

Textual Authority in Ancient Israel und Judah: Factors and Forces of Its Development

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The *books* of the Bible were not written as the books of the *Bible*. They evolved over time in terms of their literary history, but also in terms of what might be called their canonical history.¹ These two processes do not coincide, but they overlap. This article will ask about factors and forces that were relevant for the development auf authoritativeness of texts in ancient Israel and Judah.² Of course, this is a broadly researched topic,³ but because the problem is multi-levelled, the field is still very open in many respects.

This paper is structured in two main parts. The first part aims at clarifying three points regarding the developing authority of writings in ancient Israel and Judah that seem to be very basic, but are nonetheless contested in scholarship. The second part will try to identify the main factors that

¹ See e.g. Konrad Schmid, *The Old Testament: A Literary History* (Minneapolis: Fortress Press, 2012).

² For the notion of “authoritativeness” over against “authority” see e.g. Eugene Ulrich, “From Literature to Scripture: Reflections on the Growth of a Text’s Authoritativeness,” *DSD* 10 (2003): 3–25; George J. Brooke, “Authority and the Authoritativeness of Scripture: Some Clues from the Dead Sea Scrolls,” *RevQ* 25 (2012): 507–23; Mladen Popović, “Prophet, Books and Texts: Ezekiel, Pseudo-Ezekiel and the Authoritativeness of Ezekiel Traditions in Early Judaism,” in *Authoritative Scriptures in Ancient Judaism*, ed. Mladen Popović; JSJSup 141 (Leiden: Brill, 2010), 227–51.

³ See below n. 5 and in addition the following recent contributions that use the term and concept of “authority” with regard to the Bible: Dan Batovici and Kristin de Troyer, eds., *Authoritative Texts and Reception History: Aspects and Approaches*, BibInt 151 (Leiden: Brill, 2017); Phillip M. Lasater, “Text Reception and Conceptions of Authority in Second Temple Contexts. A Response to Judith H. Newman,” in *Jeremiah’s Scriptures. Production, Reception, Interaction and Transformation*, ed. Hindy Najman and Konrad Schmid, JSJSup 173 (Leiden: Brill, 2017), 263–67; Diana V. Edelman, ed., *Deuteronomy-Kings as Emerging Authoritative Books. A Conversation*, ANEM 6 (Atlanta, SBL 2014); Mladen Popović, ed., *Authoritative Scriptures in Ancient Judaism* (JSJ.S 141; Leiden: Brill, 2010).

triggered processes of authorization for writings that later became biblical in light of these remarks.

1. Cornerstones of textual authority in ancient Israel und Judah

1.1. Judaism gradually developed into a book religion, and this process came to a first peak in 70 CE.

Judaism and Christianity are often identified as “book religions,”⁴ which is true insofar as holy writings play a central role in them. However, it is a truism that Judaism and Christianity emerged gradually over centuries as religions that are centered mainly on texts. This development has a counterpart in the evolution of both the Hebrew and Christian Bible as Bibles. Neither the writings of the Hebrew Bible nor those of the New Testament were conceived as “biblical” by their authors at the time of writing. These texts only *became* “biblical” over the course of time, a process that has been described in different ways by various recent contributions.⁵

⁴ See e.g. Siegfried Morenz, “Entstehung und Wesen der Buchreligion,” *TLZ* 75 (1950): 710–16; repr. in *Religion und Geschichte des alten Ägypten: Gesammelte Aufsätze* (Cologne: Böhlau, 1975); Siegfried Hermann, “Kultreligion und Buchreligion: Kultische Funktionen in Israel und in Ägypten,” in *Das ferne und das nahe Wort*, ed. Fritz Maass (Berlin: A. Töpelmann, 1967), 95–105; Carsten Colpe, “Sakralisierung von Texten und Filiationen von Kanons,” in *Kanon und Zensur*, ed. Aleida and Jan Assmann; *Beiträge zur Archäologie der literarischen Kommunikation* 2 (Munich: Fink, 1987), 80–92; Jan Bremmer, “From Holy Books to Holy Bible,” in Popović, *Authoritative Scriptures*, 327–60, esp. 333–336. For methodological distinctions see Jörg Rüpke, “Heilige Schriften und Buchreligionen: Überlegungen zu Begriffen und Methoden,” in *Heilige Schriften: Ursprung, Geltung und Gebrauch*, ed. Christoph Bultmann et al. (Münster: Aschendorff, 2005), 191–204; Andreas A. Bendlin, “Wer braucht ‘heilige Schriften?’: Die Textbezogenheit der Religionsgeschichte und das ‘Reden über die Götter’ in der griechisch-römischen Antike,” in Bultmann, *Heilige Schriften*, 205–28

⁵ See e.g. Odil H. Steck, “Der Kanon des hebräischen Alten Testaments: Historische Materialien für eine ökumenische Perspektive,” in *Vernunft des Glaubens: Wissenschaftliche Theologie und kirchliche*

For the Hebrew Bible's formation as authoritative literature and its sociological background, a fundamental distinction needs to be introduced: The Hebrew Bible is a library containing books that partially go back to the First Temple period, but all of the books were reworked in exilic and postexilic times and therefore are no longer immediate witnesses to ancient Israelite religion. Rather, they reflect the religious decisions and convictions of the Judaism(s)⁶ during the Persian and

Lehre, ed. Wolfhart Pannenberg, Jan Rohls, and Gunther Wenz (Göttingen: Vandenhoeck & Ruprecht, 1988), 231–52; repr. in *Verbindliches Zeugnis 1: Kanon, Schrift, Tradition*, ed. Wolfhart Pannenberg and Theodor Schneider; Dialog der Kirchen 7 (Freiburg im Breisgau: Herder, 1992), 11–33; John J. Collins, “Before the Canon. Scriptures in Second Temple Judaism,” in *Old Testament Interpretation: Past, Present and Future. Essays in Honor of Gene M. Tucker*, ed. James L. Mays et al. (Nashville: Abingdon, 1995), 225–44; repr. in *Seers, Sybils and Sages in Hellenistic–Roman Judaism*, VTSup 54 (Leiden: Brill, 1997), 3–21; Jan Assmann, *Fünf Stufen auf dem Wege zum Kanon*, MTV 1 (Münster: LIT, 1999) repr. in *Religion und kulturelles Gedächtnis: Zehn Studien* (Munich: Beck, 2000), 81–100; Jürgen van Oorschot, “Altes Testament,” in *Heilige Schriften*, ed. Udo Tworuschka (Darmstadt: Wissenschaftliche Buchgesellschaft, 2000), 29–56; William Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University Press, 2005); Timothy Lim, *The Formation of the Jewish Canon* (New Haven: Yale University Press, 2012); Heinz-Josef Fabry, “Das ‘Alte Testament,’” in *What is Bible?*, ed. Karin Finsterbusch and Armin Lange, CBET 67 (Leuven: Peeters, 2012), 283–304; Tal Ilan, “The Term and Concept of Tanakh,” in Finsterbusch and Lange, *What is Bible?*, 219–34; Tobias Nicklas, „The Development of the Christian Bible,” in Finsterbusch and Lange, *What is Bible?*, 393–426; Michael Satlow, *How the Bible Became Holy* (New Haven: Yale University Press, 2015); Armin Lange, “Canonical History of the Hebrew Bible,” in *Textual History of the Bible: The Hebrew Bible Volume 1A*, ed. Armin Lange and Emanuel Tov (Leiden: Brill, 2016), 35–81; Timothy Lim and Kengo Akiyama, eds., *When Texts are Canonized*, BJS 359 (Providence RI: Brown University Press, 2017); Lee M. McDonald, *The Formation of the Bible*, 2 vols. (London: T&T Clark, 2017).

⁶ See Diana V. Edelman, ed. *The Triumph of Elohim: From Yahwisms to Judaisms*, CBET 13 (Kampen: Kok Pharos, 1995).

Hellenistic eras.⁷ But when did Judaism (or Judaisms) begin? Usually, the term “Judaism” is applied to the religion of ancient Israel and Judah only when this religion was no longer *exclusively* based on the temple cult and the monarchies of Israel and Judah—and that means no earlier than the so-called Babylonian exile.⁸ The term Ἰουδαϊσμός “Ioudaismos” is first attested in the Maccabean period, and it reflects the encounter with “Hellenism.”⁹ Shaye Cohen, however, prefers to render this term with “Jewishness” rather than “Judaism.”¹⁰ Be that as it may, one should recall that, until 70 CE,¹¹ ancient Judah’s religion remained centered primarily on the sacrifices in the temple of Jerusalem, with the same situation applying to the Samaritans at different periods as well. Of course, at that time, some synagogues in the diaspora and in the land alike had already been established, and the worship in these settings focused on liturgical and probably exegetical readings from what were considered Israel’s holy writings. In the Hebrew Bible, very few passages clearly show that specific texts were considered to be authorities. John J. Collins’s recent study of the Torah’s normativity from Deuteronomy to Paul argues that the Torah’s authority in the Second Temple period was not as central as

⁷ See Christoph Levin, “Die Entstehung des Judentums als Gegenstand der alttestamentlichen Wissenschaft,” in *Congress Volume Munich 2013*, ed. Christl M. Maier, VTSup 163 (Leiden: Brill, 2014), 1–17.

⁸ Marc Z. Brettler, “Judaism in the Hebrew Bible? The Transition from Ancient Israelite Religion to Judaism,” *CBQ* 61 (1999): 429–47.

⁹ Steve Mason, “Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History,” *JSJ* 38 (2007): 457–512.

¹⁰ Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Oakland: University of California Press, 1999).

¹¹ See Daniel R. Schwartz, “Introduction: Was 70 CE a Watershed in Jewish History? Three Stages of Modern Scholarship, and a Renewed Effort,” in *Was 70 CE a Watershed in Jewish History? On Jews and Judaism Before and After the Destruction of the Second Temple*, ed. Daniel R. Schwartz and Zeev Weiss, *AJEC* 78 (Leiden: Brill, 2012), 1–19.

usually assumed:¹² Indeed, by no means do all texts from the Second Temple period witness explicitly to the notion of the Torah as an authoritative text. Characteristic for the period is what Hindy Najman had called “the vitality of scripture within and beyond the ‘canon.’”¹³ In places like Elephantine, the Torah even seemed neither to be present as a text nor to be followed by the Jews there.¹⁴

One should, therefore, be careful about interpreting pre-70 CE phenomena within the Hebrew Bible from a perspective governed by post-70 CE perceptions of Judaism. The texts of the Hebrew Bible were composed in a time when there was neither a Bible nor a Judaism that could be identified as a “book religion.” Or as Reinhard Kratz has put it, we have to safeguard the essential difference between “historical and biblical Israel”¹⁵—biblical Israel has a Bible from the time of Moses onward, whereas historical Israel does not. In historical terms, the Bible is a post-biblical phenomenon.

¹² John J. Collins, “The Transformation of the Torah in Second Temple Judaism,” *JSJ* 43 (2012): 455–74, idem, *The Invention of Judaism* (Berkeley: University of California Press, 2017).

¹³ Hindy Najman, “The Vitality of Scripture within and Beyond the ‘Canon,’” *JSJ* 43 (2012): 497–518.

¹⁴ Reinhard G. Kratz, “Temple and Torah: Reflections on the Legal Status of the Pentateuch between Elephantine and Qumran,” in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*, ed. Gary N. Knoppers and Bernard M. Levinson (Winona Lake: Eisenbrauns, 2007), 77–103; idem, “Zwischen Elephantine und Qumran: Das Alte Testament im Rahmen des Antiken Judentums,” in *Congress Volume Ljubljana 2007*, ed. André Lemaire, VTSup 133 (Leiden: Brill, 2010), 129–46; idem, “Elephantine und Alexandria: Nicht-biblisches und biblisches Judentum in Ägypten,” in *Alexandria*, ed. Tobias Georges, Reinhard Feldmeier, and Felix Albrecht, *Civitas orbis mediterranei studia* 1 (Tübingen: Mohr Siebeck 2013), 193–208. See also comprehensive treatment by Gard Granerød, *Dimensions of Yahwism in the Persian Period: Studies in the Religion and Society of the Judaean Community at Elephantine* (BZAW 488; Berlin: de Gruyter, 2016).

¹⁵ Reinhard G. Kratz, *Historical and Biblical Israel: The History, Tradition, and Archives of Israel and Judah* (Oxford: Oxford University Press, 2016).

1.2. Texts become authoritative not primarily because they *claim* authority, but because they *are deemed* authoritative

A specific text's authoritative *outlook* does not guarantee that it will become authoritative, normative, or canonical. Especially the apocalyptic literature that never, or only partly, became canonical in Judaism and Christianity is proof of this observation: There are hardly texts with more extensive strategies for the claim of divine origin than those considered apocalyptic literature.¹⁶ They claim to go back to heavenly revelations and visions, usually received by one of the great figures of the past such as Enoch, Abraham, Moses, Baruch, or Ezra.¹⁷ Yet it was exactly these texts that had a hard time finding their way into one of the canons. The Syriac and the Ethiopic Bibles were more receptive to these writings than others, but even the Apocalypse of John remained contested for many centuries.

On the other hand, texts like Song of Songs or Qoheleth became biblical despite pursuing a very limited, literary strategy of authorization. They are ascribed to King Solomon,¹⁸ and they are rather untheological (in the case of Song of Songs) and even skeptical (Qoheleth). Even more astonishing is the book of Esther's canonical status. It neither mentions

¹⁶ See e.g. Ernst Haag, *Das hellenistische Zeitalter. Israel und die Bibel im 4. bis 1. Jahrhundert v. Chr.*, *Biblische Enzyklopädie* 9 (Stuttgart: Kohlhammer, 2003); Michael Tilly, *Apokalyptik*, *Uni-Taschenbücher* 3651 T(übingen: Mohr Siebeck, 2012); Florian Förg, *Die Ursprünge der alttestamentlichen Apokalyptik*, *Arbeiten zur Bibel und ihrer Geschichte zur Bibel und ihrer Geschichte* 45 (Leipzig: Evangelische Verlagsanstalt, 2013).

¹⁷ See Hindy Najman, Itamar Manoff, and Eva Mroczek, "How to Make Sense of Pseudonymous Attribution: The Cases of 4 Ezra and 2 Baruch," in *A Companion to Biblical Interpretation in Early Judaism*, ed. Matthias Henze (Grand Rapids: Eerdmans, 2012), 308–36.

¹⁸ See Niels Peter Lemche, "Solomon as Cultural Memory," in *Remembering Biblical Figures in the Late Persian and Early Hellenistic periods: Social Memory and Imagination*, ed. Diana V. Edelman and Ehud Ben Zvi (Oxford: Oxford University Press, 2013), 158–81; see also Jozef Verheyden, ed., *The Figure of Solomon in Jewish, Christian and Islamic Tradition: King, Sage and Architect*, TBN 16 (Leiden: Brill, 2013).

God nor is its authorship linked to a figure from Israel's past.¹⁹ For these writings, a specific reception was apparently much more important for their authority than their production.

It is fairly safe to say that when investigating the process of how biblical writings became biblical—that is, how their authority as normative writings came about—both perspectives need to be taken into account. An authoritative text is first and foremost a text that is *considered* to be authoritative by a certain community,²⁰ but an authoritative text also needs some features in and out itself that allow a community to consider it authoritative. Therefore, the factors of textual production and reception play a role in a text's becoming authoritative.

1.3. The development of textual authority in ancient Israel and Judah must consider the originally political role of some core texts

The kernel of the Hebrew Bible canon is the Torah. The Torah is its most authoritative element and, in historical terms, it is the oldest part of the Bible canon.²¹ Why did the Torah become authoritative?²² Over the past

¹⁹ See Harald Martin Wahl, "'Glaube ohne Gott?' Zur Rede vom Gott Israels im hebräischen Buch Esther," *BZ* 45 (2001): 37–54. The LXX of Esther offers some theological interpretation: Kristin de Troyer, *Die Septuaginta und die Endgestalt des Alten Testaments*, Uni-Taschenbücher 2599 (Göttingen: Vandenhoeck & Ruprecht, 2005), 26–48.

²⁰ See David Carr, "Canonization in the Context of Community: An Outline of the Formation of the Tanakh and the Christian Bible," in *A Gift of God in Due Season*, ed. Richard D. Weis and David Carr, JSOTSup 225 (Sheffield: Sheffield Academic Press, 1996), 22–64.

²¹ See Knoppers and Levinson, *The Pentateuch as Torah*; For recent approaches to its composition see Thomas Römer, "Zwischen Urkunden, Fragmenten und Ergänzungen: Zum Stand der Pentateuchforschung," *ZAW* 125 (2013): 2–24; idem, "Der Pentateuch," in *Die Entstehung des Alten Testaments*, ed. Walter Dietrich et al., Theologische Wissenschaft, 1,1 (Stuttgart: Kohlhammer, 2014), 52–166; Konrad Schmid, "Der Pentateuch und seine Theologiegeschichte," *ZTK* 111 (2014), 239–71; Reinhard G. Kratz, "The Analysis of the Pentateuch: An Attempt to Overcome Barriers of Thinking," *ZAW* 128 (2016): 529–61 and Jan C. Gertz, Bernard M. Levinson, Dalit Rom-Shiloni, and Konrad

few decades, we have learned that this process was fueled by two very important political factors that developed the notion of textual authority within the Torah.²³ The first one is the formation of the book of Deuteronomy within its Neo-Assyrian political context as the kernel of the kernel of the Hebrew Bible canon. Since the 1960s scholars like Rintje Frankena and Moshe Weinfeld have pointed out that the book of Deuteronomy is a subversive reception of Neo-Assyrian vassal treaties.²⁴ In the 1990s Eckart Otto and Bernard Levinson confirmed this approach.²⁵ The recent findings in Tell Tayinat prove that those vassal treaties were also employed in the western region of the Assyrian Empire

Schmid (eds), *The Formation of the Pentateuch: Bridging the Academic Cultures Between Europe, Israel, and North America* (FAT 111, Tübingen: Mohr Siebeck, 2016).

²² See Catherine Hezser, “Torah als ‘Gesetz’? Überlegungen zum Torahverständnis im antiken Judentum,” in *Ist die Tora Gesetz? Zum Gesetzesverständnis im Alten Testament, Frühjudentum und Neuen Testament*, ed. Udo Rüterswörden, Biblisch-theologische Studien 167 (Göttingen: Vandenhoeck & Ruprecht, 2017), 119–39.

²³ See Konrad Schmid, “Anfänge politikförmiger Religion: Die Theologisierung politisch-imperialier Begriffe in der Religionsgeschichte des antiken Israel als Grundlage autoritärer und toleranter Strukturmomente monotheistischer Religionen,” in *Religion – Wirtschaft – Politik: Forschungszugänge zu einem aktuellen transdisziplinären Feld*, ed. Antonius Liedhegener, Andreas Tunger-Zanetti, and Stephan Wirz (Zurich: Pano; Baden-Baden: Nomos, 2011), 161–77.

²⁴ Rintje Frankena, *The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy*, OTS 14 (Leiden: Brill, 1965), 122–154; Moshe Weinfeld, “Traces of Assyrian Treaty Formulae in Deuteronomy,” *Bib* 46 (1965): 417–27; idem, *Deuteronomy and the Deuteronomistic School* (Oxford: Oxford University Press, 1972).

²⁵ Eckart Otto, “Treueid und Gesetz. Die Ursprünge des Deuteronomiums im Horizont neuassyrischen Vertragsrechts,” *ZAR* 2 (1996): 1–52; idem, *Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien*, BZAW 284 (Berlin: de Gruyter, 1999); Bernard M. Levinson and Jeffrey Stackert, “Between the Covenant Code and Esarhaddon’s Succession Treaty. Deuteronomy 13 and the Composition of Deuteronomy,” *JAJ* 3 (2012): 123–40. Carly L. Crouch, *Israel and the Assyrians: Deuteronomy, the Succession Treaty of Esarhaddon, and the Nature of Subversion*, SBL Ancient Near East Monographs 8 (Atlanta: SBL, 2014) argues against this assumption.

and thus in all likelihood also applied to Judah, probably under King Manasseh.²⁶

What does “subversive reception” of Neo-Assyrian vassal treaties mean? The vassal treaties obliged the leaders of subdued people and nations to be loyal to the Neo-Assyrian king and not to engage in any other political relations. What does the book of Deuteronomy do? It also claims Israel’s complete loyalty, but toward God himself rather than an earthly king, whether the Neo-Assyrian or the Judean king. In Deuteronomy’s language, this sounds as follows:

שְׁמַע יִשְׂרָאֵל	Hear, O Israel:
יְהוָה אֱלֹהֵינוּ יְהוָה אֶחָד:	YHWH, our God, is one YHWH.
וְאַהַבְתָּ אֶת יְהוָה אֱלֹהֶיךָ	You shall love YHWH, your God, with all
בְּכָל־לִבְבְּךָ	your heart,
וּבְכָל־נַפְשְׁךָ	and with all your soul,
וּבְכָל־מְאֹדְךָ:	and with all your might.

As Bill Moran pointed out many years ago, “to love” in this context is not primarily an emotional, but a political term, borrowed from Neo-Assyrian imperial propaganda and meaning “to be absolutely loyal to.”²⁷

To give another example from the opening of the Decalogue in Deut 5:6-7:

אֲנֹכִי יְהוָה אֱלֹהֶיךָ	I am YHWH your God,
אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרָיִם	who brought you out of the land of Egypt,
מִבֵּית עֲבָדִים:	out of the house of slavery.
לֹא יִהְיֶה־לְּךָ אֱלֹהִים אֲחֵרִים	You shall have no other gods
עַל־פְּנֵי:	before me.

²⁶ See Hans-Ulrich Steymans, “Deuteronomy 28 and Tell Tayinat,” *Verbum et Ecclesia* 34 (2013): 1–13.

²⁷ William L. Moran, “The Ancient Near Eastern Background of the Love of God in Deuteronomy,” *CBQ* 25 (1963): 77–87.

This statement of intolerant monolatry is a theological reformulation of the political message of the vassal treaties: You shall have no other kings before me.

Why is this political redirection of loyalty important for the topic of authoritative writings in the Bible? As the book of Deuteronomy replaces the Neo-Assyrian king with God as the object of absolute loyalty, God himself becomes a lawgiver.²⁸ *He* is the one who stipulates the regulations according to which Israel should live. And these stipulations can be found in the textual body of the book of Deuteronomy. This is why the notion of textual authority has its biblical roots in the book of Deuteronomy,²⁹ which probably originated in the late seventh century BCE.³⁰

The second important political factor that was imperative for the development of textual authority was the so-called Persian imperial authorization of the Torah. This is a much debated issue that also has been the subject of many misunderstandings.³¹ If we stick to the facts, the following elements need to be taken into account: Firstly, the Persian Empire did not have a central, imperial legislation. Instead, the existing local laws, sanctioned by the central Persian administration, served the

²⁸ See Konrad Schmid, “Divine Legislation in the Pentateuch in its Late Judean and Neo-Babylonian Context,” in *The Fall of Jerusalem and the Rise of the Torah*, ed. Peter Dubovský et al., FAT 107 (Tübingen: Mohr Siebeck, 2016), 129–53.

²⁹ Thus e.g. Frank Crüsemann, “Das ‘portative Vaterland,’ in: *Kanon und Zensur*, ed. Aleida and Jan Assmann (München: Fink 1987), 63–79.

³⁰ Nathan MacDonald, “Issues in the Dating of Deuteronomy: A Response to Juha Pakkala,” *ZAW* 122 (2010): 431–35; cf. Reinhard G. Kratz, “Der literarische Ort des Deuteronomiums,” in: *Liebe und Gebot. Studien zum Deuteronomium. Festschrift zum 70. Geburtstag von Lothar Peritt*, ed. Reinhard G. Kratz and Hermann Spieckermann, FRLANT 190 (Göttingen: Vandenhoeck & Ruprecht, 2000), 101–20; Juha Pakkala, “The Date of the Oldest Edition of Deuteronomy,” *ZAW* 121 (2009): 388–401; Juha Pakkala, “The Dating of Deuteronomy: A Response to Nathan MacDonald,” *ZAW* 123 (2011): 431–36. See also the overview provided by Karin Finsterbusch, *Deuteronomium: Eine Einführung*, Uni-Taschenbücher 3626 (Göttingen: Vandenhoeck & Ruprecht, 2012).

³¹ See Konrad Schmid, “Persische Reichsautorisation und Tora,” *TRu* 71 (2006): 494–506.

function of imperial law in the Persian Empire. Secondly, there can be no doubt that the imperial procedure of authorizing local laws existed in the Persian Empire. The question, however, is whether the Torah was the result of such an imperial authorization. Admittedly, there are no direct hints to this event, but there are many indirect ones. I will discuss only two. Firstly, without pressure from outside, one can hardly explain why such different legal materials found their way into the Torah. The D and P strands are complete opposites in their theology. The Torah represents a compromise in terms of its theologies and laws. Secondly, some of the best external evidence for imperial authorization of the Torah comes from the book of Ezra. In Ezra 7:26, there is a striking formulation that uses the “law of your God” in direct conjunction with the “law of the king” (דְּתָרָא דִּי־אַלְהָךְ וְדְתָרָא דִּי מְלָכָא). In the context of Ezra 7, it would not be at all clear what could be denoted by a “law of your God” *plus* a “law of the king”—which would apparently be separate from the “law of your God.” Rather, Ezra 7:26 seems to identify the “law of your God” with the “law of the king.” In other words, according to Ezra 7:26, the law of the Jewish God is at the same time the law of the Persian king. The most plausible interpretation of this wording is that it results from a process where the Torah is acknowledged as being in the status of Persian imperial law, issued by the Persian king.

Taken together, it becomes clear that the textual authority of the Bible has its roots in the specific political theology of some of its writings. It is abundantly clear that this textual authority could only develop the way it did within post-monarchical historical contexts. Otherwise, the competing authority of the king would always have been a significant hindrance. The loss of kingdom and statehood in Israel and Judah was one of the most important preconditions for the Torah’s rise as authoritative scripture.³²

2. Strategies of Constructing Scriptural Authority

³² See Peter Dubovský et al., *The Fall of Jerusalem*.

2.1. The Divinization of the Torah and the Domestication of Prophecy

The idea that the Torah *as such* is divine is not promoted by the Torah itself. Of course, the Torah includes divine speeches and divine laws, but this pertains only to parts of it, and they are embedded in the framework of the Pentateuchal narrative. The text of the Torah does not claim to have been written by God himself. There is only one small piece of text that is said to be written by the finger of God—the first version of the Ten Commandments—but the first tablets were destroyed by Moses before they even reached Israel (Exod 34:27–28). Even the alleged Mosaic origin of the Torah is not a feature from the Torah itself. Only small portions are traced back to Moses, such as Exod 17:14 (battle against Amalek); Exod 24:4 (Covenant Code); Exod 34:28 (Ten Commandments); Num 33:2 (wandering stations); Deut 31:9 (Deuteronomic law); and Deut 31:22 (Song of Moses).

Nevertheless, there are some redactional elements in the Torah that aim at securing an elevated status for its texts and, in historical terms, the most important redactional features are at the very end of the Torah's literary development. But how old is the Torah?

We know that the Torah grew over centuries before it reached its final status. Its oldest texts date back to the ninth or eighth century BCE, which we can adduce from the development of both Hebrew and the scribal culture in ancient Israel and Judah.³³ Before the ninth century BCE, there

³³ See Christopher Rollston, *Writing and Literacy in the World of Ancient Israel* (Atlanta: Society of Biblical Literature, 2010); Ron E. Tappy and P. Kyle McCarter, *Literate Culture and Tenth-Century Canaan: the Tel Zayit Abecedary in Context* (Winona Lake: Eisenbrauns, 2008); Israel Finkelstein and Benjamin Sass, "Epigraphic Evidence from Jerusalem and Its Environs at the Dawn of Biblical History: Facts First," in: *New Studies in the Archaeology of Jerusalem and its Region: Collected Papers Vol. 11*, ed. Yuval Gadot et al. (Jerusalem: Tel Aviv University, Israel Antiquities Authority, Hebrew University, 2017), 21–26. Matthieu Richelle, "Elusive Scrolls. Could any Hebrew Literature Have Been Written Prior to the Eighth Century BCE?," *VT* 66 (2016): 556–94 and Erhard Blum, "Die altaramäischen Wandinschriften aus Tell Deir 'Alla und ihr institutioneller Kontext," in *Meta-Texte: Erzählungen von schrifttragenden Artefakten in der alttestamentlichen und mittelalterlichen Literatur*,

is not yet a fully developed state in Israel or in Judah with a bureaucracy and administration to allow for the necessary education for writing down extensive texts. The epigraphical finds datable to the tenth century BCE—i.e., the Gezer calendar, the Qeiyafa inscription—are not clearly Hebrew in language or script. The most plausible explanation for this is that an identifiable Hebrew language did not yet exist. One can observe different local languages like Israelite, Judahite, Moabite, and Ammonite written in kindred, yet slightly different scripts, each of which developed from the Phoenician alphabet. Epigraphy from the ninth century is still puzzling. The most extensive regional, literary texts are the Mesha stele, which is a Moabite inscription, and the Balaam inscription from Tell Deir ‘Allah, which is an Aramaic text. Only in the eighth century do we have literary texts from Israel and Judah that qualify as Hebrew, such as the Khirbet el-Qom texts and the Siloam inscription. And it is from this time onward that biblical texts might have been written down. Of course, some of the oral traditions reworked in the Torah may reach back to the second millennium BCE. But their first literary versions cannot predate the ninth century BCE, whereas the Torah’s latest texts belong to the late Persian period, meaning the late fourth century BCE. This can be deduced from the translation of the Torah into Greek around 250 BCE,³⁴ the references

ed. Friedrich-Emanuel Focken and Michael Ott, *Materiale Textkulturen* 15 (Berlin: de Gruyter, 2016), 21–52 argue for the possibility of earlier literature. See also William M. Schniedewind, “Scribal Education in Ancient Israel and Judah into the Persian period,” in *Second Temple Jewish “Paideia” in Context*, ed. Jason M. Zurawski and Gabriele Boccaccini; BZNW 228 (Berlin: de Gruyter, 2017), 11–28.

³⁴ See e.g. Folkert Siegert, *Zwischen Hebräischer Bibel und Altem Testament: Eine Einführung in die Septuaginta* (Münster: Lit, 2001), 42–43; Manfred Görg, “Die Septuaginta im Kontext spätägyptischer Kultur: Beispiele lokaler Inspiration bei der Übersetzungsarbeit am Pentateuch,” in *Im Brennpunkt: Die Septuaginta: Studien zur Entstehung und Bedeutung der Griechischen Bibel*, ed. Heinz-Josef Fabry and Ulrich Offerhaus, BWANT 153 (Stuttgart: Kohlhammer, 2001), 115–30; Siegfried Kreuzer, “Entstehung und Entwicklung der Septuaginta im Kontext alexandrinischer und frühjüdischer Kultur und Bildung,” in *Septuaginta Deutsch: Erläuterungen und Kommentare zum griechischen Alten Testament*, ed. Martin Karrer and Wolfgang Kraus, (Stuttgart: Deutsche Bibelgesellschaft, 2011), 3–39;

to the Torah as an arguably fixed document in Chronicles and Ezra-Nehemiah,³⁵ and the fact that the Torah does not yet expect a cosmic judgment in contrast to Hellenistic texts in the Prophets from the late fourth and early third centuries BCE (e.g. Isa 34:2–4, Jer 25:27–31).³⁶ This much, or this little, of a timeframe is what can be assumed for the Torah’s formation. Its *scriptural authority* is anchored, in literary terms, particularly in the Torah’s final verses of Deut 34. They probably belong

Stefan Krauter, “Die Pentateuch-Septuaginta als Übersetzung in der Literaturgeschichte der Antike,” in *Die Septuaginta und das frühe Christentum / The Septuagint and Christian Origins*, ed. Thomas Scott Caulley and Hermann Lichtenberger, WUNT 277 (Tübingen: Mohr Siebeck, 2011), 26–46; Felix Albrecht, “Die alexandrinische Bibelübersetzung: Einsichten zur Entstehungs-, Überlieferungs- und Wirkungsgeschichte der Septuaginta,” in Georges et al., *Alexandria*, 209–43. The oldest manuscript of the Greek Pentateuch is Papyrus Rylands 458, dating to the mid second century BCE, cf. James W. Wevers, “The Earliest Witness to the LXX Deuteronomy,” *CBQ* 39 (1977): 240–44; Kristin de Troyer, “When Did the Pentateuch Come into Existence? An Uncomfortable Perspective,” in *Die Septuaginta: Texte, Kontexte, Lebenswelten, Internationale Fachtagung veranstaltet von Septuaginta Deutsch (LXX.D), Wuppertal 20.–23. Juli 2006*, ed. Martin Karrer and Wolfgang Kraus, WUNT I/219 (Tübingen: Mohr Siebeck, 2008), 269–86, here 277; Gilles Dorival, “Les origines de la Septante: la traduction en grec des cinq livres de la Torah,” in *La Bible grecque de Septante*, ed. Marguerite Harl et al. (Paris: Cerf, 1988), 39–82.

³⁵ Cf. Federico García López, “תורה,” *TWAT* 8:597–637, especially 627–30; Georg Steins, “Torabindung und Kanonabschluss: Zur Entstehung und kanonischen Funktion der Chronikbücher,” in *Die Tora als Kanon für Juden und Christen*, ed. Erich Zenger, HBS 10 (Freiburg im Breisgau: Herder, 1996), 213–56.

³⁶ See Odil H. Steck, *Bereitete Heimkehr: Jesaja 35 als redaktionelle Brücke zwischen dem Ersten und dem Zweiten Jesaja*, SBS 121 (Stuttgart: Katholisches Bibelwerk, 1985), 52–54; W. A. M. Beuken, *Jesaja 28–39*, HThKAT (Freiburg im Breisgau: Herder, 2010), 300–27; Konrad Schmid, “Das kosmische Weltgericht in den Prophetenbüchern und seine historischen Kontexte,” in *Nächstenliebe und Gottesfurcht: Beiträge aus alttestamentlicher, semitistischer und altorientalischer Wissenschaft für Hans-Peter Mathys zum 65. Geburtstag*, ed. Hanna Jenni et al., AOAT 439 (Münster: Ugarit, 2016), 409–34.

to the redactional closure of the Torah in the late fourth century BCE.³⁷ The final verses in Deut 34 try to divinize the Torah by divinizing its central figure, Moses. This can be readily seen in the burial notice in Deut 34:6: וַיִּקְבֹּר אֹתוֹ בְּגִלְ בְּאֶרֶץ מוֹאָב (“and he buried him in the valley in the land of Moab”). Who is “he” in this verse? According to the narrative context Deut 34, “he” cannot be none other than God himself. Already the Samaritan Pentateuch and the Septuagint found this unconvincing and replaced “he buried him” with “they buried him” (καὶ ἔθαψαν αὐτὸν ἐν Γαι ἐν γῆ Μωαβ), but this is certainly an inferior reading. The original text of Deut 34 claims that God himself buried Moses, and this is also why no one knows his burial place to this day, which 34:6b states (וְלֹא-יָדַע אִישׁ (אֶת-קְבֻרָתוֹ עַד הַיּוֹם הַזֶּה)). The burial notice points out the intimate relationship between God and Moses that the Torah in its final shape attempts to propagate.

This is even more strongly indicated in the final three verses of Deut 34:10–12:

וְלֹא-קָם נָבִיא עוֹד	Never since has there arisen a prophet
בְּיִשְׂרָאֵל כְּמֹשֶׁה	in Israel like Moses,
אֲשֶׁר יָדָעוּ יְהוָה	whom YHWH knew
פְּנִים אֶל-פְּנִים:	face to face,
לְכָל-הָאֵתוֹת וְהַמִּוִּפְתּוֹת	regarding all the signs and wonders
אֲשֶׁר שְׁלַחַו יְהוָה	that YHWH sent him
לַעֲשׂוֹת בְּאֶרֶץ מִצְרָיִם	to perform in the land of Egypt,
לְפָרְעֹה וְלְכָל-עַבְדָּיו	against Pharaoh and all his servants
וְלְכָל-אֶרְצוֹ:	and his entire land,
וְלְכָל-הַיָּד הַחַזָּקָה	and regarding the strong hand
וְלְכָל הַמִּוִּרָא הַגָּדוֹל	and all the great terrors
אֲשֶׁר עָשָׂה מֹשֶׁה	that Moses performed
לְעֵינֵי כָל-יִשְׂרָאֵל:	in the eyes of all Israel.

³⁷ See Konrad Schmid, “The Late Persian Formation of the Torah: Observations on Deuteronomy 34,” in *Judah and the Judeans in the Fourth Century B.C.E.*, ed. Oded Lipschits, Gary Knoppers, and Rainer Albertz (Winona Lake: Eisenbrauns, 2007), 236–45.

This passage is replete with loaded terms and does not look very original at first sight.³⁸ Nevertheless, if examined more closely, one can detect that formulaic language usually attributed to *God* is redirected to Moses. Performing “signs and wonders” in Egypt is *God’s* task in the Torah, rather than Moses’ task (cf. Deut 6:22, 28:6; et al.). And “a strong hand” is otherwise exclusively attributed to God in the Torah, not to Moses (cf. Deut 4:34; 26:8; Jer 32:21).

Thus, the intention of these very last verses in the Torah becomes clear: They claim that Moses is closer to God than to other human beings. And for Deut 34, Moses does not just signify Moses, but also the Torah. Therefore, the Torah is not divine according to Deut 34, but it is closer to God than to the humans.

The opening sentence of the passage of Deut 34:10 points in the same direction:

וְלֹא־קָם נָבִיא	Never since has there arisen a prophet
עוֹד בְּיִשְׂרָאֵל כְּמֹשֶׁה	in Israel like Moses,
אֲשֶׁר יָדָעוּ יְהוָה	whom YHWH knew
פְּנִים אֶל־פְּנִים:	face to face.

Deut 34:10 highlights two points: Firstly, Moses was a prophet; and secondly, there were many prophets after Moses, but none like him. Obviously, this statement takes up Deut 18:15:

³⁸ See in more detail Konrad Schmid, “Der Pentateuchredaktor: Beobachtungen zum theologischen Profil des Toraschlusses in Dtn 34,” in *Les dernières rédactions du Pentateuque, de l’Hexateuque et de l’Ennéateuque*, ed. Thomas Römer and Konrad Schmid; BETL 203 (Leuven, Peeters 2007), 183–97; see also Christophe Nihan, “‘Un prophète comme Moïse’ (Deutéronome 18,15): Genèse et relectures d’une construction deutéronomiste,” in *La construction de la figure de Moïse: The Construction of the Figure of Moses*, ed. Thomas Römer; Transeuphratène. Supplément 13 (Paris, Gabalda 2007), 43–76; idem, “Moses and the prophets’: Deuteronomy 18 and the Emergence of the Pentateuch as Torah.” *SEÁ* 75 (2010): 21–55.

נְבִיא מִקִּרְבְּךָ מֵאַחֶיךָ	A prophet from among your brothers
כְּמִנִּי	like me
יְקִים לְךָ יְהוָה אֱלֹהֶיךָ	YHWH your God will raise up;
אָלְיוֹ תִשְׁמָעוּן:	you shall listen to him

Deut 18:15 is part of the so-called Deuteronomic law on the prophets, and it promises a continuous chain of prophets to Israel. Deut 34:10 significantly transforms Deut 18:15: Moses is no longer *one among many prophets* with equal or comparable standing, but rather *the prophet par excellence*, to whom no one will compare.

Diachronically, the development from Deut 18 to Deut 34 witnesses to the supreme elevation of Moses above all other prophets. He is more than all other prophets.

Deut 34:10 has an exact counterpart in Josh 1, which opens the next canon section, the “Nevi’im.”³⁹ The elevation of “Moses” above all prophets corresponds to Joshua’s obligation to obey “Moses’s Torah.” Joshua is the first prophet to come after Moses, but, despite being a prophet, he is not like Moses. He therefore receives no new laws; he instead should obey the Mosaic law.

At the end of “Nevi’im” in Mal 3, the book of Malachi takes up Josh 1,⁴⁰ effectively conjoining the literary complex of Joshua–Malachi as a redactional unit that is theologically subordinated as exegetical “prophecy” to the incomparable Mosaic “prophecy” in the Torah.

³⁹ See Konrad Schmid, “La formation de Neviim: Quelques observations sur la genèse rédactionnelle et les profils théologiques de Josué-Malachie,” in *Recueils prophétiques de la Bible: Origines, milieux, et contexte proche-oriental*, ed. Jean-Daniel Macchi et al., MdB 64 (Geneva: Labor et Fides, 2012), 115–42.

⁴⁰ See Wilhelm Rudolph, *Haggai – Sacharja – Maleachi* KHC 13/4 (Gütersloh: Gütersloher Verlagshaus, 1976), 290–93; Odil H. Steck, *Der Abschluss der Prophetie: Ein Versuch zur Frage der Vorgeschichte des Kanons*, Biblisch-theologische Studien 17 (Neukirchen-Vluyn, Neukirchener Verlag, 1991); Arndt Meinhold, *Maleachi*, BK 14/8,6 (Neukirchen-Vluyn: Neukirchener Verlag, 2006), 404–5; Hans-Peter Mathys, *Vom Anfang und vom Ende: Fünf alttestamentliche Studien*, BEATAJ 47 (Frankfurt am Main: Lang, 2000), 30–40.

Josh 1:7-8, 13:

רָק חֵזֶק וְאַמֵּץ מְאֹד לְשָׁמֵר לַעֲשׂוֹת
כְּכֹל-הַתּוֹרָה אֲשֶׁר צִוָּה מֹשֶׁה עַבְדִּי

Only be strong and very
courageous, being careful to act in
accordance with all the Torah that
my servant Moses *commanded*
you; [...]

Mal 3:22:

זָכְרוּ תּוֹרַת מֹשֶׁה עַבְדִּי אֲשֶׁר צִוִּיתִי אוֹתוֹ
בְּחָרֵב עַל-כָּל-יִשְׂרָאֵל חֻקִּים וּמִשְׁפָּטִים:

Remember the Torah of **my**
servant Moses, the statutes and
ordinances that I *commanded* him
at Horeb for all Israel.

זְכוֹר אֶת-הַדְּבָר אֲשֶׁר צִוָּה אֶתְכֶם מֹשֶׁה
עַבְדִּי-יְהוָה לֵאמֹר יְהוָה אֱלֹהֵיכֶם מְנַיֵחַ
לָכֶם וְנָתַן לָכֶם אֶת-הָאָרֶץ הַזֹּאת:

Remember the word that **Moses the**
servant of YHWH *commanded*
you, saying, “YHWH your God is
providing you a place of rest, and
will give you this land.”

Deut 34 and Josh 1 make use of the traditional authority of prophecy. Prophets are experts, not only in ancient Israel and Judah, but also in the ancient Near East at large, and their expertise is based on divine revelation. By making Moses the prophet *par excellence*, and by subordinating all other prophets to him, the Torah connects to the authority of the prophets, but it overrides this authority by elevating Moses above them. In addition, within the same context, the Torah stresses that Moses is dead. Moses’s death makes clear that his prophecy is preserved in his *written* testament: the Torah.

2.2. The Rise of Scriptural Exegesis

The basic structure of the ways the Torah’s law corpora connect with each other shows that the Torah contains not simply “law” alone, but also

“law” with “interpretation.”⁴¹ Within the Moses story that occupies Exodus through Deuteronomy, one finds a peculiar perspective regarding the Sinaitic law, on the one hand, and on its promulgation in Transjordan, on the other. From Exod 19 onwards, Moses receives all the laws from God on Mount Sinai. This huge text block that extends to Num 10 is introduced by Exod 19:3:

וּמֹשֶׁה עָלָה אֶל־הָאֱלֹהִים	Then Moses went up to God
וַיִּקְרָא אֵלָיו יְהוָה	and YHWH called to him
מִן־הַהָר לֵאמֹר	from the mountain, saying;
כֹּה תֹאמַר לְבֵית יַעֲקֹב	Thus you shall say to the house of Jacob,
וְתַגִּיד לְבָנֵי יִשְׂרָאֵל:	and tell the Israelites...

Moses indeed receives the laws, but he never conveys them to Israel. Only a few elements are recorded as being passed on to Israel by Moses. The promulgation of the entire law to the people only takes place later on in the book of Deuteronomy, which (in narrative terms) covers the last day of Moses’ life, when Moses passes the laws on to the people through his farewell speech, introduced by Deut 1:1:⁴²

אֵלֶּה הַדְּבָרִים	These are the words
אֲשֶׁר דִּבֶּר מֹשֶׁה אֶל־כָּל־יִשְׂרָאֵל	that Moses spoke to all Israel
בְּעֵבֶר הַיַּרְדֵּן	beyond the Jordan.

The setting is clear in and of itself. However, for any reader of the Torah, it is immediately obvious that the laws Moses receives on Mount Sinai are *different* from the laws that Moses passes on to the people in

⁴¹ See Eckart Otto, “Rechtshermeneutik im Pentateuch,” in *Die Tora: Studien zum Pentateuch: Gesammelte Aufsätze*, BZABR 9 (Wiesbaden: Harrassowitz, 2009), 490–514, especially 490–96.

⁴² On this narrative structure of the Pentateuch and on באר in Deut 1:5 see Eckart Otto, “Mose, der erste Schriftgelehrte: Deuteronomium 1,5 im Narrativ des Pentateuch,” in *Die Tora: Studien zum Pentateuch. Gesammelte Aufsätze*, BZABR 9 (Wiesbaden: Harrassowitz, 2009), 480–89.

Transjordan. This is evident from comparing the legal material in Exodus–Numbers with the material in Deuteronomy. Apparently, the Torah itself reckons with a Mosaic interpretation of the divine laws from Mount Sinai. The Torah does not hide this information, but it instead lays it open to its readers by acknowledging that the laws from Mount Sinai are different from the laws from Transjordan. Nevertheless, the Torah considers the legislation on Mount Sinai and the legislation in Transjordan to be *basically identical*, which the double transmission of the Decalogue before both text blocks indicates. The process of interpretation is thus already embedded in the text of the Torah itself:⁴³ The Torah includes God’s law from Mount Sinai and its Mosaic interpretation. It is not a single law or text that has become canonical in the Torah, but the law or text *plus its exegesis* by Moses. This feature of the Torah is another relevant element for strategies of these texts’ authorization. The laws of the Torah are thus considered to be *fundamental* rather than simply unchangeable. Of course, exegesis is always dangerous: exegesis opens the door for new perspectives. However, it is even more dangerous to claim the invariable truth of texts. Texts that are immunized against interpretation necessarily become invalid after time: their authority will not prevail. The Torah is different: its authority persists because it was kept fluid. Its own stress on the need for interpretation secured the basic authority of its underlying text. Every text that gets an interpretation is valued and elevated in some sense merely by the fact that it is the subject of an interpretation.

⁴³ See Jean Louis Ska, *Introduction to Reading the Pentateuch* (Winona Lake: Eisenbrauns, 2006), 52: “the Law was of divine origin, and its validity was therefore ‘permanent’; it could not be abrogated. Consequently, a ‘new law’ was considered to be a form of an old law. It was both identical and different. In practical terms, only a new ‘updated’ formulation was valid.” See also Reinhard G. Kratz, “Innerbiblische Exegese und Redaktionsgeschichte im Lichte empirischer Evidenz,” in *Das Judentum im Zeitalter des Zweiten Tempels*, FAT 42 (Tübingen: Mohr Siebeck, 2004), 126–56; Bernard M. Levinson, *Legal Revision and Religious Renewal in Ancient Israel* (Cambridge: Cambridge University Press, 2008); Jan C. Gertz, “Schriftauslegung in alttestamentlicher Perspektive,” in *Schriftauslegung*, ed. Friederike Nüssel, TdT 8 (Tübingen: Mohr Siebeck, 2014), 9–41.

2.3. The Transfer of Cultic Elements to Scripture

In religious-historical terms, there can be little doubt that the rise of scripture is in some way connected to the decline, and eventually the end, of the temple cult—an end witnessed in ancient Judah by the two destructions of the Jerusalem temple in 587 BCE and 70 CE. I have dealt with the gradual sublimation of the temple cult in scripture elsewhere.⁴⁴ In this context, I offer one example of how the authority of scripture was imagined in cultic terms in a well-known Second Temple period text. According to Neh 8:5–8, Ezra reads the Torah to the people, and this is presented as follows:

וַיִּפְתַּח עֶזְרָא הַסֵּפֶר	And Ezra opened the book
לְעֵינֵי כָל־הָעָם	in the sight of all the people,
כִּי־מַעַל כָּל־הָעָם הָיָה	for he stood higher than all the people.
וַיִּכְפְּתוּהוּ עֹמְדוֹ כָּל־הָעָם:	And as he opened it, the entire people
וַיְבָרְךְ עֶזְרָא אֶת־יְהוָה	stood. And Ezra praised YHWH,
הָאֱלֹהִים הַגָּדוֹל	the great God,
וַיַּעֲנוּ כָל־הָעָם	and all the people responded,
אָמֵן אָמֵן	“Amen, Amen!”
בְּמַעַל יְדֵיהֶם	with their hands uplifted. ⁴⁵
וַיִּקְדּוּ וַיִּשְׁתַּחֲוּ	And they bowed and threw themselves
לִיהוָה	down before YHWH
אִפְּיִם אֶרְצָה: [...]	with their faces to the ground [...].
וַיִּקְרְאוּ בַסֵּפֶר	And they read from the book,
בְּתוֹרַת הָאֱלֹהִים מִפָּרֶשׁ	from the Torah of God, section by section,
וְשׁוּם שְׂכָל	enabling comprehension
וַיִּבְיֵנוּ בַמִּקְרָא:	and that the people understood the reading.

⁴⁴ See in more detail Konrad Schmid, “The Canon and the Cult: The Emergence of Book Religion in Ancient Israel and the Gradual Sublimation of the Temple Cult,” *JBL* 131 (2012): 291–307.

⁴⁵ LXX^B lacks “with their hands uplifted.” For the expression see Ps 28:2.

The scenery in Neh 8:5–8 resembles synagogue worship, and thus hardly fits a date before the third or second century BCE.⁴⁶ It clearly displays how scripture could be envisioned as an object of cultic veneration that can only be explained by means of a transfer of cultic elements to scripture. This change took place in the Second Temple period and was even enforced after 70 CE.

2.4. The Construction of a Theocratic Political Ideology

The last element to mention here pertains to the development of the idea of theocracy. Sociologically, ancient Near Eastern texts can only become fully authoritative in a non-monarchic environment or in an environment where the monarch is not considered to be the ultimate power.

Of course, traditional monarchies of the ancient Near East in general or the Levant in particular were conceived as subordinated to God as the ultimate king. Monarchies usually represent the heavenly realm as well as the earthly one: while there is a divine king, there is also a mundane king that is the divine king's son or steward.

However, postexilic texts in ancient Judah developed the idea of a direct and immediate theocracy (e.g. Ps 145; Josh 24), an idea with which the Torah is basically in agreement. That is, the Torah does not propagate the idea of monarchy for Israel and Judah. A king for Israel is only mentioned in Deut 17,⁴⁷ but this king is first and foremost determined to be a full and obedient servant of the Torah. In Gen 1, the topic of a human created in the image of God, traditionally part of royal ideology in

⁴⁶ See Antonius H. J. Gunneweg, *Nehemia*, KHC (Gütersloh: Gütersloher Verlag, 1987), 112; Arie van der Kooij, "Authoritative Scriptures and Scribal Culture," in *Authoritative Scriptures in Ancient Judaism*, ed. Mladen Popović, Supplements to the Journal for the Study of Judaism 141 (Leiden: Brill, 2010), 55–71, especially 62–63.

⁴⁷ See Bernard M. Levinson, "The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History's Transformation of Torah," *VT* 51 (2001): 511–34.

the ancient Near East, is redirected to all human beings: Not just kings, but every man and every woman is created in the image of God.⁴⁸

If according to the Torah God has no direct monarchic representative on earth, his power and will are present on earth not through a king, but through the text of the Torah.

This notion seems to be why 50% of all laws in the Torah include exhortations and admonitions to fulfill them.⁴⁹ A good example appears in Deut 15:18, the concluding verse of the law commanding the release of slaves in the seventh year:

לא־יִקְשָׁה בְּעֵינָהּ	Do not consider it a hardship
בְּשַׁלְּחָהּ אֹתוֹ חֲפָזִי מֵעַמּוֹהָ	when you send him out from you as free
כִּי מִשְׁנָה שָׁכָר שָׁכִיר	person, because for six years he has given
עֲבָדָה נֶשֶׁשׁ שְׂגִימִים	you services worth the wages of a hired
וַיְבָרֶכֶה יְהוָה אֱלֹהֶיךָ	laborer; and YHWH your God will bless you
בְּכֹל אֲשֶׁר תַּעֲשֶׂה:	in all that you will do.

The implementation of the laws of the Torah depend basically on insight, voluntariness, and even on the promise of divine benefit, but not on a coercive, executive power. In post-587 BCE Judah, there was no longer any such power.

3. Conclusion

The emergence of scriptural authority in ancient Israel and Judah must be assessed within the wider framework of its religious, cultural, social, and political history. One can identify five main historical factors for why the

⁴⁸ See Annette Schellenberg, *Der Mensch, das Bild Gottes? Zum Gedanken einer Sonderstellung des Menschen im Alten Testament und in weiteren altorientalischen Quellen*, ATANT 101 (Zurich: TVZ, 2011).

⁴⁹ Tikva Frymer-Kenski, "Israel," in *A History of Ancient Law*, Vol. 2, ed. Raymond Westbrook, HdO 72/2 (Leiden: Brill, 2003, 975–1046), 979.

Hebrew Bible became biblical. The first is the book of Deuteronomy and its theological reformulation of Neo-Assyrian political ideology. The book of Deuteronomy identifies God himself as the object of exclusive loyalty, and no longer the Neo-Assyrian king. The second one is the formation of the Torah within the Persian imperial context and its probable status as an imperially authorized law. The third one is the prominent reception of prophecy in the Torah, especially in the redactional framework responsible for its final shape, which was apparently used in order to establish a peculiarly prophetic proximity of the Torah to God himself. The fourth one is the reception of cultic elements in the perception and treatment of scripture after the loss of the temple. And finally, the fifth one is the interpretation of the post-monarchic period in Second Temple Judah as a theocracy, elevating the Torah's authority to a level formerly reserved only for a king.