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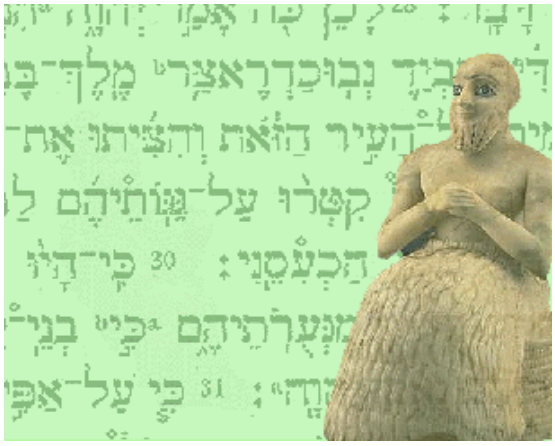

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**MARK A. CHRISTIAN,**

## PRIESTLY POWER THAT EMPOWERS: MICHEL FOUCAULT, MIDDLE-TIER LEVITES, AND THE SOCIOLOGY OF "POPULAR RELIGIOUS GROUPS" IN ISRAEL

# PRIESTLY POWER THAT EMPOWERS: MICHEL FOUCAULT, MIDDLE-TIER LEVITES, AND THE SOCIOLOGY OF "POPULAR RELIGIOUS GROUPS" IN ISRAEL

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## PREFACE

The present essay does not set forth a Foucaldian model through which biblical data is systematically run in order to test its applicability for research.[1] In Part 1, where the analogy of electronic circuitry is deployed, I intentionally apply some of the power principles of Michel Foucault (1926–1984) prior to their fuller delineation in Part 2. This makes possible the gradual introduction to 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. If it also has the effect of encouraging readers to read both sections that would be a happy though unintentional eventuality.

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 ideas about power have no referent. The fact that his works do not to my knowledge reference priests or biblical texts makes it necessary to work by analogy. Part 1 will make selective use of his work, applying it fairly organically to the close reading of certain

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[1] This study originated at the 2006 Annual Meeting of the Society of Biblical Literature in Washington, D.C. in which my interest in Michel Foucault and the Levites was piqued by a passing remark made by sociologist David Chalcraft. 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.

I would like to thank Jeremy M. Hutton, Raymond F. Person, Jr., and James W. Watts for reading portions of the penultimate draft of this paper in late 2008.

texts in Deuteronomy, namely Deut 17:14–20 or "the law of the king."[2] First however, the reader is provided an introduction designed to set the stage for analyzing religiopolitical power dynamics in Israel according to the basic categories of official and popular (religion). We begin by acknowledging the inclusion of traditions in Israelite literature that fall outside the lines of what is generally expected.

## INTRODUCTION

### 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. A theological example of this might be the debate between Job and his traditionalist friends. Job challenges their rehearsal of the dominant theology, which basically runs "bad things only happen to bad people;" a 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-only household in the cold (Numbers 26–27); the prophet Jeremiah's support of a government clearly hostile to his own, especially during a time of national crisis (Jeremiah 27–28), 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 is capsized.

Although each of these examples may be interpreted in a variety of ways, they nonetheless contain elements that on some level present a challenge to the majority, traditionalist view. In view of the fact that the production of literature in the ancient world was a complex and costly enterprise, the inclusion of marginalized viewpoints gives one pause. Editorial decisions may impact the theme a single pericope as well as the contours of an entire corpus. During the complex traditioning process these *tradita*[3] 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. The circumstances surrounding their survival and integration into the literature are legion.[4] A dynamic often

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[2] Part 2 also includes analysis of Deuteronomy 17, and in §2.9, of 1 Kgs 12:1–19.

[3] Cf. Douglas A. Knight, *Rediscovering the Traditions of Israel*, 3rd edition (Atlanta: Society of Biblical Literature, 2006), 9–16 *et passim*.

[4] 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; cf. 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), 567–608.

overlooked when considering ancient redactors' editorial principles is the reticence to substantively alter venerated traditions.[5] This holds true especially regarding written traditions.[6]

A basic premise upon which this study is based is the conviction that during the eighth through the sixth centuries (thus from the second half of Iron II into the Babylonian period) Levites served as middle-tier cultic specialists subordinated to regional, elite peers. 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. Having already experienced an increase in status in sixth-century Babylon,[7] they found themselves infiltrating more elite circles among the governing and priestly classes of Israel.[8] An important

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[5] Cf. Jean Louis Ska, "A Plea on Behalf of the Biblical Redactors," *ST* 59 (2005): 4–18.

[6] Alan R. Millard, "La prophétie et l'écriture: Israël, Aram, Assyrie," *RHR* 202 (1985): 125–44, 126–28. I would like to thank Professor John Kessler for making me aware of this seminal essay.

[7] See below, §2.10. Note as well that around the middle of the sixth-century Babylon witnessed the preaching of a prophet-teacher (cf. Isa 50:4) that proclaimed Cyrus the Persian as the coming Messiah (45:1; "my shepherd" in 44:28).

[8] Thomas C. Römer (*The So-called Deuteronomistic History: A Sociological, Historical and Literary Introduction* [New York: T & T Clark, 2005]) 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 (ibid., 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 advocates for 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 attitude belongs more to fifth- than eighth-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 Deuterono-

phase in their rise coincides with Nehemiah's activity in Jerusalem during the second half of the fifth century (cf. the key text of Nehemiah 8), a time that witnessed an increase in cultic activity.[9] For some this meant a move away from the so-called "levitical towns" to larger centers that maintained a closer relationship with the region's capital, aptly described as "the point of convergence and irradiation of a larger and more complex organism."[10] Here some Levites found opportunity to involve themselves in "official" administrative matters on a higher level.[11] Participation in major cultic events can be assumed, so also involvement in the formulating and writing of sacred literature in combination with Zadokite-Levites and Aaronite-Levites.[12]

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mists" 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 Aaronite-Levites.

[9] Cf. Reinhard Achenbach, "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, 33–34.

[10] 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 Aramean kingdoms of Syria and Transjordania). 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), 91–92.

[11] 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.

[12] The era saw the increased involvement of Aaronite-Levites in Jerusalem. Leviticus 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 Leviticus 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

Probably already in the eighth and certainly during the seventh century, and as part of the general increase in literacy at that time, many Levites acquired the requisite scribal ability and historical and theological knowledge needed of those compiling traditions and participating in the preliminary production of portions of the Hebrew Bible. The Levite's own contributions include minority views that further the interests of the laity[13]—which may therefore be described as populist or popular—over against the views of their more elite "brethren,"[14] for example the Aaronite-Levites and Zadokite-Levites,[15] both of whom would play major roles in the

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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 Aaronites 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, so 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. 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); cf. 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. Both Deut 18:1–8 and the book of Malachi postdate and arguably stand in opposition to Ezekiel 44 and P (Schaper, op. cit., 182). Although his reasons are not altogether clear (cf. ibid., 181,186) we may follow Schaper in concluding that the dissenting views in Malachi are not those of Levites. It may be that the dissenters are a circle of Zadokite-Levites who include in their program of opposition to the official religion of their mainstream colleages a problematic recognition of the fifth-century, levitical mission. Showing solidarity with Levites could bring the elite dissenters needed support among lay leadership. A reciprocal relationship may be assumed, since one prerequisite for the Levites' rise in status would be to win supporter among their elite peers. That the Levites could become full altar priests at this late period is however to be doubted (so Grabbe, op. cit., 91, who affirms the dispute in Malachi is intrinsic to the priesthood, "a critique of the priesthood from the inside").

[13] The reciprocal relationship between Levites and the general population is discussed below; see, e.g., §1.5; §2.8.

[14] Cf. אחיהם 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 earlier times.

[15] 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 Aaronites and Zadokites are called levitical priests; cf. Horst Seebaß, "Levit/Leviten," *TRE* 21 (1971–): 36–40, 37; Chronicles relates Levites and Aaronites; cf. Gary N. Knoppers, *1 Chroni-*

profiling of "official religion."[16] During preexilic times Levites had

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*cles 10–29: A New Translation with Introduction and Commentary* (vol. 12b of AB; New York: Doubleday, 2004), 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 Aaronite-Levite would not however apply to the author(s) of Leviticus 17–26 (see below, n. 219; for a brief reconstruction of the merging of Levite, Zadokite, and Aaronite in the fifth century, see 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), 260; cf. Joachim Schaper, *Priester und Leviten im achmäenidischen Juda* (vol. 31 of FAT; Tübingen: Mohr Siebeck, 2000), 279–80; note Schaper's reference to the "levitical-Aaronite priesthood" in idem, "Aaron," in *RGG*[4] (Tübingen: Mohr Siebeck, 2002), 1: 2–3, 2. 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 current 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. Aaronite-Levites and Zadokite-Levites constitute priestly factions that lay claim to elite status, a status that Levites seldom if ever attain. The nomenclature attempts to categorize sociopolitically, historiographically, and finally quasi-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?," *ZAR* 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 review article of same, "Die Zadokiden--eine Sekte aus hasmonäischer Zeit?" *ZA(B)R* 13 (2007): 271–76. For the importance of the Aaronite 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 essay seems justifiable in view of the pronounced emphasis on Deuteronomism.

[16] One priestly faction's official doctrine could run counter to another. If both groups were elites, as in the case of Aaronite-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,*

recourse to promoting their perspectives (1) somewhat cryptically through smaller scale literary production, often lacking "literary clout" because of their hinterland location (and likely stigma) and/or (2) through the collation and preservation of primarily oral traditions some of which saw partial *Verschriftung* in their own, unfinished written materials that would only later—if at all—see publication in an official literary project based in the capital or one of the larger cities. The viability of the oral-written continuum helped ensure the survival of many of these traditions, which Levites (and their supporters from various societal strata) beginning with the fifth century would have more opportunity to see to their inclusion in the "official literature" produced in Jerusalem.[17] Moreover, the scribal and interpretative techniques used during this time of increased literary output were shared by both priestly and prophetic circles.[18] Although Otto is correct to note the hermeneutical divergence between postexilic priestly and prophets,[19] the line dividing the groups should nonetheless remain somewhat fluid.[20]

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606–07 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 below.

[17] Cf. the survival and later publication of the Jeremianic materials, some of which would have been viewed as treasonous in the early years of the sixth-century BCE.

[18] Eckart Otto, "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, 176, 178.

[19] "The hermeneutics employed by the prophetic schools in postexilic times was entirely different from Priestly hermeneutics of the Pentateuch. 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 von nachexilischen Priestern und Propheten [Review Article]," *ZA(B)R* 13 [2007]: 261–70, 268–70.

[20] See below, n. 85.

## "Popular Religious Groups" and Official Religion in Israel

The attribution of streams of thought to authorial circles believed responsible for perpetuating a particular circle's views constitutes a common practice within biblical scholarship. Sociological approaches tend to lean in the direction of delineating religious factions.[21] One method of conceptualizing difference is to differentiate between official, centralized groups and more decentralized, populist factions on the other. The tendency to overdraw the lines of distinction between official[22] and popular religion,[23] however should be avoided. In some contexts it may best to speak in terms of popular religious *groups*.

## Conceptualizing Heterodox Religion in Israel

The Hebrew Bible offers numerous examples of popular or indigenous religious praxis within Israel proper.[24] Expressions of heterodoxy derive from both leadership and general populace and remain difficult to delineate. 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.[25] J. Berlinerblau accordingly suggests we envision "popular religion" as composed of "heterodox social movements."[26]

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[21] 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.

[22] Prior to the 1970's the majority of scholarly works treating Israel's religion concerned themselves primarily with the "official" dimension (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.

[23] The term "popular religion" defies simplistic definition. With no current consensus on its meaning it may be advisable to leave it in quotations (ibid., 19).

[24] Consider, e.g., devotees of the Queen of Heaven (Jeremiah 44); those that venerate teraphim, usually translated "household gods" (Gen. 31); 1 Kgs 11:7 describes Solomon building "a high place for Chemosh the abomination of Moab"; Jer 32:35 condemns the Israelites' "high places of Baal 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 Maacah for fashioning a מפלצת, a contemptible image to the goddess Asherah; Manasseh erects altars for Baal, worships, and serves all the host of heaven (2 Kgs 21:7).

[25] *Vow*, 22.

[26] 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"

## Official Religion

"Official religion" seeks to obtain and maintain *de jure* status that provides advantages such as prestige, legitimacy, and stability within a competitive environment that can easily spiral into a maelstrom of religious factionalism. Competition between factions is not necessarily destructive, however, as it actually plays a positive role in shaping the political and theological contours of the "official religion." Even when sharp internal conflicts erupt within their ranks, "official religions" tend to form barriers around themselves to protect against aberrancy. When one of its internal factions pushes the envelope too far and threatens the survival of the conglomerate, an individual or group within the "official religion" rises up to condemn the schismatic group as heretical. A secure border is thereby established and reinforced.[27] 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.'"[28] This state of affairs leads Berlinerblau to characterize "official religion" as both a single and multiform alliance.[29]

## Official Religion as a Network

It will be helpful in the remainder of this study to think in terms of a complex network of greater and lesser powers feeding—to use current electronic terminology—from *both* central and local circuits[30] to the desired destination(s). To be sure, considerable difference obtains between electronic circuitry and human interconnections, since with the latter the data (a) moves infinitely more slowly through the line (especially in premodern contexts!) and (b) changes as it proceeds. The strength of the "connection" to the original or secondary "source" varies, and in most instances the feed in a "human circuit" or social body (Foucault[31]) weakens,

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(ibid., 22).

[27] 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 that begin with the nurturing of feelings of resentment and culminate in a radical reaction that might include insurgence. The insurgence might take the form of the production of polemical, protest literature, or, in more extreme situations, expressions of violence (ibid., 23).

[28] Ibid., 22.

[29] *Vow*, 22. Berlinerblau does not treat the competition between Israelite and Neo-Assyrian religion, for which see E. Otto; see his *Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien* (vol. 284 of BZAW; Berlin: de Gruyter, 2000), 374.

[30] A combination of central and local circuitry is used in modern protection systems in which 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.

[31] Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972–1977* [ed. C. Gordon; New York: Pantheon Books, 1980], 119; see

sometimes resulting in a break in the flow of information (cf. a "break[down] in communication").

Within the network of "official religion" no small effort is expended to maintain the connection.[32] To be sure, the human carrier of the commissioned message who transmits it to another within the network may modify the message[33] as the situation demands. As representatives of the official religion, commissioned messengers along the chain should be (1) knowledgeable of the jurisprudence inside and outside[34] of the realm, (2) fluent in the official

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also §2.7.

[32] Formulas are often used to promote loyalty to the sovereign and/or dominant doctrine; cf. the messenger formula "thus says …," ubiquitous in the ancient Near East. In a distinctive formulation appearing over a hundred times in Ezekiel (which suggest a Zadokite-Levite preference for it) in Ezek 44:9: "Thus says the Lord God (כה־אמר אדוני יהוה): No foreigner, uncircumcised in heart and flesh, of all the foreigners who are among the people of Israel, shall enter my sanctuary (מקדשי)."

[33] Even if the message were a written document bearing the seal of the original sender the messenger would still contextualize that message to some degree. Depending on the recipient of the message, the messenger might well have to read, perhaps translate the document.

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 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).

[34] Cf. Bernard 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 authors 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 perhaps specialize in genealogies, or international law. Such a 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. His is a crucial communicative link between national

doctrine, (3) conversant with dissenting (cf. "popular") views, and (4) dedicated to disseminating those beliefs thought to be essential tenets of the official doctrine. Commissioned messengers within the official religion network must be specialists. Indeed,

> "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.'"[35]

For the sake of terminological clarity, the present use of the term "specialist" connotes individuals who through training acquire specific knowledge of—though not necessarily mastery in—a particular subject. Levitical priests, for example, remain specialists even when lacking consummate expertise in each of the intersecting disciplines within the broader scope of their profession.[36] It is reasonable to assume that the elite cultic personnel to which we often refer benefit from more extensive training in elite guilds. Be that as it may, clerical elites often obtain elevated status through means other than expert knowledge and skilful performance! Thus caution is in order when positing intellectual or qualitative differ-

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and international networks. 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 Vladamir 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). Whereas Ezra's account of the Persian sovereign's largesse and fear of *Yhwh* may lack historicity, it brims over with political shrewdness, benefiting both Ezra and his torah campaign.

[35] *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, the definition privileges belief-oriented religion at the expense of the more ritually oriented religions of the ancient Near East; third, one should also avoid focusing on the intellectual at the expense of the skilful dimensions of specialization. The Kenites and (according to 1 Chr 2:55 and reading "Rechab" with LXX in 1 Chr 4:11 closely linked) Rechabites (cf. Jeremiah 35; cf 2 Kgs 10:15–27) were itinerant specialists in metallurgy in Israel. Several aspects of Gottwald's characterization of these craftsmen 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).

[36] Whereas the writer is a specialist in certain aspects of the thought of Michel Foucault, one would look elsewhere for mastery.

ence in the competency and skills of the elite priests on the one hand, middle-tier priests on the other.

In the following we will explicate the concept of specialized knowledge, considering the critical role it plays in the circulation of power. We will also demonstrate how tensions between more and less official Israelite religion and their advocates, the elite Zadokite-Levites and the middle-tier Levites, respectively, find clearer delineation through the deployment of aspects of the sociophilosophical thought of Michel Foucault. The primary biblical text to which certain Foucaldian notions are applied is Deut 17:14–20, the "law of the king." Particular attention is paid to the roles priests play in the distribution of power that issues from the focal point of authority, for example from a realm's sovereign.

## PART 1

### 1.1 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,[37] a point on the temporal grid around which scholars tend to congregate.[38] Whereas a preexilic onset leads in the direction of the reign of King Josiah, a beginning in the Hezekian period[39] should not be discounted altogether.[40] But

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[37] 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, it is important to remember that priest-scribes involved themselves in the literary production of much of the material in the Hebrew Bible.

[38] Römer, "Transformation," 2; cf. Konrad Schmid, "Hatte Wellhausen Recht? Das Problem der literarhistorischen Anfänge des Deuteronomismus in den Königbebüchern," 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."

[39] Cf. Ansgar Moenikes, "Das Tora-Buch aus dem Tempel: Zu Inhalt, geschichtlichem Hintergrund und Theologie des sogenannten Ur-Deuteronomium," *ThGl* 96 (2006): 40–55, 53–54 *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 22–23, 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 Josianic History Work (cf. 2 Kgs 23:25a). From the time of Hezekiah to Josiah (i.e.,

does eighth- or seventh-century Judah provide the circumstances conducive to extensive dtn literary activity? Many scholars nowadays consider Persian period Jerusalem the most probable environment for literary production on a large scale. Consequently, preserving the notion of preexilic literary production now probably requires a reduction in scope, namely, of thinking in terms of a *preparation* of materials.[41]

### 1.2 Priest-Scribes and Schools

The eighth and seventh centuries witnessed a modest augmentation of a preexisting core of Israelite traditions. Priest-scribes[42] initiated

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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: Jahwegesetz oder Mosegesetz? Die Subjektzuordnung bei Wörten für 'Gesetz' im Dtn und in der dtr Literatur," *ThPh* 65 (1990): 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, 57–56.

[40] Ben Zvi, "Josiah and the Prophetic Books," 57–56. It appears that King Manasseh may deserve credit for certain "reforms" beneficial to Judah as well; cf. 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).

[41] Preparation and collection assuredly included the critical appraisal of traditions. Would traditions that do not fit 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 2:2–3). 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."

[42] 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 Levite supporters who look to Moses for their priest-prophet forebear. Wolff references Judg 18:30 as evidence connecting Moses and early Levitism. 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 dubious elements in

a preliminary collation of tradition strands—the selection and collating constituting acts of interpretation[43]—with the goal of building up a coherent narrative of Israel's history.[44] Although the re-

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v. 30 derive from the revising pen of the Levites' detractors, the Zadokites: "und die Bearbeiter sind wohl wahrscheinlich die Sadokiden" (p. 80). For Stephen L. Cook, "The Lineage Roots of Hosea's Yahwism," *Semeia* 87 (1999): 145–61, Judg 18:30 indicates the Levites' activity at the Dan sanctuary continued through the fall of Israel (cf. n. 111 below); 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 that 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 Reinhard Achenbach, "Levitische Priester und Leviten im Deuteronomium. Überlegungen zur sog. 'Levitisierung' des Priestertums," *ZA(B)R* 5 (1999): 285–309, 288.

There are, however, textual problems with the reference to Moses in this verse over which later literati clearly scrupled. *Nun suspensum* was consequently added to the original מֹשֶׁה, producing the anomalous מְנַשֶּׁה, 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, had long ago ascribed the alteration to pre-dtr hands. He begins his fêted section "Mose als Ahn der Priester. Die Erzählungen von der Eroberung Palästinas. Der geschichtliche Stamm Lewi in Qadeš" (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'" (Exod 6:19; Num 3:20).

[43] Cf. 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, 320.

[44] Raymond F. Person, Jr., *The Deuteronomic School: History, Social Setting, and Literature* (ed. D. Olson; vol. 2 of SBL Studies in Biblical Literature; Leiden: Brill, 2002). 28. I know of nothing that disqualifies the thesis that the gathering, preserving, and developing of earlier (primarily oral but also some written) traditions occurred in 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

ported discovery 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,[45] it may in reality point to an onset of a project patronized by a Judean sovereign, a project that would fall into desuetude during shifts of power only to be picked up again, expanded, eventually culminating in the sprawling, interconnected "Deuteronomistic Histories" that span the Enneateuch.[46]

As for the notion of a Deuteronomic[47] "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,

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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, biblical 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 that the Pentateuch contains "some material written in the ninth century" (ibid., 315).

[45] Achenbach ("Die Tora," 36) maintains the "late dtr Bearbeiter" of 2 Kgs 22—23 considered the *sefer* found by the priest Hilkiah (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.

[46] On the plurality of deuteronomistic histories, see 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, especially 208–11.

[47] 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 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 and priest-prophets involved in deuteronomic and deuteronomistic projects.

> I prefer to talk about the origin of the Deuteronomic school in the 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.[48]

Person's caution is commendable. He defines his "school" as a guild that originates in the bureaucracy of the monarchy.[49] Guild

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[48] Person, *Deuteronomic School,* 28.

[49] 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 *Civilizations of the Ancient Near East* [ed. J. Sasson; New York: Scribner, 1995], 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). Not all scribes had wealthy patrons. Similar to the Levites, middle-tier scribes' 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. Wente adds the detail that scribes tend to be well liked by villagers (ibid., 2219). That examples of an 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. The Ramesside community of Deir el-Medina thus experienced a scribal power that empowers.

The status of Mesopotamian scribes appears to be higher, doubtless due to the extensive training required to learn sign-forms and their multiple phonetic readings. The students' native languages are often Assyrian or Amorite. This suggests that their formal training, which likely begins with an introduction to Sumerian, is multilingual from the start, which in turn suggests that these students had already received preliminary training. Tablets from the Old Assyrian trading colony at Kanesh (modern Kūltepe) demonstrate the cuneiform literacy of some merchants. 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 remain low-level administrators.

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-millenium ephemeride texts); cf. Laurie E. Pearce, "The Scribes and Scholars of Ancient Mesopotamia," in Civilizations of the Ancient Near East (ed. J. Sasson; New York: Scribner,

members receive training and then in turn train others.[50] 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 survived over time as they passed through the literary network, sometimes congealing and ossifying, other times undergoing radical alteration to the point they no longer qualified as "official,"[51] possessed a certain resiliency. They might owe their

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1995), 2265–78, 2265–74. The scribal craft is 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* [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, visionaries, archivists, and astronomers. 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.

[50] This however suggests that scribal skill did not always in fact 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) suggests 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 of 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 Chronicles 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 urban 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).

[51] That is, the traditions had lost their official contours, thereby lead-

survival to their perceived antiquity and/or wide distribution, having influential advocates, or alleged official derivation.

### 1.3 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 centuries one looks to the peripheral priest-prophet movement.[52] We envision itinerant literati—whether priests, scribes, prophets—or a combination of all three[53]—connected indirectly to an urban center such as Jerusalem.[54] Officials with significant status would serve in the larger cities and thereby remain more closely connected to the official dogma emanating, ultimately, from the center of national power.

#### *1.3.1 Iron II Cities and Towns*

In a forthcoming monograph Douglas Knight[55] differentiates between four types of cities in Iron II Israel,[56] each type functioning in different 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 plan-

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ing to a "break in the circuit."

[52] E. W. Heaton, *The School Tradition of Old Testament: the Bampton Lectures for 1994* (Oxford: Oxford University, 1994), 177, suggests the survival of the oracles of prophets such as Amos, Micah, Isaiah, and Jeremiah began with the "sympathetic attitude of the schoolmen which ensured the preservation and transmission of their oracles." Selection later came to be based on loyalties to either individual prophets/teachers, or groups that shared similar values and theological ideas. Selection and categorization might also be carried out on the basis of general similarity, including genre. On both pragmatic and subjective bases school traditions came into view (cf. ibid., 184–85). For arguments in favor of the existence of an eighth-century "Ephraimite School," see Rofé, "Ephraimite."

[53] 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.

[54] Elite scribes who were not cultic personnel would most likely remain close to urban centers. Middle-tier scribes would as a matter of course supplement their income. See above, n. 49.

[55] Douglas A. Knight, *Law, Power, and Justice in Ancient Israel* (Louisville: Westminster John Knox Press, forthcoming).

[56] Precise chronological dating continues to elude scholars. An advocate of late chronology, Israel Finkelstein now dates the transition from Early to Late Iron I to 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 assumes however the common dating of Iron II to the period between 900 and 600 BCE.

ners of larger cities often designate portions of the city as non-residential space[57] the actual population of the city does not necessarily exceed that of a *residential town*.[58] 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 the second type of city. In contrast to 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.[59] The *capital cities* of Samaria and Jerusalem constitute Knight's fourth site category.

That the sovereign's architects reserve less than twenty-five percent of the built-up area of royal cities for residential use[60]—capital cities would not reserve any more—indicates that the major urban centers for all practical purposes remain completely out of touch with the needs of the general populace. These power centers are thus quite dependent upon middle-tier officials to provide the communicative link between them and the many inhabitants living in the numerous residential towns. Local administrative cities may function somewhat in this capacity as well. It may be helpful here to envision an outer network of villages, residential towns, and local administrative cities on some fronts functioning somewhat independently from the inner network of royal and capital cities. The electronic analogy of local and central circuitry introduced

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[57] 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 is determined to a significant degree by the function of a given city (cf. Knight, *Law, Power, and Justice*, forthcoming).

[58] 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., forthcoming).

[59] 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., forthcoming).

[60] Ibid., forthcoming. I wish to thank Douglas Knight for graciously providing a prepublication portion of his forthcoming monograph while I was completing this study. More extensive interaction with this landmark study would have no doubt added clarity to aspects of my thesis regarding the middle-tier Levites' role in Israel's complex, power distribution network.

above[61] is 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), thereby linking outer and inner sites. As we will see, the distribution of power to the general population would require an efficient yet adaptable communication network.

Specialists among the high provincial officials would likely remain in larger cities, sojourning in *residential towns* only seasonally, if at all. It would fall to middle-tier specialists to frequent the "sanctuary circuit," perhaps bringing with them an abridged code of legal and sacral regulations (cf. Ur-Deuteronomy, the Decalogue,[62] parts of the Covenant Code, etc.)[63] and a few writing materials with which to teach or tutor local hopefuls aspiring to part-time "employment" as literate, semi-specialists.[64]

### 1.4 Reconceptualizing the "Israelite School"

On one level, one can designate all literary activity 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. The concept of a "school" should therefore be broadened to include intermediate, less sophisticated instructional contexts with the potential of producing a circle of literates.[65] The

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[61] See the subheading "Official Religion as a Network" in the Introduction and n. 30.

[62] 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).

[63] Carr (ibid., 134–35) suggests that education-enculturation in Israel would have also incorporated "more tradition material," well-known, *available* documents from surrounding peoples. The influence of Near 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 Deuteronomic 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 a scribal formula originating outside of Israel (Carr, *Writing*, 136).

[64] Talented and ambitious students might be given 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.

[65] The degree of literacy and literary competency would vary considerably. Wente ("Scribes," 2214) tells of boys from middle-income families attending schools and subsequently landing prestigious positions in the officialdom of New Kingdom Egypt. Instances of female literacy are few, often having to be inferred. Children of people 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 surpris-

first texts introduced in the small-scale "school" connected to the Israelite circuit would include some or all of the following: brief narratives, condensed legal texts (cf. the Decalogue, Dodecalogue, or a similar summary[66]) rudimentary sacral regulations, traditional poetry and hymns, and perhaps some genealogical material.[67] The description of the circuit judge/priest/prophet Samuel[68] making the rounds at regional centers leaves the impression of the existence of an interconnected series of stops that present opportunities for indoctrination. In addition to judging and cultic officiating, a several day stay would enable extended discussions with local elders[69] and the (continued) schooling of local arbiters and cultic assistants.[70] Heads of households have a hand in the supervision of these local training centers, which include the training of artisans

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ingly, literacy levels were higher in major administrative centers (ibid.).

[66] Legal abridgements such as these circulating among Yahwists prior to the fifth century may not have always carried 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 that "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.).

[67] The formal teaching of history was unlikely.

[68] In light of his multiple competencies, Samuel likely represents an amalgamation of a several officiants. Moreover, that he appears to operate independently of institutions makes him an ideal political and theological intermediary for those whom he serves while traveling the sanctuary circuit. The similarity to the aspects of the Levite *Gestalt* is difficult to miss.

[69] The elders themselves function as mediators of the transmission 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 nonetheless accurately reflects a general dynamic in the transmission of instruction from cultic personnel to local leaders; cf. Achenbach, *Die Vollendung der Tora. Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Pentateuch und Hexateuch* (vol. 3 of BZAR; Wiesbaden: Harrasowitz, 2003), 631: "Daneben sind für ihn die Ältesten Israels wichtige Mittler der Überlieferung (Deut 31,9–13)." Verse 12 suggests 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.

[70] Useful contemporary analogies might include part time clergy and justices of the peace.

and craftsmen whose work contributes significantly to the community.[71]

### 1.5 The Itinerants' Task and Sociopolitical Balancing Act

The impact of teachers—including visiting specialists—on their audience can be considerable. With a portion of the peripatetic's livelihood doubtless depending on their relationship with their constituents one would expect to see not only the contextualizing of the message but also the making of (local) concessions. The itinerant hoping to retain his status as an official representative however would need to at least appear to be fulfilling their official commission,[72] since they were answerable to their regional superiors. They would also remain vigilantly proactive in an effort to forestall unfavorable reports on their activities by their superiors and/or competitors.[73]

Itinerant teachers may have provided some villages, even regions, their first real introduction to what they and others would come to consider classical Israelite traditions.[74] The presentation would have varied from matter-of-fact readings of official diktats to inspired sermons and authoritative, legal pronouncements.[75]

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[71] James Crenshaw, *Education in Ancient Israel: Across the Deadening Silence* (New York: Doubleday, 1998), 86–87.

[72] Pierre Briant, *From Cyrus to Alexander: A History of the Persian Empire* (trans. Peter T. Daniels; Winona Lake: Eisenbrauns, 2002), 344–45, reports that while Persian satraps and/or 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.

[73] 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 or rebellion to the king (Briant, *Cyrus to Alexander*, 344). Persians were adept at the art of "divide and rule," utilizing all available means to bring problematic officials into discredit; cf. M.A. Dandamaev, *A Political History of the Achaemenid Empire* (trans. W. Vogelsang; Leiden: E.J. Brill, 1989), 256. Cf. Josephus *Ant*. 10.251–56 (Daniel betrayed by envious Persian officials).

[74] First of all, not all Israel could attend an official reading of "the law." Secondly, the description of the Levites' interpretative participation in Neh 8:7–9 without question makes punctiliar what in reality was an ongoing and diffused ministry of promulgation and teaching. The authors of this pericope wish to portray Levites disseminating doctrine in close cooperation with central power. Although the text manifests the increasing status of *some* Levites (e.g, those mentioned by name in Nehemiah 8; a passage like Ezra 10:5 however indicates they are not in fact the top tier of cultic personnel) during the fifth century, 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.

[75] I believe the Levites' teaching/preaching ministry helps account for pentateuchal traditions suggesting the people received direct revelation at

### 1.6 Preexilic Development and Connections with the Prophetic Movement in Deuteronomy 17

Let us now transition to a preliminary consideration of the selected text, Deut 17:14–20. In a 1985 essay F. García López argued that certain texts in Hosea and Amos closely paralleling certain passages in Deut 17:14–20[76]—and thematically the entire block of Deut 6–11—originated during the time of prosperity under Jeroboam II.[77] He refers to the relevant dtn texts as "protodeutéronomique," placing them in the period before the fall of Samaria (722 BCE).[78]

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Sinai/Horeb (cf. Exod 20:18, 22; Deut 4:12, 36; 5:22; 9:10), a phenomenon I refer to as "the plenary reception of revelation"; see ch. 9 of Mark A. Christian, *Of Priests and Kings: Personalities Associated with Legislation in the Hebrew Bible*, forthcoming in Gorgias Press; idem, "Openness to the Other," 579–581; idem, "Reading Tobit Backwards and Forwards: In Search of Lost Halakhah," *Henoch* 28, no. 1 (2006): 63–96, 95 and n. 164; idem, "Immediate or Mediate? An Investigation into the Mosaic Role of Lawgiver vis-à-vis Revealed Wisdom in Late Second Temple Judaism" (unpubl. paper presented to the Pentateuch Section at the International Meeting of the Society of Biblical Literature, Cambridge, England, 2003); cf. Baruch Levine, *Numbers 1-20: A New Translation with Introduction and Commentary* (New York: Doubleday, 1993), 342; cf. also 1 Enoch 89:28–31, *Shemot R.* 5.9, and Elliot N. Dorff, "Medieval and Modern Theories of Revelation," in *Etz Hayyim*, ed. D. Lieber (Philadelphia: Jewish Publication Society, 2001), 1399–05, 1401.

[76] In his redactional analysis Félix García López, "Le Roi d'Israel: Deut 17,14–20," in *Das Deuteronomium: Entstehung, Gestalt und Botschaft* (ed. N. Lohfink; Leuven: Leuven University, 1985), 277–97, divides Deut 17:14–20 into three stages of development: vv. 14abα, 15aα, 16aα, 17, 20aα (without מאחיו) are proto-deuteronomic and are closely related to Deuteronomy 6–11. Later additions largely postdate the sixth-century fall of Jerusalem. Verses 20aβ, 15aβ, 20b preserve traces of a dtn redaction and later elaboration. Finally, 14bβ, 15b, 16aβγ, 18–19, 20aα* (only מאחיו) belong to some later redactions and are closely related–if not identical—to dtr literature (ibid., 284–87; cf. 291–93). Otto (*Das Deuteronomium*, 185–86; 208) attributes vv. 18–19 to the Pentateuch redactor working in the late fifth or early fourth century. These same verses moreover comprise part of the post-dtr "Levitization" of Deuteronomy; cf. Achenbach, "Levitische Priester." The concept of the levitical priesthood moreover postdates the redactional link between P and D forged by the Hexateuch redactor.

[77] Texts in Amos and Hosea arguably dating to the prosperous eighth-century reign of Jeroboam II sharing affinity with Deut 17:14–20 include Amos 8:4–14; 6:4–14; Hos 2:10. Hosea 2:10 employs the verb רבה along with כסף and זהב. Excepting Deut 8:13, only in Deut 17:17 and Hos 2:10 does one find an abundance of gold and silver described in such a fashion. Note also the characterization of material goods as a gift from *Yhwh* in Hos 2:8 and Deut 17:14 (so also 8:10). In sum, the series of human, social, political, and other warnings in Deuteronomy pertaining to the king attain to a religiously superior goal that García López deems a constant within the primitive paranesis of Deuteronomy 6–11 ("Roi," 291–93).

[78] Later additions, some of which closely resemble dtr literature, date

One does not need to accept all of García López's proposals[79] to remain open to the likelihood of (a) the existence of Hosea-Deuteronomy connections and (b) the preexilic origin of certain dtn traditions.[80] Often included in proposals of a northern perspective for Deuteronomy is a nexus with the northern prophetic movement. Hosea 12:13 [14] witnesses to the protagonist's prophetic self-understanding according to which he sees himself and his supporters continuing the mission of the northern prophet Elijah, and ultimately the Egyptian Moses.[81] That the theory of northern provenance of Hosea and Deuteronomy has at times been overstated should not disqualify it overall.[82] In the case of the northern prophet Hosea, scholars often categorize references to the southern kingdom of Judah in the book of Hosea as secondary glosses.[83]

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to the time after Jerusalem's fall (García López, "Roi," 292–93; 297).

[79] E.g., positing direct historical connections to the reign of Jeroboam II.

[80] Cf. Udo Rütterswörden, *Das Buch Deuteronomium* (vol. AT 4 of NSK; Verlag Katholisches Bibelwerk GmbH, 2006), 13–16; Thomas C. Römer, "Osée," in *Introduction à l'Ancien Testament* (ed. T. Römer, et al.; Genève: Labor et Fides, 2004), 383–98, 397; Ulrich Dahmen, *Leviten und Priester im Deuteronomium. Literarkritische und redaktionsgeschichtliche Studien* (vol. 110 of BBB; Bodenheim: Philo Verlagsgesellschaft, 1996), 246; Kenneth E. Pomykala, *The Davidic Dynasty Tradition in Early Judaism: Its History and Significance for Messianism* (Scholars Press: Atlanta, 1995), 23.

[81] 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 Selbstverständlich gewertet werden, wonach Hosea sich selbst, wie schon vor ihm Elija, als Inhaber eines 'Exodus-Amtes' sah, das sich von Mose herleitete"; cf. A. A. Macintosh, *Hosea* (ed. J. Emerton, et al.; Edinburgh: T & T Clark, 1997), 512–13. The reference to Moses in this verse may present the oldest documented *mention of Moses as prophet*; the passage likely influenced Deut 18:15–22 (cf. 34:10). Wolff (*Hosea*, 216) proposed that Hosea was the *first to name Moses prophet*; a year later Rudolph summarily rejected the proposal though without providing argumentation (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. Hosea may also be the first to lay the foundation for later, exilic *Heilsgeschichten* by making the desert journey from Egypt to the Promised Land an integral component (Dozeman, "Hosea," 58, 69).

[82] Alt's perspicacious treatment of this topic should remain on the recommended reading list: 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.

[83] Evidence of the southern perspective in Hosea (e.g., 5:5; 6:11; 10:11) "ist meist punktuell und 'angehängt'" (Zenger, "Hosea," 525).

### 1.7 Challenges Posed by the Populist, Priestly-Prophetic Movement

The notion that Deuteronomism ties to the eighth-century BCE prophetic movement within the Israelite tradition has a venerable scholarly history and continues to remain attractive.[84] If "protodeutéronomique" texts and traditions were recognized as such by the authors and redactors of the so-called "Josianic edition" (on which see below), this would help explain the survival of sharply negative views of the king and kingship within that edition. Likely candidates for the composition of the proto-dtn texts present themselves in circles of priest-prophets,[85] early Levites[86] when their

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Rudolph (*Hosea*, 117) attributes the Judah gloss in 5:5 to a later hand than that responsible for 1:7; 2:3; 3:5; 4:15. In his adjudication of 6:11 Macintosh (*Hosea*, 247) says "it is generally accepted that these words at least are a gloss added to the text by the Judaean redactors with the intention of applying Hosea's message at a later time to Judah"; 10:11 is also adjudged a gloss in ibid., 418–19. In contrast, Gale A. Yee, *Composition and Tradition in the Book of Hosea: A Redaction Critical Investigation* (Atlanta: Scholars Press, 1987), 306–07, believes the core Hosea tradition contains "some direct references to Judah, not only in 5:10–13, 14, but also in 12:3." For secondary dtr passages in Hosea relative to the dtr *Bearbeitung* in the Book of the Twelve, see Jakob Wöhrle, *Die frühen Sammlungen des Zwölfprophetenbuches: Entstehung und Komposition* (vol. 360 of BZAR; Berlin: De Gruyter, 2006), especially 229–40. The author argues the following texts belong to the dtr layer of Hosea: 1:1; 3:1–4:5*; 4:1aβα,10,15; 8:1b,4b–6:14; 13:2–3; 14:1. The fundamental layer of Hosea he posits as 1:2–14:9* (ibid., 240).

[84] Cf. García López, "Roi," 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."

[85] The intertwining of the roles of priest and prophet can be striking: in Exod 7:1 the archetypal priest Aaron becomes Moses' prophet; the Deuteronomist depicts Moses as both teacher of *torot*, 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); Chronicles depicts David as prophet, quasi-priest, law-giver—and king. On another front, no mention is made of priests in the context of sacrifice in 1 Kings 18 in which prophets instead dominate; cf. Ehud Ben Zvi, "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); Max Weber, *Gesammelte Aufsätze zur Religionssoziologie* (3 vols.; vol. 3 Das antike Judentum; Tübingen: J. C. B. Mohr, 1921), 190, 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 antiritualism in Am 5:25; Jer 7:22; and Psalm 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, summarized in Otto, ibid.

name owes more to the vocational aspect of Semitic *lwy*[87] rather

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111–22, summarized in Otto, ibid.

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 Specialist in the Latter Prophets* (ed. L. Grabbe and A. Bellis; Sheffield: Sheffield Academic Press, 2004), 44–64, 46, who notes that both priest and prophet tended to remain on the social periphery. Additionally, invoking the term "priest" in the context of large Mesopotamian temples is problematic; one should instead speak of "temple personnel" (ibid., 46).

The problem of the paucity of explicit reference to priests in the body of the Psalms remains unresolved. The reference to the levitical, priestly guild in the superscriptions nonetheless suggests the effectiveness of their subtle yet significant influence on the literature. 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, all that 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).

[86] For the notion that Deut 33:8–11 (which addresses the levitical priesthood in the person of its founder Moses as "your loyal one" [v. 8 aβ]) 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 his reconstruction (ibid., 371). Recent research foregrounding the compositional development of the Hexateuch suggests that the institution of "levitical priests" (הכהנים הלוים) does 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.). Achenbach proposes the concept that priests must be Levites took hold later on, perhaps post-P and 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, 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, 226–27.

[87] Weber, *Gesammelte Aufsätze* [Das antike Judentum], 181–82, long ago noted the non-Hebraic origin of the name Levi. "Der Name 'Levi' hat keine hebräischen Etymologie" (ibid., 181). Based in part on the presence of non-Israelite names in Ezra 2:43–54, Nurmela (*Levites*, 171–72) posits the Chronistic History's awareness of the non-Israelite origin of not a few

than to the tribally-affiliated priesthood *lwy*, an arguably, much later development. This presents the likelihood that these early specialists[88] (cf. the portrayal of the decentralized, transient, and indeed peripheral Levite in Judges 17–20) associated in some way with Hosea.[89] It is significant that in Judg 20:5 the Levite does not char-

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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 heterogeneous, levitical functionaries (cf. also Ezek 44:7,9; perhaps also Josh 9:27). For possible subgroups among middle-tier Levites, see ibid., 173. Nurmela rejects the notion of 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." The acceptance of non-Israelite priests occurs later in Third Isaiah (Isa 56: 1–8; 61:6), texts attributable to levitical writers; see below, n. 291.

[88] The personage/tribe Levi was not always associated with the Israelite priesthood, or even necessarily with Israel (Weber, *Gesammelte Aufsätze* [Das antike Judentum], 181–82: Es ist möglich, daß Leviten auch außerhalb Israels im Dienste des minäischen Stammesgottes Wadd tätig waren"). Meyer correctly recognized the pre-priestly status of the eponymous Levi, who collaborates with Simeon in the slaughter of the convalescing converts in Shechem (Genesis 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 the tribe at a later time comes 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).

[89] It is admitted that much of the material following the Samson narrative in Judges is late. The traditions of the Levites in chs. 17–20 nonetheless contain reliable information about decentralized, non-elite priests during a period when no Israelite king ruled. Deut 12:12 (Levites living in towns with no inheritance) is a dtr addition (along with vv. 8–11) to D dating to the Babylonian period (Römer, *So-called*, 131); the passage appears to be a 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 is associated with rejoicing in *Yhwh*'s presence (שמח לפני יהוה) is noteworthy, so also vv. 15, 20–21 that permit sacrifice independent of the sanctuary (cf. Rüterswörden, *Deuteronomium*, 75); Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University, 1997), 49; Eckart Otto, "Das Heiligkeitsgesetz im Narrative des Pentateuch," *ZA(B)R* 13 (2007): 79-86, 81. In Leviticus 17 the Aaronites 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 left Israel particularly vulnerable to Canaanite influence (Hos 4; 6:6). The time

acterize the attackers as rowdies but rather as "the lords/notables/property owners of Gibeah" (בעלי הגבעה). The Levite is no drifter but rather a regionally authorized cult officiant[90] exercising leadership within a kingless realm (see Judg 19:1a, יהי בימים ההם ומלך אין בישראל).[91] Also to be recognized here is the Levite's prophetic-symbolic method of inciting a uprising, which suggests all-Israel can and should be involved in adjudicating capital offenses.[92] "The Levite's butchered concubine in her bloody journey round the whole country *challenges all Israel* to be judge."[93] In sum, whereas the Levite is recognized by local leaders as a regional official, he is at the same time a nonconformist priest-prophet capable of uniting a broad cross section of the people. Such an achievement would be inconceivable outside an effective communication network.[94]

### 1.8 Diverse Traditions

Both Hosea and the Levites, the latter fairly described as Hoseanic disciples,[95] likely had access to—and responsibility for preserving

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of purification in the wilderness is not limited to the past, however; Hosea 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), 138–39). The geographical and metaphorical features of the concept of renewal in the wilderness lend themselves to repeated use by priestly and visionary groups, perhaps especially the priestly-prophetic Levites associated with the Hoseanic tradition.

[90] Judg 19:1 has the Levite staying/sojourning (גר) in a relatively remote region בירכתי הר־אפרים ("in der äußersten Ecke des Gebirges Efraim" [trans. J. G. Herder]).

[91] A. Graeme Auld, *Joshua, Judges, and Ruth* (Philadephia: Westminster Press, 1984), 241–42.

[92] The portrayal of intertribal operations may derive in part from the Greek notion of the amphictyony (Mayes, *Judges* [1995], 56–62, especially 60–61), which 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 we find 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 (אחיו ... רעהו ... קרבו [v. 27]).

[93] Auld, *Joshua, Judges, and Ruth*, 240 (secondary emphasis).

[94] Though idealized it would be strange indeed were this depiction to have no historical basis.

[95] In the discussion of the provenance of Hos 14:2–9, often thought too optimistic to belong to the prophet himself, Nogalski (in agreement with J. Jeremias) attributes the text to Hoseanic disciples. That Levites would have been supporters of the "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

and transmitting[96]—a compendium of northern traditions.[97] Some

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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 60–61, 64–65, 66, n. 31). The prophetic criticism of the priestly altar ministry in 6:5–6 is telling and suggestive of a priestly-prophetic alliance opposing altar priests (cf. Christian, "Revisiting Levitical Authorship," 221, where is also noted the author(s) of Hosea's distinctive use of priestly terms such as תורה, משפט, and ברית all subsumed under the broad concept "knowledge of God" [דעת אלהים; cf. 4:1; 6:6]). "Knowledge of God" appears to stand in opposition to burnt offering כי חסד חפצתי ולא־זבח ודעת אלהים מעלות in Hos 6:6. This 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 nonetheless far-reaching Yahwistic code, the true דעת אלהים. For the concept of a selective, summarized torah, consider the collocation תורת יהוה strategically placed in the Psalter (1:1; 19:7; 119:1; ibid., 195–96, in agreement with R. G. Kratz, "Die Tora Davids: Psalm 1 und die doxologische Fünfteilung des Psalters," *ZTK* 93, no. 1 (1996): 1–34).

[96] We should not expect publication on an expansive scale during the preexilic period. Prophetic literature, largely written in literary Hebrew, targeted 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 Universetet, 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 the survival. When contemplating the corpus of Deuteronomy, the hypothesized prophetic literature scenario should 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 increase dramatically.

A large number of persons would not be needed to produce the texts; a secure and accessible place of storage would be needed. 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. The plans for a larger scale history were not realized because of his untimely demise, which 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 the young king in 1 Kgs 13, see Alt, "Heimat," 259-61.) On balance, R. Person's notion of a time of preliminary activity in the preexilic period followed by increased activity in the exilic and postexilic periods again commends itself.

Sixth-century Babylon should not be left out of the discussion here. The literary activity in this context would in many instances be driven by different interests; the perspectives and preferences of the *Gola* would e.g.

of these traditions conflicted with what was or would become the official, dominant position.[98] One should bear in mind the diverse

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come to the fore. 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 to the developing prophetic literature. .

In fifth-century Jerusalem, the combination of external circumstances (e.g., the putative authorization of Judahite documents by Persian high officials) and the desire to resume the great literary project occasioned the project's reactivation. The era witnessed the resumption and expansion of work on 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 were in place to support such a complex operation. Still, the number of literati required to carry out the project would not need to be great.

[97] Within the call to repentance in Hos 14:2–4 [Heb], vv. 3–4 reflect dependence upon both northern (Deut 17:16) and southern traditions (Isa 30:16).Verse 3, moreover, with its spiritualization of the thank offering, closely resembles traditions found within the Psalter (40:7 [Heb]; 50:9, 13–14). Ina Willi-Plein, *Vorformen der Schriftexegese innerhalb des Alten Testaments. Untersuchungen zum literaischen 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 [Heb] 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 Kultvorschiften 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 candidate for this work. Additionally, the connection with the criticism of royal power and dependence upon military might between the law of the king and Hos 8:14; 10:13 is apparent.

[98] Cf. H. W. Wolff, "Hoseas geistige Heimat," especially 90–92; idem, *Hosea*, 144; we may read וכתב לו ... מלפני הכהנים הלוים (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; כתב ... מלפני 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, *Deuteronomium*, 123–24). Regarding the remnants of northern traditions making their way to Jerusalem, see Alexander Rofé, *Deuteronomy: Issues and Interpretation* (ed. D. Reimer; London: T & T Clark, 2002), 7–8.

nature of the "collections" found among ancient sources.[99] Ehud Ben Zvi stresses that "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."[100] Oral and written traditions circulated in spite of the fact that they were neither autonomous nor complete. Furthermore, they could be inserted into a recognized work at any stage of their development.[101]

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*Interpretation* (ed. D. Reimer; London: T & T Clark, 2002), 7–8. "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).

[99] The divergent manner in which oracles were recorded in the ancient Near East is well documented (cf. Millard, "La Prophétie et l'écriture"). This may suggest the involvement of middle-tier circles of literati, who "wrote" in various places 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.

[100] 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/the entire text in view) than by the notion of comprehensive redaction of an entire work (cf. Römer, "Osée," 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 Hosea 4 and 11).

[101] In 1966 W. Richter posited a *Retterbuch* (Book of Saviors) comprised of Judges 3–9 and composed during Jehu's reign (841–814). 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*

If hypothesized connections between eighth-century Hoseanic traditions and Deuteronomy and the reign of Josiah may still be taken seriously,[102] the priest-prophet movement[103] would there-

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(New York: T & T Clark International, 2004), 8, who credits Richter with being the first to identify a pre-Dtr collection of savior narratives.

Perhaps Deuteronomy's self-designation as *sefer* suggests it was, in contrast, thought to be complete in a proto-canonical sense. The view that it was considered hermeneutically and "canonically complete" would appear to be controverted by the Temple Scroll, whose author-redactors took great interpretative liberties with the Deuteronomy with which we are familiar.

[102] 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 mentions 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.

[103] 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) lacks the requisite literacy level—"discourse" on the literary plane between prophets and priests should be assumed. If prophet and priest agree on ideological or theological matters then another level of "cooperation" comes into play. If a text reflects *disagreement* between priest and prophet, the level 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, it is also conceded that with adequate supportive structure a relative few literati would be needed 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 Ezra-Nehemiah and Chronicles) does not refer to its own present. This statement seems problematic on two counts: (1) when, for whom, and in what sense did the Yehud Jerusalem literature become "authoritative" in a way that Ezra-Nehemiah and Chronicles did not?; (2) the Mosaic speech in Deuteronomy 4 begins with "so now, Israel, give heed" (ועתה ישׂראל שׁמע), 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

fore predate the activities of the Josiah figure by a century.[104] This does not mean the *schriftlich* development of the book of Hosea necessarily occurred in the eighth-century. Though indeed containing traditions that date to the eighth century,[105] the first "edition" probably appeared in the following century.[106]

### 1.9 Centralization of the Cult in Preexilic Israel

Regarding the complex task of determining the extent centralization of the cult may have obtained in eighth-century Israel, a text such as Hosea 6:9 seems to reflect the enmity of official priests toward not Jerusalem but rather toward "the brute priests (חבר כהנים) on the Shechem sanctuary circuit."[107] Though Hosea's

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affecting preoccupation would not have produced more "authoritative literature" already in the exilic period, especially given the high probability of at least a preparatory gathering of traditions during that time.

[104] 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).

[105] G. Yee (*Composition*, 307–08) 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, particular 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 Deuteronomistic History and (b) problematic attribution of so many textual additions to a large, comprehensive redaction that would have in view the horizon of the entire book of Hosea.

[106] The book had a complex development. Cf. Erich Zenger, "Das Buch Hosea," in *Einleitung in das Alte Testament* (ed. E. Zenger et al.; Stuttgart: W. Kohlhammer, 2004), 521–28, 526: "Das Buch ist das Endresultat eines mehrstufigen Fortschreibungsprozesses ('Schneeballeffeckt' bzw. Modell des 'rolling corpus': am Angang steht ein Textkorpus, das sukzessiv angereichert wird, teils durch punktuelle Fortschreibungen, teils durch übergreifende Redaktionen)"; cf. the brief research summary in ibid., 525–26; for more contextualization see Römer, "Osée," 389–92.

[107] Writer's dynamic equivalent translation of v. 9aα. If v. 9's calumny was intended for those accused in vv. 7–8 (Wolff, *Hosea*, 122), then the reference to murder (v. 9b) should not necessarily be taken at face value. It may be that the author wished to insinuate that these clerics did as much "violence" to the sacrifices (cf. v. 10) as they may have done to those bringing them. One wonders to which cultic code the חבר כהנים subscribed. Again, would local altar priests (cf. v. 6 "for I desire steadfast love and not sacrifice, the knowledge of God rather than burnt offerings")

sharp criticism of illicit cultic activity[108] shows clear affinity with the catalogue of purification measures associated with Josiah's reform, it nonetheless predates it.[109]

### 1.10 Shechem and Centralization

A. Bentzen, H. W. Wolff, and G. von Rad each located the center of the levitical-prophetic alliance at Shechem,[110] which stands in

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claim allegiance to an identical, official clerical code that would differ so from that of Hosea and his supporters? Another interpretation sees the חבר כהנים as supporters of Pekah's conspiracy (cf. 2 Kgs 15:25) authorized to control the approach to Jerusalem from Jordan and Gilead. All the major roads in north-central Palestine pass through Shechem; cf. A. A. MacIntosh, *Hosea* (Edinburgh: T & T Clark, 1997), 243.

[108] In agreement with H. Utzschneider, Moenikes characterizes the priests כהנים (who may include the שׂפטים; cf. Hos 13:10), to whom Hosea refers, as *Funktionsträger*, who emanate from the aristocratic layer of the *sarim* that associate closely with the king. The "notables" and the elders (בית ישׂראל in 5:1), on the other hand, operate relatively independent of the king. The state of affairs described by Hosea corresponds closely if not "genau der politischen Wirklichkeit im Israel des 8. Jh" (Ansgar Moenikes, *Die grundsätzliche Ablehnung des Königtums in der Hebräischen Bibel* [vol. 99 of BBB; Berlin: Philo, 1995], 202).

[109] The catalogue "deals with Canaanite infiltrations of the *Yhwh* cult." Hosea, as had Elijah, labeled these infiltrations Baalism; Christof Hardmeier, "King Josiah in the Climax of the Deuteronomistic History (2 Kings 22–23) amd the Pre-deuteronomic Document of a Cult Reform at the Place of Residence (23.4–15): Criticism of Sources, Reconstruction of Literary Pre-Stages and the Theology of History in 2 Kings 22–23," in *Good Kings and Bad Kings* (ed. L. Grabbe; London: T&T Clark, 2005), 123–63, 157. Palpable difference obtains between Hosea's purification reform and that associated with Josiah (so, 1 Kgs 23:4–15*). Through dtr reshaping of the latter, Jerusalem becomes the specified object of criticism.

[110] Based on Gen 34 (= 49:5–6) alone, E. Meyer believed the Genesis texts describe Levi as a secular tribe that was later forgotten (*Die Israeliten*, 78). Whereas the texts correctly associate the priestly Levite tribe with the tribe of Simeon, only the latter resided in Shechem. The Levites' residence "wahrscheinlich noch weiter draußen in der Wüste, zu suchen haben." For Meyer, Kadesh "das Zentrum des Stammes Lewi gewesen sei" (ibid.); cf. Weber, *Gesammelte Aufsätze* [Das antike Judentum], 182. Though Meyer's "Kadesh hypothesis" has its share of problems his observations about the Levites' link to Moses, whose connection to Kadesh is less in question, merit reexamination. His confidence in continuous literary sources, particularly in a distinctly recognizable Elohist (E), does not justify the rejection of his historical and hermeneutical contributions *in toto*. In reality, Meyer, along with H. Gunkel and H. Greßmann, did not place the same weight on the dating of the sources as had Wellhausen. The three scholars gave more attention to the context (cf. *Sitz im Leben*) in the historical Kern of the individual pericopes. These champions of the "history of religions school" had not yet made the important distinction between the historical existence of the traditions and their historicity, a task that would fall to others; cf. the important summary of Meyer's con-

stark contrast to the priesthood(s) of Bethel and Samaria.[111] Whatever role Shechem may have actually played as a rival sanctuary in the preexilic period,[112] the tradition in the composite text of Deuteronomy 27 (cf. also 11:29–30.)[113] provides sufficient literary clout

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tributions to biblical scholarship in Thomas L. Thompson, "The Joseph-Moses Traditions and Pentateuchal Criticism," in *Israelite and Judaean History* (ed. J. Hayes and M. Maxwell; Philadelphia: Trinity Press International, 1977), 167–80, 169–71; see also R. G. Kratz, "Entstehung des Judentums: Zur Kontroverse zwischen E. Meyer and J. Wellhausen," in *Das Judentum im Zeitalter des Zweiten Tempels* (vol. 42 of FAT; Tübingen: Mohr Siebeck, 2004), 3–22. Kratz notes Meyer's innovative use of legal documents from the Persian period as analogies to Aramaic texts in Ezra.

[111] In 2 Kgs 17:27–28 the Assyrian King Shalmaneser repatriates Samarian priests to Bethel to teach transplanted foreigners "how to fear the Lord" (ויהי מורה אתם איך יראו את־יהוה); cf. Josephus *Ant.* 9:289–90 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, 238–39 and nn. 42, 44. Although one can only guess how these priests, some of whom "were counted as part of the elite in the Assyrian daily ration hierarchy" (K. Lawson Younger, Jr. "Recent Study on Sargon II, King of Assyria: Implications for Biblical Studies," in *Mesopotamia and the Bible: Comparative Explorations* [ed. M. Chavalas and K. Younger; Grand Rapids: Baker Academic, 2002], 288–329, 298) went about inculcating rudimentary Yahwism, it is rather certain that the pedagogical exercise would not be celebrated by priestly elites in preexilic Judah. Levitical priests working in the hinterland however—whether in northern or southern Israel—understood the need for remedial and reformative religious training. Based on his interpretation of Judges 17–18, Nurmela (*Levites*, 33, 173) concludes that Levites officiated at both the Bethel and Dan sanctuaries with the full approval of northern Israelite worshippers. "Judges 17:13 thus indicates that the northern tribes regarded the fact that the Levitical priests performed the worship a warrant for orthodoxy" (ibid.).

[112] Like Jerusalem Shechem receives only cryptic reference through the mention of the venerated mountains of Mts. Ebal and Gerizim; cf. A. Bentzen: "Es wird hier zwar nicht direckt gesagt, dass Sichem die Stelle ist, wo Jahve die Wohnung seines Namens finden will. Aber die Weise, in welcher der Verfasser von dem dort zu errichtenden Heiligtume spricht, macht es sehr wahrscheinlich, dass es sich so verhält" (Bentzen, "Reform," 84; cf. ibid., 86); cf. Rüterswörden, *Deuteronomium*, 172–73; Na'aman, "Law of the Altar," 157: "This site may have existed already in the pre-monarchic era; it may have been the place where some tribal groups crowned Jeroboam king of Israel (1 Kgs 12:20)." Shechem arguably lost some of its importance after Jeroboam established Bethel and Dan as rival central shrines in his kingdom. In any event, all three sites clearly lie to the north, Dan locating in the far north. Another site around which early traditions grew was Kadesh. E. Meyer (Meyer, *Israeliten*, 73) argued that the divine revelation and lawgiving originally occurred in Kadesh. Only later was it expanded through the giving of the law at Sinai or Horeb.

[113] Heinz-Josef Fabry, "Noch ein Dekalog! Die Thora des lebendigen

to chip away at the foundation supporting the thesis that centralizing the Jerusalem cult constituted the primary thrust in pre-dtr Deuteronomy: the mention and role of the Levites in v. 14 connects them to the venerated site;[114] the cultic interest in Mounts Ebal and Gerizim[115] comports with northern Israel's lack of a designated central sanctuary,[116] and history shows that the Samarians/Samaritans would come to see things in similar fashion.[117] Scholarship has been slow to recognize the significance of the Shechem tradition, N. Na'aman representing a notable exception:

> It is hardly a trivial matter when a composition that suggests an alternative for such a major and decisive event in the history of Israel as the Horeb covenant is interpolated in the 'official' early history, and when Shechem—a cultic site of the province of Samaria during the Second Temple period—appears as the site of the covenant. Depicting Shechem as a center of worship, where an altar to YHWH was built at the start of the conquest, where the covenant between YHWH and the Israelites was made, and where the law was given at the conclusion of the conquest, plainly conflicts with the depiction of Jerusa-

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Gottes in ihrer Wirkungsgeschichte. Ein Versuch zu Deuteronomium 27," in *Im Gespräch mit dem Dreieinen Gott* (Festschrift für W. Breuning) (ed. M. Böhnke and H. Heinz; Düsseldorf Herder, 1985), 75–96, reconstructs an ingenious, compositional development of Deut 27:11–26 that reveals an eventful *Wirkungsgeschichte* of the Decalogue and indeed the Hexateuch, as Josh 8:30–35 certainly suggests (cf. ibid., 95).

[114] "Auf eine levitischen Hintergrund kann V. 14 mit seiner Erwähnung der Leviten weisen" (Rüterswörden, *Deuteronomium*, 172).

[115] Relevant to the current discussion, and contrary to Deut 27:4, 12, Ebal and Gerizim do not lie on the Jordan. Rüterswörden suggests the glossator wanted the Samaritans to dissapear into no-man's-land in order to make sure "dass der Ebal und der Garizim der Heiligen Schrift nicht die bekannten Berge auf samaritanischem Gebiet sein können" (*Deuteronomium*, 173).

[116] Cf. Sweeney, *Lost Messiah*, 151: "The northern kingdom of Israel designated two sites for the worship of YHWH, viz. Dan and Beth-El, and never seems to have pursued a policy of cultic centralization." Cf. also Rofé ("Ephraimite"), who detects an "Ephraimite History" (composed before 722 BCE, when Ephraim still held a dominant position) that includes the end of Joshua, Judges 3–16, and 1 Samuel 1–12, in which he finds seven sanctuaries (Shechem, Ophrah, Mizpah of Gilead, Shiloh, Mizpah of Benjamin, Ramah, and Gilgal). The account is "totally North-Israelite ... there is not even one savior-judge from Judah ... Jerusalem is not mentioned.... the extensive composition preserves historical traditions originating in Northern Israel" (ibid., 224); cf. Guillaume (*Waiting*, 82–4) contextualizes Rofé's 1991 essay within recent research. For likely links between Hosea, Levites, and uniquely northern perspectives about venerated high places, see Christian, "Revisiting Levitical Authorship," 221–26.

[117] See the brief discussion in Moshe Anbar, "Addendum: Josué et l'alliance de Sichem (Josué 24:1–28)," *BN* 86 (1997): 5–6.

> lem as the sole and exclusive cultic site for Israel. Furthermore, the description of "all the assembly of Israel" gathering for the dedication of the altar at Mount Ebal (Josh. 8:33, 35) is very similar to the description of 'the people gathered as one man' in Jerusalem to rebuild the altar to YHWH (Ezr 3:1–2). The fact that some time after the fall of the First Temple Shechem's place in the history of Israel was being stressed by linking it to Joshua, and that such descriptions were being interpolated into the "official" history of Israel despite conflicts with the deuteronomistic version, calls for explanation.[118]

Even if the mentions of Shechem in Deuteronomy 27[119] and Joshua 24 find their literary inclusion in these texts only in late redactions,[120] Shechem remains an ancient, sacred site[121] that Axel

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[118] "Law of the Altar," 143; cf. also Otto, "Pentateuch in Synchronical and Diachronical Perspective," 29–31. Shechem's significance may lie in its association with the establishment of the children of Israel as a nation on the plains of Moab. As a city with an ancient sacral tradition, Shechem was chosen over Gilgal and Shiloh, and it seems to have "left its imprint on other aspects of the ideology of Deuteronomy" (quoted portion derives from Moshe Weinfeld, cited in ibid., 145). That this tradition conflicts with Deuteronomy's strong though not universal support for the "Jerusalem only" position can be explained by the antiquity and accordingly resilience of Shechem traditions that continued to influence later tradents irrespective of the conflict between the two ideological positions. For redactional analysis of Deuteronomy 27 (including parallels between Deut 26:16–18 and Deut 27:9–10) and Shechem's significance in both Deuteronomy 27 and Joshua 24, which "correspond to two distinct stages in the composition of the Torah, a Hexateuch and a Pentateuch, and that they actually reveal concessions that were made to the Yahwistic community in the Persian province of Samaria so that the Torah would be just as acceptable to Samarians as to Judeans," see Christophe L. Nihan, "The Torah between Samaria and Judah: Shechem and Gerizim in Deuteronomy and Joshua," in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (ed. G. Knoppers and B. Levinson; Winona Lake: Eisenbrauns, 2007), 187–223, 206–23 (quoted portion from p. 193).

[119] It is admitted that Shechem is not referred to by name in ch. 27.

[120] So Nihan, ibid., 193–99. Fabry ("Noch ein Dekalog!") posits a three stage development of Deuteronomy 27: a *Grundtext* followed by two redactions. The first Überarbeitung was accomplished "durch kultisch interessierten Leviten" soon after the insertion of the Grundtext into Deuteronomy (cf. ibid., 93). These higher-status Levites are in this instance cooperating with Zadokite-Levites. Politically, it makes good sense to assume that as the Levites' position in society improved in the early Persian period the Zadokite-Levites found it advantageous to emphasize their association with them, especially in contexts where the latter had fallen out of favor. Viewed from this angle, one can understand how traditions and genealogies linking Zadokites and Aaronites with Levi(tes) probably produced mixed emotions because of the lineage associations made with the tribe of Levi rather than primarily with the vocational *lwy*; see n. 15, above). Later Persian period texts such as Ezek 44:9–15 suggest the Zadokite-Levites had rethought their earlier cooperation with the

Knauf argues may have been better known than Bethel from the twelfth to the sixth centuries.[122] Shechem holds special significance within the collective memory of Israel from early times. Its place of prominence in Deuteronomy 27 and Joshua 24 accomplishes not one but several tasks,[123] yet its presence was not celebrated by all parties.[124] The sanctuary's inclusion in these two chapters nonethe-

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upwardly-moving Levites. Cf. Numbers 16, which brings the Aaronite-Levites into the broader, Israelite priestly discourse.

[121] Shechem (modern Tell Balâṭa) dates to the Middle Bronze Age.

[122] Ernst Axel Knauf, "Bethel," *RGG*[4], 1:1375–1376. Shechem (cf. Gen 33;18*–20) rather than Bethel (Gen 28:11–22; 35:1–8, 14–15) figured as the *Haftpunkt* of the Jacob tradition in Cisjordan at that time (ibid.). Knauf's proposal encounters opposition in the archaeological evidence, which indicates a limited occupation of the site of Shechem during the Assyrian period (so, Ephraim Stern, *Archeology of the Land of the Bible: the Assyrian, Babylonian, and Persian Periods 732–332 BCE* [2 vols.; vol. 2; New York: Doubleday, 2001], 320).

[123] With respect to Josh 24, in addition to functioning as a literary device that acknowledges Shechem's role in the histories of both Judah and Samaria (Nihan, "Torah between Samaria and Judah," 198), the ancient site adds luster to young leader's résumé. In view of his mentor Moses' association with Sinai/Horeb, Joshua benefits from the unique, revelatory connection he makes with *Yhwh* at the exalted site of Shechem, where he makes a covenant, legislates *and inscribes* law, and sets up a stone in the Shechem sanctuary (vv. 24–25). Verse 25b, nearly identical to Exod 15:25b, may on one level suggest Shechem as a substitute for Sinai. Cf. ch. 4 in my *Of Priests and Kings*, forthcoming.

Similar to Joshua, Josiah makes a covenant (2 Kgs 23:3), though his covenant associates with a "third Sinai," Mt. Zion. I treat this topic in ch. 8, *Of Priests and Kings*, forthcoming.

[124] The LXX of Josh 24:1 replaces Shechem with Shiloh. This modification can be interpreted as an effort to delegitimize the ancient, northern site of Shechem and/or provide continuity with the following book of Samuel (Nihan, "Torah between Samaria and Judah," 197, n. 31). LXX leaves standing the sites in Shechem's vicinity, namely Mounts Ebal (Gaebal) and Gerizim (Garizin) in Deut 11:29; 27:4, 12–13; cf. Josh 8:30, 33; Judg 9:7 (Garizin). Excepting possible aural error, the LXX of 2 Kgs 23:8 may corroborate the anti-Samarian correction of Josh 24:1, since it replaces Geba (גֶּבַע), a levitical town in Benjamin) with Ebal (Gaebal [cf., *mutatis mutandis*, 1 Chr 2:49]), even though in other instances LXX transliterates Geba as Γαβαα γαβε(ε). In 2 Kgs 23:8 the translator implicates the area of the Shechem sanctuary in illicit cultic activity. In so doing he attempts to remove that same taint from Geba environs. 2 Macc 5:22–23 and 6:2–3 however indicate that both Zion and Gerizim were considered viable sanctuaries (cf. Nihan, op. cit., 217 and n. 77). Archaeological evidence suggests cultic activity on Mt. Gerizim dates from at least the sixth-century BCE; cf. the brief summary in 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, 36.

less impacts the ideology of those textual contexts, the ideology of both books, and consequently the Hexateuch as a whole.[125]

### *1.10.1 Shechem in the Collective Memory of Israel*

Traditions about Shechem boasting ancestral era origin could serve Yehudite ideological ends with slight literary contextualizing. The contemporary effectiveness of such traditions would depend in no small measure on the people's familiarity with and general acceptance of them.[126] New or lesser known traditions, including legal amendments, benefit immeasurably from association with a luminary from the past. Perceived antiquity and association with venerated sites also increase their chance of finding an enduring place in Israel's collective memory,[127] thus the link between Shechem, the patriarchs, and Joshua. The principle remains largely true even in the absence of written records of such traditions.[128] The practice of

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[125] On this point I am in complete with agreement with Nihan, op. cit., 196–97.

[126] The extent of the diffusion of the stories and precepts would be one factor in their gaining acceptance. Those assigned the task of disseminating new traditions doubtless included itinerant teachers and proclaimers; cf. von Rad's notion of the levitical preacher (levitische Predigt).

[127] Also to be included here are select traditions from surrounding peoples. Some of these traditions would require considerable alteration before gaining acceptance within Israel's "official religion."

[128] 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 suggests *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 law-codes) 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* (putting into writing) 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 lack attribution (ibid., 138).

associating revelation and the consecration of normative traditions with venerated high places hardly devolves to the Persian period alone, and certainly not to Judeans alone. In my opinion this verity militates against the idea that preoccupation with centralization fueled the dtn engine.

### 1.11 Preexilic Purification Rather Than Centralization of the Cult

The theme of cultic centralization in Jerusalem has received an inordinate share of attention simply because it corresponds so well with Deuteronomic requirements. "In contrast, the purification measures or purges mentioned in 2 Kgs 23 are less easily related to Deuteronomic law."[129] Nonetheless, several scholars have successfully reconstructed reform reports that do not mention centralization.[130] The core concern of Josiah's seventh-century reform was the cult rather than the centralization advocated in Deuteronomy 12 (cf. vv. 5–6, 11, 13–14, 18[131]). The removal of the cults of Baal, particularly the cult of Asherah (2 Kgs 23:6–10*), which "is proved outside of Jerusalem for the eighth century,"[132] constitutes a central motif in 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) in contrast reflects Assyrian influence, the minimizing of which requires shutting down those associated cults.[133] That the seventh-century edition of Hosea influenced later dtn/dtr circles on many fronts (e.g., the covenant and the exclusive veneration of *Yhwh*), and against an Assyrian backdrop, seems likely;[134] its direct influence on centralization ideology, however, is in our view less likely.

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[129] 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.

[130] See the literature in ibid., 229, n. 88.

[131] 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 (כי־מרחק מִמְּךָ), 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 (ואכלת בִּשְׁעָרֶיךָ) whenever you desire."

[132] Hardmeier, "King Josiah," 154.

[133] Ibid., 153–55.

[134] Cf. Römer, "Osée," 397; idem, "L'école deutronomiste et la formation de la Bible hébraïque," in *The Future of the Deuteronomistic History* (ed. T. Römer; Leuven: Leuven University Press, 2000), 179–93, 185–86. Following Nissinen, Römer notes 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'Os" ("Osée," 397).

### 1.12 Elephantine and Centralization

The surviving documents from the fifth-century Jewish colony at Elephantine, Egypt demonstrate that community's lack of awareness of the laws concerning the centralization of worship in Deuteronomy 12, or Leviticus 17 for that matter. Also conspicuously absent is familiarity with the first commandment. Kratz remarks:

> 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.[135]

Notwithstanding questions regarding the applicability of Elephantine evidence—or lack of in this case—to the situation in Israel proper, the above discussion, while not claiming comprehensiveness, nonetheless calls into question the view that "Jerusalem only" centralization would have figured centrally in pre-dtr Deuteronomism. The Elephantine data moreover places a question mark against the notion that a central doctrine of "official religion" would leave such a minimal impact on subsequent formulations of Yahwism, even in outlying areas. This conclusion has only minor ramifications for the analysis of Deut 17:14–20, which resumes again with an analysis of Hosea's views of kings and kingship.

### 1.13 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)

Although criticism of the monarchy remains one of the hallmarks of the Hosea's message, the precise target of his anti-monarchic remarks is not easily discerned. Does the eighth-century prophet recoil from the Near Eastern notion of kingship altogether, the

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[135] "Legal Status," 84. Elephantine evidence—or lack thereof—also indicates the community had a 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 combines 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).

Israelite monarchy in general, or the reign of a particular king? Ansgar Moenikes argues that Hosea plays a crucial, transitional role in the critique of the Israelite monarchy.[136] Key texts in his analyses, Hosea 3:1–4 and 10:1–4 indicate that "in principle Hosea 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 their apparatuses that he adjudges idolatrous on the other. He parallels the establishing and maintaining of state institutions with the cult; both are fundamentally flawed.[137] Hosea's criticism may be characterized as a combination of theological and *Realpolitik* rebellion.[138]

The institutional circumstances reflected in the book of Hosea correlate with the political realities of eighth-century Israel.[139] Though a northern prophet, he resembles his southern, prophetic contemporaries (e.g., Isaiah and Micah[140]) in the way in which he evaluates the kingship along with the aristocratic layer of the *sarim*, and under them the כהנים (and שפטים). Hosea's critique amounts to the wholesale rejection of the official, religiopolitical network. Although somewhat impractical, the program nonetheless appeals to both clergy and laity who see in the traditional alternative (to the official religion) an ancient, divine mandate the rejection of which had brought once vibrant Yahwism to the brink of ruin. The idealistic voices heard 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 official religiopolitical agenda. Yet another feature of Hosea's critique of kingship confronts us in the manner in which he juxta-

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[136] Moenikes compiles a list of passages comprising the "first redactional level" that he dates to the exilic period: Judg 8:22–23; 9:15b, 17–19a, 20, 57b; 1 Sam 8:7ab,b; ועתה in v. 9; vv. 18–22a; 10:19a (without ו at the beginning); 12:2ba, 12–15, 17b, 19b, 20b, 23,25; *grundsätzliche Ablehnung*, 164). In contrast to the book of Hosea, the exilic redaction or RAP (= "**R**edaktion, die den **A**usschließlichkeitsanspruch JHWHs **p**olitisch durchsetzen will") speaks only of the kingship, which it abstracts from the historical situation in general. In this redaction there are no institutions associated with the kingship.

[137] A. Moenikes, "The Rejection of Cult and Politics by Hosea," *Henoch* 19 (1997): 3–15, 12–13.

[138] "Man kann jedoch … vom *realpolitischen* Anarchismus Hoseas …(sprechen), wobei Hosea neben dem realpolitischen auch ein theologischer Anarchismus zuzusprechen ist" (*grundsätzliche Ablehnung*, 204, original emphasis).

[139] Ibid., 202 (apud H. Utzschneider).

[140] Moenikes perceives a fundamental difference between the critique of Hosea and Isaiah and Micah in that 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 (personal communication).

poses the institution rather than the people with foreign gods.[141] It is the alien institution that truly alienates Israelites from *Yhwh*. Prone to religious wanderlust though they may be, it is through the establishment of a kingship that the Israelites' flirtation with foreign gods develops into a full-blown affair (Hos 2:13, 16–17).

### 1.14 The Literary Composition and Developmental History of Deut 17:14-20 within the Larger Section of Deut 16:18–18:22 and D (Deuteronomy 12–25)

Since the early 1990's several scholars have suggested that Deuteronomy 12–25 developed through a comprehensive "decalogizing" of a preexilic core consisting of a tradition of "privilege law" (chs. 12–16*; 26*).[142] During the exile, regulations pertaining to certain offices (16:18–18:22[143]) were added. In a subsequent step chs. 19–25 (both of which demonstrate familiarity with both Leviticus 19 and Ezekiel 18) were then added (Braulik). Central to this construction is the view that 16:18–18:22 traces 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 Deuteronomy 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 comes to reside under the rubric of the promise of life and land possession. The promise of the land is a consequence of obedience to the commandments and is therefore conditional. The redactional structure connected with the preexilic Deuteronomy (and perhaps also with the Covenant Code) is thus recast, whereby Deut 12:1–17:1 becomes a summarized block of sacral centraliza-

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[141] "So parallelisiert Hosea das *Königtum* mit Fremdgöttern und nicht das Volk" (ibid., 207, original emphasis).

[142] Rüterswörden (*Deuteronomium*, 13–14) 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, Rüterswörden detects a direct link between select Assyrian literature, namely VTE, and the preexilic dtn collection. Rüterswörden 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., 15–16).

As for the law of the king, U. Dahmen says the law's fundamental formulation is dtn and is to be dated to the preexilic period "... es in seinem Grundbestand also bereits vorexilisch resp. Dtn ist" (*Leviten und Priester*, 246). 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.

[143] Cf. the laws of the "judges and officials" (שפטים ושטרים) in 16:18–17:8; kings in 17:14–20; priests in 18:1–8.

tion laws.[144] The section contrasts with the following section, the composition of the central offices (Deut 17:2–18:22), in which offices associated with the 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.[145] It would be the insertion of the law of the king (and law of the prophet, 18:9–22) that would ultimately reshape the court system into a system of offices.[146] Thus the significance of the law of the king extends beyond merely circumscribing kingly behavior. It carries the potential to reroute the religiopolitical interconnections of Israelite polity.[147]

### 1.15 Excursus 1

Babylonian tablets and Aramaic documents indicate that satrapies and their subordinates possessed the authority to render justice in each satrapy.[148] This local network of power would have its own system of checks and balances, providing middle-tier officials opportunity to exercise their local prerogatives and agendas, including modifying the official policies of the crown. It would be the responsibility of the Great King's executive staff to monitor the ongoing arbitration of regional cases.[149] Briant relates that "the Great

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[144] Otto, *Theologische Ethik*, 194–95.

[145] Ibid., 195. Cf. also Deut 31:9–13, 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.

[146] Ibid.

[147] Such a program does not sound like the work of urban, 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. See Part 2 below.

[148] Briant, *Cyrus to Alexander*, 345. The division of the Persian empire into satrapies (provinced) began with Cyrus. The Behistun inscription lists 22; Herodotus (III.89) mentions 20. Palestine belongs to the fifth satrapy, Babylonia-Abr Nahara; cf. Gösta W. Ahlstrom, *The History of Ancient Palestine* (ed. Diana Edelman; Minneapolis: Fortress, 1993), 821.

[149] An effective way to ensure a strong communication network is to form a permanent army levied from provinces as had Tiglath-Pileser III in the eighth-century BCE. Tiglath first reduced the size of provinces considerably, however, in hopes of inhibiting the rebellion against governors common 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,

King could intervene in decisions at any moment if the local populations exercised their right of appeal."[150] The picture Briant paints of the sovereign's alacrity should be tempered by the Foucaldian principle of the distribution of power (see Part 2), where the sovereign "intervenes" only indirectly through the official power network, an intervention that may be slowly realized.[151]

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."[152] This point needs to be emphasized. In light of the sovereign capitalizing on the people's plea, it follows that the populace would be cognizant of their potential for asserting political influence.[153] Since the sovereign is apprised of the situation through the official communication network, and whereas the accused satraps would not bear witness to their own poor performance or misconduct, it is logical to assume

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1988), 226. In the absence of such an army one can plausibly postulate middle-tier officials and tax collectors, at times 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 texts. "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 Persian empire (Briant, *Cyrus to Alexander*, 422); cf. Wiesehöfer, *Ancient Persia*, 71, 76.

[150] Briant, *Cyrus to Alexander*, 422.

[151] 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 an from the sovereign (cf. Wiesehöfer, *Ancient Persia*, 76) suggests Callicratidas' frustration did not lie in the *lack of efficiency* of the existing communication system.

[152] Ibid. Satraps asserting themselves against Persian control would at times enlist foreigners in an effort to throw 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).

[153] The sovereign's alacrity in responding to a crisis could be vital. King Darius lost significant parts of the southern and southeastern lands of the Iranian plateau because of neglecting those regions. A competitor named Vahyazdata (claiming to be a son of Cyrus named Bardiya) took advantage of the situation; winning widespread support among the general population he succeeded in wresting the territories; see Dandamaev, *Political History*, 115–19. It may be that Vahyazdata's dubious heritage worked in his favor as he cultivated revolt in the outlying territoriess. Whatever the case may have been, "the Persian people showed strong support" for the revolutionist (ibid., 118).

the populace had representatives advocating their interests.[154] Recalling the analogy of electronic circuitry deployed in the Introduction, one can describe the power dynamic in the current circumstances as a *return feed* whose transmission originates in the people themselves. The transmitted data moves through the network (cf. "up the chain of command") arriving at the seat of supreme power, the usual point of origin of official policy-making. Middle-tier officials can combine their authority with that of the general population to wield considerable influence—at times trumping the authority of their immediate superiors—over official policy. In this case the lower-tier officials facilitate a lay power that empowers.

Applying the admittedly brief sketch to the dtn and dtr authors of Deut 16:18–18:22 (the larger context of the law of the king; recall 17:2–18:22 does away with regional courts advocated by the dtn writers of 16:18–17:1), we witness a dispute between the preexilic, dtn support for regional offices and the exilic dtr and postexilic, post-dtr efforts to restrict or remove the regional centers. This does not constitute merely an internal debate among intellectuals. It therefore seems unjustified to reduce the efforts at reforming office jurisprudence in Israel to an *Auseinandersetzung* among elite specialists.[155] Here as elsewhere in Deuteronomy middle-tier Levites have a voice—and represent voices—to be reckoned with.

### 1.16 Provenance of the Law of the King

We have considered the preexilic beginnings of Deuteronomism and revisited the view that at least a portion of the law of the king

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[154] Having the most contact with the local population, a satrap's subordinate would arguably be summoned by the satrap's superiors 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. It was the priests of these local temples whose reporting of Gadatas' greed that led to Darius I himself upbraiding his manager in a letter written ca. 494 BCE; see. Dandamaev and Lukonin, *Culture and Social Institutions*, 365-66.

[155] The power wielded by the lower and middle classes is in evidence in Assryian 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, Shalmaneser, and provincial governors, resisted and finally subdued the rebels, but the protracted fighting and national turmoil led to Assyria's subsequent decline (cf. Knapp, *History*, 223–24). The unhappy results of the Assryian policy led authorities in Israel, Persia, and elsewhere in the Near East to reevaluate their procedures for handling grievances of the general population as transmitted through their middle-tier representatives. On the function of the office laws see below, §1.17.

derives from dtr tradents,[156] which consequently excludes that portion from membership in the preexilic core of D (Deuteronomy 12–25*). Following E. Otto,[157] T. Römer situates the law of the king in the exile and associates it with an exilic edition of the Deuteronomistic History.[158] Whereas earlier scholars such as M. Noth located Dtr in Palestine, some scholars now consider Babylon the more likely location.[159]

### 1.17 Function of the Office Laws (Deut 16:18–18:22)

It is apparent that the office laws (16:18–18:22) function in part to promote the notion that *Yhwh*, his *torot*, and prophets alone ruled (Lohfink). Some of these regulations may trace to the fundamental layers of the deuteronomistic redaction (cf. the dtr Grundschrift or DtrG; cf. Buchholz; Foresti[160]) and perhaps originate from different hands within circles sympathetic to the general dtr outline.[161] A portion of the law of the king, for instance, may have been inserted

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[156] The proposal that portions of the law of the king should be assigned to post-dtr tradents is set forth in Part 2, below.

[157] Eckart Otto, "Von der Gerichtsordnung zum Verfassungsentwurf: Deuteronomische Gestaltung und deuteronomische Interpretation im 'Ämtergesetz' Deut 16,18–18,22," in *Wer ist wie du, Herr, under den Göttern* (Festschr. O. Kaiser) (ed. I. Kottsieper et al.; Göttingen: Vandenhoeck & Ruprecht, 1994), 142–55.

[158] Römer, *So-called*, 80. Römer believes the law of the priest (Deut 14:8–13) came to expression in the Josianic edition of Deuteronomy, the law of the prophets (Deut 18:9–22) through the compositional activity of an exilic redactor (ibid.).

[159] Rainer Albertz, *Israel in Exile: The History and Literature of the Sixth Century* (ed. D. Olson; trans. David Green; Atlanta: Society of Biblical Literature, 2004), 283, lists early advocates of this view, which he had himself reintroduced in 1997. Indications of Babylonian provenance of the DH, all of which suggest a Golah perspective, include the mention of praying toward Jerusalem (1 Kgs 8:48 [cf. 8:44]); the prayer that *Yhwh* grant them compassion in the sight of their captors (v. 50b ); the notice regarding Jehoiachin's pardon (2 Kgs 25:27–30); the notion that, excepting a remnant, all of Israel and Judah went into exile (2 Kgs 17:6, 23; 25:21); Deut 30:1–10, a clear dtr text, constitutes a direct promise to the exiles that if they turn back to Yahweh, he will bring them back to possess their land.

Römer elaborates on the unique exilic perspective: "The period of the exile would see a transformation of exile to diaspora: The land of deportation changes into a land where the foreigner is welcome. One can live very well outside eretz yisrael and manage interesting careers. It is then not so astonishing that the 'hope for return' is quite discreet in the DH. It is enough to know how to pray towards the temple (1 Kgs 8:48; "Transformation," 11).

[160] See the summary of scholarly positions in Otto, "Gerichtsordnung," 142–43.

[161] It has become problematic to think in terms of a single Dtr and consequently a monolithic, dtr constituency.

by a Deuteronomist historian (cf. DtrH), whose emphatic language suggests the sanctioning—rather than the limiting—of monarchic power: "You may indeed set a king over you" (שום תשים עליך מלך 17:15aα).[162] Conversely, the inclusion of the law of the prophet (18:9–22) may derive from a prophetic Deuteronomist (DtrP) who deploys the prophet motif as he refers to the prophet Samuel in 1 Samuel 3.[163] The installation of the judges in 16:18–20 may point to officials in the book of Judges (Bucholz). These sets of laws would find their full integration into the overall horizon of DtrG.[164]

### *1.17.1 Law or Preface?*

In light of the unrealistic tenor of Deut 17:14–20 noted above, does this place a question mark against its legal authenticity? Did the text indeed function as law in Israel? Römer, who connects our pericope to the Josianic edition of Deuteronomy, expresses doubts that the text was actually considered a law:

> It has no parallels in other Near Eastern law codes. And even if the "Josianic reform" was strongly supported by the Deuteronomists, they would not so openly restrict the king's power in an "official" publication. The "king's law", as it now stands, is not a law but much more an introduction to the story of the

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[162] Here the narratives of DtrG concerned with the establishing of the monarchy in 1 Samuel may be in view.

[163] The historical introduction (cf. other historical introductions of commandments in Deut 12:29; 17:14; 18:9; 19:1; 26:1; Otto, "Gerichtsordnung," 150) with its characteristically dtr terminology (ישב; ירש; v. 14 "When you have come into the land that the Lord your God is giving you, and have taken possession of it and settled in it") probably assumes the horizon of DtrG, and the remaining verses merit attribution to Dtr as well (ibid.); this would not however require a single author (García López, "Roi," 287). It bears note that the installation of the king remains a prophetic task. The law of the prophet should thus be deemed as constitutive of the larger "draft constitution" (*Verfassungsentwurf*) in the book of Deuteronomy: "Den Gotteswillen auch in der Königseinsetzung zu verkünden, ist eine prophetische Aufgabe. So gehört das Prophetengesetz konstitutive in den Verfassungsentwurf" (Otto, "Gerichtsordnung," 154). In 18:18 the "pre-qualified" prophet stands next to the torah. This is astonishing in that it reverses of the official view, i.e., that the Torah should serve as criterion that authenticates the prophet. Otto marvels that the reversal appears to escape censure. Does this indicate that for this author the relationship between the prophetic word and the Torah hangs in the balance? (ibid.). The merging of prophet, priest, and judge in the office laws of Deuteronomy reflects the perspectives of a group that takes issue with the *torot* advocated by official religionists.

[164] Cf. ibid., 143. For insightful comments on Deut 16:18–18:22 as a "projet constitutionnel," see Jean-Marie Carrière, *Théorie du politique dans le Deutéronome: Analyse des unités, des structures et des concepts de Dt 16,18–18, 22* (ÖBS, 18; Frankfurt am Main: Peter Lang, 2001), 40-49.

> failure of monarchy as related in the exilic edition of the books of Samuel and Kings.[165]

Römer has raised a valid point within the larger question of the degree ancient legal texts functioned practically rather than, say, rhetorically.[166] Still, García López's suggestion that Deut 17:14ff. would have been poorly understood had it not been preceded by experience (practique) remains compelling,[167] irrespective of the specific personality or the particular moment in history with whom the law is associated.[168] For the literary arm of a movement to pose a genuine challenge to the status quo (in this context the concept of the oriental despot and affiliated offices) it must stir a critical mass of individuals into action, empowered by a combination of enthusiasm and a resolve to utilize the means they have available. Rhetoric and idealistic optimism are to be expected[169] in either case, since even influential advocates of a minority view risk social and political reprisal. The end result in Deut 17:14ff is an expectant ("when you have come into the land … and have taken possession of it and settled in it" [v. 14]), optimistic ("you may indeed set a king over you," 15aα), and timeless text, one not limited by time or place. In this last respect the similarity with Hosea[170] should be noted.

This text calls into question the notion of a Josianic edition, since it seems strange that a "Josianic edition" of the law of the king would not reflect the king's fervent relationship with *Yhwh*.[171] Instead we find a text lacking referentials whose authorship could come from either the court or a subversive circle of priest-prophets. The argument that Deut 17:9a, 18bβ are late (cf. also

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[165] Römer, *So-called*, 80.

[166] For the rhetoric of law in the Pentateuch see now James W. Watts, "Ritual Rhetoric in the Pentateuch: The Case of Leviticus 1–16," in *Colloquium Biblicum Lovaniense LV–The Books of Leviticus and Numbers* (ed. T. Römer; vol. 215 of BETL; Leuven, 2008), 305–18.

[167] García López, "Roi," 291.

[168] "Dt 17,14–20 reflète une expérience particulière du peuple et du roi, sans que pour cela elle ne se réduise exclusivement à un seul moment historique" (García López, "Roi," 291–92).

[169] "En définitive, c'est un programme de vie qui est en train de s'élaborer, en partie idéal—comme tout bon programme—mais bein fondé sur l'expérience concrète et réelle que le peuple a de la monarchie" (García López, "Roi," 293).

[170] I.e., Hosea also does not limit his remarks about the monarchy to a particular time or place; see § 4.1 above

[171] Christa Schäfer-Lichtenberger, "Göttliche und menschliche Autorität im Deuteronomium," in *Pentateuchal and Deuteronomistic Studies. Papers read at the XIIIth IOSOT Congress Leuven 1989* (ed. C. Brekelmans and J. Lust; vol. 94 of BETHL, 1990), 125–42, 140–41, contrasts the relatively secular law of the king with the picture of divinely driven leadership in Josh 1, especially vv. 5–9 (cf. Deut 31:23). The image of Joshua is set forth in clear opposition to the leadership model in Deut 17:14–20.

31:9), which would cast significant doubt on the *levitical* priests' specific involvement in the production of the preexilic Josianic edition,[172] is not airtight. Similar juxtaposition of king, law, and priest presents itself in texts reflecting both Israelite and non-Israelite monarchic contexts (so Ezra 7:12, 21; 2 Kgs 17:27).

While it remains true that the priests do not receive a specific command to write or copy the code—a circumstance that would assure them influence in an official publication—this should not surprise us.[173] One might then interpret the lack of mention of priests in the preexilic edition as an ideological attempt to play down such involvement that later, postmonarchic priest-scribes[174] sought to redress. Alternatively, levitical priests[175] may have struck a compromise with pro-monarchic elements within the governing class that the law—which stood to benefit both priestly and non-priestly royal scribes—would be included as law without mentioning their hands-on involvement in its formulation. In producing the "law of the king" *qua* law Levites would need to remain either tangential (Deut 17:9) or upstaged (v. 18; 31:9[176]). These scenes depict an increase in the status of at least some Levites.[177] In Part 2 we

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[172] In *So-Called*, 79, n. 22, Römer designates Deut 17:9b, 10 as secondary. That the specification "levitical" priest in 9a would be secondary (ibid.) may not be that important in view of the ubiquitous levitical presence elsewhere in Deuteronomy, including nearby passages such as 17:18; 18:1, 6. Römer later says "Deut 17:18–20* contains the quintessence of the Deuteronomistic view about law and kingship" (ibid., 140), assigning v. 18bβ "in the presence of the levitical priests" to the time of Chronicles or to the "end of the Persian or beginning of the Hellenistic era" (ibid., n. 70).

[173] The explicit attribution of the writing of sacred history to the priests is more forthcoming in later times (cf. 1 Macc 16:13–14); cf. Josephus, who dates the priestly authorship of scripture "from the earliest antiquity" (*Apion* 1.28; in the following verse he links prophets and priests together in this enterprise).

[174] 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, A. Causse, *Les Dispersés D'Israël: Les origines de la diaspora et son rôle dans la formation du judaïsme*, Paris, Félix Alcan, 1929, 73, states: "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 cœr à étudier et à mettre en pratique la loi de Yahvé et à enseigner au milieu d'Israël les commandements et les ordonnances.'"

[175] Regarding Semitic *lwh* in הכהנים הלוים, does it indicate professional rather than tribal association here?

[176] Otto (*Deuteronomium*, 196–97) has noted the similarity between Deut 31:9–13 and Ezra's lection of the law in Nehemiah 8, proposing that the latter text, in which the Levites play a prominent role, is referencing the former. The topic of the Levites in Ezra-Nehemiah will be treated in more detail in a subsequent study.

[177] See further the discussion of Deut 17:9, 18–19 in Part 2.

will discover how their priestly-scribal empowerment translates into benefit for the people. It is, as will be argued, a priestly power that empowers.

## PART 2

### 2.1 The Distribution of Power

Among the many topics treated in detail by Michel Foucault was the notion of power, particularly regarding 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 comes into play only when specific laws or rights have been violated.[178] The sovereign's reach, however, depends upon the distribution of her/his power through a complex network. Major players within that network include middle-tier "specialists" (briefly introduced in the Introduction and in Part I).

### 2.2 Excursus 2

In Assyrian and Babylonian ideology the sovereign retains exclusive control over the production and maintenance of law. As I believe this study makes evident, Israel is more forthcoming regarding the actual power holders and dispensers of its society. With regard to its relationship to the divine sovereign, *Yhwh*, Israel repeatedly makes the choice to acquiesce to his rule (cf. the renewal of the Sinai covenant in Josh 24), which is outlined in a binding contract or covenant. During the exilic period the dictates of this covenant would change, becoming increasingly based in a written code, and 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 comments are pertinent:

> In der Konzeption von DtrD wird Israel als קָהָל (Deut 5,22) nicht durch Herrschaftsinstanzen eines königlichen Staates, sondern durch einen JHWH-Bund konstitutiert. Nicht eine staatlich Hierarchie, sondern die gemeinsame Erfüllung des

[178] Joseph Rouse, "Power/Knowledge," in *The Cambridge Companion to Foucault* (ed. G. Cutting; Cambridge: Cambridge University Press, 2005), 95–122, 103. This paper 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. The present study is moreover indepted to Rouse's essay, which reflects particularly extensive engagement with Foucault's writings on knowledge and power.

> Gotteswillens in Gestalt des Dekalogs integriert die Gemeinschaft des Volkes.[179]

If implemented, this new conception would wrest power from the sovereign and place it in the hands of those who had the primary responsibility for teaching the Ten Commandments and explicating their meaning, ostensibly the levitical priests. In Neh 8:7 the Levites are described as helping the people understand the torah (והלוים מבינים את־העם לתורה). In the following verse the Levites read the torah with interpretation (מפרש) and make sense of it (שום שכל). The authority of the Levites extends even to the supervision of the copying of the law before the king. That the sovereign requires a copy signifies he is no longer the scribe chosen by the deity to inscribe the original document as in Assyrian and Babylonian models. The Israelite sovereign is made subordinate to the law that *Yhwh* himself writes.[180] As the sovereign's revelatory monopoly decreases (cf. the postexilic, Pentateuch redactor text Deut 17:18f) that of the priest-scribe-interpreter increases. It is at this point that a theocratic priest-prophet such as Moses assumes the place of the king. This development would occur through the work of the post-exilic Pentateuch redactor, through whose additions the tora *written by Moses* becomes the *editio princeps*. In line with Deut 31:9, 22, 24, in Deut 17:18 the king copies the law, but now under the scrutiny of the levitical priest-scribes. Thus in the Deuteronomy redacted by the Pentateuch redactor both Moses and the supervised sovereign become scribes, a development Otto characterizes as a "splendid victory for the scribal authors of Deuteronomy."[181] Based in part on the numerous theological and terminological similarities between parts of Deuteronomy and the book of Ezekiel, Otto (cf. also R. Achenbach), attribute the authorship of Deuteronomy to the Zadokite priests. This view is in need of modification to include the literary and theological contributions of the levitical priest-scribes, who as we argue below experienced an increase in status in the fifth-century BCE, as the largely post-dtr passages just mentioned indicate.

As conduits of central authority, mid-level specialists learn to adapt the official memorandum with which they are entrusted. Opportunities to exercise this prerogative present themselves especially during times of peace and stability when the exercise of power (so Foucault) seems unnecessary.[182] While seeing to the local

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[179] *Deuteronomium*, 124

[180] Ibid., 124, n. 70.

[181] "So werden im Deuteronomium nicht nur Gott, sondern auch Mose und der König zu Schriftgelehrten—ein glänzender Sieg der schriftgelehrten Autoren des Deuteronomiums" (ibid).

[182] In the accounts of Absalom usurping his father David's power (2 Sam 15:1–6) and the sons of Eli's sullying the Elide priesthood's reputation (1 Sam 2:12–17), the reprehensible behaviors occurred *over* time and *during* times when their fathers neglected to regularly and properly exercise

implementation of official policy they alternate between ratcheting up[183] and attenuating the sovereign's power. The latter action may well be accomplished by verbally revising requirements and regulations (written revisions being too blatant, leaving the reviser open to reprisal). An itinerant judge may moreover demonstrate leniency when adjudicating offenses against the state.

### 2.3 Discursive Power

Foucault also considered the dynamics accompanying the merging of religious and political power. His work on religion during the nineteen-seventies looked into the relationship between experience, knowledge and power. He maintained that the religious and political "dissolve into the same network of power relationships."[184] The religious impulse moreover assumes the form of discursive power in an attempt to wrest the powers of governance.[185] The term (and concept of) discursive power encapsulates Foucault's notions 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 capable of cutting across otherwise restricted social boundaries. Discursive power also shows remarkable flexibility in that it can be deployed by competent persons on all levels of society and in behalf of both official and populist agendas.

### 2.4 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 where traditional forms have become invalid. One cannot reject traditional forms altogether, however, since a radical rejection of recognizable forms leads to a relapse into the older, mechanical forms.[186] A balance must be struck and maintained.[187]

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their authority.

[183] Cf. the newcomer Rehoboam's unsuccessful attempt in 1 Kgs 12:1–16.

[184] Carrette, "Foucault and Religion," 140.

[185] Ibid. 141.

[186] Arpád Szakolczai, *Max Weber and Michel Foucault: Parallel Life-works* (London: Routledge, 1998), 55.

[187] 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 Jeremiah 27–29; 38 regarding loyalty to Yahweh and allegiance to Babylon (ibid., n. 62).

In a biblical context Römer perceives an attempt at maintaining balance in the writings of exilic Deuteronomists who seek to neither reactivate the older institutions nor embrace fully the prophetic enthusiasm of a Second Isaiah.[188] In addition to overtly restricting the sovereign's prerogatives and reconstituting certain institutions it subtly attempts to substitute the *sefer* "book" for the temple and, to some extent, the prophetic office as well.[189] The book of Deuteronomy resourcefully endorses a thoroughgoing renovation of the existing religiopolitical framework.

### *2.4.1 The 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,[190] and it seems hardly accidental that the "law of the priest" precedes the law 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 אל הכהנים הלוים ואל השפט) who is in office in those days; they shall announce to you the decision in the case. (Deut 17:8–9)

In contrast to the curbing of kingly power in vv. 16–20, the law of the priest enhances the power of the Levites and affirms their authority to adjudicate. Within the dtn/dtr (and respecting vv. 18–20, post-dtr) program, the Levites who have experienced a significant increase in religiopolitical status now have the wherewithal to influence "official religion." Drawing upon past (prophetic, Hoseanic-levitical) and present (increasingly priestly-prophetic, levitical) perspectives they undertake the establishing of a conceivable peace between upper and lower classes, an admittedly difficult balance to maintain.[191] Middle-tier Levites, however, have a history both in-

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[188] Römer, "Transformation," 5.

[189] Ibid.

[190] 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.

[191] "To the dtn author the program of tribute prohibition, limitation of

side and outside of Israel proper of maintaining such balance. The dtn program also minimizes the need for executive power, thereby undercutting any justification for its misuse of power. Like the prophet Hosea the prexilic dtn circles entertain the notion that kingship is unnecessary. The later dtr writers in contrast do not reject the institution altogether, as 1 Sam 8:10–18 indicates.[192] Their competitors among the circles of priestly elites, particularly those Zadokite-Levites and Aaronite-Levites who separately monopolize worship at the sacrificial altar, would prove to be their greatest challenge, a challenge that would continue from the fifth century well into the Hellenistic period.[193]

### 2.5 Idealized, Religiopolitical Collaboration and the Law of the King

It was asserted in Part I that the official religious network of dominant and less dominant circles can withstand a measure of variance before a break in the chain occurs. Indeed, "popular" and "official"

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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, Otto argues that the temptation to lapse into something akin to the Neo-Assyrian (an)-durāru- institution would be considerable (*Politische Theologie und Rechtsreform*, 374).

[192] Cf. 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 of the first half of the fifth century a new notion of the people of Israel and their religious makeup (seine religiöse Verfassung) developed. 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 Joshuanic covenant at Shechem. The new conception benefits from both the new theological grounding and the political pressure of the Persians under the reign of Xerxes I, who with the removal of Babylonian power found opportunity to effect important changes in Transeuphrates regions. This may be the backdrop for the increasingly critical views toward any hopes of bringing back the glory days of the ancient Israelite monarchic era. 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, 31–32).

[193] 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.

religions are "firmly intertwined ... in a complex and articulated circularity."[194] The same holds true in the relationship between priest and king. In the law of the priest (17:8–13), v. 8 positions the Levites in a place of power that, if "the place that the Lord your God will choose" designates Jerusalem, would connect them very closely to the king. On the other hand, if the cryptic reference to an authoritative sanctuary[195] originates in levitical circles or represents a compromise between Levites and Zadokite-Levites the text then authorizes Levites to try cases in lieux of the monarch—and in some ways more poignantly—to assume the seat usually assumed by elites ensconced in the central power base.[196] Irrespective of a particular sanctuary, 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 (vv. 18–19).

This idealized picture belongs to one of the later redactional layers in the law of the king,[197] in which the Levites' reputation has garnered them commanding legitimacy. The possibly Hoseanic-levitical dtr (García López) though more likely Pentateuch redaction (E. Otto) text of the post-dtr v.18 is remarkable, too remarkable actually. Given the Levites' place in society as depicted in most dtn/dtr texts, the passage reflects a yet to be realized state of affairs in which prominent Levites attain elite status among the corps of elite priests.[198] There is little in earlier texts to suggest that they reside among the ranks of the elite, who alone would preside over the formal procedure adumbrated in v. 18 in which a copy of the law (משנה תורה) by some means[199] becomes the king's official copy.

In v. 19 the king is portrayed as a pious observer of torah, echoing the portrayal and activities of Joshua (Josh 1:7f; 8:30–35; 24:25–27). 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

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[194] E. Pace (1972) cited in Berlinerblau, *Vow*, 23.

[195] "Then you will go up *immediately*" (NRSV v. 8b וקמת ועלית) is suggestive of a local site.

[196] Some categories of offenses would still need to be tried in the central court.

[197] Cf. Otto, *Deuteronomium*, 185–86.

[198] 2 Chr 17:1–8 implies some Levites have gained a seat among the elite.

[199] MT suggests the king wrote it for himself (וקתב לו = 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 Δευιτῶν). There is no consensus among the versions or translations.

torah.[200] It is noteworthy that without Deut 17:18–19, which are secondary, the law of the king does not really expect torah piety from the unnamed ruler.[201] In contrast to the rather undeveloped leadership *Gestalt* in the law of the king, Joshua is not only a torah scholar but also a military commander, and land distributor.[202] That features of the *Josuabild* in Josh 1 (cf. again Deut 31:23[203]), which contrasts with Deut 17:14–20, derive from Assyrian conquest accounts seems likely.

Deuteronomy 17:19 also evokes the idealized image of King David in the Psalter and in Chronicles. The chapter moreover closes with an unrealistic expectation of a sovereign (vv. 19f). In each instance (Deuteronomy 17, the Psalms, and Chronicles) the relationship between a king like David, if you will, and the Levites, is very close.[204] The dtn/dtr portrait of the monarchy in Deuteronomy 17 subtly promotes the idea of an ideal Davidic institution while it at the same time sets forth elements of a more pragmatic religiopolitical institution. The combination proved itself attractive to various societal strata. After all, intellectual elites are not immune to the contagious hope for a better future. Flexible utopian images can serve more than one societal strata. In spite of their tendency to evolve and diverge, utopian images remain capable of communicating "a strong sense of convergence."[205]

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[200] 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, 98–99.

[201] Pace Otto, *Deuteronomium*, 123.

[202] Gordon Wenham, "The Deuteronomic Theology in Joshua," *JBL* 90 [Jn 1971]: 140–48,145–46.

[203] See above, n. 171.

[204] Cf. Christian, "Revisiting Levitical Authorship," 194–206; cf. also the enigmatic, secondary passage in Jer 33:21–22 the second verse of which 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

(ארבה את־זרע דוד עבדי ואת־הלוים משׁרתי אתי 22b; cf. Gen 13:16; 22:17). The plural construct משׁרתי 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 21–22 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 suggests the author of vv. 14–26 shared with the Chronicler and postexilic prophets a similar disillusionment with the Zadokites. Regarding David and the Levites Vawter perceives a substitution for David in some late postexilic contexts. More precise, levitical messianism comes to replace the Davidic (ibid.)

[205] Ehud Ben Zvi, "Utopias, Multiple Utopias, and Why Utopias at

Although one would expect the kingship to dominate over the priesthood, Deut 17:8–20 and 18:1–8 promote the authority of the Levites.[206] This results in the blurring of the lines between existing categories of dominant and less dominant religiopolitical institutions, thereby challenging the tenets of official religion.[207] Although those responsible for these late texts know they cannot reject traditional forms altogether they appear to be stretching existing conceptions to their breaking point. Foucault maintains that it is through this kind of conflict between traditional and novel forms that new, functional power/knowledge comes into being.

### 2.6 Michel Foucault's Network of Power

In his writings on the relationship between power and knowledge, Foucault speaks somewhat interchangeably of "sovereign power" and "juridical power"[208] and takes particular exception to the assumption that a close union exists between sovereignty and the state. The social philosopher focuses much of his attention on the emergence of a new type of power in seventeenth and eighteenth

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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.

[206] In Deut 18:1–8 we find no hint of a *clerus minor*, which may first emerge in Leviticus 21–22, seeing subsequent development in the book of Numbers, e.g., chs. 16–18 (Achenbach, "Der Pentateuch," 229–232); cf. ibid.: "Neben den Kultvorschriften des der Priesterschrift verbundenen Traditionskreises wird erst mit dem Heiligkeitsgesetz (Leviticus 21–22) eine über Deut 18,1–8 hinausfuhrende 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, rather a society infused with theocratic principles. The trajectory is one where *Yhwh* alone rules. Such is not the case in Deuteronomy 17.

[207] 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," 615–16) 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"). A combined analysis of "internal" and "external dynamics" produces a more comprehensive picture of the complex concerns of those involved in drawing up legal documents that appear to circumscribe to power of the sovereign.

[208] Rouse, "Power/Knowledge," 103.

century Europe.[209] Although it is true that the state "schematizes power in a juridical form,"[210] 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.[211] Foucault believes it is essential to separate the *principle* of sovereignty from its *manifestation* in an actual sovereign.[212] Rather than emanating from the central hub of control, power relations disseminate through extensive social networks.[213] These networks are multi-tiered and transmit power in various directions—vertically, laterally, even contrarily.[214] One thinks here of the important 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.[215]

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[209] *Michel Foucault, Power/Knowledge: Selected Interviews and Other Writings 1972–1977* (ed. C. Gordon; New York: Pantheon Books, 1980), 103–04.

[210] Michel Foucault, *The History of Sexuality* (trans. Robert Hurley; 3 vols.; vol. 1; New York: Pantheon Books, 1978), 85; cf. Rouse, "Power/Knowledge," 104.

[211] Even with twenty-first century communication systems this power dynamic continues to replicate itself.

[212] Rouse, "Power/Knowledge," 104.

[213] "Power is employed through a net-like organization," Foucault cited in ibid., 108.

[214] 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."

[215] The force of propaganda often fades 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 surrender part of his crop without grumbling too much, enough to take part in a military campaign rather than run away (Mario Liverani, "The Ideology of the Assyrian Empire," *Power and Propaganda; a Symposium on Ancient Empires* [1979]: 297–319, 302). The author notes the occurrence of peasant revolts, which he attributes to an "inadequacy in the monolithic value system" (ibid., 302–303). Combining Foucault and Berlinerblau with a central thesis of the present paper we might say that such revolts result from a breakdown in the network of control caused by a lack of centrally commissioned yet locally integrated, middle-tier personnel who would have the greatest opportunity to promote a holistic "value system." 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, §2.10–12.

### 2.7 Power-Sharing with Non-Agents and Peripheral Agents

Foucault also speaks of power-sharing with non-agents. Here one might consider the levitical priests, whom several texts in Deuteronomy propose as the future leaders of Israelite official religion, co-opting with lay elements of the population.[216] In this instance

[216] Deut 17:8–13 and 2 Chr 19:8–11 (the latter clearly depending upon the former) reflect administration cooperation between priestly and lay leadership. The hands-on cooperative leadership depicted in these texts, irrespective of their precise temporal context, would be difficult to provide in a bustling central shrine like Jerusalem. It 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 made 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 oral stage: "Le caractère 'incomplet' du corpus juridique présent dans le Pentateque milite en faveur de l'existence de lois non écrites, fondées sur les jugements rendus par ceux qui auraient à juger" (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). It seems to me that Deut 17:8–13 and 2 Chr 19:8–11 impute measured legitimization to these sites and secondarily to the peripheral personnel serving there. Even though Jerusalem is specified in the Chronicles text (v. 8), the final words of the verse (וַיָּשֻׁבוּ יִרוּשָׁלִם) imply the continuation of other sites from which revenue can be extracted (cf. v. 10); this appeared to be discontinued through Hezekiah's reforms in 2 Chronicles 31; 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 any support for rival centers problematic and literarily restricts access to them: καὶ κρίνειν τοὺς κατοικοῦντας ἐν Ιερουσαλημ "and to judge the inhabitants of Jerusalem." It also may be that וישיבו "and they brought back" in the introductory verse to the Jehoshaphat piece (v. 4) may have 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), 290–91. With respect to v. 4, LXX translates the Hiphil of שוב, which can mean "to bring back" in a physical or religious sense, with ἐπιστρεψεν "to turn back." In restricting the semantic range to "repentance" Jehoshaphat's success in fetching persons from afar is diminished.

The degree of control Jerusalem exerted over outlying areas and the peripheral agents frequenting them, which would vary depending upon the period, is nonetheless unknowable. It is noteworthy that of the two terms denoting authorized officials in Deut 16:18 (שפטים ושטרים), the term

significant redirection of the original movement becomes possible,[217] and the laity finds a measure of empowerment through the association.

Peripheral agents however 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."[218] In biblical studies, however, group or ideology descriptives sometimes result in reductionism. Although the rubrics "priestly" and "deuteronomic" facilitate efforts to delineate and categorize diverging traditions (cf. the

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*shoterim* can refer to "scribes." Whether or not the two together intend a composite figure (cf. Mark Leuchter, ""The Levite in Your Gates": The Deuteronomic Redefinition of Levitical Authority," *JBL* 126 [2007]: 417–36, 420), these officials have the authority and possess the skills to not only to intervene in local juridical procedures, but to also promote the juridical interests of the central authorities. They would also endeavor when possible to affirm local legal traditions and rulings while still reserving the right to edit and summarize for reuse.

The successful peripheral agent could wield significant influence throughout their areas of jurisdiction not only for the present but for the future as well. A period of social and political upheaval coupled with fervent prophetic activity could produce a formidable priestly-prophetic figure similar to Samuel, who possesses considerable, even executive, power in the land. His regional (and implied national) jurisdiction includes the authority to promote and demote "national" political leaders and effectively replace incumbent priests with prophetically-infused, circuit-clergy conversant in the emerging national state's law. Incidentally, that Samuel functions as priest without the title in Sam-Kgs (whereas Chronicles is more explicit) does not indicate that his Ephraimite lineage conflicts with the later, tribally-based notion of the levitical priesthood. Indeed, Samuel is actually called כהן in 1 Sam 2:35. Rather, the dearth of explicit of references to Samuel as priest in Sam-Kgs functions to disassociate him from the Elides with their close connection to a single sanctuary (Shiloh), enabling this Samuel's priestly image to hearken back to a more charismatically and vocationally based priestly office (rather than a priesthood based on a single tribal affiliation) not tied to a particular sanctuary. One of the passages that links Ephraimites and Levites manifests the older notion of "Levites" (Judg 19:1). Cf. the later passage making the Ephraimite-Levite connection (Josh 21:20; cf. also perhaps 2 Chr 34:9).

As for the possible identity of these officials, Wilhelm Rudolph, *Chronikbücher* (Tübingen: Mohr Siebeck, 1955), 256–57, believes that while the judges of the *Landstädten* remain unspecified in the texts presently under consideration they likely materialized in Jerusalem thanks to Levites, priests, and the heads of Israel (Israel standing here for the laity as in Ezra 10:25).

[217] Achenbach ("Der Pentateuch," 233) lists texts in Numbers in which rituals and responsibilities are assigned to the laity in the context of the involvement in the cult: Num 5–6:21; 15; 19; 28–30. Num 27:12–23; 33:50–56; 34:16–29 clarify the assigning of jurisdiction to the political leadership of the laity.

[218] Rouse "Power/Knowledge," 109.

"priestly-deuteronomic compromise"), the nomenclature tends to obscure the more complex dynamics within, say, "Deuteronomism," where the term "priestly" may both connote the non-prophetic and entirely exclude lay persons. 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, Aaronite-Levite (often representing P; cf. also the Aaronite Holiness Code[219]), Zadokite-Levites (the top tier of "Deuteronomism"), Levites (cf. Levite-lay factions,[220] the second tier of "Deuteronomists"), and to some extent the laity as well. To be sure, prophetic ideology and prophetic individuals could be assumed to play a role in any of these groups: While primarily a priest Aaron nonetheless serves as mouthpiece for the chief prophet Moses;[221] 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 probative evidence that would justify the strict segregation of priests and prophets in ancient Israel,[222] 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 if unstated. In spite of the difficulties accompanying the introduction of new terms and categories into scholarly discourse, conceiving 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*."[223]

### 2.8 Peripheral Agents of Power

Foucault stressed that both animate and inanimate objects function as agents or instruments of power, for example, texts, temples,[224]

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[219] In the case of Leviticus 17–26, the term Aaronite-Levite does not apply, since the Aaronite circle responsible for the HC does not share in the concept of the levitical origin of the priesthood in Israel; cf Reinhard Achenbach, "Der Pentateuch," 227.

[220] 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).

[221] Cf. Otto, "Nähe und Distanz," 262–63.

[222] 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.

[223] Foucault, *History of Sexuality*, 93.

[224] To the temple category one might add rival sanctuaries.

rituals, artistic expression, and implements of war.[225] Viewing power as a diversely derived phenomenon, he doubted whether the identification of a particular political and/or epistemic position could somehow represent the standpoint of sovereignty.[226] Rather, it is through the "peripheral agents" within these networks that the desires of the dominant agent may—or may not—be realized.[227] These statements recall the discussion in Part I regarding the official religious doctrine (here, official epistemic position) transmitted from the central power station. Even when sent 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 version of "popular religion" have ample opportunity to adapt the official doctrine. Again, modifications must be carefully measured and introduced gradually.[228]

### 2.9 Power Dynamics during Transitions of Power

Times that witness shifts of power provide ample opportunity to (re)evaluate power mechanisms and the overall dynamics of power relationships. In order to gain a better sense 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 an effort to survive and if conditions permit, small and extended families (בית אבות and משפחות, respectively) promote the ideologies (Foucault's "epistemological positions") that they—or, on a larger scale, their tribal (שבט) leaders—believe serve the best interests of the group. To be sure, opinions regarding the wisest choice of action for the whole would vary greatly. In 1 Kgs 12:1–19 the tribal elders who urge Solomon's son Rehoboam to introduce himself as a compassionate ruler demonstrate a keen awareness of the dynamics of tribal and intertribal transitions of power.

Rehoboam's leadership model appears to be that of the despotic oriental ruler. The people (ostensibly tribal leaders) not only rebuff his pitiable muscle-flexing, they execute the commissioned messenger,[229] thereby short-circuiting Rehoboam's first official transmission before it reaches its destination. According to 1 Kgs 12:18, וירגמו כל ישראל בו אבן וימת, *all-Israel* stones him. The dtr writer both democratizes the execution and propagates the notion that, empowered by the law and *Yhwh*'s sanctioned priestly ser-

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[225] Cf. Rouse, "Power/Knowledge," 109.

[226] Ibid., 106.

[227] Cf. ibid., 109.

[228] 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.

[229] I.e., Adoram, the taskmaster assigned to forced labor (על־המס v. 18).

vants, the northern, multi-tribal power network could indeed form a coalition capable of deposing a dynastic successor.[230] 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 thanks to a prophetic messenger (v. 22) representing the viewpoint of a conservative variety of "popular religion"[231] who attributes the revolt to *Yhwh* himself כי מאתי נהיה הדבר הזה ("for this thing is from me," v. 24).[232] There follows Jeroboam's systematic reinforcing of his network of power through (in Foucaldian terms) inanimate symbols, namely, casting a molten calf and establishing the rival sanctuaries of Bethel and Dan.[233] Although 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.[234]

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[230] Cf. the political successes of the עם־הארץ in the South.

[231] Conservative religion, which is admittedly difficult to define, was not the preserve of Judahites alone, neither did "conservative" necessarily mean monotheistic; cf. 2 Kgs 17:23b–34a and Knoppers, "Cutheans," 226–28.

[232] Shemaiah the prophet (איש אלהים v. 22) makes only one appearance in the DH. Second Chronicles 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 that includes 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. Anselm Hagedorn; Minneapolis: Fortress, 1996], 144–45). The narrative of vv. 21–24 asserts that the dividing of the two kingdoms—which it presupposes—is ultimately God's doing. The form נִהְיָה 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.

[233] The cultic practices arguably instituted by Jeroboam I would influence northern religion for centuries. That the repatriated Samarian priest in 2 Kgs 17:27–28 relocates in Bethel to instruct new immigrants in the ways of *Yhwh* suggests not a new religion but rather 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." Aaron's association with Bethel (so, Exodus 32) may suggest its priests viewed Aaron as the father of their clan (Schaper, "Aaron," 2).

[234] Cf. ibid., 106. Although the sociopolitical milieux on which Foucault focused his attention were those of relatively modern times, it has not been found necessary to significantly modify his views for application to an ancient Near Eastern context.

### 2.10 The Power Dynamic of (Specialized) Knowledge

Similar to the indirect and distributive manner in which regal power is realized, knowledge is established indirectly. It does not come into being merely through its relation to a particular field of statements or laws, but rather relates to certain objects, instruments, rituals, skills, social networks, and institutions. Knowledge can *result* as heterogeneous components such as these remain integrated into known categories over a protracted period.[235] Laws, techniques, or rituals must find a stable place within an epistemological system whose existing elements undergo adaptation in order to accept them, making the "incoming" components compatible. They can then begin *functioning* as knowledge and thereby come to achieve true epistemological significance. To be sure, the new categories resulting from this process present opportunities for the specialists in those fields to try to normalize behaviors according to the new categories. But it also results in increased individualism within those fields, which then leads to a redistribution of, e.g. rank, as Foucault states:

> ... la normalisation devient un des grands instruments de pouvoir à la fin de l'age 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 systéme de l'égalité formelle, puisque à l'intérieur d'une homogénité qui est la règle, il introduit, comme un impératif utile et le résultat d'une mesure, tout le dégradé des différences individuelles.[236]

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[235] Ibid., 113.

[236] Michel Foucault, *Surveillier 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 classification, hierarchization and the 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, to determine levels, to establish specialties, and to 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

The results of normalization are thus mixed. The reevaluation of that "qui traduisaient des statuts, de privilèges, des appartenances" could I think occur in numerous ancient settings in which a shift toward increased specialization or a reconfiguring of the specialist catalog takes place. During the Babylonian exile, for example, priestly groups experienced fluctuations in status. Some were no doubt relocated to perhaps assist at Babylonian cultic centers. Large empires are known to use foreigners in various levels of administration because of their bi- and multilingual skills.[237] With a background in itinerancy this may not have proven altogether disruptive for Levites. It may be that as non-elites of often dubious heritage they found a more welcome reception in Babylon[238] than did their elite colleagues for whom ethnic homogeneity represented a more contentious issue.

During the early Persian era, Ezra and Nehemiah[239] may have been instructed by Persian authorities to, when possible, employ the less threatening and arguably more malleable, middle-tier Levites.[240] Briant maintains that "the creation of satrapies did not

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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).

[237] Schams, *Jewish Scribes*, 54; Dandamaev and Lukonin, *Culture and Social Institutions*, 114-16.

[238] It is likely that Levites served as public teachers in Babylon; cf. Hugo Mantel, "The Dichotomy of Judaism During the Second Temple Period," *HUCA* (1973): 55–87, 68.

[239] 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. That they subsequently moved to Judah's capital city would hardly have won the hearts of rural Yehudites, who now found yet another reason to consider them, especially Ezra, suspect. The Persians would have been well aware of the tenuous tightrope of loyalty that empowered persons of two countries (cf. Esther) walked. The conflicted of interest would no doubt struggle internally with dual loyalties, likely garnering criticism from both sides. Flexible in their areas of expertise and well-acquainted with life in the margins, the liminal Levites made ideal intermediaries between the upper and lower strata of society.

[240] The non-elite Levites were 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 be involved in some aspects of the ministrations; cf. ibid., that "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 no-

cause the preexisting political entities to disappear."[241] In light of such considerations, middle-tier functionaries may have been the preferred replacements for refractory incumbents. The need for linguistically gifted persons—more generally, specialists in local culture—was great in the Persian empire.[242] In Persian period Babylonia moreover judges rendered decisions in accordance with local law as long as the cases did require adjudicative measures exceeding the capabilities of the regional system.[243] Such a system would have necessitated the services of local jurisprudents, and the Levites of biblical tradition facilely fit that profile. Finally, the image of middle-tier Levites rather than elite priests standing before the sovereign in texts such as the law of the king (Deut 17:18; cf. 31:9)[244] would have been more palatable to Persian authorities. The positioning of the Levites at the font of revelation and power may owe on some level to the inconspicuous though not inconsiderable Persian influence.[245]

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body." Finally, biblical texts dating to the Persian period relating the wide range of skills acquired by Levites suggests a pattern of flexibility, and likely compliance.

[241] Briant, *Cyrus to Alexander*, 64. Achaemenid innovation included e.g. the coopting of exising 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).

[242] 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. For their part, Persians did not apply themselves to the acquisition of the local language either. A Babylonian tablet arguably dated to the early fifth century lists rations issued to various people most of whom are Persian. The tablet (Amherst 258) mentions a scribe-interpreter (Libluṭu), 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).

[243] Ibid., 510. The contrast in Esther 3:8 between the laws of the Jews and "the laws of the king" (דתי־המלך) emphasizes the political over the judicial aspect. The royal edict unquestionably validates the people's laws, which differ from imperial law; cf. Est 7:25–26, 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. Leo G. Perdue, *Wisdom Literature: A Theological History* (Louisville: WJK, 2007), 140.

[244] Neh 8:7–8 comes closer to depicting reality.

[245] There was no, single "Persian authority" but rather different levels and locations of governance; see Briant, *Cyrus to Alexander*, 338–47; Schmid, "Persian Imperial Authorization," 30, 38. In many instances Persians allowed native administrators to rule locally. The policy helped maintain local stability and forestall local uprisings (Perdue, Wisdom Lit-

### 2.11 Accelerated Integration of Knowledge

With some adaptation one can profitably employ this model to consider 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 that appears to find *accelerated,* even *immediate integration* through its association with first the deity and then the deity's authorized agent.[246] In later dtr sections of Deuteronomy in which Moses transitions from lawgiver to law interpreter par excellence 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 is exemplified in the Exod 18:13–27, a text composed by the redactors of the Hexateuch.[247] Here Moses' own interpretative authority devolves to others, thereby establishing the mosaic institution of interpretation.[248] The trained specialists (v. 20) in this institution promulgate their sacral-legal knowledge in the form of revealed pronouncements (vv. 15–16)[249] and legal verdicts (v. 22, 26), which they distribute through the "mosaic network," that is,

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erature, 139-40). In Foucaldian 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 above, §1.3 *et passim*.

Another compelling explanation for Deut 17:18 and 31:9 involves the postexilic *Tradentenpropheten* (see above, n. 19) who I believe employ the prophetically leaning Levites in the war they wage against exclusivistic Zadokite-Levites and Aaronite-Levites, who had composed and redacted significant portions of the Pentateuch during the exilic period. It is my opinion that the *Tradentenpropheten* include postexilic, levitical priest-prophets who promote the notion of *post*-mosaic revelation that *all-Israel* is capable of receiving directly, i.e., without mediation and without powerless dependence upon either hegemonic interpretation or a non-inclusive priesthood and cult; see the reference in n. 18.

[246] The texts in Exodus and Deuteronomy 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 another level of *immediate integration* in which the unmediated disclosure bypasses Moses and the mosaic institution of interpretation. The *benei yisrael* adopt the new "knowledge," thereby facilitating its integration into the community's epistemological system.

[247] Cf. Achenbach, "Die Erzählung von der gescheitern Landnahme von Kadesch Barnea (Numeri 13) als Schlüsseltext der Redactionsgeschichte des Pentateuchs," *ZA(B)R* 9 (2003): 56–123, 104 n. 229; cf. Otto, *Deuteronomium*, 131–32.

[248] Eckart Otto, "Deuteronomium 4," in *Das Deuteronomium und seine Querbeziehungen* (ed. T. Veijola; vol. 62 of SESJ; Göttingen: Vandenhoeck & Ruprecht, 1996), 196–222.

[249] We may assume the *shoftim* now inquire of God (לדרוש אלהים) in place of Moses.

through the ministerial and vocational pathways open to them by virtue of their prestigious training and personal reputation (v. 21).

### 2.12 The Catalyst for the Acceptance of New Knowledge

What then serves as the catalyst for the adaptation and resultant reorganization of existing categories of knowledge? Foucault sees one catalyst in the conflict that erupts 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.[250]

From this we may infer that a system of knowledge that either eludes epistemological challenge or ignores it runs the risk of becoming obsolete. Within Foucault's conceptual framework one might characterize the content of Deuteronomy as an epistemological program of resistance. The potential disruptiveness of its program is mitigated by the diversity of its goals, the achieving of which requires an ongoing balancing act. Indeed, and contrary to the commonplace characterization of the Deuteronomistic History as monotonous, the dtn/dtr/post-dtr combination in Deuteronomy transmits its ideological aims in multiple frequencies, in a way that maximizes its resonance.[251]

On one front, the "dtn frequency" targets Neo-Assyrian "institutions" and their influence by introducing elements that compete with Neo-Assyrian conceptions.[252] Otto maintains that "the dtn reform program promotes an ethos of brotherly solidarity (geschwisterlichen Solidarethos) which 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."[253] The program of social unity appeals to those poign-

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[250] Rouse, "Power/Knowledge," 114.

[251] In electronics, resonance may be defined as the condition of adjustment of a circuit that maximizes the flow of current of a given frequency (s.v. in Webster's New Universal Unabridged Dictionary, Deluxe Second Edition). In terms of Deuteronomy's multivalent presentation, Levinson ("The First Constitution," 1859) notes 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"; cf. Josephus *Ant.* 4.198, who appears to refer 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 ἐις 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. idem, *Ant.* 4.302.

[252] Otto, *Politische Theologie und Rechtreform*, 374.

[253] Ibid.

antly 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."[254] In contrast to 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 existing epistemological framework of the Israelite social body.[255]

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 Aaronite-Levites[256] they begin expanding the notion of the purification of the preexilic cult[257] to embrace a Jerusalem-only perspective in "new forms"[258] that elites readily receive. Most non-elites, especially those living in outlying residential towns, resist the innovation.[259]

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[254] 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 necessarily be "Israelite" in every way) be and the possibility that Israel had its own heroes of the past impacting the dtn program.

[255] Cf. Foucault's use of the term "social body" in the block quote below, II.7.

[256] Cf. Otto, "Scribal Scholarship," 172–173: "During the so-called exilic period of the sixth-century BCE, the two rivaling conceptons of Israel's were written down by two different Priestly factions: the Priestly code (Genesis 1–Exodus 29 [Leviticus 9; $P^s$]) of the Aaronides, on the one side, and Deuteronomistic Deuteronomy, 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.

[257] See above, §1.11.

[258] On Foucault's notion of the creation of new forms, see above, §§2.4; 2.4.1.

[259] This would hold true especially for northern Yahwists, alternatively Samarians, whose epistemological framework rejects the, for them, alien worship center and capital city. The sharp difference of opinion over the choice of capital city represents a breakdown in the official communication network linking North and South. Samarians could retain official affiliation with Israelite (more specifically, Judahite) religion only after overtly modifying the problematic, pentateuchal passages that disqualify Samaria as an approved worship center and indeed as a legitimate capital city. That Deuteronomy leaves the identity of the capital city unspecified would have been a celebrated inadvertence for many a northern Israelite.

The contested "new knowledge" nonetheless finds a place in 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,[260] except among the upper classes.[261] Thus the degree to which the elites' "new knowledge" promoting a single cult center becomes *functional knowledge* depends largely upon them.[262] New forms/ knowledge/ideologies derived from elite circles also face challenge from without, since elites and their power-monopolizing strategies are especially targeted by the governances of conquering nations.

B. Preexilic, middle-tier Levites, exhorted and innervated by the prophetic message of Hosea, produce *inter alia* the hortatory material (cf. the "Levitical sermon"), which chal-

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[260] 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 the 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 Foucaldian terms, their partially deconstructed epistemological framework would be more capable of integrating new, even alien, forms. Alternatively, one might say that these dislocated Yahwists were particularly vulnerable to the incursion of new knowledge and forms.

[261] The same holds true for debates among "the wise." In these contexts the discourse includes strong words about the value of knowledge. The Persian period 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 in a long-winded manner that often smacks of self-indulgence. Wisdom discourse could be fairly characterized 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 they function as literature of dissent, challenging the existing epistemological framework and their dominant discourse in a self-critical manner, since the authors of Job and Ecclesiastes view themselves as part of the problem. Like Deut 17:14–20, however, neither Job nor Ecclesiastes seeks to overthrow the existing institutional framework, which in their case are social institutions.

[262] Elites would of a necessity seek out non-elite advocates for their centralization program. The direct "search" would be carried out at the special events taking place in the capital and royal cities. Indirect "searches" would be carried out by middle-tier personnel commissioned to find (or induce) sympathizers in local administration cities and residential towns.

lenges existing assumptions held by both elites and lay leadership among the people regarding personal and interpersonal accountability.[263] The Levites' own epistemological framework is challenged by (1) the general criticism leveled at priests by the prophetic movement, (2) the expectation of leniency and relevancy placed upon them by the general populace, and (3) the demand for efficient and loyal service placed upon them by their superiors. 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. That they are subsequently subjected to new levels of anti-priestly, occasionally anti-ritualistic, criticism (cf. Amos 5:25; Jer 7:22; Psalm 50) has ramifications for the successful integration of elements of their "new forms" into the epistemological framework of the broader population. Most of the Levites' contributions to the book of Deuteronomy are nonetheless well received by the populace. The situation in the Chronistic History would be somewhat different.

C. The laity faces a twofold and thus doubly difficult epistemological challenge in the combination of official and popular streams that comprise Deuteronomism: they are challenged 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. the local circuitry connecting villages, residential towns, and administrative cities[264]) in order to reformulate and rejuvenate familiar forms and institutions (Deut 17:15a). Albeit the difficulty of the twofold challenge 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. 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

[263] It is conceded that the contrast between Zadokite-Levites and Levites would not be this stark in every instance. Recalling the discussion in Part 1, 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.

[264] See section 1.3.1.

program, especially those that reinforce the notion of Israel as an exceptional nation inbued with a distinctive, divine destiny[265] have revitalized Israelite/Jewish hopes[266] from Neo-Assyrian to Greco-Roman times and beyond.[267]

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[265] 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 בך בחר יהוה אלהיך להיות לו לעם סְגֻלָּה מכל העמים אשר על־פני האדמה.

In the 4th book of the Psalms (90-106) a similar substitution is in evidence: the failure of the Davidic monarchy results in the transfer of "chosenness" 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) is applied to the community: "אל־תגעו במשיחָי" (Ps 105:15); see Bernard Gosse, "Les mentions de Moise en Isaie 63,7-64,11 et Psaumes 90-106, et les relations entre le livre d'Isaie, 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 even though it is admitted that it is the third book of the Psalms that shows more explicit evidence of levitical involvement; see, e.g., Mark S. Smith, "The Levitical Compilation of the Psalter," *ZAW* 103 (1991): 258-63.

[266] As disheartening as false hopes turn out to be, and notwithstanding the ideological manipulation that would inevitably be 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 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 translation).

[267] 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.

### 2.13 Power that Empowers

Deuteronomy does not constitute the creation of sacral-legal specialists assaying to train other specialists.[268] The dtn/dtr program succeeded in part because of its ability to integrate new components rather quickly[269] into the epistemological frameworks of a both official and popular religiopolitical groups. In the case of Deuteronomy the notion of "compromise" only goes so far in explaining the dtn/dtr achievement. The Hoseanic-Levite (cf. the prophetic-priestly) impulse included a conception of Moses[270] that later dtr tradents would develop into a more composite figure (cf. Samuel) with which they could link together numerous *heilsgeschichtlich* elements.[271] The preexilic, dtn Deuteronomy had already given voice to concerns not only respecting justice for all but also regarding the piety of the individual. The opposition among the dissimilar elements that are being combined[272] becomes an innervating mechanism for change within the hearts and minds of Israelites,[273]

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[268] So, Rüterswörden, *Deuteronomium*, 18: "Priesterliches Fachwissen teilt das Deuteronomium nicht mit."

[269] Cf. the comments on the accelerated acceptance of knowledge above section 2.11.

[270] The northern, Hoseanic-Levite coalition included intriguing conceptions of the deliverance from Egypt. Hos 12:12–13 [Heb. 13–14] suggest Jacob as the prophet that brought Israel up from Egypt. Cf. Römer, 110: "Au patriarche Jacob, l'oracle [Hos 12:13–14] oppose le prophète comme le vériable médiateur"; MacIntosh (*Hosea*, 511–12) argues the indissolubility of the two verses (use of שמר in both verses and the twofold occurrence of preposition ב in the second) but then asserts Moses is the referent in the second verse; Albert de Pury, "Le choix de l'ancêtre," *ThZ* 57 (2001): 105–14, 110–11, concludes the ambiguity ("il est néamoins étonnant que le nom de celui-ci n'apparaisse pas") does not hamper the true goal of the author of Hosea 12, namely, to emphasize the *need* for a mediator in general, the specific identity of which was of lesser importance.

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" [יעקוב גאון] 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 the important survey of earlier periods.

[271] For a well-considered appraisal of Hosea's influence on subsequent Israelite views of their divinely-guided history, see Dozeman, "Hosea." Regarding the early reference to Moses in Hosea, see above, n. 81.

[272] Cf. our comments in p. 10 that official religion actually thrives on a certain amount of internal opposition.

[273] Cf., e.g., the opposition evident in the blessings and curses in Deuteronomy 27–28.

empowering them to entertain the possibility of uniting to overcome oppressive circumstances they experience as a subjugated nation. For the middle and lower classes the prospect of voicing their rising discontent free of repression by their overlords—both near and far—proved to be more than a little appealing.[274]

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.[275]

Before the reader rejects this notion of beneficent power as somewhat naïve, it should be noted that the author was speaking from a context in which he found the spate of repressive power to be particularly loathsome. Thus he writes of a power that counteracts oppression. It is a power that empowers.

## CONCLUSION: EMPOWERING LEVITICAL PRIESTS

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 issues raised, especially how the Levites appropriate specialized knowledge and integrate it into their vocational circumstances, which often include a 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 include the destitute and the marginalized among the general population. [276] Even in situations where a sovereign or official reportedly transmits power through a network,[277] the successful *Wirkung* of that power remains dependent upon other persons or groups at locations along the network chain acting in concert.[278] Therefore, and because of their reliance upon middle-tier professionals, elites would need to maintain a working relationship with such middle-

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[274] Relevant to the current discussion is Ben Zvi's reference to 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.

[275] Foucault, *Power/Knowledge*, 119, secondary emphasis.

[276] Cf. Deut 26:11–13.

[277] The analogy of an electronic network is introduced in Part 1.

[278] Rouse, "Power/Knowledge," 109.

men while at the same time fully realizing they cannot control the details of their 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. Recalling the discussion of Berlinerblau's categories of "official religion" and "popular religion" in Part 1, 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 go unpunished, as Numbers 16 and Ezek 44:9-15[279] respectively illustrate.

Inchoate democratic, even utopian reflections present themselves in the law of the king (Deut 17:14–20) that likely derive from priest-scribes influenced by the early Israelite prophets, notably Hosea.[280] To be sure, self-governing notions could also prove useful to elites who have their own reasons for holding the sovereign in check.[281] The final form of the text constitutes the product of a degree of cooperation between the top and secondary tiers of priest-scribes. We would follow García López[282] 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), though not the same circle responsible for the post-dtr vv. 18–20, which seems to share similar perceptions of a more elite group of postexilic Levites the likes of which can be found in Chronicles and probably the Psalms as well.[283] As was argued in Part 1, the theme of centralization is not integral to the dtn message but rather derives from exilic or postexilic tradents.

As one reflects on the probable authors of the book of Deuteronomy, the motivating tone of much of the work is difficult to account for outside of a group of priestly-prophetic Levites (cf. DtrP, the influence of which extends beyond 18:9–22) who enjoin

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[279] 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."

[280] For democratic ruminations in the Persian period, see Herodotus, III.80, in which is initiated a debate over the value of different forms government that continues through §87.

[281] Cf. Knight, "Whose Agony?," 112, who warns against the assumption that preexilic laws and social norms would somehow be free of political and economic self-interests.

[282] See Part 1.

[283] Cf. Christian, "Revisiting Levitical Authorship," 194–201.

not only fellow officials but indeed *all-Israel* to act in concert. That Deuteronomy both recognizes Levites as priests[284] and paupers[285] well positions them to form powerful cross-denominational alliances; they make ideal teacher/preachers for the people: Deut 27:14 reads "Then the Levites shall declare in a loud voice to all the Israelites." In v. 19a the Levites proclaim: "Cursed be anyone who deprives the alien, the orphan, and the widow of justice." 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.[286]

Second, and finally, the Levites belong to the class of elites simply by virtue of their scribal ability and expertise in sacral law.[287] And yet in preexilic times it is unlikely that their area of specialized knowledge and the loci in which they practiced their craft would have been among the upper ranks of priestly specialists in the environs of a central 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., Joshua 21[288]) come to mind.[289] Villages were units in

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[284] Deut 17:9, 18; 18:1, 5; 21:5; 24:8, 27:9; 31:9.

[285] Deut 14:27–29; 16:11, 14.

[286] Moses' involvement vis-à-vis the Levities in this chapter 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 Chronicles); 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).

[287] This is true especially regarding Levites in Second Temple times; cf. Karel van der Toorn, *Scribal Culture and the Making of the Hebrew Bible*, Cambridge, Harvard University 2007, 90.

[288] 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), 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 ערי הלוים to which Josh 21:41–42 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 is somit eine sorgfältig

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 not only sprang up on routes of commerce but also at the "intersections of kin-group territories."[290] Such villages and shrines made optimum settings for Levites to ply their trade and show solidarity with the local population, which could be quite diverse.

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 Israelites but also aliens that chose to align themselves with Israel by demonstrating devotion to Yahwism.[291]

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durchgeführte Konstruktion, in der die geographische Gliederung des Landes in Stammesgebiete bereits vorausgesezt 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.). 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.

[289] Cf. 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."

[290] Halpern, "Jerusalem and the Lineages," 52–53 (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 *mana*); 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*. E.g., his expression Sardion hyparkhos appears to refer to a district in Asia Minor including Lydia and Ionica Herodotus III.127; cf. Briant, *Cyrus to Alexander*, 64.

[291] It seems to me that the Levites make likely candidates for the

Hexateuch redactors (first half of the fifth century), the Zadokite-Levites (late fifth- or early fourth-century) redactors of the Pentateuch. The Hexateuch redactors 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 Chronicles 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 lineage into their ranks, resulting in increasing animosity toward nonobservant Israelites by birth. Cf. 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; cf. also the hostility leveled at those boasting Jerusalemite citizenship in Isa 57:3–13, which Nihan, "Ethnicity and Identity in Isaiah 56–66," in *The Judeans in the Achaemenid Age: Negotiating Identity in an International Context*, Knoppers/Lipschits/Oeming eds., forthcoming, argues should be read opposite 58:1–6.

In texts attributable to the Hexateuch redactor Caleb, who "nicht ein Sohn aus Israel gewesen [ist]," becomes the sole survivor of the Exodus generation possessing *Yhwh*'s unqualified support (Achenbach, "gescheitern Landnahme," 83). Inheritors of this stream of postexilic *Levitismus* come to share certain views of Second and then Third Isaiah (cf. idem, *Vollendung*, 631, speaking of the Hexateuch redactor: "Seine Ideenwelt und Sprache steht zwischen der Deutero- und Tritojesajas"), and then much later in the fourth century become directly involved in the production of the "prophetic torah" of Isa 56:1–8; cf. Tuell, "Priesthood"; 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, also dubs 56:1–8 "prophetic Torah." Lau leaves unstated the identity of the writers of this pericope, suggesting only that "wahrscheinlich soll Jes 56–66 zur Gänze unter dem mahnenden und zugleich Heil verheißenden Motto Jes 56,1 gelesen werden" (cf. ibid., 278–79). Lena-Sofia Tiemeyer, *Priestly Rites and Prophetic Rage: Post-exilic Prophetic Critique of the Priesthood* (Tübingen: Mohr Siebeck, 2006), 286, 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." 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 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 (56:6–7) 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 2:28–29. Although the spirit is to be poured out on "all flesh," Joel maintains that both priests and temple remain essential.

In contrast to Deut 23:1, a text I 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 complete integration into the community of Israel of emascu-

lated 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. In contrast to the more arcane details of portions of the Deuteronomic and Holiness Codes, the mastery of which was expected of the top tier of priestly elites, the radical abridgement of the covenant in Isaiah 56 (cf. the abridgement of the Torah in the Psalms; Christian, "Revisiting Levitical Authorship," 195–96; cf. Kratz, "Die Tora Davids") heartens the non-specialist, the non-priest, indeed the non-Israelite. Regarding the question of whether Isa 56:1–8 intends the complete integration of foreigners into Israel, see Nihan, "Ethnicity and Identity," forthcoming; cf. also ch. 8 in Christian, *Of Priests and Kings*, forthcoming.