UNIVERSITY OF CALIFORNIA

Los Angeles

Reading Ceremonies in the Hebrew Bible:

Ideologies of Textual Authority

in Joshua 8, 2 Kings 22-23, and Nehemiah 8

A dissertation submitted in partial satisfaction of the

requirements for the degree Doctor of Philosophy

in Near Eastern Languages and Cultures

by

Lisa Joann Cleath

2016

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ABSTRACT OF THE DISSERTATION

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The covenant reading ceremonies in Joshua 8:30-35, 2 Kings 22-23, and Nehemiah 7:72b-8:18 betray a developing interplay between the people of Israel and the book of the law. These narratives are unique in the Hebrew Bible in presenting the oralization of a covenant document to a specific audience. Previous scholarship on these narratives has focused on reconstructing the source-critical history of each account and the historicity of the reported events. For the following study, Joshua 8:30-35 and 2 Kings 22-23 represent earlier pre-exilic and exilic traditions, while 2 Chronicles 34-35 and Nehemiah 8 illustrate later post-exilic perspectives. However, supplementing source-critical scholarship, narrative criticism is used to contribute a fresh view of the relationship that the narratives construct between the community of Israel and their authoritative text. This study analyzes the characterization of the people and the characterization of the book of the law, both within the broader context of ancient Near Eastern

loyalty oaths and within the immediate context of the corpus of the Hebrew Bible. The sensory descriptions of the book of the law especially highlight how the textual artifact connects the particularized community of each respective narrative to the covenantal past of the Israelite people, while effectually executing that connection through differing loci of authority.

This literary analysis reveals that each reading ceremony narrative manipulates the material functions of the text and its locus of authority according to its own ideology. The historical trajectory presented by these narratives portrays the people of Israel as progressively more exclusive, while portraying the book of the law as increasingly more written and less oral. Joshua 8:30-35 and 2 Kings 22-23 demonstrate that during the exilic period, the book of the law could be authorized either as Mosaic tradition or as a prophetic word from God. By the post-exilic period, authorization through Mosaic discourse became pervasive. 2 Chronicles 34-35 and Nehemiah 8 illustrate this well-documented post-exilic phenomenon. In these narratives, by providing continuity between a particularized community and the Mosaic covenant, the book of the law stakes a claim that the true people of Yahweh are limited to the covenant reading ceremony participants.

The dissertation of Lisa Joann Cleath is approved.

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Abbreviations

AJSL	*American Journal of Semitic Languages and Literature*
BEATAJ	Beiträge zur Erforschung des Alten Testaments und des antiken Judentum
Bib	*Biblica*
BibInt	*Biblical Interpretation*
BBR	*Bulletin for Biblical Research*
BASOR	*Bulletin of the American Schools of Oriental Research*
CahRB	Cahiers de la Revue Biblique
CBQ	*Catholic Biblical Quarterly*
CBW	*Conversations with the Biblical World*
DSD	*Dead Sea Discoveries*
HUCA	*Hebrew Union College Annual*
Int	*Interpretation*
Iraq	*Iraq*
JBQ	*Jewish Bible Quarterly*
JSOJ	*Journal for the Study of Judaism*
JSOT	*Journal for the Study of the Old Testament*
JBL	*Journal of Biblical Literature*
JNSL	*Journal of Northwest Semitic Languages*
JAAR	*Journal of the American Academy of Religion*
JAOS	*Journal of the American Oriental Society*
JCSMS	*Journal of the Canadian Society for Mesopotamian Studies*
JRAI	*Journal of the Royal Anthropological Institute*
LC	*Language & Communication*

NEA	*Near Eastern Archaeology*
Numen	*Numen: International Review for the History of Religions*
OTS	Old Testament Studies
Or	*Orientalia*
P&P	*Past and Present: a Journal of Historical Studies*
PRSt	*Perspectives in Religious Studies*
SR	*Studies in Religion/Sciences Religieuses*
UF	*Ugarit-Forschungen*
VT	*Vetus Testamentum*
ZDPV	*Zeitschrift des deutschen Palästina-Vereins*
ZABR	*Zeitschrift für altorientalische und biblische Rechtsgeschichte*
ZAW	*Zeitschrift für die alttestamentliche Wissenschaft*
ZTK	*Zeitschrift für Theologie und Kirche*

Acknowledgments

This dissertation is the fulfillment of an interest that I have had since the advent of my doctoral studies eight years ago: ideologies of authoritative text in ancient Israel. Under the encouragement and direction of the faculty at UCLA, I have grown into this project through the rigorous linguistic, historical, and methodological training of our many reading courses, seminars, and research projects. My committee members in particular have been essential to this pursuit. I am especially grateful to my advisor, Professor William M. Schniedewind, for mentoring me through a challenging program. Through all of my years of study, I have been thankful to have such a professional, kind, and grounded advisor. It was your suggestion to look at Exodus 24 that led me to study reading ceremonies in the first place. Thank you for showing me a world where language is active and dynamic. I also could not have completed this dissertation without the instruction and support of Professor Ra’anan Boustan, who over the years has challenged me with inspiring scholarship, endured many iterations of my once-nebulous project, and provided words of encouragement for the graduate student life. I will always be thankful to Professor Yona Sabar for bringing the language of Aramaic to life for me, offering humor through hours of text reading, and ultimately preparing me to work professionally in the exciting world of ancient texts. Finally, a sincere thank you to Jacco Dieleman, for facilitating a connection for me to the Berlin Museum and a wonderful opportunity to work directly with the Aramaic papyri of Elephantine.

My dear colleagues at UCLA have been my life support and joy throughout our years together. Melissa Ramos, I have always valued your smart wit and focused work ethic. Thank you for showing me what it is to take your work seriously while not taking yourself too seriously. I don’t think I could have made it through those first overwhelming years of doctoral study

without the camaraderie you, I, and Andrew Compton formed. Alice Mandell, you have become a sister to me. Thank you for showing boundless generosity, humor, and strength in the midst of all the grit and grime that is the daily work of scholarship. Your loyalty and friendship have lifted me up constantly through our years of study. Here’s to a sisterhood based on wandering in the wild, good old silliness, and – ever more – good food. Jody Washburn, I would not have finished my dissertation without your partnership in the last year. You motivated me to set realistic goals and helped me feel brave enough to share my work with colleagues. Until we started working together, I didn’t realize that I needed the support that a writing partner could provide. Thanks for always listening to my fears and frustrations, encouraging me, and planning beautiful parties to brighten the way through.

I owe a special thanks to those who came ahead of me at UCLA, especially Roger Nam and Jeremy Smoak. Roger, thank you for drawing me to UCLA with your enthusiasm for the collegiality and academic rigor of the NELC department, and for always taking me under your wing to share your professional wisdom, sense of humor, and love of food. Jeremy, I will always appreciate how you have modeled good teaching, shared resources without hesitation, and demonstrated a balanced perspective towards the academic life, all with a touch of levity. Thank you both for your friendship and encouragement. Here’s to many more years of collaboration and travel.

My family has been an indispensible strength behind my studies. I cannot express the extent of my gratitude to my parents, Timothy and Allyson Cleath. Thank you for your unwavering support my whole life. Knowing that you believe in me and see the value in what I do gives me a firm foundation from which to tackle the adventures that are before me. You have

both modeled for me how to pursue a vocation with passion and excellence. I love you and think of you daily, even when I am far away.

I wish to honor my grandparents on both sides of the family. I can only hope to live up to the example set by my paternal grandparents, Dr. Robert L. Cleath and Virginia Cleath. Both Grandpa and Grandma Cleath set a high standard for education in our family, creating a culture of learning for future generations of Cleaths. I am the second Dr. Cleath, but I hope I will not be the last. Grandma, your continuing drive to learn and challenge your intellect is an inspiration. Thank you for the financial and personal ways in which you have supported me.

My mother's parents, Arthur and Nora Chew, have always been there for me. Gung Gung, I miss you and wish you could be here to celebrate with me. I know you would be proud. Pau Pau, you have shown me both financially and personally that you value what I do, and I am honored to follow in your footsteps at UCLA. I am thankful for your practical grandmotherly concern over the years, and your friendship in more recent years.

Additional thanks goes to my siblings, Stephen, Amy and John (and Timmy), and Bobby and Kezia. You know me, and how much my life has changed over the years; you know how much fun we can have together, and that goofiness will transcend any geographical distance between us. Thank you for always being a base I can come back to.

Finally, I want to acknowledge all of my extended family and friends in San Luis Obispo, Los Angeles, and beyond. You are too many to name. You have been my cheerleaders, companions, listeners, and merrymakers in this marathon of a journey. I am especially grateful to Angie, Annie, Eduardo, Adam, and Amy, for being my urban family in California, and to Daphne, for walking through the tail end of this process with me.

Can we all eat cake now?

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_________. "Public Reading in Nehemiah 8: Authorizing an Oral-Written Text." European Association of Biblical Studies Conference. (Leuven, Belgium). July 2016.

_________. "And All of the People Joined in the Covenant: A social study of public reading audiences in the Hebrew Bible." European Association of Biblical Studies Conference. (Córdoba, Spain). July 2015.

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CHAPTER ONE

Introduction

Scenes of public readings of “the book of the law” in the Hebrew Bible present a unique opportunity to access ancient ideologies of the social dynamics of authoritative texts. In the Hebrew Bible, Joshua 8:30-35, 2 Kings 22-23, and Nehemiah 7:72b-8:18 narrate key public reading events. The construction of each narrative emphasizes the characterization of the audience by listing out the groups of the populace and their leaders who participate in the reading event. These people groups serve as the addressees of the book of the law, which in turn acts to form the identity of the group. After crossing over into the land, in Josh 8, Joshua inscribes the book of the law and pronounces it to the people, including the resident aliens, women, and children with the citizens of Israel. The Josiah narratives in 2 Kgs 22-23 and 2 Chr 34-35 recount exilic and post-exilic versions of the finding of the book of the law in the temple, and its royal enactment through a covenant reading to all socio-economic classes of the Judahite populace. Finally, Neh 8 affirms the reconstruction of Persian period Judean identity, including both men and women, through the reading and study of the law under priestly leadership. In each of the instances depicting a public reading in the Hebrew Bible, it is in a covenant renewal scene at a transitional point in history for the Israelites. These narratives imbue a purpose in the ceremony that sets both the document and the event apart from a common scribal reading.

The covenant renewal element of the ceremonies is common to each, but the accounts also select strikingly similar performative context elements. Insofar as all of these accounts emphasize the geographical venue and social addressees of the reading, this raises the question “How do these chronologically disparate narratives each utilize an authoritative text to construct

social reality?" Taking a historical-literary analysis of the narratives highlights which characteristics biblical redactors selected to portray the people and the text on these noteworthy occasions. This study will argue that each narrative presents the authoritative text in reflexive relationship to its audience, while manipulating the specific functions of the text and its locus of authority according to the ideology of each chronologically and politically differentiated context.

The reading ceremonies portray the authoritative texts as co-forming their social environment in a specific manner. Although they share an emphasis on "*all* of the people" joining in the reading, each of the ceremonies in Josh 8, 2 Kgs 23, and Neh 8 describe this public with a particularized list of subgroups in attendance. In each case, the defined composition of "the people," and thus the entire delimited community, identifies key characteristics of the socio-historical perspectives in each text – the projected geographical, institutional, socio-economic boundaries of the covenant's addressees. The conception of the covenant as addressing the entirety of the people has roots in the ancient Near Eastern loyalty oath genre, but loyalty oaths have the purpose of establishing a suzerain's authority over the addressees. It is evident in these narratives that the Israelite community utilized a document-based public address to redefine the limits of its own community boundaries throughout the exilic and post-exilic periods and thus to refocus the purpose of covenant upon internal unity. Although these ceremonies as a set are unique because they alone bring together elements of communal unity and collectivity as executed via a written document, the exilic and post-exilic narratives differ in the way they wield the documents. For example, the exilic-redacted Josiah account in 2 Kgs 22-23 authorizes the book of the law as an oral word from God, and wields its authority to particularize the textual impact for the present day of the Judahite community. By contrast, Neh 8 depicts the book of the law as a written law transmitted from God through Mosaic agency, which serves in the narrative

to define the Persian period Judean community specifically as southern descent Babylonian exiles returned to the land.

I. Relationship to Previous Scholarship

Since the late nineteenth century, biblical scholarship on these narratives has focused on reconstructing history: the source-critical history of each account, and the historicity of the reported events.[1] For example, Frank Moore Cross established a line of inquiry which purposed to unite the question of an original edition of the Deuteronomistic History with the historicity of biblical events, by dating such an edition to the reform of Josiah. Several generations of scholarship have followed his lead in this pursuit:

> We are pressed to the conclusion by these data that there were two editions of the Deuteronomistic History, one written in the era of Josiah as a programmatic document of his reform and of his revival of the Davidic state…The second edition, completed about 550 B.C., not only updated the history by adding a chronicle of events subsequent to Josiah's reign, it also attempted to transform the work into a sermon on history addressed to Judaean exiles.[2]

Cross exemplifies a biblical scholarship that tended to limit the exploration of the Deuteronomistic History and post-exilic literature to questions of historicity. This scholarship established the historical contexts in which biblical literature should be interpreted, so in each chapter I provide an overview of the main arguments of previous scholarship that are pertinent to the social contexts constructed in the respective narratives. This study works with the goal of examining the rhetoric of the final form of biblical accounts, while respecting the foundation that historical critical scholarship has provided for literary work. I will build upon historical critical

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[1] Archaeologist Lawrence Stager minimizes the value of literature for historical investigation, stating, "Documents become a source of information about the human past only insofar as they can be made 'relevant' to the question or problematic posed by the historian" ("The Archaeology of the Family in Ancient Israel," *BASOR*, no. 260 (1985): 1).

[2] Frank Moore Cross, "The Themes of the Book of Kings and the Structure of the Deuteronomistic History," in *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge: Harvard University Press, 1973), 287.

scholarship, but diverge in method by applying literary analysis. Through this departure, I do not hope to reconstruct historical events or text sources, but rather the ideology of authoritative text that is represented in the literature.

One key point of divergence from previous scholarship will be my interpretation of the social significance of written documents. When it comes to the chronological trajectory of authoritative texts within Hebrew literature, writing becomes markedly more common in the Jewish community from the Hellenistic period forward. It is the pre-exilic, exilic, and Persian periods represented within the Hebrew Bible that present a more enigmatic tangle of data.[3] It is more difficult to confidently date the composition and redaction of those texts, and there is less comparative data for the exilic and pre-exilic periods. This study will attempt to fill out exilic, if not pre-exilic, ideologies of authoritative text through analysis of the Josh 8 and 2 Kgs 22-23 accounts. In doing so, however, I will seek to move beyond previous definitions of textual significance, since they have primarily taken the book of the law as solely having semantic value. Recent studies such as James W. Watts's work on the iconic and performative functions of texts and Webb Keane's observations regarding the potentially reflexive interpretation of objects have offered valuable insights into the characteristics of texts beyond their semantic functions. These works, however, have not yet been brought to bear upon the analysis of public readings in the Hebrew Bible. I will delve into the iconic, performative, as well as semantic, means by which the narratively-portrayed texts co-create their communities in pre-exilic through post-exilic literature.

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[3] Wilfred Cantwell Smith, for one, has identified the advent of scripturalization as the focal point of religious practice in the late antique Mediterranean world, starting from the Hellenistic period and a second century BCE concept of a sacred book with supreme authority ("Scripture as Form andConcept: Their Emergence for the Western World," in *Rethinking Scripture,* ed. Miriam Levering (Albany: State University of New York Press, 1989), 29–57).

II. Method: Characterization as Literary Analysis

The literary analysis that I propose as a method is a study of characterization deriving from the world of narrative criticism. Although I will take historical context into account, this analysis takes the final form of the narratives as the point of departure: "Narrative criticism works with the text as 'world-in-itself.' Other approaches tend to fragment, in part because their purpose is to put elements of the text into contexts outside the text…Narrative criticism brackets these historical questions and looks at the closed universe of the story-world."[4] For each reading ceremony narrative, I will examine the characterization of the people and the characterization of the text. Past studies of Josh 8 and 2 Kgs 22-23 have not utilized literary analysis to address how the narratives construct the authority of the text in its relationship to the people. Tamara Cohn Eskenazi has only cursorily examined the characterization of the text in light of the characterization of the people in Ezra-Nehemiah.[5]

This study posits that the people and the book of the law in the Hebrew Bible merit an examination of their place and functioning within the narrative framework of the reading ceremony accounts. Some contemporary literary theorists, particularly structuralists, have declared the individual character "dead," but Shlomith Rimmon-Kenan asks, "do not even the minimal depersonalized characters of some modern fiction 'deserve' a non-reductive theory which will adequately account for their place and functioning within the narrative network?"[6] In

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[4] David Rhoads, "Narrative Criticism and the Gospel of Mark," *JAAR* L, no. 3 (1982): 413.

[5] See, for example, Tamara Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah* (Atlanta: Scholar's Press, 1988); Tamara Eskenazi, "Ezra-Nehemiah: From Text to Actuality," in *Signs and Wonders: Biblical Texts in Literary Focus*, ed. J. Cheryl Exum (Atlanta, 1989), 165–98; Tamara Cohn Eskenazi, "Imagining the Other in the Construction of Judahite Identity in Ezra-Nehemiah" (London: Bloomsbury, 2014).

[6] Rimmon-Kenan's work has been influenced by Anglo-American New Criticism, Russian Formalism, French Structuralism, and the Tel Aviv School of Poetics and the Phenomenology of Reading. Hers is one of several handbooks that present narrative fiction according to its themes rather than specific schools of thought (*Narrative Fiction: Contemporary Poetics* (New York: Routledge, 1983), 31).

this endeavor, the characters need not exist in some objective personal sense, especially since I am primarily concerned with the people as a collective and the text as a concept – both abstractions within the narrative.

The character, therefore, is a construct accessed through its portrayal in the narrative. Structuralist and text critic Roland Barthès explored how the reader puts the character together from the network of character traits given in the narrative.[7] For Rimmon-Kenan, narratives express character traits in three basic modes: direct definition, indirect presentation, and reinforcement by analogy.[8] Direct definition in the biblical covenant ceremonies starts with the terminology applied to the character.[9] For example, in Josh 8, the people are called "the sons of Israel," whereas in 2 Kgs 22-23, they are "the residents of Judah." Likewise, the book of the law is variously referred to as "the book of the covenant" or "the law given to Israel through Moses." The differences between these terms and their usage in their narratological contexts communicate the ideological perspectives constructed by the final form of the narratives. In addition, the direct characterization of the people in each of these reading ceremonies is also given through a list of the subgroups of participants. This study examines their characterization via analysis of the lists and comparison of the lists to other populace lists in ancient Near Eastern loyalty oaths.

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[7] Roland Barthes, *S/Z* (Paris: Seuil, 1974).

[8] Utilizing Rimmon-Kenan, Tamara Cohn Eskenazi discusses these categories for analyzing characterization in *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 128; see also Rimmon-Kenan, *Narrative Fiction: Contemporary Poetics*, 59–69.

[9] Rimmon-Kenan defines direct definition as naming "the trait by an adjective (e.g. 'he was good-hearted'), an abstract noun ('his goodness knew no bounds'), or possibly some other kind of noun ('she was a real bitch') or part of speech ('he loves only himself')." This method must be adapted to the ancient literature and genre with which we are dealing, which often does not employ these kind of statements in the historical narratives of the reading ceremonies, but nevertheless, they contain other direct descriptions (*Narrative Fiction: Contemporary Poetics*, 59).

Indirect presentation of a character "does not mention the trait but displays and exemplifies it in various ways, leaving to the reader the task of inferring the quality they imply."[10] In each reading ceremony, one of the prominent means of indirect characterization is the geographical environment, which firmly establishes a socio-political setting for the narrative. Josh 8 takes place at Shechem, while 2 Kgs 22-23 and Neh 8 are set at venues in Jerusalem. In each of these three cases the specific location communicates a great deal regarding the boundaries of the community and their hierarchy of leadership. The people's indirect characterization is portrayed through the relationships constructed between them, their leaders, and the text of the law. Indirect presentation furthermore includes examination of any actions executed in the course of the narrative. Theorists like Vladimir Propp and Algirdas Greimas subordinate the character to their actions, while some structuralists assert the primacy of the character over any actions they take.[11] I will seek to avoid imposing either model upon these selective narratives, but rather inquire whether the narrative emphasizes action on the part of the people or the book of the law, or whether they are more passive in the events as they are described. As Rimmon-Kenan states, "Different hierarchies may be established in different readings of the same text but also at different points within the same reading…Hence it is legitimate to subordinate character to action when we study action but equally legitimate to subordinate action to character when the latter is the focus of our study."[12]

In addition to indirectly depicting the characters through their ceremony setting and the actions taken therein, the covenant reading ceremony accounts also characterize the book of the

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[10] Ibid., 60.

[11] Ibid., 34–35.

[12] Ibid., 36.

law through reference to its physical appearance (i.e., on stone, as in Josh 8, or as a *sēpher* scroll in Neh 8). Due to the sensory descriptions of the reading venue and textual artifacts, analysis of the narratological indirect characterization will be conducted with reference to portrayed materiality. This emphasis on "materiality" has been well developed by Keane and his fellow anthropologists.[13] Just as performance theory would suggest consideration of the environmental factors of the reading,[14] so materiality encourages analysis of all sensory descriptions within the depicted scene, the selective fictional materiality the narrative creates. Since written texts by nature have a physical form, human interactions with their material properties may be analyzed to discern underlying beliefs regarding the written artifact.[15] In Keane's words, once words become textualized, "anything that can happen to another artefact can happen to them: they can be transported, hidden, revealed, embraced, kissed, spat upon, burned, decorated, copied, ingested – the possibilities are, in principle, without limit."[16]

This means that, as with all material objects, a physical text has an implicit temporality, even when it is divine words. What physically exists, exists at a given moment, may be destroyed at any given moment of its existence, or may endure through time. For Keane, *bundling* is one means by which humans construct meaning. Bundling is when only selected potential characteristics are assigned as a bundle to a material object like the book of the law.

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[13] See, for example, Webb Keane, "Semiotics and the Social Analysis of Material Things," *LC*, no. 23 (2003): 409–25.

[14] Ernst R. Wendland, "The Theory and Practice of 'Performance Criticism'" https://www.academia.edu/5201145/The_theory_and_practice_of_performance_criticism_Its_implications_for_Bible_translators_and_their_target_audiences-with_special_reference_to_the_wisdom_discourse_of_James_3_13-18

[15] When any language is entextualized, "writing lends itself to appropriation within activities that deal with the invisible world by virtue of the way in which it lends to language some of the properties common to physical artefacts" (Webb Keane, "On Spirit Writing: Materialities of Language and the Religious Work of Transduction," *JRAI* 19, no. 1 (2013): 6).

[16] Ibid., 2.

This draws attention to the fact that a written artifact has the potential to possess any number of qualities, but these narratives only select certain attributes to characterize the document – such as a textual artifact's ability to endure through time - and omit others – such as a document's potential to physically deteriorate over time. What is more, bundling encourages recognition of the unlimited latent possibilities in objects that permit the possibility of unforeseen consequences in the effect they may have on human subjects, and highlights the essentially temporal nature of material properties and their activity in human life.[17] Acknowledging the potential for a written document to live a somewhat unpredictable life of its own, uncontrolled by human subjects, presents a very specific element of language reflexivity that we should consider, for an ancient context in which writing can have efficacy of its own in the community's eyes.[18] Analysis of both the direct and indirect presentation of the people and the book of the law will take their material characterization as a means of their narrative construction.

Finally, reinforcement by analogy is based upon those character traits that are directly or indirectly conveyed by the narrative, and includes finding parallels and differences between relatively similar accounts. Since this dissertation is predicated upon the claim that the reading ceremonies bear enough similarity to merit comparison with one another, the following analysis highlights the primary parallels and contrasts between the covenant reading ceremonies, with reference to additional covenant ceremonies and textual descriptions from Hebrew literature. For example, Joshua, Josiah, and Ezra, as the officiants in the reading ceremonies, will be compared

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[17] Keane, "Semiotics and the Social Analysis of Material Things."

[18] Although one could argue that a text does not have agency of its own, this does not mean that a society couldn't believe that a text could possess agency, or at least that scribes could promote such an idea through the texts they write. This is one of the possibilities I will consider when attempting to reconstruct Israelite ideologies of authoritative text.

in their respective narrative roles. Additional analogies arise with other ancient Near Eastern works, especially neo-Assyrian loyalty oaths.

As these examples demonstrate, a hierarchy of comparison exists in my characterization analysis: first priority goes to each narrative as a single unit, taking redactional history into account; second to comparing the reading narratives to one another; third priority to any other instances of text descriptions or covenant ceremonies, and their implications for understanding the account in question; and finally, to any illumination that ancient Near Eastern loyalty oaths may shed on the particular characterization within the given narrative. This is a descending hierarchy of priority within my analysis, and not necessarily a structural order for my writing. For example, it may be useful to mention differences with 2 Kgs 23, when relating a neo-Assyrian oath to Josh 8:30-35. However, I will always come back to the integrity of a single narrative as the strongest indicator of meaning for characterization, since analogy to other literature is a less direct means of conveying meaning. Each level of comparison moves further away from the selected narrative's ideology. They are concentric circles with increasing levels of distance from the narrative at the center.

This prioritization assumes that there is some sort of coherent relationship within the corpus of the Hebrew Bible. For the purposes of this study, it suffices to assert that the literature of the Hebrew Bible represents a corpus produced, reworked, transmitted, and compiled by segments of the Israelite/Judahite/Judean communities in their various geographical locations over the course of centuries (at the very least from the late seventh to early fourth centuries BCE). The streams of traditions maintained within these communities are certainly not limited to the literature in the Hebrew Bible, but for the pre-exilic time periods portrayed in the Joshua and Kings narratives, very few sources external to the biblical literature exist. Even for the Persian

period setting of Neh 8, biblical literature originating in the Persian period exhibits elements of Hellenistic editing, and there are very few Persian period inscriptions. Since arguments regarding the redaction of individual narratives are based upon internal comparison of biblical literature along with scholars' opinions of what is historically probable, dating debates are difficult to conclude with any finality. However, these arguments will be taken into consideration when evaluating the point of view of each narrative and comparing them to one another.

III. Major Findings

This study will primarily contribute to two points of discussion: the locus of authority for the book of the law, and the constructed relationship between the people and the book of the law. Taking a careful literary approach to historically contextualized narratives will permit me to question a common scholarly assumption regarding the book of the law: that Mosaic authorship was always the basis for the book's authority in ancient Israel. My analysis reveals that the means of authorizing the text changes as the importance of writing increases in the Israelite community. Hindy Najman has confidently traced the increasing significance of Mosaic authority, starting from pre-exilic recognition of his role in writing the words of God to a post-exilic particularization of a Mosaic torah as a collection of definitive writings.[19] However, it is clear that Moses's role on Sinai/Horeb in receiving words directly from Yahweh and writing them down did not become a common means of legitimizing authority in the Israelite community until the post-exilic period. In the earlier texts, Moses is not consistently referred to as an *author* or *writer* of the law. His role in authorizing the scroll of the law appears to be based upon his

[19] Hindy Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, Supplements to the Journal for the Study of Judaism (Boston: Brill, 2003). Prior to Najman's chronological work, canon critic Brevard Childs drew attention Moses's scribal role, claiming that the final editors of the Pentateuch sought to portray Moses's writing of the law as an affirmation that "the law of God has now been transmitted for the future generations in the written form of scripture" – that the *written* law was the correct form of the divine word (*Introduction to the Old Testament as Scripture*, 134).

prophetic reception of divine oral communication, and not upon any composition he produced. More specifically, the human authorities recognized as valid for identification and interpretation of the text move from prophetic validation of figures like Joshua or Huldah to priestly scribal validation like Ezra. These human figures provide acceptable authority to confirm that the presented text is one of divine origin, transmitted either through Moses's prophetic role or through Moses as a writer. In particular, written texts move from authentication as an oral prophetic word to validation via authorial origin. This shift is supported by a corresponding movement on the oral-written continuum from a more oral text in 2 Kgs 22-23 to a more written text in Neh 8.[20]

For these narratives, the authority and identity of the text is important because it serves to form the identity of the people. Using Josh 8:30-35 and 2 Kgs 22-23 as earlier exilic samples, and 2 Chr 34-35 and Neh 8 as later post-exilic examples, I will demonstrate how these public reading accounts construct a defining relationship between the written text and its imagined audience. Although each narrative draws the boundaries of the community around a different set of subgroups of the people, adapted to the historical era and the ideology of the authors/redactors, every one of them invokes the authoritative text in order to delimit the community. In comparative literature, ancient Near Eastern loyalty oaths illustrate that documents served the purpose of social address in the broader context. Since the mid-twentieth century, a significant amount of biblical scholarship has addressed the question of the form of ancient Near Eastern covenants, the nature of any literary borrowing that occurred between biblical texts and other treaties or loyalty oaths, and to what extent this interaction could be used to date the literary

[20] The language of an "oral-written continuum" comes from Susan Niditch, *Oral World and Written Word* (Louisville: Westminster John Knox, 1996).

development of biblical texts.[21] However, previous studies have neglected close examination of the ways in which ancient Near Eastern loyalty oaths address their audiences, and the parallels to these biblical reading ceremonies, especially their participant lists. The biblical reading ceremonies strategically alter the function of the book of the law in order to produce internal unity and independent identity for the Israelite community, rather than subjugation to a foreign power. Therefore, covenant reading ceremonies leverage the authoritative text in a way that recognizes how loyalty oaths affected their addressees in an efficacious manner, but serves the narrative purposes of asserting Israelite/Judahite/Judean independent identity.

IV. Chapter Summaries

Chapter 2: Ancient Near Eastern Backgrounds for Reading Ceremonies

The first body chapter establishes a historical context for the textual analysis of each narrative that will follow. It starts by establishing the nature of oral-written texts in the ancient Near East. Next, it explores the significance of writing and public reading, with comparison of this study's selected narrative texts to ancient Near Eastern treaties and loyalty oaths, on the basis of chronological placement and socio-political cultural interaction. This historical context will illuminate the genre and the ideological project of the book of the law. It will become clear that the reading ceremony narratives portray the book of the law as an everlastingly efficacious divine oath. Against this broader regional backdrop, this chapter also discusses other covenant ceremonies within the Hebrew Bible, including Exod 24:3-8 and Deut 27-28 and 31. Finally, this foundational chapter differentiates the reading ceremony narratives from a set of covenant ceremonies in the Hebrew Bible that do not include the reading of a written document.

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[21] William T. Koopmans, *Joshua 24 as Poetic Narrative* (Sheffield: JSOT Press, 1990), 82; Burke O. Long, "The Social World of Ancient Israel," *Int* 36, no. 3 (July 1982): 252–253.

Chapters 3-5: Textual Analysis

Building upon the context of reading ceremonies in the ancient Near East, each textual analysis chapter follows a consistent structure. Part A of each analysis chapter introduces the key issues unique to the selected narrative, with pertinent contrast to the other reading ceremonies. Then it engages with the history of scholarship, in order to specifically set the stage for understanding the social and geographical confines of the narrative's depicted community. Next, each chapter discusses the rhetoric used to characterize the people within the account, starting with analysis of terminology for the collective group, moving to the leaders listed in the ceremony, and finally looking at the specific subgroups of the populace who participate in the reading. Part B of each text chapter focuses on the characterization of the authoritative text, while integrating discussion of its relationship to the people's characterization in Part A. Analysis of the characterization of the book of the law/book of the covenant proceeds by asking who, what, when, and how about the book's behavior. That is, *who* does the text address in the narrative? *What* does the account believe comprises the text (what is its perceived content)? *When* does the narrative conceive of the text as originating, and *when* is it applicable to the people (what is the depicted relationship between the text and time)? *How* does the text appear to interact with the people, through its written medium and its oralization in the public reading? In the end, analysis of the people's and of the text's portrayals in each narrative illuminates a picture of a specific ideology of authoritative text.

Chapter 3: Joshua 8:30-35 and the Oral-Written Text

Chapter 3 explores how Josh 8:30-35 depicts the text of the law as unifying a heterogeneous community. Since this scene parallels the commands in Deut 27 to execute a covenant ceremony upon entry to the land, it is evident that Josh 8 seeks to fulfill this

prescription while adapting it to late monarchic and exilic readings. In Part A, this chapter analyzes how the location of the ceremony at Shechem establishes an inclusive picture of the people of Israel, since its northern location suggests membership of northern as well as southern Israelite tribes in the community. In this northern context, the narrative invokes kinship ideology to express the collectivity of the people, revealing that kinship terminology extends membership to all genders, ages, and citizenship statuses in the group. Further examination of the leaders present at the reading ceremony suggests that they represent categories of leaders that not only correspond to the tribal period portrayed in the narrative, but also leaders that would play important roles in the Israelite community during monarchic times. The composite nature of the leaders, together with the inclusive nature of the community, creates a group that would resonate with a variety of late monarchic and exilic readers. This constructed community serves as the addressees of the authoritative text written and read out by Joshua in the reading ceremony. Part B studies the characterization of the text of the law in Josh 8. Parallels to the social functions of ancient Near Eastern loyalty oaths help establish a foundation for understanding the effectual nature of the written document. From the point of view of this narrative, the text acts to form the community through its inherent efficaciousness, with everlasting authority that extends to all generations of the addressees. Treatment of the written inscription confirms its perception as an persistent oral-written text, whose written copies are temporary and iconic. In common ancient Near Eastern custom, oral performance of the written artifact ritually confirms the divine oath with the people. The text itself endures through time in dynamic movement between the memory, oral/aural transmission, written instantiations, and practice of the community. By interacting with its audience, the text of the law effectively binds the community together and establishes common obligations for their life together.

Chapter 4: 2 Kings 22-23 and the Prophetic Text

Taking up 2 Kgs 22-23, Chapter 4 demonstrates how the Josiah narrative provides a contrast to the perspective present in Josh 8's reading ceremony. 2 Kings 22-23 serves as a case study for the invocation of an authoritative text to delimit the boundaries of a community's in-group. The means by which 2 Kings narrows its community boundaries are brought into relief by the differences between the late monarchic/exilic 2 Kings Josiah account and its post-exilic parallel in 2 Chronicles. Part A illustrates how the narrative's geographical limitation to the southern kingdom of Judah identifies the people through a socio-political lens. Rather than including both citizens and resident aliens as Josh 8 does, 2 Kgs 22-23 defines the covenant community as the inhabitants of the kingdom of Judah. The importance of the state of Judah is evident in King Josiah's dominant role in the account, which sets the focus upon particularizing the community as Judahite and pre-exilic. The document is authenticated by Huldah the prophetess, whose oracle interprets the text as bearing imminent relevance for the here-and-now of the narrative's setting. By limiting the people to members of the Davidic kingdom of Judah, the Kings Josiah account frames the audience of the authoritative text as exclusive. Part B of Chapter 4 explores how 2 Kings portrays the text of the law as pertinent to the present day of the narrative. The discovered document specifically provides material continuity to past Israelite traditions of the Mosaic covenant. Through Huldah's role in validating the text, the document takes on characteristics of the spoken word of God. The particular function of the text of the law in the reading ceremony builds on parallels with loyalty oaths by adding oracular prophetic practices to the background of textual usage. Prophets in the neo-Assyrian period also inscribed their messages and orally conveyed them to their audiences. Identification with the two known genres of loyalty oath and prophetic oracle establishes dual confirmation of divine power within

the text of the law, and therefore its ability to affect its addressees. By narrowing the audience to the pre-exilic southern population, and focusing upon the text's relevance to the present day, the text ultimately serves to claim the Mosaic covenant for the particularized population of the Davidic kingdom of Judah.

Chapter 5: Nehemiah 8 and the Mosaic Text

Finally, Chapter 5 analyzes the construction of the post-exilic community identity in Neh 8, and the prominent role of the text of the law in this setting. As the latest of the biblical reading ceremonies, Neh 8 exhibits post-exilic development of an ideology of authoritative text. In Part A, this chapter explores the geographical and socio-political framework of Ezra-Nehemiah, which limits the valid covenant community to exiles of southern origin who return to Judah. Resettling the land and maintaining its purity sets up a geographical venue for the delimited population. The narrative confirms the selection of community members through their genealogical pedigrees, repeated several times in lists throughout Ezra-Nehemiah. A polemic against intermarriage with other people groups consistently underscores the need to protect the genealogical purity of the Judeans, while maintaining their genealogical connection to the Babylonian diaspora. Part B explores the depiction of the text of the law in Neh 8, in light of its relationship to the exilic returnee audience. The frequent use of written materials in Ezra-Nehemiah illustrates the increased role of writing in the post-exilic period, and the reading ceremony reflects this change through its emphasis upon lengthy study of the written text. Since the people function as the protagonist of Ezra-Nehemiah, they play a substantial part in the reading ceremony. Through the explicative facilitation of the Levites and lay leaders, the people themselves come to an understanding of the law. The law is to bear an immediate impact upon community life, especially through the boundary-establishing actions of prohibiting

intermarriage and practicing sacred time markers like the Sabbath and the Festival of Booths. While the Kings Josiah narrative had claimed the Mosaic covenant for the people of pre-exilic Judah, Neh 8 does so for the descendants of the Judahite exiles. However, Nehemiah eliminates portrayal of the document as an oral prophetic oracle, and increases the importance of Mosaic discourse by making it the locus of divine authority for the written document.

CHAPTER TWO

Ancient Near Eastern Backgrounds for Reading Ceremonies

Introduction

The phenomenon of the public reading ceremony in the Hebrew Bible originates within the background of the usage of writing and reading in the ancient Near East. Learning about the world that produced and transmitted the covenant reading ceremony facilitates identification and interpretation of the clues needed to construct the characterization of the people and of the book of the law. Watts observes that natural parallels arise between sacred textual objects and the textual practices in their broader historical contexts:

> the book practices of religious communities can be understood as extensions of the book practices of their wider cultures. These practices reflect the inherent understanding of books and other texts as physical repositories of meanings and values that transcend their particular material form.[22]

The perspectives on written artifacts in Hebrew literature relate and respond to the textual practices of the ancient Near East. The oralization of the text in the reading events suggests that the orality of the context in particular will assist analysis of the characterization of both the people and the book of the law in these narratives. In addition, the reading narratives exhibit consistent ceremonial elements that detail the social composition of the audience in the material environment of the scene, and therefore the non-semantic social functions of the text. These are the elements that narratologists would identify as indirect characterization through the narratological environment. Given the lack of direct speech in conveying the reading, meaning is created in each ceremony through these contextual descriptions.

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[22] James W. Watts, "Disposing of Non-Disposable Texts," in *The Death of Sacred Texts: Ritual Disposal and Renovation of Texts in the World Religions*, ed. Kristina Myrvold (Farnham: Ashgate, 2010), 156.

Since, for these narratives, the significance of a text is found in its communal performative context, this leads away from perspectives that would find the center of textual meaning elsewhere. The depictions of the book of the law do not acknowledge the possibility of authorial intention, in a modern sense; the closest idea is that the text in 2 Kgs 22 is the spoken word of God. Finding meaning in the reader is also not emphasized; a basic recognition of this aspect arises in Neh 8, but the core of the text's significance is not in the reader reception.[23] Each covenant reading ceremony identifies the book of the law by its genre and by its ideological project. The most appropriate genre that bears parallels with "the law" as the narratives describe it is the ancient Near Eastern loyalty oath, precisely because those parallels are between the narratological environment in the accounts from the Hebrew Bible and the social functions outlined in loyalty oaths.[24] The oral literate culture of the ancient Near East will thus provide a key means of illuminating the sparse characterization given the narrative descriptions of the public reading ceremonies.

In addition to the genre of law, the reading ceremony narratives identify the book of the law as relating to Mosaic tradition, an identification that serves a particular purpose of forming community identity. As such, the narratives set up an ideological project for the book of the law, a social purpose for its function. This designation does not draw attention to the delimitation of the textual content, since the narratives themselves do not primarily address the content.[25] Rather,

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[23] Authorial intent and reader response represent opposite ends of the spectrum in the debate regarding the source of a text's meaning (George J. Brooke, "Genre Theory, Rewritten Bible and Pesher," *DSD* 17 (2010): 374).

[24] Even if there were later Jewish covenant renewal liturgies (say, for example, the covenant rite to enter the Yahad in the Community Rule of the Dead Sea Scrolls, 1QS column i line 16—column iii line 12), it is clear that the covenant reading ceremony narratives do not purpose to model a liturgy script. This is a depiction of a momentous public performance in a formal environment, intended to address all the members of the community and unite them in commitment to one ancient law.

[25] The concept of an ideological project should be distinguisthed from Eva Mroczek's definition of texts as "projects." For Mroczek, this conveys that the texts developing into their "biblical" form are "open-ended and

they emphasize that the book of the law's purpose is to directly connect the community in each narrative to a covenant established between Moses and Yahweh. This claim serves to legitimize the leaders of the community at a given point in time, as well as the boundaries they wish to establish around the members of the community.

By examining these descriptors in their ancient Near Eastern context, it will become clear that the fact of physically writing a text down was viewed as efficaciously enacting an agreement in a medium that would endure through time. Reading the writing aloud would then ritually ratify the written agreement for the implicated parties. Having explored the ancient Near Eastern backgrounds for writing and reading, this chapter will then set the reading ceremonies of Josh 8, 2 Kgs 22-23, and Neh 8 in the context of other covenant ceremonies within the Hebrew Bible.

I. Defining the Book of the Law in an Oral Context

Although the oral-written context of ancient texts is evident in the Hebrew Bible, many modern-era biblical scholars have imposed print-era assumptions upon the book of the law. One of these assumptions is the idea that semantic definition – the content – is unchanging, and that this is the primary means of identifying a text. In the print era, the content of a single text has the ability to remain relatively frozen because it is simple to produce multiple identical copies, and this stability identifies a book as the "same" book as another copy. Modernity's desire for certainty has drawn focus to the elements of stability in book production, rather than acknowledging the elements of change and ambiguity inherent to it. This emphasis has greatly influenced the questions that scholars ask of Josh 8, 2 Kgs 22-23, and Neh 8. Since the nineteenth century, biblical scholars have debated the content of the book of the law featured in each account. For example, Wilhelm de Wette originated the idea that the book discovered in 2

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multigenerational," rather than "books" which are viewed as closed and frozen (Eva Mroczek, *The Literary Imagination in Jewish Antiquity* (Oxford: Oxford University Press, 2016), 16). Viewing a text as an ideological project does not focus upon the question of content development, but upon the perceived social purpose of a text.

Kgs 22 should be identified as the book of Deuteronomy, inspiring more than a century of scholarship that continues to argue for this identification.[26] Under de Wette's widespread influence, most have defined the book of the law as some version of the Mosaic literature found in the Hebrew Bible; theories argue for the whole Pentateuch, the Priestly Code, Deuteronomy, a compilation of material drawn from the various law codes of the Pentateuch, or an independent work that was not preserved.[27] The variety of options proposed for the text's content demonstrates how uncertain the question of precise content is, because the narrative does not directly tell us what the content of the writing is.

The name "book of the law" is misleading, because it suggests that the document is a codex in the manner of a print-era book. Most likely, the material instantiations of the text in these reading narratives are a stone inscription (Josh 8:32 "Joshua wrote on the stones a copy of the law of Moses"), a clay tablet (ספר, 2 Kgs 23:3 "the words of this covenant that were written in this *sēpher*"), and a parchment or papyrus scroll (Neh 8:3 "He read from it facing the square before the Water Gate from early morning until midday,…and the ears of all the people were attentive to the *sēpher* of the law"). The latter two examples utilize the same term for document, *sēpher*, which has the potential to refer to a wide range of written accounts, from numerical receipts, to letters, publicly displayed tablets, or scrolls. Contextual clues in 2 Kgs 22-23 and Neh 8 suggest identification of the document as, respectively, a clay tablet and a scroll. 2 Kings 22-23 presents the document with numerous close functions to a neo-Assyrian treaty and emphasizes that its entirety was read out to the populace at a single event, which means that a clay tablet may have been the imagined textual artifact. On the other hand, Neh 8 details an

[26] W. M. L. de Wette, *Lehrbuch Der Historisch-Kritischen Einleitung in Die Bibel. Alten Und Neuen Testaments* (Berlin: G. R. Reimer, 1817).

[27] Michael W. Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study* (Atlanta: Society of Biblical Literature, 2001), 20.

multi-day reading process: a full morning of reading, an additional subsequent day of reading and study, reading that takes place every day for the seven days of the Festival of Booths, and a reading on the twenty fourth day of the month that lasted a quarter of the day (Neh 8:3, 8:13, 8:18, 9:3). It is certainly possible that some of the reading was repetitious, but the account does not claim that the entirety of the text was read out. The implication is that there is enough to read to fill a lengthy scroll, and it is evident that the readers discover new laws to follow after each reading session. Due to these varied writing materials, analysis of each narrative portrayal of the document will need to take into account its respective depicted artifact. The majority of scholarship refers to the text as “the book of the law,” so to avoid confusion I will call the text “the book of the law” except when discussing a specific instantiation. Exodus 24 and 2 Kgs 23 also call the authoritative text “the book of the covenant,” a name whose intertextual implications will be explored.

Oral literacy operates in a social environment in ways that contrast greatly to modern print culture.[28] The regular functions of ancient scribal culture included writing, memorizing, and reading aloud, as David Carr discusses at length.[29] A text that was active in its community cycled between varied states of performance and writing – oral dictation, performance of readings, written redactions of texts - and no step of the process included a writer or reader alone in a

[28] See Susan Niditch’s seminal work, *Oral World and Written Word*.

[29] Carr paints the picture of a context in which scribes both learn and teach through memorization, writing, and oral performance. When oral performance occurs, a visual presentation of the book also occurs (also seen in Greek iconography) which presupposes that the reader already knew and probably memorized at least part of the text – so Josiah and Joshua and Ezra are presented as scribes who already are familiar with the text to be read. Texts were not recorded in such a way to be easy to sight read without being already familiar with them. The purpose of visually presenting the text was to confirm the reader’s fidelity to the content, content that derives from an authorized past as recognized in the book conveying the transmission of tradition. This manner of teaching is a product of learning among a non-literate population, since an oral component is required; the written text is required for verification in a culture like this that uses written texts to enculturate people. As in Deut 31-32, a written text is used to teach an oral song (*Writing on the Tablet of the Heart: Origins of Scripture and Literature* (New York; Oxford: Oxford University Press, 2005)).

room.[30] This means that both oral and written scribal functions are at the center of covenant ceremony performance. As a result of this dynamic between oral and written expressions, texts lived independently of a single written artifact. This movement is evident in descriptions of texts in the Hebrew Bible. The words of a text could exist in a purely oral expression prior to their inscription (Exod 24:3); multiple copies could be made of the same text (Deut 17:18); texts could be known by a non-literate public through hearing their interpreted content (Josh 8:34-35, 2 Kgs 23:1-3, Neh 8); texts could be re-written if destroyed (Jer 36:27-28). Thus, a "text" may refer to a body of content that moves between oral, written, and remembered media in varied incarnations.[31] I will use the term "oral-written text" to refer to a text whose instantiations are embodied in both oral and material media.

The oral context of the book of the law suggests that it is likely that the narratives will portray it as an oral-written text, which lives independently of the written artifact. Moreover, it should be identified as the same text, even if its contents altered somewhat over time. Exploring the ancient Near Eastern context for the narratives' selected means of describing the document of the law will provide a specific background against which to understand how genre and textual purpose were used in the world of ancient Israel.

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[30] Functionally, Susan Niditch outlines a written text's dynamic interaction with oral literate practices in the social life of ancient Israel: oral performance of a text dictated to a writer, ongoing performances adapting a text's traditions to the audiences' altering socio-political contexts, "a written imitation of oral-style literature to create portions of the tradition," and continued editing of the written production (Ibid., 130).

[31] Ronald L. Troxel defines a text as "a socially produced and recognized form of written discourse that enters public circulation and can become manifest in different tokens" ("What is the 'Text' in Textual Criticism?" (paper presented at the annual meeting of the SBL. Atlanta, GA, 30 November 2015).

II. The Genre of "The Book of the Law": The Ancient Near Eastern Loyalty Oath

The definition of a "genre" can certainly have fuzzy boundaries, since each member text of a genre will also influence the definition of that genre,[32] but here it is useful to take genre in the general sense of common structure and shape of a text.[33] In the pursuit of intertextually interpreting the characterization of the book of the law, I am taking genre as "a kind of cultural-linguistic template, a social contract between speakers or writers and their recipients," and am less interested in defining a whole genre of literature.[34] The book of the law in the Hebrew reading narratives exhibits parallels primarily with the form and function of a loyalty oath: the terms "law" (תורה) and "covenant" (ברית); the material presentation of the written stones, tablet, or scroll; the oralization of the text to the whole of the present and future community; and the legal application of the text to social conduct.[35] Letters were certainly also documents that were oralized, but in general the reader would present them to a restricted private audience rather than a collective public. Loyalty oaths expressed types of covenant in a similarly public environment: addressed to the public as a whole, setting legal obligations and their consequences upon the public, extending the covenant to future generations, written and displayed as a document, and read in a public ceremony. As such, it is very likely that ancient readers and hearers of the publicly-conducted readings would recognize the form and function of the reading: a written document physically brings the LORD's covenant to the eyes and presence of the people, in a

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[32] See Derrida's extreme deconstruction of the concept of genre (Brooke, "Genre Theory, Rewritten Bible and Pesher," 370–371).

[33] Wright points out that "The investigation of genre has been a staple of biblical studies for well over a century, having its origins in the work of scholars such as Hermann Gunkel in the development of Form Criticism" ("Joining the Club: A Suggestion about Genre in Early Jewish Texts," *DSD* 17, no. 3 (2010): 209).

[34] Newsom outlines six common approaches to genre in "Pairing Research Questions and Theories of Genre: A Case Study of the Hodayot," *DSD* 17, no. 3 (2010): 274.

form known to transmit oaths, and its oralization directly conveys the divine words of obligation and promise to their ears. Thus, the accounts depict the text as visibly and aurally presented to the collective people, as a loyalty oath would be. Within these narratives, the reading then produces a number of effects that bear parallels with loyalty oath functions. The people react by standing before the document, all are affected by the curses and blessings in the oath, and all join in the covenant. The physical actions describe a communal oath ceremony.

More specifically, these public reading ceremonies bear clear thematic and structural commonalities with ancient Near Eastern treaties and loyalty oaths from the 14th and 13th century BCE Hittite empire through the 7th century BCE neo-Assyrian empire.[36] Scholarship has paid particular attention to the Vassal Treaties of Esarhaddon, abbreviated as the VTE. These 7th century "treaties" are loyalty oaths imposed by the neo-Assyrian Empire upon their vassal states. The earliest of the treaty parallels are separated from even the earliest conjectured dates of Deuteronomistic composition by six hundred years.[37] For a literary relationship to endure this chronological expanse, general conventions of scribal training in treaty traditions must have reached relative stability within the region before Pentateuchal literature began to be recorded.[38]

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[36] For example, V. Korošec identified six elements consistently found in Hittite treaty texts, and Mendenhall found two Hexateuchal traditions that closely fit that form: the Exodus Decalogue and the narrative of Josh 24. Even there not all elements are present; no formal list of stipulations is in Josh 24 (the only stipulation is to put away foreign gods, and there is no curse or blessing formula) (Koopmans, *Joshua 24 as Poetic Narrative*, 50–51).

[37] Zehnder applies a strict criteria for literary borrowing, from the 1990 book *The Comparative Method in Ancient Near Eastern Legal Studies* by Meir Malul. These criteria seek to determine if author of text B copied from text A, by identifying any inconsistencies of introducing a given element into the text. For Zehnder, none of these criteria holds unambiguously true for Deut, 6, 13, or 28 ("Building on Stone?: Deuteronomy and Esarhaddon's Loyalty Oaths (Part 1) Some Preliminary Observations," *BBR* 19, no. 3 (2009): 341–74).

[38] One skeptic has been Timo Veijola, who admits close parallels between the VTE and Deut 13, but draws attention as well to Deut 13's commonalities with Hittite vassal treaties. Due to the fact that this one passage from Deuteronomy appears to relate to documents that derive from contexts that are centuries and empires apart, Veijola disagrees with Otto's assertion that it is legitimate to use literary parallels with the VTE to determine the roots of biblical texts ("Wahrheit Und Intoleranz Nach Deuteronomium 13," *ZTK*, no. 92 (1995): 310). A. Jepsen wanted to look more closely at the action or ceremony by which self-obligation happens; he sees the Yahweh-people covenant as defined by one-sided action, since it is always God's covenant and his law that is transgressed or broken, not

The lack of word-for-word correspondence between parallels suggests that it would not have been necessary for a Hebrew scribe to view a physical copy of the Esarhaddon treaties in order to utilize thematic conventions.[39] Since the common conventions were of a thematic and structural nature, it is easier to conceive of the basic concept of a loyalty treaty enduring over hundreds of years.[40] Although it is difficult to verify the exact means by which the influence reached Hebrew scribes, one cannot deny that there is an influence from Hittite, Aramaic, and neo-Assyrian traditions.[41] Even without understanding all of the processes by which this happened, since the comparative treaties existed well before the exile, the influence could have easily taken place before the compositional and redactional dates commonly assigned to Josh 8:30-35, as well as 2

Israel's. E. Kutsch preferred to translate "covenant" (ברית) as obligation, with varying nuances in different biblical contexts, rather than partnership or relationship. For example, in Josh. 24:26, Joshua places obligations upon the people in the presence of God, but Kutsch would not want to call this event as creating a relationship between Yahweh and Israel. He even suggests that "to cut a covenant" (לכרת ברית) usually means to obligate oneself, but in Josh 24:25 and 2 Kgs 11:4 means to place obligations upon one another (Koopmans, 66, 69-70).

[39] Frankena's theory strongly influenced scholars of the next generations to assume that a direct relationship was to be found between the VTE and early versions of Deut in Judah ("The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy," OTS 14 (1965): 122–54). Scholars such as Erich Zenger posit, like Frankena, that a copy of the VTE was available in the royal archives in Jerusalem, so that parts would be physically used as models in the writing of Deuteronomy because the literary device of a treaty occupied high prestige status in the dominant neo-Assyrian culture (Zehnder, "Building on Stone?," 2009, 342). Zehnder asserts that direct literary dependence via literal copying between the VTE and Deuteronomy cannot be supported, and that after the respective falls of the Hittite and neo-Assyrian empires, any copies of their texts would have been lost; indeed, there is no evidence of later copies of their texts (Ibid., 341–346).

[40] The clear parallels even motivated K. Baltzer to refine the covenant/treaty terminology to cover a genre of OT covenant texts that are not identified as treaty documents but bear an affinity to the literary form and content of extra-biblical treaties; this broader scope of texts was called "Bundesformular," or "covenant formulary" (*Das Bundesformular, Sein Ursprung Und Seine Verwendung Im Alten Testament* (Neukirchen, 1960), 17ff).

[41] Dennis McCarthy differed from Moshe Weinfeld in the specific details of evaluating the covenant form, however, they both agreed that one cannot completely deny a relationship between biblical covenantal texts and the ancient Near Eastern treaty form (Koopmans, 75). Even Markus Zehnder, who argues strongly against finding a direct literary dependence of Deuteronomy upon the VTE, finalizes his study by acknowledging that vassal treaties may be in the background of biblical literature without biblical scribes needing a physical copy of the VTE in front of them: "What appears, then, is a net of related common traditions that is far too complex to be reduced to the simple construction of a direct literary dependence of the proposed 'Ur-Deuteronomium' on VTE. VTE must be understood as a late heir of different traditions having their roots especially in the Hittite and Aramaic world…It is much more likely that Israelite writers inherited similar traditions independently of their Assyrian counterparts" ("Building on Stone?: Deuteronomy and Esarhaddon's Loyalty Oaths (Part 2) Some Additional Observations," *BBR* 19, no. 4 (2009): 534).

Kgs 22-23 and Neh 8.[42] As such, the comparative evidence may still illuminate the general literary rhetoric and the construction of social expectations within the parallel documents. In biblical scholarship, detailed comparison of Deuteronomy and other covenants in the Hebrew Bible with ancient near eastern treaties has not only sought to define what the nature of a covenant was in the ancient world, but also identified specific characteristics of the rhetoric, structure, and obligations that typified this kind of agreement.

Loyalty oaths are primarily of interest to this study, however, not because of parallel content, but rather due to the social functions of publicly reading a written oath document. George E. Mendenhall, who initiated investigation into Hittite treaties, viewed the covenant as the primary and generative element in Israel's social form, a perspective the reading ceremony narratives seem to perpetuate with their lists of addressees.[43] One may argue with the assertion that covenant is the primary generative element of Israel's social form, but the covenant reading ceremonies certainly do highlight the importance of the covenant and its written document for the identity of the community, and especially for delineating the boundaries of its members. By characterizing the book of the law as parallel to the well-known oath format, the reading ceremony narratives provide the reader a means of constructing the nature of the document and the nature of the people who interact with it.[44] Early covenant-treaty comparison produced

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[42] See Paul E. Dion's ("Deuteronomy 13") and Christof Hardmeier's ("Die Weisheit") articles for their arguments that neo-Assyrian treaty models influenced Deuteronomic passages, even though it was not through processes of literal copying.

[43] The covenant-treaty debate since Mendenhall in the 1950's has revolved around two fundamental questions: Do texts such as Josh 24, Exod 19-24, and Deut demonstrate unequivocally that they have been modeled on the literary form of extra-biblical treaty texts? If there is a demonstrable resemblance between biblical literature and treaty texts, to what extent may it be used for dating the literary fixation of the biblical texts? For a discussion of this debate, see Koopmans, *Joshua 24 as Poetic Narrative*, 82; Long, "The Social World of Ancient Israel," 252–253.

[44] Later scholars extended treaty studies to the VTE, the Sefire Aramaic treaties, Mari texts, and more. Early theories suggesting the dependence of Deuteronomistic passages upon neo-Assyrian models were issued by R. Frankena, Moshe Weinfeld, and William Moran. In these early discussions, Frankena suggested that a copy of the

scholarship that highlights the multiplicity of voices present in the Hebrew Bible. For example, on the basis of the Hittite treaty pattern, Klaus Baltzer argued that the Exodus and Sinai represent two originally separate traditions, which were united during the wilderness period under Moses's guidance through the enactment of a covenant under the standard Hittite treaty form.[45] This means that the genre of the treaty could have served to unite people groups who had differing past traditions, by utilizing a recognizable written document that could be invoked in a public ritual. Since the presence of the book of the law sets this ceremony apart from other covenant ceremonies in the Hebrew Bible, the written nature of oaths and laws suggests that the ancient Israelite authoritative text had the potential to unite a community.

III. Ideological Project: Claiming the Covenant

Parallels of genre and social impact did exist with ancient Near Eastern loyalty oaths, but covenants in the Hebrew Bible distinguish themselves in their precise social purpose. The purpose of the covenants of the Hebrew Bible was to spell out a commitment of the people Israel to their god Yahweh. Unlike ancient loyalty oaths, the Hebrew covenant ceremonies make a written document essential to *internal* unification and definition of the community. Although eighth century neo-Assyrian international treaties exemplify how entire peoples were addressed by a document, they were a mode of exerting control over vassal states. Public pronouncement of loyalty oaths purposed to reiterate the power of the suzerain over the vassal through the treaty stipulations, and not to unify the people. The literature of the Hebrew Bible takes up the idea of an oath document, but utilizes it to internally bind its own people. A local vassal community

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VTE must have been deposited in the royal chancellery in Jerusalem because Judah was a vassal of Assyria; although no copy of the VTE has been discovered in Judah, Frankena even speculated that the Judahite king or his emissaries would have been present at the ceremonial oath-swearing ordered by Esarhaddon on behalf of his son Ashurbanipal ("The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy," 151).

[45] Baltzer, *Das Bundesformular, Sein Ursprung Und Seine Verwendung Im Alten Testament*.

would not have adopted an Assyrian treaty in order to convey its internal unity; the collectivity of Assyrian statecraft was a directed means of effectively dominating whole peoples.

Eckart Otto asserted that the Hebrew Bible's use of the neo-Assyrian form constituted an intentional polemic message against Assyria, by replacing the ruler of Assyria with Yahweh as the recipient of the oaths.[46] Like Otto, I believe that implementation of Assyrian elements in at least some of the parallel legal passages is a response to imperial overlordship, and perhaps specifically to Assyrian overlordship. Judah was under the threat of imperial domination for the majority of its existence as a sovereign state, long enough to want to assert its sovereignty by subverting a genre of submission like a vassal treaty. In a sense, the narrative of history in the Hebrew Bible turns the idea of an imperial vassal treaty on its head, asserting instead that the book of the law only represents divine power wielded over the people, not non-Israelite human control. Mendenhall states that Deuteronomy is meant to be "a guarantee of freedom from every other political suzerainty" and one may extend this assertion to other covenant agreements within the Hebrew Bible.[47] Markus Zehnder argues that the VTE and Deuteronomy cannot be directly parallel because the VTE is establishing a subjugating relationship, while Deuteronomy is asserting the political liberation of Israel.[48] On the other hand, Zehnder opposes the views of Eckart Otto and Christof Hardmeier, concluding that the theoretical *Ur-Deuteronomium* cannot be understood as a direct countertext against the loyalty oath imposed by the Assyrian king. He concludes that the respective claims of the two are not comparable, but undermines his own

[46] Otto revived interest in the historical setting of Deut by championing its close relationship to neo-Assyrian treaties and oaths. Even though he acknowledged the challenge of discerning conclusive criteria to date redactional layers, he did posit that Deut was a reworking of parts of the book of the covenant that existed in the 7th century, and that the original parts of Deut 13 and 28 were formally modeled on neo-Assyrian loyalty oaths, especially the VTE (*Das Deuteronomium Politische Theologie Und Rechtsreform in Juda Und Assyrien* (Berlin: de Gruyter, 1999)).

[47] Mendenhall, *Ancient Oriental and Biblical Law*.

[48] Zehnder, "Building on Stone?," 2009, 355.

argument since reversed claims are indeed the point of subverting a genre.[49] This difference is precisely what makes it a reversal with a clear message that Israel owes her allegiance solely to her own god, and no other authority.[50]

For these Judahite and Judean communities that are constantly under the often successful threat of domination by neighboring empires, the authoritative book becomes a means of reinforcing the internal kinship bonds of the community, rejecting any Assyrian, Babylonian, or Persian "father" who would require their allegiance.[51] It still bears legal obligations upon the Israelites,[52] but it also serves to insist upon the sovereign and distinctive peoplehood of the legal community. Kinship language remains in the collective terminology of covenants in the Hebrew Bible not only as a relic of nomadic clan alliances, but also as unifying rhetoric that provides continuity between past clan rule to monarchic rule that would set the king up as a "son" of the god who was their ultimate sovereign. The Hebrew covenant turns the rhetoric of the vassal treaty inward, wielding it as a formative internal influence.

[49] Zehnder also makes the tenuous claims that the VTE is mainly political and not theological, while Deut is the opposite, and that the authors of Deut would have seen the Assyrians as pagans, and as loyal Yahwists would not have wanted to use Assyrian material. In my estimation, neither argument is persuasive; the first claim is too fine a line to distinguish in the ancient world, and the second is speculation based upon a modern definition of religious piety (Ibid., 371).

[50] Zehnder asks, if the VTE really was taken as a negative model and Deut intended to be a countertext, why did the Deuteronomic authors not make this more clear, instead of veiling their intentions by following the prototype only in nonliteralistic ways and by changing the sequence of curses? However, I don't think the intentions are veiled, and I think the parallels to the VTE can be connected without more direct literary dependence. Moreover, the application of a text that asserts Israel's political independence reaches far beyond the neo-Assyrian period, since the Babylonian, Persian, Greek, and Roman empires continue to dominate the Israelite/Jewish community in succeeding centuries (Ibid., 354).

[51] Father-son language typifies the suzerain-vassal relationship in international treaties of the ancient near east, extending kinship commitments into state relations.

[52] Bernard Levinson observes that the construction of this textual concept applies dynastic loyalty to legal succession ("Esarhaddon's Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1," *JAOS* 130, no. 3 (2010): 347).

Some of the shared rhetoric between the VTE and Deuteronomy is the usage of the verbs "love" and "fear" to convey obligation. In the VTE's case, this is obligation to the neo-Assyrian suzerain, and in Deuteronomy's case, Yahweh.[53] This is a direct exchange of the external imperial power for the deity who is only recognized by the community. The alteration in the parties involved in the covenant, applying exclusive allegiance to Yahweh rather than an external sovereign state, is a rebellion against that imperial domination.[54] The extension of the law code to all aspects of life within the covenant relationship with Yahweh, rather than limiting it to vassal obligations to the sovereign empire, is a natural adaptation of the treaty genre for the purposes of subverting to assert the independence of Israel. Indeed, the treaty form has been viewed as less conservative than genres like law codes, since the treaty must by nature adapt to particular political and social contexts.[55] In the Hebrew Bible, its form has been adapted to Israelite purposes, in part to demonstrate independence from vassalship and internal unity. Agreeing to the obligations present in the covenant was a means of asserting the independence of Israelite governance. The reading ceremony narratives characterize the covenant as creating a permanent relationship between parties through the efficacious execution of a material document.

Other ancient Near Eastern literature provides little comparative material that describes a ceremony whose purpose is to benefit and unify the addressed people as a whole. Seth L.

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[53] Such comparative studies began in the 1960's (see William L. Moran, "The Ancient Near Eastern Background of the Love of God in Deuteronomy," *CBQ*, no. 25 (1963): 83). However, this interest is maintained in recent work; for example, Hardmeier compares Deut 6:4-5, 7, and 13 to the VTE, and observes the common commands to "love" or "fear" the overlord, to swear an oath only to that lord, and to pass the agreement and its stipulations on to the next generation ("Die Weisheit Der Tora (Dtn 4, 5-8). Respekt Und Loyalitaet Gegenueber JHWH Allein Und Die Befolgung Seiner Gebote - Ein Performatives Lehren Und Lernen," in *Festschrift Fuer Frank Cruesemann Zum 65. Geburtstag*, ed. Christof Hardmeier, Rainer Kessler, and Andreas Ruwe (Guetersloher Verlagshaus, 2003), 224–54.).

[54] Both Assyrian and Hittite treaties required exclusive allegiance to only one master: for example, the treaty between Suppiluliuma I of Hatti and Huqqana of Hayasa: "Recognize only My Majesty and protect My Majesty!" (as quoted in Zehnder, "Building on Stone?," 2009, 512).

[55] Zehnder, "Building on Stone?," 2009, 346.

Sanders draws attention to KTU 1.40, a ritual for national atonement and unity that is the most important and broadly produced ritual known from Ugarit.[56] This ritual is relevant to this discussion for two key reasons: first, it represents a pattern of rituals on behalf of the entire people in West Semitic societies in the Late Bronze Age, unlike most second millennium rituals that are conducted solely on behalf of the king; second, it lists out the participants in this ritual, which includes many of the same population segments that are invoked in each of the covenant reading ceremonies with which this study is concerned. Among those atoned by the ritual are male and female members, even addressed directly with gender specific imperatives, as we see them listed in Josh 8:35 and Neh 8 numerous times. Like the Esarhaddon treaties, foreigners and natives are listed, as they are in Josh 8:33.[57] The sovereign and the citizens are included, as in 2 Kgs 23. The lists are rounded out with other groups of leaders such as elders, officers, judges, prophets, levitical priests, inhabitants of the city and the region (Judah), young and great, and Neh 8's catch-all "those who could understand." KTU 1.40 presents a model for this kind of addressee list in a unity ritual, demonstrating that a populace list may serve not merely to bind addressees to treaty obligations, but may also serve to unify and even benefit the whole society by atoning them.[58] Sanders connects this collective practice to that of the Day of Atonement in Lev 16, which is conducted on behalf of the whole people, although like KTU 1.40 no text is

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[56] In notes to p. 159; the first, third, and fifth sections of KTU 1.40 are addressed collectively to males ("son"), and the second, fourth, and sixth addressed collectively to females ("daughter"); there are other parallels to "son"-addressed rituals, but none for daughters. They are singular family terms, but there are plural pronouns indicating that the singulars are collective (Mark S. Smith, *Poetic Heroes: The Literary Commemorations of Warriors and Warrior Culture* (Grand Rapids: Eerdmans, 2014), 463).

[57] Zehnder, "Building on Stone?," 2009, 356.

[58] The first set of sacrifices in the ritual involves the slaughter of a donkey – this act is unknown elsewhere in Ugaritic, but is paradigmatic in earlier West Semitic ritual at Mari (Seth L. Sanders, *The Invention of Hebrew* (Urbana: University of Illinois Press, 2009), 59).

present in this ritual, and no list of those present is provided in Leviticus.[59] The lack of texts in the comparative ancient near eastern collective rituals highlights further the extraordinary combination of elements in these reading events: all are collective ceremonies on behalf of the people, based on the invocation of a written document, and the document is viewed as having long-duration impact.

The ideological project of the book of the law does in some respects parallel the project of loyalty oaths. The narratives depict the social purpose of the book of the law as unifying the people, and they do so by utilizing the ability of the document to endure through time. The book of the law in each of the covenant reading ceremonies serves to connect the community of the present day of the narrative to the past traditions of that community. Specifically, each narrative claims that the book of the law represents the covenant that Moses made with Yahweh, and that the current community is the valid heir to that covenant. Ancient Near Eastern loyalty oaths approximate this claim in that they emphasize the permanent duration of the oath between the parties and their descendants. In both cases, this assertion revolves around the material artifact of the document. Because the textual artifact has the ability to endure through time, it has the potential to manifest the covenant to generations beyond those present at any given moment.

IV. Efficacy of Writtenness

One of the ways in which the oath document affected its addressees was through the common ancient belief in the efficacy of written documents. Watts argues that ancient texts were often utilized to validate important rituals in antiquity, and in turn the rituals lent cultural

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[59] The inclusion of ethnic and social groups outside the palace as central players in a ritual of redemption also places this ritual in tension with the monarch-centered rites that dominate the rest of the Ugaritic corpus. West-Semitic speaking Emar also has key rituals were conducted on behalf of the city's populace rather than a king, but there are no Hittite or Mesopotamian parallels (Ibid., 60–61).

influence to the texts.[60] Indeed, "one function of ritual texts was to ground oral performances, both reading and memorization."[61] The writtenness explicitly served a semantic purpose that supported its oral performative function: "By offering the possibility of preserving knowledge, culture, and religion, books play a central role in forming and reproducing individual and corporate identity."[62] It is evident, however, that writing something down in the ancient Near East was more than communication of content, that is, the semantic value of the text.

Inscribing was an act that made the written words efficacious in executing the content. In the case of ancient loyalty oaths, to write down an agreement meant to establish a permanent bond between human parties with divine participation in the agreement. This was true of loyalty oaths like the VTE, in which the suzerain as the king of Assyria established a covenant with his vassal states, as confirmed and enforced by the divine parties invoked in the treaty. The same phenomenon occurred in laws that mediated agreements between two members of the populace. For example, in neo-Babylonian laws of the fifth century BCE, it is explicitly stated that what has been written down is not alterable, and moreover that the writing has been publicly viewed and understood:

> A man who has given his daughter to the son of a man, whatever the father has stated in his tablet, that he will give to his son, and the father-in-law has stated the dowry of his daughter, and they have written the tablets in mutual agreement, they will not alter their tablets. The father may not make any reduction to anything which he wrote down in the tablet for his son and which he showed to his (son's) father-in-law.[63]

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[60] James W. Watts, "Ritual Legitimacy and Scriptural Authority," *JBL*, 2005, 401–402.

[61] James W. Watts, "Ritual Rhetoric in Ancient Near Eastern Texts," in *Ancient Non-Greek Rhetorics*, ed. Carol S. Lipson and Roberta A. Binkley (West Lafayette, Indiana: Parlor Press, 2009), 59.

[62] Watts, "Disposing of Non-Disposable Texts," 150.

[63] BM 56606, §8, lines 3-15 (Kenneth A. Kitchen and Paul J. N. Lawrence, eds., *Treaty, Law and Covenant in the Ancient Near East*, vol. Part 1: The Texts (Wiesbaden: Harrassowitz Verlag, 2012), 1033).

So, not only did the written tablets record the terms of the marriage agreement, but they thereby established the obligation between the parties in an unchangeable manner. The visual nature of the commitment is also evident in this law, since the obligations can physically be shown to the other party as a confirmation of the immutable agreement.

The treaty genre intensifies the efficacy of the written agreement by adding divine witnesses to its oath confirmation. If the vassal transgressed the oath, the VTE says “May the grea[t go]ds of heaven and earth who live in the world, as many as are mentioned by name in this tablet, strike you, look at you (in anger), and curse you grimly with a painful curse” (the curses continue at length).[64] The fact that the divine names have been inscribed on the tablet means that those named gods will execute the curses upon the vassal parties if they are not faithful to it. The materiality of the tablet is also protected by the divine witnesses, who will likewise curse the vassal “If you should remove [the tablet], consign it to the fire, throw it into water, [bury] it in the earth (or) by any cunning device destroy it, annihilate (or) deface it.”[65] The self-referential language that permeates loyalty oaths consistently draws attention to the physical object of the document. The covenant is instantiated in the tablet itself, and the tablet enacts the covenant. Exodus 31:18 raised the ante for divine confirmation of written efficacy: “When God finished speaking with Moses on Mount Sinai, he gave him the two tablets of the covenant, tablets of stone, written with the finger of God.” Not only is this tablet efficacious because it is inscribed, but it is written by the very finger of God. The claim of divine inscription is not asserted for the book of the law, but its authority in each narrative is traced back to divine origin either through

[64] Esarhaddon’s Succession and the Medes, §56 C44, lines 472-475 (Ibid., Part 1: The Texts: 989).

[65] Esarhaddon’s Succession and the Medes, §36, lines 410-413 (Ibid., Part 1: The Texts: 985).

prophetic authentication (as in 2 Kgs 22-23) or Mosaic authorship (as in Josh 8, 2 Chr 34-35, and Neh 8).

In addition to making an oath effectual and divinely enforced, writing the oath down also meant that it would endure through time without losing power of efficacy. A neo-Assyrian loyalty oath would use language indicating that the vassal commitment to the suzerain is everlasting: "Never to break the *adê* which is henceforth valid for ever" (VTE 377-384:33)[66] for all generations of the vassals "who will exist in days to come after the treaty" (column 1, line 7).[67] Due to the material efficaciousness of individual instantiations of loyalty oaths, as documents they often included prohibitions against alteration of the writing. The Esarhaddon and Aramaic Sefire treaties alike establish an injunction to never alter or destroy the physical document, which Deut 13:1 echoes in order to portray the covenant as unchangeable and permanent: "You must diligently observe everything that I command you; do not add to it or take anything from it."[68] Deuteronomy 4:2 also states, "You must neither add anything to what I command you nor take away anything from it." Bernard M. Levinson reminds that "The formula [in Deut. 13:1] actually has a long pre-history in the ancient Near East, where it originally sought to prevent royal inscriptions, including law collections and treaties (cf. 1 Macc. 8:30) from being altered."[69] Esarhaddon's seventh century BCE vassal treaty is aware of its effectual and permanent writtenness in cautioning against changes: "you shall neither change nor alter the

[66] D. J. Wiseman, "The Vassal-Treaties of Esarhaddon," *Iraq*, 20, no. 1 (1958): 24.

[67] Ibid., 30.

[68] Deut 12:32 in English versification; this may also provide a background for Josh 8:35: "There was not a word of all that Moses commanded that Joshua did not read before all the assembly of Israel." See Levinson, "Esarhaddon's Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1."

[69] Levinson here seeks to contrast the idea of a biblical canon with the injunction against treaty alteration ("You Must Not Add Anything to What I Command You: Paradoxes of Canon and Authorship in Ancient Israel," *Numen* 50, no. 1 (2003): 6).

word of Esarhaddon, king of Assyria" possibly followed by a customary tablet clause requiring protection of the object itself (57).[70] Likewise, the eighth century Sefire Aramaic inscription reads: "Whoever will not observe the words of the inscription which is on this stele or will say, 'I shall efface some of his (its) words,' or 'I shall upset the good relations and turn (them) to evil,' on any day on which he will do so, may the gods overturn that man and his house and all that is in it; and may they make his lower part his upper part! May his scion inherit no name!" (Sefire I C 16-25). This last Sefire curse even places the consequences of document alteration or destruction upon the future generations of the "house." While the curse may not primarily intend this interpretation, a literal loss of writing could mean loss of tradition that would pass community identity on to descendants.

The regular public display of a treaty or loyalty oath document would make any changes quite obvious. Even to the non-literate, scratched out writing or writing that is inserted over a regular line of writing would be a visible disturbance. As a result, the belief that the inscribed writing on a single written artifact should not be changed is publicly enforceable. The prohibition against altering the oath tablet harnesses the ability of a textual artifact to endure through time, with the explicit consequence that the oath's efficacy will also endure with equal force through time and bear the same effects upon the future descendents of the community as it would upon the current members.[71] Examination of the covenant reading ceremonies will uncover a similar

[70] See Thomas Römer, *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* (London: T & T Clark International, 2007), 76; Frankena, "The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy."

[71] The importance of not altering a single material artifact should be differentiated from concern for preventing change in the transmission process between scribal copies. It is not until the Hellenistic period that one finds increased claim to concern for word-for-word transmission across multiple copies of a single text, as seen in the letter to Aristeas, in which the credibility and validity of the Greek translation of the Hebrew Bible is verified by the production of precisely identical copies of the text ("310 After the books had been read, the priests and the elders of the translators and the Jewish community and the leaders of the people stood up and said, that since so excellent and sacred and accurate a translation had been made, it was only right that it should remain as it was and

view of the book of the law, as a material document that efficaciously enacts the covenant, bears divine power upon the oath swearers, and serves physically in ritual to visibly and spatially present the covenant to its addressees and their future generations.

V. Continuity of Identification: Textual Endurance Through Time

Because the written oath has the capability to endure through time without losing efficacy, the reading ceremony narratives are able to depict the book of the law as the same oath that appears at chronologically disparate moments. Even though an individual treaty may claim everlasting authority for itself, there is not evidence of any single text's usage, reinterpretation, and copied transmission over centuries by its community. Later Assyrian narratives or literature do not invoke the VTE as the everlasting reference point for community unity. Perhaps this lack of continuity may be attributed to the simple fact that Esarhaddon's line fell apart following his son Ashurbanipal, as much as these vassal treaties proclaimed the authority of their dynasty through all time.[72] Outside of the Hebrew Bible, before the Hellenistic period no body of literature that itself is composed over the course of hundreds of years refers to the same text or collection of texts continuously as being a single authoritative reference point from the antique past, with continued application for the undefined future.

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no 311 alteration should be made in it. And when the whole company expressed their approval, they bade them pronounce a curse in accordance with their custom upon any one who should make any alteration either by adding anything or changing in any way whatever any of the words which had been written or making any omission. This was a very wise precaution to ensure that the book might be preserved for all the future time unchanged" http://www.ccel.org/c/charles/otpseudepig/aristeas.htm). Even in the Hellenistic period, when the idea of an authoritative set of texts was developing more explicitly, a single "text" would exhibit major variations between its instantiations, so that the ideology of verifying the accuracy of new copies was not always an enforceable practicality. This discussion applies more to the development of the literature of the Hebrew Bible than it does to the portrayal of the book of the law in reading ceremony narratives. Kraemer discusses how the canonization of rabbinic literature is better documented than the Hebrew Bible's through the responses of commentaries; there appeared to be an openness to claiming that rabbinic traditions were part of the Torah revealed at Sinai, thus blurring the boundaries of earlier defined canon (David Kraemer, "The Formation of Rabbinic Canon: Authority and Boundaries," *JBL* 110, no. 4 (1991): 614–6).

[72] See VTE Column iv, line 266-8: "(You swear) that you will love Ashurbanipal, the crown prince, son of Esarhaddon, king of Assyria, as you love yourselves" (Wiseman, "The Vassal-Treaties of Esarhaddon," 25).

Altogether, there are Assyrian, Aramaic, and Hittite treaties that claim their own everlasting authority, but there are not later pieces of literature that depict those treaties as essential or applicable throughout vastly different historical circumstances. The Hebrew Bible is able to successfully conceive of a text, "the book of the law," whose identity is based in antiquity but which maintains an ongoing authority via reinterpretation and reapplication, because its covenant parties are timeless, unchanging Yahweh and the continuing community of Israel. It is evident in the Hebrew Bible that Israelite perspectives on Yahweh's reign adapt to the loss of the monarchy, exile, and return to the land, finding a way in each historical context to portray divine rule as everlasting. Likewise, the Hebrew Bible and other Second Temple literature construct the idea of continuity over time within the Israelite community, even as the composition of the community evolves through changing socio-political circumstances. Even in its varied incarnations, the nature of the Hebrew Bible as a corpus is distinctive in that it transmits and molds the history of a people over hundreds of years, providing a venue to uniquely shape the identity of that people. It is perhaps not surprising that the literature itself would reflect upon its own task by simultaneously creating the fiction of a long-duration text which serves as a reappearing character in its narrative: the book of the covenant or book of the law. The fictive materiality of the document in the reading ceremony narratives facilitates portrayal of the text to endure through time, addressing generation after generation.

In light of the ancient Near Eastern loyalty oath genre, the book of the law in these public reading ceremonies should be understood to exhibit the qualities that oath documents were believed to have. Like all written agreements, the book of the law was an oath document that executed the covenant efficaciously. To write the covenant down was to realize it. Moreover, ancient perspectives on written oath documents emphasized their ability to endure through time,

and therefore to convey the oath itself to future generations of the addressees. This characteristic would facilitate a continuity of identification for the book of the law, in every historical period recounted in the Hebrew Bible: prior to entering the land (Exod 24:3-8), during conquest of the land (Josh 8:30-35), during monarchic rule by the Davidic dynasty (2 Kgs 22-23), and at the time of post-exilic rebuilding (Neh 8). The same document would recall the Mosaic covenant with Yahweh, due to its everlasting efficacious nature.

VI. Reading as Ratification and Expansive Entextualization

While the book of the law is depicted as a material document, its role in the covenant renewal ceremonies also requires being read aloud. This is one key difference between atextual covenant ceremonies and those that present a written artifact: the dynamic of movement between oral interpretation and written content. The functioning of the oral-written text includes alternating expression in both oral and written media, and this is where additional potential for spoken expansion upon the written content emerges. The Hebrew verb that is generally translated "to read" in English, *qr'* (קרא), has the basic sense of "to call out" or "to name"; at its foundation, it is an oralization from one person often to a group. Boyarin explores instances of *qr'* in the Hebrew Bible as a speech-act: "A semantic analysis of the distribution of the root *qr'* in biblical Hebrew reveals the following points. The root encompasses a range of meanings including 'to call,' 'to proclaim,' 'to summon or invite,' and 'to read.' It will be immediately observed that the whole semantic field to which these glosses belong is that of speech acts and not of passive reception."[73] The Akkadian root *qarā'u* has a basic meaning of "to call up, invite," supporting

[73] Daniel Boyarin, "Placing Reading: Ancient Israel and Medieval Europe," in *The Ethnography of Reading* (Los Angeles: University of California Press, 1992), 12–16.

interpretation of the root as a public oral action.[74] In the covenant reading ceremonies, reading the book of the law is always one person oralizing the oath to the collective people.

Keane emphasizes that textual movement between oral and written forms, "transduction," produces a kind of divine power in many spiritual belief systems.[75] In contrast to this reading in Josh 8, Josh 24 contains an oral covenant ceremony, sealed by writing in the book of the law, but in that case the cycle of transduction is not continued with oral pronouncement of the writing. Moreover, given the numinous and often magical perception of writing in the ancient near east, the writing of the covenant law is not only imitating neo-Assyrian treaty practices, but it is evoking the power that is implied via the treaty practice of ritually writing out the stipulations. The inscription of a text that most of the community could not read individually could have an iconic effect, visually representing a divinely-backed oath to the people. Reading the document was a way to wield the text's power over the people, both semantically and performatively. The oralization of the writing itself enacts the effects of the text, as a ritual ratification of an oath: "Ratification of a treaty involved the crafting of an inscription on stone as well as an oral performance of the oath agreement between two parties."[76] The notion of reading aloud as a speech act supports interpretation of the public readings as actively enacting the written oath. The neo-Babylonian law quoted above, which says to "show" the other party the textual artifact, does not take the agreement to the point of oralization. In the covenant renewals of the Hebrew

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[74] קרא, Ludwig Koehler, Walter Baumgartner, and Johann Jakob Stamm, *The Hebrew and Aramaic Lexicon of the Old Testament*, 2 vols. (Leiden: Brill, 2001).

[75] Keane, "On Spirit Writing: Materialities of Language and the Religious Work of Transduction," 2.

[76] Ramos cites the first Sefire stele: "Thus we have spoken and thus we have written. What I, Mati'ilu, have written (is) a reminder for my son and grandson who will follow me" (Sefire I VII:1-2) ("Spoken Word and Ritual Performance: The Oath and the Curse in Deuteronomy 27-28," 75).

Bible, reading the document aloud was an aural way to bind the people in the covenant, in addition to the visual of the written artifact.

In addition, for a largely non-literate populace, public reading was the only means by which the public could connect with the content of the text.[77] Joel C. Kuipers and Webb Keane assert that performing a reading entextualizes a specific oral rendering of the text,[78] so that the officiant reader has the power to present the text in the manner in which he determines. Moreover, what happened when a text was read aloud in antiquity was not what print culture expects from a reading: it nearly always implied significant expansion upon and explanation of the written words.[79] Since the non-literate hearers could not verify that the spoken reading corresponded to the written oath, the covenant text for the audience was defined by the words that the officiant chose to interpret the writing. The factor of expansive reading helps to explain how a textual artifact whose alteration is forbidden can remain an oral-written text with a measure of fluidity. While there was an ideology around not changing the written text, this is only a single material instantiation of the text; it does not forbid copies of the text, which would open the door to scribal error if not alteration, and it cannot limit the oralization of the written words. Since each ceremony emphasizes that the officiant reads out the entirety of the law, the narratives communicate that the entirety of the obligations of the law are set as binding for all of the community members present at this event. In this moment, the reading is portrayed as

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[77] "Since few people outside the scribal and priestly classes could read, ritual texts would have been used almost exclusively by people who were already enculturated in the oral tradition" (Watts, "Ritual Rhetoric in Ancient Near Eastern Texts," 59).

[78] Joel C. Kuipers, *Power in Performance: The Creation of Textual Authority in Weyewa Ritual Speech* (Philadelphia: University of Pennsylvania Press, 1990); Keane, "On Spirit Writing: Materialities of Language and the Religious Work of Transduction."

[79] Brooke encourages us to "reconsider the boundaries between text and interpretation" ("Genre Theory, Rewritten Bible and Pesher," 370).

ratifying commitment on the side of the people as the covenant's addressees.[80] The frozen document is a visible icon of the covenant to the community, and the oralization of its words binds them to it.

Reading could not take place without a material document, but a document could not reach the its addressees without the public reading. In this reading event, the people have their only means of access to the content of the book of the law, but what is portrayed is more than a communication of content. It is a ritual enacting of the oath that has been executed in the covenant document, which is both backed up by the divine witnesses in the document and ratified by the divine power produced through the reading itself. Oralization of the text entextualizes the covenant relationship, both its obligations and its benefits, in the people themselves.

VII. Covenant Ceremonies in the Hebrew Bible

A. Exodus 24:3-8: A Reading Ceremony without Focus on Community Boundaries

In addition to the ancient Near Eastern backgrounds for writing and reading, the covenant reading ceremonies need to be placed within their more immediate context in the corpus of the Hebrew Bible. Outside of Josh 8, 2 Kgs 22-23, and Neh 8, there are several other covenant ceremony narratives in the Hebrew Bible. Only one, Exod 24:3-8, also involves reading the book of the covenant aloud. Deuteronomy 27-28 and 31 interact with the reading ceremonies since they prescribe usage of texts in covenant renewals, but they do not describe a ceremony scene in narrative. Finally, there are a handful of covenant ceremonies in the Hebrew Bible that reaffirm the covenant without the reading of an oath document, providing a contrast to the covenant

[80] For further exploration of the ancient Near Eastern curse background of oath oralization, see Melissa D. Ramos, "Spoken Word and Ritual Performance: The Oath and the Curse in Deuteronomy 27-28" (Ph.D. Diss., University of California at Los Angeles, 2015).

reading ceremonies in question. The most significant of these ceremonies is Exod 24:3-8, which models the earliest reading ritual within the internal chronology of the Hebrew Bible. In doing so, it places textuality and scribal roles in a pivotal moment in the Sinai revelation of law, by recounting a step-by-step covenant ceremony in which Moses writes down all the words of Yahweh, and then reads the words of the document out to the people. It appears to be an origin story for the torah document, since it is the first time within the Pentateuch that Moses writes (of only four times) and the only reading ceremony in which an original text of divine speech is recorded.[81] When Joshua writes, it is a copy (משנה) of the law of Moses, not a transcription of God's own words, and the other ceremonies feature a book which is found or retrieved from storage.

There are performative elements from Exod 24 that appear in each reading ceremony, which create a physical, social, and institutional setting for the text's reading. They include the assembly of the whole of Israel, the creation of a cultic physical setting, an oral reading of the book of the law/covenant, the response of commitment by all of Israel, and an emphasis on obligation to the entirety of the law. By maintaining a majority of these elements in later reading ceremonies, authors and redactors of the Hebrew Bible are constructing a social context which imbues a written document with authority. However, in these different contexts, the nature of its authority and the character of the pepole is defined differently. Exodus 24 presents the book as containing all the words of the LORD, presumably that which Moses has just verbally presented to the people and potentially the Covenant Code that is given in the preceding chapters. It is called the book of the covenant, a term which only occurs here and in the Josiah narrative in 2

[81] Moses writes the book of the law in Exod 24 and Deut 31; however, in Exod 31 and 32, both sets of tablets (before and after the golden calf incident) were "written with the finger of God" (31:18) or "the writing of God" (32:16). Joshua, of course, writes the text in Josh 8:30-35.

Kings.[82] Through the reading, physical confirmation of the covenant is delivered to the whole of the people of Israel. Perhaps more significantly, it is the mention of the book of the covenant (ספר הברית), that represents the physical potential of extending the written covenant to future generations, especially since the tablets of the law eventually disappear in the Hebrew Bible (after 1 Kgs 8:9).

This account distinguishes itself in several key manners from elements that compose the other public reading ceremonies. It includes direct speech of the people's verbal commitment to the covenant, both in response to a verbal rite and in response to the subsequent written and read rite. Moses seals the covenant by sprinkling animal blood on the people, the only time blood is sprinkled over the entirety of the people, and the narrative includes direct speech that Moses speaks over the people. Unlike the other ceremonies, no subgroups of the people are listed out to specifically delineate the community participants, but it simply "all of the people." The venue of the event is at the mountain of God, on which Moses has gone up to Yahweh. Exodus 24 is thus the only reading ceremony to take place at the site of direct divine revelation, and the closest to an origin story for the book of the covenant. 2 Kings 22 reports a rediscovery of the book of the covenant, and King Josiah does cut a covenant "before Yahweh" (23:3), but the setting does not claim the theophanic power of Sinai.

This study is especially concerned with the interaction of the text with the people. By not listing out subgroups of the people, Exod 24 does not exhibit the same interest as the other reading narratives in utilizing the authoritative text to delimit the boundaries of the people Israel, so as a narrative it will not be considered as prioritizing building a relationship between the people and the text as the other covenant reading ceremonies. Moreover, Exod 24 is notoriously

[82] The term "book of the covenant" also appears in the Greek of 1 Macc 1:57 (βιβλίον διαθήκης), when the Greeks are forbidding possession of the Jewish book of the law in Jerusalem.

difficult to date, so it has a less direct contribution to the chronological development of the ideology of authoritative text.[83] Elements of Exod 24 appear to be early. It does not describe the materials used when Moses builds the altar, and it calls the stone pillars he raises a *maṣēbâ* (מצבה). Both of these elements contrast to Deut 27:4-5 and Josh 8:31-32, which clarify that their altars are constructed from unhewn stones in accordance with the law in Exod 20:25, and which both avoid calling an erected stone a *maṣēbâ* (instead calling them "large stones," אבנים גדולות) since the setting up of a *maṣēbâ* is forbidden as something Yahweh hates in Deut 16:22. The apparent lack of awareness of these cultic laws suggests that at least these portions of the passage originated prior to Deut 27 and Josh 8:30-35. What is more, it is not priests who offer the sacrifices, but the "young men" of the people of Israel.[84] The final touch of Moses dashing the blood on the people has no parallels. Twice in the Pentateuch blood is daubed on Aaron and his sons' ear lobes, thumbs, and toes, and blood is often dashed on the altar, but outside of Exod 24 it is never dashed on the people as a whole. The uniqueness of this event may mean that the dashing of blood was not a practice that became common in the ritual life of later periods, and there is little to suggest that such a ritual would be a later invention. The only elements of Exod 24:3-8 that scholars consistently date late are the statements that Moses writes and reads the written document. This is only dated late because scholars presume that in general writing became important later on, but one should not date a passage based on such circular reasoning. While this study will not treat Exod 24 as it does the reading ceremonies in Josh 8, 2 Kgs 23, and Neh 8, it will examine whether Exod 24 may have interacted with and perhaps influenced them.

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[83] For a sampling of the dating discussion, see E. W. Nicholson, "The Covenant Ritual in Exodus 24:3-8," *VT* 32, no. 1 (1982): 74–86.

[84] Stager suggests that a "young man" (נער) was a category in pre-monarchic kinship society for an unmarried man who was not yet a *pater familias* ("The Archaeology of the Family in Ancient Israel," 25).

Exodus 24 is an important Penateuchal text that would have naturally drawn later reference and interpretation. Innerbiblical exegesis suggests the principle of theological and political attraction to explain why some texts attract more interpretation than others.[85] One has only to read the prologue to Jubilees to see that Exod 24's theophany attracted interpretive attention as a scriptural framework in prominent Second Temple literature.[86] While their interaction with Exod 24 is through parallel ceremony features, the reading ceremonies do quote or directly implement portions of Deut 27 and 31, which themselves interact with Exod 24.[87] The lack of formal redactional markers and citation formulae in the other reading ceremony narratives indicates that the influence is less of an exegesis of Exod 24, and more of an adapted interaction with its ceremony model with the purpose of evoking continuity with Mosaic authority. In the case of Exod 24, its placement in the Sinai pericope and the important actions of Moses in both receiving the words of God and conducting the covenant ceremony with the people would have been a defining moment in Israelite law traditions.

There are similarities between Exod 24 and Deut 27, with the combination of setting up large stones, building an altar, offering sacrifices, and writing all the words of the law, although the ceremony is recounted as instruction and without the direct speech of Exod 24's ceremony.

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[85] For a case study in intertextual attraction, see William M. Schniedewind, *Society and the Promise to David: A Reception History of 2 Samuel 7:1-17* (New York: Oxford University Press, 1999).

[86] While Jubliees clearly takes the theophany in Exod 24:12-18 as the setting for its narrative, this study proposes that Exod 24:3-8 offered its own significant model that attracted later interpretation: that of a writing-based covenant ceremony (James C. Vanderkam, "The Scriptural Setting of the Book of Jubilees," *DSD* 13, no. 1 (2006): 61–72).

[87] There are a number of rationales for dating Deut 27 before Deut 31. When looking to comparative evidence, there are commonalities between the curses in Deut 27-28 and pre-Persian ancient Near Eastern literature. Deuteronomy 27 includes elements from both Exod 24:3-8 and 24:8-12, suggesting that it was composed after versions of the two sections of Exod 24 came together. Deuteronomy 31 includes all of the three other times that Moses writes; it also references the festival of booths, which is found also in Nehemiah and commanded in Leviticus, suggesting a priestly connection to the festival. There is no altar description in Deut 31, perhaps because the temple is known to be present. The priests and Levites play a more prominent role in 31 than 27. Finally, Deut 31 emphasizes teaching future generations as Nehemiah does.

Although there is no reading commanded in Deut 27, Deut 31:9-13 presents Moses's command for the priests and elders to read the whole of the law to the whole assembly of Israel every seven years at the festival of booths. This is the only explicit command to read a document publicly (Deut 17:18-20 says the king should have a "copy of this law" and continually read it for himself, but not publicly). It is possible that these verses in Deut 31 originated in the post-exilic period, perhaps as a result of Neh 8, so one cannot assume that they produced the other reading ceremonies. In later interpretations, Deut 31 has been taken as an exegetical starting point for rabbinic period Torah readings in synagogue.[88] Features of each of these texts arise in each of the depicted pre-exilic, exilic, and post-exilic narratives to be analyzed.

Following the initial demonstration of a reading and speaking ritual in Exod 24, later reading ceremonies, beginning with Deuteronomy, would illustrate the legitimacy of repeating and building upon Mosaic rituals in Israelite practice. The practice is being adapted for other historical circumstances, supporting the idea that textual authority can be invoked and interpreted to apply across all time periods while exhibiting specific application to distinct socio-political contexts. Throughout these ceremonies, we see the roots of the idea that a written book could be "the repository of divine, suprahuman knowledge or divine, heavenly decrees…a physical symbol of divine as opposed to human knowledge, and hence as a tangible symbol of authority and truth."[89] So, these renewals insist upon the invocation of a written authority when re-committing to the covenant, a document physically contiguous with original divine revelation. As has been demonstrated, the assertion of divine power conveyed through a document builds upon the ancient Near Eastern conception of writing as efficacious, covenant documents as

[88] Fishbane, *Biblical Interpretation*, 112-113.

[89] William A. Graham, *Beyond the Written Word: Oral Aspects of Scripture in the History of Religion* (Cambridge: Cambridge University Press, 1987), 51.

binding through divine witness, endurance through time as rendering written artifacts everlasting, and the oralization of a written text as ratifying a covenant through divine power.

B. Covenant Ceremonies without a Covenant Document in the Hebrew Bible

There are a small number of covenant ceremonies in the Hebrew Bible that do not involve reading a textual artifact: Gen 15, Josh 24, 2 Kgs 11, and 2 Chr 15. Joshua 24 provides a lengthy catalogue of direct speech between Joshua and the people, culminating with Joshua "cutting" a covenant with the people and writing down the words after they have been spoken. He does not, however, read the previously existing scroll aloud, and it is not taken as representing the past covenant to the people. In 2 Kgs 11 the priest Jehoiada makes a covenant between "the LORD, on the one hand, and the king and the people, on the other – as well as between the king and the people – that they should be the people of the LORD" (v. 17 JPS). During his coronation, King Joash is given the "covenant" (העדות), which perhaps is either a tablet or a scroll, but no reading occurs (v.12). Joash is the only king to be given a document of the covenant, and since he is given the covenant along with the crown, it appears to signify his right to rule by verifying his relationship to Yahweh. However, no document is directly invoked in the ceremony to unite the people as "the LORD's people," so this again is a unity ceremony establishing the identity of the community without reading the law. In 2 Chr 15 Asa also makes an unwritten covenant between the people and God in which they collectively gather, give sacrifices, and make a solely oral oath to Yahweh. Finally, the Community Rule of the Dead Sea Scrolls is the only extra-biblical covenant ceremony in Hebrew literature, but for entrance into the Yahad there is no reading of an authoritative text (1QS 1:1-3:12). In these atextual covenant ceremonies, the oath is publicly established in a verbal pronouncement, and never an oralization of a written artifact. Even when an oath document is present, it is not read aloud.

These book-less ceremonies differ from the reading narratives not only in their lack of a book, but also in their lack of details regarding the social composition of the audience. Other than Gen 15 and Josh 24, these non-reading covenant renewals are portrayed as less significant in the historical trajectory that the Hebrew Bible crafts than those reading ceremonies selected for this study. As has been observed, the covenant reading ceremonies are located at historically transitional points for the community of Israel, and are given more import by their immediate narrative contexts as community-defining ceremonies. Reinforcing this point, the book-less covenant ceremonies do not include lists of the populace groups present – they simply refer to the collectivity as a whole.[90] For example, Josh 24:25 states, "So Joshua made a covenant with *the people* that day, and made statutes and ordinances for them at Shechem." With the document as the keystone, a physical point of continuity is established that not only connects the present community to Yahweh, but also connects them to Yahweh's historic covenant through specific traditions from the past. In the atextual ceremonies, the officiant reestablishes the covenant with Yahweh without materially bringing the past to them. As a result, the majority of these atextual covenant ceremonies do not carry the same means of affecting the social formation of the populace.

Since the ceremonies in Josh 8, 2 Kgs 23, and Neh 8 have a physical object that connects them to the past of the community's traditions, the textual artifact also may continue to form the community beyond the foreseeable future. It provides a means for the current and future communities to maintain continuity in their unity with one another, based around their common bond with Yahweh and the boundary-delimiting obligations for conduct in the present. "I will be

[90] 2 Chr 15 is the one exception to this, which includes lists of strangers present from northern tribes who defected to Judah because it had divine favor. In this instance, the northerners are serving an ideological interest for the Chronicler(s), and do as a by-product add some heterogeneity to the community.

your god, and you will be my people" was an identity that could be re-upped through presenting the book of the law to the people of Israel. Without lists of those present, the bounded nature of the "people" as a unity is not emphasized. Moreover, without an oath document, the power-producing act of transduction to ratify the oath through oralization cannot take place. The reading of the text is portrayed as affecting the people, forming their identity via belonging and obligation. Writing in these narratives not only preserves information for a community, but may itself act upon and co-create that community.

CHAPTER THREE

Joshua 8:30-35 and the Oral-Written Text

“Then Joshua built on Mount Ebal an altar to the Lord, the God of Israel, just as Moses the servant of the Lord had commanded the sons of Israel, as it is written in the book of the law of Moses, “an altar of unhewn stones, on which no iron tool has been used”; and they offered on it burnt offerings to the Lord, and sacrificed offerings of well-being. And there, in the presence of the sons of Israel, Joshua wrote on the stones a copy of the law of Moses, which he had written. All Israel, alien as well as citizen, with their elders and officers and their judges, stood on opposite sides of the ark in front of the levitical priests who carried the ark of the covenant of the Lord, half of them in front of Mount Gerizim and half of them in front of Mount Ebal, as Moses the servant of the Lord had commanded at the first, that they should bless the people of Israel. And afterward he read all the words of the law, blessings and curses, according to all that is written in the book of the law. There was not a word of all that Moses commanded that Joshua did not read before all the assembly of Israel, and the women, and the little ones, and the aliens who resided among them.”
(Joshua 8:30–35 NRSV)

Introduction

According to the internal chronology of the Hebrew Bible, Josh 8:30-35 is the first post-Mosaic public reading. The covenant renewal of Josh 8 is often overlooked in favor of the lengthier covenant ceremony in Josh 24, but Josh 24 cannot illuminate authoritative text reading since it does not feature oralization of a document in its ceremony. The narrative in Josh 8:30-35 centers the reading of the book of the law within a ceremony involving all the people of Israel. A scene is painted of a public performance, depicting the location, its layout, the actions of Joshua the officiant, and the actions of the people present. The location of the ceremony at Shechem, an important cultic site in northern Israel, provides information regarding the heterogeneous social setting of the ceremony. The collective terminology referring to the populace of Israel applies a rhetoric of kinship ideology in order to demonstrate how the diverse people was unified. When accounting for the ceremony attendees, the account makes a point of listing out both which leaders of the people are present, and which subgroups of the populace are participating. The list

of leaders – elders, officers, and judges – integrates community enforcers of the law into the ceremony, representing continuity of legal observance across tribal and monarchic eras. The subgroups of the populace clarify that all classes of society are included as addressees of the covenant. By binding diverse groups of people, the portrayal of the reading ceremony scene follows a pattern reflected in other ancient Near Eastern unity ceremonies that emphasize benefiting the people as a whole.

Joshua 8's ceremony, as well as those in 2 Kgs 23 and Neh 8, differ from the ancient Near Eastern pattern of unity ceremonies because they found the unity of the people in an authoritative text. Having determined how the social setting and the people are characterized in Josh 8:30-35, the characterization of the book of the law may be analyzed. It will become evident in this analysis that, from the perspective of the narrative, the book of the law bears characteristics that are best understood in light of ancient Near Eastern treaty practices and more generally how texts operated in the ancient world. As such, the book of the law in Joshua 8 demonstrates the quality of reflexivity by forming the community of addressees. When the content of the document is referenced, it is depicted as complete and effectual in setting consequences upon the people as a whole. By extending these effects to the future generations of the addressees, the text is viewed as holding everlasting authority upon the future of the community. It is also evident that the text demonstrates continuous persistence independent of any temporary written copies, although written artifacts may hold iconic power when wielded. Finally, when the text is read aloud, it becomes aurally accessible to the whole people in order to confirm the obligation of the community to the text.

Part A: Characterizing a Heterogeneous People in Joshua 8:30-35

Joshua 8 depicts a specific relationship between the people Israel and the book of the law.

Previous biblical scholarship focused upon historical questions regarding the "realities" behind narrative portrayals and dating redactional layers in Josh 8:30-35. This study will avoid speculative reconstructions of what "actually" happened at Shechem and focus instead on the perspectives present in the final form of the literature. Since this study is concerned with the portrayed relationship between the people and their authoritative text, it proceeds by analyzing the selected physical setting of the ceremony, how the people are depicted in light of that setting, and how the text is characterized in light of comparative ancient Near Eastern documents. Conceptions of the Israelite people are especially illuminated via analysis of the categories of leaders and the populace who are considered within the boundaries of the covenant people.

I. Location at Shechem

"Then Joshua built on Mount Ebal an altar to the Lord, the God of Israel…All Israel…stood on opposite sides of the ark…, half of them in front of Mount Gerizim and half of them in front of Mount Ebal, as Moses the servant of the Lord had commanded at the first, that they should bless the people of Israel." (Joshua 8:30, 33)

A. Text-critical Considerations: Shechem in the Deuteronomistic History

A survey of source critical scholarship will assist understanding of the people's characterization in Josh 8:30-35. The selected location at Shechem for Joshua 8's covenant reading ceremony illuminates the characterization of the people attending the ceremony, as well as early audiences of the narrative. Previous scholarship of this passage supports the idea that "the people" are characterized as ethnically and tribally heterogeneous. Josh 8:30-35's covenant reading ceremony at Mounts Ebal and Gerizim has frequently been interpreted in light of its intertextual relationship to Deut 11:29-30 and chapters 27-28, particularly since the Deuteronomy passages also take place at the same location. As a result, they bear weight in discussion of the literary and social context of Josh 8. Since the 19th century, biblical scholarship has been interested in texts like these that focus on Shechem and its surrounding mounts, Ebal

and Gerizim, as an important cultic site. Centralization of Yahwistic worship in Jerusalem appears to be an agenda of the book of Kings, which led scholars to interpret Deut 12's centralization formula to mean that Jerusalem is the sole place in Israel-Palestine where Yahweh chose to set his name.

Deuteronomy itself, however, does not specify the place in which Yahweh sets his name. Indeed, Deuteronomy appears to welcome northern worship. Because there are Deuteronomistic texts in Samuel and Kings that claim that Jerusalem is the only legitimate site of Yahwistic worship, texts that prescribe and describe worship at Shechem represent an opposing perspective. Most early scholars explained this tension as a historical development: the pre-monarchic narratives, and thus the pre-monarchic Israelite community, incorporated older traditions centered at Shechem. Not only are sacrifices and priestly participation at the site described, but a ceremony at Mounts Ebal and Gerizim reuniting the community in covenant with Yahweh is commanded in Deut 27-28. This ceremony is pertinent to concerns of authoritative text, because it is the sole command in the Hebrew Bible to publicly write down all the words of Mosaic law.[91] The writing, altar-building, sacrifice-giving, and curse/blessing pronouncement at Mounts Ebal and Gerizim appear to find their fulfillment in Josh 8:30-35, which adds a public reading of the law to the ceremony. Joshua 24 likewise portrays a covenant ceremony at Shechem. Although this narrative does not incorporate the ceremonial elements prescribed in Deut 27, it further demonstrates the significance of traditions from that site, and culminates as well with Joshua writing "these words"[92] of covenant renewal "in the book of the law of God" (24:26).[93]

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[91] Deut 17:18 does mandate that a copy of the law be written either by or for the king.

[92] Joshua writing in the book of the law may also be interpreted as him adding his own story to the torah of Moses, which may later justify the inclusion of a book of Joshua in the Hebrew Bible (E. Axel Knauf, "Why 'Joshua'?," in *Deuteronomy-Kings as Emerging Authoritative Books: A Conversation*, ed. Diana V. Edelman (Atlanta: Society of Biblical Literature, 2014), 78).

There has been frequent investigation into the role of Shechem texts within the Hexateuch, but little consensus about how those traditions exactly came to be redacted, simply because there is not firm justification for the redactional explanations.[94] The assumption that

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[93] According to Koopmans, Josh 8:30-35 shows that the mandate of Deut 11:29ff and Deut 27 are fulfilled, according to the law; Josh 24 does not demonstrate that the law is fulfilled in altar-building, and the stone that is raised is not plastered and written on as prescribed; in chapter 24 Joshua established new laws for Israel, unlike chapter 8 which doesn't transmit specific content of Mosaic law. Josh 24:1-28 for Koopmans was written essentially independently from major Dtr influence (*Joshua 24 as Poetic Narrative*, 356).

[94] Motivations for including Shechem traditions in Israelite literature illuminate theories of formation of early Israelite society, and ongoing conceptions of Israel's community boundaries within monarchic, exilic, and post-exilic biblical literature. Late 19th century scholars such as A. Kuenen, E. Sellin, and O. Eissfeldt applied text critical tools to peel apart successive layers and intertextual relationships between Deut 11:28-29, Deut 27, Josh 8:30-35, and Josh 24. Sellin, Simpson, and Eissfeldt also see Deut 11 and 27 and Josh 8 and 24 as crucial texts for understanding the composition of the Hexateuch (Ibid., 12–13). Josh 8:30-35 convinced A. Kuenen to revise his earlier position that Deut 27 was a late addition to its surrounding materials. Kuenen concludes that the final redactor of Josh 8:30-35 did not know Deut 27:14-26, due to the alleged contradiction of actions of the Levites in Josh 8:33 to Deut 27:14-26. Kuenen asserts that Josh 8:30-32, 34, and 35 were written by a Deuteronomistic redactor who had access to Deut 27:1-8, but that verse 33 and 34's blessings and curses were both later interpolations because of inconsistency with the previous clause "all the words of the torah" ("Bijdragen Tot de Critiek van Pentateuch En Jozua: V. De Godsdienstige Vergadering by Ebal En Gerizim (Deut. XI: 29, 30; XXVII; Joz. VIII:30-35)," in *De Godsdienst van Israël*, 2 vols., ThT 12 (Haarlem, 1869)). For him, the events of Josh 8:30-35 are "artificially" placed in the historical traditions in the book of Joshua; in this view, the scene is situated at Ebal and Gerizim because of older traditions at that location, including a pre-Deuteronomistic account of Joshua's farewell in chapter 24. Kuenen splits Deut 27 into 4 parts: 1-8 (write on plastered stones, build altar and offer sacrifices), 9ff (today you are the people of God, obey), 11-13 (half the people on each mountain), 14-26 (the curses). In v. 5-7 the altar seems at first glance to have nothing in common with the plastered stones on Mt. Ebal, but connect to v. 4 via שם (for him, must be Ebal); concludes 1-8 come from the same hand, but v. 5-7 incorporate an ancient tradition re: altar building (see Ex. 20:25); concludes v. 9ff don't connect well within Deut 27, but do fit with Deut 26 and 28, so must be older than the rest of 27 which must have been inserted after 9-10. Kuenen says assignment of 6 tribes on Mt. Ebal, which is the same mount as the altar, is unthinkable because in Exod 20:24 Yahweh promises to bless Israel in the place where he chooses to reveal his name, therefore, v. 1-8 with the ancient altar law must be from a different hand from v. 11-13. The author of 11-13 knew both 27:1-8 and 11:29, but misinterpreted 11:29 which Kuenen says meant to bless and curse the mountains themselves. He concludes also that 14-26 could not belong originally to 11-13, since 1-13 mention blessing and cursing, and 14-26 are only cursing; 14-26 has all the people stand opposite the Levites for the curse, but in v. 12 Levi is included in the tribes who bless. ("Bijdragen Tot de Critiek van Pentateuch En Jozua: V. De Godsdienstige Vergadering by Ebal En Gerizim (Deut. XI: 29, 30; XXVII; Joz. VIII:30-35)," 300–330). Nielsen also views Deut 11:26-32 and 27:1-28 as an ancient Shechem tradition, but Josh 8:30-35 is a later redactional construction based upon those Deuteronomy passages (*Shechem: A Traditio-Historical Investigation* (Copenhagen: G. E. C. Gad, 1955), 39–85). For E. Sellin, who develops a detailed theory of the relationship between Josh. 8:30-35 and 24, Joshua 8 and 24 are descriptions of the same event; Sellin contends that such a ceremony was held periodically at Shechem. Sellin argues that the cultic festival at Shechem was the avenue by which Yahweh, the covenant God experienced by a minority of Israelites in the wilderness, came to be identified with the local El gods of the land, and thus became the God of all Israel; a Shechem sanctuary was the site of a periodically held covenant festival fundamental to the coalition of the tribes; so, Yahweh, the God of Israel was first founded in Shechem (*Gilgal: Ein Beitrag Zur Geschichte Der Einwanderung Israels in Palaestina* (Leipzig: Quelle & Meyer, 1917), 1–60; Ernst Sellin, *Geschichte Des Israelitisch-Juedischen Volkes* (Leipzig: Quelle & Meyer, 1924), 1:96). These arguments range toward the speculative; one cannot confirm whether or not there was a ceremony like this held regularly at Shechem, for any given period of time. Scholars were also convinced by the

monarchic redactors held to an unbending Jerusalem-centric cult drove these scholars to utilize textual criticism to separate out cultic elements in Shechem passages to their own textual layers. While these redactional explanations are not impossible, the separation out of classically Deuteronomistic content reveals the assumption that no single tradition could encourage worship at both Shechem and Jerusalem. As a result, Shechem passages were viewed as earlier than sections seen as representing a unified Deuteronomistic message. In each scholar's interpretation, Deut 27's content, pertaining to the altar building, sacrifices, and writing of the law on Mount Ebal, is viewed as earlier than Josh 8:30-35. This conclusion in part is based upon the fact that Josh 8:30-35 appears to directly respond to ceremonial elements prescribed in Deut 27, and in part upon the redactional markers that structure the Joshua text as a response to an apparently earlier law (i.e., ככתוב, בראשנה). Although the process of redaction in response to Deut 27 is delineated differently by each scholar, it is agreed that Josh 8:30-35 was formulated later than Deut 27:1-13 (and possibly through chapter 28). The Joshua ceremony also could demonstrate familiarity with Deut 31:11-13, in which Moses commands the public reading of the book of the law. However, the reading in Josh 8 could be attributed to an influence from the reading in Exod

Deuteronomistic centralization formula to limit attribution of whole Shechem narratives to a Deuteronomistic layer. O. Eissfeldt further concludes that Josh 8:30-35 has at least two layers, correlating later material with the ancient traditions of the pre-Deuteronomic Hexateuch narrative. He concludes that Josh 8:30-31 and Deut 27:4-7 are from a mid-8th century redactor who wished to link the laws in the book of the covenant to the pre-Deuteronomic Hexateuch. Two hundred years later a second redactor reworked Josh 8:30-35 and Deut 27:5-7 in order to interpolate the present book of D into the Pentateuchal narrative. So, the first redactor was motivated to find a place for the book of the covenant, the second to accommodate the entire book of Deuteronomy into the Pentateuchal tradition, which explains the expanded emphasis on Mosaic law in Josh 8:30-35, as well as the diversity of meaning regarding the altar, stone monument, proclamation of law, and curses and blessings. Eissfeldt and Sellin both find a full-fledged Deuteronomist narrating of an event in which an altar is built on Mt. Ebal to be impossible, since for them a purely Deuteronomist narrative would not validate cultic centers outside of Jerusalem (Koopmans, *Joshua 24 as Poetic Narrative*, 22–23). Also seeking reconciliation between Deuteronomistic cult centralization and these passages, C. A. Simpson argues that Josh 8:30-34 would have originally followed 24:25a in E, but a Deuteronomistic redactor moved it in order to associate the altar with gilgal stones (*The Early Traditions of Israel: A Critical Analysis of the Pre-Deuteronomic Narrative of the Hexateuch* (Oxford, 1948), 321–400).

24, since Deut 31:9-13 has the potential to be dated to the Persian period.[95] Agreeing with Martin Noth, the majority of scholars conclude that Josh 8:30-35 is a Deuteronomistic insertion in the larger context of the Joshua narratives. Therefore, for most scholars the final version of Josh 8:30-35 would be dated according to the dates ascribed to the Deuteronomistic redaction(s), setting this particular ceremony account in the exilic period, in the early to mid-sixth century.[96] For the purposes of this study, it is important to note that this timing coincides roughly with general consensus regarding the dating of the final form of the Josiah account in 2 Kgs 22-23. I will not argue for a more specific date, but will take Josh 8:30-35 as pre-Persian.[97]

B. Narratival Setting in Light of Archaeological Evidence: A Shechem Sanctuary?

Even without empirically confirming whether or not there was a regularly held ceremony at Shechem, one can be confident that it was viewed as a cultic center for at least a portion of monarchic Judah's population, given the inclusion of these passages in the Deuteronomistic History and the general possibilities that the location's archaeological remains permit.[98] Archaeological excavations during the early and mid 20th century unearthed a succession of

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[95] See the LXX framing of Deut 31:1, which appears to alter it to adjust to Josh 8:35: "And Moses *finished speaking* all these words to all the children of Israel."

[96] According to Thomas Römer and Albert de Pury, the source critical debate for Joshua circles around the primary purpose of the conquest accounts; they are taken either as propaganda contemporary with Josianic expansionism, or as a later exhortation for a demoralized and exiled community (*Israel Constructs Its History*, ed. Albert de Pury, Thomas Römer, and Jean-Daniel Macchi (Sheffield: Sheffield Academic Press, 2000), 113–114).

[97] Knauf emphasized the Persian reception and interpretation of the book of Joshua; this perspective leads to viewing every geographical reference as representing its Persian equivalent. Therefore, "Joshua unites [the Persian provinces of Yehud, Samaria and Idumea] through the 'distribution of the land at Gilgal' (Josh 14:1-18:1) in the guise of Judah, Ephraim and Manasseh, and Caleb." Nevertheless, a Persian interpretation necessitates that "the book of Joshua originally was free from any anti-Samarian attitude" due to the choice of Shechem as a unifying covenant center, which supports the idea that locating a ceremony at Shechem is a choice to include a heterogeneous population. "The book of Joshua is, like most biblical books, complex and expresses the point of view of more than one party or one set of politics" ("Why 'Joshua'?," 79ff).

[98] "With respect to both Josh 24:1-28 and 8:30-35 it is therefore necessary to conclude that archaeological evidence is insufficient to prove a precise location for the events described by the biblical narratives" (Koopmans, *Joshua 24 as Poetic Narrative*, 155-6).

fortress-temple remains upon the western portion of the tel, but these remains date to 1800-1400 BCE (including a few destructions and rebuildings).[99] On Mount Ebal, a stone structure dating to the 13th-12th century BCE was discovered in 1980, which potentially could be identified as an altar.[100] Israel Finkelstein pointed out that "It is, in fact, doubtful whether the results of the excavations have helped to clarify the history of Shechem during the period under discussion" (Iron I).[101] However, it is apparent that there is a long period in the second millennium in which Shechem was a well-established cultic site, and we see that there is precedent for an altar structure on Mount Ebal prior to the monarchic period in Israel. Doubtless such a long habitation at Shechem would have maintained its own myths and traditions. While there is no way to know exactly how those traditions would correspond to any details of those in the Hebrew Bible, the presence of Shechem traditions at community-forming moments of the Hebrew Bible demonstrates its ongoing relevance to later Israelite communities.

C. Social Implications for a Shechem Tradition

Further social context for Shechem traditions was explored when the Deuteronomistic History came to be discussed at length. At this point, the question was asked: "*Who* produced these Shechem traditions, and how did they serve a social function for that community?" In his

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[99] G. E. Wright emphasized the unearthed remains of temples on the western portion of the tell (*tell balâtah* is identified as Shechem); there is the argument that sometime between 1800-1750 BCE there was a massive filling and leveling of an area outside the fortified enclosure; later this area was included within the fortifications and became the site of successive temple courtyard complexes; in the MB II C period a fortress-temple was built on this location, which was destroyed probably by Egyptian conquest around 1550-1540; 100 years later a second fortress-temple was built upon the same foundations, axis shifted 5 degrees south (Ibid., 85–86).

[100] A. Zertal identified the stone structure as the altar in Josh 8:30f (as commanded in Deut 27:5-7). A number of scholars argued that it was a cultic site based upon the layering of stones, earth, and ashes within the structure (Ibid., 90–91.

[101] Finkelstein strongly critiqued Zertal's interpretation of Ebal ("State Formation in Israel and Judah: A Contrast in Context, a Contrast in Trajectory," *NEA* 62 (1999): 39–44.).

mid-20th century seminal exploration of the Deuteronomistic History, Noth[102] considered Josh 8:30-35 a part of a fifth century Deuteronomist reworking.[103] For Noth, the Shechem covenant in Josh 24:1-28 was the most important piece of evidence for a religiously unified tribal confederation in central Palestine in the time of the judges.[104] Before Noth scholars argued that there was a conflict between the covenant tradition of Sinai and the covenant tradition of Shechem, and that one must choose for the historical authenticity and priority of one over the other. Noth asserted that one does not have to choose between these as historical options, for they represent the traditions of two separate groups, and in later stages of historical narration an attempt was made to include all Israel within these respective traditions.[105] Scholars such as H.–J. Kraus had already articulated a theory to be later elaborated in Noth's amphictyony thesis;[106] that is, that Josh 24 describes a singular event typical of a very early tradition of recurring cultic,

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[102] Noth broke with previous theories by finding evidence of a pre-Dt *Grundlage*, not E, in another cultic setting (Shechem). He was a transitionary figure between classical source analysis and form criticism; with von Rad he directed questions away from source criticism towards *Sitz im Leben*, genre, and transmission of tradition (Koopmans, *Joshua 24 as Poetic Narrative*, 3, citing Noth, *Das Buch Josua*, 15f).

[103] Noth posited that a Joshua collection was originally a Benjaminite collection of conquest accounts in chapters 2-12, which were edited and adapted for a pan-Israelite perspective by a ninth century *Sammler* (Pury, Römer, and Macchi, *Israel Constructs Its History*, 112).

[104] However, he did not view this ceremony first of all as an inter-tribal affair sanctioned by cultic actions, but rather primarily a covenant between God and the people at a central sanctuary (Noth, *Das System Der Zwoelf Staemme Israels*, 66).

[105] Both Noth's view of amphictyony (which made the worship of Yahweh the unifying point of the tribal alliance) and von Rad's view of credo placed unprecedented historical weight on Josh 24 and the hypothesis of an ancient, cultic, covenant ceremony at Shechem. Von Rad classified texts as "historical credos" that have the clearest traces of an ancient cultic creed: Deut 26:5b-9, Deut 6:20-24, Josh 24:2b-13 (*The Problem of the Hexateuch and Other Essays*, 3–8). von Rad's credo theory assumes the validity of the historical reconstruction of Shechem's central role in the confederation of the Israelite tribes in Palestine as proposed by Noth and Sellin. K. Baltzer agrees with von Rad's theory that the Sinai traditions find their earliest Sitz im Leben in the Shechemite cult, including a ceremony celebrated successively at various historical periods at sanctuaries in Shechem, Gilgal, and Jerusalem. Baltzer also compares Josh 24:1-28, 8:30-35, Deut 11:29f, 27 with the Sinai account (Koopmans, *Joshua 24 as Poetic Narrative*, 36, 48, 52).

[106] H.-J. Kraus, "Gilgal: Ein Beitrag Zur Kultusgeschichte Israels," *VT*, no. 1 (1951): 188, 191.

covenantal gatherings at local sanctuaries like Shechem.[107] From the beginnings of Deuteronomistic scholarship, we have the idea that there is a unity of heterogeneous groups based upon covenant law. The message of cult centralization in Deuteronomy itself insinuates the need to draw together a society that previously lacked centralization and cultic standardization.

Although the specific reconstruction of such a ceremony cannot be proved without a doubt, its traces in the Pentateuch and Former Prophets suggest that the location of Shechem was key to some of Israelite society from the monarchic period forward. In addition, the ceremonies represented there were viewed as unifying people groups that were not previously unified. Norman K. Gottwald sums up, “The commanding notion of tribal Israel as a unitary people already fully formed is constitutive of both D/Dtr, with its view of the tribal formation as a kind of proto-state, and of P, with its perception of the tribal union as a cult community in embryo.”[108] Unification was achieved via commitment to Yahweh and his law, thus giving an element of reflexivity to the book of the law since it had the ability to affect the nature of the community. While more recent scholars have called into question the existence of a so-called “Deuteronomist” and a corresponding unity of a Deuteronomistic History,[109] large portions of the books of Judges,

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[107] Nielsen’s historical conclusions propose an alternative federation theory to the tribal union proposed by Noth for festivals at Shechem; in this alternative, the law was read to the people and they were given stipulations and obligations. Several decades after Noth, L. Perlitt did reject the idea of an ancient cultic festival or amphictyonic league at Shechem; for him, rather than a Shechem tradition, Josh 24 stands closer to Deuteronomic texts like Deut 11:29, 27:12, and Josh 8:33, so that its most plausible Sitz im Leben is through the reference to Assyrian gods beyond the river (giving Josh 24 a 7th c. date, relatively concurrent with the Deuteronomic texts) (Koopmans, *Joshua 24 as Poetic Narrative*, 55–60).

[108] Norman K. Gottwald, “Religious Conversion and the Societal Origins of Ancient Israel,” in *Perspectives on the Hebrew Bible: Essays in Honor of Walter J. Harrelson*, ed. James L. Crenshaw (Macon, GA: Mercer University Press, 1988), 53.

[109] Ernst Axel Knauf, “Does ‘Deuteronomistic Historiography’ (DtrH) Exist?,” in *Israel Constructs Its History: Deuteronomistic Historiography in Recent Research*, ed. Albert de Pury, Thomas Römer, and Jean-Daniel Macchi (Sheffield: Sheffield Academic Press, 2000), 388–98; Raymond F. Person, *The Deuteronomic School: History, Social Setting, and Literature* (Atlanta, GA: Society of Biblical Literature, 2002).

Samuel, Kings, and some of the named prophetic books prioritize Jerusalem and Judah as the only legitimate, divinely chosen cultic and political center for the people of Israel. In addition, many of these same texts blame the destruction of the northern kingdom upon cultic and religious apostasy. As such, a northern tradition located at Shechem certainly represents a different, and often condemned, voice from those that dominate the prophets section of the Hebrew Bible (with the exception of the northern prophets). Since traditions located at Shechem are maintained at points in the Hebrew Bible where possession of the land is confirmed by renewal of the covenant with Yahweh, it is logical to presume that an influential portion of the Judahite community would have remembered Shechem tradition as important to the covenant. At the very least, we know that an influx of northern refugees in Judah after 722 BCE contributed to Jerusalem's rapid growth, potentially explaining why King Hezekiah would name his son after a northern tribe and why northern prophets like Elijah would be included in the Deuteronomistic History.[110]

Chronologically, the final form of Josh 8:30-35 emerges at roughly the same period as 2 Kgs 22-23, which tells us that during the late monarchy and continuing into the exilic period, Israelite literature included both a covenant reading ceremony that took place at Shechem, and a Judah-centric covenant reading ceremony that took place in front of the Jerusalem temple.[111] The presence of diverse and opposing voices in the Hebrew Bible reminds us that communities from different times and places came to be a part of the Israelite community in monarchic and later

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[110] William M. Schniedewind, *How the Bible Became a Book* (Cambridge: Cambridge University Press, 2004), 66ff.

[111] "the [Deuteronomistic] historian's purpose, among other things, was to articulate an 'all Israel' identity for both Judah and Israel by showing their origins in a common tradition and by presenting a view of the monarchy which was a combination of the ideologies of both the north and the south. Thus for the pre-monarchy period the imposition of an 'all Israel' orientation upon the disparate local traditions in Joshua and Judges has the function of emphasizing an original unity of the people" (John Van Seters, "Tradition and Social Change in Ancient Israel," *PRSt* 7 (1980): 101).

times, and this inclusivity is evident in covenant reading ceremonies since they simultaneously delimit the boundaries of the community while unifying those who are included. Such unification is portrayed as being achieved via relationship to a deity through a divinely chosen leader's mediation of mutual rights and responsibilities. Put simply: enter into this agreement, and you become a people. Having established the heterogeneous community that the location implies, the next section will analyze the characterization of the people constructed in the narrative of Josh 8:30-35.

II. Collective terminology in Joshua 8:30-35: Kinship Unification

A. Context of Kinship Language and Lineage Ideology

The location at Shechem confirms that an element of social unification is implicit in Josh 8's reading ceremony. While the heterogeneous origins of the people of Israel are highlighted by the location, the language used to describe the people includes kinship language that implies blood descent. This rhetoric indicates the need for unification within the community, and characterizes that unity as gained via lineage ideology. Joshua 8 invokes Israelite self-conception with the common appellation "sons of Israel" (בני ישראל) for those commanded by Yahweh and those who witnessed Moses writing the law. Although it is often translated as "all of Israel" or simply "the Israelites" to remove the male-specific term, and to therefore clarify that this collective includes the whole of the people, this term exhibits an example of the patrilineal kinship language that typifies collective terminology in the Hebrew Bible. Even though there are a few instances in the Hebrew Bible where "sons of Israel" specifically denotes the literal twelve sons of Jacob/Israel, the male members of the community, or solely the northern kingdom of Israel after the division of the kingdom, by far the majority of its uses refer to the entirety of the

people of Israel. While it is difficult to specifically date kinship language, its usage permeates ancient near eastern discourse by the early Iron Age in a variety of literature.

Daniel I. Block posits a chronological trajectory for the usage of "the sons of Israel" (בני ישראל) within the Hebrew Bible, demonstrating a concentration of the phrase's usage as a collective for the people of Israel during the tribal period as the Pentateuch, Joshua, and Judges narrate it, and a tapering off of its usage as the king/monarchy becomes the primary unifying factor in the community.[112] Block's maximalist approach does not support the possibility that tribal periods may reflect unification of tribes who were not initially related by descent, and therefore ignores that lineage ideology was a valid and powerful metaphor for political alliances. However, he makes useful observations regarding the term's concentrated occurrences in pre-monarchic narratives. "Sons of Israel" is a prominent collective term, with 638 uses (513 pre-monarchic and 125 monarchic and post-monarchic narrative settings) in the Hebrew Bible; these constitute one quarter of all the occurrences of "Israel."[113] When discussing the kinship ethnographic construct, Lawrence Stager describes, "kinship ties linking several households…[of] those who claim descent from a common paternal ancestor."[114] In opposition to scholars who want to see no hint of literal descent in biblical lineage ideology, Block concludes: "The fact that the vast majority of occurrences of 'sons of Israel' are found in historical narrative suggests that the Israelites perceived themselves to be the literal descendants

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[112] Early studies used the term "sons of Israel" as a source criteria for the Pentateuch; Besters interprets the term as a sign of lateness, characteristic of P (Daniel I. Block, "'Israel - Sons of Israel': A Study in Hebrew Eponymic Usage," *SR* 13, no. 3 (1984): 301).

[113] Ibid.

[114] Stager, "The Archaeology of the Family in Ancient Israel," 20.

of an ancestor remembered as Israel."[115] I would alter this conclusion with a middle ground that neither denies the possibility that lineage ideology could include literal descent, nor requires it to be literal: it is apparent that the historical narratives were shaped at scribal hands to construct a view of Israel's past in which common ancestry is characterized as a key unifying factor of the community.

When examining Israelite social history, biblical scholars have discussed at length the importance of patrilineal kinship ideologies.[116] Cross emphasizes how "kinship relations defined the rights and obligations [of community] members, and…the terminology provided the only language for [conceiving] of all members as having one flesh, one bone."[117] Although there is not consensus regarding the extent of these ideologies' historical application, there is no doubt that the language of kinship and lineage ideology permeates the discourse of the Hebrew Bible. Even scholars like Carol L. Meyers who challenge the idea that ancient Israel was a *patriarchal* society do affirm the presence of patrilineal kinship rhetoric in the Hebrew Bible:

> Israelite patrilineality…clearly favored men in the transmission of a household's inheritance across generations through male lines, a pattern that underlies the male control of female sexuality that appears in biblical texts and also in ethnographic observations of traditional societies. But patrilineality is not the same as patriarchy.[118]

The basic term *ʿām* (עם) for "people" in these reading ceremonies appears to derive from kinship categories. In a 1960 study, E. A. Speiser reflected upon *ʿām* as a common West Semitic term whose primary sense was a people with an emphasis on blood ties and kinship. Although Speiser

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[115] Block, "'Israel - Sons of Israel': A Study in Hebrew Eponymic Usage," 320.

[116] For a classic study of biblical kinship society, see Frank Moore Cross, *From Epic to Canon: History and Literature in Ancient Israel* (Baltimore, Md: Johns Hopkins University Press, 1998).

[117] Ibid., 3.

[118] Carol L. Meyers, "Was Ancient Israel a Patriarchal Society?," *JBL* 133, no. 1 (2014): 26.

waxes romantic about the close relationship between the people Israel and their God Yahweh, his observations about the usage of the term *ʿām* are helpful. He notes that only *ʿām,* not *gōy* (גוי) takes a divine possessive suffix (*his* people), that *ʿām* but not *gōy* occurs as an element in personal names, and that family language is often used to convey the divine-Israelite relationship. Given that *ʿām* occurs over 1800 times in the Hebrew Bible (versus *gōy*'s approximately 500), this language of a fundamentally consanguineous family is clearly prominent in the Israelite self-conception.[119] Indeed, *gōy* is never used with "Israel" as a collective term ("the nation of Israel"), but *ʿām yîśrāʾēl* (עם ישראל) maintains the kinship terminology within the self-referential designation.

More recently, Karel van der Toorn's study of personal names takes family elements of these names as witness to the early Israelite male ancestor cult. This study is a reminder that references to a "father" are often not merely biological, but symbolic of a kinship leader, and even an honored deity. Van der Toorn explains that the term for paternal uncle, *ʿām*, is what would develop to mean "clan" and, later, "people."[120] In light of this work, it would seem that kinship language might not have only been applied to socio-political structures in Israel (משפחה, family, for a kind of clan),[121] or to the relationship with Yahweh, but also to an ancestor cult that

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[119] E. A. Speiser, "'People' and 'Nation' of Israel," *JBL* 79, no. 2 (1960): 158.

[120] Karel van der Toorn, "Ancestors and Anthroponyms: Kinship Terms as Theophoric Elements in Hebrew Names," *ZAW* 108 (1996): 1–11. 6-7.

[121] Scholars posit that pre-exilic kinship consisted of a threefold social structure, from the tribe (שבט or מטה), which was subdivided into clans (משפחה), which were made up of ancestral houses (בית אב) which were traditional agrarian families with permanent ties to their land. The average family would have had four generations with 50-100 closely related people living in a cluster of dwellings with their laborers and resident aliens (Richard J. Bautch, *Glory and Power, Ritual and Relationship: The Sinai Covenant in the Postexilic Period* (New York; London: T & T Clark, 2009), 89). See also Stager, "The Archaeology of the Family in Ancient Israel": "This is the classic 'patriarchal' family in which descent and inheritance are generally reckoned according to patrilineal principle, and patrilocal residence is the custom…In many parts of the Near East this is the usual organization in agricultural villages, whether they are predominantly 'peasant,' 'tribal,' 'ethnic,' or otherwise mixed villages…As a social and economic unity, the joint family household collectivity farms the land from which it derives its livelihood and shares its produce. Land ownership and labor needs are the primary reasons for multiple family compounds. Authority over

van der Toorn concludes continued into the pre-exilic Iron Age.[122] Van der Toorn suggests that ancestor cult personal names continued in Israelite usage long after other surrounding cultures left such practice behind, pointing towards unique Israelite internal conceptualization of the people group according to family ideology.[123] Every one of the reading ceremony narratives uses "all of the *'ām*" (כל העם) or "the *'ām* Israel" (העם ישראל) as a collective term to describe the entirety of participants. Even though women may have had some authority in some areas of ancient Israelite life, including in governmental leadership (see Huldah's role in 2 Kgs 22), the rhetoric of biblical language primarily utilizes male metaphors for authorities. The dominance of male family figures in ideological language should not be taken to mean that in all actual circumstances men held all the power, even though we should acknowledge the influence such rhetoric wields within societal gender roles.

It is important to clarify why lineage-based language does not always mean that members of a kinship group were literally descendants from the same bloodline; it means that the members were bound together with obligations and privileges *as if* they were of the same family. We know this in part because rites existed in the ancient near east to bind kinship groups together through the shedding of animal blood – at Mari, usually a donkey – so that those who may not

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the household resides with the *pater familias*, who in the case of a three-generation family would be the grandfather. Sometimes, even after their father's death, married brothers and their families continue to live in the same compound as a single household working together cooperatively; in this case, the older brother usually becomes head of household" (20).

[122] van der Toorn also argues that in the Early Iron Age the clan (משפחה) was the basic family unit in the practice of a cult of the dead; people lived in nuclear families but the nuclear families clustered together around a common area, typically of the same kinship unit – one's neighbors were typically one's kinsmen based on marriage and genealogy (*Family Religion in Babylonia, Ugarit and Israel: Continuity and Changes in the Forms of Religious Life* (Leiden: Brill, 1996)).

[123] van der Toorn, "Ancestors and Anthroponyms: Kinship Terms as Theophoric Elements in Hebrew Names," 8.

have been of the same biological family could fully unite as a kinship group.[124] Cross called this kind of unification a "legal fiction" whereby outsiders and non-kin might be incorporated into the kinship group.[125] Interestingly, we see the shedding of animal blood come together with an oral and written covenant ceremony in Exod 24:3-8. The oral and written ceremonies culminate with Moses "dashing" half of the blood of oxen on the people, after having dashed the first half on the altar, then pronouncing: "See the blood of the covenant that the LORD has made with you in accordance with all these words" (24:8). This is the only instance in the Hebrew Bible that animal blood is sprinkled on the whole people group. Taken as a kinship ceremony, the shedding and dashing of the blood on the altar for the deity and on the people would unify the people in commitment to one another as blood-related kin, witnessed by the deity.[126] In the narrative chronology of the Hebrew Bible, the current version of the Exod 24 ceremony is set as the earliest reading ceremony, during a time portrayed as twelve tribes descended from one family whose ancestors already had a special covenant with this god. If Israelites during the late monarchy or exilic period wanted to think of the twelve tribes as separable units – because of north/south divisions, or exile/non-exile divisions – Exod 24 would communicate to them that a

[124] Sanders, *The Invention of Hebrew*, 59.

[125] Cross, *From Epic to Canon*, 7.

[126] "In the accepted view, all utilization of sacrificial blood had essentially the same function: to bind the worshipper and the deity in a communion of blood, in a covenantal bond. In such terms, the nexus of covenant and cult is epitomized in the account of the Sinaitic covenant (Exodus, chapter 24). Half of the sacrificial blood was dashed against the altar, and the other half upon the people assembled, thus binding the two 'parties' to the covenant. The altar represented the deity. Exponents of the covenantal interpretation take this version of the enactment of the covenant at Sinai as paradigmatic for the function of blood in general cultic praxis. It was a binding agent. In the case of ritual expiation the offender or one afflicted had to be rebound, and this explains why blood rites were part of this process…Those being bound by the blood in the covenant of Sinai did not have the status of worshippers in the enactment procedures, proper, but were parties to the enactment of a treaty" (Baruch A. Levine, *In the Presence of the Lord* (Leiden: Brill, 1974), 78).

blood bond has been established between all of those called "Israel," and the final form of the narrative emphasizes that there is a circulating text which testifies to that occurrence.

Of the reading ceremonies considered in this study, Josh 8:30-35 is the only one to include sacrifices, and therefore the only one to include a blood rite, presumably paralleling Exod 24 and Deut 27. This indicates a more direct message of kinship unity than the other ceremonies. Dennis J. McCarthy argues that the sonship language in which Israel is called the sons of God communicates a relationship focused upon the sons' obligation to obey and respect the father – permitting the father to discipline the son (Deut 8:5).[127] As in kinship language, Israelite covenantal language chooses familial relations to express the binding nature of the rapport between parties.

> behind this 'family tree' image of Israel's birth, with the sons of Jacob spawning the closely knit tribes of Israel conceived as a family writ large, we are searching for sociohistoric conjunctures of peoples, and of conditions and processes, that can best explain how Israel came about, if only by initially *delimiting possibilities* and *excluding improbabilities*… pre-monarchic Israel was a people composing itself cumulatively by a new bonding of individuals and groups, all of whom were leaving previous allegiances and identities as they developed their new Israelite identity.[128]

The vocabulary of familial descent can also explain in part the inclusion of the women and the children in the reading ceremony. When the whole assembly of Israel is designated as collective recipient of the reading, the women and the children are the first subgroup listed, followed by "the resident alien who resided among them." As a unit, the women and children represent the means by which the lineage will continue. Not only is the lesser-enfranchised class of resident alien referenced with the women and children, but so are the future generations of the kinship

[127] Dennis J. McCarthy, "Notes on the Love of God in Deuteronomy and the Father-Son Relationship Between Yahweh and Israel," *CBQ* 27 (1965): 145; Moran, "The Ancient Near Eastern Background of the Love of God in Deuteronomy," 77–78.

[128] Gottwald, "Religious Conversion and the Societal Origins of Ancient Israel," 55–57.

group involved. As with a blood-related family, there is the permanence of commitment (one cannot opt out of a blood relationship, even if one opts to not interact with relatives), a lack of individual choice about the fellow members of the family group (since all blood relatives are by definition included), and an everlasting duration to the relationship, due to the placement in a lineage that extends into the past and into the unforeseen future.

Whether or not the ancient community of Israel descended from common ancestors, the use of "sons of Israel" in the narratives demonstrate how the scribes sought to *portray* Israel; the vast majority of its appearances are in the voice of the narrator or from the mouth of Yahweh, saturating the text's view of Israel with familial language.[129] Even when the monarchy becomes dominant in biblical history, the neo-Assyrian loyalty oath formulas that shape language of covenant likewise utilize familial terms – the father-son relationship – to convey the permanent commitment of a covenant agreement. Furthermore, "love" was used to describe loyalty and friendship uniting independent kings or sovereign and vassal or king and subjects in documents from the 18th to the 7th c. BCE (for example, an Amarna Canaanite vassal to a Pharaoh).[130] This is the language that most likely shapes much of Deuteronomy. Although it has been observed that the suzerain-vassal relationship is not parallel to the Yahweh-Israel relationship in that the biblical covenant is less political and perhaps more bi-lateral, perhaps the background of kinship identity could explain why father-son language about Yahweh and Israel differs from the vassal oath context because it expresses an older understanding of unity amongst the collective as brothers within the same family. Not only is lineage ideology utilized to characterize a community's past, but it is employed to explicate the future import of the obligations. Elements

[129] 359 uses by the narrator, 225 in the voice of Yahweh (Block, "'Israel - Sons of Israel': A Study in Hebrew Eponymic Usage," 302).

[130] Zehnder, "Building on Stone?," 2009, 513.

of Pentateuchal law emphasize the future generational extension of legal statutes more explicitly than these reading ceremonies do. Deuteronomy 6:1-2 states "Now this is the commandment—the statutes and the ordinances—that the LORD your God charged me to teach you to observe in the land that you are about to cross into and occupy, *so that you and your children and your children's children*, may fear the LORD your God all the days of your life, and keep all his decrees and his commandments that I am commanding you, so that your days may be long." Inclusion of the descendants of the addressees can be found in ancient near eastern texts like Hittite treaties and the 8th century Aramaic Sefire treaties.[131]

III. Tribal and Monarchic Leadership: Cross-Era Continuity

"All Israel, alien as well as citizen, with their elders and officers and their judges, stood on opposite sides of the ark."(Joshua 8:33)

Further evidence for the heterogeneous nature of the collective in Josh 8 emerges in the account's portrayal of the leaders in the reading ceremony. In verse 33, the first qualifier that follows "all Israel" (כל ישראל) is a list of those leaders present. Their elders, the officers, and their judges are leaders who represent a pastiche of different time periods. The inclusion of these selected groups of leaders serves to provide the appearance of continuity to the community receiving this narrative. In particular, the leaders represent continuity of law observance, since the law and its written representation are what unify the people. The leaders as enforcers of legal practice are a hint that the practice of unity, of being the people of Israel, is equated with the practice of the law.

Deuteronomy 27:1 includes the elders with Moses in charging the people with the commands of the day. Deuteronomy 31:9 says Moses gives the law to the priests and to the elders, who are all together told to read it publicly every seven years. This means that the

[131] Ibid., 512.

commands to write and read the law publicly give special responsibility to the elders, but when the reading ceremonies are described, they show the elders and other leaders under the authority of one central leader – Joshua, King Josiah, or Ezra. Although elders take on a variety of functions throughout the account of Israel's history in the Hebrew Bible, the role of elders as clan representatives is consistent with the tribal societal structure of ancient Israel.[132] The elders are prominent in the exodus narratives, during the tribal period that lasts through the judges' era. Their role continues to be cited throughout the book of Kings, including 2 Kgs 23:1 as those gathered to the king, in accord with other ancient near eastern contexts that portray elders alongside the kings during collective assemblies.[133] Hanoch Reviv charts a chronological alteration in the elders' role as they shift from leading individual clans in a sort of tribal association to transitioning to an urban-based monarchic system in which they must give fealty to a unifying king. While Reviv assumes that the pan-national bias of the Israelite and Judahite texts downplays the full significance elders would have played in an ancient Near Eastern society,[134] there is no doubt that elders continued to carry juridical responsibilities once Israelites are established in walled cities with monarch. There is no explicit legal definition of what an elder is required to do, or who qualifies as an elder, but this permits the role to adapt to changing socio-political circumstances. There are even points during the monarchic period that "elder" becomes interchangeable with "servant" or "administrator," demonstrating that the term at least

[132] Reviv assumes that a tribally-rooted Israel is exclusively based on texts from the P-source and Deuteronomistic and Chronicle literature (Hanoch Reviv, *The Elders in Ancient Israel: A Study of a Biblical Institution* (Jerusalem: The Magnes Press, 1989)).

[133] Koopmans, *Joshua 24 as Poetic Narrative*, 275–277.

[134] For Reviv, there is an ebb and flow of the elder's authority under the monarchy, including tension at times with the king (Reviv, *The Elders in Ancient Israel: A Study of a Biblical Institution*, 38).

invokes an experienced senior leader in the royal administration, and at most a tribal representative.[135]

The officers are a group usually mentioned in conjunction with elders or judges as leaders of the tribes, who participate in making decisions for the people (Deut 16:18) and are in part responsible for the law observance of the people as a whole (Deut 31:28). Chronicles' use of the term officers (שטרים) makes it clear that in the Persian period it can be an administrative position fulfilled by Levites (2 Chr 19:11, 34:13). Interestingly, in the Deuteronomistic History the term is not used after Deuteronomy except in this Joshua narrative, suggesting that the inclusion of officers is likely an effort to fulfill Deuteronomy's charge to the officers, alongside judges and elders, with responsibility to adjudicate legal matters.

The judges are mentioned to set the scene in the time period before a monarchy is established. Exodus 18 portrays Moses as a judge who, upon the suggestion of his father-in-law, appoints others to execute the role under his supervision. Deuteronomy 1:16-17 gives the judges a divine charge to make wise legal decisions for "citizen or resident alien" as well as "the small and the great." A number of the prophets and poets in the Hebrew Bible depict God as the great judge, setting a divine example of justice that both defends the oppressed and metes out appropriate punishment. These are arbiters of divine law for the whole of the community, by the same definition that this ceremony will give to the breadth of the people. Although throughout the Hebrew Bible judges are depicted more broadly as leaders and representatives of the people, they did have a role as jurists; this is the role that is emphasized in Deuteronomy's core chapters

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[135] See Timothy Timothy M. Willis, "Yahweh's Elders (Isa 24,23): Senior Officials of the Divine Court," *ZAW* 103 (1991): 375–85.

12-26.[136] Deuteronomy provides a number of directions to the judges to ensure fair and thorough adjudication. Since Josh 8:30-35 is set up as a fulfillment of Deuteronomistic commands for the community, the leaders appear to be an additional element of this fulfillment. Judges fade out of relevance during the monarchic period, so their mention in Joshua evokes a pre-monarchic period that is slightly out of step with the officers and elders, whose roles appear to adapt more readily to operation under a king. Nevertheless, their presence at the covenant reading ceremony is a reminder of the human administration set in place to coordinate law observance on a daily basis in the community.

Interbiblical comparison leaves no doubt that the list of leaders in Josh 8 is selected for its direct reference to Deuteronomy's narrative and laws. For William T. Koopmans, this evidence for representative collectivity demonstrates that lists of leaders are not solely to be attributed to a Deuteronomistic stylistic tendency, but that texts like Josh 8:33 or Josh 24:1 calling "the elders, the heads, the judges, and the officers of Israel" to a gathering may also have their basis in the background of loyalty oaths.[137] Like neo-Assyrian treaties, the first subgroups of people who are depicted in the ceremony are those who bear the greatest responsibility in implementing the covenant. Notably, when Deut 27 describes this section of the ceremony, where half the people are distributed to each side of the ark on Mounts Gerizim and Ebal, the subgroups of the community that are mentioned are the twelve tribes. Instead of listing out or mentioning the tribes in Joshua 8, the narrative lists out the categories of leaders and sums up the rest of the populace as "both resident alien and citizen." A subtle shift has occurred, to include the sort of society that existed during the monarchy, away from the kinship groups of the tribes towards an

[136] Koopmans observes that "judges and officers" is often assumed to be a later addition to Josh. 24:1 (Koopmans, *Joshua 24 as Poetic Narrative*, 278).

[137] Ibid., 275.

urban society with fortified cities whose gates served as locales for judicial business.[138] Although the judges, officers, and elders listed have the potential to serve in pre-monarchic society, the laws in Deuteronomy suggest that they should be understood as having juridical function in an urban monarchic setting. The multivalence in their portrayal creates continuity of leadership between pre-monarchic and monarchic eras, but allows exilic and post-exilic audiences to understand the roles in light of their own contexts. For any period, the leaders are present both as representatives of segments of the population and as those with responsibility for the community's legal obligations that unify the people Israel. The location at Shechem makes the unity of the group under this leadership applicable to any period, even after there is no longer a sovereign Israelite kingdom in the north or the south.

IV. Inclusive Subgroups of the Israelite People

The same inclusion of urban society within this tribal setting is reflected in the highlighted portions of the populace in Josh 8. The reading ceremony in Josh 8:30-35 adds to the kinship terms "sons of Israel" and "the people of Israel," "all of Israel" (כל ישראל) and "all of the assembly of Israel" (כל קהל ישראל). The listed subgroups of the populace demonstrate a continued integration of heterogeneous groups into the collective whole: twice when all Israel/all the assembly of Israel is mentioned, a clarification of those belonging is provided in apposition. The shift towards non-familial collectives in the present time of the narrative may not only hint at a time in the redaction of the text when the Judahite monarchy bound the people together more than tribal kinship did, but may also relate to the inclusion of the *gēr* (גר), the resident alien, in

[138] The society presupposed by the laws of Deut 12-26 is an urban society; the economic base of the society was predominantly agricultural, but there were now fortified cities upon which the rural population depended for safety, for market, for administrative matters (the time of the monarchy reflects an interdependence of city, village, and field). Urbanization in Israel was accompanied by a weakening of the tribal structures of society; this limited the patriarch's authority, and more was given to the city to deal with law transgressions (at the gates); elders of the town now have some of the authority the patriarch had previously had (Christiana Van Houten, *The Alien in Israelite Law*, JSOTSup 107 (Sheffield: Sheffield Academic Press, 1991), 73).

the covenant ceremony. As the first and only repeated subgroups of the populace in Josh 8:33 and 8:35, a basic insider-outsider boundary is introduced; the citizen is one who is viewed as belonging to the tribe (even if that "tribe" itself is composed of diverse lineage groups) and the resident alien is by definition other, but permitted some rights while physically resident in the community.[139] Both groups together cover all who physically live long term in the land, perhaps assuming pre-exilic conditions. The kinship terms were not consistently applied to all, but joining the legal covenant was.

The majority of the laws relating to the resident aliens make it clear that in pre-exilic times these individuals were those who had been separated from their own kinship group (perhaps for reasons of crisis) and as a result were in economic need within the Israelite community, to the extent that they would be dependent upon Israelite social units.[140] Christiana van Houten sums up the status of the *gēr* in Deuteronomy's nationalistic theology: "Aliens dare to be treated with generosity, to be extended hospitality, but they are not invited to become Israelites."[141] The custom of hospitality to the stranger is likely to be behind laws protecting

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[139] The Masoretic Text would later use punctuation to separate out the *gēr* clause at the end of 8:35: "and the aliens who resided among them."

[140] "It is generally acknowledged that *gēr* in the Hebrew Bible refers to people who are no longer directly related to their original social setting and who have therefore entered into dependent relationships with various groups or officials in a new social setting. The *gēr* was of another tribe, city, district, or country who was without customary protection or privilege and of necessity had to place himself under the jurisdiction of someone else. This justifies the designation 'resident alien,' indicating persons with rights and legal standing but whose status was nevertheless distinguishable from that of the 'native born'." Spina argues for a meaning of the word closer to "immigrant" and a context of strife rather than pastoralism that causes the individuals' immigration ("Israelites as Gerim: Sojourners in Social and Historical Context," in *The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman in Celebration of His Sixtieth Birthday*, ed. Carol L. Meyers and M. O'Connor (Winona Lake, IN: Eisenbrauns, 1983), 323).

[141] Van Houten, *The Alien in Israelite Law*, 101.

resident aliens.[142] Some laws in the Pentateuch draw a line between the privileges afforded a *gēr*, a resident foreigner, versus a "brother" (אח) of Israel. For example, Lev 25:39-55 details laws which permit Israelites to acquire slaves from the other nations, *and* from among the resident aliens who have been born within the land of Israel. When Lev 25:46 states that "your fellow Israelites" (NRSV) are not to be treated as slaves, the Hebrew even repeats the word "brother," so that the phrase should more fully be translated "as for your brothers, the sons of Israel, as one man to his brother you shall not rule with harshness" (ואחיכם בני ישראל איש באחיו לא תרדה בו בפרך). In the eyes of this law, the resident alien, even though born, raised, and law-abiding within the Israelite community, does not have the same rights as a *brother* of the community to live free of slavery. Lev 25:55 explains the justification thus: "For the sons of Israel are my servants; they are my servants whom I brought out from the land of Egypt: I am Yahweh your God." When it comes to the Joshua 8 reading ceremony, the message that emerges is that the kinship ties of the past do not exclude the resident alien from the covenant agreement, even though they are not granted the same rights under that covenant. However, all physically present – perhaps to be interpreted as all physically in the land of Israel, which would include resident foreigners – are obligated to commit to the same law code. This raises the question of what the distinction is between resident foreigners and the brothers/sons of Israel, if it is not literal descent; it is possible that the lineage of Israel was applied to tribes viewed as united in kinship at a pre-monarchic date, and that the resident aliens refer to individuals who became permanent residents in the land after that tribal unification.[143]

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[142] "It gives what was perhaps a generally accepted moral norm the new status of being part of the written legal tradition…These laws thus stand at the beginning of a process which eventually would allow the inclusion of outsiders as equal members of the Israelite community" (Ibid., 67).

[143] Scholars such as Nadav Nadav Na'aman, "The Israelite-Judahite Struggle for the Patrimony of Ancient Israel," *Bib* 91 (2010): 1–23.).

It is likely that the *gēr* represents a different group of people in pre-exilic laws than it does in post-exilic laws, and van Houten suggests as well that references to a *gēr* as an individual should be separated out from references to resident aliens as a whole group. The two mentions of *gēr* in Josh 8's covenant ceremony are singular nouns (8:33: "both foreigner and citizen alike stood, half across from Mount Gerizim and half across from Mount Ebal"; 8:35: "all the assembly of Israel, the women, the children, and the foreigner who lived among them," translation mine). However, it is clear that it refers to a class of people who are included in the assembly of Israel, in addition to the "citizen." The theory that the *gēr* variously refers to different groups at different times is logical, since some laws concerning them are at odds; some emphasize that the same law is to be applied to citizen and stranger (van Houten takes these equality laws as post-exilic priestly additions that seek to include converts to Judaism), while others permit the *gēr* to be taken as a slave by Israelites, although Israelites may not take other Israelite "brothers" as slaves (Lev 25:39-55). Deuteronomy 23:1-8 appears to have a list of those who are excluded from the assembly of the LORD. In essence the assembly is to include fully enfranchised male citizens who are eligible for cultic participation and military service.[144] Nevertheless, Deut 29:11 commands that women, children, and aliens are to enter into covenant relationship with Yahweh, and likewise Deut 31:12 includes them in those who are to attend the reading of the law every seven years at the festival of booths. For van Houten, "it is clear that the alien referred to here is quite different from the alien mentioned in the legal material" since they are able to enter into a covenant relationship with Yahweh; here it is a group of people, not individuals.[145] The two mentions in Josh 8 reinforce the alien's low social status as they are

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[144] Van Houten, *The Alien in Israelite Law*, 99.

[145] Ibid., 105.

listed with the women and children, but nonetheless bound by the law code and therefore united with the "citizens." As when the *gēr* is included with widows and orphans, their social status emphasizes their vulnerability and dependence upon the generosity of others, but conversely their inclusion is a reminder of Israel's own composite character.

The "motivation clauses" of the Covenant Code and priestly writings recall references to the patriarchs as aliens as well as to the Israelites in Egypt as aliens, giving some insight into Israelite's self-conception as a once-disenfranchised people brought into their present state due to the generosity of Yahweh himself. The kinship ideology characterizes the people as a family, but they are a family that remembers once being a resident alien in another country. F. A. Spina examines these references and draws the conclusion that the Israelites as a people were not unified before their settlement, but became a coalescence of heterogeneous peoples.[146] The very placement of the Josh 8 covenant ceremony is suspect, since it explicitly fulfills some of the commands in Deut 27, 29, and 31. Nevertheless, it does not take place on the day that the people have crossed the Jordan into the land, which is when Deut 27 prescribes it. Some have suggested that the ceremony is inserted just prior to Josh 9 in order to relate to the inclusion of the Gibeonites in the community; the designation of the Gibeonites after this as hewers of wood and drawers of water, despite their lies to the Israelite leaders, indicates that in a Deuteronomistic view there was room for a lower class of non-Israelites to reside with Israelites and receive some of their protection. The resident aliens in Deut 29 is described as hewers of wood and drawers of water, a phrase that otherwise was only applied to Gibeonites, so there is some consistency to

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[146] Spina, "Israelites as Gerim: Sojourners in Social and Historical Context," 322.

including a lower class of foreigners in the legal bounds of covenant.[147] If we presumed, as Mark Sneed does, that the primary early audiences of the literature in the Hebrew Bible were literate, privileged men, laws showing generosity to the marginal could be interpreted as serving the interests of the elite by depicting them as altruistic. This portrayal could also support the self-interest of the royal or priestly rulers because they needed the cheap labor of the resident alien.[148] The motivation clauses thus do maintain boundaries between the residents of the community. While the past enslavement of the Israelites appeared to motivate generosity towards others, that generosity did not include offering the resident aliens an identity as Israelites. "God choosing [Israel] was understood as an exclusive act, he did not choose others."[149] The resident aliens were not chosen by Yahweh as his liberated people out of Egypt, so they could not become a full part of that people. The tension of this designation is born out consistently in Deut 12-26's laws about the *gēr* – included as the other.[150]

English translations of Josh 8:33 struggles to reflect the phrase *kagēr kā'ezrāḥ* (כגר כאזרח) in the larger context of the Hebrew sentence; the tendency is either to move the whole phrase to just after "all Israel" to make it "All Israel, resident alien asàwell as citizen,…" (NRSV) or to make it a clause of its own in the Hebrew order: "Both resident foreigners and native Israelites were there" (NET). Maintaining the Hebrew order of the sentence means that "resident alien as well as citizen" is placed just before the statement that half of the people stood opposite Mount

[147] Like A. D. H. Mayes, van Houten argues that the Deuteronomistic redactor sought to identify the alien with the Gibeonites of Joshua 9 (*The Alien in Israelite Law*).

[148] Mark Sneed, "Israelite Concern for the Alien, Orphan, and Widow: Altruism or Ideology?," *ZAW* 111, no. 4 (1999): 503–504.

[149] Van Houten, *The Alien in Israelite Law*, 108.

[150] For example, studies of early Christianity regard the "heretic" designation as a way of including the other in the community.

Gerizim and half stood opposite Mount Ebal. Unlike the commands in Deut 27, the twelve tribes are not listed out, six assigned to each mount; rather than representing the entirety of the people with the symbolic twelve,[151] the Joshua ceremony opts to represent the totality of Israel by first listing out the leaders who surround the ark, and then inserting the clarifying inclusive "resident alien as well as citizen" before stating that half of the people are opposite each mount. Although neither the ark nor the leaders are mentioned in Deut 27's instructions to write the words of the law, the covenant assembly in Deut 29 and the reading commanded in Deut 31 both list the *gēr* as included. Thus, it seems that Josh 8's ceremony makes a point of referencing the lists of people indicated in Deut 29 and 31 rather than the tribes listed out in Deut 27, privileging the lower social classes like the women, children, and resident aliens over the tribal alliance.

The word often translated "native" or "citizen" is a term not referenced in the other reading ceremonies. Mark G. Brett observes concentrated occurrences of the rare term "native" (אזרח) within the Holiness Code.[152] In its only seventeen usages, it is often paired up as the contrast to *gēr*, whose wide range of uses generally refer to a displaced person. In Ezek 47:22 we see that the *gēr* who has lived in the Israelite community and has raised children there is to be considered like a citizen in that he will receive an inheritance of land as anyone in the tribes of Israel would. Christoph Bultmann points out that Ezekiel's exilic context makes this a statement about participation in tradition over physical residence in the land.[153] Brett views this as H's

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[151] Joshua Buch, "The Biblical Number 12 and the Formation of the Ancient Nation of Israel," *JBQ* 27, no. 1 (1999): 49.

[152] Brett takes the Holiness Code as post-exilic, so he concludes that it is an innovation whereby priestly editors of the Persian period attempted to express integration between returnees from exile and those who had remained in the land, and even open up cult participation to *goyim* who had "separated themselves from the impurities of the nations of the land" like those who joined Ezra 6's Passover celebration ("Natives and Immigrants in the Social Imagination of the Holiness School," in *Imagining the Other, and Constructing Israelite Identity in the Early Second Temple Period* (London: Bloomsbury, 2014), xvi).

[153] Christoph Bultmann, *Der Fremde in Antiken Juda* (Göttingen: VandenHoeck & Ruprecht, 1992), 204.

insistence on one law for stranger and native, expressed in almost identical statements in Lev 24:22, Exod 12:49, and Num 15:15-16, 29. J. G. McConville observes that "the concept of אזרח exists in the interests of elucidating the nature of Israel, precisely by pointing to the alien's integration."[154] Each of these assessments of the term "citizen/native" (אזרח) encourages its consideration as a late expression of those belonging to Israelite society, although it does not appear to be a kinship term. The difficulty that arises when analyzing this post-exilic usage is in determining what place remainees in the land have in such a "citizenship." Van Houten concludes that the vision of land restoration in Ezek 47:22 "completely disregards the people who would have been living in Palestine during the time of the exile."[155] Christoph Nihan interprets the placement of "resident alien as well as citizen" as a transition to Josh 9's Gibeonite treaty.[156] The final form of Josh 8 thus creates an inclusive collective that fulfills the commands of Deut 27-28, but clarifies twice that "all of Israel" includes the strangers amongst them, as well as the women and children: the future generations of the community.

Overall, it is evident that none residing in the land is exempt from the legal authority represented by the book of the law, even those who have less rights, or who are dependent upon others for their livelihood.[157] The reading of the book makes the law accessible to lower class

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[154] J. Gordon McConville, "'Fellow Citizens': Israel and Humanity in Leviticus," in *Reading the Law: Studies in Honour of Gordon J. Wenham*, LHBOTS 461 (London: T & T Clark International, 2007), 10–32.

[155] Van Houten, *The Alien in Israelite Law*, 152.

[156] Although he views this as an even later addition that borrows Holiness vocabulary (Christoph 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. Gary N. Knoppers and Bernard M. Levinson (Winona Lake, IN: Eisenbrauns, 2007)).

[157] van Houten concludes that priestly laws concerning the *gēr* show change over time: later laws requiring equal treatment speak of aliens as part of the chosen people, while earlier ones are about charity and justice. Sometimes they were treated as equals who were not poor and dependent, but able to opt to be circumcised to participate in Passover and "be regarded as a native of the land" (Exod 12:48-49) (Van Houten, *The Alien in Israelite Law*, 155).

citizens among the community, not just the literate male elite. If a written text would commonly only reach literate men, the covenant book does not have the same limited audience that an administrative written record would. The implication in this case, however, is that those following the law are "the sons of Israel," "the people of Israel," "all of Israel," "the assembly of Israel." Since the ceremony takes place at Shechem, the heterogeneous nature of the collected people in Josh 8:30-35 is held in tension with the united kinship identity of "Israel" that is assigned to the addressees. It was Gottwald's hypothesis that:

> Israel was formed in Canaan out of a number of elements of the populace, with differing degrees and kinds of previous identities, and that the 'Israel' so formed was not only, or even chiefly, a religious community but an entire social formation, a whole socioeconomic and cultural system, which simultaneously developed a religion of prominence as one major component in the forging of group identity.[158]

Although in theory most reading in the ancient world would have been aloud to a group of people, the fact that the only public readings of the book of the law are to the entirety of the community's residents sets the role of the authoritative book squarely in the realm of social construction of the people. This covenant ceremony is a unity ritual, which forms the people.[159] Upon closer analysis, it will become clear that the book of the law was viewed as serving a reflexive role in its society, since the narratives assign qualities to the document that identify its precise activity in the community.

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[158] Gottwald, "Religious Conversion and the Societal Origins of Ancient Israel," 57.

[159] J. Pedersen emphasized the individual psycho-social motivation of a covenant; for him, covenant relations boiled down to inner psychic needs of the "soul" seeking shalom in partnership with others – in the case of Joshua 24, a bond between Joshua and the people Israel. The covenant signified primarily a striving for community, and had a formative influence in the constitution of the tribes of Israel. While Pedersen's work hypothesizes regarding the unverifiable psychological motivations of biblical authors and characters, and does not take into account the factor of political motivation, it directs our attention to the community that was produced by the covenant; that is, the social effects of a biblical covenant agreement (*Israel: Its Life and Culture* (London, 1926), vols. I–II).

Part B: Characterizing an Everlasting Oral-Written Text in Joshua 8:30-35

The authoritative text in Josh 8, 2 Kgs 23, and Neh 8 is presented as interacting with the people through a visual, auditory, and even kinesthetic experience. In these ceremonies, examining the relationship of the people to the document reveals how essential the entirety of the audience is to the narratives' interpretation of the textual artifact. The people frame the reading, since it is motivated by the necessity to make the whole of the contents, and thus the covenant promises and obligations, known to the community. Joshua 8:35 concludes: "There was not a word of all that Moses commanded that Joshua did not read *before all the assembly of Israel, and the women, and the little ones, and the resident aliens who resided among them*" (italics mine). The reading makes the document and its effects public, evoking a relationship between the people and the book. Having examined the characterization of the people, determining their portrayal as a heterogeneous mix needing unification, we turn to how the text interacts with this people. What characteristics did this narrative assign to the text? If it was to be a key element of unifying the people, how exactly would it accomplish this goal?

I. Addressees: The Entirety of the People of Israel

The participant lists in the Josh 8 ceremony indicate that for this passage, the book of the law as an authoritative text has a clearly defined audience. For any text, there is a directionality. Any time a text is accessed, it comes from one author or reader and moves towards another reader or hearer. The one presenting the text may vary if it changes hands over time, as may the addressees. The Hebrew Bible's reading ceremonies do not let the addressees remain ambiguous, but set the reading in a performative scene at a given point in time so that the set of addressees is specifically identified in the scene. Unlike the treaty form, in Josh 8 there is no explicitly given divine witness to the covenant, but nearly two entire verses of the five-verse ceremony are

dedicated to listing out the people who are present in the scene, where they are standing, and how they participate in the ceremony as Joshua conducts it. Although the text of the Joshua narrative does not express actual law codes as Deuteronomy does, it is portraying a scene that resembles public reading of a treaty. Comparison with treaty invocations of addressees illuminates interpretation of public reading ceremonies' audience boundaries.

Like these public reading ceremonies, ancient Near Eastern treaties provide a sequence of addressees. A section of Ashurbanipal's annals narratively reports that Esarhaddon drew together all the people of Assyria to bind them in loyalty to Ashurbanipal: "he gathered together the people of Assyria, great and small, from the upper to the lower sea. That they would accept my crown-princeship, and later my kingship, he made them take oath by the great gods, and so he strengthened the bonds between them and me."[160] Although the extant copies of the VTE are all addressed to Median princes,[161] the narrative account of a loyalty oath represents a complete assembly of the people, "great and small" clarifying that all classes of the population are included. Since the logistical realities of gathering the entire people of an empire to one location preclude a literal reading of this account, it is clear that the rhetorical force of the narrative metaphorically depicts the bond of the loyalty oath extending to all who reside within the Assyrian empire. The addressee lists of treaties themselves may exhibit a politically motivated "gradation in focus" from those most influential in the empire to the lowliest of the "small," but the impulse to include the full range of inhabitants also presents itself in the lists in Josh 8 and 2 Kgs 23: "resident alien as well as citizen," "women and children," "great and small." The same gradation is apparent in the Zakutu succession treaty: "The treaty of Zakutu, the queen of

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[160] The Rassam cylinder, col. I, lines 1-17 (Daniel David Luckenbill, *Ancient Records of Assyria and Babylonia*, vol. 2 (Chicago: University of Chicago Press, 1927), 291).

[161] Zehnder, "Building on Stone?," 2009, 360.

Senna[cherib, ki]ng of Assyria, mother of Esarhaddon, king of Assyria, with Samas-sumu-ukin, his equal brother, with Samas-metu-uballit and the rest of his brothers, with the royal seed, with the magnates and the governors, the bearded and the eunuchs, the royal entourage, with the exempts and all who enter the Palace, with *Assyrians high and low*" (italics mine).[162] Since the goal of succession treaties is to secure vassal loyalty to the next ruler in the dynasty, the naming of leaders in the community is logical; they are the ones whose loyalty or disloyalty would have the greatest impact on the success of Ashurbanipal's rule. Although political loyalty to a king is not explicitly sought in Josh 8, the binding of all levels of the society together still had the potential to serve the political purpose of bringing together heterogeneous groups, including resident immigrants, under one law. The effect of listing the subgroups out is to emphasize the completeness of the gathering.

Lest there be doubt, the specification is then given that the reading was of the comprehensive law: "There was not a word of all that Moses commanded that Joshua did not read before all the assembly of Israel, and the women, and the little ones, and the resident aliens who resided among them" (Josh 8:35). The addressees of all of these matters, including the blessings and curses, was the whole assembly of Israel, which even included those of lower social status, the children who represented future generations, and the resident aliens who did not have full legal rights in the society. One reason the participants in the covenant may be listed could be to warn against any who might claim to be above the obligations, or lead others away from the stipulations. Indeed, the VTE, Sefire, and Hittite vassal treaties all contain loyalty oaths that include warnings to be on guard against friends and relatives for this reason. Note the treaty between Arnuwanda I of Hatti and the men of Ismerika: "If someone speaks an evil word before

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[162] Col. 8, lines 1-8 (Simo Parpola and Kazuko Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths* (Helsinki: University of Helsinki Press, 1988), 62).

you – whether he is a governor of a border province…or if he is some person's father, mother, brother, sister, or his child or [his] relative by marriage – no one shall conceal the one who speaks an (evil) word, but shall rather seize him and make him known."[163] The lists communicate that all those included have the responsibility to observe the commandments. This diverse social collection was bound together through their obligations under the covenant, and the presentation of the written artifact of the law to their assembly in part affected this bond. Moreover, the content is linked to Moses in the Israelites' past, so that the identity of this book is authenticated as *the* valid book, the only book of the law that can exist for the Israelites – even if its "matters" are fluid. The affect upon the community, then, is twofold. First, the content contains obligations whose observance produces effects of blessing or curse; and second, the community's boundaries are defined according to whose behavior should conform to those obligations.

However, why is there an emphasis on the people as a whole – the entire collective – rather than allowing for representative participation? Even the Mari kinship unity texts do not show "widespread resort to full assembly,"[164] but rather kinship ceremonies could take place between representatives of the peoples to be unified; by contrast, the Hebrew Bible records full assembly repeatedly as a consistent feature of its covenant readings. This is a point that neo-Assyrian international statecraft may clarify. Within the corpus of treaties, John S. Holladay noted a dramatic shift in eighth century Assyrian imperial policy wherein the entire populace of vassal states came to be treated as responsible for upholding the treaty obligations. Although earlier treaties from the Hittites to the neo-Assyrians mention the presence of the entire

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[163] Zehnder, "Building on Stone?," 2009, 514.

[164] Daniel E. Fleming, *Democracy's Ancient Ancestors: Mari and Early Collective Governance* (Cambridge; New York: Cambridge University Press, 2004), 234.

populace,[165] these eighth century treaties required observance by the people as a whole. The consequences for transgressing treaty stipulations in the VTE threaten “your land” and “your people” with deportation.[166] Even if the addressees of neo-Assyrian treaties represented specific segments of the vassal elite classes, it is clear that the requirements and effects of the treaties extend to the whole of the peoples they represent.[167] As a result, observing obligatory laws became an essential expression of Israel’s relationship with Yahweh; the book of the covenant is therefore enacted in ceremony as a reminder that the covenantal relationship is contingent upon observance of the law.

The psychological effect of collective address was experientially borne out when the Assyrians conquered lands and deported their whole populations, including the northern kingdom of Israel. Beginning as early as the late ninth century, treaties include curses directed towards the people as a whole, and in the eighth and seventh centuries the state letters and royal proclamations begin to be addressed to cities, countries, and people groups along with their ruler.[168] This policy shift is notably visible in 2 Kgs 18’s report of Assyrian imperial action, when Sennacherib’s emissaries insist on speaking in the Judahite vernacular so that all the people might receive the imperial proclamation of domination and threats, since they along with the

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[165] Weinfeld observed that both Hittite and Assyrian loyalty oath ceremony documents mention the entire populace being present or represented (“The Loyalty Oath in the Ancient Near East,” *UF* 8 (1976): 392f).

[166] Begrich charted chronological development in the dynamics between treaty parties; he claimed that originally a covenant was a unilateral agreement between two parties, initiated by the more powerful of the two parties. However, after the mid-9th century, Begrich found a shift towards bilateral covenant relationships, so that both parties agreed to rights and obligations. This dynamic of mutual responsibility, for Begrich, was adopted to portray the relationship between Yahweh and his people in biblical literature. Begrich supports this chronological change by citing the change in prepositions with “to cut” (כרת) used to express the establishment of the covenant (Koopmans, 64-65).

[167] Zehnder, “Building on Stone?,” 2009, 364.

[168] John S. Holladay, “Assyrian Statecraft and the Prophets of Israel,” *Harvard Theological Review* 63 (1970): 37–44.

king will bear the consequences of "eating their own dung and drinking their own urine" (2 Kgs 18:27). The Kings narrative here exhibits Assyrian policy; once a vassal treaty was issued, the document was read regularly to the public of the vassal land, and the document was likely displayed in public view with the purpose of enforcing its effects amongst the populace.[169] If the book of the law was viewed as a type of treaty between the Israelite people and their great king Yahweh, the covenant reading ceremonies not only evoke a reunifying and recommitment of a kinship group, but by the late monarchy would also have in mind the idea that the collective people risk bearing the brunt of curses effectuated by disobedience, even if it is just the Israelite king who departs from the treaty as representative of the people. Such a representational economy is evident in the prophetess Huldah's pronouncement to Josiah's envoy: "Thus says the LORD, I will indeed bring disaster on this place and on its inhabitants—all the words of the book that the king of Judah has read" (2 Kgs 22:16). Like Deuteronomy's "treaty" content, the books described in Josh 8 and 2 Kgs 22-23 includes curses that are addressed to the people who inhabit Judah, not just to the king. The eighth and seventh century Israelite prophets also confirm the local assimilation of the shift in Assyrian statecraft, as their messages to the people of Israel as a whole dramatically differ from the tenth and ninth century prophets who addressed the ruling houses of the northern and southern kingdoms.[170] Even if the monarchy benefited from the effects of threatening the people with curses for legal disobedience, the results of such retribution theology are portrayed as primarily touching the lives of the populace. The clearly defined audience in Josh 8 is one that is unified by commitment to a single covenant, which is expressed by an oral-written text composed of obligations whose observance demonstrates the audience's

[169] Some tablets of the VTE include holes that appear to have served to hang them publicly.

[170] Holladay, "Assyrian Statecraft and the Prophets of Israel," 33–36.

enacting of the commitment. The complete gathering of Israel is addressed by the text, and this is what makes them the people of Israel.

II. Content: Embodying a Full, Effectual Oath of Obligations, Blessings, and Curses

The authoritative text in Josh 8, therefore, is one composed of obligations whose observance or non-observance are viewed as carrying real consequences for the covenant members. Although the description of the reading event does not give any direct speech to convey the content of the reading itself, it is evident that the account recognizes that texts have content that can affect how the audience lives and how their identity is constructed. As we have seen in detail, the account focuses upon who is included as an addressee and therefore is a member of the covenant community. The content implied in Josh 8 includes what is required of the addressees – the obligations – and the positive and negative effects of compliance or non-compliance – the blessings and the curses: "And afterward he read all the words of the law, blessings and curses, according to all that is written in the book of the law" (Josh 8:34). Not only was a "word" defined loosely to include parallel phrasing in ancient scribal practices of writing and reading, but "matter" (דבר) was a common designation in the Pentateuch for the legal matters included in the law. So, in this verse the content of the law is *all the matters*, that is, obligations, of the covenant law, and those matters include *blessings and curses*, the consequences of law compliance or non-compliance.[171] Like the Esarhaddon treaties, Deut 28 contains curses which establish the power of treaty obligations.

Deuteronomy 27's injunction to write potentially only refers to the words of Deut 27:11-28:68, but Josh 8:35 opens up an interpretation that could include a broader body of Mosaic law:

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[171] Early text critics saw "blessings and curses" as a later interpolation in this pericope, but given its relationship to Deut 27-28 with its blessings and curses, the scholarly consensus dating both Deut 27-28 and Josh 8:30-35 in their present forms as exilic or earlier, and the commonality of blessing and curse language with neo-Assyrian treaties in particular, it is reasonable to consider "blessings and curses" a pre-exilic insertion.

“There was not a word of *all that Moses had commanded* that Joshua failed to read in the presence of the entire assembly.” We could speculate that the contents were understood to be the Covenant Code, or the Decalogue plus Deut 27-28, or include the Holiness Code for a later audience, but it would be difficult to firmly support any of these options. Even though Deut 27-28 bears characteristics of an oral ritual script,[172] the narrative in Josh 8 leaves the direct speech silent and instead emphasizes that the entirety of Moses’s commanded words was read. It is striking that all of the public reading ceremonies set before the exile present the book of the law or book of the covenant as read in its entirety: “And Moses wrote down all the words of the law…and read it” (Exod 24:4, 7); “all the words of the law…all that Moses commanded” (Josh 8:34-35); “all the words of the book of the covenant” (2 Kgs 23:2). They give the impression of a comprehensive reading, indicating that no matters were left unwritten or unread.

From a modern perspective it is easy to assume that for a book to be considered complete, its content must be frozen and unchanging. The evidence from the ancient Levant, however, suggests a different story. Simply by looking to the internal evidence of the Hebrew Bible, scholarly analysis unearths a multitude of examples of textual reworking: repeated narratives, spliced narratives, repetitive resumption, chronologically displaced lexemes, reinterpreted histories. There is no doubt that scribal hands were manipulating the content of the Pentateuch, Prophets, and Writings for centuries before they came to take the form we have in the earliest manuscripts.[173] In addition to the editing work of scribes, Raymond F. Person’s work demonstrates fluidity in the ancient Israelite conceptualization of a “word” by showing the

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[172] For analysis of the speech characteristics of Deut 27-28, see Ramos, “Spoken Word and Ritual Performance: The Oath and the Curse in Deuteronomy 27-28.”

[173] Bernard Levinson, “Esarhaddon’s Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1,” 12.

interchangeability of parallel lexemes and phrases within the biblical corpus.[174] Person emphasizes, “the ancient Israelite scribes’ oral mentality allowed for variation as they copied texts. That is, since their understanding of ‘word’ probably included what we would call phrases and lines, what they possibly understood as a faithful copy of their *Vorlagen* we would understand as containing variants.”[175] The interchange of parallel wording reflects the relatively variable context of oral literature. Additionally, when those early manuscripts are examined, the variation between them includes everything from minor alterations in orthography and lexemes to missing or reorganized pericopes.

Understanding the somewhat fluid nature of written copies assists comprehension of the term *dābār* (דבר), which is one of the most common words for “word” in Hebrew, but may also be interpreted as “matter,” as with legal matters. Furthermore, the ambiguity surrounding the exact words that were written or read aloud permits later Israelite audiences to interpret the contents as whatever they understand to be Mosaic law. Like 2 Kgs 22-23, Josh 8:30-35 only specifies that curses and blessings are part of the reading, but the rest of the “words” are simply referred to as a body. It is easy to overlook the omission of further details from the content of the reading, but this portrayal is consistently capitalizing on an important characteristic of a written text: it is possible to alter and reinterpret it through each recopying and re-reading, as we know ancient scribes did, so that omission of exact wording from the reading leaves room for alternate versions of a text to variously be identified as the authoritative book of the law. In the moment the book is read, the complete book is read, and it is recognizable as the only book of the law.

[174] Raymond F. Person, “The Ancient Israelite Scribe as Performer,” *JBL* 117, no. 4 (December 1, 1998): 601–9.

[175] Ibid. 608.

When interpreting the rhetoric of “all the words of the law/book” one should take into account the loyalty oath context of ancient Israelite covenants. While Deut 27 may initially only be directing inscription of the words of a version of Deut 27-28 upon the stones, Josh 8 calls the composition “all that Moses commanded.” Thus, the inscription is opened up in the Joshua narrative to include anything readers/hearers at any time understood to be the full commands of Moses. The impression of a comprehensive writing and reading that the account creates could, moreover, be interpreted to not be complete in the sense of complete content. Rather, it could be complete in representing all categories of law, or in symbolically covering all the topics necessary for the life of the community at a given time. Overall, the idea that the complete text was written down and then pronounced aloud brings the weight of the entire binding agreement upon the hearers. In fact, a model that leaves room for content variance allows the binding nature of the covenant to persist without dependence upon unchanging scribal transmission. While it is more difficult to ask what it is that makes the book of the law in this text an identifiable, unified work, the value of completion is presented as a priority. The book is presented as complete and efficiacious, with the only defined delimitation of content being the law of Moses.

Ancient Near Eastern treaties provide parallel self-aware texts whose self-references are validated by the complete and delimited nature of their contents. Similar to Deut 12:32, Esarhaddon's seventh century BCE vassal treaty is aware of its effectual and permanent writtenness in cautioning against changes: "you shall neither change nor alter the word of Esarhaddon, king of Assyria" possibly followed by a customary tablet clause requiring protection of the object itself (57).[176] Likewise, the eighth century Sefire Aramaic inscription reads: "Whoever will not observe the words of the inscription which is on this stele or will say, 'I shall

[176] see Römer, *The So-Called Deuteronomistic History*, 76, and Frankena, "The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy."

efface some of his (its) words,' or 'I shall upset the good relations and turn (them) to evil,' on any day on which he will do so, may the gods overturn that man and his house and all that is in it; and may they make his lower part his upper part! May his scion inherit no name!" (Sefire I C 16-25). In the context of these ancient Near Eastern parallels, the portrayal of the physical law as complete and specific from the time of its material creation renders the object one whose protection and reverence is an act of protecting and revering the commands in the law itself – and the covenant relationship they instate - and may even be seen as an embodied curse whose physical nature should not be changed regardless of any agent's ability to read or understand the inscription. Although a complete "book" should not be interpreted as literal frozen content, the completeness of the text is portrayed as confirming the effectual nature of the oath. Moreover, the warnings to protect the complete nature of the oaths affect the future generations of the current audience, ascribing future efficacy to the text.

III. Extending a Text to Everlasting Generations

The temporal depiction of the text in Josh 8:30-35 suggests that the text is effectual for all future time. Because a written artifact may last through time, it has the potential to deliver traditions with continuity to future generations. The book of the law in Josh 8 is an oral-written text whose authority extends to past, present, and future of the addressed community: from the perspective of that community, it is the only everlasting authoritative text. Joshua 8 several times uses the collective the "sons of Israel" and lists the women and children in the addressees; any time the sons of Israel are referred to, the past and future generations of Israel are implicitly invoked. Indicating that the generations of Israel are the addressees of the book of the law ascribes an everlasting nature to the validity and authority of the text: an everlasting Torah for

the everlasting future of the community. The collective terminology is also a reminder of the permanence, inclusivity, and everlasting message of kinship ideology.

Since the obligations and related curses placed upon treaty addressees extend to the descendants of the current generation, there is a common view of the written document as having everlasting effect. Inclusion of addressees' descendants may be found in treaties from Hittite rulers to 8th century Sefire texts. For example: "[If] we do not present these words before our sons,…[…, then shall] al[l] gods of Hatti [destroy us.]"[177] Or, from Sefire, much closer in time to the late divided monarchy: "The treaty of Bar-Ga'yah, king of KTK, with Mati'el, the son of 'Atarsamak, the king [of Arpad; and the trea]ty of the sons of Bar-Ga'[yah and] his [offspring] with the offspring of Mati'el."[178] Esarhaddon's succession treaty states: "As long as we, our sons [and] our grandsons live, Assurbanipal, the great crown prince designate, shall be our king and our lord. If we place any other king or prince over us, our sons, or our grandsons, may all the gods mentioned by name [in this treaty] hold us, our seed, and our seed's seed to account."[179] The 2 Kgs 18 account of Assyrian envoys being sent to remind Judah of their obligations to their imperial overlord demonstrates that Assyrian vassal treaties entailing obligations on the vassal were known to biblical authors and redactors, even though the exact details of the delivered treaty are not all in accord with formal treaty conventions.

Deuteronomy expresses the future extensions of the covenant more explicitly than the Josh 8 account does. Given the possible Deuteronomistic editing of Josh 8:30-35, other

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[177] Col. II 18-19, 28-29 (Einar von Schuler, "Die Würdenträgereide Des Arnuwanda," *Or* 25 (1956): 230).

[178] Sf I 1-5 (Joseph A. Fitzmyer, *The Aramaic Inscriptions of Sefire* (Rome: Pontifical Biblical Institute, 1995), 42–43).

[179] Levinson's translation, with reference to Parpola and Watanabe ("You Must Not Add Anything to What I Command You: Paradoxes of Canon and Authorship in Ancient Israel," 27).

Deuteronomistic themes may provide context for interpreting Joshua's references to the "sons of Israel" and the inclusion of the women and children in the reading ceremony. Deuteronomy famously has conflicting laws regarding punishment of later generations for the present generation's sins.[180] Even if laws were updated to fit changing socio-politics, this suggests familiarity with the idea that obligations carry consequences for future generations. Deuteronomy 29:14-15 has Moses making the covenant not only with those who were present at that time but also "with those who are not with us here this day." Since Deut 31:12-13 says that the purpose of gathering the entire community together for a reading is "so that they may hear and learn to revere the LORD your God and to observe faithfully every word of this Teaching. Their children, too, who have not had the experience, shall hear and learn to revere the LORD your God as long as they live in the land that you are about to cross the Jordan to possess." That is, reading is the means by which future generations of the community will join in the covenant; "those who are not with us here this day" include those future generations who are not yet present. Deuteronomy 31:10-13 is the only command in the Hebrew Bible to publicly read the book of the law, and its goal is clearly stated: to install covenant faithfulness in the next generations.

The final depiction of Joshua's inscription creates a specific relationship of that object to time. Since the account appears to fulfill Moses's commands in Deut 27, a number of editorial comments seek to distance this event temporally from the time of Moses: "just as Moses the servant of the LORD had commanded"… "as it is written in the book of the law of Moses" (8:31); "which he [Moses] had written" (8:32); "as Moses the servant of the LORD had commanded at the first"; "according to all that is written in the book of the law" (8:34); "There

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[180] Ibid., 31–33.

was not a word of all that Moses commanded that Joshua did not read before all the assembly of Israel" (8:35). The passage both re-uses Deut 27, and portrays the re-use of the book of the law. Joshua 8:30-35 is illustrating an early self-aware exemplar of the kind of scripturalization Judith Newman defines as "reuse of biblical texts or interpretive traditions to shape the composition of new literature."[181] By explicitly quoting the Pentateuch and attributing commands to Moses, these statements refer to the law of Moses as something already received, written down, known to the audience, implemented in a communal context, and authoritative in dictating the conduct of this moment. The emphasis on the Mosaic law's authority and distance from the past indicates that the narrative is portraying a scene that demonstrates how the law is to be utilized by *all* of the Israelites. Joshua's building of the altar serves as a specific example of cultic legal compliance. This altar's construction is said to be in accordance with laws from the past, citing Deut 27's command to build an altar of unhewn stones untouched by iron tools which was based upon the earlier altar law of Exod 20:25 – commonly identified as one of the earliest passages in the Hebrew Bible.[182] This citation of known altar law places the inscription after this particular cultic law was known and implemented. The subsequent writing of the law on the stones, then, is not initially a means of transmitting content to the present audience of Israelites, but rather a means of applying that content by fulfilling the command of Deut 27. Enacting that command in the form of treaty conventions reinforces that this action is a re-commitment to the stipulations of the covenant, that which defines the community's identity and its relationship to its patron deity. The narrative imagines the present community as maintaining its identity into the unforeseen

[181] Judith H. Newman, *Praying by the Book: The Scripturalization of Prayer in Second Temple Judaism*, Early Judaism and Its Literature (Atlanta: Scholars Press, 1999), 12–13.

[182] William M. Schniedewind, "Scripturalization in Ancient Judah," in *Contextualizing Israel's Sacred Writings: Ancient Literacy, Orality, and Literary Production*, ed. Brian B. Schmidt (Atlanta: SBL Press, 2015), 317.

future, since it claims that the text will have ongoing efficaciousness for the future generations. The temporality of the text is expressed in terms of its addressees.

IV. The Oral-Written Text in its Material Inscription

Although it is not limited to its written copies, the book of the law in Josh 8 is a text that is remembered as written down in a material document. Imagining the book of the law as a physical artifact, and not solely an orally known body of law, elicits selected material characteristics of written documents. Writing down a "text" means that it has a visible and tactile incarnation that can have qualities such as size, shape, color, texture, orientation, endurance and wear through time, and more.[183] For those of us born into a world infiltrated by the printed word, it is easy to consider a written document's primary purpose to be that of preserving content – words, as we have just discussed, that may be read in the future by later members of the community. A written artifact certainly has the potential to serve as a point of access to a text, but when we look at the narratives in the Hebrew Bible that portray reading, usually only one person, the performing reader, is directly accessing the text from the material writing at a singular event. The rest of the audience is receiving it in an auditory manner in that moment. This tells us that even though the text is viewed as persisting to future generations, the inscription in Josh 8 is not solely written down to transmit a written copy to the future. It is a temporary inscription of the text which is created for and invoked during the event performance.

The fictive materiality ascribed to the copy of the law on unhewn altar stone highlights that the inscription serves an iconic role. Although it is written on stone – and is the only stone engraving of the law other than the Mosaic tablets – there is no mention of this inscription at any other point in the Hebrew Bible, nor does the narrative end with any indication of what happens

[183] Keane, "On Spirit Writing: Materialities of Language and the Religious Work of Transduction," 2.

to this object. This supports the point that the document artifact in this case is not significant because the object endures through time, even though this is a potential characteristic of a written document, but it is important because it visibly and physically manifests the law/Torah in the moment of ceremonial performance. The implementation of a written artifact to witness and ratify an agreement is well attested in ancient Near Eastern treaty practices. In this practice, the fact of creating the writing validates the agreement that is composed in the writing. Even if the writing is temporary, the agreement to the text is not.

Starting from the middle of the second millennium BCE, a range of ancient near eastern proceedings culminated in writing, from Hittite festivals to neo-Assyrian treaties. For the Hittites, as well as in Mari, Emar, and Ugarit, a written description of the procedure was created as an essential element of a festival.[184] In neo-Assyrian treaties, writing out the stipulations of the agreement served a purpose of sealing the lasting and binding value of those obligations and continually communicating the legal stipulations to the vassal state through delivery of the document to the vassal community.[185] For M. G. Kline, the idea that the classic international treaty-form of the "Mosaic age" was utilized to convey the Yahwistic covenant meant that related implications for a "canonicity" of a written covenant document were implicit in that treaty form. It would be anachronistic to call ancient texts "canonical," especially considering the fluidity within any given text that was copied over time and the oral element of a text in a passage such as Josh 8. However, passages like Josh 8:30-35 and 24 illustrate the inseparability of text and covenant.[186] Both Exod 34:27 and Josh 24:25 place the actions of writing and

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[184] I. Singer, *The Hittite KI.LAM Festival. Part One*, Wiesbaden, 1983, as discussed in Koopmans, *Joshua 24 as Poetic Narrative*, 280.

[185] Ibid., 281.

[186] M. G. Klein, *The Structure of Biblical Authority* (Grand Rapids, 1975), 27–34.

"cutting a covenant" in parallel to each other. Like ancient near eastern treaty documents, the writing of the law and the setting up of a witness stone reflect actions taken to ratify a legal ceremony.[187]

The iconic role of the inscription is the visible effect of the written words themselves; unlike a mezuzah or an enclosed amulet, this is public writing. Just as a copy of the VTE or a Sefire basalt stele would probably have been displayed publicly,[188] so Joshua's inscription is visible to the ceremony participants. Melissa Ramos' recent dissertation, *Spoken Word and Ritual Performance: The Oath and the Curse in Deuteronomy 27-28*, argues that the material document of a treaty or covenant not only functioned as a script for performance of the ratification ceremony, but even served as a ritual object that visually displayed the divine power behind the oath:

> The dramatic enactment of the curses of the covenant, the ritual oaths sworn, and the inscribing and sealing of the artifact would have imbued the inscription with the numinous power of the divine enforcer of the oath. The visual representation of the *adê* or *berit* thus served as an iconic representation of the sworn agreement."[189]

Not only is the writing in Joshua enacting the power behind the oath, but its description also indicates its relationship to the oral-written continuum.

Even though a copy may be written at a given moment, from the perspective of this pericope the Torah itself is not limited to a single material artifact. The frequent mentions of the law as an entity prior to and separate from the inscription illuminate the idea that it may exist in

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[187] Koopmans, *Joshua 24 as Poetic Narrative*, 298–299.

[188] Jacob Lauinger, "Some Preliminary Thoughts on the Tablet Collection in Building XVI from Tell Tayinat," *JCSMS* 6 (2011): 5–14; Jacob Lauinger, "The Neo-Assyrian Adê: Treaty, Oath, or Something Else?," *ZABR* 19 (2013): 99–116.

[189] Ramos, "Spoken Word and Ritual Performance: The Oath and the Curse in Deuteronomy 27-28," 53.

the memory and practice of an individual and a community first, and it is this existence that produces instances of writing, which in turn propagate the practice. Even before writing it down, Joshua knows the law to the point of obeying it in constructing the altar, and remembers it well enough on his own to record it. By placing the altar construction prior to the law inscription, Josh 8 interprets Deut 27 to mean that the law exists independently from its materially written copies.[190] Unlike the Josiah narrative, in which the community is depicted as in breach of the covenant, disassociated from its obligations just as it was disassociated from the book that conveyed those obligations, Josh 8:30-35 describes a community and a leader who know the law and are observing it, even before the inscribing of this particular copy of the law. Law observance is not dependent on this written artifact, but the fact of its creation confirms and continues that observance of specific Mosaic laws from Deuteronomy. Joshua 8:30-35's temporal portrayal of its document differs from that of 2 Kgs 22-23 and Neh 8, since it is not viewed as an object that has been materially preserved from the past to transmit authority and content to the present of the narrative. Rather, Joshua carries out a public writing of a *copy* (משנה) of the law of Moses. This is the only account in the Hebrew Bible in which someone other than Moses writes out the book of the law,[191] which appears to fulfill the command in Deut 27 that the people should write all the words of the law on stones once they have crossed the Jordan into the land (even though the writing is on altar stones and not on plastered stelae). Since a written artifact possesses an "inherent tension…between the idea of a book or enduring text on

[190] The sequence of events chosen by Josh 8:30-32 stands out because it clarifies the confusing, composite statements in Deut 27:3, 4 which insert commands to write the words of the law on plastered stones both before and after the command to build an altar of unhewn stones.

[191] See Exod 24:4 and Deut 31:9; they may have different referents in the Covenant Code and the Deuteronomistic law, but both state that Moses wrote. In Exod 31:18 the tablets of the covenant are written with the very finger of God, an authorship repeated in 32:16. After the golden calf crisis in which Moses breaks the tablets written by God, Moses is the one who re-inscribes them at God's command in Exod 34:27-28 – even though in 34:1 God says he himself will write on new tablets.

the one hand and the possibility of its disposal or destruction on the other,"[192] Josh 8 has resolved that tension by communicating that the text exists independently of its written incarnations.

While necessary realities of writing a large body of text are omitted from face value in this account (how long and how much space it would take to write down all the words of the law, what content would be included in the whole of the law, how he would physically inscribe upon the stone of an altar without a metal tool, etc.), its physical and social context is detailed. It is important to this narrative to point out that this act of writing takes place in the presence of the people (sons) of Israel (לפני בני ישראל). The Israelites' viewing of the writing witnesses to Joshua's compliance with Deut 27's order to write down the law, and allows them as the audience to know that the object signifying covenant commitment was produced by a legitimate transmitter of the law, Joshua. The document is therefore not disassociated from its origin nor its scribal hand, as those in the Josiah accounts or Neh 8 are. In the latter passages, there is the implication that the book of the law is consistent with the law of Moses, but no direct statement is made that the same object was made at Moses's hand. While Josh 24:26 states that Joshua wrote the words of his covenant in the apparently pre-existent book (*sēp̱her*) of the law of God, Josh 8:32 has Joshua inscribing a new document, upon the stones from which he has just constructed the altar. The fact that this is a stone inscription rather than a scroll manuscript reinforces that this is a new copy, created during the ceremony, not transported to the location nor previously existent. The stone may witness to the covenant during that event, but be left behind at that location without leaving the law itself behind. After witnessing the writing, the people are distributed on Mounts Gerizim and Ebal to each side of the ark, as Deut 27 commanded. This echo of the textualization of treaty stipulations, implemented elsewhere in the

[192] Watts, "Disposing of Non-Disposable Texts," 148.

ancient near east, shows that the locus of authority for the writing is not solely with the scribal hand of this later copy (although the writer here, Joshua, is portrayed as a legitimate heir to Mosaic leadership), but is primarily with the perceived Mosaic reception and recording of the law. Thus, *who* textualizes the covenant agreement for later copies of the law needs to be a leader from amongst those in the covenant community, but the validation of that particular document does not solely lay with the copyist. In addition, we learn that a document may be created for the purpose of what is presented as a one-time performative event.

What is more, writing the text down authorizes a specific version of the text. Even if a single "text" contains a relative fluidity over time, the book of the law for the community is conceived of as only one authoritative text. Kuipers and Keane point out that performing a reading entextualizes a specific oral version of the text,[193] but the writing of the text entextualizes a specific version of it as well. While there may be different instantiations of the book of the law, they are never portrayed as completely new, innovated books of the law. The appearance of continuity with the Mosaic past is essential to the validity of this text, even if the Mosaic scribal hand is not referenced. "That which Moses commanded" is depicted as a single body of law, a sole reference point for the covenant community's agreement with the deity. Scholars may speculate about separate Sinai and Shechem legal traditions, even separate covenantal traditions, but as the final form of the Hebrew Bible presents it, there is only one covenant between the populace and Yahweh. The promise to David is an agreement between the dynastic house and Yahweh, but it is not between the entire people and the deity, nor is it presented in an oath document. The centrality of a single text is a common characteristic with modern religious views of authoritative text, and often convinces communities like evangelical Christianity to read their

[193] Kuipers, *Power in Performance: The Creation of Textual Authority in Weyewa Ritual Speech*; Keane, "On Spirit Writing: Materialities of Language and the Religious Work of Transduction."

definition of a “Bible” back into these ceremonies of the Hebrew Bible. In this case, there is a continuity of identification of the book of the law as the same law that Moses received from God, but the orality rather than the writtenness is what provides this continuity.

Given the numinous and often magical perception of writing in the ancient near east, the writing of the covenant law is not only imitating neo-Assyrian treaty practices, but it is evoking the power that is implied via the treaty practice of ritually writing out the stipulations. If there was not believed to be a reflexive effect of the writing upon the people in that moment, there would not be a reason to publicly inscribe a text that the public could not read. Reading the document was only one way to wield the text’s power over the people. The ritual iconicity of Joshua’s inscribing of the copy of the law of Moses invokes visible confirmation of the covenant during the performance of the ceremony. This is what Deut 27 had instructed: “On the day that you cross over the Jordan into the land that the Lord your God is giving you, you shall set up large stones and cover them with plaster. You shall write on them all the words of this law when you have crossed over, to enter the land that the Lord your God is giving you, a land flowing with milk and honey, as the Lord, the God of your ancestors, promised you” (Deut 27:2–3). In addition, the fact that someone other than Moses may create a copy of the law may support scribal activities of textual recopying, setting them in a lineage following Joshua’s succession of Moses. A hierarchy is established between Moses and scribes who come after him, since he is the only one to write the first book of the covenant/law and to write the second set of tablets of the covenant that presumably are kept in the ark of the covenant in 1 Kgs 8:9, but here it is demonstrated that others may at least produce copies of some version of the law. The law of the king in Deut 17:18 also indicates that the king or his priests may write a copy of the law. Furthermore, Josh 8:30-35 appeals to Moses “the servant of the LORD” to validate the law’s

connection to the divine, and thus establishing continuity of identity for this body of law.

According to the Josh 8 account, the book of the law is a written text because the temporary iconic writing confirms the effectuality of the text, it provides a material means of ritually enacting the covenant and the text's authority within the community, it witnesses visibly to the everlasting oral text of the book of the law, and it authorizes a specific version of the text so that there is only one authoritative text of the covenant.

V. Public Reading: Oralization and Oath Ratification

Joshua 8's public reading also demonstrates the means by which the public connects with the content of the text. Since the entirety of the law is being read here, the entirety of the law's obligations are set as binding for all of the community members present at this event; in this moment, the reading is portrayed as creating commitment on the side of the people as the covenant's addressees. Although the passage does not explicitly state that Joshua *cut* a covenant during this ceremony, the double affirmation of the reading to the people demonstrates how important this complete reading to the complete people was to the significance of the ceremony: "And afterward he read all the words of the law, blessings and curses, according to all that is written in the book of the law. There was not a word of all that Moses commanded that Joshua did not read before all the assembly of Israel, and the women, and the little ones, and the resident aliens who resided among them" (Josh 8:34–35).

Joshua's reading of the law stands out since a reading is not commanded by Deut 27. In the Deut 27 scenario, once the words of the law are written, and a law-compliant altar is built and used to offer sacrifices, the tribes then receive curses and blessings[194] from the Levites – but the

[194] There are large curse sections in the VTE, Sefire I-III, and the treaty between Suppiluliuma I of Hatti and Shattiwaza of Mittanni; Hittite vassal treaties from the 14th and 13th centuries also have a series of blessings with the curses (Zehnder, "Building on Stone?," 2009, 516).

written words are not explicitly prescribed to be pronounced aloud. Deuteronomy 31:9-13 is the only passage in the Hebrew Bible that commands public reading from a document of the law. It is possible that curses and blessings are implied content for the writing on the stones in Deut 27, but if so this is an ambiguity that Josh 8:34 clarifies. The final form of Josh 8:30-35 makes it clear that the words read aloud from the copy Joshua has just written include, but are not limited to, the blessings and the curses. This statement at times is interpreted as a later interpolation since the same verse maintains two potentially incongruent clauses: "all the words of the law" and "blessings and curses."[195] This emphasis on the reading of the entirety of the law stipulations is further exhibited in 8:35, which reiterates: "There was not a word (דבר) of all that Moses commanded that Joshua did not read before the assembly of Israel." Such a statement is reminiscent of Deut 12:32: "You must diligently observe every word (דבר) that I command you; do not add to it or take anything from it."

To help illuminate the import of public reading, ancient near eastern parallels, again, exist in the ritual ratification of vassal treaties. A number of Hittite vassal treaties prescribe regular readings of their documents to their addressees: "Furthermore, this tablet which I have made for you, Alaksandu, shall be read out before you three times yearly, and you, Alaksandu, shall know it."[196] Such practice assigns a secondary purpose to the written stipulations: they are not only ratifying the agreement, but providing a source to regularly convey the obligations to other persons not present at the first reading, at future re-presentations to future generations. The audience is therefore maximized, and the effect of the treaty extended, through scheduled public

[195] Kuenen, "Bijdragen Tot de Critiek van Pentateuch En Jozua: V. De Godsdienstige Vergadering by Ebal En Gerizim (Deut. XI: 29, 30; XXVII; Joz. VIII:30-35)," 300–330.

[196] Treaty between Muwattalli II of Hatti and Alaksandu of Wilusa, as quoted in Zehnder, "Building on Stone?," 2009, 526.

re-readings. Once monarchic times are narrated, as in 2 Kgs 23, it seems that the composers desired to portray the physical book of the law as ancient rather than newly written, so the reading of the document was a way to bring its force into the present moment. Exodus 24:3-8 and Josh 8:30-35 are the only reading ceremonies to include both writing of the law and reading it aloud, suggesting that only Moses and Joshua are to be viewed as materially recording the law – and even then, Joshua only writes a copy of the law which Moses had previously written (8:32, as in Deut 17:18) or writes into a book that already existed (24:26).

Joshua, as the reader, possesses a power that the people themselves do not have; the power to oralize and therefore control the content presented in the reading. In the reading event, Joshua transforms (transducts) the written oath into an oral pronouncement, enacting divine power to summon a specific audience. If a written composition itself may "summon a public into being," so much more may a public reading event call a particular people into being.[197] Moreover, since "reading" in the ancient world often included exposition of the text itself, it provides an opportunity to hear both the written words and their explanation. As discussed in chapter two, the verb translated "to read" (קרא) can more broadly refer to pronouncing something aloud, leaving room for it to indicate oral exposition rather than a reading limited to the exact words inscribed on the stone.[198] The emphasis in Josh 8 that Joshua read aloud every single "word" or matter that was written in the book of the law to the entirety of the Israelite public reminds us of the narrative's desire to portray both the reading and the audience as comprehensive in nature. In a world with much lower literacy rates than modern times, public reading was the way non-scribes could access a text. As M. C. A. MacDonald says, for non-

[197] Corey Robin, "How Intellectuals Create a Public," in *The Chronicle Review*, 2016, http://chronicle.com/article/How-Intellectuals-Create-a/234984.

[198] Boyarin, "Placing Reading: Ancient Israel and Medieval Europe," 12–16.

literates, their "daily lives were only touched by reading and writing when they were in contact with the authorities."[199] Indeed, reading aloud to other people was the norm for ancient readers; however, this public reading is not mere passing along of written content. Since Deut 31:12 explains that such a public reading's purpose was to pass along understanding that *produces* commitment to the covenant law. In other words, the reading is summoning a people unified through covenant commitment.

Since the final form of the passage describes the creation of the inscription before the reading out of the words of the law, it conveys that the pronouncement of the words is at least symbolically guided by the written words. The content of the inscription in this scene cannot have changed between the time that Joshua wrote it down and the time he reads it; this knowledge provides a stability to the text in the eyes of the audience, that the writing contains what Joshua chose to put down in that specific moment. As much as content is literally set in stone here, we must also recognize that pronouncing a text aloud in the ancient world allowed for expansive interpretation by the speaker; indeed, a largely non-literate public would not have been able to verify that the words spoken aloud were identical to those letters inscribed on the stones. Reading it publicly does give the impression of guidance by the written words, even if not word-for-word, while actively performing some version of them to the people in that moment. Given the likely ignorance of the majority of the people regarding the content of the writing, especially the lower classes of immigrants, women, and children, what is portrayed appears to be a live, ceremonial creation of an iconic written text, whose material presence serves the purpose of both fulfilling the law of Deut 27 and catalyzing the law's continued application through the public

[199] MacDonald, "Literacy in an Oral Environment," 50.

performance of its semantic function. The potential disassociation between any literal content of a document and the document's physical use is consistent with the use of law codes in the ancient near east: "Contrary to modern conceptions of law,…study of ancient Near Eastern law codes and legal procedures has shown that law codes were not cited as authoritative guides to legal practice…Though the idea of law functioned as a pervasive social ideal whose normative claims should govern people's behavior, written collections of laws did not function as especially authoritative guides for such behavior."[200] The fact that a written law code may not serve to directly enforce specific laws suggests that its purpose has a primarily iconic role in the social context. However, in contrast to Watts' argument that the authoritative texts in the reading ceremonies of the Hebrew Bible had significance mainly because ritual acts were produced by their display and reading,[201] I would argue that these rituals were notable because the ceremony as a whole serves to unite and define the boundaries of the community involved. Repeated statements that every word of Moses's commands was read aloud demonstrate that the people are obliged to observe the entirety of the law, with the writing encapsulating that obligation.

The written law is read aloud in Josh 8:30-35 in order to effect ratification of the covenant oath via transduction, transforming the written to an oral mode. This rendering in oral presentation allows the possibility for the reader to expand upon the written words, giving a majority non-literate audience access to the covenant obligations and their material witness. Through the event of the reading, the people of Israel is called into being as a united public.

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[200] Watts, "Ritual Legitimacy and Scriptural Authority," 403.

[201] Ibid., 408.

Conclusions:

Joshua 8:30-35 depicts a scenario in which language exhibits reflexive qualities, simultaneously reflecting the social context and forming it. The heterogeneous people group gathered at Shechem is portrayed as being unified through kinship ideology. The lists of leaders and sub-groups of the populace suggest the people's ability to adapt to the urban society of the monarchic period, even though the scene is set in a tribal setting. These same lists function as the addressees of the book of the law, which serves to form them into the kinship group of Israel. This book is portrayed as complete and effectual in conveying the covenant's obligations to the populace. Although its contents are not specified, it is defined as the law of Moses, giving it a continuity of identification from the past into the future. The fact that the text is viewed as addressing future generations of the people of Israel demonstrates that the text possesses everlasting authority that does not diminish with time. The scene depicts the reuse and potentially even the reinterpretation of that text over time. Moreover, the pictured text is one that exists independent of written copies. Written copies may witness to the everlasting oral text of the authoritative Mosaic law and serve as iconic writing. Reading the writing aloud brings divine power to the obligations that bind the people into a unity. The unifying force of the reading not only unifies those present in the imagined scene, but reading also represents a means for future generations to access the same covenant identity that bound their forefathers. Joshua 8:30-35 presents an exilic Deuteronomistic vision of an Israel that includes north and south, citizen and immigrant, women and men, and present and future generations.

CHAPTER FOUR

2 Kings 22-23 and the Prophetic Text

"Then the king directed that all the elders of Judah and Jerusalem should be gathered to him. The king went up to the house of the Lord, and with him went all the people of Judah, all the inhabitants of Jerusalem, the priests, the prophets, and all the people, both small and great; he read in their hearing all the words of the book of the covenant that had been found in the house of the Lord. The king stood by the pillar and made a covenant before the Lord, to follow the Lord, keeping his commandments, his decrees, and his statutes, with all his heart and all his soul, to perform the words of this covenant that were written in this book. All the people joined in the covenant."
(2 Kings 23:1–3 NRSV)

Introduction

The Josiah narrative in 2 Kgs 22-23 famously represents a forerunner to the development of Second Temple Judaism's book-based religion.[202] This chapter analyzes the characterization of the people and of the text in 2 Kgs 22-23. In doing so, it follows the same structure as the previous chapter, while exploring those elements of the literary setting that distinguish the Kings narrative from the Josh 8 reading ceremony. Most importantly, the geo-political setting in the southern kingdom of Judah provides a delimited context in which to examine the subgroups of the narrative participants. Within the Judah-centric setting, King Josiah is the most prominent of the characters, overseeing the actions of the majority of the other characters; examination of his role establishes ample evidence for the monarchy-focused ideological perspective of the book of Kings. Josiah's depicted relationship to the discovered text therefore proves particularly important for understanding the narrative's perspective on the text. Within the social framework

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[202] "The narrative of 2 Kings 22-23 stands at the intersection of various streams of tradition in ancient Israel regarding the value of written documents. A diachronic analysis of the story's composition and the book's implied contents reveals a burgeoning appreciation for the 'Book' in Israelite religion, constituting the foundation stone for what in due course would emerge as the 'religion of the Book'" (Jonathan Ben-Dov, "Writing as Oracle and as Law: New Contexts for the Book-Find of King Josiah," *JBL* 127, no. 2 (2008): 224).

of the account, the second half of the chapter poses questions regarding the who, what, when, and how of the authoritative text portrayed in the account. Unique amongst biblical depictions of the "book" of the law, the narrative authorizes the text through the prophetic validation provided by Huldah, rather than any appeal to Mosaic authorship. Through this analysis, the ideological purpose of the text of the law/covenant in the narrative emerges as supporting the Judahite regime.

The narrative in 2 Kgs 22-23 demonstrates how a community may attribute a geo-politically limited purview to an authoritative text, in contrast to the emphasis upon uniting a heterogeneous, inclusive community in Josh 8:30-35. While the Joshua reading ceremony certainly invoked the written law in order to draw the boundaries of the Israelite community, 2 Kings draws the limits of the text's audience in an even tighter circle. The document portrayed in 2 Kgs 22-23 is particularized, claiming traditions from the community's past for the here-and-now of the residents of the kingdom of Judah. In the convention of most biblical scholars, this study calls the inhabitants of pre-exilic Judah "Judahites."[203] As exhibited by the usage of the text of the covenant, the Davidic dynasty and their kingdom are depicted as the true heirs to the covenant of Moses. Although a text has the potential to unify and include as it does for the people in Josh 8, in 2 Kgs 22-23 its ability to delimit and narrow the people of Yahweh arises. There is a lack of kinship terminology such as "sons of Israel" in collective references to the people, illustrating how the past Israelite traditions adapt to a geo-political landscape that no longer stems from kinship ideology, but rather upon the continuity of Davidic political leadership. Such particularization exhibits some qualities of pre-exilic prophetic practice and assumptions, wherein a prophet like Huldah speaks to the present time with imminent relevance.

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[203] For a critique of this terminology, see William M. Schniedewind, *A Social History of Hebrew: Its Origins Through the Rabbinic Period* (New Haven: Yale University Press, 2013), 7–8.

This factor of exclusion and limitation is highlighted by the contrast between the Josiah account in Kings and its counterpart in 2 Chr 34-35. Chronicles has a relatively inclusive Persian period point of view, apparent in its extension of "all Israel" to the northern tribes.[204] Chronicles' Persian period perspective contrasts to the exclusive Persian period definition of Israel presented in Ezra-Nehemiah. Both Kings and Chronicles are very aware of where they draw the community's boundary lines as they imagine the role of the authoritative text in their narrated societies. This chapter compares and contrasts the respective ideologies present in 2 Kgs 22-23 and 2 Chr 34-35 as it explores the characterization of the people and of the document in the narratives. However, it focuses upon the ideology of authoritative text within the final form of the 2 Kings account, since that account emerges from earlier pre-exilic traditions.

Part A: Characterizing a Particularized People in 2 Kings 22-23

"The king went up to the house of the Lord, and with him went all the people of Judah, all the inhabitants of Jerusalem, the priests, the prophets, and all the people, both small and great; he read in their hearing all the words of the book of the covenant that had been found in the house of the Lord." (2 Kings 23:2)

I. The Land and the People: Location at the Jerusalem Temple and the Judahite People

While Josh 8:30-35 specifically sets its events at Shechem, the final form of 2 Kgs 22-23 places its narrative in seventh century Jerusalem and Judah. Interpreting the accounts of Kings in light of historical critical considerations illimunates how the narratives depict a version of Jerusalem and Judah that roughly corresponds to the time period claimed by the accounts. Archeological evidence helps to paint a general picture of the events in Jerusalem and Judah during the late seventh century, even though it is still difficult to precisely distinguish in the

[204] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 28.

archaeological remains between the reigns of Manasseh and Josiah.[205] In particular, it is evident that a cultic reform was a possibility, that the portrayal of the king's temple management is consistent with other ancient Near Eastern kings of the period, and that the physical depiction of the city of Jerusalem is an identifiably pre-exilic version of the city. Moreover, historical critical scholarship highlights how the redactors were continually concerned with social issues in the imagined community, including adapting the royal ideology for the exilic period. Expanding upon the historiographical perspective of the account thus will facilitate accurate analysis of the people's characterization.

A. Constructed Chronology in Kings

2 Kings 22-23 appears in the broader context of the books of Kings' history of the kingdom of Judah up through its fall to the Babylonian Empire. Unlike Joshua, the books of Kings do have some corroboration from external sources like Sennacharib's annals. However, Josiah's reign is not one that is supported by any extra-biblical literature. Although there are no primary sources other than the Hebrew Bible that mention Josiah or his events of reign specifically,[206] other dated points in Kings such as the interaction of Hezekiah with Sennacherib indicate that Josiah's reform would have taken place in 622 BCE.[207] Even if one does not support the idea that his reform took place as it is recorded,[208] it is obvious that such an account would

[205] Mario Liverani, *Oltre La Bibbia* (Rome: Laterza, 2007), 6.

[206] Ibid., 9.

[207] The annals of Sennacherib narrate a neo-Assyrian version of his conflict with Hezekiah in 701 BCE, which the Hebrew Bible tells from a Judahite perspective in 2 Kgs 18-20. Due to such points of reference, scholars have been able to precisely date events in eighth and seventh century Judah.

[208] Stordalen reminds us that "no contemporary primary sources testify unequivocally to the reform" ("Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," in *Imagining the Other, and Constructing Israelite Identity in the Early Second Temple Period* (London: Bloomsbury, 2014), 183).

not have been composed or transmitted until after that date.[209] Within forty years of Josiah's rule, three waves of Babylonian deportations would decimate the elite population of Judah. The final story of the book of Kings is the release of King Jehoiachin in 560 or 562 BCE (an event also corroborated in neo-Babylonian sources), which gives a clear *terminus post quem* for the book in its Masoretic form.[210] Within the chronology constructed by the book, there is thus a sixty year window between the purported date of the reform and the release of King Jehoiachin. Rainer Albertz points out that none of the significant Persian-period events are reflected in the Masoretic version of Kings, nor any acknowledgement that the exile would end and that Babylon would fall to Persia.[211] Given this limited pre-exilic purview for the larger work of Samuel-Kings, the archaeology of the late seventh century and early six century further supports the pre-exilic setting of the Josiah narrative in Kings.

B. Narratival Setting in Light of Archaeological Evidence: The Reform Possibility

Previous scholarship of the Josiah narrative has focused on historical critical questions, especially the historicity of the reform.[212] While this study is not concerned with proving the

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[209] The archaeology suggests that Josiah could have moved as far north as Bethel in extending his territory, but it is hard to tell if he could have gone further into Samaria; they were boxed in by Egyptians to the east and north. This limits the veracity of 2 Kgs 23:19: "Josiah removed all the shrines of the high places that were in the towns of Samaria, which kings of Israel had made" (Nadav Na'aman, "Josiah and the Kingdom of Judah," in *Good Kings and Bad Kings*, ed. Lester Grabbe (London: T & T Clark International, 2005), 230–231).

[210] The manuscript evidence demonstrates that the form of this book was in flux up until the Hellenistic period (Thomas Römer, "The Case of the Book of Kings," in *Deuteronomy-Kings as Emerging Authoritative Books: A Conversation*, ed. Diana V. Edelman, 187–201 (Atlanta: Society of Biblical Literature, 2014)).

[211] "[The DtrH] most likely preceded Cyrus' conquest of Lydia in 547-546 BCE. Only two passages in the DtrH move beyond this date: Deut. 4:25-32 and 30:1-10. Both are part of a hopeful frame around Deuteronomy and thus a part of a deliberate redaction of DtrH. This means that the account of the Josianic reform was only 50-75 years after the event." For Albertz, the Josianic reform doesn't fit DtrH's ideology since it would have averted the captivity, so it has to invent a horrible apostasy under Manasseh to account for the exile ("Why a Reform Like Josiah's Must Have Happened," in *Good Kings and Bad Kings*, ed. Lester Grabbe (London: T & T Clark International, 2005), 11).

[212] For a thorough examination of the Kings reform report in light of archaeological evidence, see William G. Dever, "The Silence of the Text: An Archaeological Commentary on 2 Kings 23," in *Scripture and Other Artifacts: Essays*

historicity of the events, it may benefit from learning what trends of change in the material culture can demonstrate regarding the narrative's interpretation of historical events. The archaeological evidence is not sufficient to prove without a doubt that the events of Josiah's reported reign occurred as described, but it also does not entirely disprove them. In Lowell K. Handy's summary, "To date there is nothing which as been excavated from Syria-Palestine which can be taken as evidence for Josiah's reform without dubious scholarly gymnastics pirouetting precariously on the balance beam of Josiah's reform precisely as presented in 2 Kings."[213] Nevertheless, the reform remains a possibility; there was apparent removal of Assyrian cult objects from the Jerusalem temple,[214] and scholars have observed a trend towards less figurative iconographic representations of deity in the late seventh and eighth centuries along with increased focus upon the deity Yahweh.[215] These observations are not limited to the reign of Josiah, but may indicate a longer-term movement in Judah that the reform report may narratively represent.[216] This tells us that there is a basic thematic correspondence between the reform depicted in the narrative and what material culture reveals about pre-exilic cultic practices.[217] The assertion that "Josiah removed all the shrines of the high places that were in the

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on the Bible and Archaeology in Honor of Philip J. King, ed. Michael D. Coogan, J. Cheryl Exum, and Lawrence E. Stager (Louisville: Westminster John Knox, 1994), 143–68.

[213] Lowell K. Handy, "Historical Probability and the Narrative of Josiah's Reform in 2 Kings," in *The Pitcher Is Broken: Memorial Essays for Goesta W. Ahlstroem*, ed. Steven W. Holloway and Lowell K. Handy (Sheffield: Sheffield Academic Press, 1995), 261.

[214] Stordalen, "Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 183.

[215] Christoph Uehlinger, "Was There a Cult Reform Under King Josiah? The Case for a Well-Grounded Minimum," in *Good Kings and Bad Kings*, ed. Lester L. Grabbe (London: T & T Clark International, 2005), 278–316.

[216] Stordalen contends that this longer trend bears archaeological evidence of cultic purification rather than cult centralization ("Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 200).

[217] Stordalen argues that Persian period returnees to the land would have encountered the kind of religion being practiced in the land that Josiah was supposed to have eliminated. This similarity cannot prove that these religions

towns of Samaria" (2 Kgs 23:19) is not supported by archaeological evidence in the region of Samaria, and the claim that Josiah destroyed the altar at Bethel is tenuous.[218] There is thus a material basis for aspects of the narrated report, but it exaggerates the extent of the reform and territorial annexation in order to aggrandize Judahite political success.[219] Like seemingly all other royal-sponsored literature in the ancient Near East, this book geared towards recounting a pro-Judahite history leverage political strategy in order to promote Judahite royal power. It is logical to consider that a monarchy in Judah would maintain annals in favor of their own kings, so pre-exilic accounts of the monarchy are not unlikely.[220] The extent of discrepancies between the narrative and material evidence are thus accounted for through the narrative's ideological orientation.

C. Relatively Dating the Josiah Narratives: Hints from Redaction Scholarship

The redaction history of the Josiah narrative in Kings illustrates the redactors' ongoing concerns with the formation of the Israelite community by its historico-political circumstances. Linguistically, one cannot prove absolutely when 2 Kgs 22-23 came to its current form; linguistic characteristics are primarily Standard Biblical Hebrew, which suggest pre-exilic

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were not being practiced in the pre-exilic period, especially since the archaeology permits it, and simply demonstrates a point of connection that allows the text to be relevant within a variety of time periods (Ibid., 187).

[218] Finkelstein argues that Bethel was for the most part destroyed at the end of the 8th c. BCE, and therefore uninhabited by Josiah's time. This calls into question the historicity of 2 Kgs 23:15: "Moreover, the altar at Bethel, the high place erected by Jeroboam son of Nebat, who caused Israel to sin—he pulled down that altar along with the high place. He burned the high place, crushing it to dust; he also burned the sacred pole" ("Reevaluating Bethel," *ZDPV* 125, no. 1 (2009): 33–48).

[219] *Liverani, Oltre La Bibbia*, 10.

[220] "Neither is it permissible to take as a fact that any part or rendition of the current narrative in 2 Kings came from the reign of Josiah. No matter how many 'Dtrs' one wishes to posit, it remains a fact that the current book of Kings ends with an event well after the reign of Josiah. All attempts to find an earlier edition of the work are based on an insupportable thesis that there were earlier editions of this particular text and that the final authors/editors did not substantially modify the manuscripts they were, in fact, consciously modifying" (Handy, "Historical Probability and the Narrative of Josiah's Reform in 2 Kings," 256).

traditions.[221] It is likely that 2 Kgs 22-23 started from a pre-exilic tradition, recorded shortly after Josiah's reign, with one major revision that adapted it to the exile.[222] This school of thought is represented by Cross, following Noth, who posits a pre-exilic edition of Josiah's account as part of a documentation of reform and revival of Davidic times, followed by an exilic updating of these records after Josiah's death.[223] Scholars also debate how much of the narrative was from a Deuteronomistic redactor, some limiting a redactor's work to the framework in 22:2 and 23:24-27, others concluding that the entire story is Deuteronomistic except for 23:8a.[224] There is a school of thought that argues for a later composition of a larger portion of the material in Kings.[225] Nevertheless, in this camp even Thomas Römer does not deny that elements of the final accounts derive from earlier periods, although he emphasizes the lack of fixity in the Kings

[221] Rezetko concluded that it is difficult to distinguish chronologically between the language in Samuel-Kings and Chronicles on a lexicographical basis, although grammatical features may reveal more differences. He brings into question the frequent assumption that Chronicles should be considered a benchmarch of Late Biblical Hebrew ("Dating Biblical Hebrew: Evidence from Samuel-Kings and Chronicles," in *Biblical Hebrew: Studies in Chronology and Typology* (London: T & T Clark, 2003), 249). For a strong critique of Rezetko and his methods, see Avi Hurvitz, "The 'Linguistic Dating of Biblical Texts': Comments on Methodological Guidelines and Philological Procedures," in *Diachrony in Biblical Hebrew*, ed. Cynthia Miller-Naudé and Ziony Zevit (Winona Lake, IN: Eisenbrauns, 2012), 265–80.

[222] Norbert Lohfink argued the maximalist position, which attributed these stories to the authors of the family of Shaphan who were eyewitnesses and wrote the stories in Babylonia after they were exiled in 597 (as discussed in Nadav Na'aman, "The 'Discovered Book' and the Legitimation of Josiah's Reform," *JBL* 130, no. 1 (2011): 55).

[223] See Frank Moore Cross, *Canaanite Myth and Hebrew Epic; Essays in the History of the Religion of Israel* (Cambridge, Mass: Harvard University Press, 1973). See Ben-Dov and Knoppers for further argumentation of this position.

[224] The primary Dtr "phraseology" in question is 22:2, 22:16-20, 23:1-3, 23:21-23, 23:4-14, 23:15-20, 23:24-27 (Ben-Dov, "Writing as Oracle and as Law," 229–230).

[225] Römer has argued for later composition of more of the material by emphasizing that Persian period Jews would have taken any northern references as alluding to Samaria and its competing sanctuary, and any ideology seeking to separate Judahites from other social groups would agree with Persian period Judaism's need "to construct the identity of nascent Judaism through segregation." He also contends that the Chronicler used an earlier tradition than that represented in Kings ("The Case of the Book of Kings," 187, 193).

account until at least the Hasmonean period.[226] However, I will argue that the narrative itself presents convincing enough thematic material to demonstrate pre-exilic and exilic perspectives in the majority of the Masoretic version of 2 Kgs 22-23 that is pertinent to this study.[227] The pre-exilic points of view are primarily demonstrated in the description of Jerusalem and the role of the monarchy in the narrative, and Huldah's oracle presents pre-exilic and exilic voices alternating with one another.

The account portrays a pre-exilic vision of the city of Jerusalem, in which the city is the major political and cultic center for Judah. This creates the Zion which pre-exilic literature imagined as the protected and favored home of Yahweh.[228] The expression "Judah and Jerusalem" (2 Kgs 23:1) commonly refers to the southern kingdom in late pre-exilic literature. It reminds readers that after Sennacherib retreated from Judah in the late eighth century, Jerusalem was the most populated, most influential portion of Judah, celebrated for its defense against the Assyrians.[229] Moreover, within the city of Jerusalem, 2 Kgs 22:14 describes that Huldah, the prophetess who authenticates the text of the law, lives in the *mishneh* or Second Quarter of the

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[226] "Even if most of the narrative material in Kings predates the construction of the Gerizim sanctuary, there is no doubt that 1 Kgs 12 and other condemnations of the northern cult are meant in the context of a Judean audience in the Persian period to allude to the competing sanctuary in the province of Samaria" (Ibid., 188).

[227] Stordalen asserts that the report of Josiah's reform began developing long before the completion of the DtrH; the DtrH had several versions between the release of King Jehoiachin and the early Persian period ("Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 24, 187, 96; Philip R. Davies, "Josiah and the Law Book," in *Good Kings and Bad Kings*, ed. Lester L. Grabbe (London: T & T Clark International, 2005), 65–77). Deut 17:14-15 refers to a foreign king ruling over Israel, which was not true while Judah had a monarchy but was true in the Persian period; Deut 28:36 has the king go into exile; for Davies, there is no compelling reason to put Deut in Josiah's time, based on D's contents: "Deuteronomy fits the context of an immigrant population, based around a temple, in conflict with some of the indigenous population as well as with Samaria, and encouraged to live and exercise their control by means of a written law" (13-14).

[228] For pre-exilic examples of this so-called "Zion Theology" see Ps 89, 124; on the other hand, self-claimed exilic literature like Ezek and Ps 137 that grapple openly with the loss of the sovereign land, the temple as God's home, and the anointed monarchy.

[229] Mordechai Cogan and Hayim Tadmor, *II Kings: A New Translation with Introduction and Commentary*, The Anchor Bible (New York: Doubleday & Co, 1988), 285.

city.[230] This quarter of the city was located on the Western Hill of Jerusalem, an area developed through city growth in the late monarchy, but not occupied during the exilic and Persian periods.[231] In addition to portraying the land and the city as pre-exilic, the description of the temple in Kings reflects the pre-exilic temple and its administration.[232] 2 Chronicles 34-35 presents a point of contrast since it shapes its own historiography by maintaining the basic elements of pre-exilic setting for its retelling, while inserting Persian period leadership in the form of Levites throughout the narrative, including swapping Levites in for the prophets listed as attendees at the reading ceremony.[233] These differences highlight the fact that 2 Kgs 22-23 does not purpose to depict a Persian period Jerusalem, even if post-exilic redaction occurred. Chronicles also has a tendency to exaggerate geographical areas affected by events, which will become apparent through examination of its lists of community participants.

Pre-exilic material tends towards a more critical view of the Davidic line than later literature, even though the books of Samuel and Kings focus upon reporting the history Israelite and Judahite monarchies. The Davidic dynasty disappears in Israelite literature following Zerubbabel, and the king does not play a central role in community leadership following the Babylonian destruction of Jerusalem and its temple. Even though Zerubbabel plays a part in the building of the Second Temple, the accounts do not depict him as having the power that a king at the apex of the ruling hierarchy would: he is always in partnership with the Levites and other

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[230] Na'aman finds it unlikely that an exilic or post-exilic author would set Huldah in this section of the city, since it was destroyed in 587/6 and deserted until resettlement in the second century BCE ("Josiah and the Kingdom of Judah," 57).

[231] Ben-Dov, "Writing as Oracle and as Law," 230; N. Avigad, *The Upper City of Jerusalem* (Jerusalem: Shikmona, 1980), 54–60.

[232] Stordalen, "Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 190.

[233] 2 Chr 35:1 reflects a Passover celebration that was overseen by the bet-abot, a "representative" group of family leaders unknown in Israel before the exile (Stordalen, "Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 194).

leadership like Nehemiah. One might further reason that Chronicles looks to idealize the "good" Davidic monarchs (see, for example, its justification of Josiah's death, or its recounting of Solomon's behavior), whereas Kings does not. Instead, it concentrates upon demonstrating the kings' dependence upon the will of God over all.[234] 2 Kings 22-23 sets King Josiah as overseeing the Temple, managing verification and application of the text of the law, conducting cultic reform, and leading the military of Judah, all while permitting him an anticlimactic death. King Josiah is a king whose involvement with the temple and cultic practices are common within ancient Near Eastern monarchies. Other kings in the ancient Near East also participate in management of temple activities, testified to by temple foundation inscriptions that recount the king's involvement in temple building and repair.[235] Moreover, in pre-exilic literature the king is an essential element of the divine covenant with the Judahite people. Marvin A. Sweeney emphasizes how Josiah becomes a key figure representing Yahweh's covenant to elevate the Davidic line.[236] Terje Stordalen, although he dates the redaction of Kings later than Sweeney does, agrees that Josiah "firmly associated with the emergence of true Yahwism in the Late Iron Age" by the Persian period, to the point that the Chronicler had to recount his reform and Passover, even though he preferred Hezekiah as the central reformer.[237]

Huldah's part in the narrative additionally points towards a redactional interest in formulating royal ideology to adapt a pre-exilic tradition to exilic living. The content of her

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[234] For development of this argument, see Troy D. Cudworth, "Yahweh's Promise to David in the Books of Kings," *VT*, no. 65 (2016): 194–216.

[235] Handy, "Historical Probability and the Narrative of Josiah's Reform in 2 Kings," 263–266.

[236] Marvin A. Sweeney, *King Josiah of Judah: The Lost Messiah of Israel* (Oxford: Oxford University Press, 2001), 19.

[237] Stordalen, "Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 183.

oracle presents difficulty in that she predicts a peaceful death for Josiah (22:19-20) that appears to conflict with his battle death at Pharaoh Neco's hands described at the end of the account (23:29).[238] However, this seeming ignorance regarding a pre-exilic event is belied by her ominous prediction of what appears to be the Babylonian conquest:

> Thus says the Lord, *I will indeed bring disaster on this place and on its inhabitants*—all the words of the document that the king of Judah has read. Because they have abandoned me and have made offerings to other gods, so that they have provoked me to anger with all the work of their hands, *therefore my wrath will be kindled against this place, and it will not be quenched.*" (2 Kgs 22:16–17)

Thus Huldah's oracle seems geared both towards maintaining a righteous depiction of King Josiah while also explaining the Babylonian destruction and exile as God's punishment of non-observant Judah.[239] Scholars have proposed a variety of solutions for the seeming incongruity between Huldah's prediction of Josiah's death and the actual death account.[240] Some have argued that the two are not actually incongruous,[241] and some have taken the difference as proof of a

[238] For Sweeney, Huldah's statement would not have been part of an exilic redactional updating of an original Josianic narrative designed to account for the failure of Josiah's reign in relation to the Babylonian exile, but must have been written prior to Josiah's death – but this is at tension with the oracle prediction that Josiah cannot reverse Yahweh's punishment of Judah; this tension could mean that the oracle has been extensively reworked for its present role (*King Josiah of Judah: The Lost Messiah of Israel*, 46–47).

[239] Halpern and Vanderhooft track the formulae for each reign in Kings, which demonstrate notable changes at the accounts of Hezekiah and Josiah. They interpret this as evidence for Hezekian and Josianic editions of the Deuteronomistic History. Within their study they also posit that Huldah's prophecy originates in a Josianic edition of Kings ("The Editions of Kings in the 7th-6th Centuries B.C.E.," *HUCA* 62 (1991): 179–224.).

[240] Deut 18:21-22 means she should be a "false" prophet since Josiah was killed instead of dying peace, although he is spared the spectacle of Jerusalem's destruction; Jehoiakim is deprived of burial, unlike Josiah (Thomas Römer, "From Prophet to Scribe: Jeremiah, Huldah and the Invention of the Book," in *Writing the Bible: Scribes, Scribalism and Script*, ed. Philip R. Davies and Thomas Römer (Cambridge: Acumen, 2013), 93).

[241] Cross-inspired scholarship attempts to date the original edition of DtrH to the reform of Josiah, to boost his reform and portray him as the new David, with the 'ancient' laws of Moses returned to their rightful place in the nation – this assumes Noth's thesis that Deut, Josh, Judg, Sam, and Kgs were composed at the same time with the intention of being a single historical narrative with internal cohesion (Handy, "Historical Probability and the Narrative of Josiah's Reform in 2 Kings," 257).

Josianic edition of the narrative.[242] Since the Kings account does not find this tension to be a problem, "the later editors of this material clearly accepted her judgment on their history and, by extension, on the book itself."[243] Without understanding the redactors' motivations, however, it is likely that a pre-exilic and an exilic version of this account produced the final Kings version. Chronicles reframes Josiah's death to agree more with Huldah's oracle.[244] Chronicles' shaping of the narrative shows us that 2 Kgs 22-23 had the potential in its final form to be interpreted for Persian or later contexts, but it is composed and redacted with pre-exilic and exilic concerns in its overt purview. Exilic readers would certainly take the Huldah oracle as explaining the destruction of Jerusalem, even if her personage is characterized as a pre-exilic prophetess. The focus upon her prophetic authority also appears to take the place later occupied by Mosaic authority, a point I will explore when I analyze the characterization of the book of the law in this chapter.

D. Pro-southern, Pro-Davidic Perspective of the Books of Kings

In light of comparative evidence, there is no doubt that 2 Kgs 22-23 presents a pre-exilic, pro-Judahite point of view, presumably to an audience of southern origin. Any adaptation to an exilic point of view does not change the purported setting of the account. Those exilic communities in which continued editing of the narrative would have taken place would have been of Judahite extraction; this explains their interest in maintaining a history of the southern kingdom, as well as their interest in making it accessible to those now in exilic diaspora. As

[242] Ibid., 258.

[243] Claudia V. Camp, "Female Voice, Written Word: Women and Authority in Hebrew Scripture," in *Embodied Love: Sensuality and Relationship as Feminist Values* (San Francisco: Harper & Row, 1987), 100.

[244] Chronicles seems to find Huldah's oracle to be an inaccurate prophecy with regards to Josiah's death, so it describes Josiah's violent death in a more detailed manner, and concludes that he died off of the battlefield, and was buried in the tomb of his fathers, even though he had not listened to the words of God through Neco (Hamori, "The Prophet and the Necromancer," 841–842).

descendants of a Davidic-ruled kingdom, preserving and adapting their history would create a continuity of identity in the midst of the cognitive dissonance caused by the loss of the divinely-appointed monarchy, the sovereign land, and the temple that all belonged to the Yahwistic promise to the Davidic line. While other exilic literature like Ezekiel, Lamentations, and Ps 137 would explicitly wrestle with the loss of the central elements of Judahite identity, the books of Kings' project would work to establish continuity with their immediate past while seeking to explain the destruction of the exile through late monarchic disobedience of covenant law. Thus the consistent portrayal of the setting as pre-exilic, with some adaptation by an exilic hand, coordinates logically with the purpose of Kings as an exilic-edited work.

II. Collective terminology in 2 Kings 22-23: A Geo-political Focus on the Kingdom of Judah

The depicted pre-exilic setting of the 2 Kgs 22-23 narrative sets the scene for the collective terminology employed. In contrast to the inclusivity of Josh 8's northern reading ceremony, 2 Kgs 22-23 imagines a community whose boundaries are clearly delimited. The people in this account are restricted by geographical residence in Judah and Jerusalem, as is evident in the collective terminology: "all of Judah" (22:13); "every man of Judah and all the inhabitants of Jerusalem" (23:2). Even if a term like "man of Judah" (איש יהודה) implies a military category as some have suggested, the geo-political definition of the community is established as all of Judah's residents.[245] This restriction to the south is not surprising given the setting of the narrative in the southern kingdom following the fall of the northern kingdom of Israel. However, this suggests that the narrative understands the discovered document to previously have included the whole ethnic group of Israelites, and is now being interpreted to only address a specific subset.

[245] Cogan and Tadmor, *II Kings: A New Translation with Introduction and Commentary*, 285.

As a result of this restriction, the account avoids overt kinship language, in order to exclude the northern kingdom. In order to avoid any interpretation that would encompass the north, no term including "Israel" is used to refer to the whole of the people, unlike Josh 8's "all Israel," "the people Israel," "the sons of Israel," or "the assembly of Israel." 2 Kings 22-23 simply mentions "all of the people" (23:2, 3, 21) when it does not specifically state that it is the people of Judah. The reform report primarily refers to the north as "Samaria," a designation that continues to Persian times. At several points it does mention "the kings of Israel" to specify the former northern kingdom, identifying these kings as unrighteous since they had built the high places Josiah removed in the north. Because references to the north all indicate unrighteousness that the south is correcting, the use of "Israel" in the Kings Josiah account is consistent with Samuel-Kings' general exclusion of the north from the "true Israel," unlike the usage found in the Pentateuch and Joshua.[246] As Sweeney points out, the Deuteronomistic History presents a pro-southern ideologically charged history, which claims that since the time of Joshua, the northern tribes never followed the ideal Mosaic model of leadership, and only Josiah represented the correct Mosaic model of ideal centralized leadership over Israel.[247] Returnees to Yehud in the Persian period could easily interpret this exclusionary choice for their context, in order to support marginalization of Samaritans and others not viewed as "Israel."[248]

The account requires exclusion of the north in order to claim Israel's past traditions for the south and its descendants alone. This assertion is first explicitly made in the narrative when

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[246] Römer, "The Case of the Book of Kings," 188.

[247] Sweeney, *King Josiah of Judah: The Lost Messiah of Israel*, 19.

[248] Stordalen argues that in early Persian Jerusalem, the memory of Josiah was used to imagine a particular version of the early Persian Hebrew *ethnos* and to marginalize people associating themselves with places and practices that challenged this imagination; these people are Othered in order to be disciplined into becoming more like the imagined self ("Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 182).

Huldah gives her oracle interpreting the discovered document in 2 Kings: twice she gives the prophetic formula “Thus says YHWH the God of Israel” (22:15, 18). From the exilic perspective, this name for the god of the Hebrew Bible connects this event to the past, since it has a concentrated set of occurrences in Joshua, including Josh 8:30 as the God for whom Joshua builds the altar on Mount Ebal. This name is sewn throughout the Deuteronomistic History and some of the prophets as a term connecting the present day to the God who brought Israel out of Egypt and gave them the land. Israel in this divine name doubtless refers to the unified ethnic Israel of ancestral times, the Israel with whom Yahweh made a covenant before the Davidic monarchy.[249] Not only does this name clarify for which deity Huldah speaks, but it makes the claim that the Davidic kings of the kingdom of Judah are the legitimate heirs to the Mosaic and perhaps even the Abrahamic covenant.[250] The narrative shores up this claim by locating Huldah within the city as a specifically Judahite prophetess.[251]

Rather than Kings’ limited Judahite community, Chronicles presents a more inclusive

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[249] Usage of the term “Israel” for specific purposes cannot be explained simply as a chronological development; the literary context usually clarifies what the exact referent is. “It is incorrect to assert that Judah being called ‘Israel’ is only a late development. Passages that call Judah ‘Israel’ also refer to ‘Israel and Judah’, showing that one cannot distinguish between them traditio-historically” (Albertz, “Why a Reform Like Josiah’s Must Have Happened,” 11).

[250] The final form of the Kings Josiah account does not fit into Ben Zvi’s argument regarding the term “Israel” in the early post-monarchic period: “it is reasonable to assume that within the discourse of the early post-monarchic period, ‘Israel’ stood – at least on some occasions – for the king and the Judahite monarchic elite. If so, ‘Israel’ was actually exiled by the end of the monarchic period. Moreover, since at that time the elite and representative group of Israel was embodied in the last living king and his sons, it becomes easily understandable why the focus of the ‘history of Israel’ in the book of Kings shifts to the events in Babylon, and particularly to the fate of the Judahite monarchic elite living there (2 Kgs 25.27-30)…During the post-monarchic period, and within the corpus of literature of the period that was later included in the Old Testament/Hebrew Bible, the concept referred to by the term ‘Israel’, the larger group, began to change. Instead of referring to Judahites (and to some extent to ‘Ephraim’) the term began to refer to those who belonged to a community characterized by a certain religious tradition, including ‘biblical’ texts (or biblical texts in the making) and their interpretations” (“Inclusion in and Exclusion from Israel as Conveyed by the Use of the Term ‘Israel’ in Post-Monarchic Biblical Texts,” in *The Pitcher Is Broken: Memorial Essays for Goesta W. Ahlstroem*, ed. Steven W. Holloway and Lowell K. Handy (Sheffield: Sheffield Academic Press, 1995), 121).

[251] Even if Huldah is related to the north through her husband, the Kings account emphasizes that she lives in the city of Jerusalem, and serves as a court prophet.

Persian period perspective: “They came to the high priest Hilkiah and delivered the money that had been brought into the house of God, which the Levites, the keepers of the threshold, had collected from Manasseh and Ephraim and from all the remnant of Israel and from all Judah and Benjamin and from the inhabitants of Jerusalem” (2 Chr 34:9).[252] Unlike the Kings account, this version has the money being brought into the temple, and, more to the point here, the people from whom the money was collected are listed out, to include some northern tribes. Since the reform has already taken place for Chronicles, temple-supporting taxes have been gathered from the now-purified Manasseh and Ephraim as well as the southern remnant of Judahites. In Kings, it is just from the generic “people” (22:4), presumably of the southern kingdom. Chronicles in general has a more favorable view of the north than southern-centric books like Ezra-Nehemiah, often extending geographical limits beyond Samuel-King’s references to Judah.[253] The nature of the unity that Chronicles envisions between north and south is one of religio-cultic unity, within the theocratic understanding of society that it sets forth.[254] David Glatt-Gilad interprets the collection of taxes from the north as well as the south as one of the ways that the people participate in the reform, extending righteousness in the Chronicles account beyond Josiah’s personal actions, into the public sphere.[255]

Even more significantly, the people play a large part in the lengthy Passover festival of 2

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[252] 2 Chr 11:3 also includes Benjamin with Judah: “all Israel in Judah and Benjamin.” Cudworth argues that the Chronicler views gathering all Israel to worship Yahweh as the ultimate ideal goal for the nation. Since God elected Israel, there is hope that “all Israel” would repopulate the land after the exile (“The Division of Israel’s Kingdom in Chronicles: A Re-Examination of the Usual Suspects,” *Bib* 95, no. 4 (2014): 498–523.).

[253] For a fuller discussion of Chronicles’ ideology, see: Sara Japhet, “The Ideology of the Book of Chronicles and Its Place in Biblical Thought,” BEATAJ 9, no. Frankfurt am Main (1989): 87–140.

[254] Louis Jonker, “Who Constitutes Society? Yehud’s Self-Understanding in the Late Persian Era as Reflected in the Books of Chronicles,” *JBL* 127, no. 4 (December 1, 2008): 717.

[255] David A. Glatt-Gilad, “The Role of Huldah’s Prophecy in the Chronicler’s Portrayal of Josiah’s Reform,” *Bib* 77, no. 1 (1996): 23.

Chr 35. Like Josh 8:30-35, there is physical participation of the collective, according to their ancestral houses, which translates as “the houses of the fathers according to their brothers, the sons of the people” (בית האבות לאחיהם בני העם 35:5, 35:12 without לאחיהם). This concentrated usage of kinship language continues with the people also being called the sons of the people (בני העם, 35:7, 35:13) and the sons of Israel (בני ישראל, 35:17). The Passover concludes with the statement that the festival was kept “by all Judah and Israel who were present, and by the inhabitants of Jerusalem” (35:18). Chronicles has greatly diverged from Kings in its portrayal of the collective people, since the people of the north and the south take a more active role in the implementation of the document, with the reform and the Passover observance.[256] Depicting them in light of lineage ideology opens up a more forward-looking perspective towards future generations of the community, with the reminder that the north are from the same kin as the south. Likewise, they as kin have the same God: “Although the Chronicler judges their apostasy through various aspects of these narratives, it remains clear that Israel is still seen as part of the same religious community. Nowhere is any judgment pronounced on the God of the northern kingdom, because this God is Yahweh whom they served in the south.”[257] Such a perspective is consistent with the Chronicler’s principle of prophetic continuity through all generations, and explains the preservation of Huldah’s oracle in this version of events.[258] On the flip side, Chronicles’ inclusion of the north highlights Kings’ consistent limitation of community membership to the Judahite residents.

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[256] For example: “Then he made all who were present in Jerusalem and in Benjamin pledge themselves to it. And the inhabitants of Jerusalem acted according to the covenant of God, the God of their ancestors” (2 Chr 34:32); “Josiah took away all the abominations from all the territory that belonged to the people of Israel, and made all who were in Israel worship the Lord their God. All his days they did not turn away from following the Lord the God of their ancestors” (2 Chr 34:33).

[257] Jonker, “Who Constitutes Society?,” 715.

[258] Glatt-Gilad, “The Role of Huldah’s Prophecy in the Chronicler’s Portrayal of Josiah’s Reform,” 20.

A. Reduced Kinship Language and Lineage Ideology in 2 Kings 22-23

While the collective terminology in Josh 8:30-35 and in 2 Chr 34-35 emphasizes patrilineal unification of the people, the lineage ideology in 2 Kgs 22-23 is more muted. The only generational reference that characterizes the past of the geographically limited community is the ancestors or "fathers" who had lost touch with the document of the covenant, and therefore with the laws of the covenant itself. King Josiah states: ""Go, inquire of the Lord for me, for the people, and for all Judah, concerning the words of this book that has been found; for great is the wrath of the Lord that is kindled against us, because our ancestors [lit: fathers] did not obey the words of this book, to do according to all that is written concerning us"" (2 Kgs 22:13). The "us" is best taken to mean the residents of Judah, since their king is the one speaking, and the general term "the people" is clarified with the statement "all Judah." Therefore, the "fathers" in question are probably not the general ancestors of tribal, united Israel, nor even the evildoers of the northern kingdom, but more recent ancestors within the southern kingdom of Judah who have neglected the covenant. Moreover, no mention is made of future generations of the people in Judah, drawing focus to the present implications of the immediate past. Ideologically, membership in the 2 Kgs 22-23 community prioritizes religio-political membership in the kingdom of Judah rather than including all who have descended from the ethnic group Israel. This observation will be born out through more detailed analysis of those present at the covenant reading ceremony, since the focus is upon the monarch's actions, and the subgroups listed emphasize economic status in the kingdom rather than genealogical status. The people serve a limited role as passive recipients of the covenant; they do not react to the reading other than "standing in it." In Stordalen's words, "In 2 Kings 23, there is not a single word reflecting the

reaction of the people being targeted."[259] The Josiah narrative is a case study in interpreting the document of the covenant as narrowly applicable to the here-and-now of a defined community; although it is a text known from the past, the discovered document contains words "written *concerning us*" (22:13, emphasis mine). Kings maintains its program of explaining the events of Judah for the present southern audience of the narrative.

Although "concerning us" is dropped in the Chronicles version, Chronicles does find it necessary to define the Josianic kingdom in Persian terms by specifying an exilic "remnant" in the land even though the exile had not yet happened at the time of Josiah: "'Go, inquire of the Lord for me and *for those who remain in Israel and in Judah*, concerning the words of the book that has been found'" (34:21a, italics mine). Since "Israel" here is contrasted to "Judah," it indicates the former northern kingdom, suggesting that the document is addressing any faithful who remain in the north; this is not an insinuation that the pro-south Kings account would be willing to make.[260] Chronicles utilizes two additional mentions of the "fathers" because it employs twice the divine title "God of the fathers" (2 Chr 34:32, 33). This epithet evokes Pentateuchal language, from Genesis, Exodus, and Deuteronomy, that details Yahweh's promise of land both to the patriarchs and to Moses.[261] That is, the divine commitment to the community

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[259] Stordalen, "Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 196.

[260] Chronicles consistently expands geographical boundaries that Kings limits; within this account the following examples emerge: "In the towns of *Manasseh, Ephraim, and Simeon, and as far as Naphtali,* in their ruins all around, he broke down the altars, beat the sacred poles and the images into powder, and demolished all the incense altars throughout all the land of Israel" (2 Chr 34:6–7); "Then he made all who were present in Jerusalem *and in Benjamin* pledge themselves to it. And the inhabitants of Jerusalem acted according to the covenant of God, the God of their ancestors" (2 Chr 34:32); none of the tribes other than Judah are mentioned by name in the Kings account, even though other geographical locations come up during the reform report.

[261] The title appears 27 times in Chronicles, none of them also having parallels in Samuel-Kings. Cudworth's argument follows von Rad's similar conclusion based upon the 8 occurrences of the title in Deuteronomy, over against Sara Japhet's position that the Chronicler does not allude to any other literary source with the term ("The 'God of the Fathers' in Chronicles," *JBL*, 2016.). This divine epithet is also found throughout Genesis and Exodus to specifically reference the God of Abraham, Isaac, and Jacob and therefore the patriarchal covenant with Yahweh.

is understood in light of its past covenants. However, in both the Kings and the Chronicles versions, the discovered document account presents itself as a particularized interpretation of a text for a specific group at a specific time, so that the respective boundary lines are drawn according to their different southern eras – or at least an imagined version of it. Even Römer, when attempting to reconstruct the authority imputed to the whole book of Kings in the Persian period, identifies that Kings has an authority restricted to Judahite descendants in Yehud and Babylonia; even while it is still being edited, the book as a whole consistently addresses those originating from a limited southern context.[262]

III. Late Monarchic Leadership

A. The Primacy of the Judahite Davidic King

The prominent role of the king in 2 Kgs 22-23 aggressively highlights the Davidic dynasty and the southern ideology insistent upon claiming the traditions of Israel for the Davidides. The southern perspectives prioritize the role of the king in this account; he is the subject of the majority of the verbs. Due to the centrality of the king's actions, Norbert Lohfink suggested that the structure of the narrative be broken down according to subunits distinguished by the statements "King Josiah/the king sent" and "the king commanded."[263] Not only does he rule as king, but he takes on specific tasks that might be considered scribal, priestly, and even prophetic, by reading at the temple and leading cultic reform. Indeed, scholars have argued that Josiah is characterized variously as a kingly, prophetic, priestly, or military ideal, reflecting the

[262] Römer, "The Case of the Book of Kings," 190.

[263] As discussed in Sweeney, *King Josiah of Judah: The Lost Messiah of Israel*, 42. Sweeney further suggests that the structure of the narrative is based upon a progressive sequence of action, as defined by the waw-consecutive syntactical structure that governs the entire unit, and the successive subjects of the action conveyed by the verbs; the major subunits of the narrative are identified with the major subject of the verbal sequence. Since the king is the subject of nearly all of those verbs, he defines even the narrative structure.

variety of plot-developing actions he takes in this narrative.[264] The final form of the Kings narrative portrays Josiah in an ambivalent manner, just as biblical literature as a corpus treats the monarchy ambivalently, if not systematically.[265] The character of the monarchy reflects the status of the whole people, since, in the vein of other ancient Near Eastern cultures, the concept of the monarchy and the concept of the state were equated with one another.[266] The perspective of the books of Kings demonstrates that the whole of the state is evaluated via evaluation of their king. One framing of the account draws out Josiah's extraordinary righteousness: "He did what was right in the sight of the Lord, and walked in all the way of his father David; he did not turn aside to the right or to the left" (2 Kgs 22:2); "Before him there was no king like him, who turned to the Lord with all his heart, with all his soul, and with all his might, according to all the law of Moses; nor did any like him arise after him" (2 Kgs 23:25). Yet, after the latter assertion of his uniqueness, the account of his reign concludes with a reminder that God has not removed his wrath from Judah, and recounts his anticlimactic death at Pharaoh Neco's hands.[267] In part, this ambivalence may result from the editing process that produced the Masoretic version of Kings. Two separate conclusions for the account reflect the seeming inconsistencies of portrayal with clear redactional seams at the end of the narrative (23:25 as well as 23:28, ""Now the rest of

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[264] For example, Monroe wants to emphasize the priestly elements of the Josianic reform, so she argues that Josiah is cast as the embodiment of both military and priestly ideals (*Josiah's Reform and the Dynamics of Defilement: Israelite Rites of Violence and the Making of a Biblical Text* (Oxford: Oxford University Press, 2011), 11).

[265] Talmon observes that "The biblical concept of monarchy must therefore be dealt with as an idea and as a social organization, by framing fragmentary information which the scholar extracts from the text, explains, and tries to synthesize into one system of thought…The discussion must perforce remain fragmentary…We have no extra-biblical evidence which directly illuminates the ideological foundations of the monarchy in Israel" (*King, Cult and Calendar in Ancient Israel* (Jerusalem: Magnes Press, 1986), 9).

[266] Ibid., 11.

[267] Römer sums up the view that Huldah's oracle that Josiah would die בשלום was contradicted by Pharaoh killing him at Megiddo; he posits that a Persian or Hellenistic audience could interpret this to mean that he did not live to see Jerusalem destroyed ("The Case of the Book of Kings," 200).

the acts of Josiah, and all that he did, are they not written in the Book of the Annals of the Kings of Judah?"), before the report of Josiah's death. For Stordalen, there was a positive ideological memory of Josiah before the Persian period. During the Persian period it was not universally shared, but it apparently was known outside of its own circles as part of the authoritative religious heritage. He suggests that this memory was in several versions, so this is the historical context for the development and editing of 2 Kgs 22-23.[268] The different endings to the account may reflect versions of the narrative that had different perspectives on Josiah – but a positive memory of him as a Davidic model certainly lives on in the majority of the preserved account, up through the first conclusion in 23:25.[269]

In both the Kings and Chronicles accounts, King Josiah exhibits a number of positive characteristics that parallel with the depiction of Joshua. Most of the commonalities emerge in each figure's relationship to the document of the law.[270] Joshua's immediate succession after the death of Moses has been interpreted as following in the pattern of a royal dynasty,[271] although one must acknowledge that he is not otherwise portrayed as a member of a dynastic monarchy with future successors or an anointed bloodline. The book of Kings does not directly cite the parallels with Joshua to support the Judahite monarchy, but rather the similarities confirm the

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[268] Stordalen, "Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 197, 200.

[269] Ehud Ben Zvi stresses how remarkable it is that only 2 prophetic books are associated with Josiah, and he's not a central character in any of them; other kings before and after Josiah play a central role in the prophetic books. This is especially noticeable in Jeremiah, since it has parallels with 2 Kings, has a 'Deuteronomic' flavor, and a good deal of narrative could have included Josiah. Instead, Josiah's name only appears in passing in Jeremiah. Ben Zvi concludes that the prophetic books give the impression that the time of Josiah was one of social and cultic sin and refusal to listen to Yahweh ("Josiah and the Prophetic Books: Some Observations," in *Good Kings and Bad Kings*, ed. Lester L. Grabbe (London: T & T Clark International, 2005), 12).

[270] For a summation of the arguments that Joshua is a royal figure, see Richard D. Nelson, "Josiah in the Book of Joshua," *JBL* 100, no. 4 (1981): 531–40.

[271] Ibid., 152.

idea that a leader of Israel should be divinely appointed. Moreover, in the Josh 8 covenant renewal ceremony, Joshua reads the law to the people, taking up a role that only King Josiah would fulfill in monarchic times. The previous chapter highlighted how Moses would have inhabited the past of such a practice, since Exod 24 shows Moses conducting a reading/writing covenant ceremony and Deut 27 has Moses commanding Israel to have a writing ceremony in the future. If the Deuteronomistic history places Moses as Joshua's iconic predecessor, it also seems to draw a connection between Joshua's proto-royal perfect law-obedience and Josiah's kingly righteousness.

As demonstrated in the previous chapter, Joshua is characterized by a strong familiarity with the law itself, which he exhibits through his law-abiding actions as well as his writing of the law upon stones in Josh 8:32 and in the text of the law in Josh 24:26. Likewise, "[King Josiah] did what was right in the sight of the Lord, and walked in all the way of his father David; *he did not turn from it to the right hand or to the left*" (2 Kgs 22:2, italics and translation mine); "Before him there was no king like him, who turned to the Lord with all his heart, with all his soul, and with all his might, according to all the law of Moses; nor did any like him arise after him" (2 Kgs 23:25). However, according to the same standards, there was a model before him in the figure of Joshua, who was to be "careful to act in accordance with all the law that my servant Moses commanded you; *do not turn from it to the right hand or to the left…This book of the law shall not depart out of your mouth; you shall meditate on it day and night,* so that you may be careful to act in accordance with all that is written in it. For then you shall make your way prosperous, and then you shall be successful" (Josh 1:7-8, italics mine). Yahweh commands Joshua to meditate on the document of the law day and night, just as the law of the king in Deut 17:18-19 commands the king to do.

Moreover, Deuteronomistic insertions into Joshua correspond to actions recorded in the reform report of 2 Kgs 23, and there are no Passover festivals reported between Joshua and Josiah's institutions of the Passover.[272] Within the Deuteronomistic History, Josiah thus serves as the ultimate royal fulfillment of a righteous leader in the vein of Joshua, following the complete law to greatest possible extent (see Josh 11:15 and 2 Kgs 23:3). In light of this Deuteronomic shaping, Josh 8:30-35 may foreshadow the covenant reading ceremony in 2 Kgs 23:1-3. Richard D. Nelson even suggests that the purpose of the Joshua 8 ceremony is "To make clear the parallel he wished to draw between the Josiah of his own day and the Joshua of former times, Dtr has read back into classical history the concept of the law being encapsulated into a book."[273] He also points out that the Josiah narrative is the first time after the book of Joshua that the written text of the law is mentioned, with the exception of 2 Kgs 14:6's reference to one specific law.[274] With the precedent of Joshua's leadership model founded in the material artifact of the law, Josiah's interaction with the discovered document is set against an idealized pre-monarchic example. Analysis of the ceremony narratives will reveal commonalities in the social function of the text of the law as well.

While the narrative's evaluation of Josiah provides him positive parallels to Joshua's actions, it also highlights his uniqueness amongst the conduct of the previous kings of Judah. The document of the covenant is an essential piece of this contrast, not only because he enacts the covenant commitment through it, but also because it is the authority by which the king's and

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[272] Jeffrey C. Geoghegan, "'Until This Day' and the Preexilic Redaction of the Deuteronomistic History," *JBL* 122, no. 2 (2003): 223.

[273] Nelson, "Josiah in the Book of Joshua," 534.

[274] Ibid., 535.

the kingdom's righteousness is gauged.[275] This is the subordination to the Torah that Levinson discusses.[276] Sweeney points out that the very framing statements that assert Josiah's righteousness define his behavior by comparison to other standards of righteousness: 2 Kgs 22:2 compares Josiah to David, and 2 Kgs 23:25 directs the reader to the Torah of Moses in Deuteronomy and Joshua. He takes the narrative as representing core pre-exilic interests, so for him, since the king is presented as a figure under the authority of Yahweh and Yahweh's Torah, that means that the role of the Levites as the only remaining Israelite authority in the former northern kingdom is undermined.[277] Such a perspective is consistent with the interpretation of Kings that the northern kingdom always failed at ruling itself according to a Mosaic ideal of leadership, and Josiah is the only actualized model of the ideal.[278] In this light, a vision of Joshua in the background of the figure of Josiah supports his depiction in a Mosaic role.

However, Moses himself is not prominent in the books of Kings. He is only mentioned ten times. Six times he is mentioned at the mediator of the law, three times in relation to the Horeb covenant, and once in connection to the controversial bronze serpent.[279] The ambivalent portrayal of Moses in Kings, likely representing a pre-exilic point of view, suggests that the narrative seeks to depict Josiah in more of a Davidic model than a Mosaic role. In fact, in the

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[275] "Kings constructs a hierarchy of authority: the kings are judged according to their cultic behavior, which must conform to dominant Deuteronomic themes like cult centralization and the exclusive worship of YHWH or more generally to the *tora* commanded by Moses. The prophets are depicted as standing above the kings and at the end of the book, become 'preachers of the law.' Prophetic authority is also limited by the book: prophecy can only be commentary on and actualization of the book of the law" (Römer, "The Case of the Book of Kings," 201).

[276] Bernard M. Levinson, "The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History's Transformation of Torah," *VT* 51, no. 4 (2001): 511–34.

[277] Sweeney, *King Josiah of Judah: The Lost Messiah of Israel*, 43, 169.

[278] Ibid., 19.

[279] Römer, "The Case of the Book of Kings," 197.

book of Kings, only Hezekiah and Josiah are evaluated as fulfilling the Davidic ideal of kingship.[280] This royally-dominated hierarchy contrasts to that built in Chronicles, which gives the Levites prominent roles in leading tax collection and temple reparations, as well as a presence at the reading ceremony.[281] Josiah in Chronicles even gives a speech specifically to the Levites regarding their roles in leading the ancestral houses of Israel, justifying their participation (presumably as they would have led during the Persian period) according to mandates from Moses, David, and Solomon (35:3-6). For Kings, Josiah conducts himself as a king in the model of David, by following Mosaic law.

The narrative couches the evaluation of Josiah in direct Deuteronomistic terms. The list in Deut 6:5 "You shall love the LORD your God with *all your heart, and with all your soul, and with all your might*" finds its only exact parallel in the Hebrew Bible[282] with "Before him there was no king like him, who turned to the LORD with *all his heart, with all his soul, and with all his might*, according to all the law of Moses; nor did any like him arise after them" (2 Kgs 23:25). Josiah is the only king reported as following Yahweh according to all the law of Moses, and 23:25 is the only verse that repeat the "heart, soul, and might" of Deut 6:5.[283] This language in Deut 6:5 invokes oath language from neo-Assyrian vassal treaties, in which vassals swore fealty to their suzerain by promising to "love" the suzerain; in the treaty context, the commitment to

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[280] "The book [of Kings] affirms the authority of the narrator over all the kings; he is able to pronounce theological judgments on every king." In Kings, there are two primary criteria to judge the kings: acceptance of Jerusalem temple as only legitimate temple, and exclusive veneration of Yahweh (Ibid., 194).

[281] On the leadership roles that the Levites fulfilled: "The people did the work faithfully. Over them were appointed the Levites Jahath and Obadiah, of the sons of Merari, along with Zechariah and Meshullam, of the sons of the Kohathites, to have oversight. Other Levites, all skillful with instruments of music, were over the burden bearers and directed all who did work in every kind of service; and some of the Levites were scribes, and officials, and gatekeepers" (2 Chr 34:12–13).

[282] Römer, "The Case of the Book of Kings," 197.

[283] Römer, "From Prophet to Scribe: Jeremiah, Huldah and the Invention of the Book," 89.

"love" was to faithfully follow their stipulations above any others, and accept any blessings or curses that resulted from observance or the lack thereof.[284] Even though the "heart, soul, might" element does not have a parallel in the VTE and the scope of stipulations is much broader in the covenants of the Hebrew Bible, in both contexts the "love" oath is to be expressed through observance of a specific body of laws.[285] Although the Josiah narrative does not use the term "love" (the root *'hv*, אהב, as in Deut 6:5), the public reading of the law document and the oral pronouncement of covenant commitment bear strong commonality with loyalty oaths. During the reading ceremony oath of 2 Kgs 23:3, Josiah commits to follow Yahweh's statutes with all his "heart and soul"; although this is a partial parallel to Deut 6:5, perhaps it is closer to Deut 26:16, which commands a covenant formula to observe Yahweh's statutes with all one's "heart and soul."[286] The two oaths do differ, since the divine-human mutuality of Deut 26 is unstated in 2 Kgs 23, and the term "covenant" (ברית) is not at the heart of Deut 26. However, the commitment to the covenant law is still emphasized as something that sets Josiah apart from other Judahite kings according to Mosaic standards of righteousness.[287] The conclusion of the reform report suggests that its main point is to demonstrate the ideal obedience of Josiah: "Before him there was no king like him, who turned to the Lord with all his heart, with all his soul, and with all his might, *according to all the law of Moses*; nor did any like him arise after him" (2 Kgs. 23:25,

[284] Moran, "The Ancient Near Eastern Background of the Love of God in Deuteronomy."

[285] Zehnder, "Building on Stone?," 2009, 347, 355.

[286] Rendtorff points out that Smend (*Die Bundesformel*) even posited that the very formula from Deut 26:16 was pronounced by Josiah in 2 Kgs 23:3. The belief that Josiah used this formula spurred on scholarly examination of Deuteronomy 26 (*The Covenant Formula* (Edinburgh: T & T Clark, 1998), 12).

[287] Hardmeier discusses how, after Moses and Joshua, Josiah was the only Israelite ruler who understood and put into practice the Torah, as indicated by the 'formula of perfection' in 2 Kgs 22:2 ("King Josiah in the Climax of the Deuteronomic History (2 Kings 22-23) and 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. Lester L. Grabbe (London: T & T Clark, 2007), 123–63).

italics mine). In spite of his righteousness, "Josiah's initiative was not able to avert Yhwh's wrath because the curses operated above the level of the individual and weighed too heavily for even Josiah's exemplary faithfulness to break them."[288] In other words, the evaluation of the kingdom weighed not only upon the king's conduct on behalf of the populace, but also upon collective behavior of the people in both the past and present of the narrative. In the ancient Near Eastern treaties, usually a covenant would be made between a deity and a king, and in Israel this mold is altered somewhat; during the monarchic period, the king does mediate the covenant between the deity and the people as in the ancient Near Eastern oaths, and like the treaties of the eighth and seventh centuries, the whole people are expected to obey the stipulations. However, the literature depicts the covenant as preceding the advent of the monarchy and as enduring after its demise, demonstrating that the covenant is not dependent upon a monarch, but is ultimately between the people and Yahweh.[289]

B. The Judahite King as Scribe

Since the uniqueness of Josiah stands upon his relationship to the law, that portrayed relationship should illuminate his interaction with the document of the law. When it comes to the text of the covenant/law, I would suggest that King Josiah participates in the scribal mechanism of the kingdom. In pre-exilic times, it is evident that there were scribes in the palace administration (e.g., Shaphan the scribe) as well as potentially in the temple administration. He listens to his secretary Shaphan read the document – as one scribe might read to another – and reacts with lament on behalf of the whole people. It is this scene in particular that inspires the

[288] Ibid., 15.

[289] See Davies' comments on Garbini ("Josiah and the Law Book," 13).

interpretation that the Deuteronomistic monarch is under the authority of the Torah,[290] as commanded in Deut 17:18-20's laws limiting monarchic power.[291] He is the one who makes the executive decision to have the text authenticated by a prophet, and then he is the one who reads the document of the covenant to the people. In fact, he is the only king in the Hebrew Bible reported to read the text of the covenant/law either privately or publicly. He is therefore the only one who fulfills the ideal leadership set forward by Deut 17, although he does not write a copy as the law says he should. Jean-Louis Ska goes so far as to describe King Josiah as a "*Schriftgelehrter*, 'a doctor of the law.'"[292] Writing is associated with prophets more often than it is with kings; no books of the Hebrew Bible are attributed to royal figures. It is worth noting, however, that Assurbanipal, ruler of the neo-Assyrian empire in the mid-seventh century and son of Esarhaddon, boasted of his mastery of the scribal craft. While it is likely that Assurbanipal was not trained as a scribe in preparation for kingship, but rather because he was not the heir to the crown until his older brother died, it is evident that scribal abilities were a point of pride for

[290] "The Deuteronomic Torah establishes itself as sole sovereign authority, and thus in effect usurps the traditional authority of the monarch. This redefinition of royal authority takes place as part of a larger program whereby the authors of Deuteronomy redefine the jurisdiction of each branch of public office, from judicial administration through kingship and priesthood to prophecy itself, systematically subordinating each, first, to the requirements of cultic centralization, and, second, to the textual authority of deuteronomic Torah" (Levinson, "The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History's Transformation of Torah," 511–512).

[291] "When he has taken the throne of his kingdom, he shall write a copy of the law for himself 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, neither exalting himself above other members of the community nor turning aside from the commandment, either to the right or to the left, so that he and his descendants may reign long over his kingdom in Israel" (Deut 17:18-20).

[292] Jean-Louis Ska, "From History Writing to Library Building: The End of History and the Birth of the Book," in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*, ed. Gary N. Knoppers and Bernard M. Levinson (Winona Lake, IN: Eisenbrauns, 2007), 168.

him as a monarch.[293] Josiah is the sole royal figure in pre-exilic Israel who could claim some personal participation in scribal practices, in addition to sponsoring the necessary scribal structures in the kingdom.

Scribes also had a relationship to the priesthood. They most likely operated both from the palace and the temple in pre-exilic divided monarchy Judah, but in the Persian period priests certainly oversaw the scribal mechanism from the temple.[294] In the pre-exilic context of the Kings account, the narrative conveys that the document serves as a spoken word from God in the manner of a prophetic word, which would portray Josiah's royal actions in reading the covenant as a partially prophetic action. As Huldah says, "when you heard how I (Yahweh) spoke against this place" (22:19), to refer to when Josiah hears the document of the covenant read aloud to him, equating hearing the written text aloud to hearing Yahweh's voice speaking directly. Although this narrative likely continued to be edited throughout the exilic period, by the time Ezra's post-exilic Torah reading in Neh 8 is composed and written down, it is highly probable that readers and hearers of 2 Kgs 23:1-3 would understand that Moses (Exod 24:3-8) as the ultimate prophet and Joshua (Josh 8:30-35) as his successor were in the background of King Josiah's role in reading the document of the covenant.[295]

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[293] Laurie E. Pearce, "Statements of Purpose: Why the Scribes Wrote," in *The Tablet and the Scroll: Near Eastern Studies in Honor of William W. Hallo* (Bethesda: CDL Press, 1993), 188; Schniedewind, *A Social History of Hebrew: Its Origins Through the Rabbinic Period*, 107.

[294] See Schniedewind, *How the Bible Became a Book*; Karel van der Toorn, *Scribal Culture and the Making of the Hebrew Bible*, 2007.

[295] Unlike Ben Zvi, Stordalen suggests that there was a positive ideological memory of Josiah early on. Even though the Chronicler promoted Hezekiah rather than Josiah as the central reformer, by the early 4th c. BCE Josiah was so firmly associated with the emergence of true Yahwism in the Late Iron Age that the Chronicler could not avoid reporting his reform and Passover festival ("Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 183).

Within several decades after Josiah's reign, Judah is conquered and destroyed by the Babylonians. This means that the temple as the house of Yahweh has been destroyed, the divinely elected Davidic monarchy has been unseated, and the divinely granted land has been taken away. Since the upper classes have nearly all been exiled to Babylonia, those who were aware of the ideology presented in Kings would have realized that any efforts to preserve the kingdom of Judah through righteous observance of Mosaic law had not prevailed. Hardmeier argues that this awareness would have spurred some exiles on to stricter law observance, as a means of preserving identity without the temple; since having the temple and the Zion theology that went along with it did not save the kingdom, perhaps faithfulness to Yahweh did not require the temple. In fact, perhaps the temple is subject to the Torah – which is coming to mean the written document of the law during this period.[296] Some post-exilic literature appears to at the very least question the role of the monarchy, and perhaps even interpret these events as the failure of kingship. Römer leverages this idea in an argument for dating the final redaction of Kings to the late Persian period: "the book of Kings argues that kingship finally failed and that another authority is needed. This discourse fits well in the second half of the Persian period, when the leading economic and intellectual forces of nascent Judaism accepted the loss of political autonomy."[297] I would not agree that the book of Kings interprets kingship as failing, but rather as a state of the past that was dependent upon the divine will. As such, it had the rare potential to live up to Davidic standards, and this ideal lived on in the form of messianic expectations throughout the Second Temple period.

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[296] Hardmeier, "King Josiah in the Climax of the Deuteronomic History (2 Kings 22-23) and 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."

[297] Römer, "The Case of the Book of Kings," 195.

2 Kings 22-23 prepares the document of the law to step into the vacuum of authority left by the loss of the monarchy, even though the Josiah narrative itself is still very keen to laud the righteousness of the king.[298] Sweeney argues that the particular figure of Josiah influences expectations for Zerubbabel in the early Persian period.[299] The Davidic lineage was still alive during the exile, so that the person of the royal heir was the only physical connection maintained at that time to the pre-exilic kingdom. In 2 Kgs 22-23, however, the written artifact of the law also provides a physical connection to the traditional past of Israel. Messianic expectations maintain hope for political sovereignty throughout the centuries of external imperial domination in Judah that start with the Babylonians. When it came to running operations in the Persian province of Yehud, however, the Levites appear to have stepped into leadership with the authorization provided by the text of the law (see the next chapter on Nehemiah). It is interesting to note that in the Kings reform report, which is much more extensive than the report in Chronicles, Josiah takes purifying actions that are both prescribed by Deuteronomistic law *and* priestly law. According to Lauren Monroe, this account is the only instance in the Hebrew Bible "in which these two modes of elimination are so thoroughly intertwined."[300] The account sets up Josiah as remarkable for abiding by an ideal of limited kingship, since he submitted to the Torah's authority in both Deuteronomistic and priestly matters as soon as the document was discovered.[301]

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[298] "Second Kings 22-23 in its final form is about the disappearance of the king in favor of the book" (Ibid., 199; Römer, "From Prophet to Scribe: Jeremiah, Huldah and the Invention of the Book," 93).

[299] Sweeney, *King Josiah of Judah: The Lost Messiah of Israel*, 32.

[300] Monroe, *Josiah's Reform and the Dynamics of Defilement: Israelite Rites of Violence and the Making of a Biblical Text*, 11.

[301] Sweeney argues that "most scholars" think that Deuteronomy is an attempt to reform the Judahite monarchy and cult; if the discovered book in 2 Kgs 22 was a form of Deuteronomy, Josiah's reform could be meant to temper a Judahite ideology of the unconditional monarchic authority based on divine election with the northern ideology of

Chronicles' structuring of the account takes pains to emphasize that no discontinuity from the Torah occurred, which in turn highlights Josiah's ongoing righteousness, even before the discovery of the document. His actions are narrowed slightly more in Chronicles, since Levitical leadership takes on some of the temple management there and is prominent in the longer Passover account. Although the document of the law is important in Chronicles for the covenant reading ceremony, it is neither given credit for prompting the reform, nor given the whole responsibility for the reinstitution of Passover. It says "Josiah kept a passover to the Lord in Jerusalem" (35:1) according to the "written directions" of David and Solomon and the "word of the LORD by Moses" (35:4, 6), which is also called the "*sēphe̲r* of Moses" (ספר מושה, 35:12). Kings, rather, brings back the term "*sēphe̲r* of the covenant" to explain motivation for the Passover: "The king commanded all the people, 'Keep the passover to the Lord your God as prescribed in this book of the covenant'" (23:21).

The basis of the document's authority upon divine will is similar to the way the authority of the kings is portrayed in the books of Kings. Cudworth has examined how Kings evaluates the kings of Judah in order to emphasize the strength of Yahweh's promise to the Davidic line. Many of the "good" kings in these annals exhibit characteristics of fragility, which serves to demonstrate that the continuation of their line is not dependent simply upon their covenant righteousness, but rather primarily upon the mercy of Yahweh.[302] The divine will overrides and ultimately backs up all other authority, so proof of divine backing for the document or kingly authority needs to be provided in order for it to be exercised. King Josiah's anti-climactic death

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divine favor conditioned by adherence to Mosaic law. In this way, the monarchy could be presented as an institution that is consistent with the will of Yahweh and the values and institutions of the former northern kingdom of Israel (Ibid., 14; Sweeney, *King Josiah of Judah: The Lost Messiah of Israel*, 138).

[302] Cudworth, "Yahweh's Promise to David in the Books of Kings," 194.

at Pharaoh Neco's hands has troubled many who find this end inconsistent with the life of a "good" king in the Deuteronomistic History, but for Cudworth, Josiah's death is consistent with a theology that requires even the good kings to be viewed as fragile in comparison to the weight of the divine will. His fate is no different from other good southern kings, and the continuation of their line will not be due to their greatness, but to God's mercy. In the larger picture of the Josiah narrative, Josiah must submit to the authority of the discovered document, which in a consistent manner executes the will of God as the very words of God spoken directly to Josiah. In an era when prophecy's voice often evaluates the monarchy's righteousness, a text conveying spoken words of God may also play a prophetic role to the monarchy.[303]

C. Late Monarchic Leaders as Subordinate to the King

A variety of leader categories are mentioned throughout 2 Kgs 22-23, which in general represent administrative subdivisions under the authority of the Judahite monarchy. Scholars have argued that King Josiah is depicted as under the authority of the temple leadership, but it is difficult to agree with this assertion since the king is the one that commands oversight of temple tax collection and financing of the temple repair personnel ("In the eighteenth year of King Josiah, the king sent Shaphan son of Azaliah, son of Meshullam, the secretary, to the house of the Lord, saying, "Go up to the high priest Hilkiah, and have him count the entire sum of the money that has been brought into the house of the Lord, which the keepers of the threshold have collected from the people" 2 Kgs 22:3–4) and that calls priests up to conduct the reform ("The king commanded the high priest Hilkiah, the priests of the second order, and the guardians of the

[303] Hardmeier points out that 22:11-20 emphasizes 'listening' to avert Yahweh's wrath; Huldah's oracle (22:16-20) uses language of the Deuteronomistic stratum of Jeremiah to stress the catastrophe that will fall on the nation for past and present disobedience ("King Josiah in the Climax of the Deuteronomic History (2 Kings 22-23) and 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").

threshold, to bring out of the temple of the Lord all the vessels made for Baal, for Asherah, and for all the host of heaven" 2 Kgs 23:4). Viewing taxes under the supervision of the monarchy is consistent with a Deuteronomic point of view. As Talmon has observed, the so-called Law of the King in Deut 17:14-20 identifies "two basic issues without which there would be no continuity in a monarchy…the organization of the army and the administration of the realm, each demanding that taxes be levied."[304] Moreover, the found document of the covenant is brought by the high priest to the royal scribe, and ultimately to the king for his decision regarding its usage. King Josiah is certainly not alone in directing the affairs of the kingdom, but the hierarchy of administration below him seems to be consistent with the accounts throughout the book of Kings. One may contrast 2 Chr 34:8's telling of the temple repairs, since King Josiah here is reported to send not only Shaphan the secretary to oversee the finances, but also "Maaseiah the governor of the city, and Joah son of Joahaz, the recorder" (2 Chr 34:8). They take the money to the temple, unlike Shaphan in 2 Kings, and it is the Levites who are said to have collected that money. It even states that the Levites collected the taxes from Manasseh and Ephraim and "all the remnant of Israel" as well as Judah; "remnant" language is typical of post-exilic returnees to the land from Babylon. With the prominent role of the Levites, this process reflects a government and society more consistent with that of Persian Yehud, so that this telling reflects a different, perhaps later, voice from that of 2 Kings.[305] The Chronicles account reduces the reform section, which in Kings attributes nearly all of the actions to King Josiah, and expands the temple repair section with the activities of Shaphan the scribe, Maaseiah the governor, Joah the recorder, Hilkiah the high priest, the Levites who were scribes, officials, and gatekeepers (34:8-13). The

[304] Talmon, *King, Cult and Calendar in Ancient Israel*, 22.

[305] Jonker, "Who Constitutes Society?"

king still oversees all of these positions, since Chronicles is depicting a pre-exilic context, but a shift occurs towards highlighting the actions of those officials who run the daily workings of the kingdom. Conversely, this draws into relief the centrality of the king's actions in the Kings account.

In both the Kings and Chronicles versions, the varying hierarchies of temple leadership are related to the economic management of the kingdom. The document find is recounted in the midst of temple finance management, which ultimately results in reform and centralization. Eugene W. Claburn has argued that Josiah's centralization reforms are a part of a fiscal reorganization of the kingdom, and not just religious intolerance or xenophobia.[306] Such an assertion is logical considering the regular use of cultic sites in ancient Near Eastern societies to collect local taxes. If taxes are being collected regionally, that means any central sanctuary, such as that located at Jerusalem, would receive less offerings overall. The text find is therefore depicted as part of a larger reorganization of the social structure in ancient Judah. Although the document's discovery follows Josiah's major reform in the Chronicles account, its reading in the covenant renewal ceremony is still capped off with the statement "Josiah took away all the abominations from all the territory that belonged to the people of Israel, and made all who were in Israel worship the Lord their God. All his days they did not turn away from following the Lord the God of their ancestors" (2 Chr 34:33). This reinforces the idea that centralizing action was taken in response to the document, including the reinstitution of the Jerusalem Passover celebration that is subsequently reported. The economic aspect of the leadership's role may additionally help us to interpret the categories of "great and small" that are the subgroups of the people present at the reading ceremony. Furthermore, the financial functions of the temple

[306] W. Eugene Claburn, "The Fiscal Basis of Josiah's Reforms," *JBL* 92, no. 1 (1973): 22.

remind us that politics, economics, and religion were intertwined in the ancient world. If the temple was the home of Yahweh, and he was protecting his home from destruction, it would also be natural that its economic stability would also be protected. Josiah's work to centralize worship would seek to realize such a sacred goal.

The elders appear here for the first time in Second Kings, evoking tribal leadership as it was imagined in Josh 8:33. As discussed in the previous chapter, scholars debate the exact roles that elders would have continued to play in different phases of the Davidic monarchy.[307] Nevertheless, it is apparent that this episode in Kings maintains echoes of pre-exilic leadership, including parallels between Josiah and Joshua, in order to support the Judahite community's claim to the Abrahamic and Mosaic covenants. The Mosaic covenant, specifically the Sinai covenant, may be interpreted as bridging the divine promise of royalty to Abraham and the Davidic covenant. Abraham is promised that nations and kings will issue forth from his descendants (Gen 17:6-8), and Moses likewise receives the promise that the Israelite people will be "a priestly kingdom and a holy nation" (Exod 19:5-6).[308] Maintaining structures like elder leadership from the Mosaic era establishes further continuity between covenantal eras, drawing the late monarchy closer in appearance to those earlier covenants it claims to inherit. This is another element of the Josiah narrative that looks backwards into the past for its setting, in contrast to the Joshua narrative that looks forwards to the future in its composite list of leaders that represent both tribal and monarchic periods. The narrative constructs the leadership in order to connect to the past, yet while elevating the monarchy as the highest human rule in the land.

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[307] See, for example: Reviv, *The Elders in Ancient Israel: A Study of a Biblical Institution*.

[308] Talmon, *King, Cult and Calendar in Ancient Israel*, 12.

The prophets are an especially important category in the leadership because of Huldah the prophetess' central role in the narrative. It is clear that prophets in Josiah's time served both to support the monarchy, as Huldah seems to do as a kind of court prophet, and to critique it, as the Jeremiah does in this late monarchic era (for example, Jer 5:11). Although Chronicles does maintain prophets, including Huldah, in the history of Judah, it consistently replaces collective references to prophets with mention of Levites instead.[309] This choice not only illustrates how important Levites were by the Chronicler's era, but it also reminds us that prophets were more prominent in the pre-exilic era. The Rabbis would interpret the fading post-exilic prophetic role as a theological sign that God was no longer communicating via prophetic figures, reinforcing the shift towards written text that occurred after the exile. On the basis of the Kings Josiah narrative and references to Josiah in Jeremiah alone, it is clear that the Kings narrative depicts a world in which prophets are prominent in the process of monarchic rule and quite naturally a part of the royally-lead covenant ceremony.

IV. Sociopolitical Subgroups of the Judahite People

Within the defined southern audience in the Kings Josiah account, the listed subgroups continue the focus upon political and economic membership in Judah rather than kinship unity. "Every man of Judah and every inhabitant of Jerusalem" explicitly delimits this focus. "All the people" at the reading is immediately qualified by "from the great to the small" (2 Kgs 23:2; 2 Chr 34:30 makes it "from the small to the great"). Although it is not impossible that "great and small" could refer to the aged and the young of the community, the economic bent of the narrative and its lack of emphasis upon lineage ideology suggest that it is a catch-all for the range of economic classes in the kingdom. Like references found in the VTE, all people, from

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[309] Mark Leuchter, "'The Prophets' and the Levites" in Josiah's Covenant Ceremony," *ZAW* 121, no. 1 (January 1, 2009): 31–47.

the lowest classes to the elites, are addressed and obligated by the written covenant. As a result, the ceremony cannot explicitly include the *gēr*, as Josh 8's reading does, since they are a category defined by being non-residents. Ideological exclusion of the north also means that assimilated northern refugees are not directly acknowledged, even though they have made up some portion of Judah's population since the north was conquered in the late eighth century. The "great and small" categories avoid these ideological concerns but maintain an all-inclusive net for the kingdom's residents. While the primary collectives in Josh 8:30-35 were "all Israel," "the sons of Israel," and "the assembly of Israel," in Kings "all the *people* stood in the covenant"; this language is careful to avoid confusion with the term Israel, since it could refer to the northern kingdom or to any northerners who have descended from the same ethnic group. Nevertheless, the account creates the appearance of the whole collectivity committing to the covenant. This picture brings to mind the neo-Assyrian treaties' placement of obligation upon the entirety of the vassal populations. The general references to "the people" (העם) may also hearken back to the covenant ceremony in Exod 24, whose most common collective term is "the people," representing a context in which north/south distinctions would theoretically not have existed. In Exod 24, "the people" are addressed by the oral word of God, respond as a whole to it, hear the written word of God, respond as a whole to it, and have the blood of the covenant sprinkled upon them. Moses is to "the people" in Exod 24 as King Josiah is to "the people" in 2 Kgs 23.

Socio-economic class emerges in references to "great and small" and "high and low" in neo-Assyrian treaties. A passage in Ashurbanipal's annals refers to a treaty imposed by his father Esarhaddon to ensure his own ascension: "[Esarhaddon] gathered together the people of Assyria, great and small, from the upper to the lower sea. That they would accept my crown-princeship, and later my kingship, he made them take oath by the great gods, and so he strengthened the

bonds between them and me."[310] This passage is one of the only parallels to 2 Kgs 23:1-3, since it is a narrative description of loyalty oath or treaty delivery in public, both of them describing the king gathering together the people in order to establish their commitment to him and his king. Another succession treaty in favor of Ashurbanipal was issued by the mother of Esarhaddon and widow of Sennacherib (queen Zakutu); the Zakutu treaty invokes a similar population characterization with the "high and low" rather than the "great and small": "The treaty of Zakutu, the queen of Senna[cherib, ki]ng of Assyria, mother of Esarhaddon, king of Assyria, with Samas-sumu-ukin, his equal brother, with Samas-metu-uballit and the rest of his brothers, with the royal seed, with the magnates and the governors, the bearded and the eunuchs, the royal entourage, with the exempts and all who enter the Palace, with Assyrians high and low."[311] While the VTE is primarily addressed to high ranking circles, emphasizing the obligation especially imposed on those groups of leaders who are mentioned first, there is a formal application of the oath to all of the population. Deuteronomy equally obligates all members of the Israelite people, making it more egalitarian, yet the covenant ceremonies in the Hebrew Bible feel the need to list out who is included in the agreement with Yahweh. 2 Kings 23:2 says that "all the people, both small and great" went up with the leaders to hear the reading of the law. "Small and great," in light of the neo-Assyrian treaties, indicates class differences, just as "alien and citizen" in Josh 8:33 refers to different ethnic/membership classes within the Israelite community. Although it would have primarily been the elite who produced and later read the written texts that became the Hebrew Bible, the scene portrayed in these reading ceremonies is one in which even the poorest and the least powerful (women, children, and immigrants perhaps included but not specified) would

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[310] From the Rassam Cylinder as quoted in Zehnder, "Building on Stone?," 2009, 366.

[311] Ibid., 367.

access the written document, to visually, physically, and aurally have contact both with that which obligates them to follow specific behavior and with that which includes them in the divinely protected community.

Since the Kings account is structured in a manner that places the fiscal actions of Josiah as the basis for the finding of the document, and thus the reform, the structure leads us to see the internal focus of the narrative. As Claburn has examined, the Josiah account in Kings involves a reform of the fiscal system that is consistent with his reform work. Local sanctuaries served as centers of finance, which means that the government of Jerusalem would certainly have looked to bring a larger proportion of regional taxes to the central sanctuary. This means that such a reform would not have been solely about religious intolerance or excluding the Other, but would have mainly sought to reorganize the kingdom internally.[312] Therefore, for the Kings narrative, the finding of the document primarily produces change within the kingdom of Judah. The boundaries of the document's addressees are set, but the purpose of the boundary setting should be taken first as affecting the internal affairs within the community of addressees, and secondarily as excluding any not addressed by the text.

To a certain extent, the narrative appears to be setting the boundaries of the community for the two-sided purpose of claiming the promises of the covenant and remembering its obligations for that particular set of people. The obligations especially emerge through the actions taken by Josiah during the reform report. There is no doubt that his efforts to observe the covenant exhibit a means of setting boundaries between Judah and others. Monroe highlights the language in the Kings reform report which both invokes Deuteronomistic war *ḥērem* rhetoric and priestly apotropaic rite language concerned with purity. Both kinds of rhetoric express a common

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[312] Claburn, "The Fiscal Basis of Josiah's Reforms," 11–22.

anxiety around the integrity and sanctity of the Israelite community.[313] Although 2 Chr 34-35 lacks the same rhetoric and the same covenant document motivation for reform, the boundary-setting in Kings could have resonated with Second Temple concerns for the centrality of the Jerusalem priesthood as well as ethnic separation: "The fiction of a reform in 2 Kings 22-23 mirrors the situation of the priesthood in the Second Temple period who had no royal support and could not tolerate other sanctuaries, such as the temple at Elephantine. There were also the dangers of Phoenician 'infiltration,' which led to an attempt at this time to create a religion distanced from the Canaanites."[314] While the narrative could certainly have been interpreted to emphasize exclusion and marginalization of the Other during the Persian period, the focus of the Kings account is upon the internal actions of the geographically-defined community, and less upon defining and bringing Othered individuals into the covenant.[315]

V. Conclusions: The Particularized People of 2 Kings 22-23

Examination of the geographical setting, collective terminology, lists of leaders, and lists of populace subgroups in 2 Kgs 22-23 reveals that it portrays the addressees of the book of the covenant/law as a particularized, exclusive community. The prominence of the king and his unique righteousness in following the law supports a promotion of the Davidic line in Judah, and the Judahite population as the true Israel. This pre-exilic setting delimits the people as the full range of economic classes who resided in the southern kingdom. The subgroups of leadership are all under the oversight of the king, but Huldah the prophetess maintains the ability to bring

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[313] Monroe, *Josiah's Reform and the Dynamics of Defilement: Israelite Rites of Violence and the Making of a Biblical Text*, 10.

[314] Liverani, *Oltre La Bibbia*, 6.

[315] Such an attitude would be consistent with Second Temple Jewish literature like Ezra-Nehemiah. Stordalen takes this conclusion a step farther to imply that any who did not follow this model would be classified as Other, just as those considered disobedient according to Josiah's reform ("Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," xvii).

God's word to the king. Her authentication of the discovered document enables its reading to address the present day of pre-exilic Judahite inhabitants.

Part B: Characterizing an Immanent Written Word of God in 2 Kings 22-23

Many scholars have interpreted the Kings Josiah narrative as the beginning of book-based religion since the account revolves around the document's discovery and implementation. Ben-Dov asserts,

> The religion of the Book, prevalent in Judaism of the Second Temple period and afterwards, thus has its origins in the acts of Josiah, carried out several decades before the temple's destruction…Josiah did not conceive of the book as a substitute for the temple…He did, however, elevate the book to the level of a significant religious object and thus laid the foundations for the religion of the Book. Although this kind of religion emerged from the background of ancient Near Eastern cults, it gradually developed into the unique kind of literate spirituality that is typical of later Judaism.[316]

This half of the chapter focuses upon the characterization of the document of the law/covenant in the 2 Kgs 22-23 narrative. As in the first half of the chapter, 2 Chr 34-35 provides a point of contrast, but the priority remains with the 2 Kings version of the Josiah account in order to access as early of a tradition as possible. Within this narrative, the usage of writing in the late monarchic period works in conjunction with prophetic practices of the era to produce an authoritative text that is authorized through prophetic oracle yet maintains the commitment enacted in the loyalty oath/treaty genre. This dynamic enables the account to make the ideological claim that the Davidic monarchy of Judah is the rightful heir to the Mosaic covenant, as verified by the direct word of God manifest in the written text. Analysis of the document of the law's portrayal, in its interaction with its audience, its implied content, its continuity with other traditions of the "book of the law," its written form, and its public reading demonstrates how the written artifact serves the ideological purposes of the book of Kings.

[316] "Writing as Oracle and as Law," 238.

The late monarchic context portrayed in the Josiah narrative is a time period that exhibits greater inscriptional evidence in the Levant when compared to periods before the eighth century BCE. Archaeological finds in the southern kingdom demonstrate a marked increase of Hebrew inscriptions in the late eighth century BCE, with the highest point in the seventh century and the early sixth century; that is, during Josiah's reign and just prior to the exile.[317] Lachish 3, sometimes called the "Letter from a Literate Soldier," dates to the late eighth century; it preserves writing from a limited scribal education, written by a soldier insisting that he is able to both understand written messages, and to write his own letters. It is rare to find direct commentary about literacy within inscriptions, and so this letter has provided support for a "Democratization of Hebrew" outside of scribal elite circles in the late monarchic period in Israel.[318] Contemporary with the time period described in 2 Kgs 22-23, an ostracon dated to the last third of the seventh century presents a juridical document. While the epigraphy suggests a trained scribe, the "awkward style of the letter" indicates dictation of the content by the plaintiff.[319] The plaintiff appears to be a corvée laborer, demonstrating that the average citizen of Josiah's time could at least have access to the services of a trained scribe, if not possessing the ability to write for themselves as the literate soldier did. The usage of writing in Kings, and in

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[317] Schniedewind suggests that a growing government bureaucracy was a "natural catalyst for the spread of writing." The Hebrew inscriptions from the late monarchy include economic texts, seals and seal impressions, inscribed weights, letters, tomb inscriptions, and graffiti (Schniedewind, *A Social History of Hebrew: Its Origins Through the Rabbinic Period*, 99–101).

[318] Ibid., 107.

[319] Talmon, *King, Cult and Calendar in Ancient Israel*, 79.

particular the book of the law/covenant in 2 Kgs 22-23, appears to reflect this pre-exilic upward trend.[320]

Writing plays a unique role in the book of Kings, since it cites other documents as support for its accounts: "the book of the chronicles of the Kings of Judah," "the book of the chronicles of the Kings of Israel," and "the book of the deeds of Solomon." Pentateuchal literature does not explicitly reference other written material, even when it is directly quoting and reworking other known texts (for example, Deuteronomy reworking some of the Covenant Code). Chronicles maintains Kings' use of source documents, but does not cite Kings itself as a source, because its purpose is to contravert Kings and tell its own ideological version of the history. While the historicity of these alleged source documents is often called into question, there is no doubt that their citation is invoked to lend weight to the narratives of Kings, while permitting Kings to still conduct its own agenda. This demonstrates a self-awareness from the perspective of the scribes that they are producing a written document, not an oral tradition, and they need to convince future readers of the credibility of the document by calling upon the support of other seemingly known documents. Katherine M. Stott has pointed out that the use of sources in the Hebrew Bible differentiates itself from Greek and Roman historians in that it appeals to written documents for support rather than oral tradition.[321] Certainly the books of Kings would have drawn on oral traditions as well, but they are not explicitly cited for support. Stott discusses

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[320] Kugel suggests, regarding the "book-based religion" of post-exilic Judaism: "This change, certainly characteristic of post-exilic life, is probably not a mere reflex of events of the exile…[S]omething of the growing independent life of texts may perhaps be glimpsed even among writings that preceded the return" ("Early Interpretation: The Common Background of Late Forms of Biblical Exegesis," in *The Idea of Biblical Interpretation: Essays in Honor of James L. Kugel*, ed. Hindy Najman and Judith H. Newman, JSJSUP (Leiden: Brill, 2004)).

[321] Katherine M. Stott, *Why Did They Write This Way?: Reflections on References to Written Documents in the Hebrew Bible and Ancient Literature*, Library of Hebrew Bible/Old Testament Studies 492 (New York; London: T&T Clark, 2008), 54.

several justifications for this apparent dependence upon written documents, from A. Momigliano's suggestion that the Persian empire placed importance upon written documents "for establishing rights," to Babylonian and Assyrian preference for written over oral testimony. However, Stott's focus was upon explaining how source citation would give credence to an account like Kings, by assuming that historicity was a foundation for a document's authority.[322]

Unlike the cited source documents of Kings, the document of the law/covenant makes appearances in the Pentateuch and elsewhere in the Hebrew Bible, and it plays a role in the divine covenant itself. Therefore, it is important that it be identified as that same document that has the power of the covenant and not any other document that may not have a relationship to the divine will. The socio-literary purpose of the document of the law/covenant is different from that of referencing the other royal annals, since those source citations are not significant beyond verification of Kings' reporting, but in both instances it seems that written texts are a firm basis for authority. Römer contends that "the main authority that Kings constructs is the book of the Law of Moses, the Pentateuch, or a forerunner to it," so that Kings constructs itself as a secondary authority to the book of the Law, a deutero-canonical authority that "reads the story of the monarchy with the authority of the 'canonical' or 'proto-canonical' Torah."[323] Even if one disagrees with Römer's identification of the document of the law as a forerunner to the Pentateuch, his assertion that Kings views the discovered text as bearing higher authority than all other documents is consistent with the document's portrayal in the narrative.

From the perspective of Kings, the text of the law is the inverse of the books of historical annals that the book of Kings cites. Such a reference is exemplified at the end of the Josiah

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[322] Ibid., 58.

[323] Römer, "The Case of the Book of Kings," 201.

narrative: “Now the rest of the acts of Josiah, and all that he did, are they not written in the Book of the Annals of the Kings of Judah?” (2 Kgs 23:28). Citation of the books of annals serves as support for Kings’ own authority, but Kings has no interest in buttressing the authority of those chronicles. On the other hand, Kings wishes to elevate the text of the law’s authority, which in turn would lend credence to the evaluation its ideology levies on the Israelite kingdoms. For the Kings Josiah narrative, writtenness carries ultimate weight because it may seal in and convey divine promise. This is an interpretation of writing that is borne out in ancient Near Eastern treaties: writing out an agreement not only transports information through time, but it also transmits and maintains a divine oath. Analysis of the document of the law/covenant’s characterization in 2 Kgs 22-23 will reveal that the narrative constructs the text’s authority based on a prophetic locus of authority, rather than a demonstrable chain of transmission.

Because of the role of the king in the reading ceremony, the social function of the document of the law/covenant in 2 Kgs 22-23 has more direct commonalities with the setting of neo-Assyrian loyalty treaties than Josh 8:30-35 does. Loyalty treaties like the VTE were set up as a suzerain-vassal relationship, in which the suzerain was the ruler of Assyria, and the vassal was a vassal king whose whole kingdom was implicated in the oath. While Joshua was not a king in title, but rather the appointed Mosaic successor, King Josiah is the model Davidic vassal king under Yahweh the suzerain, and he leads the people in the covenant ceremony. After the reading, he takes an oath to observe the covenant, using language that echoes Deuteronomy 6:5 and its vassal oath language of “loving” the suzerain. These similarities will help provide context for understanding the document’s portrayal in this narrative.

I. Addressees: A Divine Word for Judah

Because the collective people in 2 Kgs 22-23 are defined according to a specific geo-political era in the kingdom of Judah, or at least a population issuing from Judah in the exile, the account demonstrates how a text has the potential to directly address people in a specific time and place. It fills in the idea of an everlasting authoritative text that Josh 8:30-35 gives by illustrating that a text that persists through time still applies to specific contexts throughout its life as a text. The southern kingdom under Josiah's reign is one such particularization of the document of the covenant/law. Through Josiah's response to the text and Huldah's oracle, it becomes apparent that the written document is viewed as directly addressing and affecting the specifics of political and cultic practices of that precise time in Judah. The first half of this chapter thoroughly explored the Judahite audience of authoritative text in 2 Kgs 22-23; this portion of the chapter will look more closely at the ways in which the audience and the text interact in the narrative.

Through audience particularization, the narrative views the geographical inhabitants of Judah and Jerusalem as the exact addressees of the document's past. This is clear at numerous moments in the account, but especially in the king's first reaction to hearing the text: "Go, inquire of the LORD *for me, for the people, and for all Judah*, concerning the words of this book that has been found; for great is the wrath of the LORD that is kindled against *us*, because *our* ancestors did not obey the words of this book, to do according to all that is written concerning *us*" (22:13). Thus we have a transmitted text addressing a clearly defined audience, which is anxious to implement the text's contents in order to avoid punishment. None residing in the land is exempt from the law. In this regard the narrative is focused on explaining the present moment of Judah, which has transitioned from sovereign monarchic rule to imperial rule and exile, and is

not focused on explaining how textual tradition will reach future generations of that same community. The narrative does not indicate what happens to the physical document at the end of the account, in spite of its concern over having lost the document. The past is referenced in two frames, through the ancient past represented by the document, and the recent past of Judahite inhabitants who have lost touch with the covenant. Although the past of the text is acknowledged, the narrative emphasizes the here-and-now of the text's application, the present of the narrative's setting.

This particularization bears parallels with neo-Assyrian vassal treaty addressees since the documents were sent out to specific vassal lands. Although the obligation in the treaties was depicted as extending to future generations, it is only to the generations of its immediate, named addressees. These addressees are limited to the residents of the vassal land targeted by a specific physical document. This focused address presents itself in 2 Kgs 18:17-25, when Assyrian emissaries are sent to address King Hezekiah and his kingdom, and they speak specifically to his foreign policy in gaining military support from Egypt. In the same way, each copy of the VTE addresses a different Median prince, requiring the loyalty of the prince and his kingdom's entire population in response to the written oath.[324] 2 Kings 22-23 in its final form clarifies that the southern kingdom and its Davidic line are the true inheritors of the Mosaic covenant; while Deuteronomy is characterized by northern motifs centered at Shechem, as seen expressed in Josh 8's reading ceremony, the southern bent of Kings requires reapplication of the covenant to Judah. While southern elements are not absent from Deuteronomy, they are subsumed under the Mosaic tradition. Because Kings presumes a framework centered on the Jerusalem monarchy, Deuteronomistic elements are reshuffled to fit the monarchic times. The former northern

[324] Zehnder, "Building on Stone?," 2009, 360.

kingdom has already experienced destruction and exile, so that the curses of Deuteronomy may be taken as applying to the north, while the future blessings may be hopefully reinterpreted as addressed to the pre-exilic southern kingdom.[325] Huldah's oracle appears to be in the function of an official court prophet since Josiah's officials go directly to her when he instructs them to consult Yahweh. However, the reading of the law is not limited to the court, but expressly given to "all of the people of Judah, all the inhabitants of Jerusalem,…all the people, great and small…all the people joined in the covenant" (23:2-3). Claudia V. Camp comments that Huldah's oracle explicitly places the burden upon the inhabitants of the location, not just Josiah.[326] As discussed in relation to Josh 8, neo-Assyrian treaties bore consequences for the entire population at large, rather than narrowly addressing the king and his leadership. Thus, this is a specific address of the kingdom of Judah, in the entirety of its residential population.

Not only does a written text have the potential to address an entire specific people, but it also may confirm its efficacy with a particularized divine witness. Assemblies in Josh 24:1, Judg 21:2, Gen 6:11, Exod 18:12, and 1 Chr 13:8 take place "before Elohim/YHWH" (לפני האלהים/יהוה). The reading in Josh 8 does not state that it cuts a covenant, nor that its ceremony takes place before a deity. 2 Kings 23's ceremony does, however, state both: "The king…cut a covenant before Yahweh" (23:3). Other ancient Near Eastern treaties invoked gods as witnesses to the sworn loyalty oath, not only of the suzerain's god, but also of the local gods of the vassal states.[327] The local gods were likewise implicated in the curse sections of the

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[325] Sweeney, *King Josiah of Judah: The Lost Messiah of Israel*, 138, 169.

[326] Camp, "Female Voice, Written Word: Women and Authority in Hebrew Scripture," 100.

[327] "In the context of the whole document, it is clear that Ashur is conceived of as a kind of highest god, but not as the sole god. The only thing we can deduce from the Ashur-will-be- your-god formula in the given context is that for those serving in the inner circles of the royal court of Assyria, the veneration of Ashur and other Mesopotamian gods is a binding obligation, as we learn from other texts, as well. However, what is never in view is *exclusive*

oaths.[328] After the list of addressees at the beginning of the oath, the VTE requires the oath to be sworn "in the presence of" selected gods (§2, lines 13-24); in this vein, Josiah makes his oath on behalf of Judah literally "before the face of" (לפני) Yahweh. Such a practice is found in other treaties as well, including the Sefire Aramaic treaty between Bar-Ga'yah of KTK and the king of Arpad (Sf I 7-14).[329] So, individuals were to swear the oath by the divine name, which is precisely what we find Josiah doing: "The king stood by the pillar and made a covenant <u>before the Lord</u>, *to follow the Lord, keeping his commandments, his decrees, and his statutes, with all his heart and all his soul, to perform the words of this covenant that were written in this book*" (2 Kgs 23:3).

Like the Median princes addressed by the VTE, whose subjects were also required to follow the oath, Josiah swears the oath, but the people are obligated to the same commitment he makes, and so "All the people joined/stood in the covenant" (23:3). If Deuteronomy is taken as a type of loyalty oath, its order is different from the neo-Assyrian and Aramaic oaths; rather than invoking divine witnesses at the beginning, it mentions them towards the end of the document like some Hittite treaties do.[330] Nevertheless, both in Deuteronomy and the Josiah narrative there is a confirmation of the particular addressees' obligation to the covenant through divine witness. Since the direct speech of Josiah's covenant oath is not given, we cannot confirm what verbal order any such oath would have, but the likelihood of some kind of interaction between a version

veneration, as is shown by the context of the document and of the religious policy of the Assyrian kings at large" (Zehnder, "Building on Stone?," 2009, 372).

[328] VTE 57: "May these gods be our witnesses We will not make rebellion or insurrection against Esarhaddon, king of Assyria, against Assurbanipal, the great crown prince designate…" (Ibid., 350, 371).

[329] Zehnder, "Building on Stone?," 2009, 516.

[330] Ibid., 528.

of Deuteronomy and the composition of Kings at least suggests the potential that divine witness like what is found in Deuteronomy could bear similarity with Josiah speaking the covenant before Yahweh. Divine witness is further validation of the direct connection between the text and this particular audience.

II. Content: An Efficacious Source of Cultic Action

The question of the content of the discovered document is one of the primary ones that biblical scholars have asked regarding the Josiah Kings narrative since the nineteenth century. The focus upon this question certainly results from modernest interest in the semantic value of texts over any of their other societal functions. In general, arguments for the identification of the found document presume self-referentiality in the account, correlating actions taken in the narrative to potential content in the writing. Many scholars since de Wette[331] have focused upon Deuteronomistic aspects of Josiah's behavior and reform,[332] such as the law of the king in Deut 17:14-20, parallel covenant phrasing to Deut 6:5, or destruction of cultic locations other than Jerusalem's temple.[333] Having identified a Deuteronomistic voice in the final form of the narrative, they utilize these parallels as a basis to argue that the discovered text must be some version of Deuteronomy. Since Josiah's actions in response to the text's reading appear to

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[331] de Wette, *Lehrbuch Der Historisch-Kritischen Einleitung in Die Bibel. Alten Und Neuen Testaments*.

[332] Among others, Nicholson provides a survey of the arguments that Deuteronomy was first composed during Josiah's reign (*Deuteronomy and Tradition* (Philadelphia: Fortress Press, 1967)).

[333] "[I]t seems that the portrayal of a secure land led by a monarch who ruled on the basis of YHWH's Mosaic Torah fits the expectations of ideal leadership articulated in the DtrH (cf. Deut. 17:14-20) and the evaluation of Josiah's reign presented in 2 Kings 23:24-25. Furthermore, it points to several characteristic features of a potential Josianic edition of the DtrH: the observance of YHWH's commands as expressed in the Torah of Moses by the king as well as by the people; the elimination of cultic abuses instituted by Solomon, Jeroboam ben Nebat, Ahab, and the entire people of Israel, particularly the Beth-El altar; the proper celebration of the Passover festival; the establishment of YHWH's one legitimate altar at Jerusalem; and the institution of the covenant between the people and YHWH" (Sweeney, *King Josiah of Judah: The Lost Messiah of Israel*, 51). Sweeney is also represents scholarship that takes extra-biblical evidence for Josiah's reform as further support for a Josianic edition of the DtrH.

implement some of Deuteronomy's laws, it would be logical to conclude that the document's content is related to his action. This line of argumentation often posits a Josianic redaction of the Deuteronomistic History, for example as Cross following Noth does.[334] As an alternative to the emphasis upon Deuteronomy, Monroe observes a number of linguistic and thematic commonalities between the reform account in 2 Kgs 23 and the literature of the Holiness Code, leading her to suggest that the discovered text may have had content from Lev 17-26.[335] In both arguments, however, we should observe that the document's semantic function is being privileged over any iconic or social functions; that is, its presumed content is taken as its most significant characteristic, even though direct quotation of the textual content is precisely what the narrative lacks. Hardmeier makes an argument on the other end of the spectrum, proposing that no "historical" primary document is represented in 22:3-20 and the discovery account is entirely a Deuteronomistic exilic construct, and not at all based on the events of 622 BCE.[336] Neither end

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[334] Redactional framing has also been analyzed to determine when versions of the DtrH were produced; Geoghegan challenges the conclusions of B. S. Childs' classic article about "Until this day." Childs had determined that the phrased derived from many different redactors, but Geoghegan argues that the phrase comes from a single redactor who was active at the time of Josiah (Cross, *Canaanite Myth and Hebrew Epic; Essays in the History of the Religion of Israel*; Geoghegan, "'Until This Day' and the Preexilic Redaction of the Deuteronomistic History." 202).

[335] Berry's 1920 article first proposed the identification of the found scroll as Holiness Code material. Monroe concludes that those similarities are not precise enough to suggest common authorship or even a direct allusion. Her analysis does point to a similar literary and social milieu, but this would insinuate a Second Temple priestly editorial hand, perhaps post-deuteronomistic. She agrees with Oestreicher that the reform account in 23:4-20 predates and was revised by the Deuteronomist. Monroe argues that a first edition of K cast Hezekiah as its hero, written between Hezekiah and early years of Josiah, therefore the composition of K and the holiness account of Josiah's reform were close in time together; the deuteronomistic and holiness writers were working close in time and space to each other in shared intellectual circles. Van Seters and Hoffman also find the system of collecting funds for temple repairs and references to temple personnel to have a close association with P of the Pentateuch and the Second Temple Period (Monroe, *Josiah's Reform and the Dynamics of Defilement: Israelite Rites of Violence and the Making of a Biblical Text*, 12).

[336] Hardmeier likewise analyzes 'the reform report' (23:1-24) according to terminology and style: framing material in 23:1-3 (covenant renewal), and 23:21-23 + 24b (Passover celebrations); no documentary pre-stages to these Dtr-shaped measures of Passover and covenant renewal and no evidence of historically reliable memory; 2K23:4-20+24a is diachronically more complex, suggesting a primary source at its base; 2K23:16-20+24a depends on v. 4-15 and seems to be a Dtr reshaping of it; tensions within the text show that 23:4-15 is a Dtr reshaping of an old catalogue of reform measures; the 'minor' cult reform of the old catalogue has been transformed into a 'major' reform that removes Jeroboam's and Manasseh's sins once and for all; the "original" catalogue utilizes

of the spectrum can be proven with confidence, but this study is not asking whether or not the events of the account occurred. Instead, it seeks to unveil those attitudes towards the imagined authoritative text that are embedded in the narrative, including those beyond its semantic functions. Clues within the narrative will point towards what it identifies the document as.

The semantic value is one of the features of written texts, even if it is not the only meaningful aspect of the discovered document. The audience is portrayed as affected by the obligations in the content of the text, so one may draw some limited conclusions regarding what is written. 2 Kings 22-23 is more specific regarding the types of laws included in the covenant than Josh 8:30-35 is. Although there is not any direct citation of the "commandments, …decrees, and….statutes" (23:3) found within the document, the narrative indicates that it includes laws delineating cultic rituals and festival institution, as well as resultant blessings and curses directed towards the inhabitants of Judah. The actions of Josiah in response to the text, in conducting the cultic reform and reestablishing Passover, flesh out the specific laws. Previous scholars have attempted to identify the discovered text by correlating actions in the reform and Passover to laws in Deuteronomy and the Holiness Code.[337] Even de Wette, by asserting that the document was composed shortly before it was discovered in order to precipitate the reform, assumed the content of the text was directly related to the reform in Kings.[338]

2 Kings maintains that discovery of the document directly results in the destruction of

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homogeneous terminology and style with an intimate knowledge of Jerusalem, so it was pre-587 – these measures correspond with archaeology of the period; opposition to the Assyrian astral cult, Canaanite installations strongly criticized as Baalism since Elijah and Hosea (Asherahs, stone pillars, cult prostitutes, the Tophet cult) ("King Josiah in the Climax of the Deuteronomic History (2 Kings 22-23) and 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").

[337] See, for example: Römer, "The Case of the Book of Kings"; Monroe, *Josiah's Reform and the Dynamics of Defilement: Israelite Rites of Violence and the Making of a Biblical Text*.

[338] Na'aman, "The 'Discovered Book' and the Legitimation of Josiah's Reform," 47.

Israelite and Judahite cultic sites outside of the Jerusalem temple, and the elimination of any non-Yahwistic worship in Jerusalem and its temple. The reform concludes with the statement "Moreover Josiah put away the mediums, wizards, teraphim, idols, and all the abominations that were seen in the land of Judah and in Jerusalem, *so that he established the words of the law that were written in the book that the priest Hilkiah had found in the house of the Lord*" (2 Kgs 23:24, italics mine). Thus the account directly correlates the reform specifics to the words of the law in the discovered document, drawing continuity through the narrative. It also explicitly attributes the Passover to the text: "The king commanded all the people, "Keep the passover to the Lord your God as prescribed in this book of the covenant"" (2 Kgs 23:21). It was in the redactor's interest to show the text as the source of the reform and the Passover festival. Keeping the Passover "serves as further demonstration of the nature of the discovered book: it dictated not only the vague 'commandments' of 23:3 but also specific religious statutes."[339] Regarding the relationship of the document to the laws implemented in the reform, Nadav Na'aman states, "The 'finding' of artifacts that support a claim of antiquity is also common to Judah and ancient Near Eastern kingdoms, although the element of the text that guides the reform is unique to the kingdom of Judah."[340] Further discussion will explore the common theme of royal legitimization through a written document in the ancient Near East, but the direct result of reform action from a document as represented in this narrative has no parallel. The singularity of the text's function in 2 Kgs 22-23 is further highlighted by the fact that Hezekiah's cult reform earlier in the books of Kings does not have the external motivation of an authoritative text, nor of a prophet's

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[339] Monroe, *Josiah's Reform and the Dynamics of Defilement: Israelite Rites of Violence and the Making of a Biblical Text*, 16, 237.

[340] Na'aman, "The 'Discovered Book' and the Legitimation of Josiah's Reform," 61–62.

legitimizing oracle.[341]

This account elaborates extensively upon the curses evidently within the document.[342] Josh 8, on the other hand, mentions both blessings and curses and does not refer to any specific curses, even though it appears to respond to Deut 27-28 (which includes quite a few specific curses in direct speech). In Kings, upon hearing the law, King Josiah says "great is the wrath of the LORD that is kindled against us, because our ancestors did not obey the words of this book, to do according to all that is written concerning us" (2 Kgs 22:13). His belief in the "kindled wrath of the LORD" may point towards curses in the law that, like loyalty oaths, are threatened upon nonobservant covenant parties. Huldah further summarizes the consequences of covenant negligence mentioned by "all the words of the book" as the disaster, anger, wrath, desolation, and a curse that Yahweh will bring upon Judah; this disaster is blamed upon worshiping gods other than Yahweh. The words of the document are also called "how I spoke against this place, and against its inhabitants" so that the writing is taken as the speech of God.

> She declared to them, "Thus says the Lord, the God of Israel: Tell the man who sent you to me, Thus says the Lord, *I will indeed bring disaster on this place and on its inhabitants—all the words of the book that the king of Judah has read*. <u>Because</u> they have abandoned me and have made offerings to other gods, so that they have provoked me to anger with all the work of their hands, <u>therefore</u> *my wrath will be kindled against this place, and it will not be quenched*. But as to the king of Judah, who sent you to inquire of the Lord, thus shall you say to him, Thus says the Lord, the God of Israel: Regarding the words that you have heard, because your heart was penitent, and you humbled yourself before the Lord, when you heard *how I spoke against this place, and against its inhabitants, that they should become a desolation and a curse*, and because you have torn your clothes and wept before me, I also have heard you, says the Lord. Therefore, I will gather you to your ancestors, and you shall be gathered to your grave in peace; your eyes shall not see *all the disaster that I will bring on this place.*" (2 Kgs. 22:15–20, italics

[341] Ibid., 58.

[342] Monroe notes that the reform actions of burning, beating, scattering, casting of dust, and defiling all reflrect apotropaic rites of riddance intended to contain contagion and eliminate dangerous forces perceived as antithetical to Yahweh. These rites are common of priestly texts in Lev and Num, and only occur in the D source once, in Deut 9 (Ibid., 24).

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While there are not specific curses cited in Huldah's oracle, the numerous parallels between this account and the execution of neo-Assyrian loyalty oaths suggest that the picture she paints of impending disaster may also parallel the kind of curses in the VTE. A number of curses in the VTE bear a close resemblance to curses of destruction and wrath that we find in Deut 28. General disaster is forecast: "The Lord will send upon you disaster, panic, and frustration in everything you attempt to do, until you are destroyed and perish quickly, on account of the evil of your deeds, because you have forsaken me" (Deut 28:20). The closest specific parallels include a destructive rain, wild animals devouring corpses of the cursed, sequences of illness and blindness, cannibalism between the addressees, famine, and defeat in war.[343] In short, a disaster that entails a break down of the natural and social order, and therefore motivation to weep and repent. Placing the emphasis upon curse consequences draws attention again to the social impact of the document. They are portrayed as enacting a precise efficacy and threatening the people as a whole, as the addressees of the oath.

Based on these inferences, the document's content is only specified as it affects or responds to human conduct. Its words have the potential to unleash a negative chain of events. God as speaker of these words may be appealed to for clemency, but even in the face of righteousness an appeal appears unlikely to alter the consequences. After the destruction of other items and places of worship, Josiah returns to Jerusalem and orders the Passover as prescribed in the text of the covenant. By these actions we may infer that the document dictates regular cultic practice such as festivals, as well as forbidding worship of other gods. This narrative emphasizes

[343] The parallels are not word-for-word, but in thematic content; see Deut 28:23-24 // VTE §§63-64; Deut 28:26 // VTE §§41, 59; Deut 28:27 // VTE §38A; Deut 28:53-57 // VTE §§47, 69 (Zehnder, "Building on Stone?," 2009, 351).

that it is indeed possible to establish and follow those words that are written in the object. The 2 Chronicles version of events places the religious reform prior to the discovery of the document, so that its content is not emphasized as being primarily comprised of injunctions against idol worship. Rather, the direct result of finding, authenticating, and publicly reading the text is the collective recommitment to the covenant, so that the people themselves do not turn away from the covenant.[344] In this way, 2 Chr 34 presents a dynamic similar to that of Josh 8:30-31: Josiah, like Joshua, knows the law and implements it without having a physical copy present. The oral text is alive and known without the constant presence of writing. Not only does this difference play down the Judahite community's disconnection from the law and therefore the necessity of having the material document, it also leaves greater ambiguity around the content of the document.

It has also been noted that conducting the religious reform before the covenant ceremony means that the reading took place before a temple that had already been purged of forbidden items.[345] However, the placement of the document find in Chronicles, and therefore the oracle, after the reform means that Huldah's authority does not produce the reform actions as it does in Kings.[346] Those who prefer the historicity of Kings find Chronicles tendentious because it does not attribute the reform to the discovered document in order to agree with its position that the

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[344] Kings orders the account: 1) temple repairs 2) discovery of the scroll 3) Josiah sends the scroll for authentication 4) Huldah's oracle 5) public reading of the scroll 6) reform 7) Passover. Chronicles rearranges the order of events, shortening the reform and lengthening the Passover account: 1) reform 2) temple repairs 3) discovery of the scroll 4) Josiah sends the scroll for authentication 5) Huldah's oracle 6) public reading of the scroll 7) Passover.

[345] Monroe, *Josiah's Reform and the Dynamics of Defilement: Israelite Rites of Violence and the Making of a Biblical Text*.

[346] In Hamori's words, "the authority in having divine knowledge to spark the reform is taken away from Huldah and is given to Josiah or other prophets" ("The Prophet and the Necromancer," 840).

Torah was in full effect for the entirety of Israel's history.[347] The opposite conclusion has also been reached, that Chronicles has the more historically likely account because the description of a gradual reform process is more probable, and the discovery of the text during temple repairs would indicate that the reform was already underway when the text was found.[348] This point of view suspects Kings' agenda of attributing the reform to the discovered document.[349] It is evident that these evaluations cast doubt upon the value of each account based upon the ideological bias found within each narrative and its literary context.[350] Nevertheless, even in Chronicles there is concern that the existence of the document will affect the present community and at the very least requires recommitment to the covenant.

Josiah's first reaction when he hears the words of the discovered document are, "great is the wrath of the LORD that is kindled against us, because our ancestors did not obey the words of this book, to do according to all that is written concerning us" (2 Kgs 22:13b). His weeping and tearing of clothes, a response of grieving, show that the text's content is directly applicable

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[347] Lester Grabbe, for example, concludes that 2 Kgs 22-23 has a more credible account of Josiah's reign than 2 Chr 34 does; in order to arrive at this conclusion, Grabbe compares some statements from Jeremiah (Jeremiah knows of the reform: 3:22-4:2, 5:4-6, 8:7-8, 31:2-6; his preaching against syncretism was only against the north (2:4-4:2) but not the Judahites (4:3-6:30)), Ezekiel, and Daniel and ranks the credibility of each of their reports of external events. ("The Kingdom of Judah from Sennacherib's Invasion to the Fall of Jerusalem: If We Had Only the Bible," in *Good Kings and Bad Kings*, ed. Lester L. Grabbe (London: T & T Clark International, 2005)).

[348] For example, Weinfeld was in favor of Chronicles; he claimed that Huldah's silence about the reform was logical and intentional, since her purpose was to accentuate the cumulative southern sin, which the reform does not redeem. He also argues that Josiah would not have sent a mission to Huldah if he hadn't already cleaned up the idolatry. Arguments regarding characters' intentions are very difficult to support unless the narrative gives direct statements to that effect; even then, if a narrative uses any element of irony or surprise, a character's behavior or speech may not always be consistent (Glatt-Gilad, "The Role of Huldah's Prophecy in the Chronicler's Portrayal of Josiah's Reform," 19).

[349] Ibid., 17–19.

[350] Further complications are introduced by the divergence between the Greek and Masoretic versions of the book of Kings. The important differences between them have been explained by assuming that the Greek text depends upon a Hebrew *Vorlage* other than the Masoretic text, sometimes thought to be an earlier Hebrew tradition than the Masoretic, or by suggesting that they are separate traditions all together. Römer mentions A. Schenker and Polak as representing these positions ("The Case of the Book of Kings," 187–188).

to him and his kingdom. We also learn that the community's fate is closely tied to what the document says and therefore *does* to the addressees: the document forms the collective people.[351] As spoken by Josiah, the text's content is seen as written directly about the Judahite people group, but there is potential for the people to depart from the text even as their immediately previous fathers did. The directly efficacious nature of the document requires response by its addressed community to prevent the curses. So, the text itself provides an impetus to follow its own laws. It is a self-enforcing text.[352] The potential for departure from tradition is materially illustrated in the narrative by the finding of the physical document in the temple, demonstrating that it had quite literally been lost, unread and unimplemented. Although the king's response shows him capable of understanding the texts's contents, accessing Huldah's interpretation confirms its address of the current kingdom.

The narrative anticipates these effects without detailing the comprehensive set of laws in the content, suggesting that the emphasis is upon the effect of the text, and not the fixing of any content. That effect was to be social, with a view towards understanding the global events that transformed the community's political context: "Josiah's political project set up a model of unity that was not realized, but his scheme of faithfulness to a covenant with the deity provided a key

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[351] This is a concrete expression of "the nonhierarchical, *dialogical* nature of true authority. One who grants authority to someone or something else must first be acknowledged to have the authority to do so. Legitimate and uncoerced granting occurs from a position of strength, not weakness. This granting is, moreover, reciprocal. In the case of a text, this means that it must continually create new persons to participate in this ongoing interaction. Many of us who find our lives and vocation shaped by scripture have been created by the text in this way. The question of how a text creates these new persons requires consideration of the second theme of the biblical texts we have considered: the fundamental interconnectedness of true authority and the giving of life, its quality of embodiment" (Camp, "Female Voice, Written Word: Women and Authority in Hebrew Scripture," 111).

[352] Liverani and others have noted the convenience of discovering an "ancient" text that validates a royal reform; since this aspect serves the ideological purposes of the pro-reform narrative, some scholars like Katherine Stott have concluded that the book of the law in the account is fabricated (*Oltre La Bibbia*, 6; Na'aman, "The 'Discovered Book' and the Legitimation of Josiah's Reform," 47–48).

for reading the tragic events that soon engulfed Judah."[353] Sweeney further discusses how the greater purpose of the narrative is to reiterate and even justify Yahweh's decision to punish Judah, Jerusalem, and the Temple, despite Josiah's righteousness.[354] In sum, 2 Kgs 22-23 portrays the content of the document of the law as socially efficacious, influencing the community's behavior by warning real negative consequences for non-observance of the covenant.

III. An Immanent Prophetic Text

The document's affect on society highlights its temporal involvement with the community. In the Josiah accounts, that involvement begins with the discovery of the written object. For both Kings and Chronicles, the discovered document is portrayed as an ancient text which should have wielded equal authority over the present Judahites and their ancestors: "for the wrath of the LORD that is poured out on us is great, because our ancestors did not keep the words of this book, to act in accordance with all that is written in this book" (2 Kgs 22:13). Chronicles uses wording that clarifies any ambiguity in identifying the words of the book with divine speech: "…because our ancestors did not keep the word of the LORD, to act in accordance with all that is written in this book" (34:21). This document has endured from the past to the Judahite present, and over time the divine efficaciousness of the text towards its addressees has not waned.

By emphasizing the ancient provenance of the text, Kings focuses upon the way the text connects the past to the present of the narrative. This contrasts to Josh 8, which depicts its authoritative writing as created during the ceremony event, and as extending the covenant to

[353] Ibid., 7.

[354] Sweeney, *King Josiah of Judah: The Lost Messiah of Israel*, 45.

future generations of Israelites. As previously discussed, unlike the Chronicles version, the Kings Josiah account omits any kinship terms for the collective population, which draws attention away from future generations. The discovered text still has a temporal relationship to the future of the people, but that future is depicted in terms of the consequences for the kingdom via its rulers' behavior. The textual object in this narrative has an untold history. The reader knows nothing more than the fact that a priest claimed to find it in the temple and that a prophetess announced that it has divine origin. Even vague connection to the past, however, is consistent with an iconic use of relic texts. Watts argues,

> The scriptures of most religious traditions presuppose an original relic text that persists only in its iconic copies. The original has long since disappeared and in most cases never existed at all, at least in a textual form resembling its current manifestations…Relic texts legitimize a story about a community. People use them to identify with and place themselves in that story.[355]

The question of an "original" written by a specific authorized hand is avoided by providing Huldah's prophetic confirmation that the text is equated with the spoken word of Yahweh himself. But, as Watts suggests, the narrative does set the current day of Judah in a specific composite story from the past.

Naming the document "the *sēpher* of the covenant" (ספר הברית) and "the *sēpher* of the *torah*" (ספר התורה) reveals that supporters of the Davidic dynasty are invoking the ancient discovered text in order to place themselves in a combination of the stories of the Sinai and Deuteronomistic covenants. Narratively, the document find does function to legitimize the reform, as document finds do in other ancient Near Eastern traditions. However, in the larger ideological scope of the narrative, it also serves to legitimize the Judahite monarchy as the true heir of the Mosaic covenant with Yahweh. Even though the document's semantic function is

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[355] James W. Watts, "Relic Texts," *Iconic Books Blog*, 2012, 9, http://works.bepress.com/james_watts/22/.

vaguely thematic and not firmly delimited, as an icon it brings the divine word to the present in a manner that evokes the composite Mosaic past.

The terms used to designate the document reveal the most about its intended past. The final form of the Kings narrative identifies the "*sēpher* of the covenant" and the "*sēpher* of the *torah*" as the same object. At every key point in the narrative, the editorial hands clarify that the document is the same found document:

- The finding of the document and its transmission to the king: "The high priest Hilkiah said to Shaphan the secretary, 'I have *found the book of the law in the house of the LORD*.' When Hilkiah gave the book to Shaphan, he read it…'The priest Hilkiah has given me a book.' Shaphan then read it aloud to the king" (22:8, 10)
- Josiah's reaction to the document: "Go, inquire of the LORD for me, for the people, and for all Judah, concerning *the words of this book that has been found*" (22:13)
- Huldah's authentication of the document: "Thus says the LORD, I will indeed bring disaster on this place and on its inhabitants—*all the words of the book that the king of Judah has read*." (22:16)
- The king's public reading of the document: "the words of the book of the covenant that had been *found in the house of the LORD*" (23:2)
- The application of the document in the reform: "Moreover Josiah put away the mediums, wizards, teraphim, idols, and all the abominations that were seen in the land of Judah and in Jerusalem, so that he established the words of the law that were written in *the book that the priest Hilkiah had found in the house of the Lord*" (23:24)
- The instruction of the document to reinstitute Passover: "The king commanded all the people, 'Keep the passover to the Lord your God as prescribed in *this book of the covenant*'" (23:21)

The weaving together of the two terms the "*sēpher* of the covenant" and the "*sēpher* of the *torah*" requires further examination.

The term "*sēpher* of the covenant" is the first clue that the document is related to the Sinai covenant. It only appears in the Hebrew Bible in the reading ceremonies in Exod 24:7, 2 Kgs 23:2 and 23:31, and its parallel narrative in 2 Chr 34. In the Josiah narratives, the term "*sēpher* of the covenant" is only used when the king reads the document to the people, and to justify the reinstitution of Passover. It is difficult to know if the term was first used in the Sinai account in Exod 24 or in 2 Kgs 23. The document of the covenant may have been added to Exod

24 by redactors in order to reconcile it with 2 Kgs 22-23 and justify the usage of a text in covenant ritual.[356] Even if this is the case, the appearance of the term "*sēpher* of the covenant" in both covenant ceremonies demonstrates a desire to view Exod 24 and 2 Kgs 23 in a similar light: as Yahwistic covenantal ceremonies that unite the entirety of the people. 2 Kings 22-23 portrays the document as addressing the people of Judah, equating the entirety of "the people" with the people of Judah. This narrowing of the audience from a northern-friendly heterogeneous tribal union to a politically sovereign southern kingdom claims that Judah is the true heir to the Sinai covenant with Yahweh.[357] The reading ceremony section in the Josiah account thus sets a scene that evokes the covenant unification ceremony at Sinai in Exod 24.

In the book find portion of the Josiah narrative the document is called the "*sēpher* of the law," which is yet another connection to a Mosaic covenant. Rather than referencing the Sinai covenant, however, the "*sēpher* of the *torah*" connects back to the covenant in Deuteronomy.[358]

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[356] It is difficult to support this addition directly; most who suggest that it is a later addition use the reasoning that portions of the ceremony appear older, like the sprinkling of the blood on the people, but since writing wasn't important in Israelite culture until at least the 8th century and even moreso in the exile, it wouldn't have been featured in a covenant ceremony until that point in time. Ben-Dov identifies the phrase ספר הברית as Deuteronomistic language: "A central element of the editorial activity lies in the identity of the book discovered: It is primarily in Dtr passages that the reader is encouraged to identify the book with Deuteronomy…Only in the two most clearly discerned Dtr passages – 23:1-3, 21-23 – is the phrase ספר הברית employed, reflecting the self-identification of Deuteronomy as a covenantal object" (Schniedewind, *How the Bible Became a Book*; Ben-Dov, "Writing as Oracle and as Law," 231). Nevertheless, one may also argue that there was an ancient tradition of Moses as scribe, which is evident in Exod 24; neither argument may be supported without circular logic since there is no smoking gun to support either side.

[357] In later interpretation of the narratives, this would be an ideology that Persian period Jews could have perceived as continuous with Pentateuchal Israelite self-conception. Abraham serves as the ultimate representative of covenant conveyance through lineage, as the promises he receives from God are given to and regarding his progeny (Gen 17:9).

[358] *Torah* is translated as "law" here because it appears to represent a law code of some king; however, "torah" is a polyvalent and important term in the Hebrew Bible. Its general sense is "instruction," but throughout the biblical literature it ranges from a divine message mediated by divine agents to a short cultic instruction. "Torah" comes to have a specific application in rabbinic Judaism, which I will not explore for purpose of limiting this discussion to these reading narratives. For a discussion of the long and significant development of the concept of Torah in Rabbinic Judaism, see Jacob Neusner, *The Oral Torah: The Sacred Books of Judaism* (New York: Harper & Row, 1986).

In the internal chronology of the Hebrew Bible, the last time before Kings that the "*sēpher* of the *torah*" had appeared was in Josh 24, when Joshua wrote the words of his covenant with the people at Shechem in the "*sēpher* of the *torah* of God" (24:26). Prior to that, Josh 8's Shechem ceremony mentions the "*sēpher* of the *torah* of Moses" (8:31). The only reference to Horeb in Kings is in 1 Kgs 8:9, which states that the sole contents of the ark were the two tablets that Moses had placed in there on Horeb. The tablets are not attributed to Moses's writing and are never mentioned again. There is no record of a *sēpher* being placed in the temple. Na'aman observes, "In the context of the Deuteronomistic History, the 'Book of the Law' was hidden since the time of Moses (Deut 31:24, 26) and Joshua (Josh 23:6; 24:6) and was discovered in the time of Josiah."[359] Before Josh 8:30-35 and 24:26, the *sēpher* of the law appears only in Deuteronomy. Deuteronomy notably exhibits a self-referential writtenness, calling itself "this *sēpher* of the *torah*" (ספר התורה הזה) a total of six times.[360] Thus, "the *sēpher* of the *torah*" should be taken as a word of God in the form of a covenant oath, and specifically as one that evokes a Deuteronomistic-style oath document with a claim to unique authority in the community.[361] The phrase "*sēpher* of the covenant," and not "*sēpher* of the *torah*," is utilized in

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[359] Na'aman, "The 'Discovered Book' and the Legitimation of Josiah's Reform," 53–54.

[360] Deut 28:58: "all the words of this law *that are written in this sēpher*"; 29:20: "All the curses *written in this sēpher* will descend on them"; 29:21: "in accordance with *all of the curses of the covenant written in this sēpher of the law*"; 29:27: "bringing on it *every curse written in this sēpher*"; 30:10: the Lord's "commandments and decrees *that are written in this sēpher of the law*"; 31:26 "Take *this sēpher of the law* and put it beside the ark of the covenant of the Lord your God; let it remain there as a witness against you." It is notable that all of these particular statements come from what may be at least a secondary conclusion to the book, but as I am focusing on literary study of the final form of the book, suffice it to observe the concentration of self-referential statements in later redactors' versions.

[361] Sonnet says that Deut claims to "tell past history with absolute truth" (*The Book within the Book: Writing in Deuteronomy*). Also see discussions in: Joachim Schaper, "A Theology of Writing: The Oral and the Written, God as Scribe, and the Book of Deuteronomy," in *Anthropology and Biblical Studies: Avenues of Approach*, ed. Louise Joy Lawrence and Mario I. Aguilar (Leiden: Deo, 2004), 97–119; Jean-Pierre Sonnet, *The Book within the Book: Writing in Deuteronomy* (New York: Brill, 1997).

the reading ceremony of 2 Kgs 23:1-3 alongside of Deuteronomistic language akin to Deut 6:5 when the king pronounces his covenant commitment. This combination of elements demonstrates that the covenant represented in 2 Kgs 22-23 is not one that is solely derived from Sinai tradition or Horeb tradition, but some composite of both. In selecting features to integrate into the Josiah account, however, the narrative does not include any reference to Moses writing, either from Exod 24:5 or Deut 31:9. Neither is there mention of Moses receiving or transmitting the law, in contrast to the focus in Josh 8 and Neh 8 upon the Mosaic reception and transmission of the book of the law.

Not only does this text hail from the covenantal past, but the narrative in Kings identifies the found document as a *recognizeable* text, one whose memory remains in the king's, high priest's, and administrator's horizon of expectations. Although the document as *sēp̱her* of the covenant and *sēp̱her* of the law are presumably prominent in Israelite history by the end of the exilic period, this account does not define the object's past. The precise history of the artifact is not traced through its transmission, but there is the general knowledge that their ancestors should have known and employed it. This suggests that what has been transmitted in the document is considered complete in some sense, enough to make it identifiable with what was known of the temporarily lost law. Given the intertextual relationship to passages in Exodus, Deuteronomy, and Joshua, it is likely that the text would be recognized because it had a known format and genre similar as a loyalty oath. As discussed in chapter two, any interaction between biblical literature like Deuteronomy and ancient Near Eastern treaties is not characterized by exact quotation but rather their structure. With this seemingly widely-known structure, a text could be considered "complete" because a reader could recognize that it contained all of its genre components from beginning to end. Genre thus influences understanding of a document's

completion or comprehensiveness since it to a certain extent determines audience expectations of textual sub-sections and organization without requiring knowledge of exact content.

Because the document in 2 Kgs 22-23 had been lost, it is not unreasonable to think that when it would have been discovered, any readers would not know if it corresponded word-for-word to what would have been written in the text of the law previously. No other copy of the text of the law was present, so that the content could be compared and thereby be verified. Because it is unclear in the narrative exactly what the chain of transmission of the document is and precisely what its contents are, de Wette could posit that the text had been written shortly before its "discovery" in order to instigate the reform, even though this is not how the account portrays the document.[362] The lack of written text-to-written text verification draws attention yet again to the oral context of this written document and the relative disassociation of the text's authority from its word-for-word content. According to the narrative, Huldah's authentication of the document as God's word was completely sufficient to satisfy the king, and, therefore, the rest of his administration and kingdom. Thus, continuity of identification is essential to authority, but the basis of identification does not necessarily imply that the content is verifiably unchanging. The general genre of "covenant" or "oath," however, bore significant influence upon the identification of the document.

The idea that the discovered text relates to Mosaic tradition is ancient tradition. The rabbis identified the text as the Five Books of Moses. However, the narrative does not present the document as a written document whose author is Moses. The Kings reading ceremony casts the book of the law/covenant as having the ideological project of conveying Yahweh's covenant with the people in the form of a written oath. The narratives would not lead us to presume that

[362] de Wette, *Lehrbuch Der Historisch-Kritischen Einleitung in Die Bibel. Alten Und Neuen Testaments*.

the content was a specific version since so few details of what is written or read are given. In the case of 2 Kgs 22-23, it would seem that such a purpose is self-identified by the text itself, so that the high priest, royal secretary, and king all immediately conclude that it is the sole book of the covenant. Even though it is Huldah who ultimately verifies the identification of the textual artifact, she confirms its initial identification by the high priest. Certainly the context of discovery in the temple could suggest that the document is significant, but there would have been a large number of documents stored if not also copied in the temple. Since detail is not given regarding any physical demarcation around the find location of the text or its appearance, we cannot know if anything other than content would have set this document apart as *the* book of the law.

The Josiah account is thus a prime example of textual self-identification, since according to the narrative, the community had become disassociated from the book's content, and individuals would not necessarily recognize a specific material document by sight. By contrast, the people initiate the Neh 8 ceremony, by requesting that Ezra bring out "the book of the law of Moses." They know that a single Mosaic book of the law exists, and that Ezra is able to find it and bring it to them to be read. The people accept that what Ezra brings out is what they believe to be the book that represents the covenant with Yahweh, even though they clearly are not already familiar with the contents of the text, since they need it explained to them at length in order to understand it. So for Neh 8, the text is envisioned as externally recognized; rather than making itself known to the readers through its self-purported claims, it is depicted as already known by the characters. Ezra says that the book he is holding and reading is the book of the law that the people requested, and so they take his word as authoritative enough to correctly identify it as the book of the law given to Moses. But as the narratives present "the book of the

law/covenant," it is as a textual idea unified by the purpose of conveying the Yahwistic covenant law, and not as a print culture letter-for-letter conception of a precisely transmitted book.

The exact identification of the document's origin varies between the Kings and Chronicles Josiah accounts, even though they both include the same consultation of Huldah. The lack of Mosaic presence in the Kings account is highlighted by the Chronicles concern with precisely identifying the discovered document as the Mosaic law: "the priest Hilkiah found the book of the law of the Lord given through Moses" (2 Chr 34:14). However, when Kings describes the process of authenticating the document of the covenant/law, Moses is not mentioned. In fact, the only time when Moses is mentioned during the Josiah account in Kings is in the first conclusion, for the purpose of evaluating Josiah as a king: "Before him there was no king like him, who turned to the Lord with all his heart, with all his soul, and with all his might, according to all the law of Moses; nor did any like him arise after him" (2 Kgs 23:25). A similar although less superlative statement is made regarding Hezekiah's righteousness in 2 Kgs 18:6. Like the covenant cut by Josiah during the reading ceremony, this language echoes Deut 6, but in this case "the law of Moses" is not specifically invoking a written artifact, and Moses is not directly providing authentication for the discovered document. Na'aman relates this observation to redaction history: "the author of the original story in 2 Kings 22-23 did not connect the 'book' to Moses and left the identity of its author unnamed. The identification of the author was made only by a late redactor (2 Kgs. 23:25). The conclusion is inevitable: the episode of the 'book' finding was initially independent of the references to the 'Book of the Law' in Deuteronomy and Joshua."[363] I disagree with Na'aman's interpretation of 23:25. Even when the eventual connection was made to the law of Moses in the account's first conclusion, redactors did not ever

[363] Na'aman, "The 'Discovered Book' and the Legitimation of Josiah's Reform," 54.

"name" the author of the document of the law in this narrative. The narrative in its final form does depict a document that references the *sēpher* in Exodus, Deuteronomy, and Joshua, so that it manages to reference the Mosaic covenant without claiming Mosaic authorship for the document itself.

There are also clear differences between 2 Kgs 22-23 and Josh 8:30-35 with regards to Mosaic authority. Although both passages are considered to be a part of the Deuteronomistic History with exilic editing, they each construct the authority of the text and its relationship to the community quite differently. In Josh 8, there is no doubt that Joshua had learned the law from Moses, that Joshua has written it down with his own hand, and that the oralized reading is based upon the document that Joshua has just written. Chronicles highlights that the text is the law given to Moses, contributing to a trend that is easily identifiable within Persian period literature.[364] Previous biblical scholarship likewise has presumed that the discovered document is one that corresponds to some version of the Mosaic law preserved in the Pentateuch. Ever since the Persian period, there have been few Jews or Christians who have not viewed Mosaic origin as essential to Pentateuchal authority. As mentioned earlier, theories regarding the exact identification of the document of the covenant range from suggesting versions of Deuteronomy,[365] the Covenant Code, or even the Holiness Code.[366] Jonathan Ben-Dov points out that the identity of the discovered document is one focus of the editorial activity in the Josiah account. He argues that those sections that are considered Deuteronomistic encourage the reader

[364] See Najman's work for a thorough accounting for this trend (*Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism)*.

[365] For example Römer argues that the scroll of the law is some version of the Pentateuch or a forerunner to it ("The Case of the Book of Kings," 201).

[366] Monroe argues for the Holiness Code identification (Monroe, *Josiah's Reform and the Dynamics of Defilement: Israelite Rites of Violence and the Making of a Biblical Text)*.

to interpret the discovered text as Deuteronomy, including those portions that call it the "*sēp̲h̲er* of the covenant" which identify it as a covenantal text. For Ben-Dov, identification as a covenant document reflects Deuteronomy's self-identification as a covenantal object.[367] Deuteronomy is certainly the most striking example within the Hebrew Bible of a document claiming to represent the covenant itself. 2 Kings 22-23, however, either develops prior to this Persian period trend of Mosaic authorization, or synchronically separate from it. Stordalen reasons through the lack of Mosaic attribution in 2 Kgs 22-23:

> Historically, the idea that a book ascribed to a major religious figure would have been forgotten is, of course, unrealistic, as is the idea that such a book would be unanimously accepted after some 500-600 years. If there were any historicity in the report, one would be inclined to speculate either that Moses was not a generally accepted authority at the time, or the 'rediscovered' book was a partisan memory of the Moses heritage.[368]

It is possible that the writers and redactors could have believed that the document was written down by Moses – the narrative does not outright deny it or claim other authorship – but if they did believe so, it was not important enough to be mentioned. The portrayal of the document does demonstrate the importance of the written word in socio-religious practice, but it authenticates its relationship to the Mosaic covenant via current prophetic authority, contravening any need for explicit Mosaic transmission of the textual artifact.

As discussed in relation to King Josiah's depiction, the book of Kings appears to have an ambivalent view of Moses. On the one hand, it acknowledges his role as a mouthpiece of Yahweh, but on the other hand, when Hezekiah conducts his religious reform, it includes destroying the bronze Nehushtan that Moses had made and to which the people had subsequently made offerings (2 Kgs 18:4). Given the statement two verses later that Hezekiah keeps the

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[367] Ben-Dov, "Writing as Oracle and as Law," 231.

[368] Stordalen, "Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," 194–195.

commandments God had given to Moses, there is almost an implicit critique of Moses as not following those commandments as closely as King Hezekiah did. Indeed, Moses is mentioned three times in the Hezekiah account (out of only ten instances in all of 1 and 2 Kings; he is the only king whose account mentions Moses more than once; contrast also to twenty-one mentions of Moses in 1 and 2 Chronicles), but there is no textual artifact in this account to represent the covenant itself, and there is no collective covenant ceremony. This physical object originates in the past, yet contains equal effaciousness for the "present" of the narrative. Ben Dov attributes this tension to the redaction history of the account, which for him includes a pre-Deuteronomist version of the book find that views the text as mainly having an oracular aspect, and Deuteronomistic shaping that sees it as an ancient Mosaic composition.[369] He also argues that "the scroll of the law" is a non-Deuteronomistic term for an object conveying heavenly instruction in the form of an oracle.[370] The idea of a specifically Mosaic composition is not obvious even after the Deuteronomistic hand is evident in the final form of the account. The end result is a law code which serves an oracular purpose.[371] Na'aman argues, "The idea that the discovery is a sign from heaven (i.e., an oracle) is never explicitly stated in the story, and scroll functions in the plot as a law book, not as an oracle."[372] However, the loyalty oath and treaty genres by nature have the ability to encompass these dual purposes since these genres are

[369] Ben-Dov, "Writing as Oracle and as Law," 231.

[370] "While it may be doubted whether the book was truly found or whether the entire scene was staged by Hilkiah and his party – just as speculations concerning the exact contents of the book, whether parts of Deuteronomy or otherwise, may also be indulged – the fact of the matter is that, in the eyes of the Israelites, a book *was* found and *was* considered to serve as a catalyst for the cult reform. The considerable portion of pre-Dtr prose contained in 2 Kings 22-23 could not have sustained the authority of the book in Dtr terms. Sufficient explanation must rather be adduced from non-Dtr conceptions to account for the authority attributed to the discovered book" (Ibid., 231).

[371] Knoppers also observes this, commenting that Dtr transforms the book from a prophecy of future doom into a collection of laws (Ibid., 237).

[372] Na'aman, "The 'Discovered Book' and the Legitimation of Josiah's Reform," 57.

comprised of a law code followed by curses that warn of impending doom if the law is not observed. Given the broader view of Moses as prophet rather than scribe within the book of Kings, there is a hint that textual efficaciousness and validity is not dependant upon Mosaic authorship, as it appears to be in the Persian era, but rather upon prophetic authority.[373]

From the perspective of the Kings account, it is possible to verify that its words are divinely spoken, even without showing the written artifact or reading it to the prophetess who is authenticating it. This maintains the emphasis on the oral life of the text, which may partially explain the lack of concern with Mosaic authorship. God is able to speak via Huldah directly to the king, and this is how interpretation of the document takes place; its meaning is clarified and authenticated as divinely spoken directly to/against Judah and Jerusalem. In Camp's words, Huldah "places herself and her people under the authority of the text by accepting its judgment against their history, past and present."[374] For Levinson, the king is subordinate to the Torah; however, I would clarify that for the Kings Josiah narrative, the king (as well as Huldah) is subordinate to the prophetic *word of God*, whereas in Chronicles' Josiah narrative, they are subordinate to the written "book of the law of Moses."[375] Most notably, the event of the king's reception of the document is called "when you heard how I spoke against this place and its inhabitants," so that the moment of its reading is taken as the hearer experiencing God speaking. Since the written object is portrayed as recited word of God, its usage is differentiated from the references in Kings to sources like "the annals of the kings," which simply provide credibility to

[373] See Najman's work for a seminal study of post-exilic Mosaic discourse; however, it lacks in-depth commentary on the pre-exilic and exilic perspectives on authoritative texts, which is part of this study's motivation (*Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism)*.

[374] Camp, "Female Voice, Written Word: Women and Authority in Hebrew Scripture," 101.

[375] Levinson, "You Must Not Add Anything to What I Command You: Paradoxes of Canon and Authorship in Ancient Israel."

the accounts in Kings. Huldah calls the scroll "the book the king of Judah has read" to draw attention to the fact that the contents are known to the king, not just that the document is in his possession – that the moment of transduction and thus access of the contents has occurred.

The role of the prophetess is a confirmation of the turning point in the narrative – that the document is in fact a legitimate reason for crisis and change in the community. Moreover, the change motivated by the document is directed to the present time of the narrative: "If we consider [Huldah's] 'hermeneutical principle,' we find that she did not address the validity of the book for all time but rather set it as an announcement of doom impinging on Judah's current condition."[376] The importance of Huldah's prophetic role as well as Moses's primary portrayal in the book of Kings as a prophet suggest a context in which prophets are active and still accepted as the valid point of connection to God's voice. Prophetic authority took precedence over royal authority in King's worldview, and prophetic authority was subject only to the word of God himself, at times present in a written text.[377] Huldah confirms that she has the authority to inquire of Yahweh by using the formula "Thus says the LORD" (כה אמר יהוה) and it is evident that the narrative accepts that she speaks for Yahweh.[378] The power Huldah exercises by delivering her oracle is demonstrated by King Josiah's response: he then applies the text to the community by conducting the covenant ceremony and the reform.[379] In this sense, the document is being

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[376] Camp, "Female Voice, Written Word: Women and Authority in Hebrew Scripture," 100.

[377] Römer, "The Case of the Book of Kings."

[378] Brueggemann argues that temple, kingship, prophecy are all subordinate to Torah "Clearly Huldah as a prophetess has no autonomous function or voice, but is dependent on the Torah scroll and is in its service." While the concept of "Torah" in the sense of Rabbinic Judaism had not developed in the pre-exilic period, I would say that the scroll represents "the word of God" and that Huldah is subordinate to the divine word (Walter Brueggemann, *1 & 2 Kings*, Smyth and Helwys Bible Commentary 8 (Macon, GA: Smyth & Helwys, 2000), 549–550).

[379] Hamori, "The Prophet and the Necromancer," 837.

portrayed as a type of prophetic communication, since it is mediation of God's words to his people. In a similar fashion, Exod 24's reading of the book of the covenant is also understood as the spoken word of God: "Then he took the book of the covenant, and read it in the hearing of the people; and they said, "All that the Lord has spoken we will do, and we will be obedient"" (Exod 24:7). The vocalization of the written words, in this case, is taken as Yahweh speaking the entirety of the covenant directly to the people, in a manner that is to produce legal compliance in their behavior. With 2 Kgs 22-23, Moses is not needed as *the* prophetic author to connect to the divine, but *a* prophet in the present is required. In the eighth and seventh centuries BCE, neo-Assyrian rulers Sennacherib, Esarhaddon, and Assurbanipal all reportedly utilized a variety of oracular techniques to obtain divine confirmation for their royal actions.[380] Na'aman also sums up: "In principle, legitimization was obtained first and foremost by receiving divine approval from god(s) by way of an oracle. Second, it was attained through production of literary compositions in which the innovative element is presented as the restoration of a long-forgotten custom."[381] The Kings Josiah account integrates these two elements by portraying the iconic text as the very word from the Israelite god.

In the books of Samuel-Kings, direct communication between Yahweh and the king demonstrates the quality of the relationship between them, and therefore the validity of the king as ruler. For instance, it is evident that Yahweh has removed his favor from Saul when he is forced to consult a necromancer in order to to reach Samuel, and Yahweh via Samuel. This chain of consultation places Saul three steps removed from Yahweh, although he had previously been able to inquire directly of Yahweh, as David was now able to (1 Sam 28:6, "When Saul inquired

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[380] Ben-Dov, "Writing as Oracle and as Law," 232.

[381] Na'aman, "The 'Discovered Book' and the Legitimation of Josiah's Reform," 58–59.

of the LORD, the LORD did not answer him, not by dreams, or by Urim, or by prophets").[382] After Saul and his sons (that is, this prospective dynasty) die in battle, David inquires directly from the LORD, who answers him immediately; in other words, David's favor with God is expressed through his access to God's voice. By stating that the written document is the voice of God speaking to Josiah, Josiah as David's descendant receives the same favor of Yahweh that David had. As Najman points out,

> This appeal [in 2 Kings 22-23] to antiquity was inextricably linked to an ongoing attempt to recover the loss of the First Temple period…innovators found models in the Deuteronomic literature associated with the Josianic reforms, an earlier period of rare independence and empowerment. For the Deuteronomic texts had developed ways to recast tradition, while simultaneously honoring tradition and claiming continuity with it. The only passable roads to textual authority led through the past. Mosaic discourse was one such route.[383]

As we have seen here, Mosaic discourse did not necessarily mean Mosaic authorship of the authoritative text, even in late redactions of the account, but rather prophetic application of the Mosaic covenant to the southern Davidic line. Although the books of Kings do communicate that the Davidic line's success is contingent upon Yahweh's will rather than their own lawful righteousness, Kings concludes with the last Davidic ruler still alive while in exile, and thus the potential to continue the line. The cautiously hopeful completion of the final form of the Masoretic version of Kings supports a portrayal of the Davidic line as the valid heirs to the Mosaic covenant.[384] The portrayal of Josiah as a model Davidic ruler influences the authorization

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[382] For further discussion of parallels between Huldah and the Necromancer, see Hamori, "The Prophet and the Necromancer."

[383] Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, 15.

[384] Cudworth argues that it is the goal of Kings to provide hope for a future Davidic kingship, and that it does so through its consistent theme which speaks coherently on the future of the Davidic kingship (Cudworth, "Yahweh's Promise to David in the Books of Kings," 195–197).

of the text as a *spoken word* of Yahweh, addressed directly to the Judahite subjects of the Davidic ruler.

IV. The Discovered Text: Conveyor of the Covenant to Judah

In-depth analysis of 2 Kgs 22-23 demonstrates how important a text's materiality is to its social significance. The temporal characteristics of a document necessarily issue from its material nature. Thanks to the endurance of a written text through time, it not only bears social significance, by addressing its audience at any given moment, but also by connecting its immediate audience to past and future recipients. Huldah's oracle applies the text as words of God that directly connect the past text to the present day. This narrative is certainly aware that the document delivers content from the past, since finding the document results in direct action – the reform and the Passover under the threat of written curses. However, in this case, the semantic effect of writing is only one component of the social picture. As we have seen with Huldah's authentication, the fact of having the material artifact is enough to connect to the divine; even if divine origin of the document via Moses is not demonstrated, identification of the document can be affirmed via oracle. This validation is required because the document had been lost prior to this account, unlike Josh 8's text, which does not need authentication because it is publically inscribed. The sequence of 2 Chr 34-35 maintains Huldah's role validating the text, perhaps in part to attest to a continuous prophetic tradition in Judah. With this connection to the divine comes an ability to recommit to the covenant with Yahweh.

Prophetic traditions in the Hebrew Bible regularly leverage material documents in the process of divine-human communication. Since Moses is often characterized in the Hebrew Bible as the greatest prophet, his reception and transmission of divine speech/speeches in writing may convey an element of his prophetic activity. Deuteronomy in particular gives special

attention to writing as a medium for the word of God: Moses writes a complete Torah document and passes it on to the priests for further copying (24, 31:9); the king is to have his own copy to actively read and observe it (17:18); the people themselves are to write words from the law upon their doorposts and gates (6:9, 11:20).[385] Pre-exilic prophets in the Hebrew Bible are often commanded by Yahweh to write a message down since they are essentially divine messengers.[386] Huldah's participation in the text authentication is an additional reminder that Hebrew prophets often produce written oracles or collections of writings during the divided kingdom and exilic eras, concurrent with the setting and editing of the Josiah narrative.

Thematically, Huldah's oracle is reminiscent of some of Jeremiah's messages.[387] Jeremiah, the prophet most related to production of written literature due to overt references to his scribe Baruch, even overlaps with Josiah's reign and mentions him directly (Jer 1:2). Jeremiah sends a written oracle to King Jehoiakim, Josiah's son, whose efficaciousness is recognized by Jehoiakim's efforts to destroy the scroll (Jer 36). Recording oracles in written form was also not unusual in other ancient Near Eastern cultures. A Mari text from the second millennium provides an example of a prophet looking for a scribe.[388] These examples demonstrate the possibility for divine speech to be expressed in written form. As Ben-Dov notes,

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[385] Discussed further in Ben-Dov, "Writing as Oracle and as Law," 227; Schniedewind, "Scripturalization in Ancient Judah," 314.

[386] Römer discusses how God directly orders some prophets to write: Isa 3:25: on a tablet or cylinder seal (גליון); Isa 30:8: tablet and scroll guarantee permanent validity to the prophetic word; Hab 2:2: a vision is to be put in writing and made clear; Jer 29, 32:10/12/44, 30:2, 25:13, 51:60, 36, 54:1: variety of writings. In the Talmud (Baba Bathra 146.15a), Jeremiah is the only one among the Latter Prophets considered to have written books (Jer, Lam, and Kgs); Isa is attributed to Hezekiah and his assistants, and Ezek and the Twelve are attributed to the "men of the Great Assembly." Moses and Jeremiah are seen as the first and last prophets of Yahweh ("From Prophet to Scribe: Jeremiah, Huldah and the Invention of the Book," 86–88).

[387] For example, see Jer 36:7, 7:20, 19:4, or 1:16. Lohfink highlighted that 2 Kgs 25 and Jer 52 have identical conclusions, suggesting that this is a clue to read the two books together (Ibid., 92).

[388] Ibid., 89.

once written down, the prophetic scroll becomes a divine object, and not simply a means of recording the words of God.[389] The Talmud claims that prophecy was taken away from the prophets after the destruction of the temple, an idea that modern scholars often track through changes in prophetic practice evident in post-exilic literature. In that vein, Römer argues that Jeremiah is a book of transition from vision and oracle to written prophetic book, since his work incorporates recording oracles in writing.[390] Even if prophets required professional scribes to do the physical inscribing, the fact remains that prophetic oracles in the ancient Near East were regularly written down.[391] The gradual transition towards a book-based religion therefore occurs within prophetic practice as it does in the larger cultural practices.

Not only does other ancient Near Eastern literature also leverage the motif of an ancient found document to legitimate royal action, but it also affirms the potential for prophetic oracles to validate a written document. In some Egyptian examples, oracular practices were combined with document finds. In one introduction to a copy of the Book of the Dead, the document claims it was discovered under the foot of a god's figure in order to bestow sanctity on the document. Another copy says it was found under a wall dated to the time of an ancient king. In sixth century BCE neo-Babylonia, King Nabonidus excavated temples to uncover their earliest foundations and foundation inscriptions, to lend legitimacy to the new sacred building.[392] While some of the documents making claims to antiquity are known to be "forgeries," that is, penned at the time of

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[389] Ben-Dov, "Writing as Oracle and as Law," 236.

[390] Römer, "From Prophet to Scribe: Jeremiah, Huldah and the Invention of the Book," 92, 94.

[391] For the argument against prophets writing down their own prophecies, see Karel van der Toorn, "From the Oral to the Written: The Case of Old Babylonian Prophecy," in *Writings and Speech in Israelite and Ancient Near Eastern Prophecy*, ed. Ehud Ben Zvi and Michael H. Floyd (Atlanta: Scholar's Press, 2000), 228–29.

[392] Na'aman observes that in Mesopotamia there is no parallel finding of a scroll that bears significance for the current time ("The 'Discovered Book' and the Legitimation of Josiah's Reform," *JBL* 130, no. 1 (2011): 56).

the claim, they effectively illustrate the efficacy of the principle of ancient documentary legitimization.[393] In Hittite parallels from Mursili II, the finding of tablets was even considered part of the divinatory process.[394] In the latter cases, the tablets were evaluated by the oracle to ensure that their message concurred with the divine message.[395] Given the comparative evidence, Ben-Dov argues that the document discovery in 2 Kgs 22 was "part of a routine oracular process." However, the narrative itself depicts the text find as remarkably significant to community self-understanding – not a routine event - even if the process of discovering and validating it is common.

Prophetic texts in Mesopotamia and Syro-Palestine do not appear to have been reapplied and reinterpreted in light of later historical contexts.[396] By contrast, Armin Lange points out that a later Hebrew prophet may quote and openly reapply an earlier prophet for a new situation: Zech 13:5, for example, takes up Amos 7:14's "I am no prophet" (לא נביא אנכי) and reinterprets it to demonstrate that prophets may fear their lives and conceal their profession in eschatological times, whereas Amos made the statement to show his independence from the state.[397] This phenomenon includes an ongoing process of application and interpretation of a single text; like "literary prophecy" it is "characterized by its acquisition of a surplus of meaning, which

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[393] Ibid., 49–53.

[394] Moshe Weinfeld also compared the story of 2 Kings 22 to a prayer of Muwatalli II (1297-1272 BCE) King of Hatti, which he addressed to the storm god in order to confess negligence of divine laws, and promise to search for the written covenant and oral traditions (Ibid., 56).

[395] Jonathan Ben-Dov, "Writing as Oracle and as Law: New Contexts for the Book-Find of King Josiah," *JBL* 127, no. 2 (2008): 228.

[396] Armin Lange, "Oracle Collection and Canon: A Comparison between Judah and Greece in Persian Times," in *Jewish and Christian Scripture as Artifact and Canon*, ed. Craig A. Evans and H. Daniel Zacharias (London: T & T Clark, 2009), 26.

[397] Ibid., 23.

surpasses the original meaning of a given prophetic utterance."[398] While prophetic oracles differ from law codes in their emphasis on reforming behavior and, sometimes, prediction of consequences if repentance is not made, written prophecy represents a type of literature that was actively reapplied to later historical circumstances within the Hebrew Bible.

The assertion that discovering a written document not only echoes the materiality of treaty documents, but also potentially invokes a common operation of royal prophets, provides another means of explaining the material artifact's connection to the divine. Not only might the document be backed with divine power, as an ancient Near Eastern treaty would be, but it also may serve as the very words spoken by God – as Huldah states, the document is "how I [Yahweh] spoke against this place" (22:19). This portrayal of the written law applies it to the Judahite community as a recited word, demonstrating further the life of the text between oral and written media. Here, a document is equated with a recited text, that is, the pronounced word of God. Yes, in the past of the community, there is imagery of God writing on Sinai (Exod 31:18), but in the narrative's present context of the late monarchy, God is most often heard from through prophets.[399] Prophecy like Huldah's may be defined as a type of divination, which is a type of action culturally understood to allow acquisition of knowledge otherwise restricted to the divine realm, whether through technical skill or divine granting of special direct communication. While some biblical polemics refer to divination as false and foreign, other traditions in the Hebrew

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[398] Ibid., 12.

[399] For Ben-Dov, Huldah represents traditional court prophecy known from the ninth century: "Although from the eighth century onwards Israelite prophets were accustomed to delivering their admonitions to the entire population rather than confining their audience to the court, traditional court prophecy still maintained its status in later periods." It should still be noted that her oracle does address implications for the entirety of the people, and not just the king, even though Josiah is the agent who implements the reform in response to the document ("Writing as Oracle and as Law," 235).

Bible present forms of divination as authentic and Israelite.[400]

The immediacy with which Josiah consults Huldah, and the confidence with which her oracle is accepted as authoritative exhibit how weighty the prophetic voice was in the portrayed setting.[401] Using a prophet to validate the document brings a loyalty oath of sorts into the authority structures of that present day, so that it might operate in a recognizeable manner for the time. In addition, Moses's and Joshua's roles in the Hexateuch as prophetic receptors and purveyors of the law to the people remain in the background, reframed to fit the current operations of royal prophets under the late monarchy. Ben-Dov interprets the convergence of ancient Near Eastern treaty and oracular practices in this account as representative of the increasing usage of writing in Israelite religion:

> The narrative of 2 Kings 22-23 stands at the intersection of various streams of tradition in ancient Israel regarding the value of written documents. A diachronic analysis of the story's composition and the book's implied contents reveals a burgeoning appreciation for the 'Book' in Israelite religion, constituting the foundation stone for what in due course would emerge as the 'religion of the Book.'[402]

Even while the document is itself seen as the element of continuity between past and present, ideologically the text may be recast into the current day's perspectives on written documents. The pre-exilic era's view of the text is influenced by loyalty oaths and prophetic oracular

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[400] Esther J. Hamori, "The Prophet and the Necromancer: Women's Divination for Kings," *JBL* 132, no. 4 (2013): 827–828.

[401] This occurrence may be paralleled with Saul's consultation of the necromancer of En-dor; these two instances are the only times that Israelite or Judahite kings consult a female seer, and in both cases the narrative does not question the action of the king in consulting the prophetess, nor does it question her authority. Cogan and Tadmor call Huldah the "only woman prophet noted in the history of both kingdoms" due to the common biblical polemic against mediums like the necromancer of En-dor. It is noteworthy that neo-Assyrian kings in the seventh century BCE often received divine messages from female prophets; for example, R. D. Biggs in *ANET*^{3}*,* 605 collected these kind of messages addressed to Esarhaddon (Ibid., 827; *II Kings: A New Translation with Introduction and Commentary*, The Anchor Bible (New York: Doubleday & Co, 1988), 283).

[402] Ben-Dov, "Writing as Oracle and as Law," 224.

practices. This ability to both provide continuity while being adaptable even in the exact locus its authority is an essential value of written authoritative text.

To take the fictive materiality of the document as significant, the form of a *sēp̱her* must be contrasted to other writing media known from the Hebrew Bible. While Josh 8:30-35 depicts Joshua writing upon stone and reading therefrom, 2 Kgs 22-23 discusses a *sēp̱her* (ספר). *Sēp̱her* is frequently translated "book," although it refers to a document that could be a stone, tablet, ostracon, or scroll form rather than a codex-form "book."[403] The document in 2 Kings is not portrayed explicitly as serving a monumental purpose, unlike the text in Josh 8, since its visual public display is not described even within the event in which it is read before the people. In that public moment, it could have iconic and performative purposes in presenting the covenant visually and tactilely to the people, but it is not shown as a continually operating in the same way that Joshua's stone inscription might. A *sēp̱her* may variously refer to a scroll, an ostracon, a clay tablet, or even a stone inscription. Since there is potential for the *sēp̱her* to be a scroll, this means that the content inferred by the Josiah account could be much longer than the amount of text that could be written upon a set of stones or a tablet. Even though it could be longer, however, it is always referred to in the singular: the one authoritative *sēp̱her*. This has supported the claims of those scholars who want this text to be a scroll version of the book of Deuteronomy, rather than a set of multiple scrolls that would be needed for any set of books like all five books of the Pentateuch. The parallels between this scene and a typical neo-Assyrian oath ceremony, however, encourage an interpretation of the *sēp̱her* as an oath tablet.

The conception of a single text of the covenant is often linked to conception of that document as a complete encapsulation of the covenant: there is only one document to convey the

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[403] For a brief history of the codex, see Henri-Jean Martin, *The History and Power of Writing*, trans. Lydia G. Cochrane (Chicago: The University of Chicago Press, 1988), 59–60.

covenant, and it is the whole of the covenant. The idea of completeness is picked up by the Talmud, which insists that the document found in the temple was the entire Torah.[404] While there is much uncertainty in identifying the document with any known portion of the Hebrew Bible, the description of the *sēp̱her* as singular uses the rhetoric of a complete and self-contained text. When committing to observing the words of the discovered text, the king and the people are taking an oath for one single covenant, incarnate in the singular document of the covenant. Ben-Dov connects this concept to Deuteronomy's project, in which "For the first time, the word of God, through the speech of his servant, Moses, is incorporated within one comprehensive document, whose observance is a necessary and sufficient condition for attaining the required degree of piety."[405] Deuteronomy's frequent self reference as "this Torah" (התורה הזאת) supports this self characterization as a singular, complete text. 2 Kings 22-23 appears to embrace "the novel concept of an all-embracing collection of laws" that assists the movement of the Torah from marginal to the core of Israelite religion.[406] Ben-Dov claims that the Deuteronomistic view of the document is best expressed by the title "the book of the covenant" since Deuteronomy conceives of itself as a written covenant.[407] Moreover, if the *sēp̱her* takes the form of a scroll, unlike a codex, this implies that accessing any subsection of the text requires *scrolling* through the larger document; one cannot quickly turn to a specific page as in a codex, but rather must roll or unroll the scroll in both directions in order to arrive at any given reference point. As such, the

[404] *B. Ta`an.* 112; *b. Mak.* 162, 189; *b. Sanh.* 325 (Lowell K. Handy, "Historical Probability and the Narrative of Josiah's Reform in 2 Kings," in *The Pitcher Is Broken: Memorial Essays for Goesta W. Ahlstroem*, ed. Steven W. Holloway and Lowell K. Handy (Sheffield: Sheffield Academic Press, 1995), 255).

[405] Ben-Dov, "Writing as Oracle and as Law," 227.

[406] Ibid.

[407] Ibid., 236–7.

unity of a scroll would be a practical reality; it is not naturally divided into sections of pages or individual pages. The same would be true of a tablet. When the narrative refers to reading the physical document, it details that "all the words of the *sēp̱her*" had been read (23:2) so that one understands that Josiah had either rolled through the entire scroll, end-to-end, or read the fullness of the stone or clay inscription. This description of "all of the words" discourages a mimetic interpretation of the scene, so that the reader is not to understand that a portion of the document had been read to represent the whole. The material object and its usage in the narrative thus conveys the unity and the completeness of the text as an authority in the community, a material whole "word" from Yahweh in a prophetic sense.[408]

One premise of a text's claim to authority is that it is a text of unique consequence for its community. It is the *only* authoritative text, at the head of any hierarchy of lesser texts or voices. As a result of this premise, the question of continuity of identification, that it always be the "same" singular text in some sense, is essential for an authoritative text. This is a claim made regardless of where one perceives the locus of a text's authority to be. For 2 Kgs 22-23, the text is identified as the same text that in the past represented the Mosaic covenant to the Israelites, even though here it is authorized prophetically rather than by Mosaic authorship. Today's Western religions nearly all found themselves upon an authoritative book made up of a collection of writings: a canon.[409] Since a religious community desires to have just one authoritative point of reference, it must defend the unity, uniqueness, and completeness of its collection of writings.

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[408] Ben-Dov: "In summary, the presence of pre-Dtr prose in 2 Kings 22-23 permits us to conclude that the primary function of Josiah's book was the transmission of a divine oracle" (Ibid., 236).

[409] Such a delimitation of authoritative text proves a concern amongst early Christian fathers; in the early third century CE, Origen of Alexandria and Caesarea argued that the plural scriptures should be viewed as a single book, due to their "unity of focus." Origen even appeals to Qohelet 12:12 which warns the danger of "the making of many books" (Robert A. Kraft, "Para-Mania: Beside, Before and Beyond Bible Studies," *JBL* 126, no. 1 (2007): 12).

In Levinson's words, "The essence of a canon is that it be stable, self-sufficient, and delimited."[410] Perception of a collection as having these characteristics creates the impression of having one divine text, reducing any competition between authorities and providing a central focus for interpretation. As a result of the unity of text, a community can claim, "The Bible says…" without distinguishing between the many historical eras, genres, social circumstances, and redactional voices within the body of texts that constitute the Bible. The wholeness of a text may therefore testify to its ability to be the single most authoritative text of a community.[411] As discussed, these two elements are closely related. The unity, singleness, and completeness of the collection are essential to its place of elevated authority. In the pre-Persian world, however, the nature of a text's unity and completeness may be defined differently than it later comes to be; scholars must be wary of the "tyranny of canonical assumptions" that are easily imposed upon ancient authoritative texts.[412] While there is no commentary upon the document of the law as a collection, the emphasis that it is singular and it is read in its entirety ("all the words of the *sēp̱her* of the covenant" 23:2) makes the assertion that this document is at the head of any hierarchy of written authorities, and that it is to be used in full.

With the necessity of maintaining authority through time, the document appears to resist human projects, since there is no narrative anxiety about human alteration or corruption of the document itself, or even about misinterpretation of the contents. Even though an official scribe is mentioned, scribes in this narrative only read the document; this contrasts to Josh 8:32, in which

[410] Bernard M. Levinson, "You Must Not Add Anything to What I Command You: Paradoxes of Canon and Authorship in Ancient Israel," *Numen* 50, no. 1 (2003): 6.

[411] Working towards a definition for canon, David Kraemer cites Gerald T. Sheppard's two understandings of canon; the first is that a canon is a set of traditions that are believed to possess an elevated authority, and the second is that a canon is a collection of writings with defined boundaries ("The Formation of Rabbinic Canon: Authority and Boundaries," *JBL* 110, no. 4 (1991): 613).

[412] Kraft, "Para-Mania," 10.

Joshua writes out a copy of the law on the stones of the altar, a fulfillment of Deut 27's command to write all the words of "this law" after crossing the Jordan. Humans do have the potential, evidently, to lose contact with the text and therefore with the covenant. In the vein of a prophetic warning voice, the narrative presents a cautionary tale that warns of the consequences naturally resulting when the Israelite community disconnects from the text of the covenant, even through a seemingly inadvertent "loss" of the document. One might speculate that producing further copies of the document could help solve the problem of losing such an important text, but the idea of recopying the text would be inconsistent with the majority non-literate community portrayed in the narrative, and perhaps would contravene the narrative's idea that this textual object is the sole representative of ancient covenantal authority.

While Josh 8's reading ceremony links the present community to their future generations, the future impact of the text here is not couched in terms of the addressees' lineage, but in terms of the consequences for the whole of the people. The emphasis upon the present time of the narrative maintains focus upon how the document is physically present to the addressees during this reading event. It would be too simplistic to assert that the future outlook of the narrative is hopeful. Its answer would be that the future is contigent on the will of Yahweh. Even if the kingdom follows the law, God will ultimately decide their destiny. He is the one who backs up the disastrous curses threatened in the law. Just as Yahweh holds the fate of the Davidic line in his hands, so he holds the fate of the Judahite people. This is why, for the Davidic-positive books of Kings, the authority of Yahweh is invoked over that of Moses. While Moses represented a covenant between Yahweh and the whole of the Israelite lineage, Kings claims that Yahweh speaks directly to Judah, and not to the whole of the ethnic group. The document of the covenant is shown to be applied to a specific time and place in this narrative because the narrative is

geared towards narrowing the covenant to the southern kingdom, towards claiming that the Mosaic covenant from Israel's past is only legitimately continued in Judah under Davidic kings. The evidence given for this claim is the consistent faithfulness of Yahweh to the Davidic line, even when they are sinful or frail.[413] This is also why 2 Kgs 22-23 is less about internal unity of the people and more about the king as the representative of the people to Yahweh. There are no blood sacrifices, so that blood unity is not emphasized and those previously included in the kinship bonds may be excluded. The imagined material duration of the covenant document from the past, suddenly appeared in Jerusalem, means that Judah has the continuation of Mosaic authority. An oral text, known and applied as it was in Josh 8, could not bear the same message of confirmed covenantal continuity. Any parallels with Exod 24's oral and written covenant ceremony would set Josiah up as the inheritor and perpetuator of Mosaic prophetic leadership – the Davidic king in a position to have the direct access to Yahweh. This access, however, is through the written word of prophecy: "In 2 Kings 23 Josiah purifies the temple of all cultic symbols and transforms it into a proto-synagogue, a place where the book of the Law is being read to the people. The replacement of the traditional sacrificial cult by the reading of the Torah in 2 Kgs 22-23 constitutes a strategy underlining the importance of the written scroll."[414]

The materiality of the text in 2 Kgs 22-23 therefore has far more than semantic significance. Its physical presence in the Judahite community conveys in a divine object the specific covenant of Yahweh with their southern kingdom and its monarchic dynasty. The narrative is silent regarding the exact origin and the exact process of transmission of the document itself, lest its validity be questioned. Rather, it emphasizes that the writing is

[413] See Troy D. Cudworth, "Yahweh's Promise to David in the Books of Kings," *VT*, no. 65 (2016): 194–216.

[414] Thomas Römer, "The Case of the Book of Kings," in *Deuteronomy-Kings as Emerging Authoritative Books: A Conversation*, ed. Diana V. Edelman (Atlanta: Society of Biblical Literature, 2014), 199.

authenticated prophetically as the word of God spoken to the southern kingdom. In sum, the past covenant reaches the selected present audience through the discovered written document.

V. Public Reading: Prophetic Pronouncement of the Text to Judah

All material documents have the possibility of being read silently, aloud, in private, or in public. 2 Kings 22-23 demonstrates the document's usage in each of these activities. Shaphan the scribe appears to read it alone, presumably aloud as was most common in the ancient world. He then reads it aloud to the king, who later reads it aloud publicly to the whole of the people. In each of these cases, the event is described as hearing the words of the *sēp̱h̲er*, with no visual description of the artifact's appearance or bodily movements taken with the object. The auditory reception of a text is consistent with Deuteronomistic portrayal of its own authority. L. Perlitt's *Bundestheologie* argues that within later stages of the book of Deuteronomy's redaction, "listening to the voice" becomes through Deuteronomistic innovation "listening to the book (sepher)."[415] After all, hearing a document aloud was the usual way to access a written text in the ancient world, even during periods when literacy became more common. Just as Josiah had himself accessed the text of the law by listening to its reading, now the people as a whole would experience the text.

The text of the covenant/law both alludes to Tetrateuchal mentions of the inscribed object, and also to the public readings of the written text. Similarly, Josh 8:30-35 appeared to implement the instructions of Deut 27-28 in writing the law on stone, giving sacrifices, and distributing the people on Mounts Ebal and Gerizim. Although there are parallels between Joshua's and Josiah's

[415] See the discussion of Perlitt in Jean-Pierre Sonnet, *The Book within the Book: Writing in Deuteronomy* (New York: Brill, 1997), 8.

righteous depictions, 2 Kgs 23:1-3 also enacts a reading like that prescribed Deut 31:11-13,[416] in that it is the only reading that takes place "at the place [that the Lord your God] will choose," if Deuteronomy indeed means the Jerusalem temple as that location. However, it still is not during the festival of booths, as Deut 31 prescribes, and it does not explicitly include the people emphasized by the Deuteronomy list: the resident alien, or the younger and future generations of the community. As previously explored, this may be attributed to the account's focus on the present day members of the Judahite kingdom. This reading is primarily distinguished from the other readings in the Hebrew Bible because of its Judahite particularization: officiated by a Judahite king, addressed to the defined Judahite audience, and verbally responded to by the royal officiant alone.

Listening to the voice of the text as if it were the word of God continues Huldah's interpretation of the document as an oral divine message. This is not the only event in the Hebrew Bible when the practice of reading aloud arises in a prophetic context. It also occurs notably during the same late monarchic era in Jer 36, when, at divine command, Jeremiah dictates an oracle to his scribe Baruch and sends him into the House of the LORD to "go and read aloud the words of the LORD from the scroll which you write at my dictation, to all the people in the House of the LORD on a fast day; thus you will also be reading them to all the Judeans who come in from the towns" (36:6-7). As in the readings of the text of the law, this document is addressed to the whole of the people who are residents in Judah, at least as large a number of them as may be reached at one time. Baruch reads the scroll at the temple; when the official royal scribes hear that he has done so, they send for Baruch, and when he arrives with the scroll, they say "'sit down and read it to us'" (Targum and Septuagint: "Read it again"). Then

[416] Deut 31:11-13 may be a post-exilic addition to Deuteronomy, which could mean that 2 Kgs 23:1-3 influenced Deut 31 (Ben-Dov, "Writing as Oracle and as Law," 237).

they send Baruch away, and keep the scroll for the king, to whom they then read it. Public readings of documents other than the text of the law are very rare in the Hebrew Bible, and this prophetic account is one of the most lengthy descriptions of such a reading. The chain of events not only demonstrates the common ancient practice of reading a text aloud in groups, even amongst those capable of reading for themselves, as was the case with the group of scribes; it also establishes the potential for a prophetic oracle to be written down and conveyed through public reading, both to a comprehensive collective and in smaller audiences. It is clear that the scroll is a substitute for the prophet himself, and that its reading is to be as efficacious as in-person delivery of the oracle.[417] The divine word is accessible through the document, no matter which individual is pronouncing it aloud.[418] The power present in the material document explains why the king burns it to ashes, section by section as it was being read.[419] He wishes to reject the oracle itself, so he must destroy its physical manifestation *during its oralization* in order to do so. This choice undoes the scribal process that brought the oracle to the king; now that the document no longer exists, it cannot visibly, tangibly, nor orally convey the word of Yahweh to him.

In 2 Kgs 22-23, the only described means by which the whole people interact with the document is its public reading. A visual description of the document is not mentioned, and it is not displayed visually so the people can view the writing as they could have in Josh 8. This focuses in on the fact that the people only have access to the text in this temporally-limited, *oral* event; while it is being read, they have the text. The written artifact contrasts to the temporary

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[417] As observed by Thomas Römer, "From Prophet to Scribe: Jeremiah, Huldah and the Invention of the Book," 89.

[418] For further argumentation that written texts become "the word of God" in the Second Temple period, see William M. Schniedewind, *The Word of God in Transition: From Prophet to Exegete in the Second Temple Period*, vol. 197, JSOTSup (Sheffield: Sheffield Academic Press, 1995).

[419] "And every time Jehudi read three or four columns, [the king] would cut it up with a scribe's knife and throw it into the fire in the brazier, until the entire scroll was consumed by the fire in the brazier" (Jer 36:23, JPS).

nature of the reading, since it represents endurance through time in this account. Up until that point in the Kings narrative, it was only the king and his staff who saw, read, and responded to it. The public only comes in to play in the reading and in the Passover; they do not get referenced during the reform. By the Persian period, we may presume that the Jewish community would have seen Exod 24 as the background for the text of the covenant in the Josiah narrative,[420] so that the renewal of the covenant in 2 Kgs 23 is not only recommitting the community to its god, but reuniting the kinship bonds of the community.[421] By reconnecting to the forgotten document, this account serves as a call and a warning to renew the covenant of their forefathers, the kinship leaders of the past by whom unity was established amongst the people Israel. However, the depiction of a solely aural interaction with the law for the people maintains the narrative's emphasis upon invoking the everlasting law for the here-and-now, just as it is not concerned with the material document after the reading. It is a performative enactment of the iconic text in the present of the narrative.

The king responds to Huldah's message by calling out all the leaders of the community, and all the people, to re-appeal and commit to God at his house through publicly reading the document. In other words, the confirmation of divine authority in the written text leads to its oral

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[420] Exod 24 and the Josiah narratives in 2 Kgs 22-23 and 2 Chr 34 are the only places where the "book of the covenant" is referred to; it is possible that this is a later insertion into Exod 24's reading ceremony, intended to reference the Josiah narrative. If this is the case, Exod 24 only includes the book of the covenant after a version of 2 Kgs 23 that has this named book (presuming that 2 Kgs 23 predates 2 Chr 34); since usage of the Josiah narrative suggests that it was relatively stable by the Persian period, we may at earliest date the insertion to Exod 24 as Persian period. It is difficult, however, to confidently support this theory since its argument depends upon the circular reasoning that writing became more important for authority at a later period than Exod 24 was originally produced. On the other hand, one also finds the theory that an ancient tradition of Moses as scribal figure existed, which would argue that Exod 24 included the book of the covenant before 2 Kgs 22-23 did. See Stordalen, "Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)" for further reflection regarding the dating of 2 Kgs 23.

[421] Terje Stordalen, "Imagined and Forgotten Communities: Othering in the Story of Josiah's Reform (2 Kings 23)," in *Imagining the Other, and Constructing Israelite Identity in the Early Second Temple Period* (London: Bloomsbury, 2014), xvii, 183.

dissemination, for the dual purpose of recommitting to the covenant and thereby attempting to repeal God's decision to still punish Israelite unfaithfulness. The king read in their hearing all the words of the document that had been found, so that all inhabitants, members of the community, small and great, have access to the content of the document in that moment. The reading makes all the words spoken by God in the text available to every Judahite individual (no outsiders are mentioned). However, public access to the text is limited to that moment of oralization, even though it remakes the ongoing covenant. Like the text of the covenant during this event, the covenant is verbally recommitted. The persuasive mode of text in this account is dominantly oral, even though it has the basis of a written document. Rather than describing the document as visible to the people, it is the king who is visible to the people. Since his position is the only one that is described, it is emphasized as a raised position: beside a pillar or upon a platform (על העמוד) before the temple.[422] The king is not mentioned by name in the ceremony portion of the narrative, so there is potential in future transmission of this account for the king to be interpreted as any potential king of Judah. Consistent with the king's role at the center of the whole narrative, he is the one who verbally responds to the reading by making a covenant with the commitment "to follow the Lord, keeping his commandments, his decrees, and his statutes, with all his heart and all his soul, to perform the words of this covenant that were written in this book" (2 Kgs 23:3). The covenant commitment is to do the things that were written in *this* document (only deictic referent in this narrative), so the community's unification in this moment is to the self-claimed purpose of the document, its very words. There is no mention of where the

[422] The same Hebrew phrase is also found in 2 Kgs 11:14, an account that parallels 2 Kgs 22-23; it recounts discovery of a hidden king, rather than a hidden document, and includes a covenant ceremony in which the guards take an oath in the temple. The king is presented upon the platform or by the pillar (על העמוד). It is possible that the meaning of this phrase was either obscured or out of practice by the time Chronicles formulated its account of Josiah's reign, since it describes him "at his place" (על-עמדו) (Cogan and Tadmor, *II Kings: A New Translation with Introduction and Commentary*, 285).

written artifact goes after the ceremony, which is consistent with the narrative's lack of attention to the future and application of past tradition to the present. As central as the written text was to the process of covenant recommitment here, there is no doubt that the covenant itself is everlasting, even when the text is either literally or symbolically "lost." The question of future faithfulness is only resolved by the fact that the exile takes place, so a tension remains between the ideal of covenant faithfulness and what seems to be constant Israelite departure from it.

The narrative also views the common response to the reading as physical. Upon hearing the contents of the text, Josiah tears his clothes as if he had been unaware that previous generations of his dynasty had not been faithful to God, and he is suddenly very concerned to rectify this situation. This also shows that the contents of the text are unknown until the moment of reading, so that reading reveals the suspected power of the document. Keane would label this a moment of transduction, in which a text changes modes from written to oral; the narrative takes this transition as the action which produces the effect of human response. Such a progression is only natural for an unknown text, but it also serves the purpose of catalyzing plot progression. Exodus 24:7, Deut 31:11, 2 Kgs 23:2, and Neh 8:3 all use the physical Hebrew description that the reading was "in their ears" (באזניהם, or a similar variation), indicating each individual's personal presence at and aural reception of the reading. Just as the king had accessed the text aurally ("the words you have heard" 22:18),[423] so the people heard the words of the text. Even more striking, the response of the populace is to "stand in the covenant" (23:3). This is the only occurrence of this phrase "and all of the people stood in the covenant." 2 Chronicles 34:32a instead renders the verb "to stand" as a causative with the king as subject. The NRSV translates

[423] This is a hanging clause in the MT Hebrew, which some translators attach to verse 19; in either case, its referent is the earlier reading of the scroll of the law to Josiah, connecting the book discovery account to Huldah's oracle, clarifying its direct address of Josiah (Ibid., 284).

this attribution of agency to the king: “Then he made all who were present in Jerusalem and in Benjamin pledge themselves to it”; more literally, “Then he caused all of those found in Jerusalem and Benjamin to stand [in it].” The precise inflected lemmas of the root *‘md* (עמד) to describe the king’s position and the people’s varies between King and Chronicles.[424] However, in each case it serves to render a physical description of the scene that minimally echoes the scene depicted in Josh 8. There is not a specific mention of where subgroups of the people were placed, in contrast to Josh 8’s distribution of the tribes to each side of the ark, but standing in the covenant appears to non-verbally convey the re-commitment of the people to their covenant with Yahweh. Moreover, this reflects common ancient Near Eastern practices of oath execution.

Like Josh 8:30-35, this ceremony details the completeness of the reading: “he read in their hearing all the words of the scroll of the covenant that had been found in the house of the LORD” (2 Kgs 23:2). Even though the completeness is emphasized, the details of the reading action itself are sparse. No length of time for the reading is mentioned, it makes no explicit mention of expansion upon the written content, and there is no direct speech for the reading. These are all elements the Josiah reading has in common with Josh 8, while Neh 8 does specify the date and length of the reading, and the fact that it includes expansive explanation. Other ancient Near Eastern oaths also state that “all the words” are to be read and observed, but as modern readers we should take care with how literally “all” is interpreted. Fitzmyer paralleled the phrase “all the words of the scroll/*sēphe*r” to the Aramaic usage of *sēpher* in the Sefire treaty, “the words of the inscription (which is) on this stele” (I Cb 3-4). Based on this parallel, he would take 2 Kgs 23:2 to mean “the words of the covenant inscription,” limiting the reading to the exact

[424] Hurvitz observes that in Late Biblical Hebrew, עמד often replaces earlier usage of קום in cases of establishing or confirming covenant, so the specific inflections used in Chr may reflect this tendancy (Avi Hurvitz, “A Linguistic Study of the Relationship Between the Priestly Source and the Book of Ezekiel,” CahRB 20 (1982): 94–97).

words inscribed upon the material artifact.[425] However, this interpretation finds greater significance in the term *sēpher* than may be merited. It is a common word for document that has a wide semantic range including any kind of written text. It also imposes the modern print culture desire to take reading as a literal oralization of precise wording, rather than allowing for the common ancient practice of oral expansion upon written text.

Even when the possibility of expansion exists, however, completeness of a document's reading may be emphasized for ideological purposes. The last section connected the idea of a single text to its complete encapsulation of the covenant, in order to establish this one text as the highest written authority. The comprehensive nature of the reading emphasizes the idea that, like a vassal oath, the entirety of the covenant's obligations in that moment are applied to the addressees, to be followed as a whole. The verse after the reading makes an intertextual connection to Deut 6:5, since Josiah speaks an oath repeating a commitment of "heart and soul" to perform all the words of the covenant in this document; this allusion indicates that to "love" Yahweh as commanded in Deut 6:5 is to follow the written law in the discovered text, possibly equating some version of Yahweh's words spoken to Moses with the words read out from the document in the reading ceremony. Even though it is not clear what sections or precise laws the text includes, it is evident that the covenant is conceived of as a complete body in order to encapsulate the covenant relationship. As discussed in the previous chapter, ancient conception of a "text" permitted for some flux within the content, even within the confines of a "word." The idea of completion has more to do with the purpose of the reading presentation than it has to do with the independent stability or comprehensiveness of the written document.

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[425] Joseph A. Fitzmyer, "Some Observations on the *Genesis Apocryphon*," *CBQ* 22 (1960): 456.

The text affects the community with consequences for disobedience. There is far less self-referential language in the account than there is in a composition such as Deuteronomy. The narrative does not view itself as part of the discovered document of the covenant.[426] The fact that it refers to no writing or copying makes the document less of a scribal product, and more of an unchanging encapsulation of God's words to the community. 2 Kings 22-23 imagines the *sēp̱her* of the covenant to be not a product of human subjects, but a product of divine speaking. The object does not have a controlling effect on the divine. There is the potential to request divine alteration of the consequences enacted by the document, even though historical circumstances of the exile do not permit the narrative to interpret this as an effective appeal. In the subject-object relationship of the divine to the text, Kings tells us that the document is a product that may reflect knowledge regarding the divine and his covenant with the Israelites, but it is not shown to develop or actualize the divine. Since the object is not portrayed as created by humans, it has an effect on the people, but not as something they produced. Its reading may be interpreted as an external, divine voice forming the community, since it wields power over those who are included within the covenant and binds them in unity to one another and their God. While this account is less of a reflection by biblical authors and redactors upon their own task than Deuteronomy may have been, or Neh 8, it does model how early exilic Israelite voices would reflect upon the potential of an authoritative document in their community.

The narrative's focus upon the king in the larger account and in the ceremony suggest that the reading event is directed primarily at characterizing the king, and secondarily the people as his subjects. Having understood the prophetically authenticated text as a recited word of God, the public performance of the text may transduct the message for the purpose of attributing

[426] For a fuller discussion of this dynamic, see Römer, "The Case of the Book of Kings," 201.

legitimate authority to the king as performer: “Publicly performed sign-acts add legitimacy to both the oracle and the prophet; they confer honour upon the performer, and increase the persuasiveness of the prophetic message.”[427] The prophetic speech formula and prophetic imagery in the oracle also lend credibility, power, status and authority to King Josiah. Prophetic legitimization of Josiah in this reading ceremony balances out the parallels to ancient Near Eastern loyalty oaths that exist for a public reading. The performance of a written loyalty oath like the Esarhaddon treaties would serve to subjugate the vassal king to the suzerain – Yahweh being the suzerain in this comparison – and so overlaying the prophetic oracle interpretation of the event would elevate the vassal king to one credited with direct divine favor. Although not always in written media, oracles were commonly used by neo-Assyrian rulers, including Sennacherib, Esarhaddon, and Assurbanipal, to obtain divine confirmation for their actions.[428] Connecting to the public audience extends the king’s power over the populace. Since King Josiah here represents the Davidic dynasty and its claim to the Mosaic covenant, his reading of the covenant is not a coercive power over the people, but is a power that permits the people to “stand in the covenant.” The king is the vehicle for the true covenant of Yahweh, by which the Judahites may receive their covenantal identity.

Conclusions:

While elements of Josh 8:30-35 and 2 Kgs 22-23 often are both roughly dated to the exilic period, they present differing points of view regarding the audience and authentication of

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[427] William L. Kelly, “Prophets, Kings and Honour in the Narrative of 1 Kgs 22,” in *Prophecy and Prophets in Stories: Papers Read at the Fifth Meeting of the Edinburgh Prophecy Network, Utrecht, October 2013*, ed. Bob E. J. H. Becking and Hans Barstad (London: Brill, 2015), 71.

[428] Ben-Dov, “Writing as Oracle and as Law,” 232.

the document of the law.[429] In these reading narratives, contrary notions arise regarding the function of the document due to the accounts' respective ideological projects. Joshua 8:30-35 supports inclusion of northern followers of Yahweh, extending this heterogeneity to the resident aliens, women, and future generations of the community. 2 Kings 22-23, on the other hand, limits the address of the text of the law to the present-day residents of Judah and Jerusalem. Their descendants are not directly referenced. The delimitation of the document's addressees serves to claim the covenant of Moses for a narrow group of the Israelites: those originating in the southern Davidic kingdom of Judah. The narrative authorizes this claim through the prophetess Huldah, who, independently of any northern tradition, affirms directly from Yahweh that his commitment to the people Israel is, in fact, a commitment solely to the people of Judah. The document itself thus provides a means of delimiting the covenant members, clarifying a range of obligations for the covenant, establishing a material connection to the past covenant, as well as issuing a visual and audible divine word to the present day of the covenant addressees. The narrative presents the document as issuing both from the Sinai and Horeb traditions, while omitting mention of Mosaic authorship or transmission. This omission permits the book of the law/covenant to gain current prophetic validation and application to the present day of Judah, while maintaining the continuity with Israelite past. 2 Kings 22-23 thus bears a pre-exilic testimony to a prophetically authorized iconic text, which serves to narrow the people of the covenant to residents of the Davidic kingdom of Judah.

[429] Römer points out more broadly that there are a variety of viewpoints within the Pentateuch and the Prophets sections of the Hebrew Bible due to the scribal voices: "The production of the Prophets and the possibly also of the Torah should be attributed to a narrow circle of *literati* who expressed a range of theological notions, sometimes contrary notions, in different styles" ("From Prophet to Scribe: Jeremiah, Huldah and the Invention of the Book," 94).

CHAPTER FIVE

Nehemiah 8 and the Mosaic Text

"When the seventh month came—the people of Israel being settled in their towns— all the people gathered together into the square before the Water Gate. They told the scribe Ezra to bring the book of the law of Moses, which the Lord had given to Israel. Accordingly, the priest Ezra brought the law before the assembly, both men and women and all who could hear with understanding. This was on the first day of the seventh month. He read from it facing the square before the Water Gate from early morning until midday, in the presence of the men and the women and those who could understand; and the ears of all the people were attentive to the book of the law. The scribe Ezra stood on a wooden platform that had been made for the purpose; and beside him stood Mattithiah, Shema, Anaiah, Uriah, Hilkiah, and Maaseiah on his right hand; and Pedaiah, Mishael, Malchijah, Hashum, Hash-baddanah, Zechariah, and Meshullam on his left hand. And Ezra opened the book in the sight of all the people, for he was standing above all the people; and when he opened it, all the people stood up. Then Ezra blessed the Lord, the great God, and all the people answered, "Amen, Amen," lifting up their hands. Then they bowed their heads and worshiped the Lord with their faces to the ground. Also Jeshua, Bani, Sherebiah, Jamin, Akkub, Shabbethai, Hodiah, Maaseiah, Kelita, Azariah, Jozabad, Hanan, Pelaiah, the Levites, helped the people to understand the law, while the people remained in their places. So they read from the book, from the law of God, with interpretation. They gave the sense, so that the people understood the reading."
(Nehemiah 7:73–8:8 NRSV)

Introduction

As the latest of the biblical reading ceremonies, Neh 8 demonstrates that the model of public reading of a covenant document had become essential to Judean social identity by the Persian period. This final chapter of textual analysis will examine how the Neh 8 reading demonstrates a Persian period ideology of authoritative text, through its characterization of the people and the book of the law. The literary context of the reading ceremony in Neh 8 distinguishes itself from the other public reading ceremonies in the Hebrew Bible, because it serves as the literary climax within the work of Ezra-Nehemiah. While the readings in Josh 8 and 2 Kgs 23 function as covenant ceremonies at key points in Israelite history, the literary works in which they find themselves are not constructed around their pericope at the center. Michael

Duggan concludes that the pericope is also unique because it results from the people's reconstruction activities: "Locating Ezra's reading of the law, not at the beginning but at the end of his mission and after Nehemiah's reconstruction of the walls, reflects a theological vision of the place of the Torah in the community: hearing the law is not so much the seed as the ultimate fruit of reform."[430] As such, it represents the capstone moment in the restoration of identity of the post-exilic community. Although, like Josh 8 and 2 Kgs 22-23, Nehemiah depicts the document of the law as addressing a specific time, place, and people, as well as affecting that community's behavior, it bears key differences from them. In particular contrast to the Kings Josiah account, the nature of the people's participation in the event is strikingly active and democratic. What is more, the locus of the document's authority firmly places itself in Mosaic discourse, rather than the prophetic validation it receives in 2 Kgs 22.

This analysis will build upon previous synchronic literary studies of the covenant reading ceremony in Neh 7:72b-10:40, especially in the pioneering work of Shemaryahu Talmon, Brevard Childs, and Tamara Cohn Eskenazi. These studies have included close examination of Ezra-Nehemiah as a unified literary work, from the macro-level structural features to the micro-level lemma distribution. A common theme of literary studies regarding this particular narrative unit is the characterization of the people and their relationship to the scroll of the law because the social function of the law is precisely the focus of this literary unit. There is general consensus that the overall purpose of Ezra-Nehemiah is to situate the Israelite community in its new post-exilic Yehudite context; within this project, scholars agree that Ezra's reading of the law is the literary climax of Ezra-Nehemiah as a whole. This chapter purposes to take the implications of

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[430] Michael W. Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study* (Atlanta: Society of Biblical Literature, 2001), 41.

those studies further, particularly the idea that the scroll of the law is formative to the identity of the people of Yehud.

The question of the unity of Ezra-Nehemiah as a work comes to the forefront of a literary analysis of Neh 8-10 since this event featuring Ezra's leadership occurs amidst memoirs recounting Nehemiah's actions.[431] Ezra and Nehemiah are a united work in the earliest Septuagint manuscripts and in the Masoretic text.[432] However, ancient Ezra traditions existed separate from Nehemiah traditions, namely in 1 Esdras and in the version Josephus accessed. The two protagonists of Ezra and Nehemiah take the spotlight in their respective halves of Ezra-Nehemiah, except in the reading at the Water Gate, where Ezra pops back up again with a shift into third person voice from the first person voice of Nehemiah. James C. VanderKam has observed differences in the language and use of archival materials in Ezra and Nehemiah respectively, challenging an emphasis upon the unity of Ezra-Nehemiah as a literary work.[433] The apparent redactional hand highlights the fact that the Masoretic version of Ezra-Nehemiah strategically places the Water Gate reading at this juncture in the Nehemiah to give it a specific role in the narrative. David Kramer has argued that Ezra and Nehemiah are a study in

[431] Duggan sums up the case for the unity of Ezra-Nehemiah: 1) witness of tradition 2) narrative reciprocity of Ezra and Nehemiah as introduction and conclusion of the full story 3) features of vocab and style that are unique to Ezra-Nehemiah in biblical literature 4) Masoretes united them, Talmud only mentions "Ezra" subsuming both under that title, Eusebius only mentions Ezra, Origen partitions two books 1 and 2 Esd, the Vulgate divides it into two books but attributes both to Ezra 5) Ezra and Nehemiah require each other for narrative completeness (for example, the book of the law is introduced in Ezra 7:6ff, and followed up with Neh 8) 6) the lexical items that are unique to these books: temple servants (נתינים), and "the hand of God [was] upon…" (יד אלהים על); common types of dating indicators, names of months (Ibid., 35).

[432] Tamara C. Eskenazi, "The Structure of Ezra-Nehemiah and the Integrity of the Book," *JBL* 107, no. 4 (December 1988): 641.

[433] James VanderKam, "Literary Questions between Ezra, Nehemiah, and 1 Esdras," in *Was 1 Esdras First? An Investigation Into the Priority and Nature of 1 Esdras*, ed. Lisbeth S. Fried (Atlanta: SBL Press, 2011), 131–44.

contrasts,[434] and scholars since H. G. M. Williamson and Sara Japhet separated Ezra-Nehemiah from Chronicles have asserted the climactic function of Neh 8-10 in the unified work.[435] One does not need to agree with Japhet that Ezra-Nehemiah is the work of a single author in order to appreciate the literary structure and internal chronology of the Masoretic form of the work. There is general consensus that the pericope ends at Neh 10:40.[436] As for the beginning of the account, I would support the choice of 7:72b as the starting point because it sets up the timeframe of the seventh month that is then carried out throughout the narrative.[437] Literary features also set the narrative apart through the shift in narrative voice from first person to third person, the clear structuring of subsections, and the repetition of significant vocabulary.[438] In the larger scope of the narrative, the covenant renewal transitions from the rebuilding of the city walls to the post-exilic reshaping of Israelite identity, preparing the people to rededicate the city to Yahweh.

Part A: Characterizing a Pedigreed People in Nehemiah 8

I. The Land and the People: Location at the Water Gate and a Reconstructed Israel

The land in which Ezra-Nehemiah situates itself is wholly different from the land in 2 Kgs 22-23, even though both take place in the region of Jerusalem. Through the Babylonian conquest of Jerusalem and Judah, the Davidic monarchy had been dethroned, and the elites of the

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[434] David Kraemer, “On the Relationship of the Books of Ezra and Nehemiah,” *JSOT* 59 (1993): 73–92.

[435] For Williamson, Ezra-Nehemiah was arranged to provide a cohesive vision of salvation history from the end of the exile through Nehemiah’s missions (H. G. M. Williamson, *Ezra-Nehemiah*, Word Biblical Commentary (Waco: Word Books, 1982); Sara Japhet, “The Supposed Common Authorship of Chronicles and Ezra-Nehemia Investigated Anew,” *VT* 18 (1968): 330–71.).

[436] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 68.

[437] Duggan points out that 11:1 is the narrative sequel to 7:72b, with the same introductory verb, similar vocabulary regarding towns, Israel, priests, Levites, and temple servants, and it summarizes the previous census list (Ibid., 71).

[438] Ibid., 291.

Judean population were removed to Babylon, reducing the population of Judah to the poorest of the inhabitants. The term "Judahite" refers to those belonging to the pre-exilic kingdom of Judah, while "Judean" indicates those who belong to post-exilic reconstructed Yehud. The archaeological record confirms the decimation of Judah, evincing a significant drop in population and luxury goods. When Cyrus of Persia conquered the Babylonian Empire, he instituted a policy, preserved in the Cyrus Cylinder, which permitted those populations exiled by the Babylonians to return to their lands of origin. Ezra-Nehemiah applies this edict to the Judeans specifically in its first verses, attributing the benevolent policy of Cyrus to inspiration from the Israelite god. This sets the scene for the community of exiled Judeans to return to Judah and Jerusalem, without the cultural institutions of the Davidic monarchy and the Jerusalem temple that had defined the community and their divine favor prior to the exile. The deficit of previously central institutions leaves the returnees not only with the task of rebuilding a decimated city and region, but also with the task of rebuilding a cultural identity. Ezra-Nehemiah formulates its perspective on this process of reconstruction by selectively dealing with elements of the current socio-political situation. It paints a picture of a community that ignores the Davidic line, while benefiting from Persian imperial oversight and validating the Judean community in Mesopotamia. In support of its Persian alliance, Ezra-Nehemiah also promotes Aramaic as implicitly belonging to Judean linguistic identity.

A. The Royal Ideology of Ezra-Nehemiah: Downplaying the Davidic Dynasty

Royal ideology significantly differentiates Ezra-Nehemiah from other Persian period literature. Source-critical discussions of Ezra-Nehemiah most frequently have concerned themselves with its relationship to Chronicles and, more recently, the relationship of the Ezra

memoirs to the Nehemiah material.[439] The unity of Chronicles with Ezra-Nehemiah has for the most part dissolved under close scrutiny.[440] While their literary tendencies diverge somewhat from one another, they radically differ in their attitudes towards the Davidic line of kings. As a scholar who found the Chronicler to be a literary tradition,[441] David N. Freedman argued that an earlier edition that included Ezra 1-3:13 purposed to support Zerubbabel as the post-exilic heir to the Davidic throne, but the final edition of Chronicles exhibited anti-monarchic tendencies.[442] Freedman's reasoning demonstrates that the scholarly debate revolves primarily around ideological emphasizes in the literature, although the differentiation began with Japhet's analysis of linguistic differences.[443] In the Septuagint, 1 Esdras also affects this literary history, since it conveys a history of the southern community from Josiah's reign through the exile to the post-exilic reconstruction. 1 Esdras incorporates some material from Ezra-Nehemiah with its own

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[439] Duggan observes that from first half of the nineteenth century until the end of the nineteenth century, commentators nearly always studied the text from a diachronic perspective; as such it was consistent with the historical-critical approach taken by most biblical scholars during that time period (*The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 1).

[440] L. Zunz first asserted in 1892 that Ezra-Neh was the same work as the author of Chr. Torrey and Noth thought the "Chronicler" was one person both using sources and composing freely; Kapelrud thought the Chronicler was a school or circle; Freedman thought the Chronicler was the originator of a literary tradition. "In 1968, such consensus definitively broke down under the weight of S. Japhet's discussion of linguistic traits that distinguish Ezra-Nehemiah from Chronicles" (Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 22–23; see also Eskenazi, "The Structure of Ezra-Nehemiah and the Integrity of the Book," 641).

[441] Cross also saw the Chronicler as a literary tradition, but posited three versions of Chr which in the end included Ezra and Neh, and he took 1 Esd as representing an earlier recension of the Chronicler's work, in which the missions of Ezra and Neh did not overlap ("A Reconstruction of the Judean Restoration," *JBL* 94, no. 1 (March 1975): 8).

[442] David Noel Freedman, "The Chronicler's Purpose," *CBQ* 23 (1961): 436–42.

[443] Williamson's dissertation further supported Japhet's conclusion with his evidence from the end of Chr and the beginning of Ezra, in light of the relevance of 1 Esd and distinctive theology between the two, as well as additional linguistic considerations (see Japhet, "The Supposed Common Authorship of Chronicles and Ezra-Nehemia Investigated Anew").

pro-Davidic, hero-driven perspective.[444] Moreover, the presence of 1 Esdras in the Septuagint alongside a unified Ezra-Nehemiah demonstrates a Hellenistic preservation[445] of disparate post-exilic interpretations of Judean history and the post-exilic returnee community's place in that history.[446] Ezra-Nehemiah is essentially silent on the topic of a Judean kingship. It does mention Zerubbabel, the enigmatic Persian period remnant of the Davidic dynasty, but even when he emerges in that narrative it does not reference his Davidic lineage, his character does not exert kingly authority over the other leaders, and eventually he disappears without any commentary. Chronicles, on the other hand, constructs a history of Judah up to the Persian period with a view towards idealizing the Judean rulers, with "David as the head of a divinely ordained, everlasting dynasty."[447] Thus as analysis of the community in Ezra-Nehemiah proceeds, it will need to account for the narrative's relative disassociation from promoting the Judean royal line. This perspective gives the account a very different goal from that of 2 Kgs 22-23, and 2 Chr 34-35 as well, since those pericopes sought to claim that the Davidic state was the true heir to the Mosaic covenant.

B. Persian Oversight of Yehud: Framing Diaspora Identity

The vacuum of native Judean royal leadership in Ezra-Nehemiah makes room for another important ideological issue in the Chronicles-Ezra-Nehemiah relationship: the role of Persian imperial oversight in the community of Yehud. The community's significant experience in exile

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[444] Tamara Eskenazi, "Ezra-Nehemiah: From Text to Actuality," in *Signs and Wonders: Biblical Texts in Literary Focus*, ed. J. Cheryl Exum (Atlanta, 1989), 165–98.

[445] For Bedford, Ezra-Neh and Chr come from different authors, but in final form both are products of the mid- to late-fourth century ("Diaspora: Homeland Relations in Ezra-Nehemiah," *VT* 52, no. 2 (April 2002): 148).

[446] Both Williamson and Eskenazi firmly argue that 1 Esd cannot be used as evidence for the original unity of Chr and Ezra-Neh (Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 25).

[447] Ibid., 27.

remains present through a continued relationship to Persia and the Jewish community that was established there. Both the Aramaic and Hebrew portions of Ezra-Nehemiah reference the province of Yehud as "Avar Nahara," or "Across the River," defining Palestine as relative to Persia.[448] The text also evidences its entrenchment in exilic culture through exclusive use of Babylonian calendar terms.[449] Most biblical references to Persia are positive, and at least neutral. On the positive end the most notable is Isa 45:1 which refers to Cyrus as the anointed of Yahweh, and there are no negative judgments against the Persians in the contemporary prophets or Chronicles, unlike the denunciations against Assyrian and Babylon.[450] McConville notes that King Darius is called the "King of Assyria" in Ezra 6:22, which does encourage viewing the Persian ruler in a more negative imperial light as a descendant of Sennacherib and Shalmenezer.[451] However, Ezra-Nehemiah does not eagerly await the overthrow of Persia as McConville would suggest. The Cyrus Cylinder confirms that King Cyrus did indeed permit Babylonian exiles to return to their lands of origin, even though the cylinder does not mention the Judean people or land by name. Chronicles closes with a version of King Cyrus of Persia's edict to let the Judean exiles return home,[452] and Ezra opens with this same edict, introduced in

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[448] The Hebrew is "Avar haNahar," עבר הנהר (see discussion in Thomas B. Dozeman, "Geography and History in Herodotus and in Ezra-Nehemiah," 464).

[449] A point which may also assist the dating of the final composition and editing of the book (Albert D. Friedberg, "A New Clue in the dating of the Composition of the Book of Esther," 561-562).

[450] Myers, Ezra, xxv. According to J.G. McConville, Ezra-Neh takes a more negative view of Persian reign, taking it to be a burden and barrier to the purposes of the Judean community. McConville finds "hints" that the returnees hope for a complete salvation from exile and full restoration of an independent community in Judah, hopes derived from earlier prophecies ("Ezra-Nehemiah and the Fulfilment of Prophecy," 208). However, this interpretation of the text overemphasizes the possible hopes of the community and neglects the reality that the Jews remaining in exile are not expected to return to Judea, and the end of Ezra-Neh leaves the future of the exilic and restored communities in their respective locations (see Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," 153).

[451] J. G. McConville, "Ezra-Nehemiah and the Fulfilment of Prophecy," *VT* 36, no. 2 (April 1986): 208.

[452] "In the first year of King Cyrus of Persia, in fulfillment of the word of the Lord spoken by Jeremiah, the Lord stirred up the spirit of King Cyrus of Persia so that he sent a herald throughout all his kingdom and also declared in a

very similar wording but with a slight extension of the edict itself.[453] These parallel passages suggest that one should read the two books in tandem, even if they are not a unified work.

Within the structure of Ezra-Nehemiah as a unit, however, it introduces the reconstruction of Jerusalem on the basis of a Persian edict, in which the Persian king is "stirred" by Yahweh, God of the Israelites. Both the conclusion of Chronicles and the introduction of Ezra-Nehemiah set up Cyrus as an instrument of Yahweh, just as Isa 45 does.[454] Other exilic literature does not praise Persian leadership in the same way, and chooses to elevate the Judean line. This perspective is here more similar to Samuel-Kings, since no foreign kings serve a divine purpose there. Both Haggai and Zechariah, prophets named in Ezra 5:1, in their oracles mention one of the Persian kings named Darius, but not as an instrument of Yahweh.[455] In Hag 1:14, Yahweh stirs up Zerubbabel's spirit, whereas in Chronicles and Ezra he stirs up the Persian king's. Haggai depicts Zerubbabel as the chosen one of Yahweh, as a "signet ring" (2:23). Ezra-Nehemiah appears to do the reverse. It elevates the role of the Persian king while reducing that of the native Judean king. Even though it is possible to argue that Ezra-Nehemiah depicts a

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written edict: 'Thus says King Cyrus of Persia: The Lord, the God of heaven, has given me all the kingdoms of the earth, and he has charged me to build him a house at Jerusalem, which is in Judah. Whoever is among you of all his people, may the Lord his God be with him! Let him go up'" (2 Chr 36:22–23).

[453] "In the first year of King Cyrus of Persia, in order that the word of the Lord by the mouth of Jeremiah might be accomplished, the Lord stirred up the spirit of King Cyrus of Persia so that he sent a herald throughout all his kingdom, and also in a written edict declared: 'Thus says King Cyrus of Persia: The Lord, the God of heaven, has given me all the kingdoms of the earth, and he has charged me to build him a house at Jerusalem in Judah. Any of those among you who are of his people—may their God be with them!—are now permitted to go up to Jerusalem in Judah, and rebuild the house of the Lord, the God of Israel—he is the God who is in Jerusalem; and let all survivors, in whatever place they reside, be assisted by the people of their place with silver and gold, with goods and with animals, besides freewill offerings for the house of God in Jerusalem'" (Ezra 1:1–4).

[454] "I have aroused Cyrus in righteousness, and I will make all his paths straight; he shall build my city and set my exiles free, not for price or reward, says the Lord of hosts" (Isa 45:13).

[455] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 48.

discontented community seeking to overthrow the imperial yoke of Persia,[456] the overwhelming majority of scholarship agrees that Persia is considered in a relatively positive light when compared to other of Israel's imperial overlords.

Moreover, historical evidence supports the possibility that the Persian administration would have endorsed an implementation of a traditional law code in Yehud under someone like Ezra's leadership.[457] It was a Persian king who facilitated a return to the land, the rebuilding of the temple and the city of Jerusalem, and the reinstitution of the book of the law. Given the lack of tension in the portrayed relationship with Persian in Ezra-Nehemiah, and the omission of commentary regarding the Davidic line represented by Zerubbabel, scholars have interpreted the Persian monarchy as supplanting the Judean kings in the post-exilic leadership structure of Yehud. For McCarthy, there is a change of focus in Ezra-Nehemiah from that of Chronicles (and, consequently, Samuel-Kings), since a king is still necessary to the building and operation of the temple and city, but now he is a pagan outsider working through intermediaries rather than a native king present in the city.[458] The royal patronage permits the reconstruction to occur, but the removed nature of the king promotes the active role that the people play in Ezra-Nehemiah's portrayal of the restoration. Ezra 9:9 sums it up: "For we are slaves; yet our God has not forsaken us in our slavery, but has extended to us his steadfast love before the kings of Persia, to give us new life to set up the house of our God, to repair its ruins, and to give us a wall in Judea and

[456] For example, see McConville's argument that the attitude towards the Persian Empire in Ezra-Neh is not clearly favorable; at best it was equivocal, with hints that "Persian overlordship was a serious burden" ("Ezra-Nehemiah and the Fulfilment of Prophecy," 208).

[457] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 19.

[458] Dennis J. McCarthy, "Covenant and Law in Chronicles-Nehemiah," *CBQ* 44, no. 1 (January 1, 1982): 32; Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 28, 47–48.

Jerusalem." Although Yehud is not a sovereign entity, Ezra-Nehemiah sees the divine hand in Persian facilitation of the reconstruction efforts. Having experienced exile in Mesopotamia under the Babylonians, the current Persian rulers in Mesopotamia are providing for the next stage in the exilic community's development. The identity of the returnees continues to be shaped by the diaspora experience.

C. Post-exilic Judean Linguistic Identity: Aramaic as Continued Connection to Diaspora

One of the implicit yet essential means by which Ezra-Nehemiah hints at its social alliance with the Persian Empire is through its integration of the Aramaic language into Judean identity. Usage of Aramaic in the post-exilic Jewish community was a product of the exile in the Babylonian Empire, where Aramaic was the official administrative language.[459] Although the exact nature of Hebrew usage during the Persian and Hellenistic periods is difficult to ascertain, some contingents of the Judean community did increasingly speak Aramaic as vernacular starting with the Persian period, while fewer Jews spoke Hebrew in spite of liturgical usage and Torah study.[460] The Yehud coins minted in Judah during the Persian period are printed in Aramaic script, but the coins minted after the transition to Hellenistic rule evidence paleo-Hebrew script, suggesting that the Persian period was indeed a significant point of Aramaic influence in Judah. Since the coins were probably minted by the Jerusalem priests, the whole-hearted adoption of Aramaic by the Jewish community at this time appears likely, as does a strong ongoing connection to Persia.[461] On the other hand, the Achaemenids also provided means

[459] Seth Schwartz, "Language, Power and Identity in Ancient Palestine," *P&P* 148 (1995): 20.

[460] For further discussion of the shift to Aramaic usage in the Judean community, see William M. Schniedewind, "Aramaic, the Death of Written Hebrew, and Language Shift in the Persian Period," in *Margins of Writing, Origins of Cultures*, ed. Seth L. Sanders, Oriental Instutute Seminars 2 (Chicago: Oriental Institute of the Univ of Chicago, 2006), 137–47.

[461] John Wilson Betlyon, "The Provincial Government of Persian Period Judea and the Yehud Coins," *JBL* 105 (1986): 641.

of keeping local languages alive, through their patronization of local temples as in Jerusalem.[462] Therefore, the Persian empire both encouraged vernacular use of Aramaic while permitting local languages to continue in cultic practice, facilitating development of bilingual communities.

The absorption of Aramaic into Jewish social identity reflects the ongoing identification of Judean communities not only with the Persian Empire, but even moreso with the Babylonian Jewish community. Although the various Aramaic source documents certainly were edited during the Hellenistic period,[463] these passages are in essence a Jewish story about Jewish experience in exile and the completion of the Persian period temple in Jersusalem.[464] This identification with the Babylonian exile would bear a permanent influence on Rabbinic Judaism. Rhetoric throughout Ezra-Nehemiah suggests strongly that the returnees viewed their exilic experience as central to belonging to their post-exilic community, including usage of Aramaic. This element of post-exilic identity is particularly pertinent to understanding the Nehemiah 8 reading ceremony, because it explicitly describes interpretation and explanation of the scroll of the law to the audience. It is likely that translation from Hebrew into Aramaic was necessary, in order to achieve widespread understanding of the contents: "So they read from the book, from the law of God, with interpretation. They gave the sense, so that the people understood the

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[462] According to Seth Schwartz, by 300 B.C.E. Aramaic mostly replaced Hebrew as spoken language in Palestine. Other national and tribal groups under the influence of the great empires also came to adopt Aramaic as vernacular, while also maintaining some use of their previous language for some time ("Language, Power and Identity in Ancient Palestine," 3, 19, 21).

[463] Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," 148.

[464] There is apparent use of Jewish Aramaic source documents for the administrative letters in Ezra (4:8-6:18, 7:12-7:26). In her literary analyses of Ezra-Neh, Eskenazi does not discuss the literary significance of the first edict of a Persian monarch being in Hebrew and the rest in Aramaic (Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 55). The first edict, which permits the Judeans to return home, connects the beginning of Ezra to the end of Chr in its Hebrew phrasing. Since this decree was issued to affect so many different people groups, it likely would have been at least orally very well known in different languages. The other letters, as administrative letters, pertain to the practical specifics of the reconstruction efforts, and as such most likely only operated in their Aramaic form as the *lingua franca*.

reading" (וַיִּקְרְא֥וּ בַסֵּ֛פֶר בְּתוֹרַ֥ת הָאֱלֹהִ֖ים מְפֹרָ֑שׁ וְשׂ֣וֹם שֶׂ֔כֶל וַיָּבִ֖ינוּ בַּמִּקְרָֽא Neh 8:8). While linguistic interpretation from Hebrew into Aramaic is not directly mentioned, the bilingual nature of Ezra-Nehemiah, the book of Daniel's Aramaic chapters, and plentiful extra-biblical testimonies to Aramaic usage in Second Temple Jewish literature remind us that Hebrew language skills may have been partially lost in a post-exilic community.

In addition to depicting a community that has integrated Aramaic into daily and literary usage, Ezra-Nehemiah also demonstrates an expectation of bilingualism through insertion of Aramaic portions into its largely Hebrew text. While bilingual shifts within a single document appear in other documents from the Persian and Hellenistic period,[465] the authors and editors could have made use of this technique for a particular purpose. The final editor assumes that a bilingual audience will hear or read Ezra-Nehemiah, and that Aramaic has already been incorporated into the Jewish community in the narrative. While these Aramaic portions may be intended to invoke a sense of authenticity in the correspondence with Persia,[466] the narrative portion that follows the first two letters in 6:13-18 cannot be explained by the same reasoning, as it seems to randomly switch back into Hebrew narrative at 6:19. B.T. Arnold proposes that the Aramaic narrative portion communicates a change in the author's point of view from internal to external. That is, the Aramaic text identifies with the positive Persian perspective on the people in Judah, whereas the reintroduction of Hebrew then gradually brings the narrative back to an inside perspective.[467] If the author indeed uses the two languages for this dramatic effect, then he is anticipating that the reader will have the cultural and linguistic background to appreciate the

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[465] C. C. Torrey, "The Nature and Origin of 'First Esdras,'" *AJSL* 23, no. 2 (January 1907): 116–41.

[466] Daniel C. Snell, "Why Is There Aramaic in the Bible," *JSOT* 18 (1980): 32.

[467] B. T. Arnold, "The Use of Aramaic in the Hebrew Bible: Another Look at Bilingualism in Ezra and Daniel," *JNSL* 22, no. 2 (1996): 6–8.

effect. C. C. Torrey pointed out that the content of the letters solely concerns key aspects of Jewish identity and religion: differentiation from the Samaritans, Jerusalem as the center of religious practice, and the requirements of the clergy.[468] So, then, if Arnold is correct, the author/editor of Ezra-Nehemiah has chosen Aramaic documents that depict the Jewish community in Judah as objectively supported by the Persian government in their identifying activities.[469]

The verse just prior to the Aramaic text is the only place in Ezra-Nehemiah where the Aramaic language is mentioned by name; the verse describes how the Judeans' opponents are composing a letter in Aramaic to the king of Persia, and the last word is "Aramaic" to signify that the next sentence is in Aramaic (as in Dan 2:4). This verse is also notable in that the sole biblical usage of the root of "targum" is used for "translate": "And the writing of the letter was written (in) Aramaic and translated; Aramaic" (Ezra 4:7b).[470] The Septuagint also preserves the bilingual context of the narrative by understanding the verse to mean that the letter was written in Aramaic and translated (ἡρμηνευμενην).[471] The translation of this letter both by its composers and by its recipient indicate that the process of translation is an accepted part of life in the Persian Empire, as the reading ceremony in Neh 8 also confirmed. Judah does not appear to be in a situation of diglossia since both languages serve "high" and "low" purposes.[472] It is not entirely clear if different economic or vocational classes would have spoken each language, but both

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[468] C. C. Torrey, "The Aramaic Portions of Ezra," *AJSL* XXIV (1908): 225.

[469] Thomas B. Dozeman, "Geography and History in Herodotus and in Ezra-Nehemiah," *JBL* 122/3 (2003): 465.

[470] "וּכְתָב֙ הַֽנִּשְׁתְּוָ֔ן כְּת֥וּב אֲרָמִ֖ית וּמְתֻרְגָּ֥ם אֲרָמִֽית."

[471] The Septuagint also eliminates the final "Aramaic" in the verse, taking it as a marker of the language shift, but it clarifies the earlier reference to Aramaic by making it the object of the verb in accusative case (γραφην) to show that the letter was written in Aramaic.

[472] Schwartz, "Language, Power and Identity in Ancient Palestine," 16.

Hebrew and Aramaic are spoken languages in this narrative, and perhaps Aramaic more than Hebrew. Ezra-Nehemiah includes Aramaic passages because it depicts a community that has wholly embraced Aramaic into its religious and cultural life following their defining experience in exile.

D. Location at the Water Gate: Purifying the Land and the People

Having established the Persian period milieu in Judah, let us narrow focus to the physical venue in Neh 8. In the Joshua and Kings ceremonies, the location of the event directly related to the audience addressed by the reading: the land and the people are inextricably linked. The venue of the Neh 8 reading ceremony is notable in that it takes place in the city, and not at an explicitly cultic site. While 2 Kgs 23 set the covenant reading ceremony before the temple in pre-exilic Jerusalem, Neh 8:3 selects a public square before "the Water Gate" (שער המים). This location is not named outside of Nehemiah in the Hebrew Bible or in other ancient sources, but it is clear that it is not in the temple but rather at the wall of Jerusalem. The Water Gate is named a second time in Neh 8:16, along with the Gate of Ephraim, as two locations outside of the "house of God" at which booths were constructed during the festival. As such, this location has festival significance, but separates this event out from previous events that took place at the temple.[473] In the context of the completion of the walls by Nehemiah and the rededication of the city as a whole to God, the reading brings the covenant commitment into the city as a whole rather than limiting it to temple precincts.

The designation of "Water Gate" suggests that it may be the gate that was closest to the Gihon Spring, which served as the sole water source for the city of Jerusalem. Archaeologically,

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[473] For example, the foundation of the temple (Ezra 3:1-13) and the dedication of the temple and the Festival of Passover (6:16-22) (Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 102).

it is not clear whether this gate would have existed in Nehemiah's wall, but it is clear narratively that it is not at the temple, and probably bears connection to the rebuilding and rededication of the walls.[474] The Gihon was enclosed within the city walls by Hezekiah's defense of the city against Sennacherib, and as such was essential to the city's celebrated survival as Zion, the home of Yahweh. Eskenazi has argued that Ezra-Nehemiah portrays the entire city of Jerusalem as the house of God; while this assertion is difficult to fully support,[475] it draws attention to Ezra-Nehemiah's triumphal recounting of the reconstruction of the city of Jerusalem.[476] The Water Gate serves a subtle reminder that the city once was the protected home of Yahweh that survived the onslaught of the Assyrians. The spring was also the location of Solomon's anointing as king (1 Kgs 1:33), further bringing to mind the golden era of the United Kingdom of Israel. Even though the Davidic dynasty seemingly disappears within the book of Ezra-Nehemiah, the city has been made whole again under non-royal leadership. In fact, the covenant ceremony at the Water Gate, establishes priestly and Levitical leadership over the community and city as a whole, and not just over cultic and temple matters.

Ezra-Nehemiah's construction of post-exilic Judean society starkly contrasts to the community portrayed in 1 Esdras, another reading of the Ezra tradition maintained in the

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[474] Ibid., 101–102.

[475] For one assessment of this argument, Duggan points out the scarcity of the term "house of God" that is at the center of Eskenazi's case; neither of the two occurrences in the Nehemiah memoirs refer either to the city or the people. Duggan also critiques Eskenazi for superimposing a modern literary model upon the literature, even though it may not fit at all points, and for focusing too intently upon large-scale commonalities throughout Ezra-Nehemiah to the neglect of some of the less agreeable details (Ibid., 54).

[476] Halpern interprets the insertion of Ezra 4:5-23 as the identification of the city fortifications as an extension of the temple building ("A Historiographic Commentary on Ezra 1-6: Achronological Narrative and Dual Chronology in Israelite Historiography," in *The Hebrew Bible and Its Interpreters*, ed. W. H. Propp, B. Halpern, and D. N. Freedman (Winona Lake, IN: Eisenbrauns, 1990)).

Septuagint.[477] The way 1 Esdras recounts the exile's return to Jerusalem confirms that the choice of location relates to leadership jurisdiction. 1 Esdras consistently elevates the role of the Davidic leader and the temple, even mentioning a descendant of Zerubbabel (5:5) and drawing parallels between Zerubbabel and Ezra.[478] Interestingly, this construction of the return begins with an account of Josiah's Passover and his works, with reference to David and Solomon, and concludes with Ezra's reading of the law scroll.[479] The 1 Esdras reading ceremony takes place before the temple gates, rather than at the Water Gate, which both avoids extension of priestly leadership into the city and maintains a parallel with Josiah reading the scroll of the covenant after "going up" to the house of the Lord (2 Kgs 23:2).[480] Thus 1 Esdras demonstrates that a different reading of the return from exile is possible; one which reestablishes the pre-exilic order with a Davidic governor in the city and a high priest in the line of Zadok[481] (as it calls Ezra) in the temple.[482] While the chronological relationship of 1 Esdras to Ezra-Nehemiah is fraught with

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[477] Eskenazi, "Ezra-Nehemiah: From Text to Actuality," 168.

[478] Eskenzai argues for a cohesive message of 1 Esd as a whole: "1 Esdras is the story of the destruction and restoration of the Davidic leadership, the temple, and cult" (*In an Age of Prose: A Literary Approach to Ezra-Nehemiah* (Atlanta: Scholar's Press, 1988), 159, 170).

[479] The material that follows Neh 8:13-18 is not present in 1 Esdras, and Josephus likewise makes Nehemiah 8 the end of the Ezra tradition (Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 8).

[480] Eskenazi notes that the patter begins and ends with a celebration at the temple, which is a reverse of the structure in Chronicles, which bookends a central golden age with disasters (*In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 160).

[481] 1 Esd 1:1-5:65 "calls upon the old royal ideology of the Judean kings – chosen David, chosen Zion…[in which] king and high priest constitute a diarchy, son of David, son of Zadok" (Cross, "A Reconstruction of the Judean Restoration," 13).

[482] Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 170; Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 13.

complications,[483] it is evident that the Ezra material was not fixed perhaps until the common era; Josephus utilizes the 1 Esdras order of events instead of the Ezra-Nehemiah version, which has provided fodder for arguments that date 1 Esdras as earlier proof of a solely Ezra tradition.[484] 1 Esdras testifies to a Hellenistic, if not earlier,[485] tradition that prioritizes the Davidic dynasty, utilizing the arc of its narrative to ensure that the Ezra reading ceremony is understood in light of a Josianic model of Judean kingship.[486] Its emphasis on continuity between pre- and post-exilic eras is evident in its painting of the exile as a short "Sabbath" that did not dramatically disrupt the Davidic line.[487] As a point of contrast to Ezra-Nehemiah, 1 Esdras demonstrates that Ezra-Nehemiah's perspective was only one of multiple interpretations of the community's history and identity in the post-exilic period. Relative to 1 Esdras, Ezra-Nehemiah clearly deemphasizes any monarchic rule, even avoiding mentioning Davidic descent with regards to Zerubbabel, and draws attention not only to the prominence of priestly leadership in the region, but also attributes

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[483] The debates regarding 1 Esd's relationship to Chr and Ezra-Neh fall into two main camps: the Compilation Hypothesis and the Fragment Hypothesis. The Compilation Hypothesis posits that 1 Esdras "presupposes the canonical books of Chronicles and Ezra-Nehemiah," while the Fragment Hypothesis suggests that 1 Esd represents a fragment of the Chronicler's account of Ezra, and that the Masoretic Ezra-Neh is a later reworking of 1 Esd. For Eskenazi, the cohesive message of the composition shows that 1 Esd was an independent composition of the Chronicler, and she therefore finds that neither Ezra-Neh nor 1 Esd were ever considered continuous with Chr (Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 156–158).

[484] Mowinckel, for example, makes this argument (Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 6).

[485] Eskenazi assumes the antiquity of 1 Esd while giving slight priority to Ezra-Nehemiah (*In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 158).

[486] Talshir explains the structure of 1 Esd as a means of incorporating the Story of Three Youths, which is utilized to introduce Zerubbabel. Prioritizing this story would line up with highlighting the Davidic dynasty, and would explain why the "canonical" organization of the Ezra material is reworked. Talshir also argues against Boehler, who suggests that the 1 Esd order of events was original, and that Ezra-Neh in the MT alters that order (Zipora Talshir, "Ezra-Nehemiah and First Esdras: Diagnosis of a Relationship between Two Recensions," *Bib* 81, no. 4 (2000): 566ff).

[487] A concept also found in Chr's conclusion: "to fulfill the word of the Lord by the mouth of Jeremiah, until the land had made up for its sabbaths. All the days that it lay desolate it kept sabbath, to fulfill seventy years" (2 Chr 36:21).

an active role to the people as a whole.[488] The lack of reference to Davidic lineage and Zerubbabel's disappearance from the story thus seem to indicate that the community portrayed is not investing their hope in a reestablished monarchy nor a messianic salvation, but rather taking their post-exile life into their own hands.[489]

Just prior to the Water Gate event, Neh 7 connects the people to the land by recounting the settlement of the returned Israelite people in the towns of Judah. This is reiterated when the reading narrative begins "When the seventh month came – the people of Israel being settled in their towns – all the people gathered together into the square before the Water Gate" (7:72b-8:1a).[490] Occupation of the land is a physical reclamation of the land promised to Abraham and Moses for their people. Other Persian period literature focuses upon return to the land as it grapples with post-exilic identity:

> I will signal for them and gather them in, for I have redeemed them, and they shall be as many as of old. Though I scattered them among the nations, yet in far countries they shall remember me, and with their children they shall live and return. I will bring them home from the land of Egypt, and gather them from Assyria; and I will bring them to the land of Gilead and to Lebanon, till there is no room for them. (Zech 10:8-10)

Both Josh 8, for which an exilic date is often proposed, and Neh 8 connect their public readings to the occupation of the land. Joshua 8 had detailed a reading ceremony to recommit to the covenant before campaigning throughout the land in order to occupy it, and Neh 8 parallels this

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488 For example, Neh 9 focuses on the Mosaic covenant and exodus, and fails to mention David in connection with the temple, unlike Chr which focuses on the Davidic covenant in service of the temple; both Ezra-Neh and Chr have a concern for "all Israel" but Chr explicitly incorporates the northern tribes (1 Chr. 11:1, 2 Chr. 15:9-15, 30:25); in Chr Hezekiah even invites the northerners to Passover. Ezra-Neh acknowledges the tradition of the twelve tribes (Ezra 6:17) but limits the true Israel to Judah and Benjamin along with Levi (Ezra 10:9); Zerubbabel rejects the northerners' offer to help rebuild the temple (Ezra 4:1-3) (further discussion of differences between Ezra-Neh and Chr, see Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 28).

489 James D. Newsome, "Toward a New Understanding of the Chronicler and His Purposes," *JBL* 94 (1975): 214.

490 Neh 7:72b "and the sons of Israel in their towns" has solid textual witnesses, only absent from 2 Greek MSS from the 11th and 13th centuries CE, one Latin 11th c. CE, and the Ethiopic 16th CE (Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 80).

order by incorporating the reading ceremony before finalizing the resettlement process in Neh 11. As is the case throughout Ezra-Nehemiah, the people themselves, rather than the leaders, take the initiative in resettling the land, casting lots to distribute the land and choosing voluntarily to live in the city of Jerusalem.[491] The people are the ones who enact and benefit from the covenant promise of land.

The priestly voice in Ezra-Nehemiah is concerned not just with the covenant claim on the land and the city, but also with the purity of the geography and its inhabitants. Thus, the land and the people must together remain in a pure state. Both J. Klawans and C. Hayes have asserted that ritual impurity is not in question in Ezra-Nehemiah, but both find moral impurity present.[492] Saul M. Olyan has argued against both of them that Ezra-Nehemiah developed its own purity ideology that integrates elements of both "moral" and "ritual" impurity traditions. In all cases, however, it is evident that purity concerns are a means by which the community draws boundaries between its members and non-members, which are comprised of Yahweh-worshipping male foreigners, women of foreign origin who are married to Judean males, and children born to those women.[493] These foreigners were associated not only with profanation of the "holy seed" of Israel's bloodline, but also with impurity of the land simply through their physical presence:

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[491] Eskenazi also observes that Neh 8:17 mentions Joshua's era by name, the list of cities in Neh 11:25-36 resembles Josh 15, and the method of distribution also replicates Josh 15 (*In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 113).

[492] Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2004); Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Converstion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002).

[493] Ezra-Neh employs different strategies to justify removal of these people, including rhetoric of the purity tradition; some of it is exegesis of Lev 18:24-30, Deut 23:4-9, and Deut 7:1-6. Olyan argues that editors combined originally unrelated biblical texts characterized by negative views of foreigners, and read them with reference to the others; all together they support removal of those individuals ("Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community," *JSOJ* XXXV, no. 1 (2004): 2).

> 'The land that you are entering to possess is a land unclean with the pollutions of the peoples of the lands, with their abominations. They have filled it from end to end with their uncleanness. Therefore do not give your daughters to their sons, neither take their daughters for your sons, and never seek their peace or prosperity, so that you may be strong and eat the good of the land and leave it for an inheritance to your children forever.' (Ezra 9:11–12)

Olyan makes the interesting point that, in the Pentateuch, moral impurity is not communicable but also cannot be removed. Ritual impurity, on the other hand, is communicable, but is temporary. The impurity here in Ezra-Nehemiah is one that is communicable, but also lasts forever. Klawans and Hayes, by insisting that no ritual impurity was included in Ezra-Nehemiah, ignored the element of communicability that threatens the community. Special concern revolves around priestly intermarriage, and the preservation of the purity of the priesthood as an institution.[494] Preservation of community boundaries has thus the additional motivation of keeping the anointed bloodlines pure, lest future generations – and their land, by Ezra 9's logic - be forever tainted by the choices of the current generation. Each of the reading ceremonies here examined does concern itself with the location of the event, and some aspect of the land. The Josiah narrative is the only one in which the settlement of the land is a fait accompli. It is not interested in gaining occupancy of the land, but rather continuing to exert its already established sovereign power over Judah and even beyond its borders, over against foreign threats. Joshua 8 and 2 Kgs 22-23 do not share the same focus on purity of people and land that Ezra-Nehemiah

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[494] The text may be seeking to establish a hierarchy of transgression adapted to distinguish between the ritual and social status of priests and non-priests. The idea of polluting the priesthood through intermarriage appears influenced by "moral" and "ritual" impurity traditions; there are no direct textual allusions in Neh 13:28-30, "but I suspect that they included the Holiness Source's list of 'morally' polluting sexual unions found in Lev 18 and 20 read together with Ezek 44:22, which proscribes priestly intermarriages, in contrast to Lev. 21:7, which does not." In Lev 18 forbidden sexual unions are said to pollute both the transgressor and the land of Israel, and warrant the penalty of cutting off from lineage. The innovation in Nehemiah is to classify priestly intermarriage as proscribed and polluting; but it reverses the Holiness Source's treatment of sexual transgression: for H, it is "morally" defiling, while those associated with the priesthood profane holiness but do not pollute; in Nehemiah, priestly intermarriage is cast as "morally" polluting, but common Judeans are treated as illegitimate profanation of holiness. Pollution was cast as the more serious infraction (Ibid., 7–8).

does, even though they prioritize covenant compliance. In all cases, however, occupation of the land is essential to the people's covenant identity, and purification of the land in Ezra-Nehemiah is an additional means of establishing its borders and regulating the internal status of the land - and therefore, the status of the people.

II. Collective terminology in Nehemiah 7:72-10: An Exiled and Reconstituted Judah

The definition of the people of Israel in Ezra-Nehemiah is especially important because the people act as the protagonist of the work as a whole. They are the subject of the majority of the verbs in the main narrative segments of the book, just as King Josiah was the subject of the majority of the verbs in 2 Kgs 22-23. The people are often those who initiate the work, even when the leaders strategically organize the action.[495] The shift towards attributing action to the people rather than the leaders in Ezra-Nehemiah is brought into further relief by the lack of this shift in 1 Esdras, which maintains an emphasis upon the leader's roles in any actions.[496] The community works together to define its reconstructed identity. Some of them approach Ezra to start the marriage reform, and then he leads them through it (Ezra 10:2-4). The people who return are even "stirred up" by God just as King Cyrus had been, providing them with direct divine motivation for action (Ezra 1:5). The book also repeats the phrase "house of *our/their/your* God," a term that is rare outside of Ezra-Nehemiah, and which highlights collective claim to divine access at the place of divine residence.[497]

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[495] Tamara Eskenazi, "The Structure of Ezra-Nehemiah and the Integrity of the Book," JBL 107 (1988): 654-5.

[496] Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 170.

[497] Concentrated in a letter from Artaxerxes to Ezra, dedicating Babylonian and local resources to the rebuilding of the temple, and in the written oath of the people committing to observance of God's law: Ezra 4:3; 7:16, 17, 19, 20; 8:17; Neh. 10:32, 33, 35, 36, 37, 38, 39.

The people themselves are purified and made holy in the dedication of the city, after which one tenth of them are dedicated to live in the holy city: "Now the leaders of the people lived in Jerusalem; and the rest of the people cast lots to bring one out of ten to live in the holy city Jerusalem, while nine-tenths remained in the other towns" (Neh 11:1).[498] That is, the people are a commodity – counted out by the list – which are to be tithed to God, as any other valuable would be. Therefore, the people who belong to God are the ones who should accomplish the rebuilding of the temple and the city. This logic of separation ideologically explains the rejection of Samaritan help for the building of the temple, and the conflict that then ensues. Moreover, a series of collective assemblies shape the community throughout Ezra-Nehemiah: at the foundation of the temple (Ezra 3:1-6), the dedication of the temple and the Festival of Passover (6:16-22), Ezra's preparation at Ahava for aliyah to Jerusalem (8:21-30), expulsion of foreign wives and children (10:1-17), Nehemiah's socioeconomic reform (Neh 5:1-13). These assemblies culminate with the public reading at the Water Gate, where for the first time in the book of Nehemiah it states that "all the people gathered as one" (כָל־הָעָם֙ כְּאִ֣ישׁ אֶחָ֔ד),[499] a phrase also utilized in the gathering in Ezra 3:1 along with the same commentary that it was in the seventh month and the people were in their towns, all together paralleling the first assembly of the larger work. "All of the people" (כל העם) appears in the Nehemiah 8 reading pericope eleven of the total sixteen occurrences of the term in all of Ezra-Nehemiah, highlighting the importance of this event in the depiction of the people in this book.[500] At Passover, it is separation from the surrounding peoples that determines if people may be included with the exiles: the passover lamb

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[498] Ibid., 105.

[499] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 67.

[500] Ibid., 103.

"was eaten by the people of Israel who had returned from exile, and also by all who had joined them and separated themselves from the pollutions of the nations of the land to worship the LORD, the God of Israel" (Ezra 6:21). The oneness of the people is defined by their separation from the others.

One of the literary features that differs between Ezra-Nehemiah and Chronicles is Ezra-Nehemiah's lists of people who return to restore Jerusalem and Yehud. On the level of text-critical history, Cross concludes that nearly complete repetition of the list of returnees in Ezra 2 and Neh 7 is a result of the Nehemiah memoirs circulating separately from the Chronicler's work.[501] There is scholarly consensus that each list is a composite, encompassing social, political, and economic concerns.[502] Structurally, contemporary literary criticism would view the list as a kind of *inclusio* that brings Ezra and Nehemiah together a single work. Altogether they make "assertions about identity, territory, and relationships" by emphasizing who is a part of the group, and therefore who may own property and who may establish relationships with whom.[503] Eskenazi has been able to demonstrate that the placement of the lists creates a coherent structure for Ezra and Nehemiah, serving to express Ezra-Nehemiah's shift away from individual heroes to the centrality of the people as a whole. In addition to drawing attention to the collective people, the lists' placement also bridges the time period that has elapsed between Cyrus' edict and the reading ceremony, prior to which Nehemiah reportedly discovered the book of genealogy "of

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[501] Eskenazi also observes that the prevalence of lists has been used as argument for unity of Ezra-Neh and Chr, but points out that Ezra-Neh only has a single brief genealogy, and the rest are lists and some pedigrees. The divergence of the lists is primarily at the concluding sections (Ezra 2:68-69, Neh 7:70-71). For Japhet and Williamson, Ezra 1-6 is the latest stratum of the book (Cross, "A Reconstruction of the Judean Restoration," 11; Eskenazi, "The Structure of Ezra-Nehemiah and the Integrity of the Book," 643).

[502] Eskenazi's work builds upon shorter studies by Childs and Japhet, which also sought a literary unity in Ezra-Nehemiah (Ibid., 642).

[503] Gary N. Knoppers, "Intermarriage, Social Complexity, and Ethnic Diversity in the Genealogy of Judah," *JBL* 120, no. 1 (Spring 2001): 18.

those who were the first to come back" (Neh 7:5).[504] Nehemiah calls it a "book of genealogy" (7:5), indicating that the list should serve as "a standard by which the legitimate members of the community are determined."[505] The discovery of this book clarifies that the people who returned to the land and rebuilt the city and temple are from the same group of people who become re-dedicated and purified in the final chapters of Nehemiah.[506] As such, the lists exhibit whom Ezra-Nehemiah includes in Israel, as an immediate lead-in to the covenant reading ceremony. Only those who have returned from the Babylonian exile are permitted to participate in the reconstruction and in the recommitment to the covenant: "as an emphasis on the people as a whole, the list also expresses Ezra-Nehemiah's view of the wholeness of the people. Chronicles, by way of contrast, assumes the twelve-tribe schema for Israel even after the demise of the northern kingdom.[507] Consequently, Chronicles includes members of the northern tribes in the return."[508] The Ezra-Nehemiah lists include a range of different socio-economic classes and professions, but only from those of southern descent: Judah, Benjamin, priests, and Levites (Ezra 1:5).

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[504] The section formed by these lists is the longest in the book, with three distinct subunits. Each subunit has a clear task with complication and resolution: the building of the Temple by returnees with Zerubabbel and Jeshua; the return of Ezra and children of exile who build up the community according to the Torah; and the adventures of Nehemiah and the Judeans who build the wall. Eskenazi takes the list repetition as a means by which the house of God is extended to the whole city (Ibid., 646–647).

[505] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 73.

[506] For further discussion of this point, see Williamson, *Ezra-Nehemiah*.

[507] Chr is more inclusive of Samaritans and the non-Judean population of the land, which for Bedford is "in some respects a response to the narrower view articulated in the Ezra-Nehemiah" ("Diaspora: Homeland Relations in Ezra-Nehemiah," 148).

[508] Eskenazi, "The Structure of Ezra-Nehemiah and the Integrity of the Book," 648.

Both lists are bookended (Ezra 2:1 and Neh 7:72) with the specification that the people return to the towns from whence they came; this is to ensure that the returnees are indeed descendants from the towns in the hill country of Judah and from Jerusalem who had been "carried captive to Babylonia." Lest there be no uncertainty around this boundary, they also list out those who could not "prove their families or their descent" (2:59): they know who is proven in or out. The placement of the reading event just after the list and the settlement of the land would indicate that it is those same approved people who are gathering together. The relatively smooth transition from Neh 7 to Neh 8, in a book whose seams are otherwise easy to identify, suggests the editorial attention that this list placement attracted in order to achieve a consistent portrayal of the community throughout Ezra-Nehemiah.[509] Eskenazi argues that Ezra-Nehemiah exposes the developmental processes of identity formation from pre-exilic Judahites to rabbinic-era Jews, a process that culminates in the Torah reading ceremony in Neh 8 and following.[510] For Eskenazi, this process moves from geographic, to a commitment to God and the Torah, to segregation from the surrounding peoples; the level of commitment required of community members is evident in the reading ceremony, in which they are at every point active.

Post-exilic literature evidences a variety of voices amongst descendants of the pre-exilic Judeans. As previously discussed with regards to the source critical scholarship around Ezra-Nehemiah, the ideologies present in Chronicles and 1 Esdras contrast to those present in Ezra-Nehemiah. The primary social differences revolve around the idealization of the Davidic line and the conception of the community boundaries. Chronicles promotes a definition of the community that often generously includes northern tribes that Ezra-Nehemiah would spurn, even though

[509] Ibid., 654.

[510] Tamara Cohn Eskenazi, "Imagining the Other in the Construction of Judahite Identity in Ezra-Nehemiah" (London: Bloomsbury, 2014), 233.

Chronicles removes the history of the north from its accounting.[511] In Ezra-Nehemiah, the northerners are Samaritans who offer to help rebuild the temple, and once rejected by Zerubbabel, then oppose the reconstruction, and as such, serve as adversaries (Ezra 4:1) to the divinely-motivated Persian mandate to rebuild.[512] The in-group for Ezra-Nehemiah is those of southern descent who have returned to Judah from exile, having left behind the majority of their community.[513] The term "Israel" is only used to indicate those from Judah and Benjamin who have been in Babylonian exile.[514] As such, the identity of the returnees was very much formed by their experience in Babylon and their ongoing relationship to those left behind there. Some interpret the return to the land as a pilgrimage to the site of ancient roots where they are re-instituting their unique practices. The temporary nature of a pilgrimage would correspond to the idea that the Mesopotamian community is the present home, while Jerusalem is important to the past of the community.[515]

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[511] Troy D. Cudworth, "The Division of Israel's Kingdom in Chronicles: A Re-Examination of the Usual Suspects," *Bib* 95, no. 4 (2014): 498.

[512] The evidence suggests that the Samaritan-Judean relationship was much more complicated than a simple adversarial one; the Jedaniah archive at Elephantine includes letters written from the Elephantine community to both Jerusalem and Samaritan priests, and a joint response from Jerusalem and Samaria, so that there must have been cooperation and recognition of one another as Yahwists at some points in the Persian period. Differing sources also attribute the origin of the Samaritan population to either surviving northern Israelites, immigrants imported by the Assyrians, or a mix of the two, so it is not clear exactly what the descent of the group was; however, requiring a genealogy that could be traced from the south through the Babylonian exile would by definition exclude them (for further discussion of this relationship, see Gary N. Knoppers, "How It Began and Did Not End: The History of Samari(t)an and Judean Relations in Antiquity," *CBW* XXXV (2015): 189–211.).

[513] Rom-Shiloni argues that internal conflict within the Judean community began as early as the neo-Babylonian period, as evidenced by the antagonistic positions within the prophecies of consolation in Jeremiah. The opposing positions included pro-golah and pro-Judean perspectives (Dalit Rom-Shiloni et al., "Group Identities in Jeremiah: Is It the Persian Period Conflict?," in *A Palimpsest: Rhetoric, Ideology, Stylistics, and Language Relating to Persian Israel* (Piscataway, NJ: Gorgias Press, 2009), 11–46).

[514] David Talshir, "A Reinvestigation of the Linguistic Relationship between Chronicles and Ezra-Nehemiah," *VT* 38, no. 2 (April 1988): 173.

[515] Melody D. Knowles, "Pilgrimage Imagery in the Returns in Ezra," *JBL* 123 (2004): 73.

The Jerusalem community's connection to the Babylonian exile is further highlighted by Ezra-Nehemiah's silence regarding other diaspora communities. Zechariah 10:10 acknowledges that during the exile Israelites had taken up residence in Assyria and Egypt, but Ezra-Nehemiah never alludes to any exiles from Egypt. Ehud Ben Zvi points out astutely that other Yahwistic groups in diaspora locations other than Babylon were not included in Ezra-Nehemiah's definition of Israel. The Elephantine Yahwistic colony sent messages to both Yehudite and Samaritan authorities, yet their existence is not acknowledged by any post-exilic biblical literature. The Yahwistic community in Samaria is not only excluded from the in-group in Ezra-Nehemiah, but even constructed as enemies to the very purpose of the Judean returnees.[516] Like 2 Kgs 22-23, Ezra-Nehemiah narrows the covenant membership to those of southern extraction, but of course here it is those who have returned to the land via Babylonian exile.

Throughout Ezra, the use of the term "sons of the exile" (בני הגולה)[517] integrates kinship language with the exilic experience to create a clan of the people who participate in the religious practices and reestablish themselves in the land. Further "remnant" language throughout Ezra and Nehemiah characterizes the returnees as a holy portion of God's people who have escaped to

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[516] Although there were a significant number of Yahwistic names in Persian period Samaria, as attested by coins and bullae, "[The Samarians] could not possibly have identified themselves with the Judahite exiles in Babylon, nor could they have been regular members of the temple community of Jerusalem because they lived in the Achaemenid province of Samaria and because of the sociopolitical interrelation between temple community and province, nor is likely that they would have been allowed by the Achaemenids to join the community had they wanted to do so, because of imperial politico-administrative policies. In addition, it seems unlikely that they would have accepted that YHWH has a *unique* relation to Zion and those who dwelt in it (which, of course, empowers the temple community vis-à-vis the Samarians), nor as authoritative any version of divine teachings and traditions that consistently claimed so, such as most of the books included among the Former and Latter Prophets, and some of the Writings as well. Thus, from the perspective of the people of Yehud who accepted the claims of these texts (that is, 'Israel', from their own perspective) the Samarians are excluded from Israel, because they do not (and cannot) fulfill the theological, as well as the social and political requirements they are supposed to" (Ehud Ben Zvi, "Inclusion in and Exclusion from Israel as Conveyed by the Use of the Term 'Israel' in Post-Monarchic Biblical Texts," in *The Pitcher Is Broken: Memorial Essays for Goesta W. Ahlstroem*, ed. Steven W. Holloway and Lowell K. Handy (Sheffield: Sheffield Academic Press, 1995), 139–140).

[517] Ezra 4:1, 6:19, 6:20, 8:35, 10:7, 10:16.

continue his people: “But now for a brief moment favor has been shown by the Lord our God, who has left us a remnant, and given us a stake in his holy place, in order that he may brighten our eyes and grant us a little sustenance in our slavery” (Ezra 9:8). The more general “sons of Israel” (בני ישראל), previously identified as originating in kinship language, emerges four times in Ezra, but twice it is clarified that they are the “sons of Israel who had returned from exile,” and once it is only a portion of the people. It is used more often as a collective for the current population in Nehemiah. As such the argument has been made that the transition from “all Israel” and “the sons of the exile” to “the sons of Israel” draws attention to “a leap across generations from the ancestors who arrived immediately after the exile (7:6-72a) to their descendants who gathered some eighty years later to hear Ezra read the Torah (7:72b-8:18).”[518] This general kinship term is incorporated in Nehemiah in order to describe the next generations descended from those Judeans and Benjaminites who had returned from the exile in Ezra: a new clan has been established, and its generations are continuing the Yahwistic covenant as if they were the rightful heirs to the pre-exilic sons of Israel under Moses’s leadership.[519] This connection to the past is an essential piece of the development of post-exilic identity formation: “Cultural identity is a matter of ‘becoming’ as well as ‘being’…Cultural identities come from somewhere, have histories. But, like everything which is historical, they undergo constant transformation. Far from being eternally fixed in some essentialized past, they are subject to the continuous ‘play’ of history, culture and power. Far from being grounded in a mere ‘recovery’ of the past,…identities

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[518] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 72.

[519] “In Ezra-Nehemiah, the term בני ישראל has in view the generations that journeyed with Moses (Neh. 13:2) and Joshua (8:17). The designation applies more immediately to ‘those who had returned from the exile’ (השבים מהגולה Ezra 6:21; cf. 2:1; 8:35; Neh. 7:6) along with ‘those who had separated themselves from the impurity of the Gentiles of the land” (הנבדל מטמאת גוי הארץ Ezra 6:21)” (Ibid., 102–103).

are the names we give to the different ways we are positioned by, and position ourselves within, the narratives of the past."[520] Esler argues that the Ezra-Nehemiah presents a people formulating their identity through boundaries and not through a collection of particular cultural features; however, it is difficult to separate the two, since the particular cultural features of the community's common mythology and history are intertwined with the prescriptive means by which Ezra-Nehemiah establishes Israel's boundaries.[521]

The delimitation of "Israel" does clearly include those who remained in Mesopotamia after Cyrus' decree. The Jews left behind endorse the restored community in Yehud since they send them off with freewill offerings (Ezra 7:16),[522] and in return those in Judah provide the diaspora with a connection to the temple and Jerusalem. In addition, the returnees remain faithful to the home community in Mesopotamia so that they may conduct the Persian-sponsored reconstruction as smoothly as possible. Aramaic thus is an essential piece of maintaining a relationship with the diaspora "homeland,"[523] both to correspond officially with its rulers and to demonstrate a common vernacular with the diaspora community. The legitimacy of the diaspora community is also reflected in the late biblical compositions of Esther and Daniel, which emphasize the emergence of significant Jewish leaders and communities in the Babylonian diaspora.[524] A "large number of Jews were flourishing in Babylonia under the tolerant Persian

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[520] Stuart Hall, "Cultural Identity and Diaspora," in *Colonial Discourse and Post-Colonial Theory: A Reader*, ed. Patrick Williams and Laura Chrisman (New York: Columbia University Press, 1994). As discussed in Eskenazi, "Imagining the Other," 230.

[521] Philip F. Esler, "Ezra-Nehemiah as a Narrative of (Re-Invented) Israelite Identity," *BibInt* 11, no. 3/4 (2003): 414.

[522] Knowles, "Pilgrimage Imagery in the Returns in Ezra," 70.

[523] Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," 152, 162.

[524] Ezra-Neh appears to be the earliest text to explore the relationship between the diaspora and those in the homeland, and to prioritize the diaspora. Esth, Dan 1-vi, and maybe the Joseph story (Gen 34:1) are similar: a

regime,"[525] later producing the Babylonian Talmud. Since the best and the brightest of Judah were taken into exile after Babylonia conquered Judah, the leaders of the reconstruction emerged from this community.[526] Leaders and instructions, however, are only received from Babylonia, and not sent back there from the Judean community, which indicates a primarily one-way dependent relationship.[527] Both Ezra and Nehemiah act with Persian royal authority as they complete their missions in Persian Yehud.[528] There is not apparent increase of status for those who do return to Judah, unlike other post-exilic biblical texts that expect the whole people to return.[529] In the same vein, Ezra-Nehemiah is not looking for the exile to end definitively. So, while Yehud received a measure of security from the empire, as a community they faced the challenge of continuing previous traditions (temple and the Law) which would need to be adapted to the current Persian-endorsed context, as well as maintaining connection to and common experience with the Babylonian community.[530]

The returnee community's usage of Aramaic not only provides commonality with the Babylonian community, but also separates them out from the other peoples of the land. From a literary perspective, the Judeans' interaction with their immediate neighbors serves as a framing

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character closely connected to imperial power, but also noted for piety and knowledge of Torah by both the court and the Jewish community, crisis erupts, character is needed to save the Jewish community through favor with king, and thus are able to help the community to instruct the community in correct lifestyle. Esth and Dan instruct readers on life in diaspora, while Ezra-Neh instructs regarding life in the homeland (Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," 164–165).

[525] Cross, "A Reconstruction of the Judean Restoration," 16.

[526] Myers, Ezra, xxi.

[527] Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," 161.

[528] Cross, "A Reconstruction of the Judean Restoration," 16.

[529] See Deutero-Isaiah, Zech 1-8 (Zechariah is mentioned by name in Ezra 5:1), selections of Jer, and Ezek (Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," 150).

[530] Newsome, "Toward a New Understanding of the Chronicler and His Purposes," 205.

device for the narrative.[531] As the device guides the reader through the story, it becomes clear that separation from others is a means of defining the Judean group.[532] Now that the experience of exile has become imbedded in Judean group identity, it will remain part of it. They were surrounded by foreigners while in exile, and they are still surrounded by foreigners upon return to their original land. The similarity of situations gives them the ability to define their community in ways that are analogous to being minorities in exile.[533] They respond by maintaining their differences from the other peoples in Judah, even though they have naturally adopted aspects of life in Babylonia into the community, including Aramaic. The list of nations in Ezra 9:1 adds the Canaanites, Hittites, Perizzites, and Jebusites to the list of nations from Exod 34:11-16 and Deut 7:1-4, and Nehemiah adds Ashdodites, giving them an up-to-date list of those against whom they must define themselves, and certainly not marry.[534] There is no mention of any Judeans who would have remained in Judah during the exile, but it is clear that for Ezra-Nehemiah, they would now be outsiders to the Israelite in-group of returnees. In order for the repatriated community to maintain its authority, exclusion of non-repatriates prevented their interpretation of the exile as rejection rather than salvation of a remnant. Moreoever, it meant that they could not introduce their traditions as a legitimate threat to the returnees' traditions.[535]

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[531] Stefan C. Matzal, "The Structure of Ezra IV-VI," *VT* 50, no. 4 (October 2000): 567.

[532] Ezra-Neh's attitude is "unyieldingly separatist" towards other peoples in Palestine, unlike Chr's somewhat more open attitude towards other peoples joining the Temple cult (Newsome, "Chronicler," 214). The Samaritan tension was of particular importance in Hellenistic times, when they built their own temple on Mount Gerizim; one watershed point in the history of Samaritan-Jewish relations was at the Babylonian exile, when the Samaritans were left in northern Israel and Judah became a part of the province of Samaria under Babylonia (Myers, Ezra, xxi.). Interaction with Samaritans is perhaps indicated by the northerners in Ezra 4:10 who oppose the building of the temple in Jerusalem. It is possible that the Samaritan schism is being read back into this period (Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," 161).

[533] Ibid.

[534] Knoppers, "Intermarriage, Social Complexity, and Ethnic Diversity in the Genealogy of Judah," 29.

[535] Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," 150, 161.

Ezra 10:3 explicitly cuts a covenant in the ceremony in which the people commit to not intermarry with the peoples of the land. This oath takes place under the weighty reminder of past divergence from the law that resulted in the still-influential "slavery" of exile.[536] In light of the purity concerns in Ezra-Nehemiah, separation from other groups fears the threat of corruption from outsiders, just as we have seen with the rebuff of Samaritan participation in the temple rebuilding.[537] The narrative explains the rejection of foreign wives as implementation of the Torah's laws against intermarriage, but it also serves to protect the Jews' ability to transmit group identity via tradition in families, religious identity, land owning, and connection to Persia rather than Palestine: "Spiritual fidelity, language, and national identity were so intertwined that to lose the language was to forfeit one's position in the community...The maintenance of Judahite identity was tied to the retention of the language."[538]

With this picture of religious, exilic, Persian influence, and separatist identity in mind, the language-conscious portions of Ezra-Nehemiah and the usage of Aramaic in Ezra demonstrate the role that Aramaic played in Judean identity. The Elephantine documents from Egypt in the fifth century BCE illustrate that the same individual can be identified legally as an "Aramaian" (ארמי) sometimes and a "Judahite" (יהודי) at others, so that a single identity could include both Aramaic and Hebrew linguistic competence.[539] Nehemiah's comments regarding the language spoken by the children of inter-married couples is a corollary of Judean separation from neighboring peoples; a language outside the accepted norms threatens consistent religious,

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[536] McCarthy, "Covenant and Law in Chronicles-Nehemiah," 32.

[537] Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," 150.

[538] Daniel I. Block, "The Role of Language in Ancient Israelite Perceptions of Identity," *JBL* 103 (1984): 330.

[539] Eskenazi, "Imagining the Other in the Construction of Judahite Identity in Ezra-Nehemiah," 231.

political, and exilic identity from within the community.[540] Nehemiah mentions the language "Ashdodite"[541] in particular, and then adds a catch-all phrase for other languages: "In those days also I saw Jews who had married women of Ashdod, Ammon, and Moab; and half of their children spoke Ashdodite, and they could not speak Judahite, but spoke the language of various peoples" (Neh 13:23-4). This exhibits concern for spoken language in particular as a group distinguisher (MT: לדבר; LXX: λαλεω), the language that permeates individual daily life.

These verses raise the question of what linguistic realities "Ashdodite" and "Judahite" reflect. Some have viewed Ashdodite as a language or dialect peculiar to the people of Ashdod in Philistia, one that could represent a traditional enemy of Judah.[542] Others have proposed that Ashdodite could have been a strain of Aramaic,[543] a possibility that is opposed by the acceptance of Aramaic that is evident in Ezra-Nehemiah. However, regardless of the exact identification of Ashdodite, the all-inclusive phrase that we can translate as "all other peoples" (NRSV) (עם ועם, literally "people and people") naturally references other languages perceived as foreign, especially those of people groups listed earlier.[544] One must conclude that anyone who does not speak "Judahite" is considered a threat and unwelcome. Judahite may refer specifically to Hebrew in 2 Kgs 18:26, Isa 36:11, and 2 Chr 32:18, but it is often translated as "the language of Judah"; in this case, if the term maintains some geopolitical force, it could be taken as an umbrella term for those languages with which Judah chooses to identify, including Aramaic.

[540] Williamson, *Ezra-Nehemiah*, xlix.

[541] The Ashdodites also oppose Nehemiah's building of the city walls (Neh. 4:7).

[542] Block, "Ancient Israelite," 330, footnote 38.

[543] Myers, Ezra, 216.

[544] The Septuagint, whose composition is relatively contemporary with the final editing of Ezra-Nehemiah, does not include a translation of the phrase "people and people"/"all other peoples" (עם ועם), a fact that may reflect the translator's desire to limit an anti-foreign-language attitude in the text.

Nehemiah's protest against Ashdodite is a protest against foreign elements that threaten Judean identity.

These linguistic prohibitions remind that Persian era Jewish groups are characterized in Ezra-Nehemiah as emphasizing lineage by specifically forbidding intermarriage with groups described as non-Israelite.[545] Although this period contrasts politically from the monarchic period reflected in 2 Kgs 23, kinship language still serves a purpose of uniting and defining the community. Even when kinship societies shift to another structure, anthropologist Philip Carl Salzman observes that lineage ideology often functions as a reserve, a back up social structure ready for times of crisis.[546] As we have seen, biblical historiography maintains lineage ideology throughout the recounting of the monarchic period and continuing into the crises of the exile and post-exilic rebuilding. Thus, while conceptions of the people as kin continued for purposes of internal unity, while the father-son vassal language of treaties extended family language to international relationships.[547] The terminology for the primary kinship unit shifts from the

[545] For example, "the notorious standards of impermeable genealogical purity articulated in Ezra 9.1-3" (Mark G. Brett, "Natives and Immigrants in the Social Imagination of the Holiness School," in *Imagining the Other, and Constructing Israelite Identity in the Early Second Temple Period* (London: Bloomsbury, 2014)).

[546] As referenced by Daniel E. Fleming, *Democracy's Ancient Ancestors: Mari and Early Collective Governance* (Cambridge; New York: Cambridge University Press, 2004), 32.

[547] In polities slightly farther afield, it is clear that tribal collectives, ruled by a single king out of a political and cultic capital, could be conceived of as unified polities. Daniel E. Fleming notes that in Mari's archives there is limited evidence for full assemblies of towns, tribal groups, or armies, but that such assemblies did take place on occasion.[547] In one branch of Mari society, the Yaminites, local groups could be identified by their leadership of individual towns, even if the entirety of the population did not reside in urban environments. There was somewhat varied terminology that referred to leadership groups; "elder" was not always consistently defined, but it is evident that towns had both a political and a physical aspect. Most references to collective decision making in towns or tribal groups suggest some level of limited representation rather than full assembly of the population. While Mari's society under Zimri-Lim was a millennium earlier than any Israelite community, and does differ in significant ways, there are parallels that highlight important points regarding our reading ceremonies. This comparative evidence suggests that the lists of leaders in each ceremony not only draw attention to the hierarchy of institutions in the respective narratives, but may also demonstrate an element of representation of key portions of the Israelite community. The idea that a town may conceived of as having a political identity that includes non-urban residents also sheds light on the residents who are listed for tribal regions but collected in the city of Jerusalem (Ibid., 233).

“family” (משפחה), to “house of the fathers” (בת אבות).[548] For Ezra-Nehemiah, it is important that the full twelve tribes are not permitted membership in “Israel,” but rather that the kinship group be limited. As demonstrated, tracking these clans is a means of ensuring descent from the Judean exiles and preventing others’ entrance into the clans. In keeping with Ezra-Nehemiah’s less-than-ideal vision of the Davidic line, Nehemiah even critiques Solomon as corrupted through intermarriage: “Did not King Solomon of Israel sin on account of such women? Among the many nations there was no king like him, and he was beloved by his God, and God made him king over all Israel; nevertheless, foreign women made even him to sin” (Neh 13:26).[549] Bedford also argues that it was important to focus upon a kinship-based unity rather than a territorial-based unity – as 2 Kgs 22-23 exhibits – because the returnees needed to maintain their relationship to the Jewish community still in Mesopotamia, who by definition did not share contiguous territory with the repatriates.[550] The genealogically defined group therefore connected to the diaspora community of their present day, and all of them together ultimately descended from the Israelites of the Mosaic age. Joshua 8 had invoked lineage ideology for the purpose of uniting unrelated segments of the population, but Nehemiah 8 leverages descent in order to exclude any who did not bear the pedigree of southern exiles.

III. Leadership out of Exile

Literary studies of the Water Gate reading pericope concur that this section is the climax of the shift from highlighting the leaders’ actions to the people’s role. The movement from

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[548] Richard J. Bautch, *Glory and Power, Ritual and Relationship: The Sinai Covenant in the Postexilic Period* (New York; London: T & T Clark, 2009), 87–89.

[549] This is another contrast to Chr’s portrayal of the Davidic monarchy, since for Chr Solomon is the ideal king (Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 28).

[550] Bedford, “Diaspora: Homeland Relations in Ezra-Nehemiah,” 161.

Nehemiah's first person voice in his memoirs to the third person voice describing the activities of the reading event demonstrates this change in emphasis. As a result, the leaders recede into the background, once again forming a contrast to the 2 Kgs 22-23 narrative, which is wholly dominated by the king's actions. Nevertheless, Ezra as priest and scribe is certainly present and essential to the accomplishment of the reading, even though he is not the sole focus. Nehemiah plays a nominal role in this chapter: "And Nehemiah, who was the governor, and Ezra the priest and scribe, and the Levites who taught the people said to all the people, 'This day is holy to the Lord your God; do not mourn or weep'" (Neh 8:9).[551] As is evident in this verse and throughout Ezra-Nehemiah, the Levites act in an important leadership capacity in the post-exilic community. Finally, the post-exilic kinship category of "heads of houses" (ראשי האבות) act as lay leaders to help instruct the people as a whole, probably also represented in the list of lay people who stand up at Ezra's left hand during the reading (8:4). These leadership categories reflect both the known prominence of Levite and priestly leadership in the Persian and Hellenistic periods, and Ezra-Nehemiah's preference to de-emphasize leadership in the model of Davidic kingship. Nehemiah as a secular leader does not play a kingly role, but rather a Persian emissary representing the imperial sponsorship and limitations of the times. Zerubbabel is not actively present in the final chapters of Nehemiah,[552] and David is merely called "David the man of God"

[551] For a useful analysis of the chronological conflicts that arise in Ezra-Neh, with consideration of evidence from Elephantine, see Cross, "A Reconstruction of the Judean Restoration," 4–11. Cross sums up the three primary options for chronology: the "traditional view," in which Ezra arrives in Jerusalem before Nehemiah; the "Van Hoonacker position," in which Ezra arrives after Nehemiah; and the "Kosters-Bertholet view," in which Ezra came during or between Nehemiah's visits. Due to fourth century papyri at Elephantine that list out governors in Samaria, a reference point for Nehemiah's mission is established as 445 BCE. The genealogies may be adjusted for haplography according to generational length and the evidence for papponymy, in order to arrive at the date of 458 BCE for Ezra.

[552] Zerubbabel is only mentioned in Neh 12:1 and 12:47 as a chronological reference point: "These are the priests and the Levites who came up with Zerubbabel son of Shealtiel, and Jeshua"; "In the days of Zerubbabel and in the days of Nehemiah all Israel gave the daily portions for the singers and the gatekeepers."

(דויד איש האלוהים 12:24, 36) or "David" (12:37, 45, 46) rather than a royal title. Overall, Ezra, the Levites, and the heads of the ancestral houses are key in the Water Gate public reading as the day's facilitators of the text, who provide a means for the people to access the law themselves.

A. Ezra the Democratic Scribe

The full picture of Ezra in Ezra-Nehemiah as a work is one that presents him with a particular pedigree, and a particular goal. Ezra 7:1-6 traces his lineage back to Aaron, locates his personal origin in Babylonia, characterizes him as "a scribe skilled in the law of Moses that the LORD the God of Israel had given," and states the favor he received from the Persian king as a result of divine influence. This is the longest personal introduction in the whole of Ezra-Nehemiah, illustrating the important role that Ezra plays in the narrative.[553] The narrative continues to repeat his abilities with and commitment to the study of the law of God, summing up his purpose in returning to the land: "For Ezra had set his heart to study the law of the LORD, and to do it, and to teach the statues and ordinances in Israel" (7:10). The majority of the time in Neh 8, he is called "Ezra the scribe" rather than "Ezra the priest." His descent from Aaron gives him legitimacy as a leader in this post-exilic context, but his primary role is as a scholar and teacher.[554] Even as Josiah was distinguished among Judean kings in his righteous observance of the law, so Ezra is distinguished among priests by his dedication to the law. The tradition that portrays Ezra as an accomplished scribe was a prominent enough tradition to lead to later ascription of texts like Ezra-Nehemiah and 4 Ezra to his authorship or editing. 4 Ezra even imagines a collection of Ezrean works. Najman contrasts the Second Temple casting of Ezra as a

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[553] Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 136.

[554] Kraemer argues that Ezra is a book in which the Torah is a special possession of the priests and a reference for temple issues, but that Nehemiah takes the Torah as a text for public reading and education for the whole people ("On the Relationship of the Books of Ezra and Nehemiah"; Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 33).

scribal figure to that of Moses as scribe; ultimately, it seems that Ezra as a figure did not successfully establish a full textual discourse, but always remained below the status of Moses.[555] Nevertheless, he is successful within the work of Ezra-Nehemiah; by acting as reader in a collective commitment ceremony, he fulfills his stated purpose to the ultimate degree. He is able to step into this officiant role as a priest, since the texts in Deut 27 and 31 that prescribe such a reading do not differentiate between roles for kings, prophets, or priests in such a covenant reading ceremony.[556]

Both Ezra and Nehemiah represent the oversight of the Mesopotamian exilic community to the people of Yehud. As previously discussed, Ezra-Nehemiah depicts the returnee community as one that requires leadership sent from Persia in order to maintain righteous observance of the law. In each respective set of memoirs, there is one instance in which the main leader departs from Jerusalem for a period of time, and upon his return finds that the community "falters under local leaders."[557] In the case of Ezra, this occurs when he is away to assess the leadership of the land and realizes that he needs more Levites to serve in the temple.[558] Once he has organized the Levites and the priests, he comes back to the news that the people have defiled themselves through intermarriage. Ezra 9:4 states, "Then all who trembled at the words of the God of Israel,

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[555] Hindy Najman, "Configuring the Text in Biblical Studies," in *A Teacher for All Generations: Essays in Honor of James C. VanderKam*, ed. Eric F. Mason, vol. I (Boston: Brill, 2012), 3–22.

[556] McCarthy, "Covenant and Law in Chronicles-Nehemiah," 31.

[557] Bedford, "Diaspora: Homeland Relations in Ezra-Nehemiah," 157.

[558] "As I reviewed the people and the priests, I found there none of the descendants of Levi. Then I sent for Eliezer, Ariel, Shemaiah, Elnathan, Jarib, Elnathan, Nathan, Zechariah, and Meshullam, who were leaders, and for Joiarib and Elnathan, who were wise, and sent them to Iddo, the leader at the place called Casiphia, telling them what to say to Iddo and his colleagues the temple servants at Casiphia, namely, to send us ministers for the house of our God. Since the gracious hand of our God was upon us, they brought us a man of discretion, of the descendants of Mahli son of Levi son of Israel, namely Sherebiah, with his sons and kin, eighteen; also Hashabiah and with him Jeshaiah of the descendants of Merari, with his kin and their sons, twenty; besides two hundred twenty of the temple servants, whom David and his officials had set apart to attend the Levites. These were all mentioned by name" (Ezra 8:15–20).

because of the faithlessness of the returned exiles, gathered around me while I sat appalled until the evening sacrifice." In Neh 13, while Nehemiah is away in Babylon, the temple itself is defiled by the priest Eliashib, who sets up a room inside the temple precincts for Tobiah to live in (13:4-11). Upon Nehemiah's return, he finds numerous infractions: not only has Tobiah been living in the temple courts, but the Levites had not been properly allotted their portions, and consequently that they had left their service at the temple, the Sabbath had not been correctly observed, and the people had once again begun to intermarry with others. In both of these instances, it is clear that the presence of the leader sent from Persia is necessary in order to maintain order in compliance with the law of Moses. Moreover, the sole legitimacy of the diaspora leadership communicates that they are the authorized conveyers of Mosaic tradition: "The community of repatriates needed to be kept abreast of Judean traditions, which were generated only in the diaspora, since it is clear from Nehemiah viii that Ezra's Torah was new to them."[559] Even though the people knew of the book of the law and desired its reading in Neh 8:1, their conduct reveals their continued struggle to implement the law as they heard it – and therefore their continued need for the leaders.

While Ezra leads the community, his work is characterized by an element of cooperation with the people. Eskenazi observes the more common use of "we" in Ezra's memoirs over Nehemiah's preference for "I," and interprets this in the context of the narratives as a sign that Ezra "looks for cooperation and delegation, and then recedes from the foreground."[560] Such leadership is certainly the case in Neh 8-10, in which Ezra facilitates the reading at the people's instigation, but all the while the Levites and lay leaders act at his side to help guide the people

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[559] Ibid.

[560] Even in divine names: "the God of our fathers" rather than "the God of my fathers" (Ibid., 138–139).

through the resultant festival, penitential prayer, and written oath. The team effort present in Neh 8 again contrasts to 2 Kgs 23, in which the king is the subject of all of the verbs, and the hierarchy of leadership is clearly under his authority; the king is the one who gathers everyone together, conducts the reading alone, and cuts the covenant oath on behalf of all of the people. The prominence of the other leaders' participation in the event is clear in the structure of the narrative. Three lists of leader names subdivide 7:72b-8:12b into four major subunits: thirteen lay leaders with Ezra on the platform; thirteen Levites teaching the law; and Nehemiah, Ezra, and the Levites counseling the people. Each subunit ends with a description of the people's response to what took place in the unit, setting up the collective's part as the end goal of the event.[561] Eskenazi argues that the progression of the narratives phases individual leaders out while increasing the participation of the people: "Ezra-Nehemiah's emphasis on the community in this section manifests itself not solely in this manifold repetition of 'people' and 'all the people,' but also in the actual depiction of the leaders: as soon as the single, outstanding leader emerges at the behest of the community, he quickly gives way to a plurality of leaders, then vanishes, letting the community carry on the task."[562] Williamson also points out that the lay leaders accompany Ezra during the reading serves to transition action from the individual leaders to the people as a whole.[563]

B. The Levites as Teachers

The Levites are the most prominent of the leader groups who work with Ezra in Neh 8. They are listed with other leaders a couple of times: "And Nehemiah, who was the governor, and

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[561] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 82.

[562] Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 98.

[563] Williamson, *Ezra-Nehemiah*.

Ezra the priest and scribe, and the Levites who taught the people said to all the people" (Neh 8:9); "On the second day the heads of ancestral houses of all the people, with the priests and the Levites, came together to the scribe Ezra in order to study the words of the law" (Neh 8:13). Duggan suggests that the syntax in these lists gives the Levites a role that is secondary to Ezra.[564] Indeed, Ezra is the one to whom the people turn to bring out the law, and there is no doubt that he is the primary officiant of the event as a whole. Nevertheless, the Levites' function is one that is essential to the detailed explanation and teaching that takes place during the event. They are first join in after Ezra has initiated the reading, and the people have physically and verbally responded to it:

> Also Jeshua, Bani, Sherebiah, Jamin, Akkub, Shabbethai, Hodiah, Maaseiah, Kelita, Azariah, Jozabad, Hanan, Pelaiah, the Levites, helped the people to understand the law, while the people remained in their places. So they read from the book, from the law of God, with interpretation. They gave the sense, so that the people understood the reading (Neh 8:7–8)

In 8:9, they are called "the Levites who taught the people" ("הַלְוִיִּם הַמְּבִינִים אֶת־הָעָם") to highlight their role as teachers. This same phrase emerges in the Josiah narrative of 2 Chr 34-35 to cast the Levites as teachers (35:3 "the Levites who taught all the people"), and some served as scribes (34:13). Such a Persian period description corresponds to the portrayal of the Levites in Chronicles as itinerant teachers of the law; it states that the Levites, along with royal officials and other priests, "taught in Judah, having the book of the law of the Lord with them; they went around through all the cities of Judah and taught among the people" (2 Chr 17:9). Seven of the Levitical names from 8:7 are repeated with the signing of the pledge, and additional lists of the Levites pepper the whole of Ezra-Nehemiah. Four of the verbs of which the Levites are subjects in chapter 8 have the book of the law as their direct object, and the people as their indirect

[564] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 92.

object;[565] in other words, their primary actions address the law to the people. In verses 7-8 alone, the verbs that communicate their actions even provide a small range to their teaching actions: to teach the people (מבינים את העם, from the causal stem להבין, to bring understanding to the people); to read out from the book of the law of God (ויקראו בספר בתורת האלהים, oralization of the document itself); to interpret the reading (מפרש, a technical term for verbal translation into Aramaic, "with interpretation);[566] and "to place sense/understanding" (ושום שכל). The goal of their teaching is explicit: "so that the people understood the reading" (8:8), potentially both through verbal translation of a Hebrew text into Aramaic and through explanation of the meaning of the reading.

The transfer of understanding that takes place is an important piece of the people's continued pro-active role in Ezra-Nehemiah. The Levites serve to equip them to implement the law that they, the people, had called for. The people would not be able to play their part without the facilitation of the leaders. The Levites also introduce the penitential prayer of Neh 9 "from the Levite steps" (9:4) before Ezra speaks the lengthy core of the prayer, and their names are inscribed along with those of "our officials" (שרינו) and "our priests" (כהנינו) on the sealed written oath. Both the prayer and the written oath confirm the people's commitment to the covenant read out from the book of the law, again via the leaders' facilitation. Moreover, both expressions of commitment invoke the Abrahamic and Mosaic covenants, in keeping with the authorization of the book of the law through Mosaic transmission, and avoid reference of the

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[565] For Duggan, this means the attention is directed away from the visual appearance of the book and towards its content (Ibid., 90).

[566] Joachim Schaper, "Hebrew and Its Study in the Persian Period," in *Hebrew Study from Ezra to Ben-Yehuda*, ed. W. Horbury (Edinburgh: T & T Clark, 1999), 15.

promise to David.[567] As noted earlier, in Nehemiah David is called "the man of God" rather than any kind of royal title, since Ezra-Nehemiah as a whole does not mention the Davidic line of kings, even with respect to Zerubbabel.

IV. Subgroups of a Pedigreed Collective

The subgroups of the people in Ezra-Nehemiah are notably different from those listed out in the Josh 8 and 2 Kgs 23 reading ceremonies. Duggan observes that the Edict of Cyrus at the beginning of Ezra addresses the people without reference to rank or social class.[568] The edict states that any "who are of [Yahweh's] people" may return and rebuild, which sets the stage for the book to define who precisely belongs to Yahweh's people. "All" for both 2 Kgs 23 and for Neh 8 are geographically limited to the residents of Jerusalem and Judah, although for vastly different contexts. Kings is interested in telling a story of the southern kingdom's covenant faithfulness, so when the king of the southern kingdom calls a gathering, those who are present are the residents of that kingdom. When an assembly is called in Nehemiah, it is for those returnees from exile who are newly settled into the towns in the Persian province of Yehud. This is stated just before the people call for the book to be brought out by Ezra, even though the "inhabitants" are not listed during the ceremony. The reading ceremony itself disregards class distinctions as well: when Neh 8 designates the recipients of the reading, they are the men, the women, and any who could understand. In the cases of Josh 8 and 2 Kgs 23, the reading narratives list out social classes, such as resident aliens, children, and the poor, who are included

[567] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 298.

[568] "Thus says King Cyrus of Persia: The Lord, the God of heaven, has given me all the kingdoms of the earth, and he has charged me to build him a house at Jerusalem in Judah. Any of those among you who are of his people—may their God be with them!—are now permitted to go up to Jerusalem in Judah, and rebuild the house of the Lord, the God of Israel—he is the God who is in Jerusalem" (Ezra 1:2–3); discussed in Ibid., 51.

in the community. As demonstrated in the last chapter, neo-Assyrian vassal treaties did specifically mention the social ranks within their audiences in order to apply their obligations to the whole of the society.

The departure that Neh 8 takes from this class-specific address suggests that socio-economic class is not a focus of the ceremony's obligations. Rather, repeating an emphasis upon "men and women" and "those who could understand" brings attention to characteristics other than class. First, it is likely that women are included particularly because they are the ones who will bear the future generations of the community. Joshua 8 was also concerned with including the women and the children, due to its orientation towards a unifying kinship ideology. Kings is the only of the reading ceremonies to not mention women, which may be explained as a male-lineage kinship society orientation. The older males as the past and the young males as the future matter for the binding matters of Israelite kinship society, but women need not be specified. Like other kinship ceremonies in the ancient Near East, the people as a whole may be considered present if key representatives participate. Ezra-Nehemiah, however, is adamant about preventing intermarriage between the returnees and other peoples of the land, to the point of systematically removing foreign spouses and their children from the community.[569] The question of defiling the land through the pollution of the "holy seed" is implicated in this concern.[570] Second, focusing

[569] "There were found of the descendants of the priests who had married foreign women, of the descendants of Jeshua son of Jozadak and his brothers: Maaseiah, Eliezer, Jarib, and Gedaliah. They pledged themselves to send away their wives, and their guilt offering was a ram of the flock for their guilt" (Ezra 10:18–19); "All these had married foreign women, and they sent them away with their children" (Ezra 10:44).

[570] "The officials approached me and said, "The people of Israel, the priests, and the Levites have not separated themselves from the peoples of the lands with their abominations, from the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites. For they have taken some of their daughters as wives for themselves and for their sons. Thus the holy seed has mixed itself with the peoples of the lands, and in this faithlessness the officials and leaders have led the way"" (Ezra 9:1–2); "'The land that you are entering to possess is a land unclean with the pollutions of the peoples of the lands, with their abominations. They have filled it from end to end with their uncleanness. Therefore do not give your daughters to their sons, neither take their daughters for your sons, and never seek their peace or prosperity, so that you may be strong and eat the good of

upon understanding over any other classification puts an obligation upon any recipient, regardless of gender, age, or class, to personally appropriate the oralization of the text and to implement it themselves. The text does not want to leave anyone free of "understanding," especially in light of the temptation to intermarry. The bar is set at oral reception: if one has the ability to hear with understanding, one bears the privilege and obligation of the covenant.

Part B: Characterizing an Exclusively Accessible Text in Nehemiah 8

If the people are the protagonist of Ezra-Nehemiah, the book of the law provides the people's identity-defining moment:

> [T]he covenant renewal represents the determinative juncture in which Israel seizes control of its destiny. Insofar as the people remain loyal to the Torah, they need no longer be victims of the infidelities of past generations or slaves of present foreign overlords. From a narrative perspective, the covenant renewal provides a new beginning in the tradition of the Abrahamic covenant. However, the shape of the future depends on the people's remaining attentive to the Mosaic law that God gave them when he spoke to them from heaven at Sinai.[571]

There is no doubt that the concept of authoritative text has developed between the pre-exilic and exilic periods represented by 2 Kgs 22-23 and the post-exilic period which Neh 8 reflects. Scholarly consensus points to the greater prominence of written textuality beginning in Persian period, in daily life, in political exchanges, and in religious practice. Rabbinic literature later demonstrates this development by interpreting Ezra's reading at the Water Gate as a prescriptive model for regular Torah readings. The portrayed socio-political context is vastly altered from the pre-exilic period, with a community of Israelites returned to Yehud from exile in Babylon, now led by priests and scribes without a king. The Nehemiah 8 reading ceremony distills the

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the land and leave it for an inheritance to your children forever'" (Ezra 9:11–12).

[571] Ibid., 299.

challenges of adjustment to life in Jerusalem and its environs, including key questions of community tradition and current identity.[572]

Due to later interpretations, many scholars take the Kings Josiah narrative as portraying the roots of a book-based Judean religion, but they often see Nehemiah 8 as a fully developed usage of the book of the law as Torah, in the rabbinical sense. Eskenazi even argues that Torah reading here has replaced temple sacrifices, conveniently facilitating a shift to written textuality that would bolster the Jewish community after the destruction of the Second Temple in 70 CE.[573] This conclusion overstates Second Temple practice; it is difficult to ascertain exactly the role that Torah reading played in regular Jewish practice, but we do know that temple and sacrifices remained important both in Jerusalem and in other Yahwistic communities like Shechem and Elephantine. Nevertheless, neither 2 Kgs 23 nor Neh 8 include sacrifices in their covenant ceremonies, even though Josh 8 and Exod 24 do incorporate burnt offerings and offerings of well-being as part of theirs. For each of these cases, this alteration draws attention to different elements of the narrative. In 2 Kings, the omission of sacrifices serves to maintain focus upon the king's leadership, since he is unable himself to offer sacrifices, but is able to lead the reading and covenant commitment. In Nehemiah, the lack of sacrifices highlights how the study of the text is the only way in which meaning is created in the ceremony. Lemmatic analysis of the narrative will confirm this focus upon the text. Even though priestly leadership has risen to a position of primacy in the Israelite community, their role is to teach the law, and in the framework of the covenant ceremony, other cultic responsibilities pale in importance to the law.

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[572] Eskenazi, "Imagining the Other in the Construction of Judahite Identity in Ezra-Nehemiah."

[573] Eskenazi, "The Structure of Ezra-Nehemiah and the Integrity of the Book," 650.

The nature of the ceremony in Neh 7:72-8:18 played an important role in the debate over the relationship between Chronicles and Ezra-Nehemiah. Baltzer and McCarthy both identified the event form-critically as a covenant renewal ceremony, even though it does not explicitly mention the covenant (ברית) or the cutting of a covenant.[574] Baltzer draws parallels between Neh 8 and the Mosaic covenants in Exod 19-24, 34, and Josh 24, emphasizing that Neh 9:13-14 and 10:30 do refer to the laws of Moses on Sinai. For him, the characteristic elements of a covenant formula were present in the Water Gate reading: it recounts a history of Yahweh's acts of salvation, calls the participants' document an equivalent term to a covenant (אמנה) provides a list of stipulations, and concludes with the sealing of the document.[575] McCarthy for his part compares Neh 8-10 to three covenants found in Chronicles under Asa, Hezekiah, and Josiah. Between these covenants in the Chronistic History, he saw a common structure of paranesis, covenant-making, purification of the land and the people, and a renewed cult. Although this structure contrasts to other biblical covenants outside of the Chronistic material, for McCarthy it does follow the model of Assyrian loyalty oaths. Thematically Neh 8-10 emphasizes penitence, written law, the active role of the community, and the detail of stipulations more than those in Chronicles, and lessens the degree of celebration. These differences were enough to make McCarthy doubt the unity of Chronicles and Ezra-Nehemiah.[576]

From a synchronic literary perspective, Eskenazi is dismissive of any connection between Nehemiah 8 and the other reading ceremonies: "One searches in vain for any common

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[574] See Duggan's first chapter for a useful history of scholarship for the Water Gate reading pericope (*The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study)*.

[575] K. Baltzer, *Das Bundesformular, Sein Ursprung Und Seine Verwendung Im Alten Testament* (Neukirchen, 1960).

[576] McCarthy, "Covenant and Law in Chronicles-Nehemiah"; Williamson, *Ezra-Nehemiah*; Japhet, "The Supposed Common Authorship of Chronicles and Ezra-Nehemia Investigated Anew."

denominator above and beyond the mere fact of a public reading followed, at some interval, by a festival."[577] However, it is the very premise of this study that the rarity of the reading event in the Hebrew Bible highlights the similarities of their portrayal, and that many differences between each account's portrayal of the text demonstrate differences in ideology. As Duggan observes, "Of particular significance [to the narrative] is the diversity of the nouns highlighting the five main components of this story segment: time, place, the community, the book of the law, and Ezra."[578] The same components dominate the other reading ceremonies features in this study: time, location, the community, the book of the law/covenant, and an officiant (Joshua/Josiah/Ezra). Baltzer's work logically makes the connection to Mosaic covenant, since there is no doubt with the narrative's multiple mentions of Moses that it identifies the document as one authorized by Mosaic authority. McCarthy's study is also useful, since it draws attention to covenants officiated by Judean kings that relate to Neh 8. Both of them conclude that enough is present in the Water Gate reading to make a productive comparison with neo-Assyrian treaties, which will prove helpful in analysis of the document's specific attributes.

I. Addressees: The Whole of the Exclusive People

The people as the collective protagonist of Ezra-Nehemiah bear a significant relationship to the book of the law in the Neh 8 reading ceremony. Notably, they are the instigators of the reading event: "all the people gathered together into the square before the Water Gate. They told the scribe Ezra to bring the book of the law of Moses, which the Lord had given to Israel" (Neh 8:1). They gather themselves together, perhaps as a reference to Josh 8:30-35, where all of Israel stands to each side of the ark. However, this is a clear contrast to 2 Kgs 23:1, where the king

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[577] Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 110.

[578] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 84.

gathers the leaders and people together. While they move into a recipient position during the reading and teaching of the law, the process of explaining the law prioritizes its dissemination to the entirety of the people: men, women, and any who could understand. The people's aural, verbal, and physical response to the oralization of the law is detailed when Ezra presents it. The book is in their presence (נגד 8:3), in their ears (אזני כל העם 8:3), and in their sight (לעיני כל העם 8:5). When they see it, they stand up, say "Amen Amen," raise their hands, and prostrate themselves (8:6). In addition, as previously stated, four times the Levites are the subject of a verb whose direct object is the law, and the indirect object is the people. The reading actively addresses the people, even as they actively moved toward it themselves.

The most common collective term in this pericope is simply "all of the people" (כל העם), but this generic collective belies the narrow scope of the document's addressees. We have observed that this part of Ezra-Nehemiah also utilizes the kinship term "sons of Israel" to refer to the descendants of those who initially came back to rebuild the temple and city; this term introduces each key section of the reading event.[579] Due to Neh 7's repetition of the list of returnees from Ezra 2, and the transition from the list to the reading with "When the seventh month came—the people of Israel being settled in their towns" (Neh 7:73), it is evident that the reading of the law is for those Judean-descent men and women who have returned from the Babylonian exile to the land. Now that they have reclaimed the towns of their origin, they are in a position to reclaim the Mosaic covenant for their particular community. Within the larger picture of Ezra-Nehemiah, they have rebuilt the temple and the city walls, so that the time has come to finalize the reconstruction process with the rededication of the people followed by the rededication of the city. Just as 2 Kgs 22-23 had leveraged the document to claim the Mosaic

[579] 7:72b, 8:14, 9:1, 8:17 (Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 293).

covenant for the people of the southern kingdom under Davidic leadership, so Neh 8 is particularizing the text solely for the post-exilic descendants of the southern kingdom. To adapt to the changing historical context is to alter the addressees of the text. Moreover, like Josh 8, Neh 8 includes the women and possibly the children ("all who could understand") in the addressees, so that the future generations of the newly established community are also brought into the community. For Ezra-Nehemiah, it is evident that belonging to the community means continually shoring up its boundaries, especially through the elimination of intermarriage with others. "All who have separated themselves from the peoples of the lands" becomes one of the subgroups that the narrative seeks to define amongst the legitimate community, as either some who had converted to Yahwism, or those who had been married to outsiders and since have separated from them (as in Ezra 10:19).[580] This is one means of preventing corruption within the people, both for current and future generations.

When it comes to the implementation of the law, the people are responsible for its ongoing practice. As with the neo-Assyrian loyalty oaths that bore obligations for the whole of the people, here not only must all of the populace understand the law, but they also must enact it. The physical response of standing under the reading reflects standard practice for oath execution in the ancient Near East, even if this ceremony does not explicitly state that a covenant is "cut." 2 Kings 23 also concludes its ceremony "and all the people stood in the covenant" (23:3). At least for the space of the Nehemiah reading event, the people are united "as one person" (כאיש אחד 8:1,

[580] "The rest of the people, the priests, the Levites, the gatekeepers, the singers, the temple servants, and all who have separated themselves from the peoples of the lands to adhere to the law of God, their wives, their sons, their daughters, all who have knowledge and understanding, join with their kin, their nobles, and enter into a curse and an oath to walk in God's law, which was given by Moses the servant of God, and to observe and do all the commandments of the Lord our Lord and his ordinances and his statutes. We will not give our daughters to the peoples of the land or take their daughters for our sons; and if the peoples of the land bring in merchandise or any grain on the sabbath day to sell, we will not buy it from them on the sabbath or on a holy day; and we will forego the crops of the seventh year and the exaction of every debt" (Neh 10:28–31).

as in Ezra 3:1), and wholly tuned in to the law, despite their actions elsewhere in Ezra-Nehemiah that demonstrate their inconsistent behavior with respect to the law.[581] With the specific instruction of the text to observe the Festival of Booths, the people are the actors, and take the festival to all of their towns: "So the people went out and brought them, and made booths for themselves…And all the assembly of those who had returned from the captivity made booths and lived in them" (Neh 8:16-17). Eskenazi reflects on the reading event's role in the narrative: "Nehemiah 8 places the book of the Torah (literally) at the center of a united people who proceed to implement the Torah. This section shows how the written text governs communal life, generating action, celebration, commitment to the house of God, and leading to the emergence of yet another document."[582] Although the leaders soothe the people when they respond with weeping to the reading (8:9), this response is appropriate in the larger context of Ezra-Nehemiah since it appears difficult for them to continually observe the law on their own. With the reading event, the penitential prayer, and written oath in Neh 8-10, the succeeding events still lead to their disobedience to key laws in Nehemiah's absence. Both Ezra and Nehemiah's strong reactions to the people's unrighteous behavior demonstrates the expectation that they should be maintaining their own observance of the law, and reiterates the need for continual vigilance as the community continues to establish itself. The ongoing theme of guarding against intermarriage with the peoples of the land is a reminder of the boundaries of the community, and thus of the document's addressees who merit a claim to the covenant.

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[581] "The successive assemblies that comprise the covenant renewal are characterized by unity and inclusivity." The people gather 'as one' (8:1 כאיש אחד) on the first day. Throughout the remainder of the account, there is no hint of division or tension among the people (compare, e. g. 5:1-5). The people always act in unison: weeping upon hearing the words of the Torah (8:9); going forth to prepare the festive meal (8:12); constructing booths according to the legal prescription (8:16); performing the penitential rites (9:1-3); and professing allegiance to the Torah (10:1-40)" (Ibid., 296).

[582] Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 96.

Unlike 2 Kgs 23, where the king is the primary actor and the people are passive recipients of the law, in Ezra-Nehemiah there is the repeated emphasis that they bear the constant weight of applying the law. Joshua 8 includes a wider range of addressees than 2 Kgs 23 does, but it also guards the majority of the actions for Joshua as the officiant and Mosaic heir. In both of these previous ceremonies, the people are certainly implicated in the obligations of the law, but their attempts to observe it are nowhere described – even when 2 Kgs 23 depicts a reform inspired by the reading, it is wholly directed by the king. Like the document in 2 Kgs 22-23, there is an awareness that the book applies to the present community, but unlike the Kings account, there are explicit indications in Nehemiah 8 that the people themselves, and not just the king on their behalf, are cognizant of and actively engaged with the reception of the reading. The actions in response to the reading are even inflected/conjugated plural verbs, whereas the brief commitment statement in 2 Kgs 23:3 is communicated with infinitives, so that this ceremony does not directly present action on the part of the people except for "all the people stood (singular collective) in the covenant" (23:3). The king is the subject of all the other verbs, and the implied subject of the infinitive commitment statement.[583]

The prominent role of the people in the Nehemiah reading ceremony, and Ezra-Nehemiah's continual focus upon the conduct of the community support the frequent scholarly conclusion that this narrative demonstrates a democratization of the text.[584] Duggan tracks the law's democratic progression "through the hands of an expanding circle" – Ezra, to the Levites,

[583] 2 Chr 34:32 includes a sentence not found in 2 Kgs 23, which makes the people the subject of verbs responding to the reading: "the inhabitants of Jerusalem behaved according to the covenant of God, the God of their fathers."

[584] For such a discussion, see McCarthy, "Covenant and Law in Chronicles-Nehemiah"; Eskenazi, "Ezra-Nehemiah: From Text to Actuality."

to the heads of ancestral families, to the priests, to the Israelites as a whole.[585] Its purposeful distribution to the whole of the people and the accountability to which they are held for its implementation are evident in the penitential prayer and written oath that follow. With these responses to the reading, the narrative voice moves from the third person narrative in 7:72b-9:5 to first person discourse in 9:6-10:40. For Duggan, this shift serves two purposes in the portrayal of the people: it sustains the transition in the people's behavior from respondents to initiators, and it enables the people to speak directly to the book's audience.[586] The direct speech of the prayer obscures the speakers, an ambiguity that suggests inclusion of the community's voice with the Levites. The list of signatures upon the written oath is mostly lay people, so that the collective is spelled out through naming individuals who compose elements of the collective who were known to have rebuilt the city walls and other specific roles in the reconstruction.[587] David J. A. Clines also reads Neh 9-10 as a popular reaction to the reading of the law.[588] The written oath is in the first person plural voice of the people who observe the law, which Moshe Weinfeld observed as a contrast to pre-exilic law that was in the voice of the one commanding the law.[589] It is notable that the people do commit themselves to "the law of God" (תורת האלֹהים 10:29, 30) rather than to God himself, as they do in Deut 26:17-19.[590] In sum, the book of the law in Neh 8

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[585] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 296.

[586] Ibid., 292.

[587] Ibid., 100, 103.

[588] David J. A. Clines, "The Force of the Text: A Response to Tamara C. Eskenazi's 'Ezra-Nehemiah: From Text to Actuality,'" in *Signs and Wonders: Biblical Texts in Literary Focus* (Atlanta: The Society of Biblical Literature, 1989), 199–216.

[589] Moshe Weinfeld, "The Origin of the Apodictic Law," *VT* 23 (1973): 73.

[590] Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 111.

is a text that addresses the people as a whole, both for their present day and for their future generations; in this relationship, the people are expected to continually strive towards correctly applying the law, which in turn will define who they are.

II. Content: A Relevant Source of Boundary-setting

"The law" (התורה) is the most pervasive noun in the third person narrative of Neh 8,[591] so that the text of the law emerges as a character in the account. Since the nineteenth century, biblical scholars have debated the content of the book of the law of Moses featured in the account. Most have defined it as a version of the Mosaic literature found in the Hebrew Bible; theories argue for the whole Pentateuch, the Priestly Code, Deuteronomy, a compilation of material drawn from the various law codes of the Pentateuch, or an independent work that was not preserved.[592] The variety of options proposed for the text's content demonstrates how uncertain the question of precise content is, because the narrative does not directly tell us what the content of the writing is. The previous two chapters explored how the oral-written texts of Josh 8 and 2 Kgs 22-23 established genre and ideological projects for their authoritative texts. Likewise, the Nehemiah account portrays the "book of the law" as relatively fluid because it does give parameters to the text, while leaving the question of content mostly ambiguous. The actions taken in response to the reading are the strongest indicator of the content's depiction, providing examples of specific laws that would be included in the book of the law. However, what Neh 8 emphasizes regarding this document's identity is that the "book of the law" is a law

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[591] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 293.

[592] For a summary of these arguments, see Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 20; as a sample of one line of argumentation, see Cross: "We judge this book to have been the Pentateuch in penultimate form" (cites the arguments of S. Mowinckel *Studien zu dem Buche Ezra-Nehemia*, 3. 123-41) ("A Reconstruction of the Judean Restoration," 16).

document of Mosaic provenance. That is, it delimits the genre as law and the ideological project of the document as transmission of Mosaic tradition.

As with Josh 8 and 2 Kgs 23, the book of the law in the Hebrew reading narratives appears to take the form and function – the genre - of a loyalty oath: the term "law" (תורה), the material presentation of the written tablet or scroll, the oralization of the text to the whole of the present and future community, and the legal application of the text to social conduct. It is very likely that ancient readers and hearers of the publicly-conducted event in Neh 8 would recognize the form and function of the reading: a written document physically brings the LORD's covenant to the eyes and presence of the people, in a form known to transmit oaths, and its oralization directly conveys the divine words of obligation and promise to their ears. Thus, the account depicts the text as visibly and aurally presented to the collective people, as a loyalty oath would be, and with the appropriate responses: the people react by standing before the document, verbally answering with "Amen Amen," prostrating themselves, gaining understanding through the reading, and weeping upon its hearing. The text's emphasis upon individual understanding reflects a function similar to that of neo-Assyrian treaties in the 8th and 7th centuries BCE, whose consequences were projected to every individual of the target community – unlike earlier treaty practices that were primarily directed at the ruler as the representative of the whole. 2 Kings 23 had focused upon the role of the king as representative of the people, even though the people are present at the ceremony and risk the consequences of covenant disobedience. Ezra-Nehemiah moves the covenant obligations further into the realm of the people, since they are expected to uphold the laws themselves. As a loyalty oath, specific legal stipulations would compose the text; even though the reading ceremony does not provide the direct speech of the reading event itself, the narrative does suggest what some of the obligations of the oath would be.

In the two previous reading ceremonies, each hinted at the content of their respective authoritative texts by referring both to specific laws and to curses that were present in the text. Josh 8:30-35 precedes the reading with Joshua building an altar according to a quotation from the law of Moses,[593] demonstrating his awareness of the legal code prior to its oralization in the ceremony. When he reads, the text is then clarified in an appositive statement: “all the words of the law, *blessings and curses*” (8:34). What is more, this entire event appears to implement the commands given in Deut 27-28, so that the narrative itself models how the community is to enact laws. With 2 Kgs 22-23, the situation is opposite to both Josh 8 and Neh 8, since prior to the discovery of the text, the community had become disconnected from the law and therefore was in danger of experiencing the curses that Huldah’s oracle extrapolates from the text. In Kings there is application of specific laws after the reading of the law, via the king’s actions in the reform. As this chapter has examined, Ezra-Nehemiah draws attention to the people’s role in observance of the law, both before and after the reading ceremony. Even prior to the reconstruction of the temple, in Ezra 3:2 they build an altar “as prescribed in the law of Moses the man of God” (“כַּכָּת֕וּב בְּתוֹרַ֖ת מֹשֶׁ֥ה אִישׁ־הָאֱלֹהִֽים”). The narrative does not explicitly mention curses, but the people’s weeping in response to the reading insinuates that there may be fear of negative consequences (8:9-11).

More specifically, the Neh 8 event immediately produces the implementation of the Festival of Booths. Of the seven passages in the Pentateuch that give instruction regarding the Festival of Booths, elements of the celebration described here bear strongest resemblance to Deut

[593] “Then Joshua built on Mount Ebal an altar to the Lord, the God of Israel, just as Moses the servant of the Lord had commanded the Israelites, as it is written in the book of the law of Moses, “an altar of unhewn stones, on which no iron tool has been used”” (Josh 8:30–31).

31:9-13 and Lev 23:39-42.[594] Deuteronomy 31 happens to include the only direct command to read the text aloud to the community, which is to take place at the Festival of Booths in the presence of "men, women, and children" with the purpose of passing on the law to the next generations, as it does in Neh 8:18.[595] Nehemiah 8:14-15 also may include the only direct report of content that appears to originate in the document of the law:

> And they found it written in the law, which the Lord had commanded by Moses, that the people of Israel should live in booths during the festival of the seventh month, and that they should publish and proclaim in all their towns and in Jerusalem as follows, "Go out to the hills and bring branches of olive, wild olive, myrtle, palm, and other leafy trees to make booths, as it is written."[596]

In the Hebrew of these verses, the apparent indirect citation begins with the relative particle *ʾăšer* (אשר) "*that* the people of Israel should live…and *that* they should publish…" and a direct citation starts with *lēʾmōr* (לאמר), a very common direct speech marker in the Hebrew Bible (here translated as "as follows"). The difficulty that arises for historical-critical scholars when comparing this reported instruction is that Neh 8:15 states that Jerusalem is to be the location of the festival, and the name of Jerusalem is never mentioned in the Pentateuch, so the entirety of these details cannot originate from the Masoretic Text of the Pentateuch. Moreover, the quote introduced by *lēʾmōr* does not have an exact corresponding passage elsewhere, although Lev 23:40 does list out different types of trees from which to collect branches. So, the application of the law in Neh 8 does communicate that there are specific laws to implement from the law code,

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[594] The seven Pentateuchal prescriptions regarding the Festival of Booths are: pre-Deuteronomic (Exod 23:16b, 34:22b); Deuteronomic (Deut 16:13-17, 31:9-13); Priestly (Num 29:12-38, Lev 23:33-36, 39-42) (Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 95–98).

[595] It is possible that the reading prescription and Festival of Booths command in Deut 31 is a late Dtr addition, so Deut could be responding to Ezra-Neh in this case.

[596] "וַיִּמְצְאוּ כָּתוּב בַּתּוֹרָה אֲשֶׁר צִוָּה יְהוָה בְּיַד־מֹשֶׁה אֲשֶׁר יֵשְׁבוּ בְנֵי־יִשְׂרָאֵל בַּסֻּכּוֹת בֶּחָג בַּחֹדֶשׁ הַשְּׁבִיעִי׃ וַאֲשֶׁר יַשְׁמִיעוּ וְיַעֲבִירוּ קוֹל בְּכָל־עָרֵיהֶם וּבִירוּשָׁלַםִ לֵאמֹר צְאוּ הָהָר וְהָבִיאוּ עֲלֵי־זַיִת וַעֲלֵי־עֵץ שֶׁמֶן וַעֲלֵי הֲדַס וַעֲלֵי תְמָרִים וַעֲלֵי עֵץ עָבֹת לַעֲשֹׂת סֻכֹּת כַּכָּתוּב" (Neh 8:14-15).

but those laws do not appear to stem word-for-word from the Mosaic traditions now known to us.

The narratives that follow Neh 8 also reference laws derived from the book of the law, including cultic administration and temple taxes (Neh 10:33), injunctions against intermarriage with the peoples of the land, and the practice of the Sabbath. In contrast to 2 Kgs 22-23, there is no longer a king to oversee the finances of the temple, cultic purity, nor festival celebrations, so that the manifestation of the book of the law in the post-exilic context adapts to the social hierarchy promoted by Ezra-Nehemiah. Leaders sent by the Persian authorities facilitate the whole process of studying and applying the law, with the practical assistance of the Levites and the heads of the ancestral houses. Indeed, there is explicit Persian royal support for the dissemination of the Mosaic law as the sole law in the province of Yehud, in order that it should produce actions that follow the legal stipulations (Ezra 7:12-26).[597] While Josh 8 emphasized cultic ritual law, and 2 Kgs 22-23 cultic boundaries, in Neh 8 intermarriage and social boundaries come to the fore.

Ezra-Nehemiah consistently clarifies that the social purpose of the stipulations is to preserve the community's identity, by establishing boundaries that protect them against the threat of outside influences. The Letter of Aristeas later would describe the law of Moses as "impregnable palisades and walls of iron" that Moses fenced about the people.[598] Although Ezra-Nehemiah does not use language entirely this strong about the law, it does make its point very forcefully about intermarriage numerous times. In Ezra 9-10, Ezra fasts and mourns out of shame

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[597] Clines points out that Artaxerxes authorizes the imposition of the law of Moses as the only law for Jews of the province, and this initiates the whole flow of the narrative of the section (Ezra 7:12-26). Eskenazi says that "Artaxerxes' letter positions the law of Ezra's God as an authoritative document together with the law of the king" ("Text to Actuality," 183), but for Clines, the Persian letter on the surface is the primary authority, but soon it is apparent that his authority really just makes way for the authority of the law of Ezra's God, which is what will rule in Judah (Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 108; Clines, "The Force of the Text: A Response to Tamara C. Eskenazi's 'Ezra-Nehemiah: From Text to Actuality,'" 200).

[598] Esler, "Ezra-Nehemiah as a Narrative of (Re-Invented) Israelite Identity," 425.

for the people's lapse into mixed marriage, which he resolves by purifying the people of their uncleanness through a forced confession by the whole assembly, and a thorough sorting out of those who had intermarried and removal of the foreign wives and children. After the reading, the penitential prayer includes those who had separated themselves out from all foreigners, and the written oath specifically states the commitment "We will not give our daughters to the peoples of the land or take their daughters for our sons" (Neh 10:30).[599] This stipulation in particular makes a strong statement about the boundaries of the community and the necessity of guarding the purity of the insiders. For McCarthy, the renewal in Ezra-Nehemiah focuses on the particular pressing needs of the community, but it still looks to strengthen the temple-practices since as subjects of a foreign empire and hated by neighbors, their identity had to be preserved through constant renewal of that identity.[600]

The societal functions of the loyalty oath support this boundary-establishing function of the authoritative document; the unity of the community is assured by total fidelity to the community's central figure, who in this case is Yahweh, the God of Israel. Observance of the smaller details of the law is essential if the larger community is to function smoothly. McCarthy emphasizes that the covenant ceremony at its core is concerned with fundamental loyalty and deference to the lord; it is an oath that guarantees renewal of covenant. This oath was primarily a political or economic instrument. Covenant renewal was basic to the structure of human society, and the temple was the central constituent of that society.[601] The laws that the narrative focuses on from Deuteronomy encourage their lives to revolve around Jerusalem and the temple,

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[599] Because the written pledge is still to particular stipulations, McCarthy argues that the oath is not to a relationship with a person, but to the covenant law ("Covenant and Law in Chronicles-Nehemiah," 34).

[600] Ibid., 34–35.

[601] Ibid., 37.

delineating a separate space for the people just as they have separated out from other genealogies. Duggan points out that within the reading ceremony, sacred space is claimed both on a horizontal plane, with the square before the Water Gate, and on a vertical plane with Ezra raised on a platform above the people.[602] The narrative constructs the particularized community identity through its designation of the document as possessing the one true claim to Mosaic authority, which sets up spatial, temporal, and genealogical boundaries from others.

III. An Exclusive Mosaic Covenant Text

Nehemiah 8 constructs a relationship between the book of the law and time in two ways: by setting it within the immediate internal chronology of the book of Ezra-Nehemiah, and by connecting it in the long term to Moses. The temporality of Ezra-Nehemiah is a key framework for the larger narrative, even beyond the reading ceremony in Neh 8. The progression of dates within the work as a whole creates an impression of a unified history, which follows a sequential chronology that consistently reports the month, day, and hour.[603] Neither Josh 8 nor 2 Kgs 23 provides a time frame for the reading itself. The chronological framing in Neh 8 makes it clear that the reading takes place at a particular time of day, time of the month, and time of the year, in a particular place, for a specified duration. For this reason, Japhet argues that the reading ceremony was "a preconceived, structured event, a full-fledged ritual."[604] It is set at the first day of the seventh month, from the early morning to midday. The first day of the seventh month also comes up in Ezra 3:6, as the date on which the first returnees to Jerusalem first offered sacrifices

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[602] Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 87.

[603] Ibid., 41, 84.

[604] Sara Japhet, "The Ritual of Reading Scripture (Nehemiah 8:1—12)," *Shnaton: An Annual for Biblical and Ancient Near Eastern Studies* (January 1, 2013): 67–82.

again at the temple.[605] The calendar times and dates help to integrate the event into later Jewish calendars, and the length of the reading serves the purpose of emphasizing the magnitude of the book's content. 2 Kings 23 simply states that the king read all the words of the book (23:2), with no indication that this could take quite some time. Nehemiah 8 makes no claim that the entirety of the document was read out, moving the emphasis away from the completeness of the covenant as a type of treaty, and towards the necessity to have ongoing readings of the book of the law, whose contents are long (if unspecified).[606] The idea of regular readings appears when the festival of booths is instituted and the book continues to be read at this festival for eight consecutive days, with no indication that content is being repeated. The continual reading also reiterates the importance of the document, and the priority it should hold in community practice.

The fact that the people call for the book to be brought out sets up the document as continuous with the past of this particular community. This narrative is an inversion of 2 Kgs 22-23 here, since it makes the point that the book was not lost from community awareness or practice, in spite of the fact that the people have been moved to Babylon and back. Although the people have had geographical and political crises, even, they all know about the book of the law, they know it is accessible to them, and they know how and from whom to get it. They are drawn to it enough to gather as an assembly in the city and to *tell* their priest-scribe leader to bring it out to them. There is a tension between the people's awareness of the existence of the book, and their apparent lack of knowledge of its law and lack of observance of the law throughout Ezra-

[605] Duggan notes that "the seventh month" follows the numeration of the Babylonian calendar, in which the New Year starts in springtime. Based on this correlation, Mowinckel interprets the reading as the centerpiece of a postexilic New Year's festival on the first of Tishri (*Studien III*, 44-59), but for Duggan, "The evidence favoring an autumn date as the beginning of the new year even in preexilic Israel is scant and ambiguous" (*The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*, 99–100).

[606] Presuming that the whole of the book of the law is a lengthy scroll, McCarthy argues that "reading the whole cannot reflect a regular liturgical occasion," but rather that this specific reading opens a particular ritual ("Covenant and Law in Chronicles-Nehemiah," 35).

Nehemiah. Nevertheless, they at least know that their community has a defining relationship to the law of Moses, even if they do not know its composition. The tension here may be explained by the distance that the experience of exile could have provided between the common people and the text; while it is evident that scribes were copying and redacting pre-exilic Hebrew texts during the exile, it is likely that the majority of the people were losing touch with the Hebrew language and literature. The Neh 8 narrative models how the post-exilic community was to come back into a familiar relationship to the law, so it has this in common with the Josiah account. It attempts to convey a general awareness of the Mosaic law that pervaded the community, while acknowledging the need for ongoing study of the law.

Texts throughout the book of Ezra-Nehemiah express temporal movement. Since the narratives so frequently reference a variety of written documents, ranging from the edict of Cyrus that starts the book to the written oath of the people that concludes the covenant ceremony, Eskenazi calls this "documents within documents, extending their influence back and forth in time."[607] Clines observes that sometimes the time future to the narrative "can be brought into relation to the narrative through a document,"[608] and in the case of the book of the law of Moses it seems that the past can as well. 2 Kings 22-23 invokes the text of the law as a means by which the southern pre-exilic and exilic communities asserted their possession of the composite Sinai-Deuteronomistic Mosaic covenant, authorized through a prophetic voice. Nehemiah 8, however, claims an especially Deuteronomistic Mosaic covenant for a particularized southern post-exilic "Israel," but its means of authorization has adapted to the increased status of written texts in the post-exilic world. The authority of texts, even if their authority is anchored in different loci,

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[607] Eskenazi, "Ezra-Nehemiah: From Text to Actuality."

[608] Clines, "The Force of the Text: A Response to Tamara C. Eskenazi's 'Ezra-Nehemiah: From Text to Actuality,'" 200.

provides a connection to a very specific past tradition.[609] As a result, the identity of the "Israel" in Ezra-Nehemiah finds a place in the particular history of Mosaic discourse and claim to the southern homeland.

The specific manner in which Mosaic discourse emerges in Neh 8 is in Moses's portrayal as the one authorized transmitter of Yahweh's word. A current prophetic voice like Huldah's is not present, and the text of the law is not characterized as oral spoken word. Rather, the divine word is identified with the written artifact, and the oral expression of reading makes those divine words accessible to the people. A movement has taken place in the direction of the written end of the oral-written continuum. Although Ezra-Nehemiah does not explicitly recognize the Davidic dynasty as significant, nevertheless it is able to leverage Mosaic tradition to assert the returnee community as the only valid Israel. Reflexively, such a claim would necessarily uphold the authorized community's textual traditions as the only valid text for Israel. The material nature of a text is what embodies its relationship to time, and therefore facilitates the process of authorization for a particular community.

IV. A Material Icon of Mosaic Tradition: Conveyor of Covenant to Post-Exilic Judah

Since the written nature of the text of the law connects the post-exilic Israelites to an earlier iteration of Israel, it is essential to the identity of this newly rebuilt community. The physical origin of the book is unclear, but appears simply to have already been in the possession of the people via Ezra. Ezra 3:2 confirms that those rebuilding the temple already are implementing laws from the law of Moses, and in 3:4 "as it is written" (ככתוב) is used without an object, insinuating that the written authority is already familiar to the audience. When Ezra is introduced in chapter 7, it is established that he is someone skilled in the law who was trained in

[609] Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, 15.

the exilic community and intended to teach the law, so that the knowledge of the book of the law is issuing specifically from the Babylonian diaspora. 2 Kings 22 locates the book find physically in the temple, but in Nehemiah the specifics of location within Jerusalem are omitted. As a result, it is situated in the midst of the community without being shut off from any subsections of the people; it is accessible, and indeed made available upon request. Despite its ambiguous provenance in Jerusalem, the implication is that Ezra possesses the text by way of his training in the law in the exilic community.

The book of Ezra-Nehemiah normalizes the use of written materials by weaving documents throughout its narratives. The edict of Cyrus serves as a framing device to initiate and explain the reconstruction that takes place in the book. Letters exchanged with Artaxerxes and Darius continue to provide chronological structure to the events of the account, to explain some of the social dynamics between the Judeans and the Samaritans, to exhibit the connection the returnees have to Persian leadership and the Judeans who remain in Mesopotamia, and to add an element of credibility to the way in which Ezra-Nehemiah tells its history. The priests maintain written records of temple finances (Ezra 8:34), and Nehemiah finds a book of genealogy that accounts for the first wave of returnees (Neh 7:5). Finally, the people respond to the covenant reading ceremony with the production of a written oath expressing their commitment to God (Neh 10).[610] The frequent appeal to writtenness produces an imagined world in which text artifacts play a common yet important role in social, political, and cultic relationships. Eskenazi interprets the ubiquity of documents in Ezra-Nehemiah as an expression of texts as authoritative actualizers, so that actions issue from texts in these narratives. She sees the written having primacy over the oral in the Persian period because it can be made available to the public more

[610] McCarthy argues that the awkward transition to the written oath shows how intent the compiler was on joining the two sections ("Covenant and Law in Chronicles-Nehemiah").

readily and clearly can evoke great reverence as it does in Neh 8.[611] While the documents in Ezra-Nehemiah certainly move the plot forward, are doubtless more numerous than they are in other biblical literature, and do produce action and even fulfillment at times, Neh 8's ceremony demonstrates that orality still plays an important part in providing public access to writing.

A shift has occurred on the written-oral continuum towards the written end, so that writing serves increasingly to bring divine activity to the human world, but it is not the sole effectual means by which God can act. Prophets like Haggai and Zechariah still exist, although their word may be less effective than the written word of God at this point. Clines asserts that Eskenazi may have oversimplified the plot of Ezra-Nehemiah in order to make this argument; moreover, she narrows her focus to characteristics of texts that permit them to produce action. Text also have the potenial to restrain action, or be true or false; they are not the only initators of action in the plot.[612]Although the role of writing had generally increased by the Persian period, the book of the law receives a higher status than other documents in the community.[613] It is the only document depicted as pre-exilic or ancient, and certainly the only one portrayed as Mosaic in origin. There is no clear statement that Moses physically penned the document read by Ezra, but the law's transmission from the divine through Moses's mediation is explicitly emphasized.

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[611] Eskenazi, "Ezra-Nehemiah: From Text to Actuality."

[612] Clines, "The Force of the Text: A Response to Tamara C. Eskenazi's 'Ezra-Nehemiah: From Text to Actuality,'" 203–211.

[613] For Ben Zvi, one of the means by which Ezra-Neh maintains the priority of the book of the law over its own prose and the prose of other documents quotes within the narrative is through its use of Late Biblical Hebrew. He argues that the use of Late Biblical Hebrew to create literature in the Persian period could have signaled a composition with less authority than books belonging to the Standard Biblical Hebrew corpus, and therefore may have been thought to connote "an (implicit), ideologically constructed" connection with Babylonian Israel ("'The Communicative Message of Some Linguistic Choices,'" in *A Palimpsest: Rhetoric, Ideology, Stylistics and Language Relating to Persian Israel*, ed. Ehud Ben Zvi, D. V. Edelman, and F. Polak (Piscataway, NJ: Gorgias Press, 2009), 8. On the other hand, Schniedewind argues that LBH was the norm for post-exilic Hebrew usage, and not an ideological choice (*A Social History of Hebrew: Its Origins Through the Rabbinic Period* (New Haven: Yale University Press, 2013), 139).

The account leverages this Mosaic book of the law for an ideological purpose: to claim the benefits as well as the obligations of the covenant with Yahweh, particularly for the people Israel as defined in Ezra-Nehemiah. "Israel" here is narrowed to the descendants of Judah and Benjamin who had been exiled to Mesopotamia and returned to rebuild Jerusalem and Yehud. The narrative would not lead us to presume that the content was a specific version of the book of the law since so few details of what is written or read are given. We only know that the text inspires reinstitution of the festival of Booths, separation of the Judeans from the surrounding peoples, as well as general recommitment to the covenant with Yahweh, and that the document is long enough to require hours over the course of several days to read. Due to the length of the reading, the narrative suggests that the *sēpher* of the law is a scroll rather than a clay tablet or stone inscription. This is also the only one of the reading ceremonies to not claim that the entirety of the text was read aloud; multiple days of reading are described, but there is no conclusion that they arrived at the end of the document. The open ended nature of this process leads the reader to guess that more remains of the text, and it is the community's responsibility to continue the ongoing readings. The ambiguity around further exact content would permit later readers to interpret the document as whatever their current version of the Mosaic law was.

For Nehemiah 8, the people as a whole recognize the written artifact's relationship to Moses, so that from the beginning the entire community understands that the covenant document in question is Mosaic in origin, even if they do not already know the obligations it contains. The people request that Ezra bring out "the book of the law of Moses." They know that a single Mosaic book of the law exists, and that it is available for Ezra to bring it out and read it. In this case, the text is depicted as identifiable before it is even read – the people take Ezra's word that it is the book of the law given to Moses. While the text in 2 Kgs 22-23 identified itself through its

reading, the text in Nehemiah is identified externally, by the concept the community already has of the text. The narrative conceives of the textual artifact as continuous with previous documents that represented that same project in the Hebrew Bible, by presenting its social usage in a parallel manner to Josh 8:30-35, 2 Kgs 22-23 and its parallel account in 2 Chr 34-35. The book in Neh 8 is twice named "the book of the law of Moses/the law given through Moses." At several points in the Deuteronomistic History, this phrase attributes what appear to be direct citations of the law code to the written document of the law. 2 Kings 22-23 does not ever attribute the book to Moses, but Chronicles' Josiah narrative adds in this same attribution phrase: "the priest Hilkiah found the book of the law of the Lord given through Moses" (34:14). Nehemiah thus reflects the Persian period's increased interest in authorizing the book of the law through Mosaic discourse. It also uses the rare term "the book, the law of God" (8:8, 8:18, 9:3 "the book of the law of the LORD their God"), leaving no ambiguity around the divine source of the law. The "book of the LORD" is also what 2 Chr 17:9 calls the text that the Levites teach throughout the land. Ezra-Nehemiah quickly translates divine initiative into human action,[614] but it still depends upon divine authority to validate action. Moreover, verse 14 makes it "the law, which the LORD had commanded by Moses" to clarify that Moses is the authorized means of transmitting Yahweh's law specifically. Even in this brief lexical analysis, it is evident that the narratives present "the book of the law/covenant" as a textual idea whose purpose is to claim the Yahwistic covenant law for the present community, and not as a print culture letter-for-letter conception of a precisely transmitted book.

The performance of the reading does facilitate the only means that the people have of interacting with the text, but the encounter is not limited to the semantic significance of the text.

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[614] Eskenazi, "Ezra-Nehemiah: From Text to Actuality," 5.

Due to the material nature of the written artifact, it clearly has performative and iconic functions in this scene. The material representation of Mosaic tradition to the people is performed in the event. When Ezra the scribe-priest brings it before them, that physical action is reported, and the narrative makes a point of stating in multiple ways that the people can all see it, hear it, and understand it. Of these options, 2 Kgs 23 only clarifies that the people heard the words of the book – it was read in their ears. Like the king, Ezra stands in view of the people, but the scene is much more detailed: he is upon a platform built for that purpose, and the people not only see him, but they see him opening the book, and it says that the ears of the people were attentive, showing their active interest in the event. Aural reception is reflected in the verbal and physical responses of the people. Yet again, they are active participants in the reading, choosing to listen to the book, not having it imposed upon them en masse. The temporal experience of the people is also conveyed, with the description that they remained in their places – another statement of choice – to display the fact that this event will come to an end, but while it endures the people must be physically present in order to receive the reading and the oral interpretation. Nehemiah's scene covers numerous sensory bases, so that the leaders and the people choose to experience the book with space, sight, and hearing. While 2 Kings presents the text of the law as a prophetic word of God pronounced orally to the people, Nehemiah presents an icon of Mosaic tradition which physically brings the divine covenant to the people. When it is read aloud, all of the people may enter into that specific covenant tradition.

V. Public Reading: Instilling Understanding in a Reconstituted Israel

Nehemiah 8's reading ceremony presents a text that has endured through time in a written artifact, but must take on an oral form through the intermediaries of Ezra and the Levites in order for the public to access it. The necessity of this oralization is evident in the process by which the

event begins: the people call for the written document to be brought out, and the natural next step is for Ezra to present and read it so that they can hear it. Throughout the reading event, the narrative repeats that the audience is “all those who could understand” (כל מבין לשמע or המבינם), so that the oralization results in establishment of the text in the hearers’ understanding to presumably remain in their memory and affect future covenant-compliant conduct. Reading, in this case, not only encompasses the oralization of a written text, but also translation, expansive explanation, and study, all in public group settings. By living between the oral and the written, the text conducts its social functions over the course of time.

The social interaction of the text happens in the encounter of the people with Ezra and the Levites. The whole people as defined by Ezra-Nehemiah, given the criteria that they are capable of hearing with understanding, have the possibility of receiving it. In the reading event, the people meet with the other predominant “who” in the account, that is, the scribal teachers of the community. Most of them are priestly scribes or Levites in a teaching role, headed by Ezra, as well as some lay leaders. All are leaders whose names also seal the written covenant they write in response to the book of the law. Nehemiah envisions a Yehud in which both the leadership of the community and the people as a whole take responsibility for understanding the text. The scribes for Nehemiah are not imagined as copiers of the law itself nor writers at all, but rather readers and interpreters who orally render the book of the law in language comprehensible to the people. Their audience as such is clearly designated. Thus, the leaders’ presence suggests the potential of the text to be interpreted – or misinterpreted – and reemphasizes the need to select the nature of the understanding to be imparted to the people.

The visible reading of the book also evokes the fact that when a book transmits ideas through time, it is a reference point to maintain continuity of ideas; so here, when the people see

Ezra reading out of the book, they confirm with their eyes that what they are hearing is coming from that very book which they called to be brought out. This is a manner of permitting the people to experience a kind of verification of Ezra's spoken words, although each individual does not have the possiblity of reading the book with his or her own eyes. It is notable that there is no private reading in this narrative, even for Ezra and the other teachers, and the reading itself does not belong to one individual, but rather a group is dispersing the reading this time. Although the group of teachers plays a prominent role in the scene, there is no reference to multiple copies of the book itself, nor any reference to any idea that this object could have been physically corrupted over time. Just like 2 Kgs 22-23, there is no hint that the document could differ from a version in the past, but it is foundational to the proceedings that it be contiguous with whatever document the people believe the book of the law of Moses to be.

Even when identified as a known text, oralization of a written document generally included a measure of interpretive flux in textual content. Nehemiah 8's public reading reflects normal reading practices in ancient Israel, since reading was nearly always conducted aloud in a group. Unlike the reading ceremonies in Josh 8 and 2 Kgs 23, however, Neh 8 explicitly acknowledges the practice of explanation of the written words: "the Levites helped the people to understand the law, while the people remained in their places. So they read from the book, from the law of God, with interpretation. They gave the sense, so that the people understood the reading" (Neh 8:7-8). The picture painted in the ceremony narrative imagines a setting in which the entirety of the people may fully participate in the reading without any level of literacy.[615] For Eskenazi, the pivotal oral performance is depicted as the actualization of the written text, which

[615] Hess concludes that there is increasing evidence for the presence of a variety of competencies of reading and writing in ancient Israel and its neighbors, but the reading ceremonies direct us away from this type of question ("Questions of Reading and Writing in Ancient Israel," *BBR* 19, no. 1 (2009): 1–9).

bears primacy over the oral.[616] However, it is important to remember that the audience would not have access to the written text without the oralization.

The freedom to expand upon content confers an authoritative role upon the officiant. When the audience hears the reading in these narratives, the oral delivery is the only access they have to the text, and so what the officiant pronounces aloud determines the content and tone the audience hears.[617] The Judeans' "daily lives were only touched by reading and writing when they are in contact with the authorities or need long-distance communication."[618] It is possible that hearers would not know which of the spoken words were written, and which were interpretation, unless the reader adopted an oral means of indicating the transition.[619] Even if they did so, anthropological studies of performance suggest that oral delivery of a written text is often a moment which exercises power over the audience by controlling the oralized content – an entextualizing power which is not exerted by the written text alone.[620] However, the fluid nature of a "text" in ancient Israel permits an expansive reading to still be identified as the same text that is physically represented in a public scene.

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[616] Eskenazi, "Ezra-Nehemiah: From Text to Actuality."

[617] Levinson discusses at length the dynamics of exegesis within the *written* redaction of the Hebrew Bible: "First, the creativity of exegesis consists not only in its ability to adjust to new circumstances not contemplated by the canon but also in the interpreter's claim that there is no innovative or transformative activity involved whatsoever…It is essential to understand that the ingenuity of the interpreter operates even in the formative period of the canon, while those texts that will subsequently win authoritative status are still being composed and collected" ("You Must Not Add Anything to What I Command You: Paradoxes of Canon and Authorship in Ancient Israel," 9).

[618] M. C. A. MacDonald, "Literacy in an Oral Environment," in *Writing and Ancient Near Eastern Society* (London; New York: T & T Clark International, 2005), 50.

[619] In Rabbinic Judaism, there were a number of techniques for memorization that included communal reading; the term סימן (semeion) often was synonymous with זכר, and became a sign to help the learner/hearer to remember correctly as a lead and support to the memory, often in the form of a proverb or saying (Birger Gerhardsson, *Memory and Manuscript* (Uppsala: Almquist & Wiksells, 1961), 153–154).

[620] See also: Joel C. Kuipers, *Power in Performance: The Creation of Textual Authority in Weyewa Ritual Speech* (Philadelphia: University of Pennsylvania Press, 1990), 167.

An implicit aspect of the expansive reading in Neh 8 is the probable element of Hebrew to Aramaic translation. One of the means by which Ezra-Nehemiah as a book constructs its social context is through its integration of the Aramaic language into Judean identity. Usage of Aramaic in the post-exilic Judean community was a product of the exile in the Babylonian Empire, where Aramaic was the *lingua franca*. There is evidence that the Persian empire both encouraged vernacular use of Aramaic while permitting local languages to continue in cultic practice. The apparent use of Judean Aramaic source documents for the administrative letters in Ezra (4:8-6:18, 7:12-7:26) demonstrates that the Persian and Hellenistic Judean communities utilized documents written in Aramaic.[621] Appropriately, these documents relate to the community's interactions with Persia, but following the first two letters there is a narrative section in 6:13-18 that suggests that these are not just copies of letters but part of a Judean composition in Aramaic.[622] Although the various source documents certainly were edited during later periods, these passages are in essence a Judean story about Judean experience in exile and the completion of the temple in Jersusalem. The bilingual nature of Ezra-Nehemiah, the Aramaic chapters in Daniel, and plentiful extra-biblical testimonies to Aramaic usage in Second Temple literature remind us that verbal translation was likely a necessity in a post-exilic community. The adoption of Aramaic into Judean social identity reflects the ongoing identification of Persian and Hellenistic communities with the Babylonian diaspora community, which would bear a

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[621] Torrey identifies the Aramaic of Ezra as from the second and third centuries B. C., claiming that the letters are later imitations of Persian compositions, but others like Folmer have found the administrative letters to be authentic Achaemenid Aramaic ("The Aramaic Portions of Ezra," 232; M. L. Folmer, *The Aramaic Language in the Achaemenid Period* (Louvain: Peeters Publishers, 1995), 753–5; James VanderKam and Peter Flint, *The Meaning of the Dead Sea Scrolls* (New York: HarperCollins, 2002), 119, 423).

[622] At Qumran only fragments of one scroll of Ezra were found, but they happen to be portions that show that the Aramaic portions were nearly identical to the Masoretic text in 4:2-6, 4:9-11, 5:17, and 6:1-5. This demonstrates consistency with this version of the text following the Hellenistic period, and possibly the same expectation of bilingualism (Ibid., 119, 423).

permanent influence on Rabbinic Judaism. Rhetoric throughout Ezra-Nehemiah suggest strongly that the returnees viewed their exilic experience as central to belonging to their post-exilic community, including usage of Aramaic. Although some claim that language was not central to the self-understanding of Judeans in antiquity,[623] language does play an essential role in Judean identity in Ezra-Nehemiah, through the inclusion of Aramaic in the group's linguistic identity. In this narrative, Hebrew and Aramaic have both become imbedded in the community's identity through their primary formative experiences: Torah and exile. Exilic experience and Aramaic usage work hand in hand to promote a Judean identity that continues to define itself against surrounding foreigners by maintaining a strong connection to their pre-exilic religious law and present diaspora community of Judeans. Bilingualism is not portrayed as problematic or divisive within the community, and in the setting of the reading ceremony, a solution is embedded in the form of teaching Levites who easily bridge any gap that may have been present. For the Persian period, Seth Schwartz argues that "Whatever the typical Judaean peasant knew of the contents of the Pentateuch, he knew from oral report, presumably in Aramaic."[624]

This aspect of post-exilic identity is particularly pertinent to the Neh 8 reading ceremony's description of interpretation and explanation of the scroll of the law to the audience: "So they read from the book, from the law of God, with interpretation. They gave the sense, so that the people understood the reading" (וַֽיִּקְרְא֥וּ בַסֵּ֛פֶר בְּתוֹרַ֥ת הָאֱלֹהִ֖ים מְפֹרָ֑שׁ וְשׂ֣וֹם שֶׂ֔כֶל וַיָּבִ֖ינוּ בַּמִּקְרָֽא Neh 8:8). The word here translated as "interpretation" (מְפֹרָשׁ) is a technical Aramaic term for translation in the Persian court.[625] The same verb is used in Ezra 4:18 to mean verbal translation

[623] Schwartz, "Language, Power and Identity in Ancient Palestine," 9, 11.

[624] Ibid., 28.

[625] Schaper, "Hebrew and Its Study in the Persian Period," 15.

before the Persian king, so it seems that the author/editor is aware of the technical meaning of the verb.[626] Viewing this event as verbal translation, it is possible that Ezra read from the Hebrew while the Levites gave the Aramaic translation in order to help the people understand the reading. Some, including the rabbis, view this as the first record of a Targum.[627] Nehemiah 8 has also been compared to later synagogue services, as the reading of the law does share some essential components with the synagogue services known from the beginning of the Common Era.[628] As such, the Hellenistic editor may view this text as a key liturgical bridge between pre-exilic Israel and his present Jewish community. Ezra and the Levites' interpretation of the law is placed on par with the Hebrew text of the law, since the people's understanding of it is a strong focus of the narrative.[629] Again, the people are at the center of the action,[630] and Aramaic is a key component of their involvement. The law provides an essential connection to pre-exilic Israel,[631] and Ezra here claims that the newly re-formed community is the legitimate heir to the Mosaic tradition.

<u>Conclusions:</u>

The text of the law plays a prominent role in forming the post-exilic community identity in Nehemiah 8. This reading ceremony portrays how an ideology of authoritative text developed in the Persian period with a greater emphasis upon the writtenness of the text and upon the collective people's interaction with it. As in 2 Kgs 22-23, the written document serves here to

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[626] The Septuagint does not read it this way, but rather takes the root פרש at its alternative sense of "to make clear or distinct." Such a translation ignores the technical meaning of מפרש. The Septuagint translates מפרש with ἐδίδασκεν - to teach verbally.

[627] cf. Megillah 3a.

[628] Williamson, *Ezra-Nehemiah*, 281; Japhet, "The Ritual of Reading Scripture (Nehemiah 8)."

[629] Williamson, *Ezra-Nehemiah*, 293.

[630] Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah*, 2.

[631] Williamson, *Ezra-Nehemiah*, li.

limit the covenant community, which for Ezra-Nehemiah solely includes Babylonian exiles of southern extraction who return to Judah. Pedigree lists, eradication of mixed marriages with other people groups, exclusion of Samaritans from the temple rebuilding, and omission of other diaspora populations maintain the delimited nature of the community in Ezra-Nehemiah, and therefore the particularized usage of the text of the law. The people act as the protagonist of the work as a whole, including initiation of and active participation in the reading event. The overall heightened use of written materials in Ezra-Nehemiah is reflected in the depiction of the book of the law as a written word from God, rather than an oral prophetic word. Since the people function as the protagonist of Ezra-Nehemiah, they play a substantial part in the reading ceremony. Through the expansive teaching of the Levites and lay leaders, the people themselves come to understand and enact the law. This relationship with the law sets up the boundaries between the covenant people and the others around them, since they do not mix their genealogy with them, they keep separate space from them in their holy city, and they keep separate time from them with the Sabbath and holy festivals. Through the attribution of the book of the law to Moses, Nehemiah 8 claims that the descendants of the Judean exiles are the sole true heirs to the Mosaic covenant. Mosaic discourse has thus become the locus of divine authority for the book of the law. Nehemiah 8 is a post-exilic testimony to a proto-sectarian Persian perspective, which wields the book of the law in order to delimit the reconstructed Israel according to ethnic, experiential, religious, and geographic boundaries.

CHAPTER SIX

Conclusion

This exploration of ancient Hebrew reading ceremonies has shown a trajectory of a progressively narrow application of the book of the law. The final form of each of the passages I have analyzed characterizes the book of the law as the efficacious authoritative text for Israel in a distinct historical context, moving from pre-monarchic to late monarchic and finally post-exilic literary settings. In a pre-monarchic setting, Josh 8:30-35 employs kinship language to unify a heterogeneous population of male citizens, resident aliens, women, and children at the northern location of Shechem. By contrast, 2 Kgs 22-23 particularizes the authoritative text to the pre-exilic residents of late-monarchic Judah, omitting the northern kingdom from Israel and elevating the role of the Davidic monarchy in the person of Josiah. Finally, Neh 8 constructs a pedigreed post-exilic Israel, requiring a lineage originating in the pre-exilic southern kingdom of Judah, funneled through the experience of exile in Babylonia, and returned to Jerusalem while maintaining ties solely to the Mesopotamian diaspora community. Each one of the ceremonies emphasizes the participation of the entirety of the populace in the covenant reading. However, in each successive narrative, the book of the law serves to narrow the people Israel into increasingly exclusive boundaries.

The progressive limitation of the community in each ceremony corresponds to the increasing emphasis in the texts on the written nature of the book of the law. Joshua 8 depicts the copy of the law inscribed by Joshua as a temporary testimony to the orally-persistent text of the law. 2 Kings 22-23 describes an ancient book of the law discovered in the temple as an oral word of God, prophetically confirmed as a divine word spoken to the inhabitants of present day Judah.

Nehemiah 8 shifts the authoritative text firmly toward the written end of the spectrum, by emphasizing its transmission as a written document from Moses to the reconstituted post-exilic Judean population. Taking into consideration the complex source and redaction history of each ceremony narrative, I have argued that both Josh 8 and 2 Kgs 22-23 contain pre-exilic traditions of the book of the law that came to their present form during the exilic period, whereas Neh 8 and 2 Chr 34-35 develop in the post-exilic era.

Further analysis would be necessary to explain the correlation of the increasingly exclusive community borders to the progressive emphasis upon writing. However, the historical evolution of writing in the Iron Age Levant clarifies why the greater emphasis upon the written nature of the book of the law occurs in the narratives that developed later. Beginning in the late eighth century BCE and continuing into the Hellenistic period, inscriptional evidence demonstrates that writing gradually became more prevalent in societies across the Levant. As the exilic Judahite community transitioned into post-exilic Judean communities, this increase in writing appears to have augmented the authority of written documents. Eventually the spread of writing produced the scripturalization of selected texts, as evidenced in Hellenistic Qumran scrolls and canonization discussions in Roman-era rabbinic and early Christian texts.

This study has also highlighted the importance of examining the material properties assigned to textual artifacts. In the narrative settings of the covenant reading ceremonies, each scene draws attention to the physical venue of the ceremony and the usage of the document in the depicted space. From the perspective of these narratives, the performance of textual oralization and the material presentation of the written object work together to connect the writing to its audience. The ceremony in Josh 8 especially demonstrates how a text can live independently of any one written document. It portrays the book of the law as active in Joshua's

memory, executed in his conduct, expressed in his inscription upon the stones, and oralized in its reading. The people of Israel thus see the text applied behaviorally, see it being written, and hear its oral rendering in the ceremonial space. In this way an active directionality is assigned to the document as it addresses the people. 2 Kings 22-23 and Nehemiah 8 likewise portray the book of the law in its performative and iconographic functions, adapted to the historically distinct settings. By analyzing the material depiction of the book of the law, this study has supplemented previous scholarship that has focused upon the semantic import of the text in the covenant reading ceremonies. As a result, I have explored a broader picture of how the text forms the people in these narratives.

The materiality of the text furthermore connects the present day of the depicted community to its Israelite past. 2 Kings 22-23 in particular focuses on the past of the material book of the law through its discovery in the temple. The rhetoric of the narrative emphasizes a concern that this ancient text had been lost and not observed by the ancestors of the community. As a textual object, the book of the covenant brings the Mosaic covenant physically into the current Judahite community with direct relevance to its addressees' conduct and immediate future. A similar continuity is invoked in Neh 8. Although the text had not been lost in this portrayal, it does materially embody the Mosaic covenant to the people of Persian Yehud. For each ceremony, to receive the performance of the ancient covenantal text and to collectively commit to it is to produce a renewal of the very same covenant with Yahweh that the early Israelites had. Without the material object, the covenant ceremonies would lack a direct connection to the covenant and would not be able to enact the oralization that ratifies the oath in the manner of an ancient Near Eastern loyalty oath. With the movement from a written document

to an oralized text, the scenes depict a means by which the divine power behind the covenant unifies the text's addressees and thereby define the boundaries of their community.

The sensory depiction of the book of the law therefore illuminates the categories that the narratives use to characterize the text: as an oath document, whose purpose is to claim a specific identity for the community. The portrayal of the book of the law invokes social functions of the ancient Near Eastern oath genre, especially neo-Assyrian loyalty oaths, in order to characterize it as efficacious, everlasting, and binding upon its addressees. Within this ancient Near Eastern background, each ceremony orients the locus of authority for the book of the law differently. I have argued that 2 Kgs 22-23 locates the authority of the book of the law in its portrayal as a prophetic word of God. The pre-exilic locus of authority in Kings differentiates this ceremony from the documents depicted in Josh 8, 2 Chr 34-35, and Neh 8, which are authorized through their connection to Moses. Joshua 8:30-35 is a likely exilic composition that depicts the book of the law as a well-known and established Mosaic tradition, presenting an early version of Mosaic authorization of the text. Chronicles rewrites the Kings Josiah narrative in order to characterize the book of the covenant as a Mosaic transmitted document that the community has continually observed. Nehemiah 8 presents the most emphatic portrayal of the book of the law as a Mosaic-authorized text. Previous scholarship has often recognized the prominence of Mosaic discourse for the authorization of Torah in post-exilic Jewish communities, but few have questioned the locus of authority for pre-exilic and exilic Israelite voices. While 2 Kgs 22-23 is only one case study in a sparse landscape of pre-exilic Hebrew depictions of authoritative text, it illustrates that the book of the law could be authorized apart from Mosaic transmission. Moreover, the relatively contemporaneous dating of Josh 8:30-35 and 2 Kgs 22-23 demonstrates that during the exilic

period, authorization of the text as a prophetic voice and as Mosaic discourse existed concurrently in separate literary voices.

The community boundaries set by these reading ceremonies thus stake an ideological claim for their respective definitions of “Israel.” This claim is the product of the ideological project set by each narrative for the book of the law. The narratives validate the identity of the delimited community by establishing material continuity with the past of Israel through the book of the law. By accessing this covenant oath document from the past, and performing it visually and physically in the presence of the community, each ceremony actualizes its own people of Israel as the true covenant community. The narrative construction of an ideological project of the book of the law therefore serves a social purpose, which is adapted to the political and religious interests of each narrative. Throughout the Hebrew Bible, public reading of the book of the law embodies the covenant of Yahweh to the people of Israel and makes them his people.

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