip'il* of שׁוּב, which can mean "to bring back" in either a physical or religious sense, with ἐπιστρέφω ("to turn back"). In restricting the semantic range to "repentance," Jehoshaphat's success in fetching persons from afar diminishes.

¹⁴⁰⁶ Leuchter, "Levite in Your Gates," 420.

sanctuary, the “temple city” of Shiloh.¹⁴⁰⁷ This enables this Samuel’s priestly *Gestalt* to evoke the days of a more charismatically and vocationally based priestly office not tied to a particular sanctuary or particular tribe. One of the passages linking Ephraimites and Levites exhibits the earlier notion of “Levites” (Judg 19:1).¹⁴⁰⁸

In their mode of interdependency, the Levites’ sociopolitical transitoriness and varying functionality project an image of liminality (in this respect not unlike non-Israelites such as the Midianites, Jethro, and Balaam of Peor, who blur the distinction between alien and religious insider¹⁴⁰⁹). This liminality, within which a reversal of power is possible,¹⁴¹⁰ facilitates their mediatorial service¹⁴¹¹ without significantly hampering their sociopolitical effectiveness. Indeed, irrespective of their fluctuating status and profile, they effect significant modifications of the cult,¹⁴¹² and the laity find a measure of empowerment through their association with them.

5.4.2 Identity and the Problem of Terminological Characterization of Peripheral Agents

Regarding the possible identity of these officials, W. Rudolf believes that the judges of the *Landstädten* remain unspecified in the germane texts. They likely materialized in

¹⁴⁰⁷ Cf. Davies, “Urban Religion,” 107. The biblical narratives also portray Bethel and Gerizim as temple cities (ibid.).

¹⁴⁰⁸ Cf. the later passage making the Ephraimite-Levite connection (Josh 21:20; cf. also perhaps 2 Chr 34:9); cf. Wilson, *Prophecy and Society*, 18 and n. 36. “When Abiathar was exiled to Anathoth, control of the Jerusalem cult was left in the hands of the Aaronids, while the Levitical priests remained outside of the central cult... these Levitical priests were also the bearers of the old Ephraimite traditions, include the Deuteronomic traditions...” (ibid.).

¹⁴⁰⁹ Cf. Thomas B. Dozeman, “The Midianites in the Formation of the Book of Numbers,” in *Proceedings of the Colloquium Biblicum Lovaniense LV—The Books of Leviticus and Numbers* (ed. T. Römer; vol. 215 of BETL; Leuven: Peeters, 2007), 261-84.

¹⁴¹⁰ Hutton, *Palimpsest*, 20-1. cf. ibid., §1.2-1.2.4. Something of this is at play in both H and the office laws of Deuteronomy, in which a reconceptualizing and restructuring of power is in process: hierarchy is recalibrated and to some extent inverted (cf. the reversals and “minority reports” enumerated at the beginning of Chapter Four). The reconstituting of the Levites’ status functions as a primary (though in H behind-the-scenes) dynamic within this transitory modality.

¹⁴¹¹ Cf. Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation* (vol. 52 of FAT; Tübingen: Mohr Siebeck, 2007), 207-08; Richard D. Nelson, *Raising up a Faithful Priest: Community and Priesthood in Biblical Theology* (Louisville: Westminster/John Knox Press, 1993), 85f.

¹⁴¹² Achenbach (“Der Pentateuch,” 233) lists texts in Numbers in which rituals and responsibilities are assigned to the laity in the context of cult involvement: Num 5-6:21; 15; 19; 28-30. Numbers 27:12-23; 33:50-56; 34:16-29 clarify the assigning of jurisdiction to the political leadership of the laity.

Jerusalem, deriving from Levites, priests, and the heads of Israel (Israel standing here for the laity as in Ezra 10:25).¹⁴¹³

One could view both middle-tier Levites and the lower-tier, lay personnel (mentioned earlier in this chapter) as peripheral, to some degree liminal, non-agents.¹⁴¹⁴ Peripheral agents play particularly important roles in power networks, because they “establish or enforce the connections between what a dominant agent wants and the fulfillment or frustration of a subordinate agent’s desires.”¹⁴¹⁵ In biblical studies, recognizing and sketching the profile of peripheral agents remains an ongoing challenge. For one thing, terms for groups and their ideologies often mislead by tacitly claiming more precision than is warranted. For example, although the rubrics “priestly” and “deuteronomic” facilitate efforts to delineate and categorize diverging traditions (or, again, converging traditions, cf. the “priestly-deuteronomic compromise”), such nomenclature can obscure the more complex dynamics within, say, “Deuteronomism.”

With respect to lay groups, the עַם הָאָרֶץ are often typified as a politically active, empowered party of non- or quasi-priests that operate to a certain extent on the periphery. Although in some instances the tanakhic use of עַם הָאָרֶץ provides a valuable identity indicator for an influential group of lay leaders, the term is used too broadly to give it a single definition, or accurately apply it to a single group. In some instances it may be advisable to conceptualize the term as a typos or institutional category.

With regard to the so-called Israelite priesthood, in not a few instances it may be more helpful to conceptualize matters in terms of ongoing negotiations between interrelated—whether vocationally, consanguineously, or a mixture of both—religious personnel, Aaronide-Levite (often representing P), Zadokite-Levites (the top tier of

¹⁴¹³ Wilhelm Rudolph, *Chronikbücher* (Tübingen: Mohr Siebeck, 1955), 256f.

¹⁴¹⁴ As a term and category, “non-agent” may connote beings thought incapable of making rational decisions, e.g., animals and small children. In some instances “non-agent” denotes passive or (apparently) powerless recipients of political and historical developments. The roles and status of agents and non-agents may switch, however (cf. Qoh 10:7). Moreover, agents may exercise power unwittingly, even acting “contrary to their intentions, if other agents orient their actions in response to what the first agents do” (Rouse “Power/Knowledge,” 109). The Levites seem often to be in (a state of) transition. The canonical Deuteronomy’s composite portrayal of them as both paupers and full priests effectively well conveys their transmutative intermediacy.

¹⁴¹⁵ *Ibid.*, 109.

“Deuteronomism”),¹⁴¹⁶ Levites (cf. Levite-lay factions,¹⁴¹⁷ the second tier of “Deuteronomists”), and to some extent the laity as well. We may certainly assume that prophetic ideology and likely prophetic individuals play a role in several of these groups. For example, whereas primarily a priest, Aaron nonetheless serves as mouthpiece for the chief prophet Moses;¹⁴¹⁸ Ezekiel is a Zadokite-Levite priest-prophet; and Hosea is arguably the preexilic, spiritual father for the levitical, priest-prophet movement. We simply lack the evidence to justify a strict segregation of priests and prophets in ancient Israel,¹⁴¹⁹ and this seems especially true in the postexilic period. This actuality poses problems for the assumed contrast between prophetic Deuteronomists and non-prophetic priests, which is often implied even when left unsaid. In spite of the difficulties accompanying the introduction of new terms and categories into scholarly discourse, conceiving and speaking of religious specialists in terms of topography (central, peripheral), religiopolitical ideology (“official,” “popular”; Berlinerblau), and sociopolitical networks (Foucault) provides salutary vantage points from which to examine both the distribution and multidimensional sharing of power. This becomes all the more necessary once it is recognized that “power is everywhere not because it embraces everything, but because it *comes from everywhere*.”¹⁴²⁰

Foucault stressed that both animate and inanimate objects function as agents or instruments of power, for example, texts, temples,¹⁴²¹ rituals, artistic expression, and implements of war.¹⁴²² Viewing power as a diversely derived phenomenon, he doubted whether the identification of a particular political or epistemic position could represent the standpoint of sovereignty.¹⁴²³ Rather, it is through “peripheral agents” within these

¹⁴¹⁶ Leuchter (*Polemics*, 157) argues the notion of Zadokite-Levite ascendancy originates in the pre-Josianic period.

¹⁴¹⁷ To successfully produce and maintain social cohesion, elites and non-elites must find some common ground. For a polity to succeed, “ideological (or theological) worlds [will] have to be shared” (Ben Zvi, “What is New in Yehud?,” 33).

¹⁴¹⁸ Cf. Otto, “Nähe und Distanz,” 262f.

¹⁴¹⁹ Questions regarding the extent to which Israelite sages, alternatively, “the wise,” figure into this equation, and within our research into middle-tier and elite religious personnel in general, will be taken up in a subsequent study.

¹⁴²⁰ Foucault, *History of Sexuality*, 1:93.

¹⁴²¹ To the temple category one might add rival sanctuaries.

¹⁴²² Cf. Rouse, “Power/Knowledge,” 109.

¹⁴²³ *Ibid.*, 106.

networks that the desires of the dominant agent may—or may not—be realized.¹⁴²⁴ These statements recall the discussion in Chapter Four regarding the official religious doctrine (here, official epistemic position) transmitted from the central power station. Even when distributed through authorized messengers the content and contours of the official message inevitably undergo modification. Moreover, peripheral agents sympathetic to the code of beliefs of a species of “popular religion” have ample opportunity to adapt aspects of the official doctrine. Again, modifications must be carefully measured and introduced gradually.¹⁴²⁵

5.5 Power Dynamics during Transitions of Power

We have reflected on Foucault’s premise that sovereign power tends not to be used during peaceful times, when a show of force would not really be necessary. We have argued that such times allow the germination and dissemination of new ideas that might otherwise have been nipped in the bud. Times that witness shifts of power also provide opportunity to (re)evaluate power mechanisms and the overall dynamics of power relationships. In order to arrive at a better understanding of how power circulates in an ancient Israelite context, let us look briefly at another text from the Hebrew Bible that reflects facets of the inner dynamics of tribal power as perceived by the composers of the material. In their struggles to survive, small and extended families (משפחות and בית אבות, respectively) find it expedient to promote ideologies (cf. Foucault’s “epistemological positions”) that they—or, on a larger scale, their tribal (שבט) leaders—believe best serve the interests of the group. To be sure, opinions regarding the wisest choice of action for the whole would vary.

5.5.1 Rehoboam Short-circuits the National Flow of Power

In 1 Kgs 12:1-19 the tribal elders who urge Solomon’s son Rehoboam to introduce himself as a compassionate ruler demonstrate keen awareness of the dynamics of tribal and intertribal transitions of power. Rehoboam’s leadership model resembles that of an

¹⁴²⁴ Cf. *ibid.*, 109.

¹⁴²⁵ The use of coded language, cryptic images, or even idealistic constructs may be used to challenge the status quo in a less offensive manner. Such literary techniques help protect the writing and the writers from censorship and recrimination, respectively.

oriental despot. The people led by tribal leaders not only rebuff his pitiable muscle-flexing, they execute the commissioned messenger,¹⁴²⁶ thereby short-circuiting Rehoboam's first official transmission before it reaches its destination. Verse eighteen stipulates that *all-Israel* converges to stone him (וירגמו כל-ישראל בו אבן וימת). The dtr writer has here democratized the execution, thereby propagating a powerful sociopolitical notion: empowered by the law and *YHWH*'s sanctioned priestly servants, the northern, multi-tribal power network is capable of forming a coalition capable of deposing a dynastic successor.¹⁴²⁷ Incensed, Rehoboam marshals Benjamite and Judahite troops in hopes of recapturing the rebellious majority (להשיב את-המלוכה v.21). The uprising does not get off the ground. A prophetic messenger (v. 22) representing the viewpoint of a conservative variety of "popular religion"¹⁴²⁸ attributes the revolt to *YHWH* himself ("for this thing is from me" כי מאתי נהיה הדבר הזה v. 24).¹⁴²⁹ There follows Jeroboam I's systematic reinforcing of his network of power through (in Foucauldian terms) inanimate symbols: he casts a molten calf and establishes the rival sanctuaries of Bethel and

¹⁴²⁶ I.e., Adoram, the taskmaster assigned to forced labor (על-המס v. 18).

¹⁴²⁷ Cf. the political successes of the עמ-הארץ in the South.

¹⁴²⁸ Admittedly difficult to define, conservative religion was not the sole preserve of Judahites, neither does "conservative" necessarily mean monotheistic; cf. 2 Kgs 17:23b-34a and Gary N. Knoppers, "Cutheans or Children of Jacob? The Issue of Samaritan Origins in 2 Kings 17," in *Reflection and Refraction: Studies in Biblical Historiography in Honour of A. Graeme Auld* (ed. Robert Rezetko, et al.; Leiden: Brill, 2007), 223-39, 226-28. It remains true, however, that social reform is often led by individuals harkening back to traditional ways and gods, as Wilson explains: Prophetic "intermediaries, along with their spirits and support groups, are a *conservative voice* in a society undergoing rapid social change. In these cases the possessing spirits are frequently old deities that were once part of the society's central cult but that have been displaced by newer gods. The old deities seek a rejection of recent innovations and demand to return to a place of preeminence in the cult. A return to older social and moral practices may also be included in this process" (*Prophecy and Society*, 71-2, emphasis added).

The final editors of the Psalter could also be described as conservative in terms of their theology and moral teaching. In contrast to middle-tier Levites, these hierarchical Zadokite-Levites (cf. Perdue, *Sword and Stylus*, 108, 158, 161, 165, 181, 192f, 197) or Aaronide-Levites advocate for an expression of official religion because they are in the position to do so during the Persian period. Perdue contrasts these empowered elites with members of the Deuteronomic school, i.e., Levites (cf. *ibid.*, 108).

¹⁴²⁹ Shemaiah the prophet (איש אלהים v. 22) makes only one appearance in the DH; 2 Chr 12:5-8 attributes additional words to him and depicts him as Rehoboam's court prophet. 1 Kings 12:21-24 has probably pared off most of an older tradition containing a report of Rehoboam making a violent bid for the kingship. "We know of wars between the two kingdoms during the period of the monarchy especially over the possession of the tribal areas of Benjamin and therefore over the course of the border, but an attempt to restore the united monarchy is not attested" (Volkmar Fritz, *1 & 2 Kings: A Continental Commentary* [trans. A. Hagedorn; Minneapolis: Fortress, 1996], 144f.). The narrative of vv. 21-24 asserts that the dividing of the two kingdoms—which it presupposes—is ultimately God's doing. The form נָקִיָּה also occurs in 1 Kgs 1:27; 2 Chr 11:4; Neh 6:8; Prov 13:19; Joel 2:2; Mic 2:4; Zech 8:10.

Dan.¹⁴³⁰ Although to my knowledge Foucault does not use the term “epistemic sovereignty,” his construal of the diffusion of power bases itself in large measure on a distinctive understanding of how knowledge, particularly specialized knowledge, brings about a monopoly of power.¹⁴³¹

5.5.2 *The Power Dynamic of (Specialized) Knowledge*

Similar to the indirect and distributive manner in which imperial power is realized, “knowledge” often takes a circuitous route to becoming established. Rather than coming into being merely through relation to a particular field of statements or laws, it rather *relates* to certain objects, instruments, rituals, skills, social networks, and institutions. Knowledge *results* as these heterogeneous components integrate into known categories, and over a protracted period.¹⁴³² Laws, techniques, or rituals must find a stable place within an epistemological system whose existing elements undergo adaptation in order to accept them. In this way, incoming components become compatible. The integrated component now emits a familiar enough frequency to begin *functioning* as knowledge within a particular epistemological network. In so doing the new knowledge obtains epistemological significance.

New categories result from this process that present specialists opportunities to reconceptualize current practices according to the new categories. The formation of new categories is caused and hastened by the acceptance of incoming feeds¹⁴³³ (cf. “new

¹⁴³⁰ The cultic practices arguably instituted by Jeroboam I reportedly influenced northern religion for centuries. That the repatriated Samarian priest in 2 Kgs 17:27f relocates to Bethel to instruct new immigrants in the ways of *YHWH* does not point to a new religion. Rather, it constitutes a replica of that established by Jeroboam and associated with Bethel and Dan. In the context of 2 Kgs 17 such worship would be viewed as part and parcel of traditional, official, northern Israelite religion; cf. Knoppers, “Cutheans,” 228: “It appears from the systems of iconography, priesthood, and sanctuaries depicted in the text that the Israelite priests taught the new immigrants how to observe features of the syncretistic cult established by King Jeroboam I centuries earlier.” For the view that Jeroboam 6 makes the better choice of cult founder of Bethel, see Knauf, *Josua*, 24. Aaron’s association with Bethel (so, Exod 32) may suggest its priests viewed Aaron as the father of their clan (Schaper, “Aaron,” 2).

¹⁴³¹ Cf. Rouse, “Power/Knowledge,” 106. Although the sociopolitical milieu on which Foucault focused his attention were those of relatively modern times, it has not been found necessary to modify significantly his views for application to an ancient Near Eastern context.

¹⁴³² *Ibid.*, 113.

¹⁴³³ In contemporary media systems, signal processing cards help control quality by regulating multiple incoming feeds. The mechanics of connecting complex devices and knowing out how they are routed, while important, are a secondary concern for operators. The primary concern is singling out the desired incoming feed and adjusting *it* or adjusting *to it*.

knowledge”) into the existing epistemological system. The result is an enrichment of the specialists’ catalogues. For the new categories to be fully operational, however, it becomes necessary to conceptualize and regulate current practices and behaviors according to the new categories. This moves things in the direction of normalization.

Modern scholars tend to view normalization as largely restricting the freedom of individuals and communities across the board. And in view of Foucault’s patent aversion to (modern) scientific categorization, one would expect him to reject *a priori* the process of normalization in society. Therefore his claim that normalization somehow increases individualism, which then leads to a redistribution of, e.g. rank, comes as a surprise:

... la normalisation devient un des grands instruments de pouvoir à la fin de l’âge classique. Aux marques qui traduisaient des statuts, de privilèges, des appartenances, on tend à substituer ou du moins à ajouter tout un jeu de degrés de normalité, qui sont des signes d’appartenance à un corps social homogène, mais qui ont en eux-mêmes un rôle de classification, de hiérarchisation et de distribution des rangs. En un sens le pouvoir de normalisation contraint à l’homogénéité; mais il individualise en permettant de mesurer les écarts, de déterminer les niveaux, de fixer les spécialités et de rendre les différences utiles en les ajustant les unes aux autres. On comprend que le pouvoir de la norme fonctionne facilement à l’intérieur d’un système de l’égalité formelle, puisque à l’intérieur d’une homogénéité qui est la règle, il introduit, comme un impératif utile et le résultat d’une mesure, tout le dégradé des différences individuelles.¹⁴³⁴

The effects of normalization are thus mixed. The reevaluation of that “qui traduisaient des statuts, de privilèges, des appartenances” could I think happen in numerous ancient settings in which a shift toward increased specialization or a reconfiguration of the specialist catalog takes place.

¹⁴³⁴ Michel Foucault, *Surveiller et punir: Naissance de la prison*. (Paris: Gallimard, 1975), 186: “At the end of the classical age normalization becomes one of the great instruments of power. The characteristics that once translated into status, privilege, and affiliation increasingly come to substitute for, or are at least supplemented by, a whole range of degrees of normality that serve as signs of affiliation to a homogenous social body, but that themselves play a role in the classification, hierarchization, and distribution of rank. Although in one sense the power of normalization imposes homogeneity, it does so in a way that individualizes by making it possible to quantify difference, determine levels, establish specialties, and render the differences operational by adjusting the one to the other. One can readily understand how the power of the norm functions within a system of formal equality, since within a homogeneity that is the rule, the power of the norm introduces, as a useful imperative and as a result of measurement, all the range of colors of individual differences” (writer’s translation).

5.6 *The Levites Likely Rise in Status in Babylon*

During the Babylonian exile, for example, priestly groups experienced fluctuations in status. Some would have been relocated to assist at Babylonian cultic complexes. Large empires are known to use foreigners in various levels of administration because of their multilingual ability.¹⁴³⁵ Those with scribal ability in the Late Bronze Age tended to be

classed alongside skilled artisans of all sorts, including ... doctors,¹⁴³⁶ singers, and craftspeople. They were loaned from one ruler to another and taken captive as valuable sources of material and cultural goods. From this strictly palace-centered viewpoint, artisans simply circulated between places.¹⁴³⁷

It is reasonable to think a similar employment and movement of skilled persons obtained in later periods. With a background in itinerancy and vocational experiences as priests for hire, Levites had dealt with this mode of existence before.¹⁴³⁸ And as non-elites of often

¹⁴³⁵ Schams, *Jewish Scribes*, 54; Dandamaev and Lukonin, *Culture and Social Institutions*, 114-16. Earlier, Sargon II had made it public policy to acculturate foreigners, appointing officials that would in turn enlist those skilled in regional languages to help indoctrinate populations living in vassal states (cf. Levinson, *Chorale*, 304f.)

¹⁴³⁶ Woods ("Bilingualism," 106f.) relates elements of the story of the "Illiterate Doctor" that reveals an awareness of illiterate bilinguals and uneven quality among scribal schools (see the discussion in §4.7 of the present study). The physician protagonist of the story enjoys considerable status, ostensibly serving as the *šangā* "Gula" "chief administrator [of the temple] of Gula" in Isin. Although having received training in Sumerian letters, he struggles to communicate with a peasant woman speaking Sumerian on the street in Nippur. "Unable to understand her spoken Sumerian ... it is only when she answers in Akkadian, for she is bilingual, that he can understand her" (ibid., 107). The anecdotal tale is both entertaining and linguistically telling. Despite the doctor's learning, he remains a monolingual speaker of Akkadian, whereas the "uneducated" woman could be described as a native bilingual. Though the formulation of the story probably dates to the Kassite period and was perhaps drawn up "for the benefit of the Edubba students," the story's nucleus probably derives from Old Babylonian times, when Nippur was a *bona fide* Sumerian city in which Sumerian served as the language of the street. For Woods, the tale suggests the quality of the scribal school in which the doctor studied "lagged woefully behind that of its illustrious counterpart in Nippur" (ibid.).

¹⁴³⁷ Sanders, *Invention*, 131; Whereas archaeologists working in Late Bronze Age sites such as Taanach and Beth Shemesh have unearthed no diplomatic texts, bronze forges and inscriptions written in local alphabetic writing have been discovered (ibid.).

¹⁴³⁸ Carrière (*Théologie du politique*, 160) draws attention to the Levite's (apparent) voluntary relocation to a central sanctuary in the office laws, namely in the law of the priest in Deut 18:1-8, but with a *Rückgriff* to chapter 12: "Ce qui caractérise le lévite au sein des institutions, c'est son choix de se déplacer au lieu central: un lien est ainsi établi avec l'exposé sur la justice où un tel déplacement joue aussis un rôle majeur (sans oublier, comme on l'a vu, le rapport avec le chapitre 12)." Otto ("Zu einem Buch von Ulrich Dahmens," 283f.) notices the lack of concern with cult centralization (à la 2 Kgs 23) in the post-dtr text of 18:6-8: the apodosis in v. 7 begins with the Levites' right to priestly service and free access to the central sanctuary "is assumed as self-evident." Further, the central Levite law presupposes P^s and comprises part of the post-dtr redaction in Deuteronomy. Contra Dahmen, Otto concludes "alle Belege aber dieser pro-levitischen Bearbeitung sind post-dtr, gehören also in den Kontext einer über das Deuteronomium hinausgreifenden Perspektive" (ibid., 284).

dubious heritage¹⁴³⁹ they likely found more welcome reception in Babylon¹⁴⁴⁰ than did their elite colleagues, for whom ethnic homogeneity arguably constituted a more contentious issue (cf. Ezra 10:10f.). The probable contact between Levite priest-prophets living in the *Gola* and *Yehud*,¹⁴⁴¹ a correspondence of which Zadokite-Levite priests would both have been aware and viewed askance, helps account for the denunciation of the Levites' alleged trafficking in things foreign. If Berges' thesis of levitical authorship

¹⁴³⁹ Based in part on the presence of non-Israelite names in Ezra 2:43-54, Nurmela (*Levites*, 171f.) posits Chr's awareness of the non-Israelite origin of not a few Levites, whom the author characterizes as third-tier cultic personnel, "a third class priesthood." In Num 31:30, 47 the cultic participation of captives supervised by Levites is also suggestive of their diverse functions (cf. also Ezek 44:7,9; perhaps also Josh 9:27). Regarding possible subgroups among middle-tier Levites, see *ibid.*, 173. Nurmela rejects the thesis that second-class priests made their debut as a result of Josiah's actions in 2 Kgs 23, "since they hardly were of Levitical lineage. Instead, it was the priests of the northern national shrine at Bethel who, as we concluded, were Levites and were transferred by Josiah to Jerusalem, and gave rise to the designation of the *clerus minor* as Levites" (*ibid.*). The acceptance of non-Israelite priests occurs later in Third Isaiah (Isa 56: 1-8; 61:6), texts attributable to levitical writers.

Van der Toorn (*Family Religion*, 314) compares the tentative family ties of Levites with those of Elijah and Elisha. "Like the Levites, these prophets had to sever ties with their family, as the narrative of Elisha's calling illustrates.... the basis of their [i.e., the prophets'] corporate identity was not descent and inheritance, but commitment to a way and view of life. Unlike families, the orders were voluntary associations. Members entered as they felt prompted to do so, like Elisha, or as oblates, like Samuel. They were, in the etymological sense of the term, 'Levites' and 'Nazarites', i.e., devotees to Yahweh, set apart from their fellow-men ..."

One might also consider the coincidence of the murky details accompanying Moses' beginnings and early life in Egypt with the "otherness" of the Levites; see Schmid, *Erzväter*, 152-57; Moses was not the only Levite bearing an Egyptian name: cf. also Hophni, Phineas, and Merari (*ibid.*, 157, n. 620, including literature). Schmid urges caution, however, when assuming Egyptian origin based on name alone, "denn die Beziehungen zwischen Ägypten und Palästina waren so eng, daß auch mit Einflüssen auf die Namengebung zu rechnen ist" (*ibid.*).

¹⁴⁴⁰ Levites likely served in teaching capacities in Babylon (Hugo Mantel, "The Dichotomy of Judaism During the Second Temple Period," *HUCA* [1973]: 55-87, 68) that included musical direction and instruction in worship (Berges, *Jesaja 40-48*, 40, who sees groups of levitical singers both in the *Gola* and the Judahite homeland); cf. Höffken, *Stand der theologischen Diskussion*, 56.

¹⁴⁴¹ Berges (*Jesaja 40-48*, 40; 43-5; 56f.) marshalls textual evidence of the contact between prophetic Levites involved in leading cultic worship in Babylon and Israel. E.g., Isa 40:1f. receive and convert the laments of Lam 1 (see the specific parallels in *ibid.*) to words of hope. Berges believes the "oratorium of hope" (Oratorium der Hoffnung) program in Second Isaiah saw its sociopolitical inception with Cyrus's triumphal march of 550 BCE. In connection with the suppression of the Babylonian rebellion by Darius in 522/521, the new hope found its way to the Israelite homeland with the first great return movement. At that time the Levites legitimated their *Heilsdrama* by affiliating it with the Isaiah tradition of Jerusalem, placing it under the renowned prophet's authority. The few mentions of Zion and Jerusalem in Isa 40-48 are to be classified with a later period of the exile, if not in the early postexilic period. After the arrival of the returning immigrants in Jerusalem the incidence of both terms increases. Berges rejects the notion of Second Isaiah as (1) a "personality," (2) Steck's idea of a single theological thinker, and (3) Bosshard-Nepustil's view that Isa 40-55 originally belonged to the Jeremiah tradition. Instead, 40-55 originated with an authorial group that "in großer Nähe zu levitischen Tempelsängern stand" (*ibid.*, 42 and n. 21; cf. Zapff, *Jesaja 56-66*, 345f.). He bases the levitical "Tempelsänger-Hypothese" (*ibid.*, 38-43 *et passim*) in part on the close parallels between certain Psalms (e.g., 96; 98) and Isa 40ff., all of which extol "das universelle Königtum YHWHs." Regarding the direction of influence, that the psalms in question *do not* incorporate the "servant theme" suggests Isa 40-55 as the borrower (*ibid.*, 41).

of much of Second and Third Isaiah (see above note) is correct, then those authors of Isa 40–48 turn out to be strong denouncers of the idol-laden religion of Babylon. Such Levites are, however, to be contrasted with the levitical circles libeled in Ezek, 44:9–15,¹⁴⁴² who as noted in Chapter Four (§4.9.2), bear a resemblance to the *kemarim* or “idol priests.” The Levites’ detractors plausibly alternated the appellatives *kemarim* and *levi'im*, a source of great consternation for the latter.¹⁴⁴³ The non-Yahwistic practices detailed in Isa 65:3f.,11 were allegedly officiated by such compromising priests. The abominations (תועבות) led the authors of this portion of Third Isaiah to abandon the former, ethnic criterion for “chosenness” and “servanthood.” Viewed through the lens of postexilic disillusionment, identification with the Hebrew ancestors was thought less than efficacious: “Il ne suffira plus de faire partie de la descendance des patriarches pour faire partie des ‘élus’ et des ‘serviteurs’”¹⁴⁴⁴ (cf. Isa 65:9–12). Isaiah 65:13–15 is particularly outspoken about the issue. The blessings and curses received by different groups within the larger people of Israel resemble the judgment “Day of the Lord”:

Therefore thus says the Lord God: My servants shall eat, but you shall be hungry; my servants shall drink, but you shall be thirsty; my servants shall rejoice, but you shall be put to shame; my servants shall sing for gladness of heart, but you shall cry out for pain of heart, and shall wail for anguish of spirit. You shall leave your name to my chosen to use as a curse, and the Lord God will put you to death; but to his servants he will give a different name.¹⁴⁴⁵

¹⁴⁴² One should read the indictment “going far from me” (רחק מעלי) in Ezek 44:10 and “wandering away from me” (בתעות ... מעלי) in vv. 10, 15 both literally and figuratively. The Zadokite-Levites condemn the Levites’ far-reaching mission into alien territory, and belittle the credulous children of Israel *led astray* by it. In contrast, the Zadokite-Levites may “come near me” (קרב אלי) (v. 15). Here the spatial inference refers specifically to the centralized cult in an urban center. The Levites are thus upbraided for their itinerate ministry in both Israel and Babylon, and perhaps especially *between* the two centers, in their stopovers at regional sanctuaries such as Bethel, Mizpah, and Gibeon (cf. 1 Kgs 3:5), some of which may have boasted modest temple libraries (Edelman, “Prophets to Prophetic Books,” 41). Olyan (“Family Religion,” 115 and nn. 14f.) lists regional sanctuaries according to their most probable period of activity: the ‘Bull Site’ and Shiloh in Iron I; Dan, Meggido 338 and 2081, Beersheba, and Arad during Iron II.

¹⁴⁴³ See also §4.9.3 above.

¹⁴⁴⁴ Gosse, “Relations du livre d’Isaïe,” 149.

¹⁴⁴⁵ והנחתם שמכם לשבועה לבהירי וְהַמִּיתְךָ אֲדֹנָי יְהוִה וְלַעֲבָדָיו יִקְרָא שֵׁם אֲחֵר (v. 15).

5.6.1 Middle-tier Levites Serving the Empire

During the early Persian era leaders such as Ezra and Nehemiah¹⁴⁴⁶ may have been advised by Persian authorities to employ, when possible, non-elite personnel such as Levites.¹⁴⁴⁷ Briant maintains that “the creation of satrapies did not cause the preexisting political entities to disappear.”¹⁴⁴⁸ Non-elite functionaries could make desirable replacements for refractory incumbents. As was the case in the Neo-Babylonian period (see preceding section), the need for linguistically gifted persons—more generally, specialists in local culture—was great in the Persian empire.¹⁴⁴⁹ Moreover, in Persian period Babylonia judges rendered decisions in accordance with local law, provided the

¹⁴⁴⁶ Ahlström (*History*, 821) characterizes Zerubbabel, Ezra, and Nehemiah as specially commissioned “sub-governors.” That the public service of the latter two began in Persia insinuates their non-membership in the local population of Judah. Their subsequent move to Judah’s capital city would hardly have won the hearts of rural Yehudites, who now found yet another reason to hold them suspect, especially the rumored Ezra. The Persians would have been well aware of the tenuous tightrope of loyalty that empowered persons of two countries walked (cf. the biblical portrayals of, e.g., Moses and Esther). The conflicted of interest (sic) would struggle internally with dual loyalties, exacerbated by criticisms and innuendos directed at them from both sides. Flexible in their areas of expertise and acquainted with life in the margins, the liminal Levites made effective intermediaries between the various strata of society.

¹⁴⁴⁷ Biblical texts dating to the middle and later Persian period relating the wide range of skills acquired by some Levites hint at a pattern of flexibility, and likely compliance. The Persian government “tended to support local priesthoods and to take a detailed interest in the proper carrying out of local cults” (Joseph Blenkinsopp, “The Mission of Udjahorresnet and Those of Ezra and Nehemiah,” *JBL* 106, no. 3 [1987]: 409-21, 413). The non-elite Levites were probably known for their ability to adapt to both ideological and geographic challenges. In the Persian period they were likely stationed at local cultic centers by satraps, who exercised considerable local authority and were adept at finding ways to distance themselves from the oversight of central command (Briant, *Cyrus to Alexander*, 340). In the Persepolis fortification tablets, given the number of “Persian, Elamite and Babylonian gods all being honoured by their separate devotees within a circumscribed area, and all being supported equally by funds from the imperial treasury” (Williamson, *Studies*, 221), there is little reason to think that Yahwistic cultic officiants would not have involved themselves in aspects of the ministrations, which benefitted from a diverse roster of specialists. Apparently, the support and augmentation of the pantheon with their respective aficionados was considered good policy. Indeed, “the addition of another god to whatever list may have been supported by the treasury of ‘Beyond the River,’ specifying the quantities to be supplied, need have surprised nobody” (ibid.).

¹⁴⁴⁸ Briant, *Cyrus to Alexander*, 64. Achaemenid innovation included e.g. the coopting of existing Babylonian offices and the accommodating of “existing forms of Babylonian legal behavior and recording” (ibid., 413, citing M. Stolper). Persian policy in Egypt did not effect a substantial change in the existing provincial system. Most Egyptian civil servants were of local origin, though Persians and Babylonians were in some cases numbered among them (Dandamaev and Lukonin, *Culture and Social Institutions*, 103-04).

¹⁴⁴⁹ The Persian language was seldom adopted by subjected peoples. Alexander retained an interpreter skilled in the local variety of speech used by the inhabitants of Maracanda in Sogdiana. Neither did Persians apply themselves to the acquisition of the local language. A Babylonian tablet arguably dated to the early fifth century lists rations issued to various people, most of them Persian. The tablet (Amherst 258) mentions a scribe-interpreter (Liblutu) described as a translator (mardukā) who accompanies the high-ranking Persian official (Uštānu, perhaps the satrap of Babylonia and Ebir Nāri) and an interpreter (Bēl-ittannu) attached to an individual named Artapāti (Briant, *Cyrus to Alexander*, 509). Regarding the increase of scribal professions and possibility of Israelite scribes adding Old Persian to their Persian period linguistic repertoire, see Perdue, *Sword and Stylus*, 183.

cases did not require adjudicative measures exceeding the capabilities of the regional system.¹⁴⁵⁰ Such a system would have necessitated the services of local jurists, a fitting profile for some Levites of the biblical tradition (so, Deut 17:8-13). Finally, recalling the discussion above (§5.6.1), if Persian approval of the latter additions to Deuteronomy were desired, the image of Levites standing before the sovereign in texts such as the law of the king (Deut 17:18; cf. 31:9)¹⁴⁵¹ may have appeared less intimidating. We should not discount the possibility that the positioning of Levites at the font of revelation and power may owe on some level to inconspicuous Persian influence.¹⁴⁵² That the written law is deposited next to the ark by the simple cult attendants (31:25) gives it the appearance of accessibility¹⁴⁵³ by *all-Israel* from its inception.¹⁴⁵⁴ One could interpret this portraiture as a rhetorical reversal that aims at subtly empowering the people, since, on the surface it does not perpetuate the traditional notion that only the sovereign and his/her elite retainers would have access to divinely derived traditions, be they written or oral.

¹⁴⁵⁰ Briant, *Cyrus to Alexander*, 510. The contrast in Esth 3:8 between the laws of the Jews and “the laws of the king” (דתייהמלך) emphasizes political over judicial aspects. The royal edict unquestionably validates the people’s laws, which differ from imperial law; cf. Esth 7:25f, where the sovereign’s recognition and protection of the laws of the Jews is explicit. Here, however, local customs have become part of the “royal law” (ibid., 511; cf. Gertz, *Tradition und Redaktion*, 25f., regarding the so-called “Artaxerxesferman” in Est 7:12-26; “that such a law was not a completely unknown entity up to then [keine bis dahin gänzlich unbekannte Größe], and that it was a question of one of the documents belonging to Jewish religion, is not to be doubted,” ibid.); cf. Perdue, *Wisdom Literature*, 140.

¹⁴⁵¹ Neh 8:7f probably comes closer to depicting reality.

¹⁴⁵² There was no, single “Persian authority” but rather different levels and locations of governance; see Briant, *Cyrus to Alexander*, 338-47; Konrad Schmid, “The Persian Imperial Authorization as a Historical Problem,” in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (ed. G. Knoppers and B. Levinson; Winona Lake: Eisenbrauns, 2007), 23-38, 30, 38. In many instances Persians allowed native administrators to rule locally. The policy helped maintain local stability and forestall local uprisings (Perdue, *Wisdom Literature*, 139f.). In Foucauldian terms, the empire’s power and influence would be distributed through a network in a manner not altogether different from that which we have described for Iron II Israel; see Chapter Four.

¹⁴⁵³ This picture contrasts sharply that of the Neo-Assyrian hierarchy in which there is a clear dividing line between the Neo-Assyrian monarch, his specialist scholars, and office-holders (Beamten): “In der Realität nimmt über die Schreibkunst (*tupišarrūtu*) die Beamten-schicht nur noch partiell an dem von den Göttern übermittelten Wissen teil und steht daher weit unter der Elite-Schicht der Gelehrten” (*Herrschaftswissen*, 307 and see the “Wissensverteilung” diagram on p. 306). The Assyrian people participate even less in divinely revealed wisdom because of they are refused access to the scribal arts.

¹⁴⁵⁴ Achenbach, “Levitishe Priester,” 290.

5.6.2 Beate Pongratz-Leisten's Concept of *Herrschaftswissen*

On the other hand, a person unfamiliar with the broader history of the Levites would have little reason to doubt their elite status in these texts. Indeed, a surface reading of Deut 17:18, 31:9-12, 25f. suggests elite Levites actually monopolize the power of special knowledge along with either the king or the premier theocratic authority, Moses.

Here we may profitably consider Pongratz-Leisten's concept of *Herrschaftswissen* ("knowledge of power" or "ruling knowledge") both for the consideration of the Levites in post-dtr texts in Deuteronomy and as a prelude to the discussion of Foucault's conceptions of knowledge and power. Already in the Mari period,¹⁴⁵⁵ as a part of their communications with the gods, monarchs made use of specialists in divination and other means of inquiry, though not only for the purposes of prognostication but also to monopolize special knowledge.¹⁴⁵⁶ Pongratz-Leisten characterizes the latter as *Herrschaftswissen* or "ruling knowledge."¹⁴⁵⁷ If one includes the tradition of the Levites' mantic expertise from Deut 33:8 (Urim and Thumim) among their roster of special skills,¹⁴⁵⁸ similar competencies perhaps gained in Babylon could conceivably be added, though mastery of such techniques would not necessarily have obtained.

Cuneiform texts indicate that astrologers, (tupšarru), haruspices (bārû), prophets (maḥḥu, raggimu), dream interpreters (šā'ilu), and occasionally exorcists (mašmaššu) do not necessarily ply their trade in temples.¹⁴⁵⁹ In Mesopotamia, no terminological

¹⁴⁵⁵ Pongratz-Leisten, *Herrschaftswissen*, 286f.

¹⁴⁵⁶ "In the Mari period the supervision (Kontrolle) over specialists and their knowledge constituted an essential instrument of power" (ibid., 286).

¹⁴⁵⁷ "Im Zentrum der folgenden Überlegungen sollen nun nicht die salomonische und lebenspraktische Weisheit stehen, sondern das Herrschaftswissen, das den König zum Machterwerb und Machterhalt befähigt. Dieses Herrschaftswissen läßt sich zu einen als Funktionärswissen, also das praktische und organisatorische Wissen, und zum anderen als Wissen zur Identitäts- und Herrschaftssicherung definieren." (ibid., 288). The latter knowledge, "die Exklusivität von Wissen, das einer Elite vorbehalten bleibt," (ibid.; cf. ibid., 16, "Ziel dieser Instrumentalisierung war nicht nur die Herstellung eines Konsensus mit der Göttlichkeit, sondern auch die 'Absicherung der politischen Unterstützung der Führungsschicht,'" [quote within the quote derives from Jörg Rüpke]) becomes the focus of Pongratz-Leisten's study.

¹⁴⁵⁸ Aaronide-Levites are the usual manipulators of the Urim and Thummim (Exod 20:30; Lev 8:6-8; Num 27:21; Sir 45:6-17).

¹⁴⁵⁹ "On the other hand there is also very definite evidence suggesting that the scholars nevertheless were not priests. Their technical literature had nothing to do with cults and religious ceremonies performed in the temples; thus, e.g., the prayers which formed an essential part of the exorcistic literature, were not intended to be recited in the temples, but were spells used in the exorcists' daily practice. The haruspices, whose profession and literature was closely related to that of the astrologers, did not do service to the temples but to the court and the army" (S. Parpola cited in ibid., 15). The "daily practices" performed among non-elites should be noted. Pongratz-Leisten relates that, following B. Landsberger, Parpola's words reverse earlier

distinction exists between pragmatic and speculative wisdom/knowledge; rather, it was thought that the former facilitated well-considered (überlegt) and wise actions.¹⁴⁶⁰ This being the case, one would not expect a sharp dividing line between more and less speculative sages on the one hand, priestly and non-priestly practitioners of divinatory techniques on the other.¹⁴⁶¹

Thus in both Bronze Age Mari and Sargonid Assyria (7th century)¹⁴⁶² priestly and non-priestly persons involved themselves in aspects of divination and prognostication. One might venture the assessment that quasi-religious activities were performed by quasi-or non-priests. Such a view does not diminish Pongratz-Leisten's theses emphasizing the sovereign's control/supervision/surveillance over (Kontrolle über) specialized knowledge;¹⁴⁶³ it must be recognized that such control could never be absolute beyond those divinatory techniques (or specialized knowledge about them) practiced at or near the king's court.

As one considers the thesis of *Herrschaftswissen* with the PRR in mind, the direct communication from the deity to the people in the latter seems far removed from a situation of the elite monopolization and of *Herrschaftswissen* (cf. *Führungswissen*¹⁴⁶⁴),

statements in which he characterizes the specialists as, e.g., incantation priests (Beschwörungspriester), extispicy priests (Opferschauptriest), as well as lamentation priests (Klagepriester; *ibid.*).

¹⁴⁶⁰ *Ibid.*, 287, following H. D. Galter.

¹⁴⁶¹ For the stratifying of knowledge as cultural construct and subject to historical change, see *ibid.*, 291 and the literature in n.33. For the integration of the Levites' specialized knowledge beyond the elite cultic sphere during the Persian period, see Labahn, "Antitheocratic Tendencies," 121. "The Levites no longer oriented themselves exclusively to cultic duties but looked out for new spheres where they could use their knowledge. The aim was probably to improve their status and to emerge from the boundaries of the cultic service where they were subordinated to the priests."

¹⁴⁶² In Sargon period Assyria the monarch intensified his supervision of specialized knowledge by deploying more groups of specialists, with whom were entrusted the same tasks and whose results the king ultimately controlled and compared" ("kontrollierte und verglich"; *ibid.*, 286-87). The Neo-Assyrian period also witnessed an increase in the encryption of texts, "die sich nicht nur im verstärkten Gebrauch von Logogrammen in Texten medizinisch-magischen und divinatorischen Inhalts äußert, sondern z.B. auch in dem Gebrauch von numerischen Logogrammen für Götternamen sowie Kryptogrammen für die wichtigsten assyrischen Zentren Aššur, Ninive, und Arbela, wie auch für die Königsnamen Sargons und Asarhaddons und für Syllabare. Ebenfalls in diesen Kontext gehört die dynamische Entwicklung der Gattung des Kommentars, die bis in die Seleukidenzeit immer wieder Neuerungen erfährt" (*ibid.*, 292).

¹⁴⁶³ "Die Nutzung von divinatorischen Praktiken als Kulturtechniken zur Befriedigung von Herrschaftsbedürfnissen, d.h. vor allem die affirmative (= Eng. "assertive," "affirmative") Funktion von Divination wird im Blickpunkt vorliegender Arbeit stehen.... Die Auswahl der besprochenen Divinationstechniken ist daher keineswegs zufällig, sondern entspricht dem Programm der Herrschaftspraxis, die die Inanspruchnahme von Astrologie, Prophetie, Traum und Leberschau als Mittel zur politischen Entscheidungsfindung und Handlungsbefugnis vorsieht" (*ibid.*, 16).

¹⁴⁶⁴ "Führungswissen wurde als die Verantwortung des Königs definiert, Repräsentant der Götter die irdisch-sittliche Ordnung aufrechtzuerhalten" (*ibid.*, 287).

by either civil or religious authorities. Indeed, the concept of the PRR runs counter to mantic monopoly by any human, regardless of secret knowledge (*Geheimwissen*), special divinatory techniques, or the magical arts. This then raises the possibility that the rhetorical thrust of the PRR challenges elite priestly hegemony in Israel *and* traditional, Near Eastern modes of regnal divinatory exclusivism.¹⁴⁶⁵ Our proposal that Persian imperial authorities would have preferred the image of Levites standing at the font of power and knowledge (Deut 17:18, 31:9-12, 25f.) integrates well into this picture, that is, once one tones down Deuteronomy's bigger-than-life depictions of Levites—which contrast with H's radical understatement of their activity opposite Aaronides (opening section of Chapter Six). That non-elite Levites were regarded as minimal threats to Persian efforts to manipulate or monopolize *Geheimwissen* commended them over elites trained and therefore authorized to possess it.

5.7 Accelerated Integration of Knowledge

Foucault's conceptions of knowledge stimulate reflection on the epistemological dynamics at play in the presentation of "Mosaic" dtn law and the Covenant Code in the Pentateuch. In the books of Exodus and Deuteronomy specialized knowledge takes the form of legislation, which finds *accelerated* integration through association with the deity and his authorized agent. In later sections of Deuteronomy in which Moses transitions from law-giver to interpreter *par excellence*,¹⁴⁶⁶ the *interpreted* law achieves integration into an even more specialized sphere of knowledge, that of authoritative Mosaic legal interpretation. The *distribution* of the power of specialized knowledge finds expression in Exod 18:13-27, a text composed by the redactors of the Hexateuch.¹⁴⁶⁷ Here Moses' own interpretative authority devolves to others, thereby establishing the Mosaic institution of interpretation.¹⁴⁶⁸ The trained specialists (v. 20) in this institution promulgate sacral-legal knowledge in the form of revealed pronouncements (vv. 15f.)¹⁴⁶⁹ and legal verdicts (v. 22, 26). These are then distributed through the "Mosaic network," that is, through the

¹⁴⁶⁵ Cf. the comments regarding dtn Deuteronomy's *Gegenprogramm* toward Assyria, §3.5.3.

¹⁴⁶⁶ See, e.g., §1.2.1.7.

¹⁴⁶⁷ Cf. Achenbach, "Die Erzählung von der gescheitern Landnahme von Kadesch Barnea (Numeri 13) als Schlüsseltext der Redaktionsgeschichte des Pentateuchs," *ZA(B)R* 9 (2003): 56-123, 104 n. 229; Otto, *DPH*, 131f.

¹⁴⁶⁸ Otto, "Deuteronomium 4," 196-222.

¹⁴⁶⁹ We may assume the שפטים now inquire of God (לדרוש אלהים) in place of Moses.

ministerial and vocational pathways open to them by virtue of their presumed prestigious training (אנשי־היל?) and stated personal reputation (אנשי אמת שנאי בצע; v. 21a), both of which connect indirectly through a back feed to the Moses figure.

5.7.1 *The PRR Texts and Accelerated Integration of Knowledge*

Another compelling explanation for Deut 17:18 and 31:9 involves the postexilic *Tradentenpropheten*, who arguably enlist the prophetically leaning Levites in their struggle against exclusivistic Zadokite-Levites and Aaronide-Levites involved in the composition and redaction of significant portions of the Pentateuch during the exilic period. The *Tradentenpropheten* promote the notion of *post*-Mosaic revelation, and not only mediated revelation through, say, the prophet Jeremiah: *All-Israel* is capable of receiving it directly, i.e., without mediation and without dependence on either hegemonic interpretation or gaining access to the upper tiers of the priesthood entrenched in an urban cultic complex.

The PRR texts in Exodus and Deuteronomy, i.e., texts that indicate *YHWH* revealed laws directly to the people (e.g. Exod 19:5-6a; 20:18-21; Deut 4:10-12, 33-34, 35-36; 5:4-5, 22-26; 9:10; 10:4) accomplish yet another level of *immediate integration* in which the unmediated disclosure bypasses Moses and the Mosaic institution of interpretation. The *benei yisrael* receive knowledge already pre-tuned for maximal internal receptivity and formulated for ready absorption (cf. Jer 31:33aβ בקרבם נתתי את־תורת־י בקרבם¹⁴⁷⁰). Theoretically, and assuming the deity does not intentionally garble the transmission (Gen 11:7), such transmission would integrate into the epistemological system of the recipients similar to the manner in which child assimilates its biological mother's milk.¹⁴⁷¹

¹⁴⁷⁰ For בקרבם LXX (= Jer 38:33) has δώσω νόμους μου εις την διάνοιαν αὐτῶν; Louw-Nida suggest διάνοια emphasizes the psychological faculty of e.g., understanding, reasoning, and thinking. Such an exercise would include the necessary filtering of alien data.

¹⁴⁷¹ On a more sentient plane, the Gospel of John preserves a tradition regarding the disciples' ability to differentiate between the transmission ("voice") of "strangers" and that of the *bona fide* shepherd; Jn 10:3-5 speaks of sheep (disciples) recognizing the voice of their shepherd (Jesus); v. 5 details the sheep's ability to immediately recognize and reject the *faux* frequency of a competing shepherd ("stranger," ἀλλότριος, translations include "belonging to others," "not one's own"). "They will not follow a stranger but they will run from him because they do not know (οὐκ οἶδασιν) the voice of strangers"; Pesh. and F. Delitzsch's NT trans. into Modern Hebrew render Grk. οἶδα with *yd'*; Vg. has *quia non noverunt vocem alienorum*.

5.8 *The Catalyst for the Acceptance of New Knowledge*

What forces or events serve as catalysts for the adaptation and resultant reorganization of existing categories of knowledge? Foucault identifies one in the conflict between competing epistemological practices:

Conflict thus becomes the locus for the continuing development and reorganization of knowledge. It is ironic that where knowledge does not encounter resistance, it is likely to receive little or no further articulation and to risk becoming isolated and inconsequential.¹⁴⁷²

From this we may infer that a system of knowledge that resists epistemological challenge runs the risk of becoming obsolete.

5.8.1 *Deuteronomy's Multivocal Program of Resistance*

Within Foucault's conceptual framework one might characterize the content of Deuteronomy as an epistemological program of resistance. Deuteronomy however would escape the fate befalling such programs whose transmissions lack sophistication. Incidence of bombastic broadcast, for example, in Deut 27:14—28:68, is mitigated through ideological and ideational diversity within the *sefer* as a whole. Indeed, and contrary to the characterization of Deuteronomistic language as monotonous, the dtn/dtr/post-dtr combination in Deuteronomy broadcasts in multiple frequencies. In that way it maximizes its resonance.¹⁴⁷³

On one front, the "dtn frequency" targets Neo-Assyrian "institutions" and their influence by introducing elements that compete with Neo-Assyrian conceptions.¹⁴⁷⁴ Otto maintains that "the dtn reform program promotes an ethos of brotherly solidarity (*geschwisterlichen Solidarethos*) that both contrasts with the Neo-Assyrian *Weltdeutung* and the loyalty demands of the Assyrian great king issuing from it and competes with Neo-Assyrian social ideology."¹⁴⁷⁵ The program of social unity appeals to those

¹⁴⁷² Rouse, "Power/Knowledge," 114.

¹⁴⁷³ In electronics, resonance may be defined as the condition of adjustment of a circuit that maximizes the flow of current of a given frequency (*Webster's New Universal Unabridged Dictionary*, Deluxe Second Edition). In terms of Deuteronomy's multivalent presentation, Levinson ("The First Constitution," 1859) takes notice of the book's striking mixture of legal language and religious metaphor; cf. *ibid.*: "Deuteronomy articulates a complex vision of political philosophy, as was already clear in antiquity."

¹⁴⁷⁴ Otto, *Politische Theologie und Rechtsreform*, 374.

¹⁴⁷⁵ *Ibid.*

dissatisfied with the alien ideology, who resonate with the social, socioeconomic—and theological—innovations schematized in parts of Deuteronomy.

On another front, and irrespective of Neo-Assyrian influences, the “dtr/post-dtr frequencies” together propose the substantial upgrading of existing “Israelite” religiopolitical “forms.”¹⁴⁷⁶ Opposite Hosea’s wholesale rejection of kingship, the dtn/dtr/post-dtr law of the king manifests a more judicious modification, a reformulation whose individual components integrate more readily into the “official” epistemological framework of the Israelite social body.¹⁴⁷⁷

One might characterize the dtn/dtr/post-dtr epistemological challenge in the following way:

- A. Elite, preexilic Zadokite-Levites adapt and integrate Neo-Assyrian conceptions; during the exilic period and in combination with Aaronide-Levites¹⁴⁷⁸ they begin revising the notion of the purification of the preexilic cult¹⁴⁷⁹ to embrace a Jerusalem-only perspective in “new forms”¹⁴⁸⁰ that elites readily receive. Most non-elites, especially those living in outlying residential towns, resist the innovation.¹⁴⁸¹ The contested “new knowledge”¹⁴⁸² nonetheless finds a place in

¹⁴⁷⁶ Otto’s emphasis on the Neo-Assyrian influence on dtn law does not always leave sufficient room for the influence of Israel’s own prophetic movement (not that it would be necessarily “Israelite” in every way) and the possibility that Israel had its own heroes of the past influencing the dtn program. For general criticism of Otto’s view of Deuteronomy’s direct dependence on the vassal treaty of Esarhaddon, see Juha Pakkala, “Der literar- und religionsgeschichtliche Ort von Dtn 13,” in *Die deuteronomistischen Geschichtswerke: Redaktions und religionsgeschichtliche Perspektiven zur “Deuteronomismus” — Diskussion in Tora und Vorderen Propheten* (ed. M. Witte, et al.; vol. 365 of BZAW; Berlin: de Gruyter, 2006), 125-36; idem., “Date,” 389 and n. 5.

¹⁴⁷⁷ Cf. Foucault’s use of the term “social body” (see block quote at the beginning of Chapter Four).

¹⁴⁷⁸ Cf. Otto, “Scribal Scholarship,” 172-173: “During the so-called exilic period of the sixth century BCE, the two rivaling conceptions of Israel’s origins were penned by two different Priestly factions: the Priestly code (Genesis 1–Exod 29 [Lev 9; P^s]) of the Aaronides, on the one side, and Deuteronomistic Deuteronomy (Zadokites?), on the other.... After the Exile, when the different Priestly factions responsible for P and D (Dtr) were reunited under the label of Aaron, it became necessary to conflate these two competing conceptions of Israel’s origins and identity.” Otto does not here specify the Zadokites as the second priestly faction of authors as he does elsewhere.

¹⁴⁷⁹ See §4.13.1.

¹⁴⁸⁰ On Foucault’s notion of the creation of new forms, see above, §§5.1.3; 5.1.3.1.

¹⁴⁸¹ This would hold true especially for northern Yahwists, alternatively Samaritans, whose epistemological framework rejects the, for them, alien worship center and capital city. The sharp difference of opinion over the choice of capital city led to a short-circuiting of the communication system linking North and South. Samaritans could retain official affiliation with Israelite (more specifically, Judahite) religion only after boldly modifying pentateuchal passages that disqualify Samaria as a legitimate center of worship and capital city. That Deuteronomy leaves the identity of the capital city unspecified would have been a celebrated inadvertence for many a northern Israelite.

the official literature, thereby slowly but steadily insinuating itself into the broader epistemological framework of Israel. New knowledge indeed *results*, though without the ancillary criticism of the monarchy shared by all classes (cf. the law of the king), the centralization “form” would not by itself *function* as knowledge,¹⁴⁸³ except among the upper class(es).¹⁴⁸⁴ It remains a curious circumstance that with the rationale Deuteronomy offers in behalf of its laws, little can be found regarding such a major, sociopolitical and religious upheaval as one would expect to accompany the centralization of the cult.¹⁴⁸⁵ The degree to which the elites’ “new knowledge” promoting a single cultic center becomes *functional knowledge* thus depends on their finding representatives of the

¹⁴⁸² Cf. Knohl (*Sanctuary*, 157), who foregrounds the antagonism between prophets and priestly elites: “PT disagrees with all strata of the popular faith (including prophecy).” The latter group has gnostic tendencies: “It would seem that PT is an Israelite manifestation of that esoteric faith which is the inheritance of the few ‘who possess knowledge of “higher things,”’ and, professing a sublime faith, seek a new religious truth which is not contained and does not spring from the popular faith and is, at best, complementary to it.” Knohl’s sharp divide between prophet and priest reflects earlier views (here, Y. Kaufmann) that have become increasingly problematic.

¹⁴⁸³ This also militates against the notion of preexilic centralization, which though an innovation originating among empowered elites, a critical mass of support for the program would be required for it to become operational as a part of, say, the Josianic reform. Rather, the exilic and postexilic periods would provide more likely contexts in which mainstream Israelite views regarding the cult and the monarchy would face particularly disruptive challenges, from both within and without. In Foucauldian terms, their partially deconstructed epistemological framework would be more capable of integrating new, even alien, forms. Alternatively, one might describe these dislocated Yahwists as vulnerable receptacles for the incursion of new knowledge and forms.

¹⁴⁸⁴ The same holds true for debates among “the wise.” The discourse includes heated debate over the acquisition and value of knowledge. The author of Ecclesiastes for example “rejects wisdom as an ultimate value and clearly asserts the negative effects of knowledge.... Like Job, Ecclesiastes points out the severe limits of knowability” (Jon Berquist, *Judaism in Persia’s Shadow: A Social and Historical Approach* [Minneapolis: Fortress, 1995], 216). Still, the works betray a *Sehnsucht* after wisdom and knowledge, expressed in a long-winded manner that often smacks of self-indulgence. One fairly characterizes wisdom discourse as the pastime of the privileged. Both Job and Ecclesiastes “operate clearly within the confines of wisdom literature” (ibid.). Like the law of the king (Deut 17:14:20) however these documents function as literature of dissent, challenging the existing epistemological framework. Job and the Preacher wrangle with the dominant discourse in a self-critical manner, since both consider themselves part of the problem. Unlike the law of the king, neither Job nor Qohelet seeks to overthrow the hub of centralized power, but rather attacks the prevailing views about the rewards and punishments associated with human behavior in a world allegedly presided over by a just, high god that would assure good things for good deeds/actions and vice versa; cf. the concept of *Tun-Ergehen-Zusammenhang* or *Tat-Ergehen-Zusammenhang* (coined by Klaus Koch).

¹⁴⁸⁵ Jeffery H. Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: Jewish Publication Society, 1996), 458-59: “Deuteronomy, which explains its laws so frequently, gives no explicit reason for this law, although it implies that there is something pagan about sacrificing at many sanctuaries without explaining what that is.” Neither have scholars come up with a satisfactory motivation to explain the so-called Josianic centralization reform.

populace that will buy into their program.¹⁴⁸⁶ In addition to the predictable resistance from the lower classes, new forms/knowledge/ideologies deriving from elite circles also face challenge from without, since elites and their power-monopolizing strategies draw fire from governances of conquering nations.¹⁴⁸⁷

- B. 1. Preexilic, middle-tier Levites, exhorted and innervated by the prophetic message of Hosea, produce *inter alia* the hortatory material (cf. the “Levitical sermon”), which challenges the existing assumptions held by both elites and lay leadership among the people regarding personal and interpersonal accountability.¹⁴⁸⁸ The Levites’ own epistemological framework is challenged by the (i) criticism leveled at priests in general by the prophetic movement, (ii) expectation of leniency and relevancy placed upon them by the general populace, and the (iii) demand for efficient and loyal service expected of them by peers and supervisors.
2. Those Levites who achieve higher status during the exilic and early postexilic periods (sixth and fifth centuries BCE) however face the new challenge of resisting the trappings of life as clerical elite, e.g., pressures to compromise their pastoral ideals in hopes of landing greater urban opportunities.¹⁴⁸⁹ That they subsequently incur new levels of antipriestly, occasionally antiritualistic, criticism (cf. Amos 5:25; Jer 7:22; Ps 50) has ramifications for the successful integration of elements of their “new forms” into the epistemological framework of the broader population.¹⁴⁹⁰ Most of the Levites’ contributions to the book of Deuteronomy are nonetheless well received by the populace.¹⁴⁹¹ The situation in the Chronistic History would be somewhat different.

¹⁴⁸⁶ E.g., elites would of a necessity seek out non-elite advocates for their program of cultic centralization.

¹⁴⁸⁷ This is not to reciprocal benefit between elites of an occupied nation and its occupiers.

¹⁴⁸⁸ It is conceded that the contrast between Zadokite-Levites and Levites would not be this stark in every instance. Recalling the discussion in Chapter Four, another way to view such contrast would be to do so within the framework of more official (Zadokite-Levite) and less official (Levite) religiopolitical groups. For comments on regional, non-priestly leadership within Persian satrapies, see Excursus 1 above.

¹⁴⁸⁹ Advancement often required relocation to urban centers of administration.

¹⁴⁹⁰ Leuchter, *Polemics*, 154, points to the larger population’s openness to “new modes of thinking ratified under the banner of a developing Deuteronomistic theology.”

¹⁴⁹¹ The curses spelled out by Levites in Deut 27:14-16 would only likely appeal only to a radical fringe of the populace (which is more possible in Isa 40–66; cf. Berges, though moreso Gosse; cf., *mutatis mutandis*, the later Zealots). As for the section’s originality, though containing apodictic formulations, the length speaks against early formation. Incremental development is more likely; moreover, elements of the content

C. The laity faces a twofold and thus doubly difficult epistemological challenge in the combination of official and popular streams that comprise Deuteronomism: to integrate two, weighty epistemological components, namely, (1) taking upon themselves a new level of responsibility for their personal devotion to *YHWH* (to know ידע, love אהב, keep his commandments, and walk in his ways; cf. the message of Hosea and, to a certain extent, an adapted, Neo-Assyrian love-loyalty concept) and (2) cooperating at the grassroots level (cf. our analogy of local “circuitry” connecting villages, residential towns, and administrative cities¹⁴⁹²) in order to reformulate and rejuvenate familiar forms and institutions (Deut 17:15a). Albeit the difficulty of these kinds of challenges it nonetheless holds forth considerable potential to reinvigorate the people, who in cooperation with middle-tier Levites and sympathizers among the elite, come to play a substantive role in the reconstituting of the Israelite nation, at least in theory. During times in which components one and two have been embraced and thereby integrated into the epistemological framework of the general population as *functional* knowledge, aspects of the Deuteronomist program, especially those that reinforce the notion of Israel as an exceptional nation imbued with a distinctive, divine destiny¹⁴⁹³ have revitalized Israelite/Jewish hopes¹⁴⁹⁴ from Neo-Assyrian to Greco-Roman times and beyond.¹⁴⁹⁵

would not have applied in preexilic times. The reason for the sobriquet “the Levites” (v. 14) instead of “the levitical priests” (cf. Mayes, *Deuteronomy*, 344-46) remains unclear for the present writer.

¹⁴⁹² See §4.5.

¹⁴⁹³ That Israel comes to fulfill kingly roles through its covenant between *YHWH* and Israel rather than between *YHWH* and king reinforces the notion of their *Besonderheit*; cf. Ben Zvi, “Utopias,” 74. Cf. Deut 7:6: כי עם קדוש אתה ליהוה אלהיך כך בחר יהוה אלהיך להיות לו לעם סגולה מכל העמים אשר על-פני האדמה.

In the fourth book of the Psalms (chs. 90-106) a similar substitution is in evidence: the failure of the Davidic monarchy results in the transfer of “choseness” from David to the theocratic community. The title “elect” (*élu*) shifts first from David to Abraham and “puis à la communauté des origins.” Even David’s messianic title (Ps 89:39-52) graces the community: “אל-תגנו במשיחִי” (Ps 105:15); see Bernard Gosse, “Les mentions de Moïse en Isaïe 63,7-64,11 et Psaumes 90-106, et les relations entre le livre d’Isaïe, le Psautier et les Cantiques,” *Transeuphratène* 24 [2002]: 23-39, 25 *et passim*. Gosse detects a similar transference in Third Isaiah. Prophetic Levites commend themselves as endorsers of this notion in both instances in spite of the third book of the Psalms’ more explicit evidence of levitical involvement; see, e.g., Mark S. Smith, “The Levitical Compilation of the Psalter,” *ZAW* 103 (1991): 258-63.

¹⁴⁹⁴ As disheartening as false hopes turn out to be, and notwithstanding the ideological manipulation inevitably at play in an official publication—especially in a largely illiterate society—a people whose national charter affirms their “right” to cooperate in order to effect political change at the elite level will continue to nourish hopes for change. Alt (“Heimat,” 273-74) describes the hope kept alive in the wake of the Assyrian conquest of northern Israel: “Daß sie den inneren Widerstand gegen ihre gewaltsame

5.9 Power that Empowers

Deuteronomy is not the creation of sacral-legal specialists assaying to train other specialists.¹⁴⁹⁶ The dtn/dtr/post-dtr program succeeded in part because of its ability to integrate new components rather quickly¹⁴⁹⁷ into the epistemological frameworks of both official and popular religiopolitical groups.¹⁴⁹⁸ In the case of Deuteronomy the notion of “compromise” only goes so far in explaining the dtn/dtr/post-dtr achievement. The Hoseanic-Levite (cf. the prophetic-priestly) impulse included a conception of Moses¹⁴⁹⁹

Einverleibung in das Herrschaftssystem des fremden Großreiches von heute auf morgen aufgegeben haben sollten, ist sicher nicht wahrscheinlich, und wenn sie sich auch nicht oder wenigstens nicht mit dauerndem Erfolg offen gegen das ihnen aufgezwungen Joch empören konnten, so ist doch sehr damit zu rechnen, daß die Hoffnung auf Wiedergewinnung der Freiheit in ihnen nicht so schnell erlosch und sie zu immer neuer Erwägung der Frage führte, wie sie im Falle des Nachlassens oder Aufhörens des assyrischen Druckes ihr Leben nach der alten Eigenart einzurichten hätten.” (“That they would have abandoned overnight the internal resistance against their powerful incorporation into the authority system of the foreign kingdom is certainly improbable. They also could not with lasting success be openly outraged against the yoke forced on them. It is therefore to be expected that the hope of reobtaining their freedom did not quickly die out, and that it led to an ever newer consideration of the question how, in the event of the reduction or cessation of Assyrian pressure, they would have adjusted their lives according to the old individuality”; writer’s trans.).

¹⁴⁹⁵ The significant number of copies of Deuteronomy found at Qumran and the wide use of Deuteronomy in the New Testament would seem to bear this thesis out.

¹⁴⁹⁶ So, Rüterswörden, *Deuteronomium*, 18: “Priesterliches Fachwissen teilt das Deuteronomium nicht mit.”

¹⁴⁹⁷ Cf. the comments on the accelerated acceptance of knowledge above, §5.7.

¹⁴⁹⁸ Witness, e.g., its popularity among the Dead Sea Scrolls and New Testament writings.

¹⁴⁹⁹ The northern, Hoseanic-Levite coalition included intriguing conceptions of the deliverance from Egypt. Hos 12:12-13 [Heb. 13-14] puts forward Jacob as the prophet that brought Israel up from Egypt. Cf. Römer, “La Construction,” 110: “Au patriarche Jacob, l’oracle [Hos 12:13f] oppose le prophète comme le véritable médiateur”; MacIntosh (Hosea, 511f.) argues the indissolubility of the two verses (use of שמר in both, and the twofold occurrence of preposition אֶ in the second) but then asserts Moses as the referent in the second; Albert de Pury, “Le choix de l’ancêtre,” *ThZ* 57 (2001): 105-14, 110f, concludes the ambiguity (“il est néanmoins étonnant que le nom de celui-ci n’apparaisse pas”) does not hamper the true goal of the author of Hos 12, namely, to emphasize the *need* for a mediator in general, the specific identity of which was of lesser importance. Cf. also Schäfer-Lichtenberger, *Josua und Salomo*, 95, n. 370. Knauf (*Josua*, 25) suggests another possible significance of Hos 12:13, which he would describe as the “denationalizing” of the Exodus tradition. By draping it in prophet dress, the author and tradents of Hosea enabled the tradition to remain viable for Israel.

The connection of Jacob and Aram in Syria emphasizes the northern aspects of this tradition. Cf. Num 23:7: “Then Balaam uttered his oracle, saying: ‘Balak has brought me from Aram, the king of Moab from the eastern mountains: *Come, curse Jacob for me; Come, denounce Israel!*’”; Amos 1:7-14 mentions “the pride of Jacob” [גאון יעקוב] along with Egypt and illicit deities of northern sanctuaries, namely Ashima of Samaria [cf. 2 Kgs 17:30] and the god of Dan. Ezek 37:25 references the lands “in which your fathers lived” bequeathed to Jacob; cf. Pieter M. Venter, “Northern Traditions in Second Century BCE Literature,” *OTE* 16 (2003): 464-88, 467. The title of Venter’s essay unfortunately belies his important survey of earlier periods; see Christian, “Revisiting Levitical Authorship,” 221-26, for a summary of Venter’s survey and my emphasis on the geopolitical isolation of the upper Galilean region. “Whereas Samaria was more directly controlled by their imperial masters, the villages in the regions of Galilee and Huleh were locally administrated, from Megiddo. This datum provides additional support for the notion that villages in Galilee and Huleh enjoyed an existence less affected by the vicissitudes of international affairs. Located on the

that later dtm tradents would develop into perhaps an even more composite figure (cf. Samuel) with which they could link together numerous *heilsgeschichtlich* (or in the case of the pseudigraphic and New Testament profiles of Melchizedek and Enoch, notions of eternal priesthoods and agents of condemnation and eternal judgment) elements.¹⁵⁰⁰ The preexilic, dtm Deuteronomy had already given voice to concerns regarding justice for all the internal piety of the individual.¹⁵⁰¹ As the dissimilar and even opposing elements combine,¹⁵⁰² the new admixture creates new categories and stimulates dormant, or activates formerly nonexistent mechanisms of change within the hearts and minds of the people.¹⁵⁰³ Substantive change never comes easily. The road takes unpredictable turns and the interim results often prove disappointing. Nonetheless, the goal of uniting under the banner of the national god to overcome oppressive circumstances believed to have been experienced as a subjugated nation proved appealing to not a few. For non-elites that would identify themselves with Israel, the potential of voicing their discontent free of repression by their overlords—both near¹⁵⁰⁴ and far—proved particularly appealing.¹⁵⁰⁵ One theological foundation on which they stood had been established through the

periphery, they stood in a better position of maintaining their indigenous customs. As long as they paid their taxes and stayed within the bounds of the imperial code, they were able to live their lives relatively free of external intrusion” (ibid., 223).

¹⁵⁰⁰ For a well-considered appraisal of Hosea’s influence on subsequent Israelite views of their divinely-guided history, see Dozeman, “Hosea.”

¹⁵⁰¹ Patrick (*Old Testament Law*, 6, 7) points to the dynamic of ancient communities taking religious and intellectual ownership of the content of their law codes. Whereas the communal will is necessarily articulated through authorities, and whereas “no communal law has the impartiality and beneficence that its apologists are wont to claim for it . . . the mores and laws of actual communities [nonetheless] derive their legitimacy and majesty not from the authority of lawgivers but from the capacity to convince the conscience of their justice and rightness.” Cf. Patrick’s early essay, “I and Thou in the Covenant Code,” in *SBL Seminar Papers* (ed. P. Achtermeier; Missoula: Scholars Press, 1978), 71-86, 80: “One does not promulgate laws unless he is authorized to do so by a community which is duty-bound to obey it.”

¹⁵⁰² Cf., e.g., the binary opposition evident in the blessings and curses in Deut 27–28.

¹⁵⁰³ Cf. our comments in Chapter Four that official religion actually thrives on a certain amount of internal opposition.

¹⁵⁰⁴ In his discussion of the Covenant Code Patrick (“I and Thou,” 81) identifies the addressees as the “free land-owning class. . . . It would be this class that could lead a mass movement and provide it with stability and hierarchy.” To be sure, that this “class” has the potential to coerce lower classes to support “the program” goes without saying.

¹⁵⁰⁵ Relevant to the current discussion is Ben Zvi’s speaking of a shared, basic “sea of ideas” (“Utopias,” 69) or “web of images within the discourse of” (ibid., 77) in a discussion of Israel’s appropriation of utopian models. Not everyone among the populace had to be supportive of the Levites’ mission for it to be successful. The composition of supporting groups tends to fluctuate anyway, with some members sharing only part of the “vision” and other not willing to make long-range plans or goals. The force of well-preached rhetoric, especially when containing “a well articulated statement of groups aspirations” (Wilson, *Prophecy and Society*, 81), can nonetheless be sufficient to convince enough leaders and their constituents to rally for a cause, even if it is only temporary.

teaching of and advocating for the notion of a direct connection between people and their god (so, the traditions of the PRR). Without it claims to holy nationhood and royal *Priesterschaft* would have had little basis and consequently little chance of being taken seriously. As the paucity of explicit traditions of the PRR in Exodus and Deuteronomy—more clearly and forcefully in the latter—show, even vestigial survival of HexRed’s views in the wake of PentRed’s subsequent contravening redaction and overriding *Überschreibung* in behalf of official religion of the late fifth and early fourth centuries, was hard won.

In an interview dating to the middle of the nineteen-seventies Foucault weighed in on the possibility of a power that empowers rather than represses.

If power were never anything but repressive, if it never did anything but to say no, do you really think one would be brought to obey it? What makes power hold good, what makes it accepted, is simply the fact that it doesn’t only weigh on us as a force that says no, but that *it traverses and produces things*, it induces pleasure, *forms knowledge, produces discourse*. It needs to be considered as a *productive network* which runs throughout the whole social body, much more than as a negative instance whose function is repression.¹⁵⁰⁶

Before the reader rejects this notion of beneficent power as somewhat naïve, it should be noted that Foucault found repressive power to be particularly loathsome. Thus he writes—and perhaps dreams—of a power that counteracts oppression. It is a power that empowers.

5.10 Summary: Levitical Priests that Empower

I have made passing remarks about prophetically infused, middle-tier Levites throughout this study. In the concluding statements effort is made to consolidate many of the issues raised, especially how the Levites appropriate specialized knowledge and integrate it into their vocational circumstances, which often include the fragile existence of itinerancy.

First, as middle-tier priests, Levites provide a connecting link in the chain of power between elites and non-priestly persons that includes the destitute and the marginalized,¹⁵⁰⁷ even non-agents.¹⁵⁰⁸ Even in situations where a sovereign or official

¹⁵⁰⁶ Foucault, *Power/Knowledge*, 119, secondary emphasis.

¹⁵⁰⁷ Cf. Deut 26:11-13.

¹⁵⁰⁸ See also the comments in n. 1114.

reportedly transmits power through a network,¹⁵⁰⁹ the successful *Wirkung* of that power remains dependent upon other persons or groups at locations along the network chain acting in concert.¹⁵¹⁰ Therefore, and because of their reliance upon middle-tier professionals, elites would need to maintain a working relationship with such middle-men while at the same time fully realizing their inability to control the details of their agents' conciliatory activities. As has been argued, levitical intermediaries within the official network would have occasion to contextualize official dogma and perhaps modify directives. Although the level of modification would vary it stands to reason that envoys traversing the hinterland (cf. peripatetic cultic and legal "specialists") have particularly advantageous platforms from which to promote alternative, non-official views.¹⁵¹¹ Recalling the discussion of Berlinerblau's categories of "official religion" and "popular religion" in Chapter Four, these would be fruitful settings in which the ideas and ideologies of heterodox religious groups could germinate and develop. Such ideas could be perpetuated while simultaneously performing commissioned tasks. Middle-tier religious personnel accused of acting impudently or making dangerous concessions, however, would not escape reprisal, as Num 16 and Ezek 44:9-15¹⁵¹² respectively illustrate.¹⁵¹³

Inchoate democratic,¹⁵¹⁴ even utopian reflections¹⁵¹⁵ present themselves in the law of the king (Deut 17:14-20) that likely derive from priest-scribes influenced by the early

¹⁵⁰⁹ The analogy of an electronic network is introduced in Chapter Four.

¹⁵¹⁰ Rouse, "Power/Knowledge," 109.

¹⁵¹¹ The present study has not considered the critique leveled at "false prophets" in, e.g., Deut 18:14-22 for perpetuating a message that came to be considered authentic, whether through incompetence or intentional distortion. Carrière rightly emphasizes the risk taken by *YHWH* in choosing to express the inexpressible through a human intermediary: "En étant confiée à un prophète, la parole divine prend le risque d'être perturbée par l'intermédiaire, dans le passage entre ce que le prophète entend et ce qu'il dit au peuple" (*Théorie du politique*, 364). The anxiety-provoking tension produced by an insecure link in the divine-prophet-people chain of transmission seeks to find resolution through a prophetically competent "brotherhood," which is to discern whether the prophet has faithfully and accurately delivered the divine directive. The "Volk von Brüdern" (L. Perlitt) find themselves drawn into an association in which they carry great liability (cf. Deut 18:15b, 18f, 21f.).

¹⁵¹² Knoppers, *1 Chronicles 10–29*, 825-26, contrasts the vilification of dissenting colleagues in P and in Ezekiel with the more peaceable Chronicler who "stresses cooperation and complementarity, not competition and hierarchy."

¹⁵¹³ Cf. also Deut 18:19-20 (in the law of the prophet) and Carrière, *Théorie du politique*, 363f. "In being confided to a prophet, the divine speech risks being distorted by the intermediary" (ibid., 364).

¹⁵¹⁴ Carrière's reservations regarding the applicability of the term "democracy" in a context of Deuteronomy are incisive (*Théorie du politique*, 48 and n. 91, and contra F. Crüsemann, *Torah*, 246-49).

Israelite prophets, notably Hosea.¹⁵¹⁶ To be sure, self-governing notions could also prove useful to elites who have their motivations for holding the sovereign in check. D. A. Knight warns against the assumption that preexilic laws and social norms would somehow be free of political and economic self-interests.¹⁵¹⁷ The final form of the text documents cooperation between the top and secondary tiers of priest-scribes. We would follow García López¹⁵¹⁸ in assigning v. 15b (“One of your own community you may set as king over you; you are not permitted to put a foreigner over you, who is not of your own community”) to later elites (cf. the Zadokite-Levites),¹⁵¹⁹ though not the same circle responsible for the post-dtr vv. 18-20, which reflect similar perceptions of a more elite group of postexilic Levites as presented in Chr, and, less obviously but no less influentially, in the Psalms as well.¹⁵²⁰ As was argued in Chapter Four, the theme of

¹⁵¹⁵ Levinson, “Reconceptualization,” 533, compares the “more utopian than pragmatic” dtn schema with the Ezekielian vision of restored kingship in Ezek 37:13-18 and of “cultic, political, and corporate life in the land” in chs. 40–48. Levinson concludes his important essay thusly: “The utopian elevation of Deuteronomistic Torah to sovereign power encountered the renewed utopian hopes pinned onto the Davidic dynasty by the Deuteronomistic Historian, whose charter for a political community conforming to Torah departed from Torah in order to reinvigorate the monarchy” (ibid., 534); cf. Braulik, *Deuteronomium II*, 123; Knobloch, *nachexilischen Prophetentheorie*, 259-63, especially 261: “Indessen wird jedoch die aus den Rechtstexten der Hebräischen Bibel ersichtlich Transformation vom Königsrecht hin zum Gottesrecht, also eben diese von Assmann auf den Punkt gebrachte Exkarnation von Königsfunktionen in die Rechtstexte der Hebräischen Bible, in Dtn 17,14-20 zu einer Depotenzierung des Königtums durch die Einordnung in eine utopische Ämterverfassung (Dtn 16,18-18,22) und die Unterordnung unter die Tora (Dtn 17,18f.) gesteigert.”

Laws can be both statutory and supplemental, i.e., they can be drawn up in order to supplement unwritten custom, which in some instances carries the primary prescriptive weight (cf. Lefebvre, *Collections*, 15). The restraint of the targeted polities in Deuteronomy is admittedly partial, and yet the ambiguities present in its distribution of power are indicative of a compromise between those representing central elites and those representing local contexts; cf. Stewart Moore, “Divine Rights: The Distribution of Power in Deuteronomy,” *Hebrew Political Studies* 3, no. 4 (2008): 325-51, 351.

In highly religious contexts, “secular laws” are scrutinized and integrated quite selectively. Carrière’s invoking the word “theocratic” (*Théorie du politique*, 352) applies to the office laws insofar as one follows the idealistic logic of its authors, who by subordinating the legal system to the religious domain imply the structure of the central government should in fact be “theocratic.” The death penalty for religious deviance is suggestive of a theocracy endowed with executive authority.

¹⁵¹⁶ See the discussion of the law of the king in Chapter Four. For Persian period democratic ruminations, see Herodotus, III.80, in which is initiated a debate over the value of different forms government that continues through §87.

¹⁵¹⁷ “Whose Agony?,” 112.

¹⁵¹⁸ See Chapter Four.

¹⁵¹⁹ Perdue (*Sword and Stylus*, 161) sees the Zadokite priesthood supervising temple scribes in the latter stages of the writing of the Hebrew Bible. For him Jer 17:5-8 is a late, Zadokite wisdom insertion. Following the Great War, Tannaitic Rabbis performed the final touches on the text, which “for all intents and purposes, ended with the devastation of Jerusalem in 70 CE.”

¹⁵²⁰ Cf. Christian, “Revisiting Levitical Authorship,” 194-201; Berges, *Jesaja 40-48*, 40.

centralization is not integral to the dtn message but rather derives from exilic or postexilic tradents.

As one reflects on the probable hearers of the book of Deuteronomy, the motivating tone of much of the work derives naturally from priest-prophet Levites (cf. DtrP, the influence of which extends beyond 18:9-22) who enjoin not only fellow officials but indeed *all-Israel* to act in concert. Deuteronomy's dual characterization of Levites as priests¹⁵²¹ and paupers¹⁵²² well positions them to form powerful cross-denominational alliances; they make ideal teacher/preachers for the people (cf. Deut 27:14, 19a). Because of the Levites' inclusion among the list of *personae miserae* in Deut 14:27-29; 16:11, 14 a similar concern for their sustenance can I think be assumed here as well.¹⁵²³

Second, and finally, the Levites belong to the class of elites simply by virtue of their scribal ability and expertise in sacral law.¹⁵²⁴ And yet in preexilic times it is unlikely their area of specialized knowledge and the loci in which they practiced their craft would have located among the upper ranks of priestly specialists in the environs of a central

¹⁵²¹ Deuteronomy 17:9, 18; 18:1, 5; 21:5; 24:8, 27:9; 31:9.

¹⁵²² Deuteronomy 14:27-29; 16:11, 14; cf. Knauf, "Milieux," 49f. His attribution of scribal ability to only the "l'école, le palais, le temple [assuming a central temple, or local sanctuary?] et, à une époque tardive, des propriétaires de bibliothèques privées" (49), is built on the contrast between elites and the uneducated, whose "literary" ability includes only oral memorization of, e.g., genealogies; cf. Otto, *DPH*, 263, n. 86. In his Joshua commentary, Knauf envisions literary activity occurring as early as 600 BCE at regional sanctuaries such as Bethel (*Josua*, 17f.); in "Archaeology of the Hexateuch," 291, he wonders whether the "library of Bethel" was "brought to Jerusalem in 622, and then back to Bethel in 586 (sic)." For temple libraries at other regional sites, see Edelman, "Prophets to Prophetic Books," 41. Sanders points to the fact that the school texts we have tend to be very unsophisticated, "casually executed abecedaries and ostraca with a few repeated words, many found far outside palaces or temples where it is often assumed scribes were trained" (*Invention*, 8). As mentioned in Chapter Four, Babylonian scribal students appear not to have been closely connected to major temples and central administration. A similar situation obtained in the Early Iron Age Levant, where "the Phoenician script-language achieved universal prestige ... without ever being tied to a single ruler or central state chancery" (*ibid.*, 132).

¹⁵²³ Moses' involvement vis-à-vis the Levites in Deut 27 is curious. In v. 9 both Moses and the Levites address all-Israel; in v. 11 Moses alone orders (צוה) the people's positioning for the cultic event the people on Mts. Gerizim and Ebal (cf. David's regulating the Levites in the temple in Chr); in vv. 14-26 the Levites "will answer (ענה following LXX and NAS) and say (אמר) to all-Israel with a loud voice" the curses (ארור "cursed be") to the people.

The verbal combination אמר ← ענה "answer and say" occurs elsewhere only in Deut 21:7 (the elders proclaim their town's innocence); 26:5 (a coached, cultic response); 27:15 (all-Israel responds with "amen" to the proclamation of the curse); Joel 2:19 (*YHWH* responds to the people); Isa 14:10 (voices of the netherworld taunt the powerful who now join them).

¹⁵²⁴ This is true especially regarding Levites in Second Temple times; see van der Toorn, *Scribal Culture*, 90. It is admitted that a genre originally serving as protest literature in behalf of the disenfranchised (and their advocates) may be taken over by the empowered as a means of retaining power; cf. Christine Mitchell, "'How Lonely Sits the City'" Identity and the Creation of History," in *Approaching Yehud: New Approaches to the Study of the Persian Period* (ed. J. Berquist; Atlanta: Society of Biblical Literature, 2007), 71-83, 82f.

sanctuary, be it Jerusalem, Samaria, or other. Rather, they served in locations in which they had more sustained contact with the general populace. Regional towns (cf. the levitical cities in, e.g., Josh 21¹⁵²⁵) come to mind.¹⁵²⁶ Villages were units in clan hierarchies, and were in actuality administrative units. Rather than serving solely as “the intermediate kinship entity between the clans and the patrilineages,” villages functioned as local sectors, agencies of “interhousehold administration” that “transcended individual compounds.” In the larger settlements, shrines sprang up not only on routes of commerce but also at the “intersections of kin-group territories.”¹⁵²⁷ Such villages and shrines made

¹⁵²⁵ Although Levi does not figure in the twelve-tribe system in Joshua, the Levites nonetheless receive dozens of towns (ערים) and pasture lands (מגרשים); cf. Auld, *Joshua, Judges, and Ruth*, 105. Historical problems with this list have been noted for a long time; cf. Hans Strauss, “Untersuchungen zu den Überlieferungen der vorexilischen Leviten.” unpubl. diss. (University of Bonn, 1960), *132-39, for a helpful synopsis of seminal treatments by, e.g., S. Klein, M. Löhr, W. F. Albright, A. Alt, and M. Noth. Strauss himself concludes that מגרש represents the actual, characteristic living region of preexilic Levites that serves as the focal point for later levitical claims, which find expression in corresponding, geographic realities, namely the מגרשים and עדי הלויים to which Josh 21:41f point (ibid., 139). The symmetrical division of the levitical cities already assumes the arrangement of the land into tribal areas; cf. Volkmar Fritz, *Das Buch Josua* (Tübingen: Mohr Siebeck, 1995), 210: “Diese gleichmäßig Verteilung der Levitenstädte auf die Stammesterritorien ist somit eine sorgfältig durchgeführte Konstruktion, in der die geographische Gliederung des Landes in Stammesgebiete bereits vorausgesetzt wird.” Josh 21:1-42 is a literary invention of an author/redactor building on the basic stratum of the narrative of the giving of the land by Joshua. It, like 20:1-5, 7,8, has been appended to Josh 13–19 (ibid.); cf. Ahlström, *Royal Administration*, 50 and n. 37; Ahlström dates the conceptualizing and correlating of the lists in Josh 21 and 1 Chr 6 to the postexilic period; cf. ibid., 55: “The post-exilic historiographer derived his concept of “Levitical” cities from the old administrative system of appointing, among others, priestly and civil personnel to serve in certain cities. This was especially important in strategical places and newly incorporated areas. In other words, in the historical reconstruction one way of making the different Canaanite areas ‘Israelite’ was to place Levites in them.... The logical thing to do was to anchor this phenomenon in a decree given by Moses, Num 35:1ff.” See now Jeremy M. Hutton, “The Levitical Diaspora (I): A Sociological Comparison with Morocco’s Ahansal,” in *Exploring the Longue Durée: Essays in Honor of Lawrence E. Stager* (ed. David Schloen; Winona Lake: Eisenbrauns, 2008), 223-34. Deploying an ethnographic comparative method, Hutton takes on the convoluted issue of the levitical cities.

¹⁵²⁶ Gottwald, *Tribes of Yahweh*, 320: “Whatever the exact form and meaning of Levi’s earliest existence as a secular tribe, the foundation of the peculiar Israelite social system was laid when Levi became the specialized bearers and functionaries of Yahwistic tradition and were arranged in a cross-cutting sodality that permeated and bonded the discrete tribes into one worshipping, militant, tradition-building and law-formulating community.”

¹⁵²⁷ Halpern, “Jerusalem and the Lineages,” 52f (cited portions from p. 53); Jer 3:14: “I will take one from each town/village, two from each clan (משפחה) “implies that the clan is larger than the village, but that the village is a unit in the clan hierarchy” (ibid.). Regarding Herodotus’ perception of Persian society, see Briant, *Cyrus to Alexander*, 18: “Persian society as understood by Herodotus was thus a tribal society. Herodotus obviously used Greek terms to designate the groupings and subgroupings. But the social division that can be recognized there is comparable to what is also known from Iranian terminology. The basic level of organization is the patrilineal family (Old Persian *manā*); a group of families constitutes a clan (Old Persian *viθ*); the clans are grouped into a tribe (Old Persian *zantu*). The tribe is simultaneously a genealogical reality and a spatial reality.... Each tribe and clan had a territory of its own, the former being led by a tribal chieftain (*zantupati*). This was a situation that was to obtain until the very end of the Achaemenid period.” Herodotus also does not use the term satrap but rather the more general term *hyparch*.

optimum settings for Levites to ply their trade and show solidarity¹⁵²⁸ with the local population, which could be quite diverse. These locations also made ideal settings for organizing tribally infused political activities.

5.11 Tribal Power Trumps State Control in the Early Second Millennium BCE

Old Babylonian period evidence from Mari (located on the Middle Euphrates, conquered in 1761 BCE by Hammurabi, who razed the palace and city-walls two years later) indicates tribes emerging somewhat in parallel with states. A state might actually foster the formation of tribes, and vice versa. Tribal organizations¹⁵²⁹ play an active role in making political policy, even producing a number of political orders in Mesopotamia.¹⁵³⁰ This attests to the potential political influence kinship groups could wield when organized by middle-tier leaders who, representing both the state and local groups, stood in a position of intermediation and negotiation.¹⁵³¹ For much of the eighteenth century representatives of tribal interests run the state. Indeed, “in Zimri-Lim’s realm, tribal population does not negotiate a relationship with city-centered power. They hold the reins of power and dominate the population.”¹⁵³²

5.12 Effective Power

E. Shils insists a successful political program must integrate the proposed social order with a higher, transcendent order, in order to produce what he terms “effective power”:

E.g., his expression *sardion hyparkhos* appears to refer to a district in Asia Minor including Lydia and Ionica (Briant, *Cyrus to Alexander*, 64; Herodotus III.127).

¹⁵²⁸ Cf. French *solidarité*, which may be translated “interdependence.” Carrière’s perspicacious usage of the term *solidarité* in his analyses of the relationship between Levites and levitical-priests vis-à-vis the populace in Deuteronomy is instructive (*Théorie du politique*, especially 54, 159f, 248).

¹⁵²⁹ At Mari (modern Tell Hariri) “the social organization of the semi-nomadic pastoralists was tribal. People claimed descent from a common ancestor, real or fictional, but those affiliations were loose... some tribes were absorbed by others, and some people changed tribes.... tribes over a wide geographic area could claim common descent. Tribal names were given to settled and non-settled people alike, which shows the hybridity of the pastoralist lifestyle” (van der Mieroop, *History*, 88).

¹⁵³⁰ Sanders, *Invention*, 69.

¹⁵³¹ “A different pattern is visible in Near Eastern epigraphic evidence, beginning in the Old Babylonian period (c. 1800 BCE) and continuing through the Iron Age. In these texts far older than the polis, West Semitic peoples act as sovereign agents. Their participation in sovereignty can be seen on three levels: language, ritual, and political process” (Sanders, *Invention*, 69).

¹⁵³² Daniel Fleming, cited in Sanders, *Invention*, 69; cf. *ibid.*, 73: “Sovereignty, the power to choose and execute war or peace, was vested in the tribal assembly conceived as a meeting of tent-dwellers. The Mari archives are full of reports of the tribes assembling for political decisions.”

Effective power, however great, does not automatically and completely legitimate itself simply by its effective existence. The social order it appears to create, maintain or control, must not only give the impression of being coherent and continuous; it must also appear to be integrated with a transcendent moral order. It must incorporate a standard of justice referring to an order beyond that already realized in existing institutions.¹⁵³³

Respecting the innovations set forth in the message of Deuteronomy, hollow promises would win few supporters and fewer activists. It was incumbent upon the Levites to demonstrate that, in contrast to the elites living in the larger administrative centers, theirs was a priestly power that could empower not only native born Israelites but also aliens that chose to align themselves with Israel by demonstrating devotion to Yahwism.

5.13 Levites and the Authorship of the Hexateuch Redaction

A few remarks are now offered to connect the sociological (Foucault, Berlinerblau, P. Briant, M. Weber, E. Shils, *inter alia*) and linguistic anthropological arguments (Seth Sanders, Marc van der Mieroop, Orly Goldwasser, *inter alia*) in Chapters Four and Five to the introduction and discussion of the Hexateuch Redaction (primarily Otto and Achenbach) in Chapter Two, and to a certain extent, in the exegeses of Chapters Three and Four. In my estimation, Levites that integrated into higher levels of society and their vocation, perhaps becoming an upper-middle tier (or lower-elite tier) of the prophetic-priesthood, make likely candidates for the Hexateuch redactors, the elite Zadokite-Levites (late fifth or early fourth century) for the Pentateuch redactors. The Hexateuch redactors, whose ideas and oral traditions begin to take shape in the first half of the fifth century, perhaps at Mizpah, moved their center of operation to Jerusalem beginning in the middle of that century. With support among the Aaronide-Levites and influential laity, they promote the notion that a hero of mixed heritage such as Caleb could, through demonstrated devotion to *YHWH*, not only gain citizenship in Israel but also inherit land, e.g., Hebron. Based on post-dtr traditions such as Deut 17:18-20; 31:9, and the levitical movement of fifth-fourth and later centuries (cf. numerous passages in Chr suggesting an elevated status of Levites), Levites attained to more elite status in some contexts. Their changing circumstances may have facilitated the admission of aliens or persons of mixed

¹⁵³³ “Charisma,” 207.

lineage into their ranks, resulting in increasing animosity toward nonobservant Israelites by birth. See for example the sharp contrast between the contemptible priestly performance in Mal 1:6-14 and the acceptable offerings of *non*-Israelites in vv. 11 and 14. Compare also the hostility leveled at those boasting Jerusalemite citizenship in Isa 57:3-13.¹⁵³⁴

5.14 Possible Inheritors and Purveyors of Postexilic Levitism

In texts attributable to the Hexateuch redactor, Caleb, who “nicht ein Sohn aus Israel gewesen [ist],” becomes the sole survivor of the Exodus generation garnering *YHWH*’s unqualified support.¹⁵³⁵ Inheritors of this stream of postexilic *Levitismus* come to share certain views of Second and then Third Isaiah¹⁵³⁶; later, in the fourth century, they become directly involved in the production of the “prophetic torah” of Isa 56:1-8.¹⁵³⁷ W. Lau¹⁵³⁸ had earlier dubbed 56:1-8 “prophetic Torah,” though he did not venture an identity for its writers. He suggested only that “wahrscheinlich soll Jes 56-66 zur Gänze unter dem mahnenden und zugleich Heil verheißenden Motto Jes 56,1 gelesen werden.”¹⁵³⁹ L.-S. Tiemeyer contrasts Isa 56:1-8 (contemporary setting in Judah) with 66:18-24, which represents “the final drastic step in the democratization or, rather, globalization of the priesthood.” “Isa 61:6; 56:6-7 and 66:21 represent a gradual democratization and globalization of *YHWH*’s priesthood.”¹⁵⁴⁰

Summarizing the compositional history of these passages, 61:6, part of the earliest stratum of 56–66, “envisions a general Judahite priesthood”; “the later Isa 56:6-7 both

¹⁵³⁴ Christophe L. Nihan, “Ethnicity and Identity in Isaiah 56–66,” in *The Judeans in the Achaemenid Age: Negotiating Identity in an International Context* (ed. G. Knoppers, et al.; Winona Lake: Eisenbrauns, 2011), 67-104, 92f., argues that Isa 57:3-13 should be read opposite 58:1-6.

¹⁵³⁵ Achenbach, “gescheitern Landnahme,” 83.

¹⁵³⁶ Cf. idem, *Vollendung*, 631, speaking of the Hexateuch redactor: “Seine Ideenwelt und Sprache steht zwischen der Deutero- und Tritojesajas.”

¹⁵³⁷ Steven S. Tuell, “The Priesthood of the ‘Foreigner’: Evidence of Competing Polities in Ezekiel 44:1-14 and Isaiah 56:1-8,” in *Constituting the Community: Studies on the Polity of Ancient Israel in Honor of S. Dean McBride Jr.* (ed. S. Tuell and J. Strong; Winona Lake: Eisenbrauns, 2005), 183-204. For the prophetic torah of Jeremiah (cf. Jer 26; 36), see Knobloch, *nachexilischen Prophetentheorie*, e.g., p. 178, who dates the common authorship of Jer 26 and 36, who are *Tradentenpropheten*, to the second half of the fifth century at the earliest (ibid., 277).

¹⁵³⁸ Wolfgang Lau, *Schriftgelehrte Prophetie in Jes 56-66: Eine Untersuchung zu den literarischen Bezügen in den letzten elf Kapiteln des Jesajabuches* (vol. 225 of BZAW; Berlin: de Gruyter, 1994), 262.

¹⁵³⁹ Ibid., 278f.

¹⁵⁴⁰ Lena-Sofia Priestly *Rites and Prophetic Rage: Post-exilic Prophetic Critique of the Priesthood* (Tübingen: Mohr Siebeck, 2006), 286.

limits and widens the vision of Isa 61:6”; 66:21, the latest of the three texts, “contains the most revolutionary view of the future” in that not only proselytes (56:6f.) but indeed Gentiles may become priests (ibid., 285-86). Viewed against the background of the strict separation of clergy and laity, all three texts may be described as revolutionary; cf. Joel 2:28f. Although the spirit is to be poured out on “all flesh,” Joel maintains that both priests and temple remain essential.

Against Deut 23:1, a text I would attribute to Zadokite-Levites, Isa 56:1-8 (cf. also Deut 23:2-9!) does indeed preach a radical reversal of the Zadokite-Levite teaching respecting eunuchs and foreigners. The acceptance and integration into the community of Israel of emasculated and foreign persons did not occur easily. Similar to the intensity and exclusivity in the dtn/dtr demand for utter loyalty to *YHWH*, (cf. Hosea’s concept of “knowing the Lord” in 2:20; 5:4; 6:3; 8:11), Isa 56:1-8 demands strict observance of what it purports to be the central, covenant-keeping tenet in the fourth century, viz., observing the Sabbath, which had become tantamount to maintaining justice. Contrastive with the more arcane details of portions of pentateuchal law codes, the mastery of which was expected of the top tier of priestly elites, the radical abridgement of the covenant in Isa 56¹⁵⁴¹ heartens the non-specialist, the non-priest, presumably even the non-Israelite.¹⁵⁴²

¹⁵⁴¹ Cf. the abridgement of the torah in the Psalms; Christian, “Revisiting Levitical Authorship,” 195f; cf. Kratz, “Tora Davids.”

¹⁵⁴² Regarding the question of whether Isa 56:1-8 intends the complete integration of foreigners into Israel, see Nihan, “Ethnicity and Identity”; cf. also ch. 8 in Christian, *Torah Beyond Sinai*, forthcoming.

CHAPTER 6

THREE TEXTUAL SCENARIOS THAT ELUCIDATE ASPECTS OF THE PLENARY RECEPTION OF REVELATION¹⁵⁴³

In previous chapters we have demonstrated how the tradition of the PRR occurs in events described in Pentateuchal texts in which *YHWH* discloses law directly to the assembly. In view of its theological significance, the tradition's fragmentary survival (e.g., Exod 20:18-22; 33:1-4;¹⁵⁴⁴ Deut 4:10-12, 33-37; 5:4, 22) indicates it does not belong among the traditions of the "official religion," in which Mosaic mediation of legal revelation dominates.¹⁵⁴⁵ My research indicates that levitical¹⁵⁴⁶ cult prophets and their supporters

¹⁵⁴³ Early portions of this chapter were presented in an invited lecture to the inaugural panel of the "Levites in History and Tradition" program unit at the 2009 Annual Society of Biblical Literature meeting in New Orleans. That presentation incorporated and further developed views expressed in an unpublished paper, "Integrating the Alien," presented at the Annual Meeting of the Society of Biblical Literature, San Diego, November 2007. The lecture has undergone significant development and expansion. Portions of the *current* form of Chapter Six has now appeared in Christian, "Middle-Tier Levites."

¹⁵⁴⁴ Ska, *Introduction*, 48, adds Exod 20:1 to this list.

¹⁵⁴⁵ In the Pentateuch the dominance of Moses owes significantly to the Pentateuch redaction accomplished by elite priests (Zadok-Levites or Aaronide-Levites) and datable to the fifth century.

¹⁵⁴⁶ I prefer to use the lower case spelling of the adjectival form of "Levite," thus "levitical," because of Semitic *lwy*'s non-tribal origins. It is problematic to assume the term for religious functionary in the Bible, i.e., "Levite," automatically refers to a member of the "tribe of Levi." Deut 18:1f., 6 (cf. 26:5) connect the theme of the Levite's lack of land inheritance with the term used to depict their residency, *gūr* (v. 6aβ). This calls into question the notion that they tribally related to the inhabitants of the places in question, in which they owned no land and remained dependent upon local support; see Lindblom, *Erwägungen*, 28; cf. the discussion of non-tribal Levites in *ibid.*, 32 and n. 30, for example, G. E. Wright's differentiation between altar priest Levites and client Levites and Cody's notion that Deut 18:6 intends to combine both tribal and non-tribal (2 Kgs 23:9) Levites. For Lindblom, "die prinzipielle Unterscheidung von Altarpriestern und 'client-Levites' ist aber wichtig und ... richtig" (*ibid.*, 33). Overall, Deuteronomy seems intent on joining the two groups into a single, *priestly tribe*, i.e., "the sons of Levi." Cf. "the sons of Aaron" in P and H.

Instead of simply Zadokite and Aaronide, it is also preferable to use the compounds Zadokite-Levite and Aaronide-Levite. This allows for tribal or vocational affiliation. "The lemma "levitical priests" הכהנים הלוויים may represent a later, postexilic category of "Levites"; see Achenbach, "Levitishe Priester." The thesis regarding the levitical priests builds on Dahmen's thesis in *Leviten und Priester*. In an essay published in 2007, Achenbach states that "das Konzept der Levitizität des israelitischen Priestertums ist demnach nicht älter als die redaktionelle Verbindung von P und D, die der Hexateuch-Redaktor geschaffen hat" (*idem*, "Tora und die Propheten," 26-71, 31).

In his 1971 monograph, Lindblom (*Erwägungen*, 28) did not consider the descriptive הכהנים הלוויים in Deut 18:1 to be necessarily postexilic; neither does it point to elite Levites in urban settings but rather middle-tier Levites residing in non-urban settings. The sociopolitical position of these Levites is precarious; as *personae miserae*, they figure somewhat liminally between widows and aliens. The collocation הכהנים הלוויים functions rhetorico-ideologically in that it contends that *all Levites*, including lower level, rural Levites, *should be* priests. In this interpretation, although the change in status seems on first blush good news for rural cult prophets, one wonders how the increased status—and with it increased responsibility

among lay leadership on the one hand, and elite priests sympathetic to their cause on the other, comprise the primary purveyors of the PRR. The qualifier *middle tier* designates those non-elite priests who serve outside of urban centers, in villages or residential towns in which the great majority of Israelites live and worship. Carrying on everyday worship life in rural sanctuaries requires cooperation between priest and laity. Conversely, elite priests stationed in urban centers have less contact with the general population;¹⁵⁴⁷ they accordingly concern themselves with maintaining secure relations in elitist environments by, for example, upholding the tenets of official religion. In so doing they further the interests of institutions centered in larger cities.¹⁵⁴⁸ Though in general the priorities of elite religious or civil leadership conflict with those of non-elites, individuals among the former group may become disillusioned with the regnant party's ideology.¹⁵⁴⁹ Elites wishing to support a popular movement¹⁵⁵⁰ would need to do so cautiously, however, and usually behind the scenes. We should therefore not expect to see much evidence of this in ancient literature.¹⁵⁵¹ Advocacy would be expressed in a reticent, often rhetorical manner. To the extent it finds a place in the literature, the channel through which it finds voice

and closer supervision—might actually affect them, e.g., impact and the delicate relations they had maintain with local constituents in the past. The status change could well derive in part (thus, a compromise) from elites wishing to keep closer tabs on the activities of rural religious functionaries and their local supporters. The new responsibilities might include the expectation to travel more regularly to a royal or capital city for (re)indoctrination in the official, orthodox religion.

¹⁵⁴⁷ In the context of Chr, Labahn (“Antitheocratic Tendencies,” 21f.) contrasts Levites with priests who remain in the urban temple cloister (cf. 2 Chr 29:16a). The former take advantage of the mid-level employment opportunities open to them within the extensive Persian administrative framework. For discussion of Levites cooperating with the general population in non-urban contexts both in Israel and the ancient Near East, see Christian, “Priestly Power that Empowers,” Introduction, n. 15.

¹⁵⁴⁸ For the fourfold categorizing of Iron II cities in Israel into residential, administrative, royal, and capital, respectively, I follow Douglas A. Knight, *Law, Power, and Justice in Ancient Israel* (Louisville: Westminster John Knox Press, 2011); see §4.1 above; cf. Christian, “Priestly Power that Empowers,” §1.3.1.

¹⁵⁴⁹ Thus I am not suggesting that elites are always at odds with the interests of non-elites. By the same token, middle-tier religious and civil personnel do not always have in mind the best interests of their local constituents. Further, lay leaders may well be elites, e.g., wealthy, educated landowners, who may work with civil or religious authorities against the common good. In matters of the cult, however, professional priests will continue to serve in capacities that remain out of reach for non-professional worshippers, e.g., in the handling of blood (see below).

¹⁵⁵⁰ Elites may align themselves with the ideas and movements deriving from lower classes and their local representatives for numerous reasons, which cannot be detailed nor their motives weighed here.

¹⁵⁵¹ Nonetheless, “popular” traditions such as alien integration and the PRR could have only found a lasting place in Hebrew Scripture through influential community leadership; so Gerstenberger, *Israel*, 385.

A notable exception comes to us in the story of the elite teacher and legal expert Nicodemus (ἄρχων τῶν Ἰουδαίων), who shows support for the mission of Jesus on the stealth (οὗτος ἦλθεν πρὸς αὐτὸν νυκτὸς; John 3:1f., 10; 7:50f., 19:39f.).

will likely owe to a level of leadership located between the highest and lowest strata in society. In some cases, for example in Neh 8 and the office laws of Deuteronomy (16:18–18:22), the attribution is reasonably clear. In others, say, in the Holiness Code (Lev 17–26; H), the attribution is so faint—that is, outside the dominant group of Aaronide priests—to the point where one must reconstruct the most likely group or groups. Here, though, the reconstruction receives helpful input from analogous texts and contexts in the Hebrew Bible—hence the *raison d'être* for the three textual scenarios in the present study.

6.1. *Where and What are the Levites, Really?*

One searches in vain for a consistent picture of the Levites, even within the Pentateuch alone.¹⁵⁵² Although we remain dependent on the textual and artifactual cards as they have been dealt, scholars have not always followed clues present in the literature that would lead beyond the personalities and personnel who loom so large and in their charismatic or professional status usually stand apart from the rest of the community. For one thing, insufficient account has been taken of the non-urban population's more fluid view of priests, cult, and, most importantly, their own role in cultic activities in village contexts. However, assumptions about priests in the Hebrew Bible often depend more on the history of the western Christian priesthood of the last two millennia than on an unbiased reading of texts pertaining to priests and the communities they served.¹⁵⁵³ Modern preconceptions tend to obscure further the already faint impressions and allusions that would steer readers—and probably did steer ancient audiences—in a different conceptual and interpretative direction.

¹⁵⁵² Cf. Thomas B. Dozeman, *Commentary on Exodus* (Grand Rapids: Eerdmans, 2009), 710. The variance among Levite traditions—some of which must be inferred, notably in the circles responsible for the Hexateuch redaction, in H, and in the Psalter—complicates matters considerably. One might argue that the lack of certainty speaks against the reconstruction venture. In the case of middle-tier Levites, or a group of a different name with similar function to what I have described here and in other publications, the plausible explanations our hypothesis provides for so many religious and sociopolitical problems left unsolved outweighs the risks.

¹⁵⁵³ Aspects of Fr. Roland de Vaux's work on the Dead Sea Scrolls sometimes suffered from viewing the covenant community with Christian monks in mind. Although subsequent Protestant and Jewish scholars working on the scrolls pointed out this hermeneutical and methodological flaw, similar problems still exist in the conceptualizing of the Israelite priesthood.

In Num 8:14 (cf. 16:9) Moses distinguishes between Levites and the people¹⁵⁵⁴: “Thus you shall separate the Levites from among the other Israelites, and the Levites shall be mine.” The words *liminal*¹⁵⁵⁵ and *marginal* prove useful in this connection, as the surrounding context indicates that the Levites are experiencing simultaneous demotion (vv. 19f., 26) and promotion, the latter in that they are wholly dedicated to *YHWH* (vv. 14, 16,¹⁵⁵⁶ 18) for special service.¹⁵⁵⁷ The Lord has become their virtual inheritance. Though apparently an honor and most certainly a distinction, the upshot of this theological conferral for the Levites is instability; their simultaneous liminal and marginal position in society is blatantly indeterminate. This seems to be one of the more consistent characteristics of the occupational plight of both the ancient Near Eastern *lwy* and the “Levites,” perhaps especially in times prior to the sixth and fifth centuries.¹⁵⁵⁸ Belonging to an ancient tribe does not assure one’s belonging in a tribal society. Knowing this all too well, the Levites would seek a sense of belonging on a different socioreligious plane, in an experimental sodality¹⁵⁵⁹ with its own budding charter.

There remain important aspects of the constituency and activity of the Israelite community of “brothers” (אֶהֱיָם; cf., e.g., Deut 15:2f.; 2f, 7, 9,11; 19:18f., etc.) that

¹⁵⁵⁴ Cf. Elliger, *Leviticus*, 277, n. 25.

¹⁵⁵⁵ Cf. earlier remarks on the liminality of the Levites in §§1.1.3; 5.4.1-2.

¹⁵⁵⁶ Herder’s trans. of v. 16 is to be preferred: “denn sie sind mir mitten aus den Israeliten ganz zu eigen gegeben (נתנים ונתנים המה לי מתוך בני ישראל) als Ersatz für alle Erstgeborenen, die den Mutterschoß durchbrechen; bei den Israeliten habe ich sie für mich genommen” = Darby “for they are wholly given unto me from among the children of Israel; instead of every one that breaketh open the womb, instead of every firstborn among the children of Israel, have I taken them unto me”; cf. also NJPS.

¹⁵⁵⁷ One could view the Babylonian exile similarly, in that Judah’s demotion and expulsion from the Promised Land brought light and blessing to Babylon (cf. Isa 9:2), thereby expanding Israel’s influence in *YHWH*’s world. Through the ordeal Israel was consecrated—not so unlike like the Levites—for the task.

¹⁵⁵⁸ See Christian, “Priestly Power that Empowers,” Introduction and n. 8; §2.12, where I propose an increased status of the Levites beginning in the sixth-century BCE. Because the Levites provided rural, landless Yahwists socioreligious representation, the conflicting reports regarding what the Levites could, could not, or no longer do (vv. 25f.), probably left them feeling quite uneasy. With their own experience of sociopolitical and religious marginalization, the vascillating traditions regarding the Levites reminded all too well of their own uncertain position vis-à-vis the official cult and society. In *Polemics*, 167, Leuchter describes a situation in which the *Golah* looks to the Levites for both legal revelation/innovation and continuity: “empowered by the Deuteronomic legislation to act as mediators and exegetes of legal tradition, the Levites could interpret the Deuteronomic laws regarding life in the land to apply to life in exile with respect to their communal roles. This practice would have likely been supported by many of the exiles, providing a much-needed sense of cultural/social continuity in a circumstance otherwise fraught with uncertainty and anxiety.”

¹⁵⁵⁹ José E. Ramírez Kidd, *Alterity and Identity in Israel the [ger] in the Old Testament* (vol. 283 of BZAW; 1999), 62, 63 refers to the community of H as a “sacred society” in which “holiness is not embodied in a limited group of persons ... but affects all: persons and animals, Israel and the גר.” To this list we would add the Promised Land.

connect both overtly and covertly with Levites, and which call for additional attention. The institutional perspectives and priorities of the Levite-led brotherhood find moderate expression in the *office laws* (Deut 16:18–18:22). In H, however, and as mentioned in the foregoing regarding non-Aaronide ritual functionaries, much more of the socioreligious dimension must be inferred.

In addition to my close reading of key passages in Leviticus with recourse to lateral, “holy community” traditions in other texts, usually those on the level of the proto-canon (e.g., post-Pg and post-dtr redactions and traditions, e.g., Exod 19:6; Deut 7:6, 14:2; cf. Isa 61:6a; 62:12a),¹⁵⁶⁰ I will draw attention to rhetorical strategies in order to bring reticent aspects of the author/audience discourse into view. The methodological approach helps bring to the fore the radicality of H’s ideas regarding the holy brotherhood’s qualifications for priestly service. They are a people set apart as a royal and ethico-ritually competent society.

¹⁵⁶⁰ A basic criterion for distinguishing ‘Dtr’ or ‘late Dtr’ from post-Dtr is the latter’s assumption of the literary *Konnex* of Deuteronomy to Genesis and Exodus (including Pg). For example, Deut 29:10-12 [Eng 11-13], which connects with the announcement of a Moab covenant in Deut 28:69 [Eng. 29:1] contains an allusion to the promise to the patriarchs (v. 12a [Eng 13a]). The allusion reaches behind Deuteronomy to an oath *YHWH* made to the patriarchs. This indicates that Deut 29:10*-12 [Eng 11*-13] stands in connection with the redactional integration of Deuteronomy into the pentateuchal narrative, which spans Genesis to Deuteronomy. But there is more, that Deut 29:10b [Eng 11b] (“מִחֹטֵב עֵצִיךָ עַד שֶׁאֵב מִיְמִיךָ” “from the one who cuts your wood to the one who draws your water” [writer’s tr.]) betrays familiarity with Josh 9—note the verbal parallels with vv. 21, 23, 27!—demonstrates that Deut 29:9-12 [Eng 10-13] knows of the *hexateuchal* narrative spanning Genesis to Joshua. The reference to the patriarchs, moreover, has recourse to Exod 6:8, an important P text; cf. Achenbach, “Eintritt,” 246-49. Regarding a hexateuchal context for mentions of the trio of patriarchs, Abraham, Isaac, and Jacob, see already Thomas C. Römer, *Israels Väter. Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomischen Tradition* (vol. 99 of OBO; Göttingen: Vandenhoeck & Ruprecht, 1990), 154-60. Further, Josh 9 works on the assumption that subordinate foreigners traveled with the exodus generation. Such a premise probably derives from other pentateuchal texts, e.g., Exod 12:38 (probably not deriving from Dtr *Idealvorstellungen*; *ibid.*, 250); Num 10:29-32; 11:4 (הָאֲרָבִים); cf. also the late notice in Deut 1:36 Deut 1:36 respecting the Kennizite Caleb. Finally, the scene in Deut 29:9-12 [Eng 10-13] is clearly one in which not only the leaders, elders, and officials are addressed directly but also—and this cannot be explained through recourse to “Dtr” or “late Dtr” texts—the addressees of the speech specifically include women, children, and aliens! The plenary address betrays the *Bearbeiter*’s bold agenda to include the entire, mixed community in a new conception of covenant (cf. 31:12 [v. 12aβ]’s detail that that the aliens are “living within your gates” does not appear earlier in Deuteronomy); Josh 8:35; cf. *ibid.*, 248). Similar to what we will see in our study of H below, such radical inclusion in an “Israelite covenant” patently concerned with cultic purity required radical rethinking of what constitutes a sanctified community; beyond that it required a potent theological foundation capable of forming and maintaining a diverse yet nonetheless sanctified community. The flowering of this concept marks a major step forward from the preexilic, dtn legal notion that the גֵּרִים may participate in the rights to support (Schutzrechten) of widows and orphans. The exilic Dtr *Bearbeiteren* had, to be sure, taken an important step forward by making such support a matter of covenant obligation via the text of Deut 5:2f. “Thereafter it is yet a question of the time, until the notion bursts open (aufdrängen)” in a way that allowed foreigners to enter directly into the covenant of Israel. The Dtr *Bearbeiter* of Deut 29:10-12 [Eng 11-13] appears to have drawn this consequence (*ibid.*, 250-51), a concept assumed in H.

6.2. Structure of the Present Chapter

The present chapter takes as its points of departure three main texts, Neh 8, Lev 17–26 (receiving the most extensive treatment), and several texts in Deuteronomy, particularly the office laws in Deut 16:18–18:22. For a literary-critical base we employ aspects of the redactionally intersecting analyses of Eckart Otto, R. Achenbach, and Christophe Nihan regarding post-Pg and post-dtr texts. For the treatment of key texts in H elucidating relations between office and community, we have looked to the work of Klaus Grünwaldt, Jacob Milgrom, and to a lesser extent, Israel Knohl. For rhetorical strategies, I am especially indebted to J. Joosten’s recent work in H,¹⁵⁶¹ which has assisted my extrapolation of aspects of the proclamation and reception of revealed law.

Nehemiah 8 provides a helpful point of departure for the involvement of Levites in the dissemination of “the law of God” (תורת האלהים v. 8;¹⁵⁶² cf. v.7). The analyses of H attempt to (1) flesh out this non- or quasi-priestly community within a community, (2) consider the laity’s potential for cultic performance opposite elite priests, and (3) reflect on what the texts say and do not say about this community’s involvement in divine revelation opposite priests. The third textual scenario, which offers several comparisons between H and the office laws, helps round out the discussion of the PRR with recourse to the book of Deuteronomy’s forceful yet disputacious (especially Deut 5:4 vs. 5:5!) presentation of the PRR.

Scenario One

6.3 Levites and the Holy Community in Nehemiah 8

We begin with the first of three main textual scenarios. Ezra’s reading of *torah* in Neh 8—a postexilic text reflecting the Levites’ recent increase in status—reflects an urban setting with Levites interpreting the Hebrew text into the common language of the people, probably Aramaic.¹⁵⁶³ We accept 445 BCE and 398 BCE as the onsets of the

¹⁵⁶¹ See especially “Persuasion coopérative”; idem, “Structuration du pouvoir.”

¹⁵⁶² Note that LXX replaces the Levites with Ezra/Esdras (Ἐσδρας) in v. 8b.

¹⁵⁶³ Cf. also Ezra 4:17f. (King Artaxerxes’ letter to Rehum and Shimshi). The Aramaic term *meforašu* in v. 18 (“the letter that you sent to us has been read in translation before me”) likely constitutes the counterpart to Persian (*h*)*uzvarisû*, the term of choice for describing the distinctive method the Persians use to translate documents (William Schniedewind, “Aramaic, the Death of Written Hebrew, and Language Shift,” in

respective missions of Nehemiah and Ezra. The two eras moreover witnessed the literary activity producing the post-dtr and post-P Hexateuch redaction¹⁵⁶⁴ and Pentateuch redactions,¹⁵⁶⁵ respectively.

Though Neh 8 lacks reference to the holiness of the community, the emphasis on hallowing the day (thrice in vv. 9-11) prohibits bloodkin responsibilities that defile, e.g., mourning (אבל *hitpa'el*), weeping (בכה *qal*), and grieving (עצב *Ni.*). Verse 9 announces the sacralization of the occasion with “the day is holy to the Lord ... [therefore] do not mourn or weep.” Grieving arguably poses more difficulties for priests than lay persons (cf. Lev 10:6); this is made clear in H (Lev 21:1-6; see below). The notorious stress on ethnic homogeneity elsewhere in Ezra-Nehemiah (Ezra 9f.; Neh 13:23-28), along with the Levites purifying themselves (טהר *hitpa'el*; Neh 13:22) for the task of guarding against unlawful trespass on the Sabbath (13:15-22; note that vv. 23-28 deal with the problem of intermarriage) indicates a pronounced concern for maintaining the sanctity of the community and consecrating their religious assemblies, practices (cf. Neh 9:14¹⁵⁶⁶; 10:31; Ezr 8:28; 9:2), and the days on which they occur (Neh 8:9-11; cf. 9:14; 10:31; 13:22). Nehemia 11:1,18 contain two of the four references to Jerusalem as “the holy city” (עיר הקדש) in the Hebrew Bible.¹⁵⁶⁷ These data indicate that Neh 8 assumes the community capable of holiness and therefore expected to be holy, an expectation that becomes more pronounced in H and portions of Ezekiel.

6.3.1 A Cultically Competent Community: A Levite-Led Assembly

The expectation of the Levite-led assembly in Neh 8 (cf. 9:4f.) to both prepare for and observe *Sukkot* is quite high (8:13-18; cf. Neh 13:3!¹⁵⁶⁸). Much is required of them:

Margins of Writing, Origins of Cultures [ed. S. Sanders; vol. 2 of Oriental Institute Seminars; Chicago: Oriental Institute of the University of Chicago, 2006], 137-47, 139). The hundreds of Aramaic inscriptions discovered in Yehud demonstrate “the penetration of the imperial bureaucracy in virtually all aspects of economic, political, and domestic life” (ibid.).

¹⁵⁶⁴ Reinhard Achenbach, *Die Vollendung der Tora. Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Pentateuch und Hexateuch* (vol. 3 of BZAR; Wiesbaden: Harrasowitz, 2003).

¹⁵⁶⁵ Otto, *DPH*.

¹⁵⁶⁶ The collocation “holy sabbath” appears only in Exod 16:23 (שבת־קדש ליהוה); 35:2 (שבת קדוש); Neh 9:14 (שבת קדוש ליהוה).

¹⁵⁶⁷ Cf. also Isa 48:2; 52:1; Dn 9:24 has “your holy city.”

¹⁵⁶⁸ ויהי כשמעם את־התורה ויבדילו כל־ערב מִישראל. Note the word for *separation* is the *terminus technicus* for differentiating between, e.g., clean and unclean (*bdl* Hi.).

considerable knowledge, coordinated physical labor, mental discipline, and a willingness to participate in days of torah immersion (v. 18a; cf. Josh 1:8).

6.3.2 *National Assemblies: Losing the Trees for the Forest*

While the initial torah event in Neh 8:1-8 could have occurred as described, the account most likely condenses numerous proclamatory events. Presiding over most of these occasions would not be a leading, national figure such as Ezra, but rather, as the text suggests, regional functionaries such as the Levites who receive explicit authorization to supervise.¹⁵⁶⁹ Nehemiah 9:1-5 confirms this proposal: here the laity begin the service (vv. 1-3). The Levites join in and co-lead the service in v. 4, and then inject propheto-liturgical direction (“stand up and bless the Lord your God forever and ever” v.5aβ). This is followed by the lay-Levite cooperative taking charge of the sacral event—without the involvement of Ezra. One would expect the Levite’s inspired introduction in v. 5 to be followed by a sermon, and that is precisely what we find in 9: 6–10:1 [Eng 9:6-38]. Readers not familiar with Hebrew are apprised that the Hebrew text of v. 6 does not mention Ezra. This in conjunction with the fact that in 8:13 Ezra had already transferred ownership of the torah to the community and designated Levites as its capable handlers (translation, interpretation, inculcation) works against crediting Ezra with the magnificent prayer of ch. 9.

Like Neh 8 (cf. 13:1-3), the septennial readings of the law in Deut 31:10-13 suggest a royal or capital city¹⁵⁷⁰ as the place of proclamation.¹⁵⁷¹ Admittedly, a cursory reading of both texts does not suggest a residential town or village as venue. (The same holds true for the accounts of the PRR occurring at Sinai and Horeb, respectively, although in these

¹⁵⁶⁹ Alexander Rofé, “The Scribal Concern for the Torah as Evidenced by the Textual Witnesses of the Hebrew Bible,” in *Mishneh Todah: Studies in Deuteronomy and Its Cultural Environment in Honor of Jeffrey H. Tigay* (ed. N. Fox, et al.; Winona Lake: Eisenbrauns, 2009), 229-42, 230, believes such a scenario, when laws “were rendered to public knowledge, being read aloud and explained to the whole people, and frequently,” became an increasingly common occurrence in the postexilic period. This projection is in need of more precision with respect to the time period and location of such proclamations.

¹⁵⁷⁰ In Deut 31:11 it is the “place that he will choose.”

¹⁵⁷¹ Deut 31:12 is attributable to the fourth-century School of Hexateuch Redaction. It takes the openness to the integration of pious aliens of the fifth-century Hexateuch Redaction to a new level. Now, not only aliens but also women and children may enter the covenant, that is, the Moab covenant (Deut 28:69; Eng 29:1) offered to the second, indeed diverse exodus generation now living in the land. The previous, Horeb covenant had been associated with the taking of the land and with a largely unbelieving population that died in the desert. Cf. Achenbach, “Eintritt,” 246-55.

cases an urban setting is not in view.) In light of the complex challenges facing rural villagers attending national events at a single urban center, an unembellished reading of such accounts does not commend itself. Smaller-scale convenings at local sites would make the more feasible, pedagogically effective contexts for proclamation, preaching, and teaching.

6.3.3 *Condensing and Urbanizing Revelatory Events*¹⁵⁷²

Moreover, to limit revelatory and theophanic phenomena to events occurring in large groups on a national level—whether the constraint owes to ancient authors intimidated by more spontaneous incidence of such phenomena or modern readers' preconceptions—is to beg the question. Such phenomena stand just as good a chance occurring at local sanctuaries, facilitated by spiritually endowed laity—including women¹⁵⁷³—and religious functionaries such as cult prophets.¹⁵⁷⁴ Priest-prophets serving smaller communities and presiding over most of the teaching/preaching, worship, and inquiries of the deity (thought by many scholars to be two-way conversations) would not have been elites but rather second-level functionaries such as the Levites.¹⁵⁷⁵ In local contexts one would also expect to see increased involvement of local laity and elders, perhaps especially beneficiaries of modest education (cf. Neh 9:4).¹⁵⁷⁶ Though hypothetical, our reading of

¹⁵⁷² Cf. §§1.1.3; 6.3.2.

¹⁵⁷³ Miriam (Exod 16:20); Debra (Judg 4:4); Huldah (2 Kgs 22/2 Chr 34); the medium (אשת בעלת-אוב) of Endor (1 Sam 28); Isaiah's wife (Isa 8:3); "the daughters of Ezekiel's people" (Ezek 13:17-23); Noadiah (Neh 6:14); and Anna the Prophetess (Acts 2:36-8); Jezebel (Rev 2:20). These high profile exemplars constitute the tip of the iceberg of spiritually gifted women active in local religious contexts that as a result of their gender and obscurity go unrecognized in the official literature. P. D. Miller relates that female oracular speakers and intermediaries at Mari and Emar show affinities with Israel's prophets. See Patrick D. Miller, *The Religion of Ancient Israel* (ed. D. Knight; Louisville: Westminster John Knox, 2000), 174-78.

¹⁵⁷⁴ Whereas the probability of phenomena occurring at smaller events finding a place in the official literature would be much less, that that ancient readers/audiences would see numerous events condensed in a few major events is much more.

¹⁵⁷⁵ Cf., e.g., Deut 18:6 and Lindblom, *Erwägungen*, 26-30. Consider the "secondary priests" כהני המשנה over which Hilkiah presides in 2 Kgs 23:4, also the "second priest Zephaniah" כהן המשנה in 2 Kgs 25:18 = Jer 52:24. Zephaniah ben Maaseiah serves as intermediary between Jeremiah and King Zedekiah (Jer. 21:7; 37:3). Both 2 Kings and Jeremiah seem "reluctant to provide specific information about the temple's hierarchs during the post-Josianic era" (S. Dean McBride, "Jeremiah and the Levitical Priests of Anathoth," in *Thus Says the Lord: Essays on the Former and Latter Prophets in Honor of Robert R. Wilson* [ed. J. Ahn and S. Cook; vol. 502 of LHB/OTS; New York/London: T & T Clark, 2009], 179-96, 184.

¹⁵⁷⁶ The level of literacy is of course impossible to determine. Nonetheless, as an example of meaningful literacy across a large swath of a population, see Elayi and Sapin, *Beyond the River*, 93f., who argue on the basis of coin inscriptions that a majority of people living in Phoenician coastal cities were literate: "If the

Neh 8 (cf. 13:1-3) remains plausible. It moreover establishes a conceptual and interpretive framework that will prove useful as we proceed through this study.

Scenario Two

Leviticus 22

³²*You shall not profane my holy name, that I may be sanctified among the people of Israel: I am the Lord; I sanctify you (מקדשכם),*

³³*I who brought you out of the land of Egypt to be your God: I am the Lord.*

Leviticus 20

²⁵*You shall therefore make a distinction between the clean animal and the unclean, and between the unclean bird and the clean ; you shall not bring abomination on yourselves by animal or by bird or by anything with which the ground teems, which I have set apart for you to hold unclean (אשר־הבדלתי לכם (לטמא).*

²⁶*You shall be holy to me; for I the Lord am holy, and I have separated you (הבדלתי) from the other peoples to be mine.*

6.4 *Leviticus 17–26*

In our second scenario, that of Lev 17–26 (H),¹⁵⁷⁷ the participation of the laity within the sphere of the cult is more apparent than in Neh 8. And yet much of it either is presented in understated fashion or must be inferred. As for its chronological placement, the text of H in general postdates the time of Nehemiah, and should be reckoned post-P and post-Dtr.

In view of the prominence placed on Aaronide leadership of the cult, one would not expect the text to simultaneously hint at significant lay participation in the cult. But that is nonetheless the finding, and from the beginning of the corpus: “If anyone of the house of Israel slaughters ... in the camp or ... outside the camp and does not bring it to the entrance of the tent of meeting ... This is in order that the people of Israel may bring their sacrifices *that they offer in the open field*” (אשר הם זבחים על־פני השדה) (Lev 17:3-5).

Although 17:1-4 plainly seek to outlaw indiscriminate slaughter, the recognition that lay persons do indeed sacrifice away from the central sanctuary concedes that such practices will continue. The passage probably owes to the impractical expectation of elite priests.

various authorities issuing Phoenician coinage had taken the trouble to have an inscription on their money, when the decorative symbol would suffice for identification, it was because a large part of the users were able to read. It was the period when monetary graffiti began to be developed, at the same time as graffiti on vases: a graffiti was the work of anyone who took a hard point and wrote his name, or anything else, on an object ... we can presuppose some development of literacy in the Persian period (especially in the fourth century) in the urbanized coastal centres” (ibid., 93-4).

¹⁵⁷⁷ See also the discussion of H as it relates to Exod 19:5f. in §2.2.13.

Although vv. 1-4 do not fit well in the interpretative horizon of H, they help link the P materials in the earlier chapters of Leviticus to H.

Verse four however points toward a greater concern than indiscriminate slaughter, namely, the handling of blood by non-priests. Verse seven's mention of the lesser anxiety of sacrificing to goat demons seems diversionary. A central goal in this chapter is to reintroduce the theme (introduced in 1:5) regarding the priest's unique responsibility to deal with the blood of sacrifice. Handled properly by professional priests, the blood atones for one's *nefeš* (נפש v. 11).

6.4.1 *Reconsideration of Cultic Roles in H*

From another textual vantage point from which H will be viewed momentarily, one detects a reconsideration of the notion of cultic leadership taking place on a meta-level of discourse. The “discussion” in H ensues in a less evident manner than in the office laws of Deuteronomy. H at times presents a rambling (cf. chs. 21:1-9 to vv.10-15 to vv. 16-23 to v. 24; 22:1-3 to vv. 4-7 to v. 8 to v. 9 to, 24:1-8 to 9-22 to 22f.), almost extemporized reassessment of theological premises, cult liabilities, and roles. The depiction of the community in the layered texts of H oscillates somewhat experimentally between leadership modes, “offices” of various cultically competent persons—lay, priestly, and high priestly (especially ch. 22).

One senses both cooperation and tension within the “discourse,” yet there is nothing here that compares with the open *mêlée* in Num 16, or for that matter the fiery ordeal in Lev 10. Although sociopolitical rivalry remains somewhat subdued in H, the audience/readership cannot but infer it as it reflects on the power dimensions accompanying a system that would focus so intently on the religious performance of the entire community (cf. 17:2, 19:2; 21:24; 22:3, 18; 23:42), while at the same time reserving certain ministrations for professional priests. Attempts to alter leadership types and redistribute the spheres of authority, especially were the impetus to come from outside the elite sphere of hieratic leadership, would not be received with open arms. Although we see a severe reaction to presuming on the sacred domain in Lev 10, and equally late,

theocratically revised texts in Numbers,¹⁵⁷⁸ H's idealistic program seems to have survived reasonably intact. How might this be explained?

6.4.2 *Innovative yet Durable, Lenient yet Severe*

H benefits from a number of stabilizing components within its idealistic and, as noted above, partially unstable system. One of these components is a fundamental priority presumably shared by both the addressed and envisioned community regarding the importance of cultic purity, the role it plays both in terms of community identity and right-standing with the deity. Another is an ingenious plan attributable to the productive cooperation of lay and Levite, with critical support from individual Aaronides. This model seeks to move beyond the myopic perceptions regarding ritual purity¹⁵⁷⁹ that easily descend into a pattern of excluding non-specialists on the one hand, harboring and bestirring xenophobic tendencies¹⁵⁸⁰ on the other.

This said, one does not read Lev 17–26 without noticing its concern for cultic indiscretion, with a strong aversion to flagrant transgression (24:10-16). Its approval of broader cultic participation in sacrificial worship¹⁵⁸¹ neither entails nor engenders a lack of rigor. Part of H's enduring value—although largely unrecognized in some interpretive communities for much of its history—shows itself in the ability to balance, somewhat awkwardly, the contrasting perspectives of inclusion and exclusion, and of leniency and severity. Famously, its blending of prophetic ethics and ritual regulations into a *paraenetic arrangement shot through with multi-level oppositions* (inclusion/exclusion, leniency/severity, high priest/priest/lay, family/animals/sexuality, etc.), once connected to the figures of Moses and Aaron, found inclusion in the canon, even within the Sinai complex. H offers a glimpse at salvation-historical problem-solving, balancing, for

¹⁵⁷⁸ Achenbach attributes the final edition of Numbers, which already included HexRed and PentRed texts in Num 10–25*; 32, to three layers of theocratic revisers (theokratischen Bearbeitern; ThB). These circles were responsible for Num 1–10; 26–31 and 33–36, texts usually attributed to P. It is the third stage of revision, ThB III, responsible for the “Korah-Levite revision” (e.g., Num 16:1, 5-7*, 16*, (17b), 19a, 20-22, 24b, 27, 33bβ, 41-5; 17:1-5, 6-10; 18 that vehemently opposes the involvement of laity in the cult.

¹⁵⁷⁹ One creatively paraenetic method H uses to counteract this tendency is to expand the notion of holiness to include moral and ethical behaviors, interspersed with purity regulations (Lev 19). Cf., similarly, Deuteronomy's stressing the command to love loyally, e.g., Deut 6:4ff.

¹⁵⁸⁰ Cf. the unrealistic dread of contamination by Israel's neighbors living both inside and outside of the Promised Land.

¹⁵⁸¹ See Christian, “Openness to Other.”

example, (a) perpetual sanctity (22:32) with the responsibility to maintain high ethico-ritual standards and (b) professional and non-professional participation in the cult-permeated life of the postexilic community.¹⁵⁸² The combination of covert and open debate among specialists and non-specialists has contributed to H's intellectual sharpness and sociopolitical daring.

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Our comments so far have been based primarily on analysis of the reading of the text. We want now to look more at the narrative dynamics within the targeted audience of H, referred to above as a meta-discourse. The layers of rhetoric within H's presentation are many. Rightly dividing rhetoric¹⁵⁸³ from *Realpolitik* presents a challenge that the following analysis makes no pretense to having fully met. We begin with some pragmatic considerations.

6.4.3 Redaction-Critical, Gattung, and Intended Audience

Let us look for a few moments at the textual components/configuration of Lev 17–26. As for its literary profile, H betrays considerable dependence upon not only P¹⁵⁸⁴ but also D.¹⁵⁸⁵ It shares this dual dependence with the post-P and post-dtr formulation of both the Hexateuch and Pentateuch.¹⁵⁸⁶ This lessens the likelihood H once existed as an

¹⁵⁸² Here, as in Deuteronomy, compromise between otherwise opposing parties and their respective traditions (e.g., D, P) is palpable. The post-P and post-Dtr negotiation of and debate over existing traditions tension functions in a way similar to the tempering of metal, which produces a more resilient product. Simultaneously rigorous and flexible “constitutions” have helped Israelite religion(s) survive, even attract outsiders. Self-critical historiography invites the participation of outsiders, especially outsiders determined to have been treated by the historians’ people.

¹⁵⁸³ Joosten (“Persuasion coopérative” 396) defines a rhetorical text as one “of which the principal goal is to convince an audience of a particular point” (“Le Code de Sainteté est un texte rhétorique, dont le but principal est de convaincre un auditoire sur un point précis”).

¹⁵⁸⁴ Jeffrey Stackert, “The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement,” in *The Strata of the Priestly Writings Contemporary Debate and Future Directions* (ed. S. Shectman and J. Baden; vol. 95 of AThANT; Zurich: Theologischer Verlag, 2009), 187-204, 201, emphasizes H's concern to preserve P above all other codes.

¹⁵⁸⁵ See in this regard the seminal study of Alfred Cholewinski, *Heiligkeitgesetz und Deuteronomium: Eine vergleichende Studie* (vol. 66; Rome: Biblical Institute, 1976); cf. the recent reconsideration of the comparisons of P and D on the level of the redaction of the Pentateuch by Christophe L. Nihan, “The Holiness Code between D and P: Some Comments on the Function and Significance of Leviticus 17-26 in the Composition of the Torah,” in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischen Geschichtswerk* (ed. E. Otto and R. Achenbach; Tübingen: Vandenhoeck & Ruprecht, 2004), 81-122.

¹⁵⁸⁶ Otto, “Holiness Code in Holiness Code in Diachrony and Synchrony,” 139. For arguments in favor of the close, authorial connection between H and the Pentateuch redaction associated with the mission of Ezra, see Achenbach, “Heiligkeitgesetz.” We believe a more nuanced approach to explaining H is needed, since

independent code,¹⁵⁸⁷ a view that treads against the grain of European scholarly tradition since at least Elliger's Leviticus commentary of 1966.¹⁵⁸⁸ It also militates against the thesis that much of its current formulation took shape prior to the Babylonian exile.

Regarding its genre classification, the proposal of H as vassal treaty faces the difficulty of the conditional promises that fill its final chapter.¹⁵⁸⁹ The notion of H as lawcode likewise runs into problems; it employs the formula חקת עולם לדרתיכם—forty percent of the occurrences occur outside of H in Leviticus (3:17; 6:18; 7:36; 10:9)—to make exclusivistic claims about its legislation vis-à-vis other laws. Jeffery Stackert concludes that “this absolute claim eliminates the possibility ... that H and its pentateuchal competitors can be understood within a scheme of legal development.”¹⁵⁹⁰ On thematic grounds, its experimental treatment of ethico-ritual and legal topics is not suggestive of a law code.¹⁵⁹¹ It does, however, share affinity with sacerdotal legal texts in the way it proposes a compilation of regulations and of previously existing customs.¹⁵⁹² The past is very present in this work.

6.4.4 A Different Kind of Code for a Different Kind of Audience

The authors of H betray a desire to perpetuate a different kind of code, one arranged in complex and often obscure genre modes. The ancient assemblage probably preached better than it read.¹⁵⁹³ Laid out in Lev 17–26 is an alternative paraenetic collection designed to sidestep the organizational and *inhaltlich* schema typical of elitist

the Pentateuch redaction does not fancy the involvement of lay persons in priestly matters. For that one looks to the fourth-century School of HexRed, which while preserving the fifth-century Hexateuch redactor's prophetic *Tendenz* and positive views toward aliens has integrated new and powerful sacerdotal conceptions into its expanding vision of a devoted yet diverse community.

¹⁵⁸⁷ Otto, “Holiness Code in Holiness Code in Diachrony and Synchrony,” 139; Grünwaldt, “Amt,” 228f. According to his theory, a historicizing historical framework, e.g., Lev 17:1-2a, facilitated the code being added to Leviticus.

¹⁵⁸⁸ Elliger (*Leviticus*, 14-20) argued that H assumes P and had expands it via multilayered redactions. This thesis has always encountered resistance because of the traditions found outside of Lev 17–26 that suit it in form, style, and theology; see Eckart Otto, “Das Heiligkeitsgesetz zwischen Priesterschrift und Deuteronomium: zu einem Buch von Andreas Ruwe (Review Article),” *ZA(B)R* 6 (2000): 330-40, 330.

¹⁵⁸⁹ Grünwaldt, “Amt,” 229.

¹⁵⁹⁰ Stackert, “Holiness Legislation,” 196.

¹⁵⁹¹ Grünwaldt, “Amt,” 229; cf. Joosten, “Persuasion coopérative” 385: “On the surface the Holiness Code looks like a narration incorporating discursive units.”

¹⁵⁹² *Ibid.*, 395.

¹⁵⁹³ Von Rad, *Holy War*, 116f., suggests the same for certain laws of Deuteronomy, which “are presented in pronounced parenetic style and homiletic loosening.... The law about the camp [Deut 23:9-14] demonstrates how much we are actually dealing with preached law” (citations from *ibid.*, 116).

formulations that target fellow elites; such formulations prove less appealing to an audience more apt to resonate with rhetoric fueled by family and communal concerns. This would be especially true were the code's producers taking seriously the task of speaking for and to multiple levels of society.

Similar to Deuteronomy, H “exploits the dialectic relationship between law and account.”¹⁵⁹⁴ In this respect H reveals expertise in the “preaching of the law” method that advances its rhetorical intentions¹⁵⁹⁵ and for which Levites have been long and rightfully credited.¹⁵⁹⁶ As will be demonstrated below, the ethico-ritual rhetoric in H provokes a *cooperative response*: on one level it provokes the audience to fill in the thematic and discursive lacunae (cf. “active listening”); on another, more observable level, it commands or outlaws various actions in hopes of maintaining the integrity of both people and the mission to which they are called.¹⁵⁹⁷ H seems acutely aware that the greater community will not embrace a program of scrupulous observance of the law in H without first being convinced of two things: (a) the international necessity of all-Israel keeping the law, and (b) that all-Israel has been commissioned, authorized, and empowered to fulfill their ethico-ritual mission.¹⁵⁹⁸

6.4.5 *A Levitical Collaborative Venture*

With the input of the community, assistance of community leaders, and likely supporters among the Aaronides,¹⁵⁹⁹ the Levites successfully create the impression of a collaborative venture.¹⁶⁰⁰ Drawing upon shared experiences, common knowledge of past events, and

¹⁵⁹⁴ Ibid.,” 396; cf. Deut 6:21f.

¹⁵⁹⁵ “Le Code de Sainteté a probablement reçu ce procédé d’une tradition déjà ancienne de la predication de la loi. Toujours est-il que la démarche entre parfaitement dans le projet rhétorique de Code” (ibid.).

¹⁵⁹⁶ In so far as it purports to transmit divine speech (cf. the plenary transmission of revealed law in Exodus and Deuteronomy), we may speak of the priestly-prophetic dimensions of the levitical preaching in H. Cf. ibid., who does not identify the personalities behind the message. In “Structuration du pouvoir,” however, he submits that H “émane de prêtres liés au sanctuaire central mais installés dans la campagne,” forthcoming.

¹⁵⁹⁷ Cf. Joosten “Persuasion coopérative”, 397.

¹⁵⁹⁸ For an explication of the latter point, see below.

¹⁵⁹⁹ I employ shaded terminology when treating the Israelite priesthood, emphasizing the “levitical” (Semitic *lwy*, originally a vocational term meaning “client of X,” and later tribal affiliation) aspects of both Zadokites and Aaronides, so Zadokite-Levites (associated with Ezek 40–48, parts of Deuteronomy, and some theocratic *Bearbeitungen* in Numbers) and Aaronide-Levites (usually associated with P).

¹⁶⁰⁰ See §2.2.13.3.

presumed familiarity with the current state of legal matters,¹⁶⁰¹ the mid-level priests spearheading the composition of H employ aspects of the pedagogical approach they have refined in the field, that is, in local and regional cultic settings.¹⁶⁰² Here the objective, which surpasses that of the narrative of Neh 8:1-9, is not merely “*énoncer la loi, ni dicter la loi, mais inculquer la loi.*”¹⁶⁰³ H’s rhetorical style is imbued with the authoritative motivator “you should (not)... because (usually *kî, כִּי*)” (thus the programmatic Lev 19:2; cf. the negative formulation [*l’* + imperfect] in 17:12-14; 18:10f., 13; 19:20; 20:19, 23; 21:12, *inter alia*).¹⁶⁰⁴

The general audience of H is duly expected to observe *what everyone is supposed to know anyway*.¹⁶⁰⁵ Their conversance in current ethico-ritual issues obliges them to participate in the meta-discourse that radiates from the local cult.¹⁶⁰⁶ (The presumed awareness and understanding of ethico-ritual and theological innovations¹⁶⁰⁷ tips off alert hearer/readers to the author’s confidence in the cultic knowledge of the community.) Although we cannot track the set-apart community’s actual observance of what they know, and history indicates the utopian concept of the Jubilee year failed to reach critical mass, H nonetheless advances the notion that Israel’s potential for achieving their high calling is high.¹⁶⁰⁸ That the authors of Leviticus place so much weight on the holiness scale as the reason for keeping the commandments¹⁶⁰⁹ helps explain what most ancient

¹⁶⁰¹ Cf. *ibid.*: “Enfin, les connaissances et le vécu de l’auditoire sont également sollicités en vue de la persuasion. Les grands chapitres de l’histoire nationale tels l’exode et le don du pays, ainsi que la sainte terreur qu’inspire la présence de Dieu dans son sanctuaires sont mis à contribution dans l’argumentation explicite du Code.”

¹⁶⁰² Doubtful of villager collaboration in the compilation of laws is Knight, *Law, Power, and Justice*, 99.

¹⁶⁰³ Joosten, “Structuration du pouvoir,” forthcoming, emphasis added; cf. *ibid.*, “L’acte du discours (l’acte illocutionnaire) est directif avec une forte composante de persuasion [strong component of persuasion]—on veut amener l’auditoire à l’assentiment, à l’appropriation des règles énoncées.”

¹⁶⁰⁴ Such formulations are quite common in the book of Leviticus as a whole.

¹⁶⁰⁵ That is the underlying assumption.

¹⁶⁰⁶ The local population would have representatives among the non-elite ranks of religious officials, through whom their views could be propagated.

¹⁶⁰⁷ Joosten, “Persuasion coopérative,” 395. “Ce travail de compilation impliquait bien sûr un choix dans la diversité des traditions, une harmonisation, une correction théologique sur certains points. Mais en gros on sera en droit de dire que le Code de Sainteté donne ... ‘une version autorisée de *ce que chacun était censé savoir*.’” (*ibid.*; quote within the quote derives from Arnaldo Momigliano; emphasis added).

¹⁶⁰⁸ Milgrom summarizes what is unique to H, namely, “the subsumation of ethics as well as rituals under the rubric of holiness. Here H takes a major step forward.” In contrast to the other two biblical codes raising the issue of holiness, “H lists ethical prescriptions alongside ritual ones as determinants of holiness” (*Leviticus 17–22*, 1629f.).

¹⁶⁰⁹ Cf. Barstad, *Brief Guide*, 44: “Leviticus gives only one reason for why the commandments should be kept—holiness ([Lev 11] vv. 44-47).

and modern interpreters find difficulty accepting: H's vested interest in a culturally competent laity. Irrespective of its atypicality, this appears to me to be a key component in H's program of persuasion: "You are to . . . not merely because you should, or must, but *because you are qualified to do so.*" It is not impossible that an embryonic notion of communal self-reliance is making a debut here.

6.4.6 Placement in the Sinai Pericope in Continuity with P

Finding inclusion in the book of Leviticus while in step with the Priestly Code¹⁶¹⁰ as well as thematically within the larger frame of the Sinai pericope, H's paraenetic constellation obtained literary-historical and theological continuity and "structure." Similar to the Deuteronomic code (D = chs. 12–27*) within the book of Deuteronomy, this helped ensure the assemblage's survival in the form preserved for posterity.

6.4.7 Meta-Media Presentation in H

The following meta-media exercise in visualization helps illustrate aspects of the experience of H's intended audience. The reader is to envision three screens illuminated simultaneously. With regard to intended audience, the narrative framework of H is the center screen. The narrative framework suggests the people of Israel¹⁶¹¹ of the initial exodus generation as the audience addressed in the account.¹⁶¹² The presentation illuminated on this screen emphasizes a *past that connects to the present*.

In the screen to the right, however, the narrative framework recedes to the background, allowing H's persuasive function to dominate. Distance between the text and the first generation of the exodus is effected by Moses, who advises *the most recent generation* of their unique calling and rallies them to observe the law.¹⁶¹³ This staging gives prominence to *the present, though with a view to the past*.

¹⁶¹⁰ Joosten, "Persuasion coopérative," 396.

¹⁶¹¹ In this essay the term "Israel" has two similar though not identical meanings, (a) a religious community in the sense of Deut 6:4, and (b) a larger entity that one could describe as a tribal-based nation for whom ethnic relatedness and ethnic continuity figure as central concerns.

¹⁶¹² Ibid., 385.

¹⁶¹³ "Le prédicateur de la loi soulève un coin du voile pour faire prendre conscience à son auditoire que les Israélites au désert mis en scène dans le texte ne sont qu'un modèle et que *le discours s'adresse réellement à eux*" (ibid., 386, emphasis added; cf. ibid., 385). The law has perennial value, and what occurred in the desert to the first generation has lasting impact. Therefore those recognized as the

On the third screen, the screen to the left, a propheto-ritual presentation pulsates in the background with images conveying the sentiments of Exod 19:5f.; Deut 14; Isa 61:6a; 62:12a. This forms an interpretive horizon of Dtr and post-dtr conceptions of a people holy by virtue of selection (Deut 7:6; 14:2; 1 Kgs 3:8).¹⁶¹⁴ In the foreground of this screen, images convey that “being holy” and obeying *YHWH* and his law does not begin and end with *YHWH*’s exclusive relationship to Israel. Rather, sanctification and obedience form and establish the base from which Israel is to launch its global mission as ministers of God (מִשְׁרְתֵי אֱלֹהִינוּ Isa 61:6).¹⁶¹⁵ The land and its inhabitants also figure in this presentation. As with screen right, screen left remains connected to the narrative framework (central screen), yet the primary function of screen left, like screen right, is persuasion. Here *the future of Israel* and its role as a royal and inter-national priesthood predominates (cf. Deut 26:17-19, especially vv. 18f.¹⁶¹⁶).¹⁶¹⁷

6.4.8 *Le jeu de persuasion*

Having considered H’s multilevel presentation from a psychovisual perspective, let us look more specifically at the discourse level. J. Joosten finds it helpful to conceive of the persuasive dynamic in H as a game. The game of persuasion (*le jeu de persuasion*) plays out through the vibrant reciprocal discourse taking place between speaker/narrator and audience. It “does not develop between the fictive personages of the narrative, but is directed toward the actual audience of the text.”¹⁶¹⁸ In my view, and in terms of intensity, the suspense and stakes of the “game” for the community players¹⁶¹⁹ increase through the

descendants of the generation of the Exodus are invited to understand that the law is imposed on them (ibid., 386f.).

¹⁶¹⁴ In contrast, in P the individual or the land is holy—not the people as a whole; cf. Barstad, *Brief Guide*, 55f.

¹⁶¹⁵ See below.

¹⁶¹⁶ “Today the Lord has obtained your agreement: to be his treasured people, as he promised you, and to keep his commandments; for him to set you high above all nations that he has made, in praise and in fame and in honor; and for you to be a people holy to the Lord your God, as he promised.”

¹⁶¹⁷ Though Lev 18:24-30 mainly covers past and future, the present tense translation of the imperfect in v. 29aα (כִּי כָל־אֲשֶׁר יַעֲשֶׂה) is possible. The pericope attempts to project a multidimensional perspective on time that asserts *YHWH*’s absolute control over Israel’s destiny.

The post-dtr architects of the Moab covenant of Deut 28:69 [Eng 29:1] have in view the present generation of returnees in the early postexilic period as well as future generations (Achenbach, “Eintritt,” 247; cf. Otto, *DPH*, 143-55; Ehrenreich, *Wähle das Leben!*, 17).

¹⁶¹⁸ Joosten, “Persuasion coopérative,” 387.

¹⁶¹⁹ Community players include both narrator and audience though in this instance mostly the latter.

mentions and insinuations of direct encounter with God (implied in, e.g., 20:24-26¹⁶²⁰ and 11:44-47¹⁶²¹). Less riveting yet powerfully motivating is the assertion that the audience carries the potential for realizing cultic ministrations typically reserved for professional priests. Milgrom speaks of “the folk-priesthood of Israel,” the members of which “must learn and follow the divine law commanded to them.”¹⁶²²

6.4.8.1 *H’s Field of Play: The Land, with its Non-Static Roster of Inhabitants and Neighbors*

On one plane the holy land (ארץ) constitutes the field of play in H.¹⁶²³ The land also functions as an efficacious and provocative agent, which Joosten characterizes as a third personage (cf. Lev 25:23).¹⁶²⁴ This “player” serves to enhance the relationship between the narrator and its diverse audience.¹⁶²⁵ Its well-known historical roster of former, current, even future inhabitants asserts itself, modifying the game by significantly complicating the rules of play; for example, the perception of cultic law and its proper practitioners is affected by the encounter with “the peoples” (Lev 20:24)—resident aliens and neighboring peoples from the past, present, and future—and the perennially changing, sociopolitical landscape. Recalling comments above regarding the way in which H fosters stability within its innovations through building upon commonly held socioreligious priorities, the same holds true when contemplating the agency of the land. Here H also seems prepared to negotiate, coming to the table with a game plan for dealing with certain aspects of the threat of external contamination by “the peoples.” Such contamination can by itself function as a game-changer. Though H has “borrowed

¹⁶²⁰ Cf. Gerstenberger, *Leviticus*, 292f.

¹⁶²¹ Leviticus 11:44f. may belong to the larger addition of vv. 43-45, an interpolation of H that prepares for 20:25; vv. 43-45 apparently function to connect the P impurities collection in Lev 11–15 (16) with the first part of H’s first section, namely, chs. 17–22 (Nihan, *Priestly Torah*, 298f.). In the present discussion, vv. 44-47 conspicuously suggest the deity’s direct cultic instruction of the people.

¹⁶²² Cf. Milgrom, *Leviticus 17–22*, 1714, emphasis added. For further discussion of this theme, see the exegesis below.

¹⁶²³ “It is quite certain for example that the group to whom the Holiness Code is addressed is established in the land. In the anachronistic passages, the law is addressed directly to a people living in the land. But many things, beginning with the dating, remain obscure” (Joosten, “Persuasion coopérative,” 387).

¹⁶²⁴ Nihan (*Priestly Torah*, 559f.) speaks of the personification of the land, especially in chs. 18–20. Cf. also Joel 2:21a, in which the land is told not to fear: אֵלֶיךָ יִרְאֵי אֲדָמָה.

¹⁶²⁵ Joosten, “Persuasion coopérative,” 392f.

P's theology of the sanctuary and applied it to the land,"¹⁶²⁶ its comprehensive notion of sanctification (22:32f.) now emplaces a firewall against contaminants introduced through contact with "non-Yahwistic" elements within the religio-socially diverse environment. At least on a textual level, H provides possible historical indication that some aliens of its community eluded branding as religiosocial menaces.

The numerous mentions of the גרים of the land (16:29; 17:12; 18:26; 19:10, 33f.; 23:22; 24:22; 25:47, 50) indicate how close to home "the other" dwells and help explain *this* Israelite tradition's effort to find them an effectual place in the community.¹⁶²⁷ The writers of H tender the rationale for making such efforts in extremely abbreviated fashion: "because you were once aliens" (גרים) ... 19:34aβ).¹⁶²⁸ The *Problematik* of this laconic expression finds partial resolution by assuming an audience familiar with and responsive to a similar dictum (Exod 22:21; 23:9¹⁶²⁹; cf. 1 Chr 29:15).

Has this ethico-rational motivator been formulated by one elite group to impact and persuade another?¹⁶³⁰ Since an affirmative answer does not present itself readily, a logical next step is to consider the most likely circle to employ the provocative motivator in an

¹⁶²⁶ Milgrom, *Leviticus 17–22*, 1583.

¹⁶²⁷ According to Kidd (*Alterity*, 62) the nations closest to Israel pose the greater risk. The laws of H "show a particular concern to govern the dealings of the Israelites with the Canaanites, and to adjust the conduct of the גר to the rules of cultic purity which preserve the holiness of land and people." "In this way, the former legislation was adapted to the new circumstances of the Persian period" (ibid., 68). "If we think in the urgent need of a document (sic) which could unify and simplify the Jewish legislation in different parts of the Persian empire, it is easy to understand the pragmatic approach which guided the priestly editors, who were more interested in finding an acceptable internal consensus than in raising sensitive questions about problematic issues. They were simply interested in ruling a situation *de facto*" (ibid., 69).

Kidd thinks some of these legal innovations and modifications were moved along by the impact of Persian *Reichsautorisation*: "The '*Reichsautorisation*,' it is assumed, gave the Jewish communities of the empire a particular status to which specific rights were attached. This point might help to understand the growing presence of גרים among Jewish communities during the Persian empire, which can hardly be explained on the sole basis of religious motivations" ibid., 70; cf. ibid., 69) is certainly possible. For another affirmation of the *Reichsautorisation* hypothesis, see § 1.3.10.1.

¹⁶²⁸ This passage does not support the notion that the גרים are natives. Another tradition relevant in the present connection is that of the priestly idea that Abraham was a foreigner in the Promised Land (Gen 23:4), who in Gen 17:8 is promised the land in which he is currently an alien (ארץ מגריר). With the taking of the land the Israelites' alien status is lifted. The Abraham story thus functions in this *Konnex* on the level of an exemplary narrative that submits a criterion for the status of allocthonous co-residents of the Israelite settlement alliance (Siedlungsverband). The possibility of social and political integration is thus tied to conditions of political sovereignty, becoming a comprehensive, religiously legitimated model. This makes it possible for the formerly alien Caleb to obtain a portion of the *nahalāh* (Josh 14:13; Achenbach, "Eintritt," 251).

¹⁶²⁹ "For you know the heart of the stranger" (ואתם ידעתם את־נפש הגר) Exod 23:9bα).

¹⁶³⁰ Cf. the *heilsgeschichtlich* motivation in Deut 15:15 within the larger context of vv. 1-18, especially vv. 12-15; set within such a context, v. 15 has extraordinary rhetorical power.

obviously rhetorical work. For us this would be a group of non-elite priests, that is, priests who have regular and meaningful contact with their non-urban constituents.

With regard to the land's role in the game of persuasion, specifically in terms of relationship, Lev 25:5 proposes a direct bond between the land and the deity, with the children of Israel as mediate agents (cf. the priests) obliged not only to respect but also to preserve that exclusive relationship. Israel's dealings with the land's inhabitants—both allochthons and autochthons—figures not insignificantly in that preservation.¹⁶³¹ Verse five forbids the pruning of the vine in paradigmatic fashion: “You shall not reap the aftergrowth of your harvest or gather the grapes of your unpruned vine¹⁶³²: *it shall be a year of complete rest for the land.*” In this central dimension of H's thought the people and not the priests provide the link between God and his intentions for the land.¹⁶³³ Additionally, the land functions as a “significant other” (*tiers significatif*) that is simultaneously a gift and a demand, the latter in that it constitutes the chosen space in which *YHWH* is to be served¹⁶³⁴ by both Israel and the גרים within its borders.

6.4.8.2 *More on the Interchange between the Speaker/Narrator and the Audience: Cooperative Rhetoric in H*

The rhetorical method of H intentionally leaves out details. This has been referred to as the “ellipsis of biblical discourse.”¹⁶³⁵ The task of processing the rules of law and

¹⁶³¹ In H the strict demand to observe the commandments applies to Israel, and because land possession in H is tied indissolubly to the criterion of maintaining the land's purity, the coresidents of the land must also observe the law. Moreover, the power to administrate the *naḥalāh* does not fall to Israel; rather, it belongs solely to *YHWH*. Israel stands opposite (gegenüber) *YHWH* regarding the sharing in the *naḥalāh*, since as a *gēr* (Lev 19:34aβ; Deut 23:7bβ [Eng 8bβ]), Israel is a *gēr* in *YHWH*'s land (Achenbach, “Eintritt,” 253, n. 56).

¹⁶³² Joosten renders the term for “your unpruned vine” (נְזִירֶה) as “your nazarite,” thus attaching metaphorical force to the technique of persuasion (“Persuasion coopérative,” 393f.). “En appelant les vignes non taillées du nom de ‘naziréens’, le législateur établit une comparaison implicite: comme le naziréen ne doit pas se raser durant le période où son vœu est valide, ainsi les vignes, durant l’année sabbatique, sont consacrées à Dieu” (ibid., 393; idem., “Structuration du pouvoir,” forthcoming).

¹⁶³³ “In observing the law, the Israelite lines up with a sacral order that encompasses the whole of nature.... there are concrete realities and neighboring experiences of the audience—the land and that which it produces—which are thus summoned to reinforce the relation between narrator and audience and of aggrandizing the persuasive impact of the discourse” (Joosten, “Persuasion coopérative,” 394; cf. idem, “Structuration du pouvoir,” forthcoming).

¹⁶³⁴ Joosten, “Persuasion coopérative,” 393.

¹⁶³⁵ Ibid., 389.

applying them to their current situation falls to the audience,¹⁶³⁶ who themselves must elaborate the sense.¹⁶³⁷ The audience fills in the space intentionally left by narrator,¹⁶³⁸ who assumes an active and cooperative reader/hearer.¹⁶³⁹ The “cooperative rhetoric” in H assumes a morally responsive audience and banks on their *persuading themselves and each other* to uphold the high standards of the charter.

The institutional character of classical rhetoric differs from that of cooperative rhetoric in that the later foregrounds the relational.¹⁶⁴⁰ What is more, it *relativizes power*, for if the power were expressed in an absolute sense, “*aurait-il besoin de tous ces moyens de persuasion?*”¹⁶⁴¹

6.4.9 *Subversive Use of Cooperative Rhetoric: Promoting the PRR*

Joosten does not discuss persuasive rhetoric’s potential for promoting views deemed problematic or subversive by the central religious establishment, for example, that non-priests can and should participate to a greater degree in the revelatory aspects of cultic instruction and worship. Part and parcel of that perspective is the Levites’ conviction that God reveals himself and his (cultic) law locally and directly to his people.¹⁶⁴² Such revelation is not limited to disclosure mediated by king or high priest, nor is it restricted to special occasions at the central sanctuary or at a single high place. This idea of the PRR originated and developed in the context of local and regional sanctuaries. Here the cult prophets’ messages would contain propheto-ritual challenges spoken in the name of

¹⁶³⁶ Later commentators, e.g., Josephus, attempted to distill the disconnected details into a main point (Joosten, “Persuasion coopérative,” 389).

¹⁶³⁷ In “Structuration du pouvoir,” Joosten speaks of a restrained sense style. “Sur le plan du style au sens restreint, le Code de Sainteté regorge de tropes et de figures en tout genre.” Instead of simply announcing the law, the discourse is expressed in an indirect way. The connotations become as important as the denotations (“Les connotations sont aussi importantes, sinon plus importantes, que la dénotation”), forthcoming.

¹⁶³⁸ “La rhétorique biblique est coopérative. On sollicite le bon sens de l’auditoire pour qu’il se convainque lui-même en suppléant ce que l’orateur a tu” (Joosten, “Persuasion coopérative,” 389).

¹⁶³⁹ Joosten, “Persuasion coopérative,” 390.

¹⁶⁴⁰ *Ibid.*, 392.

¹⁶⁴¹ Joosten, “Structuration du pouvoir,” forthcoming; The persuasive genre may in fact hint at the authorial circle’s lack of political power; cf. *ibid.*, “L’impression d’une revendication absolue n’est pas fautive, mais celle-ci semble cacher une faiblesse plutôt que de révéler une force.” Once again, we see circumstances ripe for the proliferation of levitical sermons, which in H probably provide much of the underlying rhetorical material.

¹⁶⁴² The down side of the direct encounter is emblazoned in Exod 32:25-29, a didactic narrative that pits Moses and the Levites against Aaron and his compromising charges.

the Lord (cf. Isa 5:16b¹⁶⁴³). The merging of inspired prophetic and cultic messages happened naturally, being a regular occurrence in non-urban, worship settings. While local populations eagerly embraced such phenomena, urban purveyors of official religion based in the capital and administrative cities viewed askance folk expressions of worship, especially those perpetuating the possibility of the plebian (direct) access to the deity. Aided and abetted by the popular “levitical sermon” style of cooperative rhetoric, the subversive content in the messages proved persuasive and therefore particularly intimidating to religious and political leaders stationed in cities. The urbanites had minimal contact with the masses and consequently little influence over individual beliefs and religious expressions in local contexts. Urban leaders sought to redress this problem by (1) encouraging large, official convocations in or near the main urban centers and then (2) recounting those events as singularly momentous and presided over, indeed administrated by, incomparable leadership. Moreover, without the mediating buffer, the populace might be annihilated by the ominous *deus obsconditus*. So goes the official accounting (cf. PentRed) of major revelatory events (2 Chr 7:2f.,¹⁶⁴⁴12). Unofficially, however, a stream of tradition persisted that regarded the Israelite community as welcoming of immediate encounter. In H the religious aptitude of the sanctified community extends in the direction of taking on priestly tasks, thus moving closer towards the realization of their calling as a kingdom of priests.

6.4.10 *The Laity’s Suitability for Appointment as Priests*

As mentioned in the foregoing, this study supposes the post-P text of Exod 19:5f. and similar sentiments play a role in H’s conceptions.¹⁶⁴⁵ The debate over whether the phrases “kingdom of priests” and “holy nation” in v. 19:6a indicate Israel to be a nation of priests

¹⁶⁴³ A priestly-prophetic tradition such as Isa 5:16b “and the Holy God shows himself holy by righteousness” posits the inseparability of (ethical) righteousness and (ritual) purity and holiness. Cf. Ps 24:3f.; Isa 33:14-16; Knohl, *Sanctuary*, 213f.; Milgrom, *Leviticus 17–22*, 1715f., 1724.

¹⁶⁴⁴ Note that in 2 Chr 7:1-4 (there is no counterpart in Kings), whereas the priests cannot withstand the *kāvōd*, the plenary assembly spontaneously prostrating themselves and breaks into psalmic-style worship. We would characterize this expression of the “fear of the Lord” as productive. Indeed, in v. 4 the plenary assembly offer their sacrifices as the king offers his (והמלך וכל־העם זָבְחִים זָבַח לפני יהוה); cf. also 2 Macc 2:10.

¹⁶⁴⁵ Cf. also the discussion in Chapter Two, § 2.2.13. Grünwaldt understands the phrase “kingdom of priests” as synonymously parallel with a “holy nation.” The two comprise a single expression (“Amt,” 230). In conceptual and literary-historical terms, however, it is equally important to recognize that Exod 19:6 reflects a post-P and post-Dtr stage of the development of the Pentateuch that has links with Third Isaiah; see below.

continues.¹⁶⁴⁶ Grünwaldt holds that both 19:6 and H conceive of the Israelite community as priests, and the basic lines of his assessment resist summary erasure.¹⁶⁴⁷ Of particular interest in the present examination, however, is the method by which H seeks to convey this, namely, by building a paraenetic case both structurally and rhetorically.

Do Exod 19:6 and H offer information about priestly qualification? We find passages in Deuteronomy that speak of a priestly people set apart from the other nations, (e.g., 7:6; 14:2, 21aβ-γ). A wide lens view of the post-P and post-dtr interpretive horizon (which includes Deutero- and Trito-Isaiah perspectives imbedded in, e.g., Isa 61:6a; 62:12a) also provides some indications. For example, one of the themes coming to the fore with vigor during this period is that of *YHWH* selecting a people from all the others both to serve him exclusively and to perform *priestly-prophetic* functions among the nations. Such a conception however chafes against inveterate convictions that mixing with “the nations” leads to compromise and (particularly among *Weltanschauungen* imbued with xenophobic tendencies) full-blown apostasy. On the other hand, since at least the fifth century BCE the perspectives of the levite-infused Hexateuch redactors have left literary

¹⁶⁴⁶ Leading studies include Barbieri, “MAMLEKET KOHANIM”; Ska, “Exode 19,3b-6”; see also the forthcoming essay by Christophe L. Nihan, “The Laws about Clean and Unclean Animals in Leviticus and Deuteronomy and their Place in the Formation of the Pentateuch,” in *The Pentateuch: International Perspectives on Current Research*. Nihan argues, *inter alia*, that Exod 19:6 seeks to align Deut 7:6 with the Priestly traditions. Thus Deut 7:6 does not derive from Exod 19:6. Indeed, “Exod 19:6 seeks to combine the notion of Israel as a holy nation with the Priestly view of the dominant political role played by the priestly authorities within the community.” For a different interpretation of the relationship between Exod 19:6 and Deut 7:6, see Reinhard Achenbach, “Verunreinigung durch die Berührung Toter. Zum Ursprung einer altisraelitischen Vorstellung”, in *Tod und Jenseits im alten Israel und in seiner Umwelt. Theologische, religionsgeschichtliche, archäologische und ikonographische Aspekte* (ed. A. Berlejung & B. Janowski; Tübingen: Mohr Siebeck, 2009), 347-69, especially 353f. Achenbach views the secondary, revised (*bearbeitet*) texts of Deut 14:1-21 and 26:4 as efforts to bring Dtr tradition closer in line with the traditions of P. This means that some of the most important purity regulations are anchored not only in the center of the Sinai pericope, but also in frameworks such as the Moab covenant of Deuteronomy (cf. 29:1). For Achenbach this increases the odds of popularizing purity regulations by presenting them directly to people, by means of observation, in contexts beyond the sphere of the sanctuary. In contrast, a text such as Lev 11 (also containing *bearbeitet* texts) could not do this.

“The priestly *Bearbeitung* of Lev 11 is permeated with references to the contaminating effects of carcasses (vv. 1:24-28, 32-40); it is at the same time clearly guided (leiten) by the maxim of the Holiness Code (cf. Lev 1:44 = Lev 19:2!). The theme thus receives detailed treatment in the central sphere of the priestly torah related to the sanctuary. In the regulations of Deuteronomy, however, the instructions directed at the people in the land and their elders (expanded in a back-reference to Exod 23:19) are given only once, in a concluding sentence at the end of the list of impure animals. Accordingly, the duplication of the texts in Deut 14 and Lev 11 within the framework of the Pentateuch is best explained redactionally” (ibid., 354, n. 35). Finally, within these texts, late Dtr notions of the holiness of *YHWH*'s chosen people clearly dominate.

¹⁶⁴⁷ See discussion below.

evidence of a reassessment of the role and contribution the pious alien. The reevaluation would continue in the fourth century (cf. Isa 56:1-8¹⁶⁴⁸), taking on new significance in the paraenesis of H, aspects of which owe to the later *School* of Hexateuch Redaction (School of HexRed).¹⁶⁴⁹ Having already discussed aspects of H's rhetorical presentation,

¹⁶⁴⁸ Here the alien and eunuch that observes covenantal obligations may even serve *YHWH* at his altar. In this one sees an experience shared by both Levite and alien: both have been accepted and rejected at the altar of *YHWH*. In view of the linguistic agreements between Isa 56:1-8 and the earlier 60:10 (aliens serve the Israelites rather than at *YHWH*'s altar), H. Volker considers it "not improbable" that the author of Isa 56:1-8 is facing off with the contrasting conception in Isa 60; see Haarmann Volker, *JHWH-Verehrer der Völker: die Hinwendung von Nicht-israeliten zum Gott Israels in alttestamentlichen Überlieferungen* (vol. 91 of AThANT; Zürich: Theologischer Verlag, 2008), 215.

As for the developmental history of Third Isaiah, the following order seems likely: (a) chs. 60–62; (b) 56:9–59:20 (excepting 59:21), texts that exhibit the emergence of community conflicts; (c) 56:1–8 and chs. 63–66. Isa 56:1-8 figures within a comprehensive redaction to which we may also assign responsibility for the addition of chs. 63–66 after 60–62. This would round off the entire book; cf. Nihan, "Ethnicity," 72. See also the treatment of Isa 56:1-8 in relation to Deut 23:2-5 [Eng 1-4] and Ezek 44:6-9 in ch. 8 of Christian, *Torah Beyond Sinai*, forthcoming.

¹⁶⁴⁹ For this I take as my point of departure E. Otto's notion of a school that in the fourth century continues to develop conceptions of fifth-century Hexateuch redaction. Some qualification is in order. It is actually R. Achenbach's work in Numbers and Joshua related to the Hexateuch redaction that, while sharing similarities with Otto's conception, brings into sharp focus—in addition to the emphasis on the land—the Hexateuch redaction's innovative and indeed later contested support for quasi-Israelites and aliens (e.g., Caleb traditions, the Cushite woman in Num 12, and Rahab in Josh 2; 6). For Otto's view of the Hexateuch redactors see *DPH*, 93 for a contrast between the respective schools of the Pentateuch and Hexateuch redactions; for Achenbach's, see *Vollendung*; idem, "Numeri und Deuteronomium," in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischem Geschichtswerk* (ed. E. Otto and R. Achenbach; Tübingen: Vandenhoeck & Ruprecht, 2004), 123-34; idem, "Der Pentateuch, Seine Theokratischen Bearbeitungen und Josua–2 Könige," in *Les dernières rédactions du Pentateuque, de l'Hexateuch et de l'Ennéateuque* (ed. T. Römer and K. Schmid; vol. 203 of BETL; Leuven: Leuven University Press, 2007), 225-53; see also his English essay, "The Pentateuch, the Prophets, and the Torah in the Fifth and Fourth Centuries B.C.E.," in *Judah and the Judeans in the Fourth Century B.C.E.* (ed. O. Lipschits, et al.; Winona Lake: Eisenbrauns, 2007), 253-85.

My conception of the *fifth-century Hexateuch redaction* aligns fairly closely to that of Achenbach. In general, however, Achenbach does not emphasize the continuity between the fifth-century Hexateuch redactor and the later School of HexRed. He focusses instead on the fourth- and even third-century work of "theocratic revisors," *theokratischen Bearbeitern* whose differences regarding the involvement of the laity in the cult are pronounced. The *latest* stage of theocratic revision all but excludes the laity and their levitical supporters. In a recent essay ("Eintritt," 251) Achenbach does speak of a post-Dtr school that further's "hexateuchal oriented concepts" such as the integration of resident aliens into the covenant community. In *ibid.*, 253, n. 56, he mentions the "older, hexateuchal theory of Israel as holy people of *YHWH*" versus the later conception in H in which the former concept of the ban finds new *Begründung*: the peoples are expelled from the land because or their defiling religious practices.

There is also much to commend Nihan's notion of H as a development out of P by a "Holiness school" (*Priestly Torah*, 559-72). Because of H's surprising acceptance, at least theoretically, of aliens into the holy community, I prefer to emphasize the connection between H and an already established though certainly non-dominant pattern of openness to such integration. Such a policy moreover is not explainable merely by connecting it to dtn/dtr concerns for the poor and the alien. It is important to note that H seems at no great pains to explain such integration, but rather seems to assume agreement on it (Lev. 16:29; 17:12; 18:26; 19:10, 33, 34, 23:22; 24:22; 25:47, 50)! Ska's suggestion that "Leviticus above all attempts to protect Israelites against the perils of getting into debt," and that "this is why Leviticus emphasizes the rights of poor Israelites more than the rights of masters" (*Introduction*, 45) provides important sociolegal

let us look at some key texts the accurate translation and correct interpretation of which offer important perspective regarding perceptions of priestly qualification held by the ancients.

6.4.10.1 *Leviticus 21:8aa*

Although we do not follow Grünwaldt in setting apart H from P as an originally independent work,¹⁶⁵⁰ viewing the Holiness Code from such a perspective appears to have engendered fresh readings (see the exegesis below). His translation of וקדשתו in 21:8aa in the *pi'el* suggests the *people sanctified priests*. This conflicts with the *gal* (declarative-estimative) rendering, with which one simply recognizes or declares an already achieved status. The *pi'el* reading has drawn fire from Otto, who attributes the rendering to the Grünwaldt's Protestant Presbyterianism.¹⁶⁵¹ But Grünwaldt's interpretation likely derives from a leading lexicon.¹⁶⁵² Moreover, v.8bβ (אני יהוה),¹⁶⁵³ in which the grammatical form is clearly *pi'el* "sanctify," already tilts the interpretation in the direction of translating 8aa in this way: "you will consecrate them ... because ... I consecrate you." In my judgment it remains to be shown why a declarative-

perspective, but it does not get at the problem of why, in a text so preoccupied with sanctification and purity of the community, aliens could appear to be so welcome. This would have to be based on a radically comprehensive notion of sanctification akin to that summarized in Lev 22:32b-33.

¹⁶⁵⁰ "Amt," 228f.

¹⁶⁵¹ Otto, "Das Heiligkeitsgesetz Leviticus 17–26 (Review)," 21, ostensibly refers to Grünwaldt's analogies to reformation notions regarding the Christian priesthood vis-à-vis the baptized community in Klaus Grünwaldt, *Das Heiligkeitsgesetz Leviticus 17–26. Ursprüngliche Gestalt, Tradition und Theologie* (vol. 271 of BZAW; Berlin: de Gruyter, 1999), 410. Grünwaldt responds to the criticism: "Das kann ich nicht finden, ganz abgesehen davon, daß in keiner evangelischen Kirche ein Presbyterium Ordinations- oder Installationsrechte hat. Das ist Sache entweder des episkopalen Amtes oder eben der *ganzen* Gemeinde" ("Amt," 239, n. 31, original emphasis).

Joosten ("Structuration du pouvoir," forthcoming) on the other hand rejects Grünwaldt's reading of 21:8 based on the use of the 2nd person singular address, which in H "almost always implies an individualizing nuance" ("La deuxième personne du singulier implique presque toujours une nuance individualisante"). The passage therefore addresses each Israelite in a way similar to 19:10, 18, 32.

But vv. 5-7 speak of plural priests, and only with v. 9 does a return to the singular become necessary, after which one cannot but translate in the singular vv. 9-15. Also, translations that render the second half of v. 8 in the singular diminish the climax in v. 8bβ, in which the singular deity sanctifies the plural "you," i.e. the people (as in 20:8b; 22:32). In contrast, in v. 15, which closes the "singular" section of vv. 9-15, the singular deity sanctifies "him," i.e., the priest. We may thus affirm NRSV's translation v. 8b's קדש יהיה-לך in the plural, but v.15's מקדשו in the singular, and Grünwaldt's reading of 21:8 is not controverted.

¹⁶⁵² Grünwaldt refers to *HAL*, pp. 1003f. in "Amt," 239, n. 30.

¹⁶⁵³ Cf. 22:32b.

estimative translation,¹⁶⁵⁴ for which Otto argues, is to be preferred over the factitive translation of the *pi'el*. The *pi'el* can and here probably does include the notion of the a group transferring holiness¹⁶⁵⁵ to the priest, an interpretation to which Otto objects.¹⁶⁵⁶ Finally, all of the following verses contain examples of transferring holiness to priests, as they are the objects of the verb *qdš* in the *pi'el*: Exod 28:3b (לקדשו לכהנולי), 41b (ומשחת אתם); 29:1a (ומלא את־ידיים ואת־ידיים וקדשת אתם וכהנו לי); 33aβ (למלא את־ידיים); 30:30 (וקדשת אתם לכהן לי); 40:13 (ומשחת אתו וקדשת אתו); 44 (לקדש אתם לכהן לי); Lev 8:30b (ויקדש את־אהרן את־בגדיו ואת־בניו ואת־בגדי בניו אתו); 21:15b (כי אני יהיה מקדשו); 1 Sam 7:1b (ואת־אלעזר בנו קדשו לשמר את־ארון יהוה)!¹⁶⁵⁷ We may affirm that the priest's sanctification “ne dépend pas seulement de lui, mais aussi de tout Israël.”¹⁶⁵⁸

¹⁶⁵⁴ The declarative-estimative can be subsumed under the factitive anyway. Paul Joüon, *A Grammar of Biblical Hebrew* (trans. and rev. by T. Muraoka; Rome: Biblical Institute, 1993), §52, p. 144, attempts to explain the subtle difference: “whilst the factitive denotes the generation of a state or quality actually and physically, the declarative-estimative does so mentally or verbally.”

¹⁶⁵⁵ So, *IBHS*, 421, regarding the *pi'el* of קדש: “The intransitive *qal* ‘to be holy’ becomes in *pi'el* ‘to make to be holy = transfer to a state of holiness = consecrate,’ which takes an object.” The “object” in this case is the object suffix.

¹⁶⁵⁶ Otto (“Das Heiligkeitsgesetz Leviticus 17–26 [Review], 421) explicitly rejects Grünwaldt’s rendering “in den Zustand der Heiligkeit versetzen.” Germ. “versetzen” also includes the connotation of promotion. The people somehow endow the priest with special, primarily functional, and possibly temporary (!) authority for the purpose of expertly handling certain holy substances and supervising their use in rituals (cf. Grünwaldt, “Amt,” 239f.). “Office and community thus constitute an organic relationship” (ibid., 239). One of the reasons the priestly office would need periodic review, even in some sense “recertification” presents itself as we consider the different rules that would apply at various local and regional sanctuaries; Grünwaldt (*Heiligkeitsgesetz*, 410) considers the situation in which a priest would need to be relieved of his/her duties; cf. Saul M. Olyan, “Family Religion in First Millennium Israel,” in *Household and Family Religion in Antiquity* (ed. J. Bodel and S. Olyan; Malden, MA: Blackwell, 2008), 113–26, 118.

¹⁶⁵⁷ Cf. HAL, 1004; cf. Grünwaldt, “Amt,” 239 and n. 30.

¹⁶⁵⁸ D. Luciani, cited by Nihan, *Priestly Torah*, 485, n. 340. Nonetheless, Nihan appears to translate 21:8a in the declarative-estimative: “He [the priest] shall be holy to you” (*Priestly Torah*, 486).

H indeed confers upon Israel the power to sanctify (Milgrom, *Leviticus 17–22*, 1715), though the limits of that power remain somewhat unclear, e.g., Lev 11:44א והתקדשתם (H, according to Knohl, *Sanctuary*, 81). Though he would not expressly do so, Milgrom (*Leviticus 17–22*, 821) comes close to affirming the people’s role in the priest’s sanctification. Further, from a logical standpoint, the problem of a blemished priest (Lev 21:17–23) should be looked at from the people’s perspective. Would they affirm his handling the blood and their sacred gifts? That 21:17–23 has in view a similar responsibility of the laity, of inspecting and qualifying blemished animals (22:22–24) supports this interpretation. A physically challenged person might be especially adverse to cultically impaired priest offering their *unblemished sacrifice*. Admittedly, this proposal is based more in hypothesizing worshiper perceptions than in a customary literary-historical, textual analysis of sacerdotal regulations. And yet, ancient community perceptions must be taken into account on some level. We do know that priests and diviners underwent meticulous physical and moral inspection in the ancient Near East (see ibid., 1841–43). That the local community would not have a say in such examinations seems ludicrous. After all, the priesthood in non-urban contexts would hardly flourish without a cultically compliant population. Davies (*Royal Priesthood*, 98) maintains that “central to any understanding of what a priest is, is the notion of his fitness to approach the deity and ‘minister’ in his presence.”

6.4.10.2 *The Laity's Participation in the Cult*

Let us now consider exegetical arguments for the laity's participation in cultic matters in H, and opposite both priests and *YHWH*. In his essay on the relationship between office and community in H, Grünwaldt¹⁶⁵⁹ delineates the discursive and thematic elements of key texts in H. The result is a step forward in the understanding of the differing qualifications and degrees of holiness that obtain between priests and non-priests. I think it accurate to say that, traditionally, readers and hearers of these texts have held preconceptions of a cultically and morally clumsy laity; they may aspire to holiness, but it is a holiness professional priests alone can achieve; even then it is not necessarily maintained.¹⁶⁶⁰ One could submit, along with the Hebrew prophets, that the responsibility for the laity's fledgling performance falls at the feet of their clerical leaders. Whether or not the authors of H held this opinion, circumstances in postexilic Israel spurred them to move beyond blame to an impressively workable "solution" to the problem. The solution has required a theologically sweeping approach, the innovations of which would stretch but could completely overreach the existing theological parameters of pentateuchal hermeneutics.

Numerous scholars have elucidated the interdependency of H with other biblical codes and traditions. The authors of H utilized their legal learning as they participated in the critical discussion of Israel's past, present, and future.¹⁶⁶¹ Without this level of conversance and commitment—coupled with support among elite priests—their bold, legal and salvation-historical innovations would not have gained a platform from which to present such major statements within Pentateuchal discourse. Indeed, with Lev 22:32b-

¹⁶⁵⁹ "Amt."

¹⁶⁶⁰ 1 Sam 2:34-36; 4:11-22 (priestly perfidy resulting in the departure of the קָהוֹן from Israel). Regarding priestly identity, other than sparse comments about the Levite addition in Lev 25:32-4 ("Amt," 242), Grünwaldt does not deal with the issue of priestly identities in H in "Amt." Also, one finds little emphasis on sociopolitical analysis, and really only minor comments regarding redactional framework. Although H is historically situated the early postexile based on its demonstrated awareness of P, one otherwise finds little diachronic emphasis in this study. The author's gaze remains fixed on apprehending what the subtle intimations in the text reveal of the origins, types, differing grades, and the functions of holiness. The disciplined focus, following on the heels of his 1999 monograph, has paid significant synchronic dividends in the analysis of Lev 19 and 20–21. In addition, great emphasis is placed on the importance of the conception of a holy people in Exod 19:6, to the point it serves as a point of departure for the study (*ibid.*, 233). Some disappointment is registered here regarding the lack of diachronic analysis, at least with regard to Exod 19:6 opposite H.

¹⁶⁶¹ See §6.4.7.

33,¹⁶⁶² H summarizes its plan for sanctifying the people, and in other passages promotes a complimentary, no less radical approach to priestly appointment and accountability.

6.4.11 *Developed Awareness of Aliens: Prerequisite to Fulfilling the Priest-Prophet Calling*

The priestly-prophetic call to the “nations” presupposes considered awareness of those peoples and cultures. As creator of the nations, the *YHWH* of exilic Deutero-Isaiah reigns as cosmological king over those nations, which are accounted as dust on the scales (כִּשְׁחָק) Isa 40:15, 17).¹⁶⁶³ The servants of the world monarch therefore come by their *royal* servanthood naturally and legitimately. Exodus 19:6 assumes this. *YHWH*’s people are a royal priesthood. Just as *YHWH* may choose and appoint priests or priestly families for tasks related to his sanctuaries, he also chooses and appoints his priestly people for tasks related to the broader sphere of the kingdom he desires to bless through them (Gen 12:2f.; Num 22:6, 12; 23:11, 25).¹⁶⁶⁴ Whereas distinctions exist between Israelites and non-Israelites (so, Lev 20:24, 26; cf. 1 Kgs 8:53¹⁶⁶⁵), and one justifiably speaks of a

¹⁶⁶² See discussion of this passage below, §6.4.13.

¹⁶⁶³ Isa 43:11-15; cf. the conception in Ps 47; 74:12; 97.

¹⁶⁶⁴ Here passages in Isa 60–62, the *Kern* of Third Isaiah, suggest prophetic mediatory aspects of the holy nation’s among the peoples (Isa 61:6a; 62:12a). Conceptions and linguistic features are shared by Exod 19:6 and Isa 61:6a; 62:12a. This neither negates nor even diminishes the *priestly* aspects of the high calling. So Isa 61:6aα: וְאַתֶּם כְּהֵנִי יְהוָה תִּקְרְאוּ; contra Steins, “Zur Interpretation von 19,6,” 34, n. 68.

I have reservations about Milgrom’s assessment of the purpose of Israel’s separation from the nations, which he likens to a “continuation (and climax!) of the process of creation” (sic). Israel’s separation from the nations is “essential not just for Israel’s survival, but for an orderly human world” (*Leviticus 17–22*, 1764). This interpretation minimizes the prophetic/ethical call upon Israel (cf. *ibid.*, 1888), a commission that H’s perpetual approach to Israel’s sanctification has already made *ritually* workable. Israel is made holy by a momentous (momentous) sovereign act in history that already effects the separation in such a comprehensive manner that would permit, albeit in a post-P and post-Dtr Num context (Num 15:29), the inclusion of the alien’s own expiatory sacrifices among those of other Israelites (cf. *ibid.*, 17–22, 1706f.). It is because of the comprehensiveness of *YHWH*’s plan of sanctification that Israel becomes free to pursue *YHWH*’s concerns (to function in the world as a royal priesthood and holy nation; Exod 19:6; cf. Isa 61:6a; 62:12a) without the ever-present concern for its own sanctification. In this respect the priests *are extremely important* as they tarry within the sanctified domain to assure continuation of the efficacious blood rite. This is more a matter of protection of what is delicate—and simultaneously dangerous (R. Kugler speaks generally of the need to protect impure persons from the effect of the holy [cited by Milgrom in *ibid.*, 1712f.]) on the one hand, assurance of *continued* blessing, on the other hand, than of achieving or repeatedly regenerating sanctification.

¹⁶⁶⁵ For the post-dtr elements in 1 Kgs 8, see Achenbach, “Der Pentateuch.” Respecting the linguistic and thematic peculiarities that set 1 Kgs 8:52f. apart from the surrounding context, he affirms Georg Braulik’s connection of the theme of Israel’s separation from the peoples with the authorial circle responsible for Deut 4:1-40, also a post-dtr text. 1 Kgs 8:52 (“Let your eyes be open to the plea of your servant, and to the plea of your people Israel, listening to them whenever they call to you” להיות עיניך פתוחות אל־תחנת עבדך ואל־תחנת עמך ישראל לשמע אליהם בכל קראם אליך); note Tg. supports the temporal trans. of בכל “whenever” with

dichotomy between Israelite priests and non-priests, recent research is demonstrating the need for expanding the latter binary comparison to include a middle level or tier taken on by a non-elite priest,¹⁶⁶⁶ and even a “lower” level, the lay- or quasi-priest.¹⁶⁶⁷ The lower tier is likely in view in H (and also perhaps in the office laws). R. Nurmela speaks of a “third-class priesthood.”¹⁶⁶⁸ We find associated with the last two categories a sodality of “brothers” in which interrelational accountability runs high (cf. Deut 18:18-22; Jer 20:1-6; Lev 19:17¹⁶⁶⁹).

6.4.12 Middle Sphere Shared by Laity and Priests in H

Whereas Deuteronomy views Levites as priests, P appears to view them, at least with respect to the sancta, as “laymen.”¹⁶⁷⁰ In H, however, we detect a somewhat liminal, mid-level category that exists between Aaronide priests and the category of persons into which I propose Levites and quasi-priests fall.¹⁶⁷¹

עָדָן, contra LXX ἐν πᾶσι) and Deut 4:1-40 share the notion of a direct relationship between YHWH and people without dependence upon a temple (ibid., 249f.). The so-called “altar law” in Exod 20:22-26 shares conceptual affinity with 1 Kgs 8:46-53 in that both “allow for the possibility of invoking the deity and receiving his mercy without the benefit of altar or sacrifice. The law in Exod 20:24-26, especially verse 24b, may be seen as going beyond the specific act of repentance in a foreign land [so, 1 Kgs 8:46-53] to invoking the deity in worship in a more general way and receiving his blessing” (Van Seters, *Lawbook*, 67). Levinson, *Chorale*, 315-28, however, questions Van Seter’s deemphasizing the centrality of a sacrificial altar.

¹⁶⁶⁶ Christian, “Priestly Power that Empowers.”

¹⁶⁶⁷ In Egyptian religion the “shrine-bearers” (*wnw*) were the lower-tier religious personnel, who were quasi- or non-priests. Below them were lay magicians who instructed the community in the rudiments of Egyptian religion; cf. Herodotus II.37; Lesko, “Egyptian Religion,” 51f; Alan B. Lloyd, *Herodotus Book II: Commentary 1-98* (Leiden: Brill, 1994), 169-71; Lisbeth S. Fried, *The Priest and the Great King: Temple Palace Relations in the Persian Empire* (Winona Lake: Eisenbrauns, 2004), 56-9.

¹⁶⁶⁸ Nurmela, *Levites*, 171f.

¹⁶⁶⁹ Cf. the socioreligious expectations in the Qumran community, where the responsibility of correcting a brother exceeds Lev 19:17’s already high standard ולא תשא עליו ולא תעמיתך ולא תשא עליו ולא תעמיתך בלבבך הוכח תוכיח את עמיתך ולא תשא עליו ולא תעמיתך. See CD 9.2-8; LXX apparently finds v. 17b’s frank rebuke troubling. Its translators lump hating and rebuking one’s brother together and forbid both via a single particle of negation, οὐ: οὐ μισήσεις τὸν ἀδελφόν σου τῆ διανοίᾳ σου ἐλεγμῶ ἐλέγξεις τὸν πλησίον σου. The Targums appear to take the aggressive brotherly dynamic in stride. Hebr. 10:24 employs a curiously provocative expression that NRSV renders fairly as “provoke” (εἰς παροξυσμὸν) in “provoke one another to love and good deeds.” Delitzsch renders it into Modern Hebrew with לעורר. Schlachter 2000 renders it very well: “damit wir uns gegenseitig anspornen zur Liebe und zu guten Werken” (emphasis added). The point is the sharpness of the provocation within a framework of Christian “love” (ἀγάπη), a point which *Pesh* (*dḥwb’ wd’b’ ṭb’*) apparently misses, though the fundamental error may be grammatical, i.e., misreading the phrase εἰς παροξυσμὸν.

¹⁶⁷⁰ Milgrom, *Leviticus 17–22*, 1712.

¹⁶⁷¹ Similarly, in the P history, “Levites assume an intermediate role between the Aaronide priests and the people”; here they substitute for the firstborn; cf. Num 1–8 and Thomas B. Dozeman, *Commentary on Exodus* (Grand Rapids: Eerdmans, 2009), 710.

Marching to the beat of a different drummer than Numbers,¹⁶⁷² H curiously refrains from the business of pigeonholing Levites, going so far as to hardly mention them.¹⁶⁷³ H's audience must have had insight into the conspicuous silence¹⁶⁷⁴ that remains obscured from our view. If one remains open to the possibility of a preexilic origination of aspects of H's thought, Milgrom's attribution of the Levite lacuna to a lack of humanitarian concern for the eighth-century *lwy* may prove useful. At this time "Levites are gainfully employed in Judah's regional sanctuaries, residing in their own compound in the Levitic cities," and "the influx of Levites among the northern refugees has hardly begun."¹⁶⁷⁵ But this sketch leaves unaddressed the space in H's cultic panorama *that could only be filled by a group of non-elite priestly personnel*. A more satisfying explanation must reckon with the liminal Levites' virtual presence in spite of their literary absence in the mostly late text of H. Further, as we are suggesting, the space left by the Levite lacuna also has to do with an innovative, quasi-priestly notion of Israelite peoplehood, which is subtly perceptible in H opposite the larger than life Aaronides.

6.4.13 *Bearing the Marks of the School of HexRed*

The children of Israel were to recognize and show forth their sanctified status by their maintaining a holy separateness in the midst of a contamination-rich world.¹⁶⁷⁶ If this were not thought possible, it is unlikely that the authors of H would have set its envisioned community up to fail. Against the rejoinder that H's writers knowingly propagated an idealistic *Ordnung*, recognizing its ineffectiveness (because of the waywardness of the people) in an advance, we would repeat the critical detail that H was forged in dialogue with at least two preexisting "codes," namely P and D. This realization

¹⁶⁷² An acceptance would be Num 35:1-8, which though post-dtr likely predates or is contemporary with Lev 25:32-4, which seems to assume the former, Josh 21:1-42, and possibly 1 Chr 6:54-81.

¹⁶⁷³ An exception presents itself in the heartening though out of place addition of Lev 25:32-4; see §§2.2.13; 6.4.12; see also nn. 562, 1660.

¹⁶⁷⁴ The Psalms likewise barely mention Levites, only Ps 135:20, wherein "the house of Levi" follows mentions of the houses of Israel and Aaron, respectively: "O house of Israel, bless the Lord; O house of Aaron, bless the Lord; O house of Levi, bless the Lord; You who revere the Lord, bless the Lord" (vv. 19f.). Whereas Aaron's name occurs 8x in the Psalms, Zadok is nowhere to be found.

¹⁶⁷⁵ *Leviticus 17-22*, 1628.

¹⁶⁷⁶ In Third Isaiah, the radicality of the new conception of a sanctified people reaches cosmic proportions, necessitating the creation of "new heavens and a new earth" (65:17; 66:22); even the temple receives a new name, "house of prayers for all the peoples" (56:7); the eschatological conception fits the international, cosmic scope of Isa 56:1-8, which envisions a world soon to be under *YHWH*'s rule (Nihan, "Ethnicity," 73, 81).

may help explain H's uncompromising view of Israel's unqualified sanctification in Lev 22:32b-33, which flies in the face of ritually based sanctification: it was not through ritual but through salvific, historical acts performed by *YHWH* himself that the people of Israel achieved sanctified status (cf. Num 15:40b-41). With competing codes and a problematical religious history (lately coping with an increase in alien integration¹⁶⁷⁷) bearing down on them, H's architects found themselves in a less than enviable position. H's radical conceptions are post-Dtr¹⁶⁷⁸ and likely required problem-solvers entrenched in Israel's traditions yet prepared to launch new and innovative strategies. In the main, the strategies should be attributed to the School of HexRed.

6.4.14 *Lev 22:32b-33 and H's Problematic Solution to the Sanctification Issue*

We have mentioned the problem in research of projecting later notions of *Priesterschaft* on the Israelite priesthood. Also problematic is siding uncritically with biblical writers

¹⁶⁷⁷ The recently published dissertation of E. Blum's student Haarmann Volker, *JHWH-Verehrer der Völker: die Hinwendung von Nicht-israeliten zum Gott Israels in alttestamentlichen Überlieferungen* (vol. 91 of *AThANT*; Zürich: Theologischer Verlag, 2008), offers insightful perspective on the question of non-Israelites coming close to the people and god of Israel. The author focuses on several texts (e.g. Exod 18:1-12; Josh 2; 2 Kgs 5; Jonah 1:14-16; 1 Kgs 8:41-43; Isa 56:1-8; Isa 2:1-5; Micah 4:1-5; Ruth 1:15-18) and reflects on important questions regarding the extent non-Israelites such as Jethro, Rahab, Naaman, and Ruth recognized *YHWH* as the supreme deity and "officially" became Israelites. Ruth may come closest to complete integration. The others may only be precursors to the later category of "righteous Gentiles" who fear *YHWH* but do not integrate fully into the community. The study rightly cautions against deploying biblical texts to support supercessionism; it strives to respect the differences the Hebrew Bible intends to preserve between full and partial Israelites/Jews. Volker runs into problems in asserting major conclusions from rhetorically-infused narratives without sufficient recourse to the germane pentateuchal legal material. Although the author gives careful and well-deserved attention to the Rabbis' readings of these stories, the value of these perspectives for the historic-critical study of the Hebrew Bible probably rises and falls on comparisons with the prerabbinic legal developments already in the Pentateuch, which should perhaps have the final say, especially if one views many of these legal developments as post-P and post-Dtr theses regarding the full or partial integration of aliens into the community of Israel. It may be telling that the author makes no mention of fellow German author Reinhard Achenbach's seminal work on this topic, so also Christophe Nihan's *Priestly Torah*, which had already come to similar conclusions regarding questions of full or partial assimilation of aliens into the people of Israel. On the other hand, expanding the latter part of Volker's title to "in Old Testament and Rabbinic traditions" in future editions would in this reviewer's mind resolve some of the current problematic.

Relevant in the discussion of the openness to alien integration in later Yahwism is the recognition that the Tanakh begins with (Gen 1-11) and then throughout the canon acknowledges Israel's primacy as a being a secondary achievement. "Das kleine Volk kam sekundär zu seiner geglaubten Vorrangstellen" (Gerstenberger, *Israel*, 383); for additional thoughts on universalism and tolerance in postexilic Israel, see *ibid.*, 382-6. "Alle Fremden mit festem Wohnsitz in einer jüdischen Gemeinde können nach ihrer Beschneidung (in Jes 56 aufgrund der Einhaltung des Sabbats) kultisch eingegliedert werden" (*ibid.*, 385).

¹⁶⁷⁸ In contrast to P in which holiness tends to be a state to be attained through ritual means, Dtr thinking tilts toward a holiness independent of specific actions performed by humans. Holiness appears to be included in the packaging of the bequest of chosenness; cf. Hans M. Barstad, *A Brief Guide to the Hebrew Bible* (Louisville: Westminster/John Knox Press, 2010), 56.

who clearly oppose certain theologies and theological solutions set forth by other biblical writers. This often seems to be the case regarding matters of the cult.¹⁶⁷⁹ The situation in H pertains specifically to concerns for sanctification and cultic purity: H offers a solution that, frankly, has been found wanting among both ancients and moderns. Whereas the potential for holiness among the community may be high, readers of these texts tend to view a sweeping claim like 22:32f. as wishful thinking, or worse, fostering false hopes when failure is inevitable if not predetermined.¹⁶⁸⁰ If however we make room for the theology of 22:32f. in “Yahwistic biblical theology,” the negative valuation becomes problematic, since the *plan of sanctification* claims to derive from *YHWH* himself. Would not *YHWH* formulate a plan capable of dealing with his own people’s predispositions and the perennial challenges their non-Yahwistic neighbors present?

According to the prevailing priestly portrait, the Israelites seem incapable of avoiding repeated acts of self-contamination. Their poor religious performance ties directly to cultic incompetence. Unable or unwilling to grasp the sacral concepts, they fail to distinguish between pure and unpure, or again, holy and profane. The children of Israel are told to be holy—indeed they must be holy—but, alas, according to the received faith and scholarly community interpretations, they either fail to reach the peak or lose their footing as soon as they arrive. The hapless horde quickly slips down the slope that took so long to climb. Scholars often trace the dominant representation of moral/intellectual/spiritual ineptitude either to Dtr thought or, in the case of pronouncedly cultic texts and contexts, elite priests (Zadokite-Levites or Aaronide-Levites) who as a rule view the laity as an uninitiated threat to maintaining community purity and wholeness.

¹⁶⁷⁹ A classic example of this meets us in the trenchant critique (by Dtr?) of a theological mainstay of P, notably sacrifice e.g., Ps 50; cf. v. 9: “I will not accept a bull from your house, or goats from your folds.” Deut 10:16 questions the efficacy of physical circumcision (also P, Gen 17) without circumcising the heart or attitude (cf. Jer 9:25f.); Deut 10:17-22 enumerate several behaviors that should accompany the circumcised heart, including maintaining (a) covenant loyalty, (b) a posture of praise, and (c) thanksgiving on one front, executing justice and showing kindness to resident aliens on the other; Jer 4:4 radicalizes the “command” to circumcise one’s heart. In the Moab covenant, however, God promises to circumcise the hearts of both the second and future generations (Deut 30:12, building on 13:3; 6:5; cf. Jer 31:33). One could, as many have, mistakenly conclude from these critiques that internal matters of the heart are all that matter. For balance, see Job 22:27-30; Ps 22:25; 50:14; 66:13, etc. Neither the sociopolitical and economic dimensions of these innerbiblical debates nor the rhetorical impact of their formalized, intentionally repetitive formulations can be taken into consideration here.

¹⁶⁸⁰ Scholars generally attribute the negative perspective to “Deuteronomists” energized by an exilic determinism.

These shadowy determinations line up fairly well with the dominant (cf. “official”) portraiture of the children of Israel at Mounts Sinai and Horeb. Especially at the Sinai event recounted in the book of Exodus, the children of Israel recoil in fear from direct—especially sustained or repeated—encounter with their god. Thus, accompanying traditions emphasizing the people’s religious malfeasance is a dread of their high god’s presence, revelation, and inevitable punitive actions. But the pairing of dread and presence should not be—though it often is—considered automatic, or axiomatic. Rather, it ties to the notion of insecure standing before and relationship with *YHWH*. Admittedly, this perspective, which with alacrity marshalls Israel’s past failures in history, displaying them as an inscriptional monument for all to see, dominates in the Bible and thus merits descriptives such as the “official” or “dominant” view.” It is hoped that the proposals set forth below may help to differentiate the dominant, official view from the less official and consequently more obscure view of Israelite covenantal relations with *YHWH*, and centuries before the inception of Christianity.

6.4.15 *Another Route to Holiness? Countering the Dominant Portrait of the Children of Israel*

Texts containing expressions about the holiness of the people appear in paraenetic framework pieces or embedded particles formulated by the composers of H. One would expect an argument promoting a provocative, minority view to be set forth gradually, piecemeal, and that is what we find.¹⁶⁸¹ The ethical center of H, Lev 19’s call to holiness tenders the rituo-rational motivator “because *YHWH* is holy.” There follow the laws the holy community is to observe. Thus far there is little of the expected association of obedience with a state of right-standing or justification, although H’s community is to model justice in inexorable fashion (19:15, 36); it is as if they represent *YHWH*’s well-trained representatives, hand-picked for demonstrating fair dealings—*הַקָּדָשׁ*. Such a task seems an unrealistic expectation of a people beset with doubts, unsure of their standing in the face of a punitive god.

Leviticus 19:17f., moreover, promotes a special type of solidarity between the entire community—priest, lay, and alien—“that will help them to overcome disruptive social

¹⁶⁸¹ Cf. Grünwaldt, “Amt,” 231.

behavior, up to and including the desires for ‘vengeance’ and ‘feuds.’” The goal of communal, even “national solidarity becomes a primary obligation for each person.”¹⁶⁸²

6.4.15.1 *The Efficacious Fear of the Sanctuary* [Section moved from ch. 2.2.13.6]

With the introduction of the sanctuary the creator finds an institution capable of providing a more enduring and effectual place of encounter than sites known for their occasional theophanies (cf. Gen 28:12; 35:6-13; cf. the mountains of God). This sanctuary constitutes a portal that facilitates a sustainable connection between heaven and earth.¹⁶⁸³ Since according to H even an endowed people cannot complete *YHWH*’s requirements on every plane, additional merit can apparently be gained by fearing the sanctuary, which while connected with Sabbath observance (Lev 26:2 “You shall keep my sabbaths and fear [תִּירָאוּ] my sanctuary ...¹⁶⁸⁴)¹⁶⁸⁵—a key theme for the first half of H (Lev 17–22)¹⁶⁸⁶—requires a daily, directed reverence. Whereas the “fear of the sanctuary” may substitute for the ark, it is not tied to a requisite single object or location. This makes possible a widening of the parameters and moves in the direction of democratizing religious observance. In addition to the “kingdom of priests”’ access to participating in altar worship, the “holy nation” is enjoined to assume and maintain a reverential posture of the heart and mind toward the holy sanctuary.

¹⁶⁸² Ska, *Introduction*, 47-48.

¹⁶⁸³ Lev 9:1–10:20 sets forth the concept of *YHWH*’s כבוד in Israel. Its revelation comes as a phenomenon of fire recounted in 9:23b-24, which is then followed by another fiery manifestation in 10:1f; the section 9:1–10:20 thus recounts a double manifestation of the כבוד. The encounter of *YHWH* and his people begun in the Tent of Meeting in Exod 27:21 finds its fulfillment in 9:22f, and the ordeal in 10:1f. emphasizes Moses’ authority vis-à-vis the Aaronides; indeed, vv. 5b, 7b enjoin the Aaronides to follow Moses’ instructions precisely; cf. Andreas Ruwe, “The Structure of the Book of Leviticus,” in *The Book of Leviticus: Composition and Reception* (ed. R. Rendtorff and R. Kugler (with the assistance of S. Bartel); vol. 193 of VTSup; Leiden: Brill, 2003), 55-78, 71-8.

¹⁶⁸⁴ LXX pluralizes sanctuary but otherwise retains the force of MT: καὶ ἀπὸ τῶν ἁγίων μου φοβηθήσεσθε; Among the Targums, Tg. alone retains the force of MT with וּלְבֵית־מִקְדָּשִׁי תִהְיוּן דְּחֻלִּין; Pseud-Jon adds the element of peregrination, perhaps hinting at pilgrimage: “and walk to the house of My sanctuary in My fear” (ET Etheridge Pesh 1849); TNK “venerate my sanctuary” (TNK); Schlachter 2000 and ZUR 2007, 2008 “fürchtet mein Heiligtum” “und mein Heiligtum sollt ihr fürchten,” respectively.

¹⁶⁸⁵ Cf. Otto, “Das Heiligkeitsgesetz im Narrative des Pentateuch,” 83.

¹⁶⁸⁶ Cf. Nihan, *Priestly Torah*, 477f, for whom 19:30 with 26:2 set forth the temporal Sabbath) and spatial (sanctuary) coordinates of H, respectively.

6.4.16 *Emplacement within the Sinai Complex: H's Point of Departure*

Here we may profitably take into account the larger conceptual framework of the book of Leviticus. *YHWH* has previously committed and claimed to have given himself to his people as the deliverer God who led them out of Egypt. The commands in Leviticus are grounded in this act,¹⁶⁸⁷ which one justifiably categorizes as holy, because *YHWH* performed the sovereign act of separation and (already implied) sanctification.¹⁶⁸⁸ This constitutes *le fondement* for the special relationship between God and the nation now being birthed.¹⁶⁸⁹ And indeed, the *heilsgeschichtlich* springboard for dealing with the problem of Israel's inability to fulfill the demand for holiness (Lev 19:2; 20:26¹⁶⁹⁰) is neither hidden nor complicated.

The main obstacle to its acceptance—by both ancients and moderns—may be its theological daring. Although the offer is doubtless “good news” for non-elites, a tension mounts surreptitiously in H's presentation. In addition to persuading the audience to accept the responsibility for observing the law, H undermines the familiar pretext for the people's disobedience, that is, their fear of punishment by a demanding God,¹⁶⁹¹ which is often accompanied by a piteous self-image that leads to errant inaction (e.g., Num 14:1-4; the opposite presents itself in Josh 8), sometimes followed by impulsive and presumptuous problem-solving that exasperates the deity (Deut 1:41-3).

That the people of Israel would view themselves in this way, however, is open to question. And, indeed, the arguable theme-verse for H flies in the face of fatalist predeterminations: יהוה אלהיכם (Lev 19:2). The close association of people and deity in this passage is not open to question. Indication for such closeness in

¹⁶⁸⁷ Rolf Rendtorff, “Der Text in seiner Endgestalt: Überlegungen zu Exodus 19,” in *Der Text in seiner Endgestalt: Schritte auf dem Weg zu einer Theologie des Alten Testaments* (Neukirchen-Vluyn: Neukirchener Verlag, 2001), 71-82, 79; Milgrom, *Leviticus 17–22*, 1716.

¹⁶⁸⁸ “Diese exklusive Beziehung zwischen Jahwe und seinen Volk ist also gemeint, wenn das Volk als heilig qualifiziert wird” (Grünwaldt, “Amt,” 231).

¹⁶⁸⁹ This is not to exclude the promises to the ancestors (implied in Deut 7:6; 14:2, 21aβ-γ). Milgrom contrasts H and D: “D establishes Israel's holiness as inherent in its biological nature. Thus from the diachronic viewpoint, D has extended H's axioms regarding priestly holiness to all of Israel” (*Leviticus 17–22*, 1717; cf. 1764). In this instance, the problems attending the placement of D after H feed the problem of viewing H and its—for Milgrom—conditional notion of holiness as appropriate for a preexilic context. Deut 7:6; 14:2, 21aβ-γ are quite late, yet they do not necessarily move in the direction of a more comprehensive, unconditional conception of holiness than does H.

¹⁶⁹⁰ Cf. Deut 14:1a, 2 and Achenbach, “Verunreinigung,” 357.

¹⁶⁹¹ Cf. Matt 25:24-30; Luke 19:20-26.

the cultic life of the community of H presents itself in understated fashion in the community's direct reception of cultic instruction from the deity (see below, §6.4.18).

6.4.17 *Prophetic Aspects of the Call to be Holy?*

Milgrom has drawn attention to the prophetic aspects in H's call to action and responsibility in the land and by extension YHWH's world. H issues a "counterchallenge" to the "gloomy forecast" of the prophets. "The entire Israelite community (כל העדה)¹⁶⁹²—including the worst sinners among them—is capable of attaining the requisite holiness¹⁶⁹³ that will enable it to remain and prosper in God's presence, namely in the promised land."¹⁶⁹⁴

The prophetic movement wrangles with the notion that the fastidious observance all laws, which would arguably require special training, and a rigorous and supervised legal study regimen,¹⁶⁹⁵ would lead directly to the heart of the law (e.g., Mic 6:8). This priestly-prophetic counter (cf. Deut 10:12-22; 30:6) seeks not merely to lessen legal requirements; it does however bring into sharp focus the *sine qua non* of living in YHWH's blessing and prospering in the land. With prophetic urgency, H intones the message that successful life in the land includes exemplary ethical behavior toward resident aliens, that is, those wishing to dwell within the sanctified community and participate in its religious activities. Such a ritually risky policy becomes feasible only after establishing the following: that the Israelites have already been efficaciously "set apart" (Lev 20:24b, 26¹⁶⁹⁶), qualified (v.25), and sanctified (22:32f.). We have considered various aspects of laity's capacity for carrying out priestly functions. Although the general assumption is that any skills obtained trace to teaching moments with professional priests, a careful look at the text reveals a perhaps unexpected source of cultic instruction for non-priests, that of revelation.

¹⁶⁹² See comments on עדה in §2.2.13.2.

¹⁶⁹³ See above, n. 294.

¹⁶⁹⁴ Milgrom (*Leviticus 17–22*, 1606-07).

¹⁶⁹⁵ Serious study à la Pss 1; 19; 119, would be required not only for elite priests but for "the wise." Both groups probably viewed priestly-prophetic challenges and innovations askance.

¹⁶⁹⁶ Lev 20:24-26 does not emphasize separation in terms of segregation but rather in terms of calling and demonstrated set-apartness in the midst of a mixed community through cultic competence, expressed devotion to YHWH, and exemplary behavior—at tall order, to be sure.

6.4.18 *Instructed Directly by YHWH: Israelite Laity Separate between Clean and Unclean (Lev 20:25f.)*

In the chapters following Lev 19 the writers of H present *theologoumena* or mini-theologies that challenge and persuade the audience in staccato fashion,¹⁶⁹⁷ through the agency of rhetoric. The presentation connects the people's hesitation to embrace their priest-like calling (which ties in part to a defeatist mentality; protracted servitude can have that effect¹⁶⁹⁸) with *YHWH*'s overriding affirmation of them. Leviticus 20:25a asserts the provocative notion that the people not only assume the priestly calling but also demonstrate it on a sophisticated and critical level. By divine command they are to distinguish between clean and unclean: "You (pl.) shall therefore make a distinction (בדל *hip'il*) between the clean animal and the unclean, and between the unclean bird and the clean";¹⁶⁹⁹ v. 25b α assumes the lay quasi-priests' awareness of the cultic risks¹⁷⁰⁰ and v. 25b β presumes their capacity for reckoning unclean (טמא *pi'el*) that which *YHWH* has already declared to be unclean (cf. the use of בדל *hip'il* in Neh 13:3). Verse 25b β then, similar to 19:2b, makes clear the essential qualification for performing key priestly function: *YHWH* and not cultic personnel has made known the critical distinction. A careful reading of this text turns up the following: the divine separator and sanctifier of people (1) has separated between clean and unclean animals (אשר־הבדלתי)¹⁷⁰¹ and then (2) revealed this distinction to his people via unsanctioned,¹⁷⁰² direct revelation (e.g., Lev

¹⁶⁹⁷ Milgrom (*Leviticus 17–22*, 1887) speaks of the "staccato emphasis" in the succession of holiness themes. Levinson ("Manumission," 323) refers to H's "powerful literary originality" the revelatory force of which enjoins "the reconsideration of the nature of authorship." Leviticus 25, for example, reveals the work of an inspired redactor. "Working like the editor of cuneiform texts such as the Laws of Hammurabi, he creates a new, more unified work by expanding and reorganizing inherited legal sequences. In many ways, the same technique describes the work of the author of the Temple Scroll," renowned (or villified?) for his "theonymous composition."

¹⁶⁹⁸ Num 14:9-11 directly connects disobedience and rebellion (מרד) to fear (ירא) of the surrounding nations (אך ביהוה אל־תמרדו ואתם אל־תיראו את־עם הארץ) (14:9a). The people even threaten to stone Moses, Aaron, Joshua, and Caleb for instigating courageous action against Israel's foes. Insodding the timorous Israelites themselves become the enemy to be feared.

¹⁶⁹⁹ Aaron receives a similar command in Lev 10:10.

¹⁷⁰⁰ וּלֹא־תִשְׁקָצוּ אֶת־נַפְשְׁתִּיכֶם; cf. LXX οὐ βδέλυξετε τὰς ψυχὰς ὑμῶν "you shall not detest [βδέλυσσομαι] your soul."

¹⁷⁰¹ Cf. Grünwaldt, "Amt," 232f.; "Die theologische Pointe dieser Verse liegt darin, daß das ganze Volk diesen priesterlichen Dienst verrichten kann und soll and nicht allein eine bestimmte Gruppe aus dem Volk" (ibid., 233).

¹⁷⁰² Sanctioned, "official" cultic revelation would come through Moses or elite priests such as Aaronides, who represent the Mosaic institution.

11:44b).¹⁷⁰³ This point deserves special emphasis, since direct revelation disclosed to an assembly at a regional sanctuary¹⁷⁰⁴ heightens the uniqueness of the *YHWH*-Israel relationship.

Direct revelation also increases the level of its recipients' culpability.¹⁷⁰⁵ The increased responsibility that results from the immediate impartation of cultic knowledge (e.g., Lev 20:23-27) also applies in a similar way to citizens (§§6.5.1; 6.5.1.1) in prophetically charged environments, where discerning between true and false "words," teachings, and teachers becomes a community-wide responsibility (e.g., Deut 18:15-22).¹⁷⁰⁶ Though impossible to determine the precise composition of either of the culpable community, it is clear that non-professionals are included, and there is little reason to think the writers of H had in mind a primarily urban setting. These were pressing issues for both urban and rural religious communities. From what we can gather from both textual and artifactual witnesses, non-urban Israelites regarded neither cultic competence nor prophetic discernment as essentially the responsibility of professional priests.

6.4.19 *Local and Regional Settings for the Reception of Revelation by Yahwists*

The setting of revelation in Lev 20:25b β should not be restricted to the contextual framework of ch. 20. It also probably harks back to the original, regional and local venues for preaching, teaching, and worship in which the revelation of divine law (e.g., the Decalogue) reportedly occurred. Local experiences and events were later condensed

¹⁷⁰³ In 11:44b *YHWH* commands the people directly, without mediation; in contrast to 20:25, however, worshippers in v. 44a α are enjoined to sanctify themselves (והתקדשתם והייתם קדשים). Christian Frevel and Erich Zenger, "Die Bücher Levitikus und Numeri als Teile der Pentateuchkomposition," in *The Books of Leviticus and Numbers* (ed. T. Römer; vol. 215 of BETL; Leuven: Peeters, 2006), 35-74, 42, recognize the significance of 11:44f. and 20:25f. for the non-priestly community's daily religious life: "beide Teilen ist folgende Perspektive gemeinsam: Es geht um eine göttliche Hausordnung für den Alltag." For Levinson, H revises Moses's "paradigmatic prophetic voice" by attributing its unique legislation to the deity. H also "anticipates precisely the literary strategies of the Temple Scroll, including the theonymous composition, legal resequencing and expansion, and literary smoothing" ("Manumission," 322-23).

¹⁷⁰⁴ See the discussion of Neh 8 in §6.3.

¹⁷⁰⁵ Cf., independently, Levinson (*Chorale*, 273f.). It should be mentioned here that the purification ritual of Num 19:14f. is performed not by a priest but a (levitical?) lay person, a "clean person" (איש טהור) according to v. 18f. That the designated community member then becomes unclean, and must purify himself through a purification rite (vv. 21f.; cf. Achenbach, "Verunreinigung," 364) indicates her/his conversance with matters of purity, the lack of which would lead to expulsion from the assembly (ונכרתה) (הגנפּשׁ הוּא הוּא מִתּוֹךְ הַקֵּהל; v. 20).

¹⁷⁰⁶ See also Scenario Three (§§6.5ff.), below.

into a few major events at the national level (Exod 20:18-22 [especially vv. 18, 22]; 33:1-4; Deut 4:10-12, 33-37; 5:4, 22).¹⁷⁰⁷

Assemblies at these events consisted of tribes, families, and individuals (cf. the resident alien) who aligned themselves with their warrior/deliverer god. Biblical tradition avers this god revealed himself and his law to the people he brought near to himself (Ps 65:5a; Deut 4:7, 10-12a; 5:27). This deity's communicative nearness, with its accompanying high behavioral expectations, finds repeated, distinctive expression in Deuteronomy. The following passage comes close to militance in its boast of regular and direct knowledge of the will of God:

Now what I am commanding you today is not too difficult for you or beyond your reach. It is not up in heaven, so that you have to ask, "Who will ascend into heaven to get it and proclaim it to us so we may obey it?" Nor is it beyond the sea, so that you have to ask, "Who will cross the sea to get it and proclaim it to us so we may obey it?" No, the word is very near you; it is in your mouth and in your heart so you may obey it (Deut 30:11-14).

It is mystifying that such a bold statement of the people's prophetic capacity would materialize out of the ashes still settling in Deut 30. The context is the aftermath of Israel's banishment to the nations (v.1). *YHWH's* chosen underwent perilous initiations (cf. the exodus typos)¹⁷⁰⁸ and painful transformations associated with the occupation of

¹⁷⁰⁷ Similar to our interpretation of this study's first text of focus, Neh 8, in which the single, plenary reading of the law actually condenses numerous public reading(s) and sermons given by the religious personnel such as the levitical priest-prophets, the Sinai/Horeb receptions of the Decalogue condense numerous local and regional proclamations of the commandments delivered over time. Cf. the Sermon on the Mount (Matt 5-7)/Sermon on the Plain (Luke 6:17-49) in the Synoptic Gospels.

Regarding possible written texts standing behind *tôrôt* such as those of Lev 20:25, consideration of texts in the book of Jeremiah may prove heuristic. In her systematic analyses of the appearances of the תורה/תורות and related legal and instructional terms in Jeremiah, Maier (*Jeremia als Lehrer*, 354) finds the following terms particularly suggestive of underlying written documents (Jer 6:19; 9:12 [Eng 13]; 26:4; see. The context in Lev 20:25 is less suggestive, though local summaries of revealed law available in some communities may have been assumed. Legal terminology in ch. 20 appears only in plural forms (v.8a ושמרתם את-כל-הקתי ואת-כל-משפטי ועשיתם אתם) 22a (ושמרתם את-הקתי ועשיתם אתם), 32:23, Maier (reading ובתורתך in v. 23 as plural with most ancient textual witnesses; see *ibid.*, 324, n. 103) perceives postexilic familiarity with (ostensibly written) texts: "Dem ursprünglichen Plural 32,23 (תורות) und der Verbindung von תורה mit dem Pluralformen חקת ועדות liegen die Vorstellung zugrunde, daß die Weisung JHWHs viele konkrete Gebote und Satzungen umfaßt. Diese Sicht der Tora ist vereinbar mit einer nachexilischen Ausdifferenzierung von Rechtsbestimmungen, wie sie sich im Anwachsen der Gesetzeskorpora zeigt" (*ibid.*, 355; cf. 324f., 354).

¹⁷⁰⁸ Ehrenreich, *Wähle das Leben!*, 273. The exodus story lends itself to ritual (re)enactment. The dashing of the blood on the people in Exod 24:8 may accomplish a ritual aspect of the sanctification of the Israelites

the Promised Land. The promises to the fathers, literarily integrated into the curses and therewith called into question, are confirmed in 30:3-5, 7-9 for the period following the exile. Attached to the great land promises were severe penalties in the event of flagrant and sustained apostasy. And yet, with the momentous failure to “hear the Lord’s voice in (pre)view, vv.11-14 (cf. especially v.8) adamantly posit Israel’s capacity for ongoing, close communicative relationship with the self-disclosing deity.

The nearness of God, the voice (קול), or the word (דבר), can be anxiety-provoking. Neither Testament lacks for communicative encounters between the divine and human realms, some of which involve instructions given to regular people.¹⁷⁰⁹ That Lev 20:25bβ (and 11:44b) would report or allude to *YHWH* having instructed the people directly should therefore not surprise us, though, admittedly, it runs counter to the dominant presentations and interpretations familiar to scholars and students of the Bible.¹⁷¹⁰

at the Sinai event, making them priests à la Exod 19:6 (so E. W. Nicholson, and E. Blum, whom Milgrom rebuts in this instance, *Leviticus 17–22*, 1715f.).

¹⁷⁰⁹ E.g., Gen 16:7-11 (especially v. 9); 18; 25:21-23; Exod 24 (especially v. 11); Judg 2:1-5 (especially v. 2); 13 (especially vv. 4f.); Luke 1. *YHWH*’s (re)turn toward the community and their return to hearing the divine voice restores the immediacy with *YHWH*. On the level of the proto-canon, this restoration/reestablishment (Wiederherstellung) remedies the relationship severed since Gen 3:6 (cf. v.23). Deut 30:14 pursues a similar concern, in which the “close word” is mediated through subtle references (Deut 4:2, 7f.; 30:14) containing the key term חיים ‘life’ (Deut 30:20; 32:47). A life of extended days is closely associated with of God’s personal nearness, which enables the people to (once again) hear and obey his voice. Through the renewed relationship access to repeated, direct encounter with God is available (cf. Ehrenreich, *Wähle das Leben!*, 273).

With regard to the Promised Land, Deut 30:5 contains a promise made nowhere else in the torah, namely that postexilic Israel will repossess the land of the ancestors, thereby solving the problematic of the lost *Lebensraumes* (since Gen 3:23). The separation from the tree of life (also since Gen 3:23) finds in Deut 30:19, with the option for life, an answer without which the capability of discerning between good and evil would be cancelled (“Die Trennung von Baum des Lebens (auch seit Gen 3,23) findet in Dtn 30,19 mit der Option für das Leben eine Antwort, ohne daß die Fähigkeit zur Unterscheidung von ‘Gut und Schlecht’ dabei rückgängig gemacht wird” (ibid.).

¹⁷¹⁰ Many texts that counter what became the dominant view (e.g., that perpetuated by PentRed) appear to have been penned in post-P texts produced by priest-prophet, scribal circles. Such circles seek on the one hand to produce more cooperative synergies between traditionally divided priestly and non-priestly camps; on the other hand they perpetuate a vision of a community capable of maintaining purity regulations. One could venture the axiom that cultic purity is to be expected of an already sanctified community. When cultic failures do occur, they do not doom Israel to failure on a historic scale. H seeks to modify that punitive notion, often attributed to Dtr. Thus the curses in Lev 26 are not a good fit for the main paradigm of H.

Though the notion of an expected prophetic competence applies more overtly to the community in the office laws of Deuteronomy, discussed as our third main text, post-P and post-Dtr texts such as H presume its importance in its conception of personal and communal (Lev 19:31; 20:6 are less developed than Deut 18:20-22). The ultimate goal of H would appear to be the achievement of social harmony and blessedness, though without removing all distinctions between clearly and less-clearly chosen peoples, and the cultic personnel serving them and the deity.

6.4.20 *Leviticus 21–22*

H's motivational presentation requires its audience to register the divine acts and associated conveyances in sequence, connecting them like so many dots on a *heilsgeschichtlich* grid. That the details regarding priests directly follow in the paraenetic pericope of Lev 21–22, after *YHWH* has already given unmediated cultic instruction to the people (Lev 20:25bβ; cf. 11:44b), furthers H's program.¹⁷¹¹ Indeed, with 20:22-26, which include the command to be holy (v. 26a), the general audience receives more details regarding their holiness, intimations of perpetual sanctified status,¹⁷¹² and additional instructions regarding distinctions between clean and unclean creatures. The rhetorical force of this section can be seen in its combining duty with honor. The requirements to observe *YHWH*'s regulations (duty) are bundled up with the unparalleled inseparability of people and their deity (honor; see v. 26¹⁷¹³).

For full clarity and the culmination of the succession of mini-theologies, however, the audience must wait until 22:31-33, which corresponds to 20:22-26.¹⁷¹⁴

Leviticus 22

³¹ Thus you shall keep my commandments and observe them: I am the Lord.

³² You shall not profane my holy name, that I may be sanctified among the people of Israel: I am the Lord; I sanctify you,

³³ I who brought you out of the land of Egypt to be your God: I am the Lord.

Leviticus 20

²² You shall keep all my statutes and all my ordinances, and observe them, so that the land to which I bring you to settle in may not vomit you out...

²⁴ But I have said to you: You shall inherit their land, and I will give it to you to possess, a land flowing with milk and honey. I am the LORD your God; I have separated you from the peoples.

²⁵ You shall therefore make a distinction between the clean animal and the unclean, and between the unclean bird and the clean; you shall not bring abomination on yourselves by animal or by bird or by anything with which the ground teems, which I have set apart for you to hold unclean.

²⁶ You shall be holy to me; for I the Lord am holy, and I have separated you from the other peoples to be mine.

¹⁷¹¹ Cf. Grünwaldt, "Amt," 233.

¹⁷¹² Note the ongoing, future tense in אתם תירשו את־אדמתם ואני אתננה לכם לרשת אתה (20:24α).

¹⁷¹³ RSV's translation of 26b ואבדל אתכם מן־העמים להיות לי "and I have separated you from the other peoples *that you should be mine*" is to be preferred.

¹⁷¹⁴ Cf. also 18:24-30; 19:37 and Milgrom, *Leviticus 17–22*, 1887.

Here the audience receives no reminder of a holiness wrought through separation as in 20:24b, 26,¹⁷¹⁵ though the foundation supporting that condition receives subtle support in 22:31's categorical imperative to keep the deity's commandments.

Rather, in vv. 31-33 the audience senses the gap closing between the people's suitability and qualification for priestly service. A shift is effected by the people's sanctification being placed at the end of v. 32, after the climax of vv. 31-32 occurs with 32a (which forms an *inclusio* with v. 2).¹⁷¹⁶

6.4.20.1 *Where are the Aaronides?*

It is now all about *YHWH*, *YHWH*'s identity and inimitable actions in behalf of Israel that he would be sanctified rather than profaned. One finds little of a conditional nature,¹⁷¹⁷ and the lack of mention of priestly involvement in such a vital task may have astounded the addressees.¹⁷¹⁸ Milgrom judiciously rejects the assertion of Isaac ben Judah Abravanel (fifteenth-century sage) that the injunction was addressed specifically to

¹⁷¹⁵ Cf. v. 26aa ואתם תהיו־לי ... גוי קדוש with Exod 19:6a: גוי קדוש.

¹⁷¹⁶ Milgrom, *Leviticus 17–22*, 1887.

¹⁷¹⁷ Milgrom's efforts to qualify and add criteria, though elegant and supported by a few scholars, turn out to be special pleading (cf. *ibid.*, 1604f., 1714, 1716f. ; cf. Nihan, *Priestly Torah*, 487). "Israelites and priests alike are sanctified by virtue of their own effort, namely, by adherence to the divine commandments" (Milgrom, *op. cit.*, 1720); cf. 1712: Holiness "is always subject to recall" (we would agree with this interpretation with respect to Nazirite in Num 6, whose status of holiness is "temporary"). In my opinion, a theological dilemma of the sanctification issue lies not in whether or how much Israel achieves and maintains sanctification but rather their *response to it*, i.e., observing the nonpareil legal requirements indissolubly connected with it. "Israel is God's possession and, therefore *obligated* to follow his commandments" (*ibid.*, 1764; original emphasis). In the discussion of Exod 19:5b, Rendtorff ("Endgestalt," 78) points to Deut 26:18f. and the conceptual connection with Exod 19 regarding Israel's duty to *YHWH*, which ties to the relationship *YHWH* has forged; 26:18f. underline the "two-sidedness" (*Zweiseitigkeit*) of the covenant responsibility: "Jhwh als Israels Gott—Israel als Jhwhs Eigentumsvolk."

To be sure, with wrong responses by Israel there followed severe repercussions, including restricted access to the Presence. That does not, however, vitiate *YHWH*'s creative sovereign work of sanctification. Adding conditions to this work, or reiterating the moot "unbridgeable gap between them" (*ibid.*, 1605), gives the appearance of explaining what may not need explaining. *Accepting* the radical Lev 22:32b at face value may remain the *interpretive* crux for theologians and exegetes. But this is not all. The perhaps final stage of theocratic *Bearbeitungen*, particularly the book of Numbers, reveals the indignation of elite priests over this issue. They *reject* the notion of sanctification in Lev 22:32b, and dedicate themselves to snuffing out the fires spread among sanctuaries effected by this innovation.

For recent consideration of conditional and unconditional aspects of Israelite covenants, see Cook, "Holiness Versus Reverence," forthcoming. Building on the respective work of I. Knohl, R. Wilson, and J. Milgrom, Cook attributes the conditional theology of the hierarchical Holiness School (recognizable in Ezekiel, Leviticus, and Numbers) to Zadokite priests, the unconditional "Reverence Theology" (cf. Knohl's PT) recognizable in Isa 40–66 and various pentateuchal texts to the Aaronides. Cook attributes Lev 20:8; 21:8; 22:16, 32 to the conditional theology of the Holiness School.

¹⁷¹⁸ Nonetheless, the rabbis emphasized the fact that holiness appertained to the entire Israelite community, Milgrom, *Leviticus 17–22*, 1602f.

priests. “This can hardly be the case, since God’s redemptive act in the Exodus (v. 33) embraced all of Israel.”¹⁷¹⁹ Bearing the conspicuous non-mention in mind, care should likewise be taken not to overemphasize the professional, priestly role in sanctifying the divine name.¹⁷²⁰

Professional priests play little if any role in bringing the massive, perpetual status change about: “I sanctify you, I who brought you out of the land of Egypt to be your God: I am the Lord” (vv. 32f.; ¹⁷²¹ cf. Deut 15:15). In sum, *YHWH* has separated and sanctified Israel for service in *YHWH*’s kingdom, qualifying the subjects of that kingdom as royal priests, who receive instruction by divine impartation on how to distinguish between clean and unclean categories of living beings. Such sanctification has not resulted from cultic ritual as in the rite of priestly dedication of Exod 24,¹⁷²² nor through the people’s observance.¹⁷²³ And it has not come by way of a priest’s consecration,¹⁷²⁴ but rather through a ritually efficacious act in history. With Exod 19:6 as his point of departure, Grünwaldt sees “both statements elucidate one another. *YHWH* sanctified his people by bringing them out of Egypt in order for them to become his special people.”¹⁷²⁵ Theologically—and perhaps with a view to the psychological dimension as well—the *assurance* of priestly calling figures integrally in the people’s ability to perform their

¹⁷¹⁹ Ibid., 1888. Regarding the possibility that Israel enhances its god’s holiness, a notion Milgrom finds “daring,” see *ibid.*

¹⁷²⁰ See n. 1734 below, para. 2.

¹⁷²¹ “Priester spielen in Heiligkeitsgesetz nur eine untergeordnete Rolle” (Steins “Zur Interpretation von 19,6,” 33). Steins speaks of the rite of priestly dedication in Exod 24; 29:20; and Lev 8:22f. “E. Ruprecht, E. W. Nicholson, K. Myhre und vielen andere sehen daher in Ex 24 eine Konsekration des ganzen Volkes in Analogie zu Ritus der Priesterweihe, her so daß auf diese Weise Ex 24,8 nur noch insofern ‘Bundesschlußritus’ ist, also das Volk in Erfüllung der Verheißung von Ex 19,5f *nun geheiligt wird*” (*ibid.* 30, citing Christoph Dohmen; secondary emphasis). The people’s priestly status is a central component of both Exod 19 and 24 (*ibid.*).

¹⁷²² See previous note.

¹⁷²³ Contra Milgrom, *Leviticus 23--27: A New Translation with Introduction and Commentary* (New York: Doubleday, 2001), 1962: “Indeed, even when H speaks of God continuously sanctifying Israel and the priesthood (20:8; 21:8, 15, 23; 22:9, 16, 32), the sanctification is actually done by the human recipients, through their obedience to God’s commandments.” In another case, *YHWH* himself sanctifies inanimate (tabernacle) followed by animate (Aaronide priests) objects in Exod 29:43f., perhaps attributable to H (*cf. ibid.*).

¹⁷²⁴ Adrian Schenker, “Drei Mosaiksteinchen: ‘Königreich von Priestern,’ ‘Und ihre Kinder gehen weg,’ ‘Wir tun und wir hören’ (Exodus 19,6; 21,22; 24,7),” in *Studies in the Book of Exodus: Redaction—Reception—Interpretation* (ed. M. Vervenne; vol. 126 of BETL; Leuven: Leuven University, 1996), 367-80, 372f., following R. Cazelles. In his discussion of Exod 19:6, Schenker contends “das Königreich der Priester wird von einem heiligen Volk bewohnt, weil die Priester dieses weihen und heiligen.”

¹⁷²⁵ “Wie in Ex 19,6, von wo unsere Überlegungen ihren Ausgangspunkt genommen haben, wird man sagen können, daß die beiden Aussagen einander erläutern. Jahwe hat sein Volk dadurch geheiligt, daß er aus Ägypten herausgeführt hat, um für eben dieses besonder Volk Gott zu sein” (Grünwaldt, “Amt,” 233).

prophetic-priestly service in *YHWH*'s greater kingdom (cf. Third Isaiah, 60:14b; 61:6a; 62:12a).

The exodus generation(s) faced severe tests of faith that few survived. The notion of a faithful remnant, or again a people within a people, can already be detected. Nonetheless, with respect to the Israel H envisions, the predicate of holiness does not delimit to a select few, rather all are holy. Moreover, this slow track to sanctification created¹⁷²⁶ an enduring bond between *YHWH* and Israel unilaterally conceived and accomplished by the deity. Through the experience, the *sanctified nation* of Israel was birthed and remained attached to *YHWH*.¹⁷²⁷

Within this conceptual horizon Aaronide priests occupy a marginalized space. The author of Lev 19 shows less concern for cordoning off a sanctified zone than proposing holiness as a created principle of selection, one that is reinvigorated¹⁷²⁸ as *YHWH* takes sanctifying action. And the place of action may not matter all that much, since all the world's a stage.¹⁷²⁹

6.4.20.2 *Masters of the Blood Ritual: Aaronide Priests in H*

Since the people of Israel qualify as priests to perform cultic actions by virtue of *YHWH*'s lay-priestly training (Lev 20:25) and *heilsgeschichtlich*-ritual sanctification (Lev 22:32b-33) rather than a through ritual means (cf. Exod 24), where do practiced priests fit within H's paradigm of a perpetually sanctified community? They make their first appearance in H in Lev 17:5-7,¹⁷³⁰ which contains priestly instruction for handling the blood of the sacrifice. They are thus specially entrusted with the handling of blood at the altar, which plays an important though not altogether clear role in reconciling Israel with its high god.

¹⁷²⁶ The ubiquitous verb בָּדַל in the causative stem recalls P's creation account in Gen 1:1-2:3. Milgrom (*Leviticus 17-22*, 1764) is correct in saying that although Deut 7:6; 14:2 juxtapose holiness and separation similar to H, D's preference for the verb בָּחַר indicates a greater degree of dependence on the promises to the ancestors (Deut 4:37; 7:8). The differences he posits between D and H's respective notions of election, however, are not as well conceived.

¹⁷²⁷ Cf. Grünwaldt, "Amt," 233f. In the post-dtr covenant of Moab of Deuteronomy, Corini, *La nuova alleanza*, 330, connects the unilateral nature of the covenant to God's promise to Abraham, "in un contesto storico-sociale pre-monarchico con un intervento esclusivo da parte de Dio che eleva Israele a suo possessore ed eredità (alleanza dunque basata sull'elezione)."

¹⁷²⁸ The original acts of sanctification occurred in *YHWH*'s creation of the world in P's account.

¹⁷²⁹ "Heiligkeit ist dort, wo Jahwe überall heiligend handelt, sei es im Kult, sei es in Lebensbezügen, die nach unserem Verständnis als profane gelten würden" (Grünwaldt, "Amt," 233).

¹⁷³⁰ Within the larger framework of the book of Leviticus, Aaronides are installed in ch. 9.

Traditionally, however, Israelites slaughtered the sacrifice themselves (Lev 1:1-4),¹⁷³¹ in the presence of priests (Lev 3:20) who then performed the blood ritual.¹⁷³² In conjunction with the revealed training presumed in Lev 20:25bβ, non-priests could have come by their basic cultic training in any number of ways, though it seems unlikely to me that Aaronides would have provided such training for laity in, say, an urban center like Jerusalem. We would look instead to lower tier functionaries working and living in village settings to either provide or oversee this. They seem the likely choice for encouraging the notion of a self-revealing god not adverse to directly imparting facets of the eternal will.

6.4.20.3 *Differentiating Between Priest and Laity: More Pragmatic Than Theological*

Notwithstanding the centrality of blood rituals performed by priests in the Hebrew Bible, H attributes the efficacious *power* of this type of ritual transaction to *YHWH*'s own interaction with the blood, a substance imbued, from creation, with living energy that can pollute or purify (“for the life of the flesh is in the blood ... it is the blood that makes atonement” Lev 17:11),¹⁷³³ even communicate (Gen 4:10).

In the purity instructions for priests in Lev 22:1-9, theirs is the ritual qualification to handle the holy gifts. Their *functional role* thus takes precedence. The rest of the chapter does not deal with priests. Viewing chapters 21–22 together we may describe the

¹⁷³¹ Cf. Rolf P. Knierim, *Text and Concept in Leviticus 1:1-9: A Case in Exegetical Method* (vol. 2 of FAT; Tübingen: J. C. B. Mohr [Paul Siebeck], 1995), 50-2; “Vv. 3-5a obviously envision the acts of the lay person in successive order” (ibid., 50). “There is indeed little reason for the assumption of a temporary suspension of the ‘Ablauf der Opferhandlung.’ The actions of both actants [priest and non-priest in Lev 1:3aβ-9ba] are perceived to happen independently, so that neither actant must inactively spend time waiting for the other. And if we were to say that it is the text that suggests such an interruption, we would be on equally weak grounds. The text expresses only the connectedness and flow of the actions” (ibid., 51-2).

¹⁷³² Cf. Nelson, *Faithful Priest*, 59f. We should note the concinnity between Exod 24 and H with respect to lay participation in altar worship. In v. 5 Moses commissions “young men of the people of Israel” (נְעָרֵי בְנֵי יִשְׂרָאֵל) to offer burnt offerings and sacrifice oxen as offerings of well-being to the Lord.” The commissioning of non-priests to do this is remarkable. We might view these נְעָרִים as apprentices having attained to a certain level cultic training by peripatetic, non-elite priests at local and regional schools. The נְעָרִים may or may not have been on a professional priest track. If the נְעָרִים of v. 5 are priests, what does that then make the “elders” and the “men of Israel,” who in vv. 9-11 attain to a much higher cultic category; cf. E. Blum (*Studien*, 51-2, cited in Rendtorff, “Endgestalt,” 78-79).

Verses 5f. simulate H in that, whereas non-priests involve themselves in the “priestly” duties associated with sacrificial worship, the handling of the blood remains a task reserved for authoritative ritual personnel: “Moses took half of the blood and put it in basins, and half of the blood he dashed against the altar” (v. 6).

¹⁷³³ H accepts the general lines of P’s conception of blood as in, e.g., Gen 4:10f.; 9:4-6; cf. 37:26; 42:22.

difference between priests and laity as *pragmatic rather than theological*.¹⁷³⁴ Milgrom maintains that H orders P to stand down, after which the former is able to “break down the barrier between the priesthood and the laity.”¹⁷³⁵

6.4.20.4 *Exceptions in the Regulations for Priests*

A phenomenon that plays into the reevaluation of the roles of laity and priest is the conspicuous exceptions H builds into the (specifically Aaronide?) regulations for priests. For example, a lay person that becomes the priest’s slave—likely an alien¹⁷³⁶—may eat of the holy gifts (שֶׁדֶק) within his master’s household (22:11).¹⁷³⁷ This contradicts prohibitions in surrounding verses (22:10a, 13b) against such consumption by the laity.

¹⁷³⁴ Affirming the existence of both quantitative and qualitative differences between priests and non-priests are Nihan and Achenbach (see the latter’s “Verunreinigung,” 357; cf. also Nihan, *Priestly Torah*, 485; Knohl, *Sanctuary*, 192. In addition to handling of the holy objects, Achenbach points to the “sanctification of the divine name” as a second priestly distinction. This merits brief discussion.

The sanctification of the divine name occurs in Isa 29:23 (יְקַדֵּשׁ שְׁמִי); cf. 8:13; Deut 32:51. In Ezek 26:32f; cf. 20:44; 39:25, *YHWH* sanctifies his own name. For the *avoidance of the desecration of the divine name* see the negative formulations in Lev 18:21; 19:12; 20:3; 21:6; 22:2; 31f.; Milgrom, *Leviticus 17–22*, 1634-36.

In 22:31-33 a plenary audience can be assumed, in which case the command not to profane the Name applies to the entire community and not to priests alone. The question remains as to whether Ezek 44 should bring so much to bear in a consideration of the regulations in H, which are often more recent (so Achenbach regarding 21:1ff., “Verunreinigung,” 358). That to their great chagrin the Levites are inexorably linked to and charged for the laity’s cultic crimes in the *Verfassungsentwurf* of Ezekiel should alert us to the likely large-scale differences in the conception of priests—and priestly laity!—held by the circles of Ezek 44 and H. The non-mention of Levites in P’s portions of Leviticus and virtual silence in H reveals the after effects of the cultic implosion shaped by Zadokite-Levites in Ezek 44. Whereas in Ezek 44 Levites and the people whom they led astray are two sides of the same guilty coin, in *H the people become that of which the Levites were stripped in the former text, and we see the subtle merging of non-elite priestly and lay identities, and less subtly, the sharing of “priestly functions.”* (Knohl, *Sanctuary*, 192, also sees the closeness of Levite and laity in H—*opposite* the elite Aaronides, whose “election endows them with the highest grade of holiness, that emanating from the cult, in which Israelites and Levites may not participate.”)

This interpretation helps explain the emphasis in H placed on the “people’s” involvement in installing priests and, further, that the priests’ own purity performance is reviewed publicly; it becomes a matter for public discussion, enlivened by reports from within the priest’s own household and extended families. Such scrutiny would forestall the repetition of the heavy-handed condemnation of elite priests in Ezek 44. We have spoken of built-in exceptions, to which we now add built-in safeguards against a hostile cultic takeover by elites.

¹⁷³⁵ Milgrom, *Leviticus 17–22*, 1714.

¹⁷³⁶ It is unlikely that a purchased slave would be an Israelite.

¹⁷³⁷ Cf. also the priest’s daughter formerly married to a lay male, in which she belonged to his non-priestly household (Lev 20:12f.). Though prohibited to eat any of the sacred donations there, she may return to her priestly father’s household as widow or divorcee without children. Thus practical, somewhat ethical, considerations come into play, even overruling the principle of the laity’s exclusion from partaking of the holy donations.

The law is therefore not absolute; it allows for exceptions.¹⁷³⁸ Through this it becomes apparent that ritual purity in this community does not depend upon the strict enforcement of separate categories. The text of Lev 21:11 exhibits another exemption. Here, despite the danger of priestly defilement, the regular priest may himself bury his closest relatives.¹⁷³⁹

The priests' exceptional participation in the *sancta* does not dominate this sanctified community's landscape as it does in, say, the P text of Lev 9.¹⁷⁴⁰ The principle driving the desire for societal differentiation is to protect the *sancta* from indiscriminate and

¹⁷³⁸ "Dieser Grundsatz gilt allerdings nicht uneingeschränkt, sondern die Regel lässt Ausnahmen zu" (Grünwaldt, "Amt," 235).

¹⁷³⁹ Gerstenberger (*Leviticus*, 310) notes the exception in 21:11 and marvels that such an obviously defiling burial of one's wife could be allowed. "Does the partial permission to take care of the dead not fundamentally contradict the prohibition against defilement? How is the resulting impurity of the sacrificial priest then eliminated? Again, the text generates more questions than it answers. Presumably, absolute prohibitions can never guarantee a practical order of things in human societies. There must be exceptions and special regulations; life itself simply demands it." While this is generally true, elites have a way of bypassing the practical need for such exceptions. This makes it easier for non-priests to then justify their own exceptions. The text under consideration was not written by priestly elites. If I am correct in seeing a new type of lay-priest in H, who knows the failure to bury their dead might "constitute the greater evil (cf. Deut 21:22f.)" (ibid.), then the exception would represent just the kind of innovation needed for a holy nation of priests to be possible.

¹⁷⁴⁰ The commencement of the cult in Lev 9 has affinity with the consecration of Solomon's temple in 1 Kgs 8. In the passages on sacrifice in the latter, however, the priest king dominates, playing the role of priest. In the discourse sections the priest-king functions as congregational leader. The priest-king's praise and intercession (vv. 25-53) include references to praying from foreign lands (vv. 47-50). Indeed, the priest king asks that *YHWH* hear Israel's prayers "whenever," to which we may justifiably add "wherever" (cf. v. 38) they pray to him. A postexilic setting is clearly in view, so also activities at local sanctuaries (Gerstenberger, *Leviticus*, 101f.), unlikely settings to expect leadership by civil or clerical elites. Note that whereas in 1 Kgs 8:3 priests carry the ark, *all of the elders of Israel* come to (ויבאו כל זקני ישראל) and actively participate in the proceedings. Not surprisingly, in a context in which laity are involved, Levites play a key though not fully specified role—somewhere in the middle (v. 4). Whereas Leviticus lacks regulations for a *clerus minor*, Numbers brandishes them in its (and the Pentateuch's) latest revisional layer (Achenbach, "Der Pentateuch," 232).

presumptuous violation¹⁷⁴¹—*not* to obstruct the path of those *YHWH* wishes to draw near.¹⁷⁴²

Countering lawcodes that aspire to comprehensiveness and unalterable inviolability, the draftsmen of H design a workable system of the sacred. One innovation appears to be the blurring of distinctions between professional and non-professional priests. This “methodology” produces a community that already fulfills aspects of the vision of Exod 19:6; cf. Isa 61:6a; 62:12a. H is not a hermetically sealed, priestly code designed to overwhelm and intimidate non-specialists, non-priests, and non-Israelites (cf. Lev 19:33f.¹⁷⁴³).¹⁷⁴⁴ That exclusivistic stage of the developing Pentateuch exemplified in a text like Lev 10:1-5* and theocratically revised texts in Numbers probably occurred later in the fourth- if not third-century BCE.¹⁷⁴⁵

¹⁷⁴¹ The line between presumption and cautious bending of a legal principle is not always clear. In 1 Sam 21:1-6 David takes a significant ritual risk eating the holy bread, even after Abimelech, priest of Nob, expresses reservations about him doing so. David guarantees that he and the men are sexually pure and retorts with a proto-halakhic argument that the holiness of their mission justifies their eating the special, holy bread: “the vessels of the young men are holy even when it is a common journey; how much more today will their vessels be holy?” (v. 5). The circumstances and the force of David’s argumentation appear to have won the day, warranting the infraction. Flippant repetition of such an act could however bring severe consequences. Thus David’s actions constituted a fearsome act to be pondered rather than eagerly emulated. In contrast to the innovation at Nob, his first attempt to move the ark did not turn out as well, especially for Uzzah (2 Sam 6:1-6). For an inquiry into David’s involvement in legal legislation, see ch. 5 in Christian, *Torah Beyond Sinai*, forthcoming.

¹⁷⁴² In Lev 10 Nadab and Abihu do not incur judgment merely for approaching the Presence; the Mosaic commentary of v. 3 (Nihan, *Priestly Torah*, 603f.) may be removed without damage to the present context (the same can be said about v. 1b). Reading verses 1f., 4, makes better sense out of Mishael and Elzaphan’s otherwise death-defying removal of the corpses from the sanctuary in v. 4.

¹⁷⁴³ Cf. Deut 10:19: “You shall also love the stranger, for you were strangers in the land of Egypt.” If this passage were borrowed from H (Milgrom, *Leviticus 17–22*, 1704) it would be quite late. It may be best to speak of Deut 10:19’s proximity to H (Otto, “nachpriesterschriftliche Pentateuchredaktion,” 72).

¹⁷⁴⁴ Ruminating on the purpose and addressees of H, Gerstenberger (*Leviticus*, 305) cautions against “speaking prematurely about esoteric priestly instruction. For how could rules oriented exclusively toward a single professional class be passed down in a writing conceived for the congregation? And are not priestly functions and qualities also occasionally ascribed to the entire congregation of Israel itself (cf. Ex. 19:6; Isa. 61:6; cf. Deut. 7:6), such that priestly instruction indirectly acquires significance for all members of the congregation?”

¹⁷⁴⁵ Nadab and Abihu are condemned for offering incense on individual censers (v.1), and yet other priestly texts such as Lev 16:12f. and Num 17:6-15 allow this (Nihan, *Priestly Torah*, 581). It seems then that this late text owes to Aaronide- or Zadokite-Levite elites intent on intimidating and outlawing “profane” offerings. Though it may well have been the addition of the incense to Nadab and Abihu’s censers that kindled *YHWH*’s anger (Lev 10:2; cf. *ibid.*, 581f.), the larger point seems to be that even Aaron’s sons, and *a fortiori* all non-Aaronides, had best stay clear of even the slightest innovation as regards the sacrificial altar. That the use of censer-incense purifies offerers as they approach could well be a central matter of contention between non-priests and priestly elites.

The exclusive and exceptionless policy in Lev 10:1f. is also in evidence in Num 16 (especially vv. 16, 35). The priestly, and possibly high priestly derived exclusivism and condemnation of such rites carried out by lay persons leads to the unnatural deaths of 250 chieftains, each carrying his own burning censer! (v. 18;

Our analysis of selected passages in chs. 21f. has suggested a community leadership that promotes the notion of selectivity and salubrious discrimination. It does so without falling prey to ascetic tendencies on the one hand, sophistication for the sake of maintaining specialist pretensions on the other. Although H designates the sons of Aaron as legitimate priests,¹⁷⁴⁶ this node of the code (chs. 21f.) does not bow very low before such a distinction.

In an unpretentious style laced with rhetoric H goes beyond broadening the ideational horizon of the Israelite priesthood to actually enlarging it.¹⁷⁴⁷ It draws a wide and penetrable circle around the devout community, a radical proposal made possible by reinforcing its internal constitution with theological buttresses (e.g., Lev 20:25bβ; 22:32b-33) capable even of dealing with, otherwise, menacing foreign elements.

6.4.20.5. *Priests Serving the Laity*

We have seen that the priests' handling of the blood of the sacrifice constitutes an essential service that they perform in H. Another facet regarding the priests in H emerges from a careful reading of Lev 21:1-8.¹⁷⁴⁸ Rather than accentuating their special service, this section makes known the priests' behavioral restrictions in a way that the entire community can grasp and easily remember.¹⁷⁴⁹ One gets the sense from the text, especially in view of its placement at the head of the priestly law, that *priestly*

cf. Ezek 8:11; In 2 Chr 26:15-21a King Uzziah comes to a miserable end, excluded (נִיפ' אֶל *nip'al*) from the house of the Lord after presuming to burn incense there. For textual parallels between Lev 10:1f. and Num 16 see *ibid.*, 584. In sum, Lev 10:1f. and Num 16 may find their culmination in the high priest's officiating the atonement service in Lev 16; both texts militate against the notion of an accessible cult—which includes participation at the sacrificial altar—in Lev 17–26. Nihan sums up the evidence: "... for the late priestly scribes responsible for these passages the reason for restricting censer-incense offering to the high priest exclusively despite the competing claims of other groups in the Second Temple period—priests (Lev 10), Levites (Num 16), and even lay leaders of the community, if we take into account Ez 8:11—has its legal-exegetical basis in the grand purification ceremony of Lev 16, and in the unique role played by censer-incense there" (*ibid.*, 586, and see n. 37).

¹⁷⁴⁶ Cf. Exod 29:44 "I will consecrate the tent of meeting and the altar; Aaron also and his sons I will consecrate, to serve me as priests," which may well belong to H (Milgrom, *Leviticus 17–22*, 1715); vv. 45f. also sing in the key of H: "I will dwell among the Israelites, and I will be their God. And they shall know that I am the Lord their God, who brought them out of the land of Egypt that I might dwell among them; I am the Lord their God."

¹⁷⁴⁷ In 1 Kgs 12:31 Jeroboam is deuteronomistically condemned for his expansion of the priesthood. The Assyrians do similarly in 2 Kgs 17:27-32, though with a vengeance.

¹⁷⁴⁸ Verse 9 is anomalous in its present position.

¹⁷⁴⁹ Vv. 10-15 enumerates the restrictions for the high priest, on which see the following section.

*qualification is grounded in a tentative blend of promise*¹⁷⁵⁰ *and performance.*¹⁷⁵¹ This recalls the divergence of views regarding dynastic and charismatic kingly succession.

Verses 1-8 also have rhetorical force. On one level, they present a casuistic dynamic: *If* a priest is willing to renounce the normal familial responsibilities, he *then* qualifies himself to serve the people uniquely by advocating for them, mediating between them and God, presenting their offerings, handling the blood, and facilitating the atonement transaction. By renouncing some,¹⁷⁵² though not all (e.g., Gen 25:9)¹⁷⁵³ potentially defiling, blood-kin responsibilities (Lev 21:1bβ, 4—again we find exceptions¹⁷⁵⁴) he separates himself for special service in vital blood rituals. The priest's *function* of protecting the people's gifts from contamination being key,¹⁷⁵⁵ his professional worth comes to be determined by pragmatic rather than theological considerations. That H formulates the restrictions on his conduct in 21:1-8 similar to a community announcement in 21:1-8 (cf. the law of the king, Deut 17:14-20) suggests the community is being authorized to serve as referees.¹⁷⁵⁶ "The community as a whole shares

¹⁷⁵⁰ In 21:18-20, physical blemishes alone may disqualify priests, yet because priesthood is to some extent hereditary, "such priests cannot simply be excluded. The solution consists of a compromise" (Nihan, *Priestly Torah*, 487). Compromise indeed!

¹⁷⁵¹ "Just as Israel must preserve the priests' holiness ... and just as the high priest is sanctified by Yahweh only if he does not desecrate his lineage (21:15), *the priests as a whole may only be sanctified by Yahweh if they preserve the holiness of his sanctuary*" (Nihan, *Priestly Torah*, 487; original emphasis). And such preservation for H is inconceivable without a cultically competent lay community.

¹⁷⁵² Cf. Ezek 44:15-27, especially v. 25. The dependence is clear, the direction of the dependence somewhat less so.

¹⁷⁵³ Thus once again regulations pertaining to ritual purity can be said to be more pragmatic than theological.

¹⁷⁵⁴ Later rabbis modified this regulation to permit the mourning of the high priest's close kin, as long as it did not disrupt their official duties (Milgrom, *Leviticus 17-22*, 1817).

¹⁷⁵⁵ It is emphasized that the priests' physiological wholeness plays a role in their qualification (Lev 21:16-23). As in other ancient traditions, here we may be dealing more with taboo conceptions and prejudice that trump pragmatic matters (cf. 2 Sam 5:8) rather than actual concerns regarding holiness (cf. Grünwaldt, "Amt," 236f.). Again, there are exceptions; so 21:22, and yet "he may eat the food of his God, of the most holy as well as of the holy." As one considers the seriousness of the blood ritual, it is odd that a physically flawed priest (vv. 17-21) could still partake of the most holy, blood-tinged sacrifices. That a text like H promotes such a lofty yet severe goal of an entire community maintaining ritual purity, the flexibility built into the program promotes the concept of an inclusive community.

¹⁷⁵⁶ Gerstenberger (*Leviticus*, 318, 319) wonders whether the regulations collected in ch. 21 were designed "so that a wider circle of interested persons might become acquainted with these special purity rules.... They fit seamlessly, albeit with certain quantitative enhancements, into the image of the 'holy' congregation and the holiness demands imposed on that congregation. The three primary topics addressed—defilement through contact with the dead, engagement through sexual intercourse, and exclusion from the cult because of physical defects—are all also acute concerns at the congregational level, especially in the book of Leviticus.... Verse 8 clearly expresses the fusion of personal holiness with that of the congregation in the form of an admonition. From the perspective of this key sentence, the entire chapter

responsibility for the worship service and for the cultic integrity of the priests.”¹⁷⁵⁷ The priestly referendum in H appears to envision a system in which public servants may hold office indefinitely as long as they are not voted out or transferred to another position.

6.4.20.6 The “High Priest” in Leviticus 21:10-15

We now come to the consideration of the celebrated priest in Leviticus 21:10-15. H exhibits considerable self-awareness of the community, in which the eminent priest is *primus inter pares*, a leader among brothers (הכהן הגדול מאחיו) 21:10).¹⁷⁵⁸ The command that the leading priest not leave the sanctuary is connected with anointing (v. 12) and is “ganz Neu.”¹⁷⁵⁹ “The expansion of previous priestly laws by special regulations for the high priest is a step in the same direction toward the accentuation of this office, which is found in secondary P materials in chs. 8–10.”¹⁷⁶⁰

The figure has modest affinity with the Levite in a few texts in Deuteronomy (17:9-13; 18:5¹⁷⁶¹).¹⁷⁶² He resembles the Levite in that his persona and function remain somewhat vague.¹⁷⁶³ One reason for this could be that only in post-Ezra times did a “high

must be viewed as instruction for the congregation as a whole. All Yahweh believers should know how they are to live before their God.”

I do not see the regulations for the priests in Lev 21–22 concerning themselves about a “specific conception of holiness ... of the sanctuary” to the extent Nihan does (*Priestly Torah*, 483). The chapters also express great concern for not defiling the Name, and in the latter part of 22 (vv. 26-33), perhaps most importantly—not defiling the holy gifts of the people. Here the priestly specifics fade and the greater concern for the treatment of the holy community’s offerings comes into sharp focus.

¹⁷⁵⁷ Gerstenberger, *Leviticus*, 320; cf. Christian, “Middle-Tier Levites,” 190 and n. 72. Although Nehemiah appoints priests, scribes, and levites in 13:13, in 12:44 the people take it upon themselves to assign quasi-priestly functions to their appointees in Neh 12:44. Thus the entire community takes actions in order to right the wrong done to Levites reported in 13:5,10.

¹⁷⁵⁸ The division between chs. Lev 18–20 (regulations related to the cleanness and holiness of the people) and 21–25 (regulations related to the priests and the cultic order) is apparent; the sections may connect with the blessings and curses in ch. 26; cf. Otto, “Holiness Code in Diachrony and Synchrony,” 140.

¹⁷⁵⁹ Elliger, *Leviticus*, 282; cf. Num 6:7b.

¹⁷⁶⁰ Ibid 283 specifies chs. 8-10 as belonging to Pg², a later strand of P.

¹⁷⁶¹ Cf. Exod 28:41; Ezek 44:24. The Hebrew of Deut 18:5 does not mention Levi, as does NRSV. “For the Lord your God *has chosen him and his sons from all your tribes* (כי בו בחר יהוה אלהיך מכל־שבטיך) (NAS 1995).”

¹⁷⁶² The similarity between the perspective of H and Deuteronomy remains one of the main reasons why it cannot have derived from P or a layer of P alone (*pace* Erhard Blum and Andreas Ruwe); cf. Otto, “Holiness Code in Diachrony and Synchrony,” 139, n. 13.

¹⁷⁶³ Elliger (*Leviticus*, 282) draws attention to the awkwardly involved (*umständlich*), relative clause formulation of v. 10. The delineation of the priest in this verse raises questions. If it is a title (as is clearly the case of the appellative הַכֹּהֵן הַגָּדוֹל) why do the cantillation marks indicate otherwise, namely that it is a description? That it requires additional definition in v. 10aβγ indicates it is not a title; cf. Milgrom, *Leviticus 17–22*, 1812f.).

priest” come into such a level of authority.¹⁷⁶⁴ By contrast, the same era witnessed a move among priestly elites to demote Levites to a *clerus minor*.¹⁷⁶⁵ The high priestly “position” may be in the offing.

6.4.20.6.1 *The Nazarite and the “High Priest”*

There exist intriguing correspondences between the high priest and the Nazarite. The similar restrictions against contact with corpses enjoined on this priest and Nazarites (Num 6:6b) indicates a shared level of holiness.¹⁷⁶⁶ Both share in common the head (*r’oš*) as special focus of sanctity (Num 6:11b; Exod 29:7; cf. Lev 21:12).¹⁷⁶⁷ Curiously, higher expectations appertain to the Nazarite regarding the consumption of intoxicants. Whereas the high priest is to abstain only while *inside the sacred precinct* (Lev 10:9), Num 6:4 forbids Nazarite consumption *during the entire period* of the vow.¹⁷⁶⁸ And whereas accidental contact terminates the Nazarite vow, which can then be renewed (Num 6:9-12), no provision exists for the priest’s accidental contact. The lack of legal provision in such a serious matter may give the lie to the existence of a high priest in H’s community.¹⁷⁶⁹

¹⁷⁶⁴ Leviticus 21:10-15 is thus not only selective, it is also experimental; see below, n. 1769.

¹⁷⁶⁵ Few though they may be, the secondary verses echoing concerns for the welfare of Levites in H (e.g., Lev 25:32-34) were likely hard won during these years. Notwithstanding the secondary status of Lev 25:32-34, in truth, a fair number of passages dealing with Levites appear in the form of small sections the context of which seems somewhat out of place, or does not relate all that well to their work (cf. Knohl, *Sanctuary*, 71f.) This phenomenon leads Knohl to speak of a “Levite Treatise,” a corpus dealing with them and their service. For example, Num 3:11-13 remains a matter of interpretative dispute. See Knohl (ibid., 73, n. 38), where the author rejects von Rad’s notion of contrasting ideologies of the different authors of Num 3:5-10 and vv. 11-13, in favor of the latter explaining the command given in the former (so, A. H. J. Gunneweg and S. E. Lowenstamm, respectively). To my mind the abruptness of vv. 11-13 defies such an explanation; in ch. 3 vv. 11-13 point forward, not backward; they should be read as part of the muster and selecting of the Levites in vv.11-51. Verse 10 presupposes the demand for the firstborn in Exod 22:28b [29b], 29 [30]; 13:2. Num 3:13, moreover, is likely a *Rückverweis* (Achenbach, *Vollendung*, 492).

Irrespective of their provenience, vv. 11-13 document another arresting tradition pertaining to the Levites. A slightly different question arises over authorship of “Levite passages” in unusual contexts. What is the relationship of the authors to the Levites themselves: are the former the latter’s true advocates, patronizing elites, detractors, or something else?

¹⁷⁶⁶ Milgrom, *Leviticus 17–22*, 1814.

¹⁷⁶⁷ This contrasts with the consecration rite of regular priests (Lev 8:30).

¹⁷⁶⁸ Ibid., 1814f.

¹⁷⁶⁹ Lev 21:10 may tell something on this matter as well. We have already noted the unusual wording of v. 10, especially the extended description of “the priest who is exalted above his fellows.” The expression may best be interpreted as “a transitional stage” (ibid., 1812) in the development of the notion of a high priest in Israel. In view of the cognates for “הכהן הגדול” at, e.g., Ugarit (*rb khnm*), Assyria (*šangû rabû*), and Elam (*pāšišu rabû*; ibid.), the authors of H may have wished to tone down the authoritative image of

6.4.20.7 *Leviticus 21: Redaction and Authorship Considerations*

With respect to content, Lev 21 sets forth priestly regulations only fragmentarily.¹⁷⁷⁰ In terms of structure, the chapter divides without difficulty between H's author (vv. 1-8) and an elite Aaronide-Levite (or Zadokite-Levite)¹⁷⁷¹ author (vv. 10-15,¹⁷⁷² 23¹⁷⁷³). Connections between vv. 10-15 and 8:12; 33; 2,7 are likely.¹⁷⁷⁴ Verse 23a-bα, the verbal communication of which is in the singular, may have the high priest in mind, whereas the priestly identity of those *YHWH* sanctifies in 23bβ (אני יהוה מקדשם) is less clear.¹⁷⁷⁵ The emphasis on the high priest avoiding defilement through contact with corpses in Lev 10 and 21:10-12 (cf. Ezek 44:25¹⁷⁷⁶) postdates the redaction history of Deuteronomy.

ancient Near Eastern high priests. They did so by emphasizing how the exalted cleric remains “one of us,” i.e., a brother, and by expressing this through the use of undetermined parlance (in v. 10).

¹⁷⁷⁰ Gerstenberger, *Leviticus*, 318; Nihan, *Priestly Torah*, 483.

¹⁷⁷¹ For constructive suggestions regarding the quagmire of priestly identifications, see Cook, “Holiness Versus Reverence,” forthcoming.

¹⁷⁷² With Elliger, *Leviticus*, 282, vv. 10-15 are clearly a unity, v. 9 a *Nachtrag* (ibid., 283).

¹⁷⁷³ Both in v. 15 and v. 23 *YHWH* himself sanctifies.

¹⁷⁷⁴ Ibid., 282.

¹⁷⁷⁵ Grünwaldt (*Heiligkeitsgesetz*, 241) believes that *YHWH* alone sanctifies the high priest.

¹⁷⁷⁶ Similarities between Lev 21:10-12 and Ezek 44 remain too strong to be ignored. In comparison with Ezek 44, however, Lev 21:10-12 propose a more stringent program (Achenbach, “Verunreinigung,” 358: “In seiner Radikalität, geht Lev 21 nun über Ez 44 weit hinaus”). Lev 10:4f., moreover, appears to assume Lev 21:10-12 (ibid., 359). Nonetheless, “there is no indication that priests had a different kinship system than the rest of Israel, or that they had special terms for family members that were not also used by lay Israelites” (Milgrom, *Leviticus 17–22*, 1530).

The very late Lev 10, a didactic narrative with Midrash affinities (midraschartig Beispielerzählung), also issues from without the core authorial circles of H. Whether it derives from the same school and textual tradition responsible for Ezek 44:23f. (Achenbach, “Verunreinigung,” 359) remains a matter of debate.

Numbers 5:1-5,¹⁷⁷⁷ one of the latest texts in the Pentateuch, endeavors to fill in this gap.¹⁷⁷⁸

Thus, in terms of authorship, whereas H in the main owes to a cooperative consisting of lay leaders and middle-tier Levites and their elite supporters, passages such as Lev 10; 21:10-12 are later, and belong partly to the redactional stage in which Zadokite/Aaronide-Levites priests shaped the Pentateuch (so the Pentateuch Redaction of the late fifth or early fourth century; note especially passages that mention Moses). Because of the pronounced openness to devout aliens similar to that found in the fifth-century BCE Hexateuch Redaction, in which the labors of middle-tier Levites can be seen, we look to the fourth-century School of HexRed for the continuation, ethico-ritually intensified perspective, and quasi-institutional affiliation shared by the three authorial circles of H. Let us now look at our third textual scenario.

Scenario Three

Deuteronomy 18

⁶If a Levite leaves any of your towns, from wherever he has been residing in Israel, and comes to the place that the Lord will choose (and he may come whenever he wishes),⁷ then he may minister in the name of the Lord his God, like all his fellow-Levites who stand to minister there before the Lord.

¹⁶This is what you requested of the Lord your God at Horeb on the day of the assembly when you said: "If I hear the voice of the Lord my God any more, or ever again see this great fire, I will die."

6.5 The Office Laws (Deuteronomy 16:18–18:22)

Our third textual scenario is located within the framework of Deuteronomy.¹⁷⁷⁹ The portrait of the Israelite community in this text has some affinity with that of the

¹⁷⁷⁷ Note that in Num 6:7 Nazarites must maintain the high priest's standards regarding the prohibition of burying even one's closest kin. During the days of one's nazirite vow, any contact with a corpse is prohibited (v. 6). The reason for this is their special anointing (v. 7b). In this late text we see a clear link between the requirements of the high priest and the anointed Nazirite (Achenbach, "Verunreinigung," 361), who is to hold to the impractical, even dysfunctional (as regards family relationships) standards of the elite corps of priests. In Lev 21:10, the priest who is above his brothers (RSV and NRSV's "is exalted above," which follows 1985 TNK, is misleading; the Targums variously attempt to fill in the blanks in a way that perhaps we should not, since the ambiguity is intentional). In H, and in contrast, the connection between laity and priests is between middle-tier Levites and commoners. In Num 16, moreover, the clash is between priestly elites on one hand, middle-tier Levites and their lay constituents on the other. Korah and company do not rebel against the regulations but the attitude of the regulators.

It is not until Num 19 that we find regulations for the laity regarding contact with the dead. The chapter addresses both the Exodus generation and the issue of the access into the cultus of the sanctuary in Num 16-17 and the threat of divine *Todessanktion*, so 17:29f.

¹⁷⁷⁸ Achenbach, "Verunreinigung," 359f.

community of H, also a community of brothers, *'ahîm*,¹⁷⁸⁰ in which a sodality appears to be set apart within the larger community (cf. Deut 18:6f.).¹⁷⁸¹ J.-M. Carrière's monograph treating political theory in Deuteronomy brings important sociopolitical dynamics of this brotherhood or citizenry to light.¹⁷⁸² The office laws emphasize this is a *summoned* individual or group,¹⁷⁸³ which in the law of the priest (18:1-8) appears to merge with the Levites¹⁷⁸⁴; the variability of the actors in vv. 1-8 make the text "very ununiform."¹⁷⁸⁵ This facilitates the audience's blending and even substitution of the characters. This could be desirable when something said about a revered character seems odd, or which

¹⁷⁷⁹ See Chapters Four and Five for more extensive treatment of the office laws.

¹⁷⁸⁰ The Hebrew term אֶחָיו is ubiquitous in Deuteronomy. The positive depiction of Levites at the expense of the *kohanim* in 2 Chr 29:34 characterizes the former as the latter's "brothers" (יְהוֹקוֹם אֶחָיהֶם הַלְוִיִּים עַד־כְּלוֹת (ה'תקדשו הַכֹּהֲנִים כִּי הַלְוִיִּים יִשְׂרִי לִבָּב לְהִתְקַדֵּשׁ מֵהַכֹּהֲנִים וְעַד הַמְּלֹאכָה v. 34b). The passage advocates for those who would include the Levites in the altar ministry in Chr, and presents a not so subtle counter to Ezek 44:12f; see Christine Mitchell, "The Ironic Death of Josiah in 2 Chronicles," *CBQ* 68 (2006): 421-35, 430; Mitchell does not specify the identity of the priests in question in Chronicles opposite the Zadokite-Levite priests of Ezek 44. The group standing behind 2 Chr 29:34 consists of a levitical contingency enjoying newfound promotion among Jerusalem's priestly circles. The advancement, supported by both laity and elite priests (the latter responsible for 2 Chr 29:34), brought them opportunity for increased involvement in the formulation of official Israelite literature.

¹⁷⁸¹ It is worth noting that during the Late Bronze Age (1,500-1,200 BCE) the term "brother" became a poignant term for Syro-Palestinian rulers. Whereas most of the other ancient Near Eastern states grew to become large, territorial states, the Syro-Palestinian "system of small states centered round a single city continued to exist." The lower ranking led to their characterization as "servants," rather than "brothers" (van der Mieroop, *History*, 133f., 136f.)

¹⁷⁸² Jean-Marie Carrière, *Théorie du politique dans le Deutéronome: analyse des unités, des structures et des concepts de Dt 16,18–18, 22* (vol. 18 of ÖBS; Frankfurt am Main: Peter Lang, 2001). The author builds on the work of N. Lohfink, F. Crüsemann, and C. Schäfer-Lichtenberger. He discusses various dimensions of power in the office laws of Deuteronomy, and considers the dynamic of the individual vs. the group exercise of power: "Il n'y a pas de pouvoir est-il un concept organisateur du texte deutéronomique? Il n'y a pas de pouvoir sans des autorités qui l'exercent et des sujets qui lui obéissent. Il est indéniable qu'il y a dans le texte des 'sujets qui obéissent,' ce TU [= the target audience in Deuteronomy] quasi omni-présent; mais l'interrogation qui travaille notre texte est-elle effectivement celle de l'obéissance à une, ou à des personnes qui exerceraient un pouvoir?" ("But is not the question that really occupies our text that of obedience to one, or to several persons, who would exercise power?"; p. 45, n. 78). Part of what is going on in the alternation of singular and plural addressees in Deuteronomy is a rhetorical technique that *intensifies* the calling forth of a group within a larger group. The targeted audience is diverse, including various societal strata. The formulation of the message (cf. the levitical sermon) chafes against the stereotypical division of groups and social classes. Reviews of Carrière's book have not been forthcoming. The one I located, Anselm Hagedorn, "Théorie du politique dans le Deutéronome: analyse des unités, des structures et des concepts de Dt 16,18–18, 22 (Review)," *JSOT* 99 (2002): 66, unfortunately overlooks some of the monograph's important contributions.

¹⁷⁸³ Carrière, *Théorie du politique*, 47f. "The YOU is not immediately equivalent to 'a people.' The use of the YOU makes possible a transition between the point of view of the citizen and that of the people" (ibid., 48).

¹⁷⁸⁴ Note that the Hebrew of v. 5 does not specifically mention the Levites but rather emphasizes their connection to all the tribes: "For the Lord your God has chosen *him* and his sons from all *your* tribes (כִּי בָרוּ בַחַר יְהוָה אֱלֹהֶיךָ מִכָּל־שִׁבְטֶיךָ).

¹⁷⁸⁵ Carrière, *Théorie du politique*, 148 and n.190.

the audience finds unsettling: “but *they* shall have no inheritance among *the other* members of the community” (v. 2a; the audience asks: “Who exactly will have no inheritance among us? How would it ultimately affect them and us?”).¹⁷⁸⁶

The matter of the political freedom of the citizen looms large. The author emphasizes the importance of this omni-present actor in the text, which is often addressed directly: the YOU (“ce Tu”) is summoned by the discourse of Moses and embodies the citizen *constructed* by the legislator. In this we see an early concept of collective responsibility in dtn law,¹⁷⁸⁷ a dynamic that recalls the persuasive rhetoric of H. Both texts require the audience to respond.

Whereas we have argued that in the paraenetic assemblage of H priests are subject to the community, the regulations in the D code connect to a past founder (Moses) beyond the control of the people.¹⁷⁸⁸ The latter set-up suggests a geopolitical context in which the hero trumps the current forces of political power, whether they be foreign or domestic. On the other hand, as an authorized prophetic figure (18:18), the Moses figure functions as a religiopolitical buffer between citizens and governing powers. He has the potential to function as propheto-political advocate for the citizenry in a capacity conceptually similar to Isaiah’s service to Hezekiah (Isa 36–39//2 Kgs 19–20).

Although the office laws do not belong to the original D code,¹⁷⁸⁹ they bear many of its sentiments (e.g., the threatening experience of Assyrian aggression and dominance; negative experiences with Israel’s monarchy), teasing out its inchoate musings and at the same time adding new elements. For example, the post-P and post-dtr addition to the office laws in Deut 17:18-20 depict the Levites instructing the domestic king and establishing a system that would hold him and future kings accountable (cf. Josh 1:7f.). While it is true that in this late text the Levites merge with Moses and the Mosaic office

¹⁷⁸⁶ The text requires more from the audience than to participate in rhetorical discourse; vv. 3f. commands them to give their goods to the Levites. But in non-urban contexts, a similar system of provision had been in place already.

¹⁷⁸⁷ Carrière, *Théorie du politique*, 47. Cf. the first verse in the office laws, 18:16: “You shall appoint for yourself judges and officers in all *your* towns which the LORD your God is giving *you*, according to *your* tribes.”

¹⁷⁸⁸ This is a conception that Korah and company reject (Num 16).

¹⁷⁸⁹ *Ibid.*, 49, in agreement with Lohfink and Crüsemann, respectively.

of interpretation (that includes Zadokite-Levites), they also personify the citizenry of H and activate the latest additions to the office laws.¹⁷⁹⁰

The laws enshrine a particular political form of freedom and its expression within a written charter. The projection of a different kind of class impacts the definition of the citizen,¹⁷⁹¹ which expressly includes women (e.g., Deut 17:2, 5). The individual citizens summoned in the office laws are a legal force in the community¹⁷⁹² the identities of which are not static; they take on various modes of leadership, identifying most clearly with Levites,¹⁷⁹³ but also with judges,¹⁷⁹⁴ prophets,¹⁷⁹⁵ even the king.¹⁷⁹⁶

6.5.1 *The New Citizen in the Office Laws and H*

Thus both the office laws and H envision a new kind of citizen summoned to participate in virtually all aspects of the leadership of the community. The citizen inhabits “middle ground” between proletariat and elites and benefits from at least rudimentary religious education. It is important to remember that we are dealing here with part projection of an ideal figure and part concrete *job description* of the individuals *YHWH* has qualified and empowered to serve in his kingdom. The malleable (not necessarily by choice) Levite of history and tradition probably serves as the essential model and inspiration.

Jeremy M. Hutton discourses on a *mode of being* called *communitas* that often surfaces during periods of transition and liminality. Similar to what we see in both H and the office laws, there is a palpable tension between existing conceptions and structures on one side, what is now being projected and advocated for the future on another. During this time of reassessment and change, radical new social positioning is thought possible and projected as if it were imminent:

¹⁷⁹⁰ The bulk of the office laws still envision a context in which a political leader remains a valid option for the future (so Deut 17:14-17). In Deut 17:18-20, however, we have reached a stage contemporary with H, in which the focus is on religious leadership cooperating with the citizenry.

¹⁷⁹¹ Cf. *ibid.*, 46, n. 85.

¹⁷⁹² The people obtain at least theoretical political power through the office laws. Power belongs to them because the principal of the law is the sovereignty of the people (“le principe de la loi est la souveraineté du peuple”; *ibid.*, 47).

¹⁷⁹³ Deut 17:15b_a; Lindblom, *Erwägungen*, 51.

¹⁷⁹⁴ Deut 16:18.

¹⁷⁹⁵ Deut 18:15a_a: נביא מקרבך מאחיך “a prophet from among your brothers.”

¹⁷⁹⁶ Deut 17:15b_a: לבלתי רום־לבבו מאחיו; *ibid.*, 51; Deut 17:20a_a: “neither exalting himself above other members of the community.”

As the ideological but complimentary opposite of structure, *communitas* entails a leveling of social class during the liminal period. The community's hierarchy temporarily breaks down, and social position goes unrecognized or is intentionally ignored.... It engages in a mutually enriching dialectic with structure. One cannot be fully grasped without recourse to an understanding of the other. *Communitas* at the same time embraces social structure as its mutually affirming and defining partner and pushes it away, as its ideological opposite. The transitional period, the time in which *communitas* comes to the fore, yields a disconcerting homogeneity or even reversal of political power.¹⁷⁹⁷

Both the office laws and H reflect a time of transition in which modes of authority are in flux and a middle social class finds opportunity to emerge as a voice and as a force, a new citizenry that merges with levitical priest-prophets.¹⁷⁹⁸ The priest-prophet citizen is imbued with religious aptitude, qualified, summoned into action, and held to a high degree of accountability. The call to action exceeds forensic concerns. It includes the mobilization of a *detail* (quasi-military sense) that will do the sovereign's bidding in local and inter-national contexts.

¹⁷⁹⁷ Hutton, *Palimpsest*, 20-21. For the *communitas* concept the author draws from the work on ritual by Victor Turner; see *ibid.*, 19, n. 48. ; in *ibid.*, §1.2.3, Hutton characterizes "the hierarchical structure of Cisjordan" in the wake of the *communitas* mode exemplified by, on the one hand, Shimei's peppering the retreating King David with dust and insults (2 Sam 16:5-7), and on the other hand, the insolent retort of the Transjordanian Israelites in Sukkot and Penuel at Gideon's requesting provisions (8:6) as being "turned on its head" (*ibid.*, 29). Such a projection regarding power structures in the official literature remains powerful and provocative even in the face of questions regarding power structures' historicity.

¹⁷⁹⁸ In Third Isaiah the new citizenry of H and the office laws becomes the new Israel composed of "all nations and tongues" (Isa 66:18; cf. vv. 19-24). In the horizon of Isa 65-66, a literal identification of "Israel" with the Judean ethnos no longer obtains; "rather it comprises more specifically those 'loyal' Yahwists counted among the 'Servants'.... The arrival of an age when the 'Servants' will inherit the land and (thus) fulfill the promise once made to Jacob is tied to a new creation (see 65:16b-25) in which there no longer remains room in the community for those not counted among the Servants" (Nihan, "Ethnicity, 87); cf. 65:9: "I will bring forth descendants from Jacob, and from Judah inheritors of my mountains; my chosen shall inherit it, and my servants shall settle there." The extent these late terms/concepts of belonging and peoplehood are influenced by the Greek term/notion *phratry* (φ(ρ)ατρία), itself a variable term. In some Greek societies one had to become part of a phratry to enjoy full citizen rights. In most contexts it functions as kinship term. The concept is one in which two clans merge into a unit while at the same time preserving their separate identities. For early forms of Hellenistic ethnic groups, *Korporationen*, and parliamentary groups including comparisons with Elephantine evidence, see Thomas Willi, "Levititen, Priester und Kult in vorhellenistischer Zeit: Die chronistische Optik in ihrem geschichtlichen Kontext," in *Gemeinde ohne Tempel: Community Without Temple. Zur Substituierung und Transformation des Jerusalemer Tempels und seines Kults im Alten Testament, antiken Judentum und frühen Christentum* (ed. B. Ego, et al.; vol. 118 of WUNT; Tübingen: Mohr Siebeck, 1999), 75-98, 76f. *et passim*. I do not share Willi's confidence that Persian period יהודים were able to preserve a distinct identity. Cf. also Elias Joseph Bickerman, *From Ezra to the Last of the Maccabees: Foundations of Post-Biblical Judaism* (New York: Schocken, 1962), 33-39; 56f.

6.5.1.1 *The New Citizen Opposite “A Few Good Israelites”*

The citizen differs from the figure envisioned by readers of the Hebrew Bible of the ideal Israelite, namely, that rare individual who rises above the pedestrian pattern of disobedience and acts justly, avoiding both the lure of self-agrandizement (Mic 6:8) and syncretism. Against the few success stories (e.g., Noah, Abraham, Joseph, Moses, Debra [judge and prophetess], Samuel, David, Josiah),¹⁷⁹⁹ and irrespective of whether one wishes to emphasize personal or communal performances,¹⁸⁰⁰ most solutions (cf. the “saviors” in the book of Judges, the few “good kings” in the Israelite monarchy, intimations of community repentance at the preaching of the prophets as, e.g., in Zech 1:6) are transitory.¹⁸⁰¹ What I am attempting to bring into relief—and what levitical priest-prophets apparently advocated—is a more effectual and enduring plan for Yahwistic adherents based in a combination of special selection (manifested in ancestral promises, which also apply to incoming citizens, e.g., Caleb, Rahab, Ruth) and its accompanying endowments (*heilsgeschichtlich*-ritual sanctification à la Lev 22:32b-33,¹⁸⁰² *hesed* in the sense of Jer 31:3, wisdom, and a consecrated land). It seems to me that both the office laws and H having something like this in mind, and that the motivating force behind this move is Levites cooperating with lay leaders such as elders and select members of the elite religious leadership.¹⁸⁰³ An additional driving force not to

¹⁷⁹⁹ Jacob’s recognition of Tamar’s superior righteousness in Gen 38:26 (ויכר יהודה ויאמר צדקה ממני) introduces another category of wise and righteous persons.

¹⁸⁰⁰ One turns up few examples of the ideal Israelite in the Hebrew Bible. Isaiah 16:5 envisions rather than points to an ideal Davidic king: “And a throne shall be established in mercy: and in the tent of David there shall sit upon it, in truth, one judging and seeking justice and hastening righteousness (Darby); the Nazarites (discussed above in relation to high priests) and Rechabites (Jer 35) provide exceptional exemplars, though in these two examples temporary piety and staunch faithfulness to paternal traditions respectfully rule the day. Traditional exegesis has left the clear impression that few achieve what is religiously, socially, and politically expected of them. But such an impression reflects a lack of attention to less dominant theologies present in the text. From the standpoint of logic, one would expect the Hebrew Bible to somewhere offer a workable solution for *YHWH*’s chosen. On another front, in light of Israel’s small size and keen awareness of its position in the grander political arena, one would also hope to run across a plan of Yahwistic salvation expandable to the inter-national, multi-ethnic level. For us, the Hexateuch Redaction and the later School of HexRed came closest to providing this. Unfortunately, those that dominated the discussion, Zadokite-Levites, left little room for this budding plant to fully mature.

¹⁸⁰¹ We should mention the possibility that shapers of the traditions of famous heroes may have done so with something akin to the new citizen concept in mind. Many of the protagonists have several direct encounters with *YHWH*, and not only because of their piety. It usually has to do with what the deity wishes to do through them. Their religious endowments and competencies—including the ability to withstand immediate encounters—go hand in hand with the tasks they accomplish.

¹⁸⁰² Grünwaldt, “Amt,” 233-34 and see this essay’s final paragraph.

¹⁸⁰³ Cf. Ska, *Introduction*, 88.

be overlooked is aliens living in close and friendly proximity to Israelites, particularly in non-urban contexts.

Scholars often credit the Babylonian exile for the theological innovations making postexilic Israelite religion something quite different from its preexilic manifestations.¹⁸⁰⁴ By the same token, and though a startling development in view of the traditional, dominant perspective of animosity toward foreigners, Israel's Levites owe aspects of their alternative vision to their indepth dealings with non-urbanites and foreigners. The inclusive vision, whose basic socioreligious contours are visible in the Hexateuch Redaction, comes to fuller theological expression in the writings of the later, School of HexRed responsible for the composition of much of H, and perhaps also the late addition of Deut 17:18-20. As demonstrated in the analyses of H above, the comprehensive theological system is tersely and unapologetically summarized in Lev 22:32f. in conjunction with Lev 19:34 and with recourse to Exod 19:6.

6.5.2 *The School of HexRed and the PRR*

Although we cannot confirm whether the sodality comprised of these citizens was thought to have witnessed the PRR at the holy mountain(s), the weight of the evidence presented in this study suggests a strong conceptual connection between the “new citizen” communities envisioned in the office laws and H—they need not be identical—and the community pictured in PRR passages, particularly those in Deuteronomy (4:10-12, 33-37; 5:4, 22). C. Schäfer-Lichtenberger has written on the authority relationships in office laws of Deuteronomy.¹⁸⁰⁵ Her comments regarding authority, charisma, prophets, and prophecy prove helpful in the present connection. Analyses of the office laws elucidate the authority relations recognizable in the typos of the *YHWH*-Moses relationship, that is, “all charismatically founded relationships,”¹⁸⁰⁶ e.g., Deut 18:14-22.¹⁸⁰⁷ She does not deal with the question of whether the new citizens' relationships to the Levites and each other are somehow “charismatically founded.”

¹⁸⁰⁴ Cf. Leuchter, *Polemics*, 167f.

¹⁸⁰⁵ Christa Schäfer-Lichtenberger, *Josua und Salomo: Eine Studie zu Autorität und Legitimität des Nachfolgers im Alten Testament* (vol. 58; Leiden: Brill, 1995).

¹⁸⁰⁶ “alle charismatisch begründeten Beziehungen” (*Josua und Salomo*, 45).

¹⁸⁰⁷ Schäfer-Lichtenberger comes close to dealing with the PRR in her analysis of the “law of the prophet” (Deut 18:9-22), but takes it no further; Deut 4:1-40 (e.g., 4:4a, 7; cf. v. 13) is recognized for how its

The term charismatic lends itself to a plethora of meanings. Its meaning here is essentially an extra-institutional power/influence that creates roles and or relationships for a critical purpose (18:18f.). One could also speak of a divine ordaining of relationships.

Because the office laws concern themselves with the prophetic, especially in vv. 14-22, we must also include the dynamic of the spirit (רוח, which speaks in YHWH's name; v. 20α¹⁸⁰⁸) in our consideration of the charismatic relationship. Though impossible to measure or quantify spiritual aptitude, Elisha is said to have had a “double portion” of the spirit פיישנים ברוח 2 Kgs 2:9-15¹⁸⁰⁹ (cf. Gen 41:38f. (Joseph); 2 Sam 23:1b-3a (David)¹⁸¹⁰; Isa 61:6f.). Recalling the analysis of Lev 20:25bβ (cf. 11:44b) above, the assumption that

advocacy for the immediacy of the divine relationship with Israel. “Die Skizzierung des Horeb-Geschehens in Dtn 4,10-14 zeigt ein ähnlich eigentümliches Ineinandergreifen von mittelbar und unmittelbarer Gottesbeziehung Israels” (ibid.).

Cf. Num 12:2: “and they said, ‘Has the Lord spoken only through Moses? Has he not spoken through us also?’ And the Lord heard it.” This passage calls into question the exclusive character of the Moses-YHWH relationship.

¹⁸⁰⁸ It is actually more personal that this with “speaks a word in *my* name” לדבר דבר בשמי.

¹⁸⁰⁹ In spite of the inheritance context of Elishah's request for a double portion from Elijah, the larger context suggests (as does the context in Deut 34:9 in which Joshua receives a full impartation of the spirit of wisdom [מלא רוח חכמה] from Moses; vv. 10-12 foreground the prophetic and the miraculous, and the “face to face” encounter [v. 10] which is associated with supernatural feats) an abundant conferral of the spirit of YHWH. Elijah chides Elishah for asking such a thing (v. 10a; cf. v. 2) but then concedes the request may likely be granted—very soon.

Second Kings 2 paints a portrait of prophetically-infused environment and, indeed, a community; v. 5 suggests Elishah already has notable prophetic gifting and insight, since he claims to “know” what is about to happen before the company of prophets announce it to him, and he commands them not to mention it again (גם-אני ידעתי הַקָּשׁוּ). It is possible that Elijah, like the other prophets, already recognized his student's special gifting and found it difficult to think YHWH would grant such an extravagant request—this on top of any conferral of the first-born brother's share and his master's religio-political authority; vv. 11-15 then confirm that Elishah has received everything he asked for. The surprising outpouring reminds of an even more unexpected conferral of the spirit of prophecy on Eldad and Medad in Num 11: 25-29. The spirit rests on them (ותנה עליהם הרוח v. 26), not in company with the 70 elders and Moses at the tent of meeting (= a major sanctuary) where the major infilling event takes place (v.25), but rather inexplicably among the community in the camp. Here we see depicted popular, democratized notions of encounters with the holy alongside more institutional conceptions. Although v. 25bβ limits the 70's prophesying to a single event (“they prophesied” v. 25bα), Eldad and Medad both “prophesied” (ויתנבאו v. 26bβ) and “are prophesying” (מתנבאים v. 27b) in the camp. Although some in the community found this objectionable, Moses fully supports the democratization. This depiction of Moses does not originate with PentRed, but rather with the School of HexRed or one of the theocratic revisions, though not the latest, which opposes the involvement of the laity in the cultic worship.

¹⁸¹⁰ Rainier Neu, “Audition,” *Das Wissenschaftliche Bibellexikon im Internet*, <<http://wiblex.de>> (8 June 2011), notes the significance of this passage for describing the inseparability or unity of the reception of the message and its transmission : “Dieser Darstellung zufolge kann zwischen dem Empfang der Botschaft und deren Weitergabe kein Unterschied gemacht werden: Der Prophet wird durch den Geist Gottes ergriffen, wird zu dessen Werkzeug und der Geist spricht durch seinen Mund. Diese Vorgänge, die im analytischen Prozess zu unterscheiden sind, bilden im Ereignis des Wortempfangs eine Einheit. Das göttliche Wort überkommt den Propheten als eine ihn durchdringende Macht.”

the people have received cultic training directly from the deity betrays an assumption of prophetic aptitude in the sense of a special perception or sensitivity.¹⁸¹¹ For recent musings on the democratizing of revelation in postexilic Israel, the reader is referred to Gary Knopper's essay "Democratizing Revelation? Prophets Seers and Visionaries in Chronicles."¹⁸¹² In his conclusion the author states:

The author [of Chronicles] affirms that a whole range of people—professional and non-professional, native and foreign—were employed by Yahweh to speak to Israel. The importance of the prophetic impact on society is enhanced, rather than diminished, by its diffusion through a variety of conduits.¹⁸¹³

6.5.3 Overtly Prophetic Elements in Deut 18:16 with the PRR in View

Deuteronomy 18:16 connects directly to the PRR at Horeb, and it does so polemically because it concurs with 5:5, 25f. while looking back to Exod 20:18f. In this conception the people are inordinately afraid, shrink from direct encounter with their high god, and beg for Mosaic buffer (Pentateuch Redaction). In sharp contrast, the PRR conception in 5:4 (HexRed or School of HexRed), which lines up with 4:10-12, 33-37; 5:22; 9:10; Exod 20:22, depicts a community capable of "taking their stand" before the numinous deity (à la Exod 19:17b; *yšb hitpa 'el*)¹⁸¹⁴ with Moses occasionally functioning as a lightning rod for revelation (33:7-11a, פנים אל-פנים in v.11a¹⁸¹⁵).

¹⁸¹¹ A person who has the spirit, often *spirit of God*, often has wisdom and discernment. Of Joseph Pharaoh said that he had the spirit of god (רוח אלהים Gen 41:37) and was discerning and wise (נבון וזכם) v. 38). The description indicates Joseph to be an ideal Israelite: righteous, spiritually in tune with *YHWH* and his sociopolitical environment, and wise. But there is more, through Joseph's combination of conferred and developed competencies *YHWH* accomplishes his greater purposes for the world, even in the face of intense intercommunal persecution (50:20).

¹⁸¹² Gary Knoppers, "Democratizing Revelation? Prophets Seers and Visionaries in Chronicles," in *Prophecy and Prophets in the Ancient Near East* (ed. J. Day; New York: T & T Clark, 2010), 391-409.

¹⁸¹³ *Ibid.*, 404; cf. *ibid.*, 405: "One would think that the Chronicler would not place such a stress on the prophetic phenomenon in Judah in continuity with the promise of Yahweh to appoint successors to Moses in Deuteronomy, if he thought that such a phenomenon had come to a definitive end.... The different forms prophecy takes in the Chronistic depiction of the past may provide some clues about the kinds of prophetic activity that were occurring in his own time, as well as the types of prophecy he commends to his readers. The diversity is quite striking. There is a certain amount of democratization or diffusion in the means by which Yahweh speaks. The Levites prophesy while functioning as musicians, thus attesting to the phenomenon of cultic prophecy associated with the Jerusalem Temple."

¹⁸¹⁴ Cf. Ps 20:8f. [Eng 7f.]. Here Israel takes its stand with pride in the name of the Lord opposite their enemies, who in sharp contrast "collapse and fall" (כרעו ונפלו) in the presence of the Lord; cf. Darby of v. 9 [Eng 10] "They are bowed down and fallen; but we are risen and stand upright"; cf. Gen 37:7aβ (והנה קמה) (אלמתי וגם-נוצבה).

¹⁸¹⁵ Cf. the tradition appearing in 1 En 89 (within the Animal Apocalypse), which also describes the people receiving Sinai revelation directly, though with Moses in the vicinity. In ch. 89, Moses ("that sheep") accompanies the people ("the sheep") who receive their revelation directly: "And that sheep ascended to

Unique to the context surrounding the recounting of the PRR in Deut 18:16, however, are the overtly prophetic elements, which are subtly presumed in the pentateuchal traditions of the PRR. Instead of seeking Mosaic protection and interlocution as in the scenes at the holy mountains associated with the exodus, 18:16 leads circuitously to the postexilic situation in which the prophet like Moses vv. 18f. (Jeremiah? cf. Jer 1:4-19)¹⁸¹⁶ is to be heeded above all.

6.5.3.1 *The Office Laws Reframe the People's Fear in the Holy Mountain Accounts*

The people's fear of direct encounter in v. 16b functions as a subterfuge in the battle waged on the level of the proto-canon to a shift from pentateuchal legal hermeneutic to post-pentateuchal prophetic hermeneutic (cf. Tradentenprophetie; see, e.g., Jer 1:4-19)¹⁸¹⁷ and leadership; the acceptance of the latter requires the community's collective reception and acceptance of the revelation conveyed by *YHWH*'s authorized prophet. Verse 16b revisits the report of the people's fear at the holy mountain, though there is no hint of concern for a mediating shield as in Pentateuch redaction texts in that seek to lionize Moses' authority. Rather, this fear guards against a greater dreadfulness than an immediate encounter with *YHWH*. Most to be feared in the *Geschichtsbild* of the office laws is the impending disaster that follows the community's incautious reception of illicit revelation (vv. 20-22).

the summit of that lofty rock, and the Lord of the sheep sent it" (i.e., the Torah). James H. Charlesworth, ed., *The Old Testament Pseudepigrapha* (vol. 1 of 2 vols.; New York: Doubleday, 1985), 66 has "sent (him)" which, according to note u2. could be rendered "and the Lord sent ("his Torah") to them" (vv. 29f.). We find the latter rendering compelling. The Aram. of v. 28, moreover, functions as a *preparatio evangelica*: while still in the wilderness prior to the mountain ascent "their eyes were opened" (4QEn^e עיניהון התפחו).

¹⁸¹⁶ Jer 1:4–19 has the law of the prophet (Deut 18:9–22) in view. See also Exod 4:15f., in which *YHWH*'s דבר is placed in Aaron's mouth (ושמת את־הדברים בפיו) in order to legitimate elite priestly control of Mosaic law. Along with Deut 34:10–12, this passage may intend to announce the end of Mosaic prophecy; see Eckart Otto, "Jeremia und die Tora: Ein nachexilischer Diskurs," in *Tora in der Hebräischen Bibel: Studien zur Redaktionsgeschichte und synchronen Logik diachroner Transformation* (ed. R. Achenbach, et al.; vol. 7 of BZAR; Wiesbaden: Harrassowitz, 2007), 134–82, 136–38.

¹⁸¹⁷ See Otto, "Jeremia"; for an English summary of this essay, see the present writer's review of this book of essays, *Tora in der Hebräischen Bibel*, in *JHS* 10, accessible at http://www.arts.ualberta.ca/JHS/reviews/reviews_new/review461.htm; cf. also Otto's "A Post-exilic Discourse. Old and New Covenant. A Post-exilic Discourse between the Pentateuch and the Book of Jeremiah. Also a Study of Quotations and Allusions in the Hebrew Bible," *OTE* 19 (2006): 939–49; idem, "'Scribal Scholarship,'" 171–84.

The heightened degree of discernment enjoined on the priest-prophetic sodality for discerning true and false prophetic leadership (cf. Jer 14:13-16¹⁸¹⁸) and avoiding the lure of the latter (Deut 30:17b *ndh nip'al* “are drawn away,” “impelled,” “beguiled”) corresponds to the cultic competence enjoined on the hybrid (priestly-lay) sodality in H. Whereas in H the Levite-infused community asserts itself in the commissioning and (re)examination of professional priests, in the office laws the Levite-instructed community must avoid prophetic “contamination” by holding potential prophetic leaders’ feet to the fire (cf. Jer 28).

6.5.3.2 *Charisma, Prophecy and Institution*

Pace Max Weber, charisma is not necessarily anti-institutional.¹⁸¹⁹ Questions regarding prophetic charisma go hand and hand with issues of prophetic authority, the explication and affirmation of which constitutes the climax of the office laws. Schäfer-Lichtenberger asserts the “prophet like Moses” of Deut 18:18 possesses greater authority than his precursor. This was apparently a pivotal issue in the hermeneutical debate of the period: whereas the community may challenge Moses in a critical situation, the guidance and directives of the prophet of 18:14-22¹⁸²⁰ are to be followed “ohne Widerspruch.”¹⁸²¹ In this instance the consideration of the transition of prophetic authority reminds of the transition of power in a monarchic institution.

It makes sense that bringing together the highly institutional *Priesterschaft* with the prophetic would tilt the latter in the institutional direction.¹⁸²² Although the ancient text does not use the collocation “priest-prophet,” or the “institution of priestly prophecy,” one profits by thinking along these lines. After all, Chr has been conveying this all

¹⁸¹⁸ Cf. vv. 15f.: “Therefore thus says the Lord concerning the prophets who prophesy in my name though I did not send them ... And the people to whom they prophesy shall be thrown out into the streets of Jerusalem, victims of famine and sword. There shall be no one to bury them—their wives, their sons, and their daughters. For I will pour out their wickedness upon them.”

¹⁸¹⁹ Edward Shils, “Charisma, Order and Status,” *American Sociological Review* 30 (1965): 199-213.

¹⁸²⁰ Schäfer-Lichtenberger also adduces Num 12:2, which directly curbs Moses’ authority vis-à-vis an assumed prophetic competency of the people (“Has not the Lord spoken through us also?”), and draws the exclusive relationship between *YHWH* and Moses into open doubt (*Josua und Salomo*, 47, n. 144).

¹⁸²¹ *Josua und Salomo*, 104; cf. Ernst Axel Knauf, *Josua* (Zürich: Theologischer Verlag Zürich, 2008), 21.

¹⁸²² One could also view the criterion for true prophecy (Deut 13:2; 18:22; 1 Sam 9:6) as assuming some form of “institutional” continuation of prophecy.

along,¹⁸²³ being “populated by a wide variety of prophetic figures and prophetic forms.... the author affirms that a whole range of people—professional and non-professional, native and foreign—were employed by Yahweh to speak to Israel.”¹⁸²⁴ Finally, that Jeremiah as both levitical priest and prophet (Jer 1:1), worked closely with a distinguished scribe in the production of an authoritative prophetic text (Jer 36) should be born in mind in the present connection. Though the canonical tradition places Jeremiah in the dubious role of dictating text (36:4, 17f.), an activity normally reserved for elites (cf. the anomalous levitical involvement in dictation in Deut 17:18), his persona in general better fits a second-level priest. He hails from an uncelebrated residential town (Anathoth (Jer 1:1)¹⁸²⁵ at loggerheads with Jerusalem and the institutions established there. Jeremiah is a levitical priest-prophet who finds, posthumously perhaps, a place at the literary negotiating table in which his divergent voice is not only heard but also recorded for posterity. In spite of his backwoods levitical roots working against him, he accomplished this with the support of lay and elite leaders,¹⁸²⁶ and even influential foreigners.¹⁸²⁷

6.5.3.3 *Moses’ Mitigated Assertion of Prophetic Authority*

In contrast to the prophet—and though we have already drawn attention to Moses’ role as unassailable past founder—we find something altogether different on the playing field of prophetic hermeneutics. Literati involved in the writing of Deuteronomy thought it necessary to legitimate Moses’ speeches to the people, repeatedly affirming his delegated yet provisional authority to stand between *YHWH* and the people. Indeed, virtually every text in which Moses imparts torah contains the affirmatory formula that would legitimate his involving himself in this way.¹⁸²⁸ One may gather from this that a stream of tradition

¹⁸²³ Gary Knoppers, “Democratizing Revelation? Prophets Seers and Visionaries in Chronicles,” in *Prophecy and Prophets in the Ancient Near East* (ed. J. Day; New York: T & T Clark, 2010), 391-409, 397, speaks of the “rich diversity of the prophetic phenomenon in Chronicles.... The work includes several instances of priests, Levites and evidently laypeople.”

¹⁸²⁴ *Ibid.*, 404.

¹⁸²⁵ In the territory of Benjamin a few miles north of Jerusalem, Anathoth town was assigned to Levites in Josh 21:18; cf. 1 Chr 6:60.

¹⁸²⁶ Jer 36:10-19; cf. also the dtr and post-dtr tradents integrating Jeremianic traditions into the book.

¹⁸²⁷ Jer 38:7-13.

¹⁸²⁸ “Betrachtet man alle deuteronomischen Texte, die davon sprechen, daß Mose Israel die Gebote der Tora mitteilt, so stößt man auf das Faktum, daß in der deuteronomischen Moserede der Hinweis auf die göttliche Legitimation selten fehlt” (Schäfer-Lichtenberger, *Josua und Salomo*, 46). Exceptions are Deut 1:9ff. and 4:41ff. (*ibid.*, n. 135). “Autorität in Bezug auf die Tora wird von Mose an keiner Stelle innerhalb

knew of and affirmed Israel's direct reception of revelation, and that this belief was kept alive in some circles in Israel.¹⁸²⁹

des Deuteronomiums an eine andere Person delegiert. Nirgendwo spricht Mose in diesem Kontext von 'wir'" (ibid., 46). As speaking partner with God the people play a decisive, though understated role in choosing Moses (cf. the role H's community plays in qualifying their priests, and note the Levite-led criticism of elite priests in Isa 66:3); in Deut 5:4 the people are placed on a par with Moses (ibid., 48: "Dtn 5,4 betont, JHWH habe am Horeb von Angesicht zu Angesicht mit Israel geredet. Diese Behauptung stellt Israel als Ganzes ausdrücklich Mose gleich, von dem es wiederholt heißt, daß JHWH von Angesicht zu Angesicht mit ihm redete [Ex 33, 11; Dtn 34,10]"). Deuteronomy 5:5 famously revokes this notion. Finally, rather than Moses legitimating torah, it is the teaching of torah that legitimates Moses (ibid., 50).

¹⁸²⁹ Note that in Deut 6:17 it is *YHWH* himself who "commands you" (וַיִּצַו).

CHAPTER 7

CONCLUSIONS

This study has sought to solve numerous problems regarding the reception of legal revelation by Moses and the people at the holy mountains of *YHWH*/Elohim, namely, Sinai and Horeb. Although traditions that emphasize the people's religious competence and equally suggest the possibility of continued reception of direct revelation from the God of Israel remain few in number, they nonetheless survive in high profile, pentateuchal contexts. This state of affairs has suggested from the start that we are dealing with the survival of a contested tradition that had supporters outside of the circles of elites. My early research also pointed in the direction of connecting themes and traditions that run parallel to the PRR. Such ancillary support for the PRR¹⁸³⁰ would need to show itself in the vicinity of the same PRR texts. It also became apparent that the same holds true regarding opposing perspectives (or perspectives owing to different events or different experiences of the same event) that in some cases flank traditions supportive of the PRR (Deut 5:5 versus 5:4).

7.1 History of Research Considered

Studies dealing with the problem of the PRR, such as the concern for sustained or repeated unmediated disclosure (Exod 20:18-21) have been few, and none has undertaken a comprehensive treatment. A handful of studies devote article-length analysis of the problem.¹⁸³¹

Among the many Exodus and Deuteronomy commentaries that tackle problems associated with the revelation of the Ten Commandments at Mt. Sinai/Horeb one finds brief consideration of numerous tangential concerns. These include the contrast between the (generally earlier) Exodus and (generally later) Deuteronomy Dec accounts, whether the direct revelation of law to the people consisted of the Dec alone, whether unmediated

¹⁸³⁰ For some, prophetic concerns about the people receiving *YHWH*'s דבר directly may have paled in comparison to cultic concerns over prolonged proximity between people and deity, whether on one or more occasions.

¹⁸³¹ Nicholson, "Direct Address"; Dozeman, *God at War* (ch.6); idem, "Masking Moses."

Yahwistic revelation is to be reckoned an early (e.g., preexilic) or later (exilic, early or later Persian period) conception, whether we are dealing with attempts to interweave or condense two or more separate revelatory events, the roles Moses plays with respect to the oral and written revelation at Sinai/Horeb, and the identities of the circles that stand behind these (arguably “prophetic”¹⁸³²) conceptions.

Coming to grips with these and similar questions and the solutions proposed to answer them has led us to privilege theories of major, post-dtr redactions as the most probable and therefore most satisfying explanations. The thesis of three stages of redaction, namely the mid-fifth century Hexateuch redaction,¹⁸³³ early fourth-century Pentateuch redaction,¹⁸³⁴ and later fourth-century School of Hexateuch redaction¹⁸³⁵ best accounts for the survival (albeit fragmentary) of the PRR, the identity and high religiopolitical status of its opponents, and some of the PRR’s companion traditions, for example, pronouncedly positive views of Israelites¹⁸³⁶ and the openness to the integration of faithful aliens (actually legalized by the School of HexRed [Lev 19:34; Num 15:15f.] and Third Isaiah [56:1-8]). The notion of a priestly people set forth programmatically in Exod 19:5f. (cf. Isa 61:6) also factors significantly in this theological constellation.¹⁸³⁷

We have also reckoned with concerns of Israelites themselves relative to the PRR. Whereas the idea of non-priests receiving direct instruction from God in the PRR proved an unsettling “prophetic problem” for some religious and civil leaders, encroachment on the holy domain by Israelites—*a fortiori* alien residents—probably constituted the more worrisome spectre for not a few priests. Anxiety over unauthorized trespass helps explain some of the peculiar movement and near constant shifting of positions and characters on, and in relation to, the mountains of revelation. Similar to the PRR, we find fragmentary or marginalized traditions such as Exod 19:9 that counter this mainstream perspective; v. 9 posits a divine Presence in a dense cloud (בָּעֶבֶךָ הַקָּדוֹשׁ) that allows the assembly to overhear

¹⁸³² So Rofé, §3.5.1, who envisions a late writer portraying the Exodus generation as having superior prophetic competence.

¹⁸³³ §§1.3.11.5-9; 3.4.5.

¹⁸³⁴ §§1.3.11.2; 3.1.4.1; 3.4.5.

¹⁸³⁵ §§3.4.5; 6.4.13; 6.5.2.

¹⁸³⁶ In contexts in which Israelites are bested by the faith and courage of aliens, however, HexRed judges the former harshly. The later School of HexRed, however, assays to provide a more comprehensive “plan of sanctification” for community members; §6.4.15.

¹⁸³⁷ See the extensive section §2.2.

conversations with Moses. The text does not say YHWH is descending, rather he “is coming to you” (הַגָּה אֲנֹכִי בְּאֵלֶיךָ) in a cloud.¹⁸³⁸ In this verse/conception the role of the mountain and the placement of the characters relative to it remain unclear.¹⁸³⁹ Here again a pentateuchal tradition asserts the people are more privy to (extended? repeated?) divine revelation¹⁸⁴⁰ than the dominant tradition would have it. Indeed, pentateuchal traditions vary not only as regards Moses’ location vis-à-vis God but also the location of *Moses and the people* vis-à-vis God and theophany. These subtle, even cryptic indications also imply the people spent more time in the presence of YHWH (פְּנִיִם בְּפְנִיִם Deut 5:4) than other texts allow (Exod 20:18f; cf. 19:21f.), and not only at a single occasion in which they receive the Decalogue by itself. Both the PRR and the tradition of repeated revelatory installments¹⁸⁴¹ remain marginalized perspectives—yet they have found a place within the received tradition. *Who* would have been their advocates and purveyors? And *how* would traditions promoting dicey theological premises find a permanent place alongside the dominant traditions in such high profile pentateuchal?

The search for evidence of levitical involvement in the development and production of literature has prompted our attempt to reconstruct the likely circumstances that could produce alternative traditions such as the PRR and assure their survival. We began by choosing and analyzing the texts for which they are responsible.

7.2 Literary Analyses

In Chapter Two we brought forth textual evidence that positive portrayals of the people go hand in hand with the notion of the PRR. Most readers of the Bible know well the *locus classicus* of the depiction of a terrified people unable to withstand further, direct revelation in Exod 20:18-21,¹⁸⁴² which directly follows the revelation of the Ten

¹⁸³⁸ Cf. Exod 14:19f. In v. 20אג the cloud lights up the night (וַיִּצְרֹא אֶת־הַלַּיְלָה), a concept LXX (καὶ διῆλθεν ἡ νύξ “and the night passed through”) chooses not to perpetuate, though the Tgs. do.

¹⁸³⁹ Cf. §§1.2.1.8; 1.2.1.10.

¹⁸⁴⁰ Alternately, one could describe the situation in Exod 19:9 as a kind of eavesdropping in which the people listen in on heavenly council discussions between YHWH and Moses. In Job 4:12-21 the afflicted Job describes an experience of overhearing heavenly council. cf. Moshe Weinfeld, ““Read-wall! Hear me” - Leak of Information from the Divine Council (Hebrew),” in *Linguistic Studies in Memory of Moshe Held* (Beer-Sheva III; Beersheva: Ben-Gurion University of the Negev Press, 1988), 63-68.

¹⁸⁴¹ Cf. Num 11f. and §3.1.2.

¹⁸⁴² Note however that vv. 22, 26, which emphasize unmediated revelation and therefore align with the account of the Dec in Deuteronomy, already subtly counter the notion in vv. 18-21.

Commandments (vv. 1-17). In ch. 19, however, a different conception emerges in which the people “take their stand” before the numinous Presence¹⁸⁴³ rather than recoil from it: “Moses brought the people out of the camp to meet God. They took their stand at the foot of the mountain” (Exod 19:17b¹⁸⁴⁴; cf. 24:1b, in which the elders are invited to ascend).¹⁸⁴⁵ In spite of 19:17b’s placement of the three parties, Oswald’s supposition that v. 19b situates the dialogue between Moses and *Elohim* in immediate proximity to the people is probably correct. The chapter reckons much of the mountain as the site of divine encounter.¹⁸⁴⁶ Thus, already in the construction of the Exodus Sinai event one uncovers understated evidence of a spirited and prophetically competent people located next to Moses as he receives (repeated?) revelation.¹⁸⁴⁷ If one also connects the conception of the late text Exod 19:3b-8 (particularly vv. 5f.) with the central themes of H, the propheto-ritual destiny of the people who in some contexts attain to the status of sanctified priests begins to emerge.¹⁸⁴⁸ In these conceptions their prophetic competence (brought out especially clearly in Deut 18:9-22¹⁸⁴⁹) and sanctification qualify them to carry out the deity’s commission both in Israel and among the nations. Exodus 19:5f. connects with traditions in H promoting a *heilsgeschichtlich* process of sanctification that while enjoining the observance of the law does not necessarily depend upon it (Lev 22:32b-33).¹⁸⁵⁰ H also reflects and supports the conception of Exod 19:5f. by underwriting the concept of a cultically competent people that take on tasks generally reserved for priests.¹⁸⁵¹ Finally, H’s radical approach to sanctification includes non-Israelites (Lev 19:34; cf. Num 15:14-16).

For readers open to the broad spectrum of innovative ideas in H, this is where the theological and socio-political influence of the conceptions in HexRed (open to integration of devout aliens joining the *community*) and the later School of HexRed (formulates a global system of sanctification allowing alien participation *in the cult*)

¹⁸⁴³ §2.3.2; 2.3.2.1-2; 3.2.1-2.

¹⁸⁴⁴ §2.3.2.

¹⁸⁴⁵ For a discussion of the degree to which the elders actively participate in cultic activities, see Wagner

¹⁸⁴⁶ §1.2.1.10.

¹⁸⁴⁷ Cf., e.g., Exod 33:1-6 and §2.5.

¹⁸⁴⁸ See both §2.2.13 and §§6.4.7; 6.4.10-11.

¹⁸⁴⁹ See §6.5.3.

¹⁸⁵⁰ H’s “solution” in this case has not been embraced by everyone; see §6.4.14-15f.

¹⁸⁵¹ §6.4.10.

shines through. The individuals receiving direct revelation at Sinai/Horeb included non-Israelites. Aware of this and feeling the economic and societal pinch to integrate foreign persons during the Persian period, it was thought necessary to develop, at least in theory, a comprehensive means of sanctifying persons who desire to join with Israel. The situation called for more than authorizing a greater participation in the cult and protecting the faithful from the contamination of outsiders: the Holy Land must also be protected from the defilement of alien impurity. We have reconstructed plausible scenarios that suggest connections between the PRR and the integration of foreigners and purity concerns in Exodus, Numbers, and Leviticus. Our findings commend the latter fifth through the fourth centuries BCE as the time to which these textual evidences belong.

7.2.1 *Deuteronomy and the PRR*

The conceptions of the PRR in dtr and post-dtr texts in Deuteronomy do not appear in that book alone.¹⁸⁵² The book does however function in some respects as an ancient forum on *YHWH*'s revelation of law to Israel, in the land of Moab, with *Rücksicht* to Sinai. As we have seen, traditions of the PRR contained in Deuteronomy tend to support it overtly (4:10-12, 33-37; 5:4, 22) though strong counter currents can be felt (especially 5:5; cf. 5:25b). That Deuteronomy also proposes distinctive conceptions of "Mosaic law" should be borne in mind. This is one of the reasons why it is often worthwhile to view the book in relative isolation from the rest of the Pentateuch and Hexateuch. That which Exod 20:22b hints at regarding the PRR¹⁸⁵³ Deuteronomy often brings into sharp and unapologetic focus. With regard to the traditions of the PRR, elite Aaronide authors apparently held sway in the depiction of much of the Sinai event in the book of Exodus (with some notable exceptions such as Exod 19:5f.; 20:18-21), allowing meager opposition, whereas in Deuteronomy's depiction of the Horeb and Moab events Levites, perhaps in association with Zadokite sympathizers, have significantly more influence over the proceedings. The "negotiations," at least on a textual level, appear to have been lively (so PentRed's counter in Deut 5:5¹⁸⁵⁴; for a perspective incorporating PentRed

¹⁸⁵² Cf., notably, Exod 19:3b-8; vv. 5f. have radicalized the dtr designation of Israel in Deut 7:6.

¹⁸⁵³ §2.4.1.

¹⁸⁵⁴ Kuenen thought Deut 5:5 reflected the earlier, Exodus version; see §1.2.1.1.

though formulated later and with a more judicious and inclusive interpretive horizon, see vv. 24, 25b-26¹⁸⁵⁵).

Although texts such as Deut 4:10-12, 33-37; 5:4, 22 hearken back to the Sinai encounter in their depiction of the Horeb experience, Deuteronomy's bold portrayals of the people receiving unmediated revelation at different times and in different venues gives the strong impression that either a plurality of revelatory accounts have been brought together and condensed, or widely differing perspectives on the same event have been included, or both.¹⁸⁵⁶ The exegesis in Chapter Three focused on the second option, namely, recognizing the problem of the diverse depictions within Deuteronomy and offering a literary and sociopolitical (e.g., the likely circles responsible for the variance) solution. In brief, whereas the non-elite levitical authors of HexRed support the PRR in texts such as Deut 4:10-12, 33-37; 5:4, 22 (cf. the similar perspective in Exod 20:22), the Zadokite-Levites responsible for the Pentateuch redaction oppose the notion that the deity would reveal himself or his word outside of the official parameters of the Mosaic office, and they utilize and perpetuate negative evaluations of the people as a means of disqualifying them.¹⁸⁵⁷ The quintessential stand-off between these two camps appears in the juxtaposed conceptions of Deut 5:4 (HexRed) and 5:5 (PentRed).¹⁸⁵⁸

The developmental history and literary structure of Deuteronomy also provide a window through which one can see relationships between the PRR, the history of Israel (Deut 4:1-40), and the developing office of Mosaic interpretation on the level of the proto-canon. Here E. Otto's work has been indispensable. Although complex, his theories regarding Deuteronomy's formation provide plausible explanations for the shape the canonical book would ultimately take, in which one sees multiple revelatory venues and the covenants associated with them (Horeb of Deut 5; Moab of 29:1-5).¹⁸⁵⁹ For the present study, it has been the dtn/dtr/post-dtr framed Deuteronomy's conceptions of

¹⁸⁵⁵ §3.5.4; cf. also §1.2.1.7 (Otto's theory regarding Deut 5:22-31). Other than a few verses, ch. 5 predates ch. 4.

¹⁸⁵⁶ The result is clearly a more "prophetic" version of the revelatory events at the mountains of God.

¹⁸⁵⁷ A related Zadokite-Levite concern has to do with aliens and their alien worship practices, thus the condemnation of Levites for making unlawful concessions Ezek 44:10, 12f.

¹⁸⁵⁸ This is not to say the Pentateuch redaction does not affect the contours of the book of Exodus, e.g., 19:20-25 (see Excursus 2 and §1.2.1.5; Dozeman [*Mountain of God*, 103-06] attributes vv. 20-25 to priestly redactors); 20:18-21.

¹⁸⁵⁹ See Excursus 4.

hearing and writing down the law and then institutionalizing its interpretation under Mosaic aegis¹⁸⁶⁰ that best explains the contrasting conceptions of levitical supporters of the PRR (and its likely connection to Jeremiah) opposite the institution-entrenched Zadokite-Levites.¹⁸⁶¹

The late text of Deut 4:1-40 may perceive *YHWH* as too exalted to work with a human mediator. Moses cannot reveal but only teach (פִּי לֹא יָרָא פִּי 4:1, 5, 10, 14). To the extent this would be PentRed, it reveals a modified conception that otherwise posits Moses as revelatory mediator *par excellence*.

Authoritative teaching of already interpreted law such as that disclosed at Horeb (cf. Deut 5:1, 31) brings out another facet of the PRR. Whereas the Dec was revealed directly by God, some additional laws were revealed/taught in already interpreted form. The preexilic Deuteronomy (Otto's dtn Deuteronomy), however, seems unaware of the Mosaic mediation of revelation, or of Horeb as its venue.¹⁸⁶² Indeed, Mosaic mediation of divine law appears to be a secondary notion that makes its first appearance no earlier than the sixth century.¹⁸⁶³ Jethro/Hobab traditions presume the pre-Mosaic revelation of a mountain deity to certain individuals.¹⁸⁶⁴ H also presumes times—though not only in the past—when *YHWH* instructs Israel directly regarding the cult.¹⁸⁶⁵

The PRR thus comprises a fairly wide range of both pre- and postexilic traditions. But exegetical analyses can take one only so far in arguing the theses of (a) middle-tier Levites advocating popular notions such as the PRR and (a¹) cultically and prophetically competent Israelites receiving such revelation directly.

7.3 Social and Political Analyses in Chapters Four through Six

In Chapter Four we reconstructed the social and communication network of middle-tier levitical priest-prophets working in residential cities and villages, focusing on the way in

¹⁸⁶⁰ §1.2.1.7.

¹⁸⁶¹ That the “levitical priests” oversee the copying of the law for the king in the post-dtr Deut 17:18-20 remains an anomaly, since elsewhere in the book they tend to be thought of as economically helpless, *personae miserae*. The conception here aligns more with Chronicles’ notion of an empowered, centralized levitical priesthood than earlier conceptions of the Levites. See also §§4.16; 5.3.

¹⁸⁶² §1.2.1.7.

¹⁸⁶³ See 2 Kgs 23:25, which associates with Josiah’s reform based on a “discovered” law; Deut 6:17; 28:45 and §1.2.1.9 (Lohfink/Moenikes).

¹⁸⁶⁴ §1.2.1.9.

¹⁸⁶⁵ §6.4.18.

which their ministry could be a sociopolitically and religiously empowering one.¹⁸⁶⁶ Our conception of Iron II cities, particularly residential cities and their inhabitants' relative isolation from elites living in larger urban centers, has depended significantly on the model of Douglas Knight.¹⁸⁶⁷

While urban elites had little regular contact with the populace living outside of larger cities, middle-tier representatives based in residential cities did. Levites had to concern themselves with maintaining their relationship with their superiors based in urban centers.¹⁸⁶⁸ These elites dedicated themselves to upholding the tenets of official religion generally at loggerheads with popular movements and expressions or worship that did not require elite supervision or pilgrimage to a central sanctuary.¹⁸⁶⁹ Local religious expression, similar to contemporary artists recording and publishing their own music apart from major recording companies, tended to be self-sufficient, exceedingly difficult to supervise. This was fertile soil for the kind of innovation that posed a significant threat to official religion based in urban centers.

Employing the analogy of electronic circuitry, I outlined the complex power networks that arguably existed in the ancient world. Power would “feed” from both central and local circuits. Within the network of “official religion,” great effort is required to maintain the connection, because the commissioned transmitters tended to modify the message as the situation demands. Personnel in the field that make concessions to local populations come to gain their trust. The relationships that form could be powerful and threatening to central power. This is part of what is going on in Ezek 44. Zadokite-Levites accuse Levites—who both lead and cooperate with the people. The text is not altogether clear as to who instigates what, that is, condoning foreign practices and appointing aliens to serve in the cult (vv. 7f; 15). Verse twelve singles out the Levites for

¹⁸⁶⁶ §§5.9-10.

¹⁸⁶⁷ §4.5 *et passim*.

¹⁸⁶⁸ Balancing loyalties that doubtless led to conflict at times was difficult but crucial; see §4.8.

¹⁸⁶⁹ §4.1.7. Underlining the importance of pilgrimage in “unofficial” expressions of religion during the 5th-4th centuries” is Erhard Gerstenberger, *Israel in der Perserzeit: 5. und 4. Jahrhundert v. Chr.* (vol. 8 of *Biblische Enzyklopädie*; Stuttgart: Kohlhammer, 2005), 100f. “Dass die ganze Volk gerne Anteil nimmt [auf]” in events occurring at the Jerusalem temple seems however doubtful. His characterization of Passover and *Sukkot* as “halb offiziellen halb häuslichen Veranstaltungen” (“half-official, half-household events”; *ibid.*, 100) is notable. He points to regional sanctuaries such Shilo (cf. 1 Sam 1) as original destinations of pilgrimage in the Psalms. For not a few in the postexilic period, however, regional sanctuaries held great religious significance or offered a meaningful pilgrimage destination.

allowing? Israel to “go away from” *YHWH* at “my sanctuary.” To be sure, theological innovation and illicit activity at the central sanctuary appear to be the cause of the sharp condemnation of Levites, and secondarily, the people. And yet an equally sober concern should probably be read into vv. 9ff., namely, anxiety over the kinds of concessions and innovations possible at local worship settings beyond the political and economic control of the Zadokite-Levites.

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In general, central power in the ancient world extended into the hinterland to the extent itinerant personnel faithfully disseminated official doctrine and local officials upheld the doctrine and related laws by reinforcing them through the available means. Mid-level officials often play key roles in these non-urban contexts. The power dimensions of these and related sociopolitical scenarios brought out in Chapters Four and Five are aided by the respective models of Michel Foucault¹⁸⁷⁰ and J. Berlinerblau.¹⁸⁷¹

Viewing the activities of non-elite functionaries themselves, we have argued that they distributed a form of empowering power as they disseminated knowledge and cultic instruction among villages. Some of this knowledge was considered divine revelation, which came in various forms (declaration, teaching, sermons), often associated with sacrificial offerings and the concurrence of natural or supernatural phenomena.

The ancient Near East did not lack means of communication between cities,¹⁸⁷² and itinerant religious personnel involved in these religious events probably travelled a kind of “sanctuary circuit.” Like the multifaceted Samuel figure, these professional and semi-professional functionaries officiated various events in the villages of the region, likely teaching or tutoring in local instructional contexts.¹⁸⁷³

Thorough consideration of these matters has required extensive inquiry into the probabilities of small scale literary activity occurring in non-urban contexts from the eighth through the fifth centuries and even later. Recent studies of eighth-century inscriptions suggest an increased involvement of non-elites in the collation, preservation,

¹⁸⁷⁰ §§4.1; 5.4 *et passim* in Chapters Four and Five.

¹⁸⁷¹ §4.1.5 and other sections of Chapter Four.

¹⁸⁷² See Excursus 5.

¹⁸⁷³ §4.4.

and even recording traditions.¹⁸⁷⁴ This has provided material support for the notion that non-elite persons of modest education could involve themselves at some level of the gathering and recording of traditions. The Levites' preservation and perpetuation of the northern prophet Hosea's traditions arguably depended on the use of alphabetic writing by a broader swath of society.¹⁸⁷⁵

The partial democratizing of literacy provided Levites and their rural constituents opportunity to promote more popular traditions such as positive depictions of the Israelite community. This perspective associated with the PRR, which also found opportunity in these contexts to take root and develop, from its beginnings in preexilic cultic theophanies and enactments the level of the local sanctuary, to its later, postexilic integration into the Sinai/Horeb events described as experiences shared by all-Israel.

Through regular contact with the masses middle-tier Levites became their natural allies and advocates. A cooperative was formed with lay leaders that gave the two groups substantial bargaining power opposite elite civil and religious leaders. The Levites would have needed supporters among the priestly elite to secure the inclusion of alternative traditions into the official religious literature.

Moving up the priestly ladder of success was not unheard of in the ancient Near East,¹⁸⁷⁶ and beginning in the sixth-century Babylonian exile some Levites exploited opportunities that enabled them to rise toward the level of elites.¹⁸⁷⁷ Post-dtr texts in Deuteronomy (fourth century BCE) seem to assume the full priestly status of the Levites, and the late books of Chr (fourth-third centuries BCE) place them in influential positions even at the center of the nation's power, Jerusalem, where they work closely with the "priestly King David."¹⁸⁷⁸ Such a context would be one in which Levites could wield influence over the emerging, proto-canonical literature, obviously the Psalms¹⁸⁷⁹ but also post-dtr pentateuchal texts in which the PRR and its companion themes, while not coming to the fore, nonetheless found a place in the literature as *Nebenthemen*.

¹⁸⁷⁴ §§4.1; 4.3-4; 4.7 and Excursus 5.

¹⁸⁷⁵ §4.4; 4.9.2,14. There is textual evidence that the term כמרים (cf., e.g., Hos 10:5) may have been applied pejoratively to Levites, for which see §4.9.2.

¹⁸⁷⁶ §4.1.2-3.

¹⁸⁷⁷ §5.6.

¹⁸⁷⁸ §5.2.

¹⁸⁷⁹ For the notion that Asaphite Levites were elites, see n. 1092.

In Chapter Six we isolated three textual blocks with which to reconstruct likely communities and contexts out of which the notion of the PRR emerged and events in which it likely took place. Whereas in Neh 8¹⁸⁸⁰ and the Deut 16:18-18:22¹⁸⁸¹ the Levites' presence is manifest, one must import them onto the scene in Lev 17–26,¹⁸⁸² as the Aaronide-Levites completely dominate the professional priestly landscape.

Similar to the office laws of Deuteronomy, H has in mind a new type of citizen that merges with middle-tier Levites.¹⁸⁸³ Particularly in H, the fourth-century School of HexRed promotes the notion of a community that includes pious aliens (a central component in the program of the fifth-century HexRed) and is cultically qualified to function as quasi-priests. We have already mentioned H's radical notion of sanctification that enables its community to fulfill its uniquely prophetic as well as ethico-ritual mission, with its base in a sanctified Holy Land (probably in Jerusalem) from which their mission to the nations was to emanate.¹⁸⁸⁴

The marginalized notion that Israel is not to bear an immense burden for maintaining its holiness also informs the conception of the PRR, the advocates of which remain leary of the elite priestly proclivity for alienating non-elites¹⁸⁸⁵ and monopolizing the primary means to obtaining favor and forgiveness.¹⁸⁸⁶ Similar to debilitating fear in a passage such as Exod 20:18-21, inordinate religious expectation leads to stalled praxis; it works to distance people from rather than draw them near to a high god.¹⁸⁸⁷ Appropriate or

¹⁸⁸⁰ §6.3.

¹⁸⁸¹ §6.5.

¹⁸⁸² §§6.4.5; 6.4.9-10.

¹⁸⁸³ §6.5.1. See also Christian, "Middle-Tier Levites," 195f. *et passim*.

¹⁸⁸⁴ §7.2 and see list of relevant subsections provide there; cf. also *ibid*.

¹⁸⁸⁵ Isa 58:9b; 65:5a; cf. the critique of legal expert (νομικός) in Luke 11:45f.

¹⁸⁸⁶ Ezek 44:13a; Mal 2:8; cf. Matt 23:13, problematic for its indiscriminate characterization of Pharisees, but nonetheless reflective of a perennial problem associated with professional religious intermediaries. In contrast, the prophet Micah makes the bold claim of a freeing conviction of sin (3:8, 12) at loggerheads with the confusing and deleterious effects of false peace preaching for a price (cf. vv. 5-7, 12).

¹⁸⁸⁷ Esther assumes the necessity of making serious preparation before risking uninvited trespass into the Persian king's presence (Est 4:15f). Even if one views the so-called unilateral covenant of Gen 12 as not requiring particular behavior or actions of the blessed progeny (vv. 2f), difficult requirements nonetheless remain (v. 1). The more familiar Sinaitic covenant requires both fastidious observance of the law and maintaining fidelity of heart. Either way the expectation of proper Israelite response seems quite high. Whereas productive fear would tend to spur one into actions that can bring one closer to the deity, unproductive fear tends toward despondency, hopelessness, perhaps rebellion (cf. Num 14:9)—attitudes and behaviors that one would not expect to strengthen the Israel-YHWH relationship. In Josh 2 (HexRed), Rahab would not have been immune to the dread of the threat of annihilation felt by her fellow citizens. In a cosmos of overwhelming and inexplicable forces Israel's severe, warrior god seemed the optimal power to

constructive fear such as the sort endorsed by the deity in Deut 5:29 coupled with realistic expectation, by contrast, will likely innervate those who have expressed a desire to do the divine will (Josh 1:17; 24:4; Jer 42:5f.). It may also spur prudent proactive actions such as self-purification (Num 19:12f.; Neh 13:22) or fasting, such as that taken before taking precarious though unavoidable action (Est 4:16; Greek Est 4:16f.; cf. also Hezekiah's preemptive supplication 2 Kgs 19/Isa 37).

The PRR in the late composition of Deut 4:1-40 is set within a historical and theological framework that likely has in mind all three texts, that is, portions of Neh 8, H, and the office laws, and envisions Moses more as teacher of religious laws than their mediator.¹⁸⁸⁸ This community has direct dealings with YHWH and is held to a high level of accountability because of the revelation they received as a people at the Sea of Reeds and at the mountains of God. They are a diverse nation that has heard the קול speaking out of the fire—on many occasions and in numerous context—and lived (cf. Deut 4:33).

This study has brought numerous marginalized traditions and *Nebenthemen* into the light by placing them in historical, sociopolitical, and theological perspective. Because of their non-dominant status, they have thus far gone relatively unnoticed. This has been true for the tradition of the PRR. Indeed, the drone of negative portrayals (both in the text and in faith communities) has nearly drowned out the textual voices witnessing to the PRR, and the prophetic and cultic competence of the envisioned community to whom such revelation came—again and again.

accommodate. To interpret her radical, preventive measures as mere politically savvy, however, would ignore the *heilsgeschichtlich* thrust of the story (Josh 6:17-25) within the context of the book of Joshua. She rescued her kith and kin and won them a secure placement within Israel's future.

¹⁸⁸⁸ §1.2.1.7.

Appendix I

Notes on HexRed, PentRed, and Theocratic Revision Texts

HexRed Texts According to Achenbach and Otto

Briefly reviewing the discussion in part two of the Introduction (§1.3.11), the Hexateuch Redactor (HexRed) integrated traditions into an existing dtr framework. These traditions included (though not every verse)¹⁸⁸⁹ the murmuring stories in Num 11f., the Caleb tradition in Num 13f., and the Dathan-Abiram story in Num 16. HexRed continued filling up the dtr framework with, e.g. traditions of an alternate version of the conquest of Transjordan such as Num 20f.*, the Balaam cycle of Num 22ff.*, and concluding with the legend of Baal-Pe'or's sin in Num 25, which provides an explanation for formation of Deuteronomy as a document of covenant renewal in Moab.¹⁸⁹⁰ HexRed combined the stories of the promises to the ancestors with the exodus narrative, as well as the laws of BC and D and the dtr conquest-story. (P does not, incidentally contain a narrative of the taking of the land.¹⁸⁹¹) It concludes the narrative of the covenant in Josh 24; vv. 1-28's recounting of *Heilsgeschichte* comprises an integration of dtr and priestly traditions, indicating the author's familiarity with P's basic storyline; the doublet in vv. 28-31 and in Judg 2:6-9 (reportage of Joshua's death) betrays the redactors intention to separate one from the another.¹⁸⁹² Though HexRed's purview may have extended beyond the extant literary frame of Gen-Josh, a literary line runs through the stories of Israel's beginnings producing a single, connected though snaking story.¹⁸⁹³

The Hexateuch redactor knew the Grunderzählung and DtrL and revised the older narr in Numbers: 13,22aβγb [sic; Otto, *DPH*, 55, has 13,22ag], 27bα, 28bβ, 29, 44b [Otto includes v. 33] (similar to the narrative of DtrL, see above) built it into a 'hexateuchally aligned narrative' (hexateuchish ausgerichteteten Erzählung)¹⁸⁹⁴ in Num 13:1,2abα, 3a, 21, 25f, 32f; 14:1a, 2-10, 26, 27b, 28, 29aα, 31, 35, 37f. and linked them together with Joshua (Josh 14:6-15 [Otto has Josh 15:13-19][cf. below, 63-6, 83, 86f]).

Achenbach accepts Otto's outline of HexRed texts but does not himself provide a detailed synopsis of the texts attributed to HexRed and PentRed, which are dispersed throughout *Vollendung*. often making thematic and linguistic connections across the canon. An appendix would have been included. The summary at the book's conclusion outlines the larger tenor of the redactions as we have also done in this study.

¹⁸⁸⁹ E.g., Num 14:2f. is to be assigned to PentRed (Achenbach, *Vollendung*, 233).

¹⁸⁹⁰ Achenbach, "Story," 131f. and n. 20; Otto, *DPH*, 132, n. 101; *ibid.*, 243.

¹⁸⁹¹ Achenbach, "Gescheitern Landnahme," 58, summarizing T. Pola. The texts of Joshua that back-reference tetrachleal texts and which reflect influence of P theology are redactional. This applies to a desert narrative, which led to this redactionally revised version (*ibid.*, and in dependence upon L. Peritt).

¹⁸⁹² Achenbach, "Story," 132 and n.21.

¹⁸⁹³ Cf. above, §1.3.11.1.

¹⁸⁹⁴ Otto, *DPH*, 101-09.

Characterizing and Contrasting HexRed and PentRed, with Critical Assessment of the Theocratic Revision (Theokratische Bearbeitung = ThB)

Occurrences of the Gentilic Canaan (כנען)

Prior to Exod 6:4, the gentilic Canaan (כנען) derives from P, afterward it is either HexRed (Num 13:17//Josh 24:3-no negative connotation), PentRed (Lev 18:3; 25:38; Num 13:2; Deut 32:49 either negative or colonial) or ThB.¹⁸⁹⁵ The latter however comes to abandon the ideas of proselitization and integration that HexRed had striven for,¹⁸⁹⁶ and show priests involved in appropriating alien land. The texts given for ThB in Numbers, however, do not convince; Josh 14:1; 21:2; and several passages in ch. 22 better reflect a priestly framing of “Canaan” passages supporting land expropriation. So also Ps 105:11 and 1 Chr 16:18.¹⁸⁹⁷ Whatever ideas of proselytization and live harmoniously in the land of HexRed that ThB I retained in the 4th cent had become sanitized, that is, regarding all association with non-Israelites as defiling and irredeemable. For me, however, the School of HexRed continues elements of HexRed but adds the sacredotal aspects of more inclusive, proto-theocratic community based in no small part of the radical concept of sanctification in Lev 32b-33.

Numbers 11

Num 11 is postexilic. Its literary foundation is not an old Yahwist narrative but rather a narrative fragment from a reformulation of the Exodus legends in the postexilic period.¹⁸⁹⁸

The fundamental layer of the Manna-Quail Narrative of the wilderness narrative in Num 11 is recognizable in Exod 16:3a,11-15.¹⁸⁹⁹ The redactional Zusammenhang between Exod 14:11f., 16:3, and Num 14:2f. indicates the reception of the Manna-Quail Narrative to have been, from the outset, positioned (stellen) under the previous indication (Vorzeichnen) of redactional *Réécriture*.¹⁹⁰⁰

Numbers 13f.

The work of HexRed is probably clearest in Num 13f., as the spy episode had great significance for HexRed. The basic literary layer giving Num 13 its form is not P, but rather post-P.¹⁹⁰¹

The Kadesh motif

¹⁸⁹⁵ Achenbach, *Vollendung*, 576.

¹⁸⁹⁶ “Die vorhandene ThB hat also letztlich den Gedanken des Proselytentums und der Integration, den HexRed angestrebt hatte, aufgeben” (Achenbach, *Vollendung*, 578); cf. *ibid.*, 582: “Gegen die Intentionen des HexRed bekräftigt die ThB I i.S. [im Sinn] des Heiligkeitsgesetzes die Notwendigkeit radikaler Ausgrenzung der fremden Völker, weil es in ihrer Anwesenheit die Ursache für den Abfall zum Götzdienst erblicken mußte.”

¹⁸⁹⁷ Achenbach, *Vollendung*, 576 and n. 73; 581: “The regulation of the land division assumes the complete expulsion of the people of the land. The insistence of this condition (Umstand) in Num 33:50-6 contrasts with Ezek 47, and consitutes a peculiarity ThB’s depiction; cf. 582.

¹⁸⁹⁸ Achenbach, *Vollendung*, 231.

¹⁸⁹⁹ *Ibid.*, 232.

¹⁹⁰⁰ *Ibid.*, 233.

¹⁹⁰¹ Otto, *DPH*, 104.

There is no basis for mooring the Kadesh motif in a pre-priestly narrative in Num 13f. The literary root of the Kadesh motif (Deut 1:19b, 46) derives from neither a pre-dtr tradition in Nb 13f., nor from the dtr *Grundschrift* in Dt 1–3, but rather, but rather from the book of Joshua.¹⁹⁰²

Caleb-Hebron Narrative

Numbers 13f. allows for an astonishing gap in the narrative relative to Moses. Numbers 14:30 singles out Caleb and Joshua for the honor of entering the Promised Land, in sharp contrast to the rest of the members of their generation. It is thus implicit that Moses would not be able to take part in this privilege.¹⁹⁰³

The Pentateuch Redaction

Constructed on a dtr *Grundschrift*, Deut 1–3 is PentRed.¹⁹⁰⁴ Deut 1:38b looks ahead toward the post-dtr land apportionment tradition in Josh 13–21, and in connection with which Deut 3:28; 31:7; Josh 1:16 form a stepping stone “bridge.”

Deut 1:38b “encourage him, for he is the one who will secure Israel’s possession of it.”

3:28 “But charge Joshua, and encourage and strengthen him, because it is he who shall cross over at the head of this people and who shall secure their possession of the land that you will see.”

31:7 Then Moses summoned Joshua and said to him in the sight of all Israel: “Be strong and bold, for you are the one who will go with this people into the land that the LORD has sworn to their ancestors to give them; and you will put them in possession of it.

Josh 1:16 They answered Joshua: “All that you have commanded us we will do, and wherever you send us we will go.

Deut 1:39aα cites Num 14:31a. Thereby the author spans a bow from the Tetrateuch beyond Deuteronomy into Joshua.

Numb 14:31 But your little ones, who you said would become booty

וטפכם אשר אמרתם לבז יהיה

↓ ↓ ↓

וטפכם אשר אמרתם לבז יהיה ובניכם אשר לא־ידעו היום טוב ורע

Deut 1:39aα And as for your little ones, who you thought would become booty, your children, who today do not yet know right from wrong

By citing the post-P version of the spy narrative in Num 13f., the audience recognizes the identity of the event narrated in Num 13f. with its repetition in Deut 1:19-46, which is orated by Moses.¹⁹⁰⁵

¹⁹⁰² DPH, 19f.

¹⁹⁰³ DPH, 22-24.

¹⁹⁰⁴ DPH, 24, n. 52; 101f.

¹⁹⁰⁵ DPH, 25.

The Theocratic Revision

ThB I is hierarchically contingent and conflict-laden, emphasizing the low status of the Levites, a later revision includes the curiously positive picture of the Levites in Num 3:11-51, verses 11-13 of which (Levites substitute for firstborn). Noth had described as a “levitenfreundlicher Korrektur des Vorhandgehenden” (cf. Achenbach, *Vollendung*, 492; Noth, *Numeri*, 33; ET 34). For Otto, however, the fourth century conflict ensued between the schools of HexRed and PentRed who competed with each other.

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