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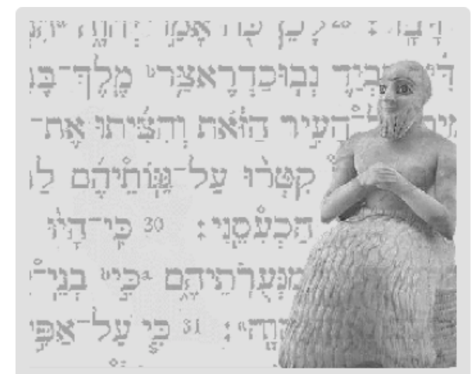

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THE UNSTATED PREMISE OF THE PROSE PENTATEUCH: YHWH IS KING

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The Pentateuch portrays God acting like a king, but almost never applies the title, "king," to God, in marked contrast to many other parts of the Hebrew Bible. This terminological discrepancy between, on the one hand, all the major pentateuchal sources and, on the other hand, much of the rest of the Hebrew Bible, calls for explanation. Attention to a common and ancient rhetorical strategy of argumentation, the enthymeme, provides an explanation in the form of an unstated premise. The premise that YHWH is Israel's king strengthened the persuasive force of the prose Pentateuch by remaining unstated.

THE PENTATEUCH'S IMPLICITLY ROYAL GOD

The Pentateuch depicts God behaving like a king by fighting for the Israelites against other armies, by making a covenant with Israel modeled on ancient suzerainty treaties, and by giving laws and ritual instructions. However, the Pentateuch calls YHWH "king" only once or twice, and then only in poetic texts. Pentateuchal prose, both narrative and instructional prose, entirely avoids using royal language for God.[1]

In this regard, the Pentateuch stands in marked contrast to much of the rest of the Hebrew Bible. Psalms and prophetic poetry proclaim YHWH's kingship and rule.[2] Historiographical prose describes Israel as God's kingdom and YHWH as king.[3] The theme appears much more often in poetry than in prose in the Hebrew Bible. Nevertheless, its role in the Deuteronomistic History is more

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[1] Despite designating Israel as YHWH's מלכת כהנים "priestly kingdom" (Exod 19:6).

[2] Cf. Pss 47:9; 93:1; 96:10; 97:1; 99:1; 103:19; 145:11–13; 146:10; Isa 6:5; 24:23; 33:22; 41:21; 43:15; 44:6; 52:7; Jer 8:19; 10:7, 10; 46:18; 48:15; 51:57; Ezek 20:33; 26:7; Mic 4:7; Zech 14:9, 16–17; Mal 1:14. See J. Jeremias, *Das Königtum Gottes in den Psalmen* (FRLANT, 141; Göttingen: Vandenhoeck & Ruprecht, 1987); S.W. Flynn, *YHWH is King: The Development of Divine Kingship in Ancient Israel* (VTSup, 159; Leiden: Brill, 2014).

[3] Cf. 1 Sam 8:7; 12:12; 1 Chr 17:14; 28:4–5; 2 Chr 1:9, 11.

than incidental. The Book of Samuel goes so far as to depict an explicit debate between Samuel and the people of Israel over the question of divine versus human kingship.[4] It labels the request for a human king as a מאס, "rejection" of YHWH (1 Sam 8:7; also 12:17–19). This story highlights the absence of the theme of divine kingship from pentateuchal prose, which otherwise devotes a great deal of attention to defining YHWH's relationship with Israel.

There has been much discussion in recent scholarship of whether the Pentateuch characterizes YHWH as a king or not. Interpreters often argue that the implicit characterization of YHWH is self-evidently royal.[5] In ancient Near Eastern cultures, depictions of supreme deities typically projected the politics of monarchy and empire onto heaven.[6] Furthermore, the Pentateuch casts Moses in royal terms, from his miraculous survival at birth through his law-giver role, especially in Deuteronomy. Moses, however, is never called a king and his role as intermediary between

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[4] The story in 1 Sam 8; 10; and 12 seems to build on and elaborate the Pentateuch's only law about kings (Deut 17:14–20: compare Deut 17:14 with 1 Sam 8:5). See C. Nihan, "1 Samuel 8 and 12 and the Deuteronomistic Edition of Samuel," in C. Edenburg and J. Pakkala (eds.), *Is Samuel among the Deuteronomists? Current Views on the Place of Samuel in a Deuteronomistic History* (Atlanta, GA: Society of Biblical Literature, 2013), 225–73 (231–36, 267). For a general discussion of the critique of monarchy in Samuel, see also R. Müller, *Königtum und Gottesherrschaft: Untersuchungen zur alttestamentlichen Monarchiekritik* (FAT, 2/3; Tübingen: Mohr Siebeck, 2004).

[5] For the royal ideology behind the rise of biblical monotheism, see especially M. Smith, *The Origins of Biblical Monotheism: Israel's Polytheistic Background and the Ugaritic Texts* (New York: Oxford University Press, 2001), 157–69; for the royal characterization of the divine lawgiver, see K. Schmid, "Divine Legislation in the Pentateuch in its Late Judean and Neo-Babylonian Context," in P. Dubovsky, D. Markl, and J.-P. Sonnet (eds.), *The Fall of Jerusalem and the Rise of the Torah* (FAT, 207; Tübingen: Mohr Siebeck, 2016), 129–53; J.W. Watts, *Reading Law: The Rhetorical Shaping of the Pentateuch* (Sheffield: Sheffield Academic, 1999), 91–109; and T.W. Mann, *The Book of the Torah*, 2nd ed. (Eugene, OR: Cascade, 2013), 95–97; for an analysis of Israel's system of offerings, and especially P's depiction of grain offerings, as payments of tribute to the sovereign deity, see A. Marx, *Les offrandes végétales dans l'Ancien Testament* (VTSup, 62; Leiden: Brill, 1994), 12–26, 62–64; for a literary analysis of YHWH's depiction as hero and king in all the genres of Exodus, see S. Kürle, *The Appeal of Exodus: The Characters of God, Moses and Israel in the Rhetoric of the Book of Exodus* (Milton Keynes: Paternoster, 2013), 29–124.

[6] T. Jacobsen, *Treasures of Darkness: A History of Mesopotamian Religion* (New Haven: Yale University Press, 1976), 236; S. Parpola, "Assyria's Expansion in the 8th and 7th Centuries and Its Long-Term Repercussions in the West," in W.D. Dever and S. Gitin (eds.), *Symbiosis, Symbolism, and the Power of the Past* (Winona Lake, IN: Eisenbrauns, 2003), 99–111 (105); M. Smith, *God in Translation: Deities in Cross-Cultural Discourse in the Biblical World* (Grand Rapids, MI: Eerdmans, 2008), 149–63, 175, 178–90.

Israel and God does not, in the end, evoke kingship so much as prophetic, scribal, and even priestly roles.[7]

Some interpreters maintain that the Pentateuch's failure to state God's kingship explicitly reveals unease with this political imagery. They claim that the Pentateuch instead emphasizes God's role as creator and the voluntary nature of the covenant. Terence E. Fretheim argued that the Pentateuch depicts YHWH in "creational and relational" rather than royal terms: "God gives the law and commands obedience for the sake of the life and well-being of the creatures, not out of a virtually self-serving notion that the people must obey because God is, after all, their ruler."[8] Ancient royal rhetoric, however, did not depict the overlord's actions as self-serving, whatever the political reality. Ancient Near Eastern royal inscriptions, law codes, and treaties often portray kings' benevolent acts on behalf of their subjects before requiring their obedience and compliance.[9] One might also think that Israel's landless state in the Sinai wilderness precluded claiming kingship until the conquest of Canaan provided YHWH with a sovereign territory. However, the rhetoric of creation lays the basis for YHWH to claim ownership of the whole world while designating the Israelite people as a "priestly kingdom" (Exod 19:5–6). This reflects the Hebrew Bible's broader tendency to claim YHWH's kingship over the Israelites as a people or over the world as a whole, not just over a restricted territory within it.[10] Walter J. Houston recognized the reciprocal nature of Israel's covenant, but argued that this distinguishes it from ancient Near Eastern conceptions of royal patron-

[7] For more on this point, see Watts, *Reading Law*, 109–21; or idem, "The Legal Characterization of Moses in the Rhetoric of the Pentateuch," *JBL* 117 (1998), 415–26. The literature on Moses's role in the Pentateuch is vast, but mostly stops short of claiming that he is depicted as a king. See, for example, H. Gressman, *Mose und seine Zeit: Ein Kommentar zu den Mose-Sagen* (FRLANT, 18; Göttingen: Vandenhoeck & Ruprecht, 1918); G.W. Coats, *Moses: Heroic Man, Man of God* (JSOTSup, 47; Sheffield: JSOT Press, 1988); R. Rendtorff, *Theologie des Alten Testaments: Ein kanonischer Entwurf*, 2 vols. (Neukirchen-Vluyn: Neukirchener Verlag, 1999–2001), 1:85; 2:134–35; E. Otto, "Die Geburt des Mose: Die Mose-Figur als Gegenentwurf zur neuassyrischen Königsideologie im 7. Jh. v. Chr.," in idem, *Die Tora: Studien zum Pentateuch: Gesammelte Aufsätze* (BZABR, 9; Wiesbaden: Harrassowitz, 2009), 9–45. For a recent review of this literature and more, see Kürle, *The Appeal of Exodus*, 124–48.

[8] T.E. Fretheim, *God and World in the Old Testament: A Relational Theology of Creation* (Nashville: Abingdon, 2005), 150–51; also 15.

[9] See J.W. Watts, "Story, List, Sanction: A Cross-Cultural Strategy of Ancient Persuasion," in C. Lipson and R. Binkley (eds.), *Rhetoric before and beyond the Greeks* (Albany, NY: SUNY Press, 2004), 197–212.

[10] E.g., 1 Sam 12:12; Pss 47:9; 93:1; Isa 43:15; 44:6. The Pentateuch does portray YHWH claiming ownership over the land of Canaan (e.g., Lev 25:23), but that claim is not restricted to only this land. Like the rest of the Hebrew Bible, the Pentateuch's conception of YHWH's kingship is not regional but imperial (see further below).

age and treaty obligations. He quoted Ernest W. Nicholson's even stronger claim that YHWH freely chose Israel and that the Israelites freely chose to commit themselves to the covenant.[11] It is the case that the Israelites readily agree to the covenant in Exod 24. One may wonder, however, to what extent they could feel free to reject it when, according to the story, they are in a desert surrounded by enemies and lacking dependable sources of food or water.[12] Be that as it may, the Pentateuch's threats of catastrophic sanctions for breaking the covenant make it clear that their descendants' compliance is motivated by a high degree of compulsion, exactly the kind of compulsion that treaties deployed to try to gain the compliance of vassals.

Nevertheless, conceding the Pentateuch's pervasively royal characterization of YHWH the does not explain why its prose avoids royal titles for God. I suggest that this omission is best explained by rhetorical theory.

THE ENTHYMEME

Already in the 4th century BCE, Aristotle pointed out that rhetorical arguments, which he called *enthymemes*, usually leave one or more premises unstated. At least, that is how Aristotle has usually been understood. A close reading of his *Rhetorics* suggests that he only claimed that rhetorical arguments need to be short so as not to tax the attention of their audience.[13] Aristotle observed that audiences have difficulty understanding long strings of syllogisms, or even lists of premises. Speakers therefore omit premises that they can assume the audience already believes: "The enthymeme must consist of few propositions, fewer often than those which make up the normal syllogism. For if any of these propositions is a familiar fact, there is no need even to mention it; the hearer adds it himself."[14]

Aristotle pointed out a frequent feature of rhetorical arguments: they do not state premises that they assume the audience already shares. In such an enthymeme, the unstated premise unites speaker and audience in an implicit understanding. This implicit agreement strengthens the speech's persuasiveness. It also avoids drawing attention to any problems that explicitly stating the premise might highlight.

Twentieth-century studies of composition and rhetoric extended this understanding of the enthymeme to expose the

[11] W.J. Houston, *SCM Core Text: The Pentateuch* (London: SCM, 2013), 82–83; see also E.W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Clarendon, 1988), 216.

[12] A point debated already by the ancient rabbis: b. Shabbat 88a.

[13] C. Rapp, "Aristotle's Rhetoric," in E.N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Stanford, CA: Metaphysics Research Lab, 2010), http://plato.stanford.edu/archives/spr2010/entries/aristotle-rhetoric/.

[14] Aristotle, *Rhet.* 1357a; in R. McKeon (ed.), *The Basic Works of Aristotle*, trans. W.D. Ross (New York: Random House, 1941), 1330.

argumentative structure of large compositions, even when they never express the enthymeme briefly and explicitly.[15] Lawrence D. Green observed that,

> Underlying any piece of argumentation there will be a fundamental enthymeme which shapes the movement of the entire discourse through its control of the overall logical and rhetorical relations within the discourse. This structural enthymeme need not be stated explicitly in the writing, and, for that matter, many a competent writer would be surprised to see his or her own controlling enthymeme demonstrated. . . structural enthymemes are so everpresent that we are apt not to see them. But if the prose intends to convey an idea in a reasoned manner, a controlling enthymeme will always be present. It is this underlying enthymeme, whether stated or not, which provides the writer with a sense of logical necessity throughout the entire discourse.[16]

Of course, it cannot be taken for granted that ancient Greek or modern Western rhetorical theories apply to Israel's culture. Therefore, in the 21st century, rhetorical theorists are increasingly investigating the degree to which rhetorical strategies do or do not carry over from one culture to another.[17] Enthymemes, however, get used for persuasion in very many human cultures, including those of the ancient Near East. George A. Kennedy observed: "Neither in Egypt nor elsewhere outside classical Greece are full syllogisms stated, but enthymemes . . . are ubiquitous."[18] So there is no need to posit Hellenistic influence to explain the presence of enthymemes in the Hebrew Bible, because they were endemic in ancient

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[15] See M. Hood, "The Enthymeme: A Brief Bibliography of Modern Sources," *Rhetoric Society Quarterly* 14 (1984), 159–62; J.T. Gage, *The Shape of Reason*, 2nd ed. (New York: Macmillan, 1991); C. Poster, "A Historicist Reconceptualization of the Enthymeme," *Rhetoric Society Quarterly* 22 (1992), 1–24; and R.K. Duke, "The Strategic Use of Enthymeme and Example in the Argumentation of the Books of Chronicles," in A. Eriksson, T.H. Olbricht, and W. Übelacker (eds.), *Rhetorical Argumentation in Biblical Texts. Essays from the Lund 2000 Conference* (Harrisburg, PA: Trinity Press International, 2002), 127–40.

[16] L.D. Green, "Enthymemic Invention and Structural Prediction," *College English* 41 (1980), 623–34 (623). Similarly, J.T. Gage, "Enthymeme," in T. Enos (ed.), *The Encyclopedia of Rhetoric and Composition: Communication from Ancient Times to the Information Age* (London: Routledge, 2013), 223–25.

[17] For studies in comparative rhetoric that include biblical and ancient Near Eastern texts among others, see the essays in C. Lipson and R. Binkley (eds.), *Rhetoric before and beyond the Greeks* (Albany, NY: SUNY Press, 2004); and C. Lipson and R. Binkley (eds.), *Ancient Non-Greek Rhetorics* (West Lafayette, IN: Parlor, 2009).

[18] G.A. Kennedy, *Comparative Rhetoric: An Historical and Cross-Cultural Introduction* (New York: Oxford University Press, 1998), 131.

rhetoric generally. Kennedy pointed especially to biblical commandments that include motive clauses, "thus creating enthymemes."[19] It is therefore not unreasonable to look for implicit premises in the Pentateuch's persuasive rhetoric.

THE PENTATEUCH'S ENTHYMEME

The Pentateuch tells of YHWH's rescue of the Israelites from Egypt's military and economic control. It then recounts the creation and contents of the covenant between Israel and YHWH. The political ideology reflected in this material has been evident to biblical scholars for a long time.

In the imperial politics of the ancient Near East, vassals promised taxes, military support and political loyalty to imperial overlords in exchange for the overlord's military protection. The terms of this exchange were explicitly stated, often in a written treaty that claimed to be binding on future generations. In such suzerainty treaties, overlords sometimes enumerated their magnanimous acts on behalf of their subjects before insisting on their subjects' loyalty and obedience.[20] Their promises of imperial and divine rewards for obedience and their threats of gruesome punishments for disobedience appear in long lists of sanctions at the end of the treaties.

Ancient treaties have been extensively studied for their parallels with biblical literature, especially with the Pentateuch. These studies have shown that ancient treaty forms influenced the formulation of the Sinai covenant in Deuteronomy and in Exodus.[21]

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[19] Ibid., 135.

[20] Accounts of the overlord's magnanimous acts towards his vassal subjects appear commonly in the second-millennium Hittite treaties (G.M. Beckman, *Hittite Diplomatic Texts*, 2nd ed. [WAW, 7; Atlanta, GA: Scholars Press, 1999], 3, 45–47, 70–71) but only once in the preserved first-millennium Neo-Assyrian treaties, the short treaty between Asshurbanipal and the Qedar Tribe: "Considering that . . . Assurbanipal, king of Assyria, your lord, put oil on you and turned his friendly face towards you" (S. Parpola and K. Watanabe [eds.], *Neo-Assyrian Treaties and Loyalty Oaths* [State Archives of Assyria, 2; Helsinki: Helsinki University Press, 1988], text 10, lines 8–11). Simo Parpola and Kazuko Watanabe observed, however, that "Every treaty concluded by the Assyrian king was portrayed as a royal favour toward the other party, who came to beg for it on his knees . . . so that 'favour', 'benefit' (*ṭābtu*) in effect became a synonym of 'treaty' (*adê*)" (xvi).

[21] Ancient treaty forms and their influence on the Hebrew Bible have been the subject of many studies over the last half century. For recent summaries of the history and current status of the discussion, see B.M. Levinson, "Esarhaddon's Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1," *JAOS* 130 (2010), 337–47; and B.M. Levinson and J. Stackert, "Between the Covenant Code and Esarhaddon's Succession Treaty: Deuteronomy 13 and the Composition of Deuteronomy," *Journal of Ancient Judaism* 3 (2012), 123–40 (129–39).

Though debates continue about exactly how the Pentateuch uses treaty forms, it is quite clear that its authors not only knew of them, they also expected their audiences to recognize the political rhetoric and implications of treaty/covenant language.

It is therefore not a stretch to think that imperial ideology in the form represented by Hittite and, especially, Neo-Assyrian suzerainty treaties shapes the implicit premises underlying the Pentateuch's rhetoric. This ancient ideology provides an unstated premise to support the Pentateuch's enthymeme, which is its persuasive argument for observing the covenant between Israel and YHWH. The enthymeme's basic elements include:

> *Stated premises*: YHWH rescued Israel from Egypt and Israel accepted the written covenant with YHWH at Sinai.
>
> *Unstated premise*: Military rescue and subsequent covenant/treaty establish royal authority over vassals and their descendants.
>
> *Conclusion*: Israel owes YHWH loyalty (stated), because YHWH is Israel's king (unstated except in poetry).

Why is the unstated premise necessary? Don't the stories of the Exodus and the Sinai covenant establish Israel's obligations to YHWH by themselves? Perhaps they would for the original exodus generation in the story who were themselves saved from Egypt and who committed themselves to the covenant at Mount Sinai. However, the Pentateuch's stories of rescue and treaty-making lack a binding force for future generations without an implicit theory of cross-generational obligation. Why should the children of the wilderness generation, much less subsequent generations residing in the land, keep the covenant? Moses's claim that YHWH made the covenant with them as well (Deut 5:3) and the various covenant renewal ceremonies recorded in Israel's history (Deut 29; Josh 8:30–35; 23:1–24:28; 2 Kgs 22–23; Neh 8–10) show that the biblical writers were concerned by this question.[22]

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[22] Bernard M. Levinson and Jeffrey Stackert claimed that Deuteronomy's concern for succession is literary and legal, rather than political, in nature: it aims to supplant the Covenant Code with Deuteronomy's own version of YHWH's Torah.

> The position of the Israelite deity can be compared to the Assyrian royal office, while the Israelite legal collections parallel the Assyrian rulers themselves. The practical effect in the case of biblical legal succession is the eclipse of the Israelite deity himself by the particular iteration of law ascribed to him. Just as the Assyrian monarchy is only actualized in the rule of a specific king, so the Israelite deity's authority is here imagined in his specific revelation of law (Levinson and Stackert, "Between the Covenant Code," 138).

Though the agency of Torah does supplant divine agency in some forms

The imperial ideology of kingship contains a claim of multi-generational obligation to overlords and their heirs by vassals and their heirs. Many of the vassal treaties explicitly extend their claims to future generations.[23] So, of course, does the Pentateuch, which extends its obligations "throughout your generations" (Lev 3:17; 6:11 [Eng. 6:18]; 7:36). Like the vassal treaties, the force of the Pentateuch's claims depends on the ideological presupposition that the children and successors of vassals are bound by their predecessors' political commitments. Its imperial vision of divine kingship leads it to make multi-generational reward and punishment into a defining feature of God's self-characterization: YHWH "keeps steadfast love to the thousandth generation . . . but punishes children for the parent's guilt and the children's children to the third and fourth generation" (Exod 34:6–7; also 20:5–6; Num 14:18; Deut 7:9–10).

Why does pentateuchal prose leave the premise of divine kingship unstated? Persuasive arguments leave premises unstated not only because they are shared between speaker and audience, but also in order to depict them as common knowledge. That makes them less likely to be challenged, because the audience must independently identify the unstated premise and then evaluate its accuracy. Stating the premise draws attention to it and exposes it to critical scrutiny. Fabrizio Macagno and Giovanni Damele observed that unstated premises have "the effect of shifting the burden of producing evidence, or supporting a standpoint, onto the other party. . . If not rebutted, the proposition can be considered as tentatively proved."[24]

The implications of the premise that YHWH is Israel's king are expressed and challenged in the story in 1 Sam 8. Just as ancient imperial overlords were jealous to monopolize all their vassal's loyalties, Israel's overlord, YHWH, explicitly banned other divine overlords in the stipulations to the covenant: "You shall have no other gods before me" (Exod 20:3; Deut 5:7). The prophet Samuel extended this ban to human overlords as well, to conclude that Israel's request for a human king was tantamount to rebellion against God (1 Sam 8:7–8). The tumultuous history of relationships

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of later Judaism, I am not convinced that the writers of Deuteronomy already advocated this development.

[23] Cf. Parpola and Watanabe, *Neo-Assyrian Treaties*, text 5, line 1; text 6, lines 1 and 283, which states: "you shall speak to your sons and grandsons, your seed and your seed's seed which shall be born in the future, and give them orders as follows." The provisions of the eighth-century Aramaic Sefire treaties also extend across at least three generations: see Stele I B 24–25 and Stele II B 5–7 in J.A. Fitzmyer, *The Aramaic Inscriptions of Sefire*, rev. ed. (BeO, 19; Rome: Pontifical Biblical Institute, 1995).

[24] Cf. F. Macagno and G. Damele, "The Dialogical Force of Implicit Premises: Presumptions in Enthymemes," *Informal Logic* 33 (2013), 361–89 (370), citing N. Rescher, *Presumption and the Practices of Tentative Cognition* (Cambridge: Cambridge University Press, 2006), 33.

between kings and prophets depicted in the biblical books of Kings can be read as an extended meditation on this problem. So can the arguments in prophetic books against foreign alliances, which in antiquity often took the form of written parity or vassal treaties.[25] These biblical texts indicate that the assertion that YHWH is Israel's king became a stumbling block for Israel's internal and external politics.

That explains why pentateuchal stories and instructions do not call God "king." The Pentateuch's prose leaves God's kingship unstated while showing God performing royal duties by defending Israel against enemy armies, giving laws, and establishing the sanctuary's structure (the Tabernacle) and its rituals. This unstated premise fuels the Pentateuch's argument that Israel owes God obedience without engaging the political problems created by a divine ruler.

Of course, the dominance of the exodus story in establishing YHWH's magnanimous care of Israel does not preclude other themes. The most obvious is God's creation of Israel (Gen 12–50), of humankind (Gen 2–11) and of the whole world (Gen 1). The creation theme evokes the rhetoric of myth rather than of human politics. But creation myths in the ancient Near East could also involve battles over divine kingship (e.g., Enuma Elish), with consequent world and human creation as the demonstration of divine rule. They reflect and project on a cosmic scale the imperial ideology in which the building of cities and temples demonstrates the benefits of a human king's rule.[26] It is therefore unlikely that ancient peoples would have contrasted creation stories with royal rhetoric.[27] Creation and exodus both demonstrate the magnanimity of a divine king, just as temple building, agricultural abundance and military success were cited by ancient royal rhetoric to legitimize the rule of human kings.

THE POETIC EXCEPTIONS

The Pentateuch's poetry does, however, announce YHWH's kingship clearly, if rarely. Balaam's second oracle observes that יהוה אלהיו עמו ותרועת מלך בו "YHWH their God is with them and acclaimed as king among them" (Num 23:21). Moses's blessing is less explicit, but after telling of YHWH's appearance at Sinai and of Moses giving the law, states that ויהי בישרון מלך, "a king arose in Jeshurun" (Deut 33:5), leaving ambiguous whether the king is God or Moses, or possibly David.[28] The Song of the Sea concludes by

[25] E.g., Isa 30:1–5; 39:1–7; Jer 2:18,36; Ezek 16:26–29; 29:6–7; Hos 5:13; 7:8–11; 8:9–10.

[26] J.W. Watts, "Ritual Rhetoric in Ancient Near Eastern Texts," in C. Lipson and R. Binkley (eds.), *Ancient Non-Greek Rhetorics* (West Lafayette, IN: Parlor, 2009), 39–66.

[27] See, for example, their combination in Isa 44–45.

[28] J.H. Tigay, *Deuteronomy* (JPS Torah Commentary; Philadelphia:

using the verbal form of the root, יהוה ימלך לעלם ועד, "YHWH rules for ever and ever" (Exod 15:18). Pentateuchal poetry thus once names YHWH "king" unambiguously. Another poem uses the verb to assert his kingly rule.

Why does the theme that YHWH is king appear in the Pentateuch's poetry but not in its prose? The theme's mention in a couple of poems reflects its widespread appearance in Israel's psalms.[29] It is a characteristic tendency of narratively inset poetry to state themes explicitly that are only implicit in the surrounding prose.[30] This tendency frequently places the poetry in thematic tension with its prose context. For example, the subtle and ambiguous narrative about David's rule in 2 Samuel is framed by poetry that depicts David as completely pious and announces YHWH's unflagging support for him (1 Sam 2; 2 Sam 22–23).[31] Jonah's psalm does not reflect the story's unflattering characterization of the prophet, to say nothing of his extreme peril in the stomach of a fish (Jonah 2).[32] These thematic tensions have led many interpreters to regard inset hymns as secondary additions to their prose contexts.[33] The same judgment has been rendered on the Pentateuch's poems.[34] These arguments are compelling for the Pentateuch's large poems and most, if not all, of the Hebrew Bible's other inset hymns.

Editorial additions, however, are not sufficient explanations for the thematic contrasts between inset hymns and prose contexts. We must still explain the function of these editorial insertions, and why they took poetic form rather than as additions to the prose text itself. The book of Jonah uses the contrast in Jonah's characterization between hymn and story to mislead readers and set the stage for a surprise ending.[35] In the case of the books of Samuel, the hymns seem to serve the purpose of adapting the stories about David for their context in scripture.[36] The theme of divine kingship

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Jewish Publication Society of America, 1996), 322.

[29] Pss 43; 93; 95–99.

[30] See J.W. Watts, *Psalm and Story: Inset Hymns in Hebrew Narrative* (JSOTSup, 139: Sheffield: JSOT Press, 1992), 190–97.

[31] Ibid., 32, 106.

[32] Ibid., 140.

[33] Ibid., 32–40, 110–17, 141–44.

[34] Ibid., 55–62, 74–81.

[35] Ibid., 144; S. Weitzman, *Song and Story in Biblical Narrative: The History of a Literary Convention in Ancient Israel* (Bloomington, IN: Indiana University Press, 1997), 59–92.

[36] Watts, *Psalm and Story*, 60–61, 116–17, 191; also G.T. Sheppard, *Wisdom as a Hermeneutical Construct* (BZAW, 151; de Gruyter, 1980), 145–59; H.-P. Mathys, *Dichter und Beter: Theologen aus spätalttestamentlichen Zeit* (OBO, 132: Fribourg: Presses Universitaires, 1994), 125, 164, 180, 317; Weitzman, *Song and Story*, 12–13, 93–129; J.W. Watts, "Biblical Psalms outside the Psalter," in P.W. Flint and P.D. Miller (eds.), *The Book of Psalms: Composition and Reception* (VTSup, 99; Leiden: Brill, 2004), 288–309

in pentateuchal poetry similarly makes explicit the unstated premise that also appears in the broader canonical context of the Prophets and the Psalms. Yet the poems appear also in the Samaritan Pentateuch, which does not have this broader context in view. So another explanation is required.

The practice of inserting hymns into ancient narratives seems to have been intended to prompt an audience response, probably by singing the hymns.[37] The most obvious example in the Hebrew Bible is the Song of the Sea. The Israelites model choral praise for YHWH's victory both with the long hymn (Exod 15:1–18) and with Miriam's song (15:20–21), which may be an antiphonal response. In the context of oral readings of Torah (Deut 31:10–13) which exhort the audience to identify with Israel (Exod 12–13), inset hymns encourage them to join in singing the song.[38] The situation in Balaam's oracles is different, since here it is a foreign prophet who recognizes that "YHWH . . . is acclaimed as a king among them" (Num 23:21). But the overall effects of these two explicit proclamations of YHWH's kingship reinforce each other: they model *responses* by natives and foreigners alike that recognize the implicit premise of the Pentateuch. By having the audience give voice to the premise of YHWH's kingship, the Pentateuch strengthens the impression it makes by leaving it implicit in the prose, namely, that this premise is widely shared in Israel, a fact that is even recognized by foreigner observers.

THE PENTATEUCH'S ENTHYMEME IN ANCIENT NEAR EASTERN CONTEXT

Instead of developing the political implications of divine kingship, the Pentateuch invests great effort in defining the people of Israel as the individual and collective subjects of the divine ruler. It makes that effort because ancient writers could not assume, as modern writers would, that hearers and readers would identify themselves as citizens, as part of a "body politic." The organization of ancient Near Eastern kingdoms emphasized individual relationships between members of the ruling classes. Power and obligation were maintained on the basis of personal loyalty between superiors and individual subordinates.[39] Ancient Near Eastern myths also por-

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(293–94).

[37] This is most evidently the case with victory hymns in the ancient Egyptian Piye Stela: see Watts, *Psalm and Story*, 213–14, 219; Weitzman, *Song and Story*, 17–36; Watts, "Biblical Psalms outside the Psalter," 299–300.

[38] Watts, *Psalm and Story*, 60–62; idem, "Biblical Psalms outside the Psalter," 306–8.

[39] M. Van de Mieroop, *A History of the Ancient Near East ca. 3000–323 BC*, 2nd ed. (Malden, MA: Blackwell, 2007), 259–60, 296–99; P.-A. Beaulieu, "World Hegemony, 900–300 BCE," in D.C. Snell (ed.), *A Companion to the Ancient Near East* (Malden, MA: Blackwell, 2005), 48–61.

trayed kingship as a function of personal relationships between individual deities and the human rulers they patronized, as does royal ideology in the Hebrew Bible (2 Sam 6; Pss 2; 110).

Ancient political ideologies were not monolithic. They changed over time and so did their projections onto the divine realm. Mark Smith has shown that ancient comparisons between gods evolved along with large-scale political realities. The empires of the Late Bronze Age compared and equated their pantheons because the emperors recognized each other as roughly equal, while Iron Age empires that claimed absolute supremacy credited similar supremacy to their national gods.[40] The Pentateuch's innovation in political theology therefore lay not in presupposing that YHWH is a king. Almost every national deity was depicted in royal terms. The Pentateuch's innovation lay rather in describing the subjects of that divine king individually and collectively as the people of Israel and, in some texts, as humankind as a whole (Gen 1–11).

Seth L. Sanders drew attention to the fact that this innovation was also fueled by Assyrian aggression in West Asia in the 9th and 8th centuries BCE.[41] Neo-Assyrian vassal treaties often addressed the peoples of subject states in the second person plural and called on them to respond in the first person plural. Thus Esarhaddon sealed a treaty not just with the king of Tyre but also "with all Tyrians, young and old."[42] The treaty that guaranteed the succession of his son Assurbanipal addressed the vassal rulers and inhabitants of his empire throughout in the second person plural.[43] One treaty consisted of a first-person plural oath by the citizens of Babylon

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[40] Against the intellectual baggage carried by the terms "monotheism" and "henotheism," Smith preferred Eric Voegelin's term, "summodeism," to describe worship of a supreme god as head of the pantheon (Smith, *God in Translation*, 168).

> In the perspective of these Mesopotamian empires, there is no equation or identification or parity of the empire gods. In turn, . . . translatability has no place in [Assyrian and Babylonian period] Israelite expressions of monotheism. . . None can compare to God (cf. Isaiah 40:18a; 25a; 26:45). Thus in the inverse expressions of Mesopotamian summodeism and Israelite monotheism, other deities are ultimately of little importance. At the end of the Iron Age, both contexts issue in expressions of non-translatability. . . the Bible uses the traditions of the empire ruling over Israel and Judah and establishes Israelite identity over and against it. . . The ongoing construction of the Bible over the course of the post-exilic period and into the Second Temple context signals a literary and religious victory opposite to Israel's political realities (ibid., 180, 183).

[41] S.L. Sanders, *The Invention of Hebrew* (Champaign, IL: University of Illinois Press, 2009), 120–22, 216.

[42] Parpola and Watanabe, *Neo-Assyrian Treaties*, text 5, line 1.

[43] Ibid., text 6.

swearing fidelity to Assurbanipal.[44] This Assyrian rhetoric was known in Judah, which accurately remembered it in the story of the Assyrian siege of Jerusalem during Hezekiah's reign (2 Kgs 18:28–35). Biblical writers combined this rhetoric of imperial treaties addressed to every member of society with a divine projection of the unrivaled emperor to describe the covenant between the Israelites and YHWH.

THE FUNCTION OF THE ENTHYMEME IN PERSIAN-PERIOD YEHUD

The many criticisms of human kings and of kingship itself in the Deuteronomistic History and the attacks on foreign alliances in prophetic books show that the political-theological problem of divine kinship was exercising Judean minds and literary imaginations in the 6th to 4th centuries when these books were being edited.

Unlike Assyrian and Babylonian political theology, however, Persian imperial rhetoric matches the Pentateuch's reticence by not using royal titles for the high god, Ahura Mazda. Neither Darius's Bisitun Inscription nor Xerxes's Daiva inscription use royal language for Ahura Mazda, nor do his one hundred names in Zoroastrian tradition include the element "king."[45] This pattern contrasts markedly with the titles of the Persian emperor, who was "the great king, king of kings." The Persian practice also deviates from earlier Babylonian rhetoric. Enuma Elish, for example, includes in the list of Marduk's fifty names number five: "He shall be lord of all the gods of heaven and netherworld, the king at whose revelations the gods above and below stand in dread."[46] The title "king" shows up in four other names of Marduk as well.

Nevertheless, Persian imperial rhetoric like the Pentateuch can depict the deity acting in a royal manner. Xerxes's Daiva inscription

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[44] Ibid., text 9.

[45] Jason M. Silverman summarized the distinctive portrayal of Ahura Mazda in Acheamenid rhetoric: "An important distinction to note is that unlike Marduk, Assur, or YHWH, Ahura Mazda was not a warrior god, nor even a younger deity who had usurped his father's role at the top of the pantheon. . . The Persians did indeed have martial deities, but Ahura Mazda was not one of them" (J.M. Silverman, "From Remembering to Expecting the 'Messiah': Achaemenid Kingship as [Re]formulating Apocalyptic Expectations of David," in J.M. Silverman and C. Waerzeggers [eds.], *Political Memory in and after the Persian Empire* [Atlanta, GA: Society of Biblical Literature, 2015], 428). Ahura Mazda's efforts instead are aimed at eliminating evil from the world, which Silverman argued introduced an eschatological orientation to ancient conceptions of kingship, including among Judeans. Smith observed that Vedic henotheism also did not employ political metaphors to describe deities (Smith, *God in Translation*, 168).

[46] Enuma Elish vii.140 in B.R. Foster, *Before the Muses: An Anthology of Akkadian Literature*, 3rd ed. (Bethesda, MD: CDL, 2005), 474.

concludes with exhortations to respect "the law that Ahura Mazda established." The enthymeme that leaves divine kingship unstated while nevertheless casting the high god as performing ruling functions, including law-giving and determining the outcomes of wars and national histories, may have been a characteristic feature of Persian rhetoric. However, the sources for imperial Persian religion are scant and ambiguous, so we have much less chance of tracing the role of the enthymeme there then we do in the Pentateuch in its Yehudite context.

Does pentateuchal prose then suppress explicit royal language for YHWH to make an implicit comparison or equation with Ahura Mazda? The use of "God of Heaven" in Ezra's report of Artaxerxes's edict (Ezra 7:12, 21, 23) demonstrates the appearance of this equation in Persian-period Yehud.[47] Other features of the Pentateuch also seem to be designed for the Persian imperial context. These include its avoidance of the topic of human kingship (except for the subordination of the king to the written Torah in Deut 17:14–20), its focus on priestly hierarchy, its celebration of Joseph as the uncompromising servant of both God and a foreign king, and, perhaps, its combination of all Judean legal materials into one contradictory document.[48] Leaving unstated the premise of divine kingship avoided raising the problem of God's relationship to human rulers in a time period when the status and nature of those rulers was shifting between Davidic dynasts and Persian governors, some of Judean ancestry (Nehemiah) and some not, and when Aaronide priests were consolidating their control over the temple, its hierarchy and, eventually, over Yehud as well. The Pentateuch takes only one decisive stand about these shifting power relationships: YHWH appoints the Aaronides to their preeminent position over the temple and over the interpretation of Torah (Lev 10:10–11).[49] The authority to appoint priests is also a traditional royal prerogative here assumed by the divine king. But this point is left implicit to avoid raising the question of God's relationship to other rulers or would-be rulers.

The unstated premise of God's kingship is therefore one more piece of evidence that the Pentateuch was shaped with some consideration for the Persian overlords, even if we cannot tell how that

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[47] L.S. Fried, *The Priest and the Great King: Temple-Palace Relations in the Persian Empire* (Winona Lake, IN: Eisenbrauns, 2004), 216, 223.

[48] See the essays in J.W. Watts (ed.), *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch* (Atlanta, GA: Society of Biblical Literature, 2001); as well as in G.N. Knoppers and B.M. Levinson (eds.), *The Pentateuch as Torah: New Models for Understanding its Promulgation and Acceptance* (Winona Lake, IN: Eisenbrauns, 2007); and K.-J. Lee, *The Authority and Authorization of Torah in the Persian Period* (Leuven: Peeters, 2011).

[49] J.W. Watts, "Scripturalization and the Aaronide Dynasties," *JHS* 13 (2013), 1–15, doi:10.5508/jhs.2013.v13.

interaction took place or how the Pentateuch's writers expected it to take place.

THE PENTATEUCH'S CONTRIBUTION TO POLITICAL THEOLOGY

Recognizing the Pentateuch's use of the unstated premise of YHWH's kingship has implications for recent discussions about the politics of the Pentateuch. Many modern scholars have argued that scripturalizing the Torah gave voice to more democratic or republican political ideals than those in other ancient Near Eastern societies. They take as their starting point the fact that the Pentateuch makes only one provision for a human king in Israel (Deut 17:14–20). Every Israelite commits themselves equally to the covenant (Exod 24:3, 7; Deut 5:2–3) and stands equally obliged to hear and obey the Torah's commands (Deut 6:4–8; 31:12–13).[50] The

[50] Some interpreters have claimed that the Pentateuch advanced democratic or republican ideas. Joshua Berman emphasized the Pentateuch's egalitarian depiction of Israelites as responsible for keeping the covenant, though he admitted that this stopped short of participating in government (J. Berman, *Created Equal: How the Bible Broke with Ancient Political Thought* [Oxford: Oxford University Press, 2008], esp. 169–75). Mary Douglas argued that the Pentateuch is "utterly republican in tone" and did not see its depiction of Aaron as contradicting that claim in any way (M. Douglas, *In the Wilderness: The Doctrine of Defilement in the Book of Numbers* [JSOTSup, 158; Sheffield: Sheffield Academic, 1993], 82). Geoffrey P. Miller read the entire history from Genesis through 2 Kings as a meditation on political theory through narrative analogy. For Miller, the covenant at Sinai depicts the original situation posited by social contract theory in which the Israelites must commit themselves to a polity without knowing what individual situations they will find themselves in when they reach the land (G.P. Miller, *The Ways of a King: Legal and Political Ideas in the Bible* [Göttingen: Vandenhoeck & Ruprecht, 2011], 144–50, 250–51).

Many other interpreters have focused less on the strictly political effects of the Pentateuch's rhetoric than on its expansion of interpretive authority. For example, Sanders (*The Invention of Hebrew*, 164) claimed that the Pentateuch's narrative depiction of covenant-making and law constituted those who read or heard it, the people of Israel, for the first time as a self-conscious public. Michael Walzer argued similarly that embedding law in narrative democratized the task of legal interpretation. He admitted that the priesthood "stands outside and against Israel's almost-democracy," but discounted this because of their limited authority in biblical stories (M. Walzer, *In God's Shadow: Politics in the Hebrew Bible* [New Haven: Yale University Press, 2012], 25, 201). Unlike most other exponents of the Pentateuch's political theology, however, Walzer also recognized that the reign of the Second Temple priestly dynasties "survived about as long as the monarchy had; it was the last of the biblical regimes, and probably not the worst" (ibid., 143).

Others have found contrary tendencies in the Pentateuch's political rhetoric. Jon D. Levenson differentiated in Israel's concept of kingship the idea of God's sovereignty in creation from the notion of God's

Pentateuch is therefore frequently cited as anticipating modern political theology.[51]

Recognizing the unstated premise of God's kingship in pentateuchal prose's problematizes such claims. The Pentateuch's enthymeme is situated firmly in the hierarchical politics of the Assyrian and Persian empires where addressing collectives and individuals as obliged by the vassal treaties served to strengthen imperial claims. This Iron Age political rhetoric performed the same function in the Pentateuch on behalf of the imperial deity. Its presuppositions resolved the problem of multi-generational obligation in both vassal treaties and Torah. YHWH, however, did not need to worry about succession. While vassal treaties fell into abeyance with the death of the emperor or, at most, his successor, Israel remained eternally obliged to the Torah of its living God. The kingship of God therefore lent divine permanence to a covenant that would far outlive the political commitments codified by treaties.

That this political rhetoric did not generate democratic or republican tendencies is evident from Israel's ancient history. Torah was scripturalized in Yehud and Samaria when Aaronide priests controlled their temples and, increasingly, gained political influence as well. In Yehud, they eventually became priest-kings. While Athens created its democracy and Rome developed its republic, Jews became famous for being ruled by priests.[52] It is not a coincidence that the Aaronide priesthood is the only human hierarchy established by pentateuchal law, aside from the judicial sys-

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suzerainty through the covenant: the former fits comfortably with human kingship while the latter rejects any rule but that of the divine overlord (J.D. Levenson, *Sinai and Zion: An Entry into the Jewish Bible* [Minneapolis, MN: Winston, 1985], 71–74.). Mark K. George sharpened this distinction by contrasting the sovereign deity of Exodus who rules the world by right of creation and the suzerain deity of Deuteronomy who rules Israel by right of conquest (M.K. George, "The Sabbath, Regimes of Truth, and the Subjectivity of Ancient Israel," in R.A. Simkins and T.M. Kelly [eds.], *Religion and Identity* [Journal of Religion and Society Supplement, 13; Omaha, NE: Kripke Center, 2016], 5–21 [15]). However, I find reflections of both the sovereign and suzerain conceptions of divine kingship in all of the Pentateuch's major sources.

[51] Similar claims can and have been made for other ancient Near Eastern polities and texts. For example, see T. Jacobsen, "Primitive Democracy in Ancient Mesopotamia," *JNES* 2 (1943), 159–72; D.E. Fleming, *Democracy's Ancient Ancestors: Mari and Early Collective Governance* (New York: Cambridge University Press, 2004).

[52] Steve Mason has suggested that Josephus wanted to present the Jewish theocracy as a superior constitution to the polities of the Greeks and Romans (S. Mason, "The Importance of the Latter Half of Josephus' *Jewish Antiquities* to his Roman Audience," in A. Moriya and G. Hata [eds.], *Pentateuchal Traditions in the Late Second Temple Period* [Leiden: Brill, 2012], 130–53 [152–53]).

tem (Exod 18:24–26) which is sometimes also overseen by priests (Deut 17:9).[53]

Only in the last centuries of the Second Temple period did Jewish culture begin to exhibit a more wide-ranging culture of Torah interpretation that would come to its fullest expression later, in Rabbinic Judaism. Another one thousand years passed before the biblical covenant began to inspire contract-based political organizations, first in medieval Jewish communities and then in early modern political theory.[54] The Bible may therefore be credited with influencing later social-contract theory and constitutionalism, but not democracy.[55] The contents and history of the Pentateuch indicate that its authors and editors did not have democracy in mind.

The political problem that did obsess biblical writers was the legitimacy of human rulers under a divine king. They took various positions on this issue and once even narrated a political debate over exactly this point (1 Sam 8; 12). The Pentateuch's writers, however, abstained from this debate. They left the premise of divine kingship unstated while utilizing its implications to establish Israel's multi-generational obligations to God under the covenant. They provided Aaronide priests a monopoly over ritual practice and Torah interpretation while remaining neutral about other ruling hierarchies in Israel. They bequeathed to later interpreters the problem of how to remain loyal to the divine monarch while living under human rule.

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[53] Exod 25, 28; Lev 8–10, especially 10:10–11. See J.W. Watts, "The Rhetoric of Priesthood," in idem, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (Cambridge: Cambridge University Press, 2007), 142–72. Deuteronomy's language of "levitical priests" does not necessarily indicate another priestly hierarchy, despite the long tradition in historical criticism of interpreting it that way. At any rate, the genealogies of Chronicles harmonize all legitimate Israelite priests into the descendants of Aaron and so accommodate the rest of the Hebrew Bible to P. The Pentateuch refers to other groups, such as elders (e.g., Exod 24:9; Deut 22:15–19) and "princes" (Num 7:10), in addition to its one mention of an Israelite king (Deut 17:14–20), as current or possible leaders in Israel, but it does nothing to establish them within the covenant in the way that it does the priests.

[54] D.J. Elazar, *The Covenant Tradition in Politics*, 4 vols. (Piscataway, NJ: Transaction, 1995–98); E. Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge, MA: Harvard University Press, 2011).

[55] Similarly, B.M. Levinson, "The First Constitution: Rethinking the Origins of Rule of Law and Separation of Powers in Light of Deuteronomy," *Cardozo Law Review* 27 (2006), 1853–88; and, despite the title of his article, J.-L. Ska, "Biblical Law and the Origins of Democracy," in W.P. Brown (ed.), *The Ten Commandments: The Reciprocity of Faithfulness* (Louisville, KY: Westminster John Knox, 2004), 146–58.