

Stones, Tablets, and Scrolls

Edited by
PETER DUBOVSKÝ
and FEDERICO GIUNTOLI

Archaeology and Bible



Mohr Siebeck

Archaeology and Bible

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Periods of the Formation of the Bible

edited by

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Mohr Siebeck

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ISBN 978-3-16-158299-8 / eISBN 978-3-16-158300-1
DOI 10.1628/978-3-16-158300-1

ISSN 2698-4520 / eISSN 2698-4539 (Archaeology and Bible)

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie; detailed bibliographic data are available at <http://dnb.dnb.de>.

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The book was typeset by Martin Fischer in Tübingen, printed by Laupp & Göbel in Göttingen on non-aging paper and bound by Buchbinderei Nädele in Nehen.

Printed in Germany.

Preface

This book contains a collection of papers that were presented during a conference entitled “Stones, Tablets, and Scrolls.” The conference was held at the Pontifical Biblical Institute in Rome on May 11–13, 2017. The conference was born after a long discussion with our colleagues at the Pontifical Biblical Institute, to whom we wish to express our deep gratitude. The friendly atmosphere and discussion we enjoyed was thanks to the support of the rector of the PBI, Fr. Michael Kolarcik, and its treasurer, Andrzej Kowalko. However, the conference would not have been possible without the generous financial support of the Gregorian University Foundation and the encouragement of its president, Fr. Alan Fogarty, SJ. We express our appreciation to the staff of Mohr Siebeck and to the editors of „Archaeology and Bible“ for accepting this volume to the series.

Peter Dubovský and Federico Giuntoli

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Abbreviations

ÄAT	Ägypten und Altes Testament
AB	Anchor Bible
ABC	Albert K. Grayson, <i>Assyrian and Babylonian Chronicles</i> . TCS 5. Locust Valley, NY: J. J. Augustin, 1975
ABD	<i>Anchor Bible Dictionary</i> . Edited by David Noel Freedman. 6 vols. New York: Doubleday, 1992
ABIG	Arbeiten zur Bibel und ihrer Geschichte
ABRL	Anchor Bible Reference Library
ABSA	<i>Annual of the British School at Athens</i>
AD	<i>Astronomical Diaries and Related Texts from Babylonia</i> . Edited by Abraham J. Sachs and Hermann Hunger. Vienna: LIT, 1988–
ADPV	Abhandlungen des Deutschen Palästina-Vereins
AIL	Ancient Israel and Its Literature
AJBI	<i>Annual of the Japanese Biblical Institute</i>
ALASPM	Abhandlungen zur Literatur Alt-Syrien-Palästinas und Mesopotamiens
ANEM	Ancient Near East Monographs/Monografías sobre el Antiguo Cercano Oriente
ANES	<i>Ancient Near Eastern Studies</i>
ANESSup	Ancient Near Eastern Studies Supplement Series
AnOr	<i>Analecta Orientalia</i>
AO.SS	Anecdota Oxoniensia, Semitic Series
AOAT	Alter Orient und Altes Testament
AoF	Altorientalische Forschungen
AOS	American Oriental Series
ASJ	<i>Acta Sumerologica</i>
ASOR	American Schools of Oriental Research
AThANT	Abhandlungen zur Theologie des Alten und Neuen Testaments
ATD	Das Alte Testament Deutsch
AUSS	Andrews University Seminary Studies
b.	Babylonian Talmud
BA	<i>Biblical Archaeologist</i>
BaghM	<i>Baghdader Mitteilungen</i>
BaghMB	Baghdader Mitteilungen Beiheft
BaghMB 2	Jan van Dijk and Werner R. Mayer, <i>Texte aus dem Rēs-Heiligtum in Uruk-Warka</i> . Baghdader Mitteilungen Beiheft 2. Berlin: Mann, 1980
BAR	<i>Biblical Archaeology Review</i>
BAR.I	BAR International Series
BASOR	<i>Bulletin of the American Schools of Oriental Research</i>
BAT	Die Botschaft des Alten Testaments
BBB	Bonner Biblische Beiträge
BCHP	Irving Finkel and Robartus J. van der Spek, “Babylonian Chronicles from the Hellenistic Period.” <i>Livius</i> . http://www.livius.org/sources/about/mesopotamian-chronicles/
BE	Babylon Tafeln in Berlin
BEATAJ	Beiträge zur Erforschung des Alten Testaments und des antiken Judentums
BETL	Bibliotheca Ephemeridum Theologicarum Lovaniensium

<i>BHLT</i>	Albert K. Grayson, <i>Babylonian Historical-Literary Texts</i> . Toronto: University of Toronto Press, 1975
<i>Bib</i>	<i>Biblica</i>
BibInt	Biblical Interpretation Series
BibOr	Biblica et Orientalia
<i>BJPES</i>	<i>Bulletin of the Jewish Palestine Exploration Society</i>
BKAT	Biblischer Kommentar, Altes Testament
BM	British Museum
<i>BN</i>	<i>Biblische Notizen</i>
<i>BO</i>	<i>Bibliotheca Orientalis</i>
BSGRT	Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana
<i>BSOAS</i>	<i>Bulletin of the School of Oriental and African Studies</i>
BVSAW	Berichte über die Verhandlungen der sächsischen Akademie der Wissenschaften zu Leipzig
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
<i>BZ</i>	<i>Biblische Zeitschrift</i>
BZABR	Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
BZNW	Beihefte zur Zeitschrift für die neutestamentliche Wissenschaft
<i>CAD</i>	<i>The Assyrian Dictionary of the Oriental Institute of the University of Chicago</i> . Chicago: The Oriental Institute of the University of Chicago, 1956–2006
CahRB	Cahiers de la Revue biblique
CBC	Cambridge Bible Commentary
CBET	Contributions to Biblical Exegesis and Theology
<i>CBQ</i>	<i>Catholic Biblical Quarterly</i>
CBQMS	Catholic Biblical Quarterly Monograph Series
CDOG	Colloquien der Deutschen Orient-Gesellschaft
CEJL	Commentaries on Early Jewish Literature
CHANE	Culture and History of the Ancient Near East
<i>ClAnt</i>	<i>Classical Antiquity</i>
<i>CIQ</i>	<i>Classical Quarterly</i>
CM	Cuneiform Monographs
ConBOT	Coniectanea Biblica: Old Testament Series
<i>COS</i>	<i>The Context of Scripture</i> . Edited by William W. Hallo and K. Lawson Younger. 4 vols. Leiden: Brill, 1997–2016
<i>CP</i>	<i>Classical Philology</i>
<i>CSMSJ</i>	<i>Canadian Society of Mesopotamian Studies Journal</i>
CSOLC	Cambridge Studies in Oral and Literate Culture
<i>CTU</i>	<i>Corpus dei testi urartei</i> . Edited by Mirjo Salvini. 5 vols. Documenta Asiana 8/1–5. Rome: CNR, 2008–2018
CUSAS	Cornell University Studies in Assyriology and Sumerology
<i>CV</i>	<i>Communio Viatorum</i>
<i>DCH</i>	<i>Dictionary of Classical Hebrew</i> . Edited by David J.A. Clines. 9 vols. Sheffield: Sheffield Phoenix Press, 1993–2014
DCLS	Deuterocanonical and Cognate Literature Studies
DH	Deuteronomistic Historian
DJD	Discoveries in the Judean Desert
<i>DNP</i>	<i>Der neue Pauly: Enzyklopädie der Antike</i> . Edited by Hubert Cancik and Helmuth Schneider. Stuttgart: Metzler, 1996–
DOS	Dumbarton Oaks Studies
<i>DSD</i>	<i>Dead Sea Discoveries</i>
DT	Daily Telegraph (British Museum London)

Dtr	Deuteronomistic
DtrH	Deuteronomistic History
EDSS	<i>Encyclopedia of the Dead Sea Scrolls</i> . Edited by Lawrence H. Schiffman and James C. VanderKam. 2 vols. New York: Oxford University Press, 2000
EHAT	Exegetisches Handbuch zum Alten Testament
EJL	Early Judaism and Its Literature
<i>ErIsr</i>	<i>Eretz-Israel</i>
ESV	English Standard Version
ET	English translation
<i>ETCSL</i>	<i>The Electronic Text Corpus of Sumerian Literature</i>
FAT	Forschungen zum Alten Testament
FAT II	Forschungen zum Alten Testament, Series 2
FB	Forschung zur Bibel
FCB	Feminist Companion to the Bible
FOTL	Forms of the Old Testament Literature
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
GAT	Grundrisse zum Alten Testament
GMTR	Guides to the Mesopotamian Textual Record
HANE/S	History of the Ancient Near East/Studies
HAT	Handbuch zum Alten Testament
HBM	Hebrew Bible Monographs
HBS	Herders biblische Studien
HCS	Hellenistic Culture and Society
HdO	Handbuch der Orientalistik
<i>HeBAI</i>	<i>Hebrew Bible and Ancient Israel</i>
<i>HSCP</i>	<i>Harvard Studies in Classical Philology</i>
HSM	Harvard Semitic Monographs
HSS	Harvard Semitic Studies
HThKAT	Herders Theologischer Kommentar zum Alten Testament
<i>HTR</i>	<i>Harvard Theological Review</i>
<i>HUCA</i>	<i>Hebrew Union College Annual</i>
IAA	Israel Antiquities Authority
ICC	International Critical Commentary
<i>IEJ</i>	<i>Israel Exploration Journal</i>
<i>IG</i>	<i>Inscriptiones Graecae. Editio Minor</i> . Berlin: de Gruyter, 1924–
ISACR	Interdisciplinary Studies in Ancient Culture and Religion
JAJSup	Journal of Ancient Judaism Supplements
<i>JANER</i>	<i>Journal of Ancient Near Eastern Religions</i>
<i>JAOS</i>	<i>Journal of the American Oriental Society</i>
<i>JBL</i>	<i>Journal of Biblical Literature</i>
JBLMS	Journal of Biblical Literature Monograph Series
JBS	Jerusalem Biblical Studies
<i>JCS</i>	<i>Journal of Cuneiform Studies</i>
<i>JHebS</i>	<i>Journal of Hebrew Scriptures</i>
<i>JJS</i>	<i>Journal of Jewish Studies</i>
<i>JNES</i>	<i>Journal of Near Eastern Studies</i>
<i>JNSL</i>	<i>Journal of Northwest Semitic Languages</i>
<i>JQR</i>	<i>Jewish Quarterly Review</i>
<i>JSJ</i>	<i>Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods</i>
JSJSup	Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods Supplements

<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>
JSOTSup	Journal for the Study of the Old Testament Supplement Series
JSPSup	Journal for the Study of the Pseudepigrapha Supplement Series
JSRC	Jerusalem Studies in Religion and Culture
<i>JSS</i>	<i>Journal of Semitic Studies</i>
<i>KAI</i>	H. Donner and W. Röllig, <i>Kanaanäische und aramäische Inschriften</i> . 5th ed. Wiesbaden: Harrassowitz, 2002–
KEHAT	Kurzgefasstes exegetisches Handbuch zum Alten Testament
KHC	Kurzer Hand-Commentar zum Alten Testament
Klio	Klio: Beiträge zur Alten Geschichte
LAI	Library of Ancient Israel
LAS	Leipziger Altorientalische Studien
LBPL	Late Babylonian Priestly Literature
LCL	Loeb Classical Library
LD	Lectio Divina
LHBOTS	The Library of Hebrew Bible / Old Testament Studies
<i>LKU</i>	<i>Literarische Keilschrifttexte aus Uruk</i> . Edited by Adam Falkenstein. Berlin: Staatliche Museen zu Berlin, 1931
LSTS	The Library of Second Temple Studies
LXX ^A	Codex Alexandrinus
LXX ^{Ant}	Antiochian/Lucianic recension of the Septuagint
MdB	Le Monde de la Bible
MNB	Monuments de Ninive et de Babylone, Louvre
<i>NABU</i>	<i>Nouvelles assyriologiques brèves et utilitaires</i>
NATCP	The Neo-Assyrian Text Corpus Project
NCB	New Century Bible
NEchtB	Neue Echter Bibel
NETS	<i>A New English Translation of the Septuagint</i> . Edited by Albert Pietersma and Benjamin G. Wright. New York: Oxford University Press, 2007
NJPS	<i>Tanakh: The Holy Scriptures: The New JPS Translation according to the Traditional Hebrew Text</i>
NRSV	New Revised Standard Version
NSKAT	Neuer Stuttgarter Kommentar, Altes Testament
NTOA.SA	Novum Testamentum et Orbis Antiquus, Series Archaeologica
OBO	Orbis Biblicus et Orientalis
ÖBS	Österreichische biblische Studien
OIMP	Oriental Institute Museum Publications
OIP	Oriental Institute Publications
OIS	Oriental Institute Seminars
<i>OJA</i>	<i>Oxford Journal of Archaeology</i>
OLA	Orientalia Lovaniensia Analecta
OLAG	Orality and Literacy in Ancient Greece
<i>Or</i>	<i>Orientalia</i> (NS)
<i>OrAnt</i>	<i>Oriens Antiquus</i>
<i>OTE</i>	<i>Old Testament Essays</i>
OTL	Old Testament Library
OTM	Oxford Theological Monographs
OTR	Old Testament Readings
OTS	Old Testament Studies
OtSt	Oudtestamentische Studiën
<i>PAP</i>	<i>Past and Present</i>
<i>PEQ</i>	<i>Palestine Exploration Quarterly</i>
PHSC	Perspectives on Hebrew Scriptures and Its [<i>sic</i>] Contexts

PVTG	Pseudepigrapha Veteris Testamenti Graece
PW	<i>Paulys Real-Encyclopädie der classischen Altertumswissenschaft</i>
<i>Qad</i>	<i>Qadmoniot</i>
<i>QC</i>	<i>Qumran Chronicle</i>
QH	Qumranic Hebrew
<i>RA</i>	<i>Revue d'assyriologie et d'archéologie orientale</i>
<i>Racc</i>	François Thureau-Dangin, <i>Rituels accadiens</i> . Paris: Leroux, 1921
<i>RB</i>	<i>Revue biblique</i>
<i>REG</i>	<i>Revue des études grecques</i>
<i>REJ</i>	<i>Revue des études juives</i>
<i>RevPhil</i>	<i>Revue de philologie</i>
<i>RevQ</i>	<i>Revue de Qumran</i>
RGTC	Répertoire géographique des textes cunéiformes
<i>RHR</i>	<i>Revue de l'histoire des religions</i>
RIMA	The Royal Inscriptions of Mesopotamia, Assyrian Periods
RIMB	The Royal Inscriptions of Mesopotamia, Babylonian Periods
RINAP	Royal Inscriptions of the Neo-Assyrian Period
RINAP 3.1–2	A. Kirk Grayson and Jamie Novotny, <i>The Royal Inscriptions of Sennacherib, King of Assyria (704–681 BC)</i> . 2 vols. RINAP 3.1–2. Winona Lake, IN: Eisenbrauns, 2012
RINAP 4	Erle Leichty, <i>The Royal Inscriptions of Esarhaddon, King of Assyria (680–669 BC)</i> . RINAP 4. Winona Lake, IN: Eisenbrauns, 2011
RINAP 5.1	Jamie Novotny and Joshua Jeffers, <i>The Royal Inscriptions of Ashurbanipal (668–631 BC), Aššur-etel-ilāni (630–627 BC), and Šîn-šarra-iškun (626–612 BC), Kings of Assyria</i> . RINAP 5.1. University Park, PA: Eisenbrauns, 2018
<i>RivB</i>	<i>Rivista biblica italiana</i>
Rm	Tablets in the Collections of the British Museum (Rassam)
<i>RStB</i>	<i>Ricerche storico bibliche</i>
<i>RTLu</i>	<i>Rivista Teologica di Lugano</i>
SAA	State Archives of Assyria
<i>SAAB</i>	<i>State Archives of Assyria Bulletin</i>
SAAS	State Archives of Assyria Studies
SAOC	Studies in Ancient Oriental Civilizations
SBAB	Stuttgarter biblische Aufsatzbände
<i>SBH</i>	George Reisner, <i>Sumerisch-babylonische Hymnen nach Thontafeln griechischer Zeit</i> . Mitteilungen aus den Orientalischen Sammlungen 10. Berlin: Spemann, 1896
SBLABSt	Society of Biblical Literature Archaeology and Biblical Studies
SBLBibEnc	Society of Biblical Literature Biblical Encyclopedia
SBLDS	Society of Biblical Literature Dissertation Series
SBLMS	Society of Biblical Literature Monograph Series
SBLRBS	Society of Biblical Literature Resources for Biblical Study
SBLSP	Society of Biblical Literature Seminar Papers
SBLStBL	Society of Biblical Literature Studies in Biblical Literature
SBLSymS	Society of Biblical Literature Symposium Series
SBT	Studies in Biblical Theology
SCS	Septuagint and Cognate Studies
SD	Studies and Documents
<i>SDAW</i>	<i>Sitzungen der deutschen Akademie der Wissenschaften zu Berlin</i>
<i>Sem</i>	<i>Semitica</i>
SHCANE	Studies in the History and Culture of the Ancient Near East

SMNIA	Tel Aviv University Sonia and Marco Nadler Institute of Archaeology Monograph Series
<i>SJOT</i>	<i>Scandinavian Journal of the Old Testament</i>
<i>SpTU</i>	Hermann Hunger (vol. 1) and E. von Weiher (vols. 2–3), <i>Spätbabylonische Texte aus Uruk</i> . Ausgrabungen der Deutschen Forschungsgemeinschaft in Uruk-Warka, Endberichte, 9, 10, 12. Berlin: Mann, 1976–1988
SSN	Studia Semitica Neerlandica
<i>ST</i>	<i>Studia Theologica</i>
<i>StBiSl</i>	<i>Studia Biblica Slovaca</i>
STDJ	Studies on the Texts of the Desert of Judah
SubBi	Subsidia Biblica
SVTP	Studia in Veteris Testamenti Pseudepigraphica
<i>TA</i>	<i>Tel Aviv</i>
<i>TAPA</i>	<i>Transactions of the American Philological Association</i>
TB	Theologische Bücherei: Neudrucke und Berichte aus dem 20. Jahrhundert
TBN	Themes in Biblical Narrative
<i>TCHB</i>	Emanuel Tov, <i>Textual Criticism of the Hebrew Bible</i> . 3rd ed. Minneapolis: Fortress, 2012
TCL	Textes cunéiformes. Musée du Louvre
TCS	Texts from Cuneiform Sources
<i>TDOT</i>	<i>Theological Dictionary of the Old Testament</i> . Edited by G. Johannes Botterweck and Helmer Ringgren. Translated by John T. Willis et al. 8 vols. Grand Rapids: Eerdmans, 1974–2006
TENTS	Texts and Editions for New Testament Study
<i>Transeu</i>	<i>Transeuphratène</i>
TSAJ	Texte und Studien zum antiken Judentum
TSJTSA	Texts and Studies of the Jewish Theological Seminary of America
<i>TU</i>	François Thureau-Dangin, <i>Tablettes d'Uruk a l'usage des prêtres du Temple d'Anu au temps des Séleucides</i> . TCL 6. Paris: Geuthner, 1922
<i>UF</i>	<i>Ugarit-Forschungen</i>
UTB	Uni-Taschenbücher
VAT	Vorderasiatisches Museum (Berlin), Tontafelsignatur
<i>VeEc</i>	<i>Verbum et Ecclesia</i>
<i>VT</i>	<i>Vetus Testamentum</i>
VTSup	Supplements to Vetus Testamentum
WAAFLNW	Wissenschaftliche Abhandlungen der Arbeitsgemeinschaft für Forschung des Landes Nordrhein-Westfalen
WAW	Writings from the Ancient World
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
<i>WZKM</i>	<i>Wiener Zeitschrift für die Kunde des Morgenlandes</i>
y.	Jerusalem Talmud
YNER	Yale Near Eastern Researches
<i>ZABR</i>	<i>Zeitschrift für altorientalische und biblische Rechtsgeschichte</i>
<i>ZA</i>	<i>Zeitschrift für Assyriologie</i>
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>
ZBK.AT	Zürcher Bibelkommentare, Altes Testament
<i>ZDPV</i>	<i>Zeitschrift des deutschen Palästina-Vereins</i>
<i>ZTK</i>	<i>Zeitschrift für Theologie und Kirche</i>

Introduction

Peter Dubovský

The discussions presented in our collection of articles are not new, since the mutual interaction among the archaeological evidence (stones), extrabiblical texts (tablets), and biblical accounts (scrolls) is far from being a new topic. Nevertheless, the last century has witnessed new discoveries as well as new approaches in analyzing the data that call for a reevaluation of previous scholarship. A continual reassessment of the new archaeological and textual material unearthed and edited in recent decades is a recurrent duty of ancient and modern scholars. In other words, to reevaluate the complex process of the formation of the Bible is a scholarly task that must be constantly pursued. Thus, this book is one ring in the long chain of the continual scholarly effort to understand better how the Bible was born, written and rewritten, redacted, edited, and translated.

When Julius Wellhausen, William F. Albright, or other scholars were undertaking a similar reassessment of extant data, the task was to a certain degree feasible for one scholar, albeit a scholar with extraordinary gifts. In the last decades the situation has changed radically. No single scholar can be competent in all fields required for a reevaluation of the sources, be they material or textual. Since the amount of archaeological, extrabiblical, and biblical data has grown exponentially in the last decades, a proper evaluation of the data must be conducted in dialogue with the experts in a given field. A conference organized by the Pontifical Biblical Institute in May 2017 and generously sponsored by the Gregorian University Foundation aimed at bringing together and creating an atmosphere of friendly discussions among three groups of scholars: archaeologists; experts in cuneiform studies, Greek-Roman literature, and Qumran; and biblical scholars. The present volume, thus, allows readers to engage in discussion with specialists in different fields.

Moreover, recent discussions on the formation of the Bible, its editions, and its rewriting often tend to emphasize one period over another. Thus, the history of the biblical scholarship can be seen as a series of waves: there were periods when most biblical texts were dated to the preexilic period; then the pendulum shifted and several scholars preferred to date the biblical texts to the Persian or Hellenistic period; then again the Assyrian period became important, and so on. Each wave of scholarship brought to light new evidence, cast new light on the formation of the Bible, and set up some milestones that later generations must take

into account. Recognizing the changing trends in scholarship, this book aims to give space to the most important currents that in the last centuries marked the scholarly writings concerning the formation of the Bible. Thus, the goal of this book is to present four major periods that left significant traces on the Bible: the Assyrian, Babylonian, Persian, and Greco-Roman periods. Even though we can distinguish more than four historical periods, we opted for these four because they had a great impact not only on the literature of the ancient Near East, but also on its culture, politics, and religion.

The book is divided into six parts. The first part starts with the paper of Diana Edelman. This paper is a theoretical enterprise that tries to imagine what could have happened in different periods of the formation of the Hebrew Bible. Similarly, Jean Louis Ska evaluates the traces of the oral tradition preceding the written sources.

The second and third parts are dedicated to the Assyrian period (ninth–seventh centuries BCE). Part 2 contains three papers that evaluate the first wave of Assyrian expansion, i. e., before the advent of Tiglath-pileser III. Peter Dubovský discusses the birth of Israelite historiography, dated here to the early eighth century BCE; Israel Finkelstein evaluates textual and archaeological evidence for an eighth-century Northern Kingdom; and Thomas Römer proposes to link the Jeroboam II stories with foundational stories of the Pentateuch. Part 3 is dedicated to the second phase of Neo-Assyrian expansion (from the late eighth century BCE until the end of the Assyrian Empire). Archaeologist Alice Hunt presents the archaeological background, and Assyriologist Eckhart Frahm evaluates various proposals to link a given stratum of the Bible with the Neo-Assyrian period. Assyriologist and biblical scholar Peter Machinist presents a rereading of the reign of King Manasseh and the biblical traditions linked with this king.

Part 4 studies the stones, tablets, and scrolls of the Babylonian period (seventh–sixth centuries BCE). Archaeologist Jeffrey Zorn discusses the importance of Tell en-Mašbeh as a window on the material culture of sixth-century Judah. Michael Jursa and Céline Debourse, specialists in Neo-Babylonian cuneiform material, examine the priestly aspects of Babylonian culture, which can provide a point of comparison for the priestly sources of the Bible. The last two papers of part 4, presented by Erhard Blum and Hermann-Josef Stipp, discuss evidence for dating texts from the Pentateuch and the book of Jeremiah to the Babylonian period.

The Persian period is the focus of part 5. Pierfrancesco Callieri, who has excavated several Persian sites, summarizes important archaeological evidence that can inform our understanding of cultural and religious continuity between the Babylonian and Persian periods. Agustinus Gianto presents a linguistic evaluation of the use of Aramaic and other languages in Judah. Federico Giuntoli and Eric Meyers explored the questions of which strata of the Bible may be linked

with the Persian period, and what redactional processes occurred during this period.

The last part of this collection is dedicated to the Hellenistic and Roman periods. The first paper, written by Katell Berthelot, describes the historical background of these periods. Barbara Schmitz discusses links between the book of Judith and Hellenistic literature. Finally, three papers written by Emanuel Tov, Marcello Fidanzio, and Henryk Drawnel engage the Dead Sea scrolls and the textual and archaeological evidence for the editing and rewriting of the Bible at the end of the first millennium BCE.

Without pretending that this collection is the last word in the discussion of the formation of the Bible, we believe that the discussions generated during the conferences and the papers presented in this volume mark further advances in the never-ending scholarly endeavor to understand how the Bible came to be.

Part 1

Write My Commands on the Tablet of Your Heart (Oral and Written Tradition in Israel)

The Text-Dating Conundrum: Viewing Genesis and Kings from an Achaemenid Framework

Diana Edelman

Scholars of the Hebrew Bible continue to debate the reasons and historical contexts for the creation of individual books now found in the Tanak and the Old Testament. Their subsequent expansion, collection, arrangement into larger sub-groupings, and elevation to authoritative status remain open issues without firm answers as well. Hypotheses abound because manuscript evidence for the stages of creation and adaptation is lacking before the time of the Dead Sea Scrolls (ca. 250 BCE–68 CE), due to the perishable nature of papyrus and parchment, the two main writing surfaces used in the southern Levant for letters and various compositions. Joining the ongoing debate, I will consider the types of written documents and literature we can logically associate with the three periods that are commonly viewed as possible periods of composition for the books of the Hebrew Bible: the late monarchic era (ca. 720–586 BCE), the Neo-Babylonian and early Persian periods (ca. 586–450 BCE), and the later Persian period after the rebuilding of Jerusalem (ca. 450 BCE–332 BCE). I will then undertake two case studies using the books of Genesis and Kings, looking at how the main themes, plotlines, and ideologies in each are best explained as features of compositions initially created in the later Persian period.

Biblical scholars largely agree on a few points about the manner in which individual books were created. The first is that those responsible worked in a cultural setting where oral tradition and composition were prevalent and written texts were limited primarily to specialized genres. Second, the majority of the population was illiterate. Third, the producers of individual books likely drew on preexisting oral and written sources, stock patterns, motifs, images, and idioms. There is less agreement over the extent to which the producers used their imagination when composing. Fourth, each book has been adapted over time, both inadvertently, through the errors of scribes, but also deliberately, in order to bind together more closely the books within the collection and to make their contents relevant to later audiences. As a result, the Masoretic Text of each book does not reflect how it was initially conceived and executed as a coherent composition but represents a later, final form of the text that gives us partial access to some stages in the limited expansion of the original creation. This much is

widely agreed, although the degree of authorial creativity involved in the creation of each book as a coherent composition is disputed.

Before we can begin to think about what kind of written texts would have been produced, and by whom, in the three time periods usually associated with literary production, two important issues need to be addressed. The first is what the assumption of a written-oral continuum means in ancient Judahite and Judean culture in terms of the creation and adaptation of individual biblical books. The second is the question whether the individual books are the products of authors, as opposed to editors or tradents. These preliminary issues are interrelated and can be treated together. After these issues have been discussed, I will survey the three historical periods and the kinds of texts we might expect to be produced in each and then consider the compositional dates of the books of Genesis and Kings.

A. The Oral-Written Continuum and the Role of Authors versus Editors and Tradents

It is widely recognized that literacy was quite limited in ancient Israel and Judah; they were primarily oral cultures in which written records backed up oral statements and agreements for archival purposes but did not serve as the primary medium of expression or of transmitted memory. Ruth Finnegan describes such a cultural situation as operating on an oral-written continuum.¹ Noting that the various compositions in the Hebrew Bible display traits typically associated with orally composed works, Susan Niditch argues that it is best to view them as belonging to an “oral register.” She does not use the term to refer to a specific mode of composition but rather to “the style of compositions whether the works were created orally or in writing.” The term also includes “the patterns of content that are the plots of biblical narratives and ... various recurring literary forms, employed by a range of biblical authors.”² Because the same story patterns and literary devices and techniques could appear in oral or written compositions, there is no foolproof method for deciding which units of material might have originated as oral compositions that were subsequently appropriated by the creators of biblical books, and which were composed from scratch by the individual who conceived of a given book as a whole.

The impact of this concept of an oral-written continuum on scholarly thinking about scribal activity, especially on composition, has varied. So, for example, Eugene Ulrich, a Dead Sea Scrolls scholar, has paid lip service to authorial

¹ Ruth H. Finnegan, *Literacy and Orality: Studies in the Technology of Communication* (Oxford: Blackwell, 1988), 139–74.

² Susan Niditch, *Oral World and Written Word: Ancient Israelite Literature*, LAI (Louisville: Westminster John Knox, 1996), 10.

activity in the creation of the present biblical books but more or less rules it out in his description of the formation of books. In his view, the texts originated and developed for the most part as traditional literature in a largely oral culture and so were created by a community: "Each book is not the product of a single author, such as Plato or Shakespeare, but of multiple, anonymous bards, sages, religious leaders, compilers, or tradents."³ Each was constituted by the repetition, augmentation, and reshaping of earlier traditions by later authors, editors, or tradents over the course of many centuries. "Thus," Ulrich concludes, "the text of each of the books is organic and developmental, a composition-by-multiple-stages, sometimes described as a rolling corpus."⁴ He acknowledges the oral-written continuum and the role of orality, but his view of the creation of the texts is heavily influenced by his understanding of the work of scribes in the transmission of texts and the pluriformity of the texts of various biblical books in the Qumran collection.

I reject this model of scribal activity, which denies to scribes any sort of creative literary impulse. The presence of earlier source material, whether written or oral, within a given biblical book does not rule out the fact that a single individual conceived of the book project as a coherent composition with a beginning, middle, and ending, and a storyline with plot developments, twists, and a final denouement that followed set conventions used in composing both oral and written material. The first manuscript of any narrative-based biblical book formed a coherent literary unit, conveying its messages through the contents. In the model used by Ulrich, it is impossible to identify at what stage in a book's growth it could have been regarded as a coherent literary unit.

Certainly, changes were subsequently introduced, both inadvertently in copying and deliberately, to update a book and eventually to integrate it into the current collection. Nevertheless, its overall shape and the elements that comprise its storyline reflect the creative conception of the book's first composer. Similarly, every oral performance is the creation of its bard or storyteller, who shapes the specific form and content of a tale in accord with the type of audience, the particular setting, and the allotted time frame, even when using standard elements. The biblical writers were not authors or narrators who composed in the same way as Plato or Shakespeare, who did not incorporate source material to the same extent.⁵ Nonetheless, they were anonymous authors or narrators who

³ Eugene Ulrich, *The Dead Sea Scrolls and the Developmental Composition of the Bible*, VTSup 169 (Leiden: Brill, 2015), 2.

⁴ Ulrich, *Dead Sea Scrolls*, 10.

⁵ For the distinction between a real author and the narrator whose voice is heard in a work of literature, see, e.g., Jean-Louis Ska, "Narrator or Narrators?," in *The Exegesis of the Pentateuch: Exegetical Studies and Basic Questions*, FAT 66 (Tübingen: Mohr Siebeck, 2009), 221–24. For the concept of the implied author, who is constructed in the imaginations of readers on assumptions deriving from texts written by a real author, see Wayne C. Booth, *The Rhetoric of Fiction* (Chicago: University of Chicago Press, 1961), 431. This "virtual" author often does

created coherent narratives, and not simply editors who cut and pasted together earlier sources to create longer and longer narrative sequences that grew organically over time, or tradents who preserved and passed on oral traditions, committing some to writing and adapting some along the way.⁶

To be sure, the concept of a “rolling corpus” mentioned by Ulrich is more appropriate in the context of the prophetic books, but even in this setting it remains problematic. The term designates a process in which short pieces of existing text attract exegesis or commentary that becomes part of the text, which leads to gradual growth over time and eventually to a book.⁷ It certainly is possible to discern such exegesis within individual prophetic books, but does this necessarily reflect a long-term, gradual process of growth, as is commonly assumed, or rather, was the exegetical commentary incorporated during the creation of the book, with some expansions added subsequently?

B. Types of Literature in the Monarchic Era

What sort of texts would have existed during the monarchy? Logically, they would have included a range of genres, such as treaties, letters, petitions, contracts, lists, royal annals, inventories, land registries, tax registers and payment lists, collections of legal cases and prescriptions, commemorations of royal deeds, records of income from royal estates, and oracles and ecstatic pronouncements relating to the king or the kingdom. In addition, some wisdom texts – for example, proverb collections – and liturgical texts, psalms, myths, and possibly omens and incantation collections probably existed in written form.

Many texts would have been produced in an administrative context. Exemplars of all of these genres logically would have been included as set texts in the training of scribes at different levels of their apprenticeship. The curriculum would have reflected the range of texts that future scribes would be expected to produce during their careers as civil servants, even if some ended up working in the private sector for wealthy or influential clients. What remains unclear is

not correspond to the traits of the real author. Behind the narrator’s voice and the implied author is the actual author who created the work of literature, even if he must remain anonymous and unknowable.

⁶ Here I agree with John Van Seters, who helpfully traces the history of the impact of the Romantic movement and its definitions of author and editor on German biblical scholarship. See *The Yahwist: A Historian of Israelite Origins* (Winona Lake, IN: Eisenbrauns, 2015), 164–77. However, I also agree with Jean-Louis Ska, who endorses the concept of an anonymous author who shaped inherited tradition to create a new composition, that we need to retain the concept of redactor to cover the subsequent reworkings of the initial edition of any given book, even if the content of such reworkings cannot be identified with certainty. Ska, “A Plea on Behalf of the Biblical Redactors,” in *Exegesis of the Pentateuch*, 232–45.

⁷ See, e.g., William McKane, *A Critical and Exegetical Commentary on Jeremiah*, 2 vols., ICC (London: Bloomsbury, 2015), 1:xliv–l, lxxxiv–lxxxv.

whether all scribes-in-training would have been taught the full range of exemplars as part of their professional education, or whether all scribes reached a certain level of proficiency using a set group of school texts and then specialized in specific genres for future employment. Scribes may have received specialized training, for example, as accountants, royal tutors, and temple scribes. Those who excelled at mathematics likely would have received in-depth training in hieratic numerals and the use of ledgers and would have been employed as accountants.⁸ Future tutors of princes, and possibly of the sons of the wealthy and influential, would likely have studied collections of proverbs, some other forms of wisdom literature, and perhaps some historiographical texts, but some of these genres might also have been included in the general curriculum used to instill behavioral norms in members of the scribal profession.

Conspicuously lacking from this list of genres to be mastered by scribes are extensive epics or book-length literature. Would the crown have been interested in sponsoring the creation of a national epic by its scribes and perpetuating it by having it memorized and used as a set text in scribal training and perhaps in royal education? We have no known examples of such epics from any other ancient Near Eastern culture that were commissioned by the leadership and used as a means of creating a sense of national identity premised on loyalty to the crown. The Epic of Gilgamesh in its various written forms explores the tensions between extraordinary heroic ideals and values and institutionalized, ordinary royal ideals and values.⁹ The eleven-tablet standard Babylonian version likely was used to educate princes in their future responsibilities as kings governing a people,¹⁰ but it narrates the adventures of a royal prince and his companion. It does not focus on the formation of a nation or provide a sense of group identity. We have, however, mythic traditions that might have served to unite the populace who participated annually in festivals or religious celebrations at specified temples. Examples include the *Enuma Elish* from Assyria and Babylonia and the Ba'al cycle from Ugarit.¹¹ These may have reinforced a sense of participation in a national cult.

There are references to five extended written texts cited as sources in the existing narrative books. These include the scroll of the wars of YHWH (Num 21:14), the scroll of the upright one (Josh 10:13; 2 Sam 1:18), the scroll of the deeds/words of Solomon (1 Kgs 11:41), the scroll of the yearly deeds of the kings of Israel

⁸ For the role of accountants in the Jerusalem temple in various periods, see, e.g., Marty E. Stevens, *Temples, Tithes, and Taxes: The Temple and the Economic Life of Ancient Israel* (Peabody, MA: Hendrickson, 2006), 71–77, 82–166. I do not agree with most of her dating of texts, but she provides a good summary of the responsibilities of temple accountants and administrators in many time periods.

⁹ See, e.g., Tzvi Abusch, "The Development and Meaning of the Epic of Gilgamesh: An Interpretative Essay," *JAOS* 121 (2004): 614–22 (615–16, 619).

¹⁰ E.g., Abusch, "Epic of Gilgamesh," 620.

¹¹ For the *Enuma Elish*, see *COS* 1.111; for the Ba'al cycle, see *COS* 1.86.

(1Kgs 14:19; 15:31; 16:5, 14, 20, 27; 22:39; 2Kgs 1:18; 10:34; 13:8, 12; 14:5, 28; 15:11, 15, 21, 26, 31), and the scroll of the yearly deeds of the kings of Judah (1Kgs 14:29; 15:7, 23; 22:46; 2Kgs 8:23; 12:20; 14:18; 15:6, 36; 16:19; 20:20; 21:17, 25; 23:28; 24:5). What little can be established from the snippets of quotations from the first two sources is that they included the description of a boundary, perhaps in the wake of a successful battle; a poem celebrating a military victory; and a dirge over the death of the king and heir-elect in war. War is a common theme of social memory across time and cultures, whether handed on in oral or written form. The final two sources appear to be royal annals, while the contents of the scroll of the deeds/acts/words of Solomon would likely have contained a mix of legendary materials that had developed about King Solomon over time, including proverbial sayings attributed to him. All are arguably royally commissioned compositions that deal with events that date to the monarchic period, even if some are presently cited in premonarchic contexts (e.g., Num 21:14). Any of these could have been used as set texts in the training of scribes for royal service, alongside other genre exemplars. In addition, they could have been used in the education of sons of the extended royal household and sons of influential and powerful members of the court and society at large. Clearly, writing was taking place during the monarchy, in administrative and royally supported contexts.

In addition, the possibility that scribes in their spare time wrote and read literature that was shared among fellow scribes needs to be considered. Philip Davies has argued that as part of an urban elite, scribes would have developed their own culture distinct from both that of the peasants and that of the ruling class they served. In his view, it would have been expressed partially in oral form, but given the skill set of the scribes, also in written forms that were created, copied, and catalogued in libraries.¹²

I think it might be more accurate to posit a scribal culture separate from the urban elite, but perhaps constituting a primarily urban group. Some scribes undoubtedly were posted to more remote locations, but by virtue of their training they would have shared a common scribal mindset and skill set with their urban peers.¹³ There is no clear textual evidence for a hereditary landed aristocracy in Israel or Judah, but certainly there would have been influential, wealthy people who moved in royal circles and wielded power over the general populace. They would not necessarily have shared the same intellectual interests as scribes, however, but more likely would have emulated royal culture and practice.

¹² Philip R. Davies, *Scribes and Schools: The Canonization of the Hebrew Scriptures*, LAI (Louisville: Westminster John Knox, 1998), 18.

¹³ For the scribal mindset, see, e.g., Ehud Ben Zvi, "The Urban Center of Jerusalem and the Development of the Literature of the Hebrew Bible," in *Aspects of Urbanism in Antiquity*, ed. Walter G. Aufrecht, Neil A. Mirau, and Steven W. Gauley, JSOTSup 244 (Sheffield: Sheffield Academic Press, 1997), 194–209; Ehud Ben Zvi, "The Concept of Prophetic Books and Its Historical Setting," in *The Production of Prophecy: Constructing Prophecy and Prophets in Yehud*, ed. Diana V. Edelman and Ehud Ben Zvi (London: Equinox, 2009), 73–95.

As employees of the crown, scribes would have experienced the reality underlying the ideology they promoted in their work. While common wisdom taught them not to rock the boat or question unpredictable authority,¹⁴ among themselves they might well have written compositions that questioned official worldviews, religious concepts, views of cause and effect, and versions of events, providing what they considered to be more rational understandings and explanations. Such works would have been part of private libraries, but some might have been kept in palace libraries as well, where they would have been accessible only to experienced readers who also knew the cataloguing system – in other words, to fellow scribes. Anonymity of authorship would have prevented retaliation if a fellow member of the literati decided to report potentially subversive literature.¹⁵ Handwriting would not have sufficed as a proof of authorship, since the manuscript could have been copied, although it could have led to censure if an investigation took place.

Finally, oral compositions, including songs that told of the memorable events and deeds of local and national heroes and kings, were created, performed in various venues, and handed on for one or more generations. It has been noted that the Hebrew Bible contains a number of segments that seem to have originated as folktales or popular oral compositions. Examples include the patriarchal traditions, the stories about the judges, the story of Ruth, a truncated folktale about Saul (1 Sam 9:1–10:16), the folktale about David's battle with Goliath (1 Sam 17–18:5), the cycle of stories in Dan 2–6, and the Elisha-Elijah traditions. We simply do not know whether some of these compositions were eventually collected and written down, and later accessed in written form by the creators of the biblical books, or whether the creators of the biblical books themselves were the first to record oral narratives and integrate them into their own compositions. We also do not know whether scribes would have engaged in creating similar traditional literature as part of their job, or even in their leisure time.

C. Types of Judean Literature in the Neo-Babylonian and Early Persian Periods

The kingdom of Judah was terminated in 586 BCE but what replaced it as an administrative structure remains debated. Albrecht Alt proposed some eighty-five years ago that the territory of Judah was joined to Samaria and administered

¹⁴ The best illustrations are found in Qohelet (5:7; 8:2–5; 10:20), which is a product of the Persian or Hellenistic era. Nevertheless, the advice and attitudes found there would have applied in either a monarchic or imperial setting.

¹⁵ For a more central rationale for the anonymity of biblical books, see Ska, "Narrator," 229–30. My suggestion would apply only to certain books.

from that location.¹⁶ His hypothesis, built primarily on claims of Samaritan opposition to the rebuilding of Jerusalem in the time of Nehemiah, when it was first made an independent province, and the lack of reference to governors after Gedaliah, was influential until the 1990s, when the view that it became the Neo-Babylonian province of Yehud, administered from Mizpah, gained followers.¹⁷ Finally, it has recently been proposed that after the murder of the appointed governor, Gedaliah, in 582 BCE, Judah might have been assigned by the crown as an endowment gift to a Neo-Babylonian temple that administered the territory.¹⁸ Whichever form of administration was implemented, after 582 BCE the Judean population was divided into those who remained in the territory of Judah, deportee groups in Babylonia, and refugees in Egypt. What sort of documents and literature would have been produced or preserved in each location?

¹⁶ Albrecht Alt, "Die Rolle Samarias bei der Entstehung des Judentums," in *Kleine Schriften zur Geschichte des Volkes Israel*, vol. 2 (Munich: Beck, 1953), 316–37. The question whether the continued use of stamped jars in some sort of administrative capacity in Yehud after the end of the monarchy automatically signals that this territory was an administrative unit independent of Samaria, where such practice had never taken hold, needs more detailed consideration. Had Yehud been placed under direct Samaritan administrative oversight, the governor might have had no problem leaving in place preexisting practices administered by one or more appointed officials, who perhaps bore the title *phw'*, and who lived on estates at, for example, Ramat Raḥel, Nebi Samwil, and Mōṣah. For an affirmation that these officials provide evidence that Yehud was a separate province at least by the beginning of the fifth century BCE, see, e.g., H. G. M. Williamson, "The Governors of Judah under the Persians," in *Studies in Persian Period History and Historiography*, FAT 38 (Tübingen: Mohr Siebeck, 2004), 46–63; Oded Lipschits and David S. Vanderhooft, *The Yehud Stamp Impressions: A Corpus of Inscribed Impressions from the Persian and Hellenistic Periods in Judah* (Winona Lake, IN: Eisenbrauns, 2011), 758–61. The catalogue of stamps does not include the earlier Neo-Babylonian Mōṣah stamps or the animal stamps, which seem to precede the Yehud series of stamps. Once the catalogue of animal stamps under preparation by Oded Lipschits and Tallay Ornan is published, the issue of any possible change in the administrative status of Yehud in the mid-fifth century BCE can be revisited.

¹⁷ So, e.g., Kenneth G. Hoglund, *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah*, SBLDS 125 (Atlanta: Scholars Press, 1992), 22; Gösta W. Ahlström, *The History of Ancient Palestine from the Palaeolithic Period to Alexander's Conquest*, ed. Diana Edelman, JSOTSup 146 (Sheffield, JSOT Press, 1993), 801; Oded Lipschits, *The Fall and Rise of Jerusalem: Judah under Babylonian Rule* (Winona Lake, IN: Eisenbrauns, 2005), 97–122, 149–50.

¹⁸ Yuval Levavi and Michael Jursa, "The Neo-Babylonian Empire: The Imperial Periphery as Seen from the Center," paper presented in the "Current Historiography and Ancient Israel and Judah" section at the annual meeting of the Society of Biblical Literature, San Diego, November 23, 2014. This proposal could complement an earlier one by J. N. Graham, who suggested that the territory of Judah was reconfigured into agricultural estates worked by the remaining population. "Vinedressers and Plowmen: 2 Kings 25:2 and Jeremiah 52:16," *BA* 47 (1984): 56–57. Such estates could have been assigned to one or more Babylonian temples to own and manage, with local minor officials occupying villas like those at Ramat Raḥel, Nebi Samwil, and Mōṣah within the estates.

Some palace archives may have been moved from Jerusalem to Mizpah before the final destruction and looting of the city,¹⁹ but probably not. On the one hand, the new administration would have needed to know who owned land and was liable for taxation and corvée conscription, but on the other hand, it is more likely that the new administration conducted a fresh census and registration of land ownership and oversaw new land allotments. The new overlords were free to develop the conquered territory as they saw fit, including the confiscation and redistribution of land. In that case, any archival material from the palace that might have survived the destruction of Jerusalem would not have been of intrinsic interest to the conquerors.

Although the palace archives probably did not survive, some temple archives could have been removed to Mizpah if a Yahwistic cultic establishment was still operating in the new provincial seat. It is likely that the town had contained one or more religious shrines or temples that were used by the local inhabitants prior to the expansion and building of new administrative complexes by the Neo-Babylonians.²⁰ Thus, an existing facility might already have been storing some religious texts on its premises. Religious archives associated with an ongoing cult of YHWH that had been removed from the temple in Jerusalem could have been added to the collection at that site, or another facility might have been expanded to accommodate the rescued documents. While the Neo-Babylonians wanted to punish the local population for its third infraction of the terms of its vassal treaty, the king might have thought it a good idea to treat the local deity with a modicum of respect.

Nevertheless, whatever set texts had been used in scribal training and thus committed to memory could have been written down again and used to train the next generation. Oral traditions would have continued to circulate, and any private scribal texts that had been memorized could have been rewritten. During this period of some one hundred twenty years, whether the former Judah was administered as a province or by a temple, the new administrative archives

¹⁹ Lipschits, *Fall and Rise*, 92–97.

²⁰ For what can be reconstructed of the Neo-Babylonian occupational level at Tell en-Naşbeh/Mizpah, see Jeffrey R. Zorn, “Tell en Naşbeh and the Problem of the Material Culture of the Sixth Century,” in *Judah and the Judeans in the Neo-Babylonian Period*, ed. Oded Lipschits and Joseph Blenkinsopp (Winona Lake, IN: Eisenbrauns, 2003), 413–47 and his contribution in this volume, “The View from Mizpah: Tell en-Naşbeh, Judah, the Sixth Century BCE, and the Formation of the Biblical Text,” especially the section titled “The Continued Occupation and Importance of Mizpah (Tell en-Naşbeh) in the Babylonian and Persian Periods,” 229–252. This site was dug without tight stratigraphic controls. The Neo-Babylonian layer has been identified primarily through overlapping architecture. Erosion of the edge of the mound has left only partial remains of some large building complexes belonging to this phase, making it difficult to begin to identify their possible functions. No temple site has been identified, but under the circumstances, this should not be taken as a strong indication that no temple was located in the town.

would have recorded income, necessary outlays, corvée labor, and taxable individuals or kinship groups.

As for the question of literary production at this time, we need to think about how many native scribes would have been incorporated into the local administration, and whether they would have felt a need to write about the loss of native kingship and the destruction of Jerusalem or to establish a new vision of unity and identity for the local Judean population in this period. As employees of the new administration, these scribes were now perhaps the most high-status and influential group among the native population. They came out of the trauma of war with enhanced prestige and affirmed security and probably were able to reintegrate their experiences with little effort. They were the righteous remnant spared from YHWH's punishment of the king and people for breaking the terms of the vassal treaty with Neo-Babylonia and perhaps for engaging in corruption and injustice more generally. Did this self-perception need to be expressed in writings that could be shared within this small circle of scribes?

Those deported to Babylonia as prisoners of war are unlikely to have taken scrolls with them. Thus, the scribes among them would have been in the same position as the scribes left in the territory of Judah: they would have been able to reproduce the contents of set training texts and any texts from a private collection that they had memorized, if they had the opportunity to do so in their new location.

As prisoners of war, the deportees could have been sold to private owners, dedicated to temples as permanent temple slaves, incorporated into the imperial workforce and assigned to a number of imperial building projects in the Babylonian heartland, added to the tenant labor force on crown estates, or freed and given land grants in new settlements on virgin land that was to be brought into productive cultivation, where they would pay taxes, supply corvée labor, and perform obligatory military service. We know the names of a few settlements where Judeans ended up grouped together, like Tel Aviv and the town of the Judeans near Borsippa, as well as other small settlements around Borsippa, Sippar, and Nippur, but we should not assume they were all relocated in this fashion, given that they were prisoners of war who could be disposed of in a number of ways. Preserved documents confirm that Judeans lived in Sippar and its environs, including Til Gubbi; Zazanna; Opis; Babylon; Kish, Alu-sha-Nashar, al-Yahudu, and Bit-Nabu-le', all probably in the vicinity of Borsippa; Marad; Nippur and its environs, including Bit-Eriba, Bit-Gera, Bit-Muranu, Bit-rab-urati, Bit-Abi-ahi, Sha-rese, Bit-Suraya, Gammale, Parak-Mari, Ishqallunu Hashba, Tel-Gabbari, Titurru, Sin-magir canal, Bit-Shula, Sin-belshuni, Enlil-ashabshu-iqbi, Pusaya, Hiduya, Husseti, Naqidim, and Nar-Bel-aba-usur; Isin; and at Alu-sha-Bane near Uruk(?). These same records show that some Judeans worked as farmers, foremen, or fishermen; other occupations attested include a royal or commercial agent, a messenger of a royal official, a summoner for taxes

and corvée work, an assistant rent collector, a tax collector, one in charge of the king's poultry, a gardener, a shepherd, an alphabet scribe (writing in Aramaic), and a chancellor.²¹

If deported scribes were fortunate enough to have been placed in situations that allowed them to continue to work as scribes within the new imperial system in Babylonia, they would likely have been producing Aramaic documents, since that was the second official language of the empire alongside Akkadian. They would have needed to write in Hebrew only when drawing up documents involving Judeans in one of the Judean settlements in Babylonia. Nevertheless, they could have written down their memorized, native Hebrew scribal curriculum and any memorized private scribal compositions and taught them to their sons, to perpetuate their heritage.

As for their ability to create new literary productions, these displaced scribes would have had more trauma to process than their counterparts who had remained in the homeland. Not all necessarily continued to work as scribes; some might have been made farmers, tenant farmers, or physical laborers. Many would have lost their former status and the privileges they had enjoyed at home as employees of the Judahite crown. Some might not have been able to reintegrate their sense of self in light of what they had experienced; it can take two or three generations to create a new narrative that incorporates disruptive events into an explanatory scheme.²² Some conceivably could have written new narratives or poems or adapted earlier set texts to account for the destruction of Jerusalem and their captivity and deportation. Interestingly, these deported scribes also could lay claim to being the righteous remnant spared during YHWH's punishment of the king and people for violating the terms of the vassal treaty with Neo-Assyria, and perhaps for corruption and injustice in Judah more generally. They were survivors, even if they no longer lived in their native land.

Finally, we need to consider the Judean refugees in Egypt. We know the names of some settlements where Judeans might have gone to augment existing expatriate communities, like Migdol, Tahpanes, Memphis, and Pathros, the latter of which is a more general designation for Upper Egypt (e.g., Jer 44:1, 15). As in Babylonia, any scribes in this group who continued in their occupation would have produced Aramaic documents in their new setting but likely would have lost their former privileged lifestyle and influence. They, too, could have written down whatever they remembered of their Hebrew scribal curriculum or of private scribal compositions and transmitted them to their sons.

²¹ See Ran Zadok, *The Earliest Diaspora: Israelites and Judeans in Pre-Hellenistic Mesopotamia* (Tel Aviv: The Diaspora Institute, Tel Aviv University, 2002).

²² So, e.g., Aleida Assmann, "Impact and Resonance – Towards a Theory of Emotions in Cultural Memory," in *The Formative Past and the Formation of the Future: Collective Remembering and Identity Formation*, ed. Saphinaz-Amal Naguib and Terje Stordalen, Institute of Comparative Research in Human Culture Series B (Oslo: Novus, 2015), 52–58.

Surviving documents from the Judean colony at Elephantine indicate two generations of a functioning scribal family, Nathan ben Ananiah and his son Mauziah.²³ There are no preserved book scrolls among the archived personal letters and document drafts, although there is a copy of the Bisitun inscription and of Aḥiqar.²⁴ These might have served as set texts in Aramaic scribal training. We must be careful, however, not to use this negative evidence to claim that no books of any sort were known in the community, especially given the perishable nature of papyrus and the possibility that the houses of scribes might not have been excavated or the possibility that a library room in the temple complex was razed by Vidranga and his henchmen when, in collusion with the priests of Khnum, they destroyed the temple to Yao.²⁵

Depending on their experiences, Judeans in Egypt could have experienced minimal to serious trauma as refugees. Like those in Babylonia, some might not have been able to reintegrate their sense of self in light of what they had experienced, but others might have. Some conceivably could have written new narratives or poems or adapted earlier set texts to account for the destruction of Jerusalem and their escape to Egypt. Even though these scribes no longer lived in their native land, they too, like the other two groups of surviving scribes, could lay claim to being the righteous remnant spared during YHWH's punishment of the king and people for breaking the vassal treaty with Neo-Assyria or for general corruption and injustice in Judah.

Oral traditions passed down from the monarchic era and supplemented by new material need to be added to possible hands-on traditions available in all three settings where Judean scribes found themselves. A predominately oral culture will emphasize the memorization of oral traditions deemed important to a given subgroup or larger culture. Professional memory-keepers have been common in oral cultures all over the world.

D. Types of Literature in the Persian Period after the Rebuilding of Jerusalem and the Temple

Jerusalem was rebuilt to serve as the Achaemenid provincial seat, possibly in place of Mizpah, sometime around 450 BCE, and the temple was likely rebuilt at the same time. The date for the rebuilding of the temple given in the book

²³ For details, see Bezalel Porten, *Archives from Elephantine: The Life of an Ancient Jewish Military Colony* (Los Angeles: University of California Press, 1968), 193.

²⁴ Bezalel Porten and Ada Yardeni, *Textbook of Aramaic Documents from Ancient Egypt*, 4 vols. (Winona Lake, IN: Eisenbrauns, 1986–1999), 3.C1; 3.C2.1.

²⁵ For details, see conveniently Porten, *Archives*, 278–98; Reinhard G. Kratz, “The Second Temple of Jeb and of Jerusalem,” in *Judah and the Judeans in the Persian Period*, ed. Oded Lipschits and Manfred Oehming (Winona Lake, IN: Eisenbrauns, 2006), 252–55.

of Ezra is probably not historically reliable; it is based on Jeremiah's prediction of seventy years of devastation for Jerusalem before restoration, and it is not probable that a temple would have been rebuilt in an otherwise destroyed settlement.²⁶ It also is unclear whether the claims of Persian sponsorship of its rebuilding are historically reliable. They might be, if the building was also to serve as the provincial treasury and a secure storehouse facility for taxes paid in kind, and if a tax on sacrifices was assessed that went into Persian coffers. It is equally possible, however, that the Persians gave permission for the locals to rebuild the temple, providing they paid for its upkeep and gave the crown a cut of the annual revenues. They were known to have revoked the former tax-exempt status of temples in Babylonia and Egypt,²⁷ and the example of the temple built for Kandawas, the god of Kaunos, and for his Companion by Carian mercenaries stationed at Xanthus, recorded in three languages on the Letoon Stele, also demonstrates that the Persians would allow new temples to be built as long as they did not have to support them from the royal coffers.²⁸

The rebuilding of Jerusalem appears to have been part of a larger imperial initiative to expand the local population base in Yehud in order to boost food and wine production and provide adequate supplies for the armies being sent overland for the reconquest of Egypt.²⁹ The present lack of extensive Persian archaeological remains in Jerusalem should be attributed to the tendency of later builders to place their foundations on solid bedrock. Extensive building activities in the Hellenistic and Roman periods would have removed Persian remains as well as earlier ones in many areas of the settlement. This absence is not an indication that the site was an insignificant town of four or five hundred people, including around one hundred adult men, rather than a fortified *bīrā* housing a military contingent and administrative and temple personnel, as the texts describe it.³⁰

²⁶ Diana V. Edelman, *The Origins of the 'Second' Temple: Persian Imperial Policies and the Rebuilding of Jerusalem*, BibleWorld (London: Equinox, 2005), 92–106, 167–75.

²⁷ So, e.g., Amélie Kuhrt, "The Problem of Achaemenid 'Religious Policy,'" in *Die Welt der Götterbilder*, ed. Brigitte Groneberg and Hermann Spieckermann, BZAW 376 (Berlin: de Gruyter, 2007), 126–27.

²⁸ For the text, see, e.g., Javier Teixidor, "The Aramaic Text in the Trilingual Stele from Xanthus," *JNES* 37 (1978): 181–85; André Lemaire, "The Xanthos Trilingual Revisited," in *Solving Riddles and Untying Knots: Biblical, Epigraphic, and Semitic Studies in Honor of Jonas C. Greenfield*, ed. Ziony Zevit, Seymour Gitin, and Michael Sokoloff (Winona Lake, IN: Eisenbrauns, 1995), 423–32.

²⁹ E.g., Hoglund, *Achaemenid Imperial Administration*, 97–164; Edelman, *Origins*, 332–51.

³⁰ So, e.g., Nadav Na'aman, "Text and Archaeology in a Period of Great Decline: The Contribution of the Amarna Letters to the Debate on the Historicity of Nehemiah's Wall," in *The Historian and the Bible: Essays in Honor of Lester L. Grabbe*, ed. Philip R. Davies and Diana V. Edelman, LHBOTS 530 (London: T&T Clark, 2010), 20–30, pace Israel Finkelstein, "Jerusalem in the Persian (and Early Hellenistic) Period and the Wall of Nehemiah," *JSOT* 32 (2008): 504–507. It is possible that some or all of the administrative and temple staff lived offsite and only worked in the *bīrā*.

Administrative records for the existing local population probably would have been moved from Mizpah to Jerusalem, and new records would have been made of the land allotments given to settlers arriving under imperial initiative from Babylonia, possibly Elam (*bny ʿylm*, Ezra 2:7; Neh 7:12), possibly Persia (*bny bgwy*, Ezra 2:14; Neh 7:19), and perhaps Syria (*bny ʿzgd*, Ezra 2:12; Neh 7:17), if the three gentilics are construed as geographical rather than ethnic terms. If the labels are construed ethnically, the Syrians/Arameans would likely have been settlers while the Elamites and Persians in the group would have been primarily administrative and military personnel sent to oversee the interests of the king. Nevertheless, the latter two groups could have been assigned land allotments as well for their support while in the province. According to the books of Ezra and Nehemiah, many of the new arrivals were of Judean descent, but not all,³¹ and we can see that at the end of the Persian period, the population of Idumea – the province south of Yehud that was carved out from land that had once belonged to the kingdom of Judah and possibly Yehud – included a mix of residents of Judean, Arab, Edomite, and Aramean/Syrian extraction. This is revealed by the personal names found in the so-called Idumean ostraca probably dug illicitly from Makkedah.³² The Arameans/Syrians would appear to be the descendants of settlers introduced into the area.

After the temple was rebuilt, any literature that might have been archived in a temple in Mizpah could have been transferred to the new facility. In addition, materials that had been part of other local temples and shrines might have been moved before those temples were closed down in order to ensure that the temple in Jerusalem was the single Yahwistic facility in the province. Temples might have existed at Bethel and Gibeon, for example.

The rebuilding of the old monarchic capital probably would have prompted a resurrection of its past associations as well, especially among the literati and priests assigned to work there.³³ The scribal staff at Mizpah would have been relocated there, and they could have been augmented by some scribes of Judean descent who were transferred from Babylonia as part of the forced resettlement. In both cases, we should expect proficiency in Aramaic as well as a knowledge of the inherited set of Hebrew texts passed on from father to son. These texts would have included many that were royally oriented and perhaps were focused on Jerusalem.

³¹ It may be noted that Ezra 2:59 records settlers arriving from Tel-melah, Tel-harsa, Cherub, Addan, and Immer who could not prove ancestry within Israel. Thus, even if one does not construe the three gentilics ethnically, there remains a hint in the narrative that not all those being resettled in Yehud were of Judean descent.

³² For the texts, see Bezalel Porten and Ada Yardeni, *Textbook of Aramaic Ostraca from Idumea*, 2 vols. (Winona Lake, IN: Eisenbrauns, 2014–2016).

³³ Ehud Ben Zvi, “Exploring Jerusalem as a Site of Memory in the Late Persian and Early Hellenistic Period,” in *Memory and the City in Ancient Israel*, ed. Diana V. Edelman and Ehud Ben Zvi (Winona Lake, IN: Eisenbrauns, 2014), 213–16.

Although Aramaic was the official language of imperial administration, Hebrew likely was still spoken among the population that had continued to live in the province as well as perhaps the Judean descendants sent back to their ancestral land. Hebrew might have been used for local transactions. In the province of Yehud, which contained a group of scribal literati that had a secure base in a Hebrew-speaking territory, a single temple devoted to the native deity as the main religious facility, and an augmented population base that included non-Hebrew-speaking settlers, the circumstances were ripe for the production of the books of Genesis–Kings and the prophetic corpus.

E. The Main Themes and Foci of Individual Books as Pointers to Their Period of Composition

As commonly recognized, a book provides insight into the worldview and ideas current at the time of its creator. The contents of a given book tell us how its author in his own day conceived of the period being portrayed and thus provides evidence about the worldview and assumptions of the period of composition. In the case of biblical books with a long history of transmission, some ideas subsequent to the author's time will have been added, but they will represent a minority. It can be assumed that ideas that are well integrated into the texture of the story and that provide its underlying assumptions stem from the book's composer and reflect his cultural setting and chronological horizon. Any earlier source materials that are being used will be modified at the time of composition if they are inconsistent with the current worldview or circumstances.³⁴ Thus, in theory, the rough date of a book's initial composition should be able to be established from internal clues in the text. In realistic terms, this will mean the late monarchic period (ca. 720–586 BCE), the Neo-Babylonian and early Persian periods prior to the reestablishment of Jerusalem and its temple as the provincial seat of Yehud (ca. 586–450 BCE), and the remaining span of the Persian period (ca. 450–332 BCE). However, we also need to be honest about the fact that often, what we know of each of these three periods comes primarily from the texts whose storylines or date superscriptions indicate that they are set in a given period. Thus, it is almost impossible to escape circular reasoning.

When we survey the themes and messages that predominate in Genesis–Kings and the prophetic corpus, for example, it becomes apparent that their composers lived in a period of religious transition. The books model behavior and norms for what would become emerging Judaism and are explicitly rejecting former

³⁴ Jean-Louis Ska notes the presence of multiple narrative voices in the final form of a biblical text, which represent both redactional voices and voices in preexisting source materials that were incorporated into the composition when it was created. "Narrator," 226–29.

behavioral norms and beliefs that had been standard under monarchic Yahwism. This includes a strong henotheistic claim that YHWH is the only deity for the religious community of Israel, a claim that becomes monotheistic in only a few statements (e.g., Deut 4:35, 32:39; 1 Kgs 8:60; 2 Kgs 5:15; Isa 37:19). It also includes a rejection of an earlier family religion that typically appealed to ancestors and to a family god to serve as intercessors with the more powerful main divine couple, YHWH and Asherah, and Ba'al (e.g., Lev 19:31; Deut 18:11). YHWH alone is now to be prayed to directly.³⁵ Placing inscriptions on houses and fringes/tassels on clothes, wearing textually-based personal amulets, making three annual pilgrimage festivals to the central temple in Jerusalem, and, possibly, observing the Sabbath and practicing infant circumcision now become visible signs of the new religion. The ark of the covenant seems to have been eliminated as a former symbol of the monarchic deity, YHWH Šebaot, in favor of the Torah, which represents YHWH Elohim.

Genesis–Kings and the prophetic books focus on the constitution of Israel as a community of families, clans, and tribes directly bound to YHWH as its king. There is no need for a human king. This is likely an adaptation of former royal ideology, where the king was the vice-regent of the god, an arrangement that may or may not have been concretized via a formal pact tablet, as it was in Assyria, for example.³⁶ Otherwise, the constitution of Israel is modeled on a political treaty, the form of which is used to express the novel idea that the religious community of Israel constitutes a social entity bound directly to a deity, with stipulated norms and behavior that serve as the basis of ongoing membership. One might be born to parents who are part of this community, and one is entitled to membership via kinship affiliation, as Genesis emphasizes, but it becomes an individual obligation to self-identify as a member of Israel by abiding by divine torah. Thus, not all persons of Judean descent are necessarily members of the religious community of Israel.

³⁵ So, e.g., Diana V. Edelman, "Adjusting Social Memory in the Hebrew Bible: The *Tera-
phim*," in *Congress Volume, Stellenbosch 2016*, ed. Louis C. Jonker, Gideon R. Kotzé, and
Christl M. Maier, VTSup 177 (Leiden: Brill, 2017), 127–42.

³⁶ A text that includes selected oracles proclaimed during enthronement rituals of Esarhaddon states that after an oracle from Assur was given and the *šulmu* (peace [-offering?]) was placed before the statue of Assur in the temple, the covenant tablet (*tuppi adē*) was read to him. For the text, see Simo Parpola, *Assyrian Prophecies*, SAA 9 (Helsinki: Helsinki University Press, 1997), 22–27. For comments on its relevance to the biblical concept of a royal covenant, see, e.g., Eckart Otto, *Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien*, BZAW 284 (Berlin: de Gruyter, 1999), 79–86; and Martti Nissinen, "Spoken, Written, Quoted, and Invented: Orality and Writtenness in Ancient Near Eastern Prophecy," in *Writings and Speech in Israelite and Ancient Near Eastern Prophecy*, ed. Ehud Ben Zvi and Michael H. Floyd, SBLSymS 10 (Atlanta: Society of Biblical Literature, 2000), 251–54. It is unclear whether this was an exceptional or regular part of the Assyrian coronation ceremony since we have no other relevant texts with which to compare it. Cautiously, then, it can be seen as possible corroboration of such a practice in the Judahite coronation ceremony as well, as depicted in 2 Kgs 11:12. I thank Helge Kvanvig for steering me to this text and the related literature.

This concept of a voluntary religious Israel only makes sense in a postmonarchic setting where a central cult of YHWH is operational and influential and serves to highlight the deity's role as the most important overlord in the lives of the community's members.³⁷ In the real world, the inhabitants of the Persian province of Yehud were all small cogs in the imperial system, with a real Persian king as their actual overlord. Annual taxation rates were levied by the imperial crown on provinces and specified how much was to be rendered in silver and gold and how much in foodstuffs. It was up to the local appointed imperial representatives to come up with the annual amounts, using whatever methods of collection or delivery they chose.³⁸

For Judeans who identified as members of the religio-social entity called Israel, an additional "tithe" from their incomes was to be rendered annually to YHWH, the divine king and source of blessing. As sketched in the book of Deuteronomy, for example, this tithe was to be paid in person, thrice annually during the pilgrimage festivals, at the site that YHWH would choose as the dwelling-place for his name, i. e., the temple in Jerusalem (12:5–7, 17–18, 26; 14:22–26; 16:1–17). Unlike imperial taxes, however, which disappeared with little return to the payees, this "tax" was consumed "before YHWH" during mandated rejoicing directly by the families that paid it and could be as much or little as the family could afford each year (16:16–17). It reinforced a positive sense of "Israelite identity", where members held the status of chosen followers of YHWH Elohim (e. g., 14:2). This would have been a voluntary form of identity that supplemented their identity as Persian provincials.

The date of the introduction of the poll tax for the temple becomes important in this discussion. If Persian in date, it strongly suggests that when the imperial administration authorized the rebuilding of the temple, it specified that it would not support the upkeep and operating costs of the temple. The poll tax (Exod 30:13–15; Neh 10:33–34; cf. 2 Kgs 12:4, where it is not yet operational) would have been designed to raise the necessary capital; in the official bookkeeping records there would have been a separate line entry dedicated to that purpose. The collection of the poll tax in Yehud could have been used to cover normal operating costs as well as to pay a percentage of imperial taxes owed on sacrifices and temple income, had this been a separate obligation that fell outside the annual provincial tax.

Temple revenue would have been generated during the three annual pilgrimage festivals when temple personnel sold animals and food to those participants who had brought silver in lieu of supplies (Deut 14:23–26). Apparently, however, either this proved to be an insufficient source for meeting the operating costs

³⁷ This point is argued in detail in Ben Zvi, "Urban Center," 196–206.

³⁸ So, e. g., Pierre Briant, *From Cyrus to Alexander: A History of the Persian Empire*, trans. Peter T. Daniels (Winona Lake, IN: Eisenbrauns, 2002), 410–507.

and the poll tax was subsequently added to ensure adequate income, or the poll tax was instituted from the beginning of the temple's operation, but the author of Deuteronomy chose not to acknowledge it in his vision. In the latter case, the writer might have considered the pilgrimage festivals an adequate source of income and the poll tax a device used by the priests for personal enrichment.

The practice of using a poll tax to meet temple operating costs might have been in force ca. 400 BCE to support the altar house at Elephantine, for example. A document bears the heading "this is (= these are) the names of the Judean garrison who gave silver to YHW the God, each person silver, sh(ekels)" and proceeds to list the names of men and women and the amount of two shekels in each case. This amount is higher than the one-third of a shekel (Neh 10:33–34) or the half-shekel (Exod 30:13) that was eventually used to support the temple in Jerusalem, but the smaller size of the community in Elephantine might have required a higher assessment to cover the operating costs of the facility and its dedicated personnel. The list ends, however, with the summary: "herein: for Yao 12 karsh 6 shekels; for Eshembethel 7 karsh, for Anatbethel silver, 12 karsh" (lines 126–128), which suggests that the altar house was used in the worship of all three deities.³⁹

F. The Book of Genesis

Genesis models as correct religious views a number of beliefs that align with Judaism rather than Yahwism. These are not minor additions in the text but part of its very fabric, being the point of many stories. Abraham plants a tree at Beer-sheba (Gen 21:33) for the sole purpose of "calling on the name of YHWH," not Asherah, who could be symbolized during the monarchic period as a tree (Deut 16:21). He also builds altars at Shechem (Gen 12:6), Bethel (12:8), and Hebron (13:18) without explicitly offering any animal sacrifice at any of them. These altars seem to link up with the one built in Transjordan by the eastern tribes, who had no intention of offering animal sacrifice (Josh 22). Also, importantly, they reflect an attitude that likely contributed to the restriction placed on the reestablished altar house in Elephantine. Animal sacrifice had taken place prior to the destruction of the altar house ca. 410 BCE, following a long-standing tradition, but the authorities in Yehud and Samaria who supported its rebuilding ca. 405 BCE imposed the condition that only incense and meal offerings could be made there in the future.⁴⁰ In all of these examples, it is presumed that animal sacrifice can be performed only at a centralized single sanctuary – be it in

³⁹ Porten and Yardeni, *Textbook of Aramaic Documents*, 2.C3.15. For a discussion, see Porten, *Archives*, 162–63.

⁴⁰ Porten and Yardeni, *Textbook of Aramaic Documents*, 1.A4.9.

Jerusalem or on Mount Gerizim – but personal prayer and communing with God by offering incense or making a meal offering are permitted anywhere.

YHWH is also equated with four generic categories of god in Genesis, represented by the terms *‘elyôn* (14:18–22), *rō’î* (16:13), *šadday* (17:1, 28:3, 35:11, 43:14, 48:3), and *‘olām* (21:33). These identifications assert that YHWH alone encompasses the functions that otherwise and formerly have been associated with separate types of deities.⁴¹ The repeated motif of barren foremothers may be partly a folk tradition, but it sends the very strong message that YHWH alone is responsible for human fertility, not Asherah or the ancestors, as in the monarchic period.⁴² In addition, the burial of the *tērāpîm* at Shechem models the need to abandon the use of ancestral representations and the idea that the dead become part of the spiritual realm, as *‘ēlōhîm*, and that their advice can be sought because they are intermediaries between humans and the more important deities in the spiritual realm.⁴³

Is it feasible to see the original form of the book as being produced during the monarchy? We would need to subtract Gen 1–11 as a compilation of Babylonian traditions that would have become known to those forcefully resettled in Babylonia.⁴⁴ We also would likely need to eliminate the novella about Joseph and his brothers, which reads like a diaspora court tale and currently serves as a thematic bridge to the book of Exodus. Do the remaining portions of the book, Gen 12–39 and possibly 49, reflect monarchic concerns?

The three ancestral figures of Abraham,⁴⁵ Isaac, and Jacob might be derived from oral traditions associated with Hebron, Beersheba, and Bethel, respectively, although Abraham might also be an artificial character created to represent the diasporic communities of both Judah and the former Northern Kingdom. He has origins in both Ur of the Chaldeans and in Harran. Would the kings of Israel or Judah, individually or jointly, have felt it worthwhile to sponsor the creation of a common past, forged from stories of the ancestors, for those living in contiguous kingdoms with a shared national god?

⁴¹ Diana Edelman, “What is Persian About Genesis?,” in *Assessing Biblical and Classical Sources for the Reconstruction of Persian Influence, History and Culture*, ed. Anne Fitzpatrick-McKinley, *Classica et Orientalia* 10 (Wiesbaden: Harrassowitz, 2015), 167–68.

⁴² Edelman, “Persian Genesis,” 168–69.

⁴³ Edelman, “Adjusting Social Memory,” 139–41.

⁴⁴ It may be noted, however, that Van Seters thinks Genesis 1–11 includes at least one native West Asian element alongside the borrowed Babylonian ones. *Yahwist*, 19–20.

⁴⁵ Thomas Römer, who assumes that the reference to Abraham in Ezek 33:24 dates between 597 and 586 BCE and the one in Isa 51:2 to the beginning of the Persian period, has concluded that Abraham was an autochthonous figure associated with Hebron, the regional capital of the Negev, and that traditions about him originated in the eighth or seventh century BCE and that the P writer was responsible for giving him a Mesopotamian origin to establish a literary link between the patriarchs and the traditions of the exodus and the desert. See “Recherches actuelles sur le cycle d’Abraham,” in *Studies in the Book of Genesis: Literature, Redaction and History*, ed. André Wénin, BETL 155 (Leuven: Leuven University Press, 2001), 190–94.

The concept of a twelve-tribe Israel dwelling from Dan to Beersheba and including Transjordan might derive from historical reality. The Transjordan was remembered as having remained under firm Israelite control through the reign of Jehoram (died ca. 841 BCE), whose successors Jehu and Jehoahaz fought for the territory against kings Hazael and Ben-hadad of Aram-Damascus. The Galilee is not mentioned as extensively but likely also was a territory contested between Israel and Aram-Damascus during the same period. Both were permanently lost during the reign of Pekah (ca. 735–732 BCE), when the Assyrian king Tiglath-Pileser III annexed them (2 Kgs 15:29) and turned them into provinces. It is likely that the final Omride, Jehoram, ruled directly over both Israel and Judah in the mid-ninth century for at least a decade,⁴⁶ creating a situation in which all those in the two territories could have been considered “brothers.” Would he have commissioned a common origin story using Abraham, Isaac, Jacob, and the twelve tribes to teach tolerance to the princes or the common people, in the hope that this situation would be continued by his heirs? Perhaps. Christoph Levin, however, has provided a set of arguments for why the twelve-tribe scheme is a late literary fiction.⁴⁷

If, on the other hand, two kings named Jehoram coincidentally occupied the thrones of Israel and Judah simultaneously, with marriage ties cementing the two dynastic families,⁴⁸ would their close cooperation as allies have given rise to the same concept of brotherhood? If so, then we could look to an earlier point under the Omrides when Judah and Israel would have been allies, or to a later moment, under the Nimshide dynasty founded by Jehu, for the development of the twelve-tribe concept and an initial monarchic-era production of a shared common history. It is thought to be unlikely, however, that the author of Kings has given an accurate portrayal of the political relationship between Israel and Judah; rather, he has exaggerated Judah’s status as Israel’s ally rather than vassal during most of this period.⁴⁹ Under the circumstances, it would seem unlikely that the dominant kingdom would have bothered to create a common origin story

⁴⁶ For differing reconstructions based on the contradictory and confusing information in Kings and Chronicles that propose a single, historical Jehoram, see, e.g., John Strange, “Joram, King of Israel and Judah,” *VT* 25 (1975): 192–95; J. Maxwell Miller, “The Omride Era,” in J. Maxwell Miller and John H. Hayes, *A History of Ancient Israel and Judah* (Philadelphia: Westminster, 1986), 280–84; John H. Hayes and Paul K. Hooker, *A New Chronology for the Kings of Israel and Judah and Its Implications for Biblical History and Literature* (Atlanta: John Knox, 1988), 30, 34–36; W. Boyd Barrick, “Another Shaking of Jehoshaphat’s Family Tree: Jehoram and Ahaziah Once Again,” *VT* 51 (2001): 12, 20–24.

⁴⁷ Christoph Levin, “Das System der zwölf Stämme Israels,” in *Congress Volume: Papers Read at the Congress of the International Organization for the Study of the Old Testament, Held July 19–24, 1992, in Paris*, ed. John A. Emerton, VTSup 61 (Leiden: Brill, 1995), 163–78.

⁴⁸ So, e.g., Ahlström, *History*, 588–96, 598–600; Mario Liverani, *Israel’s History and the History of Israel*, trans. Chiara Peri and Philip R. Davies, BibleWorld (London: Equinox, 2003), 110–14, 128, 130.

⁴⁹ So, e.g., Miller, “Omride Era,” 251–87; Hayes and Hooker, *New Chronology*, 29–36.

that included traditions from a vassal kingdom.⁵⁰ If we eliminate the Abraham and Isaac stories as Judahite, can we say that the book of Genesis could have first been conceived as a coherent composition that featured just the Jacob cycle of stories? These stories focus on the sanctuary at Bethel, not on Samaria, the capital of the kingdom.

A compositional date for Genesis in the Neo-Babylonian or early Persian period is possible, but not likely, if we assume that it was composed in Judean circles.⁵¹ We have seen that Genesis rejects key elements of the monarchic Yahwistic religion, but Trito-Isaiah's complaints seem to indicate that Yahwistic religion continued to be practiced in Yehud as it had been during the monarchy. Thus, scribes at Mizpah probably did not create the book of Genesis. The Elephantine documents describe a form of Yahwism in Egypt that accepted the existence of other gods and the sharing of temple space with three other deities. That leaves Judean scribes in Babylonia.

The Primeval History rejects the claim of the Enuma Elish that Marduk is the main creator god, asserting instead that YHWH is the only god and creator of everything; it appropriates the Babylonian flood myth and reworks it from a monotheistic point of view; and its story of the tower of Babel critiques Nebuchadnezzar's building program, which made Babylon one of the most impressive cities of the ancient Near East for over a century.⁵² This attack on Babylonian traditions and values would make sense as a strategy to convince people of the need to maintain their native god even outside their homeland. Abraham would be a model for a hoped-for return. Why, though, would the Judean scribes have included Jacob, who represented the north, or have associated Abraham with the northern diaspora via Haran? And why the twelve-tribe scheme? Why would the scribes envision Israel, the future religious community, to include all twelve tribes? The Israelite deportees in 721 BCE were settled primarily in northern Syria. There is no evidence that any were settled in the region where the Judeans

⁵⁰ For the alternate suggestion that the twelve-tribe concept originated during the reign of Hezekiah in the wake of the termination of the kingdom of Israel as a way to incorporate large numbers of Israelite refugees who settled in Judah, see Shamai Gelerder, *From Two Kingdoms to One Nation – Israel and Judah: Studies in Division and Unification*, SSN 56 (Leiden: Brill, 2011).

⁵¹ Since Genesis is also part of the Samaritan Pentateuch, the possibility cannot be ruled out that it was composed in Samaria rather than Yehud, or that it was a cooperative venture by scribes from both provinces. In the latter case, it would be hard to know who might have taken the lead in composition.

⁵² So, e.g., Paul-Alain Beaulieu, "Nebuchadnezzar's Babylon as World Capital," *CSMSJ* 3 (2008): 7, and Angelika Berlejung, "Living in the Land of Shinar: Reflections on Exile in Genesis 11:1–9," in *The Fall of Jerusalem and the Rise of Torah*, ed. Peter Dubovský, Dominik Markl, and Jean-Pierre Sonnet, FAT 107 (Tübingen: Mohr Siebeck, 2016), 89–111. Others, however, have derived the story of the tower from Sargon II's palace-building at Dur-Sharrukin; see, e.g., Christoph Uehlinger, *Weltreich und "eine Rede": Eine neue Deutung der sogenannten Turmbauergeschichte (Gen 11,1–9)*, OBO 101 (Fribourg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1990), 516–42.

ended up, and thus no reason to expect that some sort of rapprochement occurred in Babylonia between two groups worshipping a deity known by the same name.

In the Persian period, however, after the construction of new temples for YHWH on Mount Gerizim in the province of Samaria and in Jerusalem, the new provincial seat in Yehud, such a rapprochement is plausible. By drawing on earlier oral and perhaps written traditions from both former kingdoms, scribes could have created a concept of a people of YHWH that included both Samaritan and Judean diasporic communities outside Cisjordan as well as YHWH-worshippers in Cisjordan. The widest definition of the Promised Land in Genesis is from the Euphrates to the Nile (15:18), or from Babylonia to Egypt, which would include settlements belonging to both diasporic communities, while the narrower one includes the tribes living in the territory of the provinces of Samaria, Yehud, Galilee, and Transjordan (e.g., in the book of Joshua), which would include descendants of both former monarchic kingdoms. In this scenario, the reworking of Babylonian materials in Gen 1–11 would have been aimed at the recently resettled Judeans in Yehud, to show them why YHWH was more powerful than Marduk. The book presumes a present in which Israel is a religious community, not a political one. The book became authoritative for the Samaritans as well as other early Jewish communities, demonstrating that its strategy of defining membership in an inclusive community was successful alongside its religious innovations.

The Joseph novella, which provides a bridge to the book of Exodus, is consistent with Genesis's larger interest in diasporic communities, developed through Abraham's two points of origin and his sojourn in Egypt, as well as Jacob's family relations in Haran. If one adopts John Van Seters's position that the Yahwist author conceived of and produced the extended narrative now covering Genesis, Exodus, and Numbers,⁵³ then the reused novella would have been an integral element in the original, extended composition. If one thinks that Genesis and Exodus were independent compositions that were subsequently joined more closely together through the addition of the Joseph novella, then it would not have been included in the original version of Genesis.

G. The Book of Kings

The book of Kings appears to have drawn on royal annals, but it is not likely a monarchic composition. Its author has chosen to report selected deeds during the reigns of the kings of Judah and Israel that involved military actions and the temple, both of which were royal responsibilities.⁵⁴ It is possible that the base

⁵³ Van Seters, *Yahwist*, 126.

⁵⁴ According to Erhard S. Gerstenberger, the emphasis on reforms in relation to the temple and its cultic operation throughout the book presumes the functioning of the Persian-era temple, its rituals, and the reading and interpretation of the Torah. See *Israel in the Persian Period*:

text here was a set instructional school text, or perhaps a text used in the education of princes, but the inclusion of the kings of Israel as exemplars to be studied by Judahite princes makes the latter option less likely. It is not easy to explain how the interwoven extracts describing the deeds of Judahite and Israelite kings would have functioned in a monarchic context, before the fall of Jerusalem in 586 BCE.⁵⁵

A central question addressed in the work is why the kingdoms of Israel and Judah both ceased to exist. This recommends a date of composition after 586 BCE. The reasons cited for the fall of the kingdoms are the constant evil behavior of the people and the kings, especially their failure to walk fully in the path of YHWH. In Judah, the people continued to worship at the *bāmôt* after the construction of the temple in Jerusalem, and in Israel, they continued to worship both the bull-form of YHWH established at Bethel and Dan and Ba'al in Samaria. In addition, they disregarded the messages of YHWH that were delivered by his prophets throughout the duration of both kingdoms.

Finally, there are ten strategically placed references to torah in the book of Kings: the torah of Moses (1 Kgs 2:3; 2 Kgs 14:6; 21:8; 23:25), the torah of YHWH the god of Israel (*tôrât yhw̄h 'ēlōhē yiśrā'ēl*, 2 Kgs 10:31), the torah more generally commanded to the ancestors and sent via the prophets (2 Kgs 17:34, 37), and the scroll of the torah (2 Kgs 22:8, 11; 23:24), which defined more specifically the disobedient behavior that doomed the kingdoms. These references to torah do not appear to be integral elements of the original composition but

The Fifth and Fourth Centuries B. C. E., trans. Siegfried Schatzmann, SBLBibEnc 8 (Atlanta: Society of Biblical Literature, 2011), 290. For other arguments that the composition of the book took place after 586 BCE, without specifying whether it occurred during the Neo-Babylonian and early Persian period or after the rebuilding of the temple, see Juha Pakkala, "Why the Cult Reforms in Judah Probably Did Not Happen," in *One God – One Cult – One Nation: Archaeological and Biblical Perspectives*, ed. Reinhard G. Kratz and Hermann Spieckermann, BZAW 405 (Berlin: de Gruyter, 2010), 201–35.

⁵⁵ A date of composition of an early form of the book under King Jehoram, if he indeed ruled both Israel and Judah directly for at least a decade, could be postulated; it could have served as a manual for training his princes to assume future governance over the combined kingdoms. Of course, this early form of Kings, composed before the end of the Northern Kingdom, would not have blamed the fall of both kingdoms on their failure to follow the path of YHWH, and it would have been updated continuously until 586 BCE, somewhat like a rolling editorial corpus. A sixth-century version of Kings could also conceivably have been developed if the Judahite crown was preparing for a possible conquest of the province of Samaria as Assyrian power waned. This composition could have served as a means of teaching the present or future king that such a conquest could be justified by the common history shared by Judah and Israel before the split into two independent kingdoms, but that would have required a more substantial account of the reign of David, the founder of the "United Monarchy." For literary arguments that Samuel and Kings were separate compositions, with Kings written first, see Jürg Hutzli, "The Literary Relationship between I–II Samuel and I–II Kings: Considerations Concerning the Formation of the Two Books," *ZAW* 122 (2010): 505–19. I do not agree with his proposed initial date of composition for Kings, but the literary points are well taken and their validity does not rest on a particular date of composition.

subsequent expansions that redefine the older and more original concept in the book, the path of YHWH, in terms of the commands, precepts, and rules given at Mount Sinai/Horeb when YHWH established a formal pact directly with his people, Israel.

To determine when the book of Kings was composed, it is necessary to decide whether certain of its characteristic features are integral to the book or secondary expansions, namely (1) references to ongoing worship at the *bāmôt*, mainly by the people; (2) references to the introduction of the symbols and worship of gods other than YHWH into the official cult in Samaria, Bethel, and Jerusalem by members of the ruling dynasties; and (3) references to the unheeded prophetic warnings delivered to the king. The condemnation of the *bāmôt* presumes emerging Judaism and its cult centralization rather than ongoing Yahwism (e. g., 1 Kgs 3:2–5; 8:16; 14:21). There are a few specific references to these *bāmôt* (smaller holy sites) housing the cults of deities other than YHWH, especially those of Baʿal and Asherah (e. g., 1 Kgs 14:15, 23; 15:13; 16:33; 18:19; 2 Kgs 13:6; 17:10, 16; 18:4; 21:3, 7; 23:4, 6, 7, 14, 15), although these deities were also part of the official cult in Samaria, Bethel, and Jerusalem as well. The hostile references to the *bāmôt* and deities other than YHWH presume the first commandment. This need not imply that the author of Kings was familiar with either of the two collections of ten commandments embedded in the accounts of events at Mount Sinai/Horeb (Exod 20 and Deut 5), however, since the list of commandments could have circulated independently of this larger story of covenant-making, both before and after its creation.

As for the many references to kings disregarding revelations delivered by named and unnamed prophets throughout the monarchic period, they can be construed as further illustrations of how the leader did not follow YHWH's path. These references plausibly reflect the practice of consulting prophets during the monarchic period to determine YHWH's support and intentions in political decision-making. Prophets would be able to highlight what YHWH's path should be in a given situation. Thus, it is not necessary to posit the existence of one or more prophetic books known to the author of Kings. But are these references to unheeded revelations part of the original form of the book?

As noted by E.A. Knauf, if the records of prophetic activity in Kings are combined with the date superscriptions in the prophetic books, each king is associated with one or more prophets,⁵⁶ effectively creating an unbroken chain of prophetic warning during the existence of the kingdom of Judah. Yet, out of the twelve prophets associated with the monarchic period who are also associated with written compositions included in the Hebrew Bible, only Isaiah (2 Kgs

⁵⁶ Ernst Axel Knauf, "Kings among the Prophets," in *The Production of Prophecy: Constructing Prophecy and Prophets in Yehud*, ed. Diana V. Edelman and Ehud Ben Zvi, Bible-World (London: Equinox, 2009), 133.

19–20) and Jonah (2 Kgs 14:25) are mentioned in Kings. Thus, it is clear that the author of Kings did not intend to link his work to preexisting prophetic books. Had this been the case, he would have included specific references to all twelve in his book.⁵⁷ The concept of an unbroken chain of prophetic counselors during the monarchy seems to be a later development that derived in part from an attempt to link the book more tightly to other works in the so-called prophetic collection that followed the Torah.

However, it remains unclear whether the original form of Kings contained references to unheeded warnings delivered by some anonymous prophets – and perhaps some named prophets – to highlight royal disobedience, which might have been expanded subsequently to create an unbroken chain of such figures. Ehud Ben Zvi has noted that the anonymous prophets in the book are portrayed according to five “images”: (1) “a faithful minority of servants of YHWH who are likely to be persecuted if the ruling leader is sinful”; (2) “a group aware of Israel’s history of misconduct that justified the extreme divine punishment against monarchic Israel”; (3) “a group that unsuccessfully tried to bring Israel to YHWH”; (4) “a group that embodies a reminder of Israel’s history of rejecting YHWH and disregarding the advice of YHWH’s servants”; and (5) “a group ... which stood at the earliest spot in the chain of transmission of [YHWH’s] teachings that leads directly to the readers and rereaders of the book of Kings.”⁵⁸ Of these five images, only the last one hints at the existence of a written corpus of definitive essential teachings revealed through prophets that are now to be found in written prophetic books, but this hint may be misleading.

Let us consider whether the book of Kings could be a product of the Neo-Babylonian period that was updated in the Persian period. The concept of the way of YHWH as a positive path in life that has been chosen or rejected occurs in many biblical books but is a less standard concept in other ancient Near Eastern cultures. It appears, for example, in Zoroastrian teaching, as reflected in the inscription on Darius’s tomb: “O Human, may what is Ahura Mazda’s command not appear evil to you. Do not leave the right path. Do not be obstreperous.”⁵⁹ The concept of the path of a deity and of a deity guiding one’s heart along that

⁵⁷ In the case of the book of Jonah, which is likely Persian (e.g., Ben Zvi, *Signs of Jonah*, 8, 98, 105–110) or Hellenistic (e.g., Thomas M. Bolin, *Freedom beyond Forgiveness: The Book of Jonah Re-examined*, JSOTSup 236, Copenhagen International Seminar 3 [Sheffield: Sheffield Academic Press, 1997], 40, 182–83) in date, it is widely assumed that the author of Jonah used the reference to this prophet in Kings as the sole source for his creative composition, without drawing on any preserved prophetic statements recorded in his name. See, e.g., Ehud Ben Zvi, *Signs of Jonah: Reading and Rereading in Ancient Yehud*, JSOTSup 367 (London: Sheffield Academic Press, 2003), 40–64.

⁵⁸ Ehud Ben Zvi, “‘The Prophets’ – References to Generic Prophets and Their Role in the Construction of the Image of the ‘Prophets of Old’ within the Postmonarchic Readership/s of the Book of Kings,” *ZAW* 116 (2004): 562–63.

⁵⁹ Cited in Gerstenberger, *Israel in the Persian Period*, 50–51.

path appears in Egyptian wisdom texts, which may have derived the idea from the Book of the Two Ways, the oldest guide to the underworld.⁶⁰ Significantly, however, this concept of a deity's path is not a common motif in Assyrian or Babylonian thought, where the path of a deity can refer to the astronomical orbits of planets associated with deities, or more figuratively to the deity's own behavior. It also refers concretely to divine traveling and journeys.⁶¹ If an Egyptian origin of the concept is favored, a pre-Persian date is possible, but otherwise a Persian model and date is likely.

Two other key concepts in Kings, however, appear in Mesopotamian literature. First, the idea that human sin may lead the gods to destroy a city is found in two of the five preserved Sumerian city laments from the Old Babylonian period (2000–1600 BCE), while a third assumes that human action triggered the divine anger that led to the city's demise. Line 430 of the lament over Ur reads, "Nanna, after you have absolved that man's sin, may your heart relent toward him who utters prayers to you,"⁶² while the lament over Uruk includes the phrase "bore a heavy burden of sin" in what is otherwise a broken context (sec. A3).⁶³ Lines 74–75 of the lament over Nippur posit that human action triggered the divine anger that led to the city's demise: "What did they do? What did they forsake, that their Lord became enraged with them and walks in anger?"⁶⁴ Secondly, the rejection of a dynasty for inappropriate behavior is found in the Curse of Agade, where King Naram-Sin's impiety toward Enlil prompts an immediate decision by the divine assembly to remove the kingship from his dynasty and to destroy his city, Akkad.⁶⁵

All four texts provide very old parallels to the destruction of Samaria and Jerusalem due to the evil deeds of the people of Israel and Judah and their kings. Given the prevalence of war, it is likely that the scribal template for a lament over a destroyed city was shared by many ancient Near Eastern cultures and that it included human sin committed by both royalty and the people as possible causes of divine wrath.⁶⁶ Thus, the absence of any explicit reference to sinning by breaking the terms of the Sinai/Horeb covenant in the original version of Kings and its presence in secondary references to the torah generally, the torah

⁶⁰ J. Bergman, "Derekh II.1," *TDOT* 3:273–74.

⁶¹ A. Haldar and H. Ringgren, "Derekh II.2," *TDOT* 3:275–76.

⁶² "The Lament for Urin," *The Electronic Text Corpus of Sumerian Literature*, <http://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.2.2.2#> (last revision June 1, 2003).

⁶³ M. W. Green, "The Uruk Lament," *JAOS* 104 (1984): 267n8.

⁶⁴ Steve Tinney, *The Nippur Lament: Royal Rhetoric and Divine Legitimation in the Reign of Išme-Dagan of Isin (1953–1935 B. C.)*, Occasional Publications of the Samuel Noah Kramer Fund 16 (Philadelphia: University of Pennsylvania Museum, 1996), 103.

⁶⁵ For a full translation, see "The cursing of Agade," *ETCSL*, <http://etcsl.orinst.ox.ac.uk/section2/tr215.htm> (last revision September 7, 2001).

⁶⁶ Diana V. Edelman, "The 'Empty Land' as a Motif in City Laments," in *Ancient and Modern Historiography / L'historiographie biblique, ancienne et moderne*, ed. George J. Brooke and Thomas Römer, BETL 207 (Leuven: Leuven University, 2007), 127–42.

scroll, the torah of Moses, or the torah of YHWH the god of Israel could be consistent with a date of composition for Kings in the Neo-Babylonian period, before the creation of the five books of the Torah individually or as a collection.

The reason for the inclusion of the Northern Kingdom alongside the Southern Kingdom is hard to explain, however, in an exilic setting. It seems that the twelve-tribe scheme is in the background (e.g., 1Kgs 12:24). As noted earlier, such a concept might have arisen in the mid-ninth century if a single Jehoram ruled over both kingdoms, but many accept the accuracy of the biblical account, which places two namesakes on the northern and southern thrones for an overlapping period of eleven years, with Jehoram of Israel reigning in Israel alone for four to five years longer than his counterpart in Judah.⁶⁷ Alternatively, the idea of a twelve-tribe Israel might conceivably have been created in the waning years of Assyrian power, when Josiah hoped to build an independent kingdom that included some or all of the former territory of the kingdom of Israel. But if the scheme had originated in the ninth or the seventh century BCE, would it have been preserved and handed on when hopes for long-term unity were dashed quite quickly in both instances?

An alternative explanation of the origin of the twelve-tribe scheme assumes the validity of Alt's proposal that after 582 BCE, the Neo-Babylonians assigned the territory of Judah to the administration of Samaria. This would provide a plausible setting for the invention of the concept that Israel derived from twelve brothers, including Simeon, Judah, and Levi; in geographical terms, the twelve-tribe model would have expanded the preexisting northern tradition of tribal areas in the central Samarian hill country, Galilee, and Transjordan to include the hill country of Judah and the Shephelah. The community of Israel, as a voluntary society within the Neo-Babylonian Empire that viewed itself as bound by a covenant to a single deity, could have used this fiction of the sons of Israel to construct a common origin to reinforce group identity.

The same concept of joining together the two former kingdoms as part of a single religious covenantal community occurs in Isaiah (11:12–13), Jeremiah (3:7–10, 18; 13:11; 30:3; 31:27, 31; 32:30, 32; 33:7; 36:2; 50:33; 51:5), Ezekiel (9:9; 37:16, 19), Hosea (1:11; 6:4; 11:12; 12:2), Micah (1:4, 9), and Chronicles (1Chr 2:1–8:40; 17:5–6, 21–22; 28:8 and *passim*), but it is very difficult to pinpoint the time and circumstances of its origin.⁶⁸ A future union of Israel and Judah only

⁶⁷ See n47 above. The Tel Dan Stele mentions the defeat of [Jeho]ram, king of Israel, and [Ahaz]iah of the House of David by a king of Aram-Damascus, and the writer of Kings states that the two were killed as part of Jehu's coup when he returned from battle in Transjordan at Ramoth-gilead. In order for there to have been a single Jehoram, Ahaziah would have had to have been his son, whom he appointed as ruler of Judah in a form of coregency.

⁶⁸ For the alternative suggestion that Judean scribes appropriated Israelite traditions after Bethel became part of Judahite or Judean administrative territory and created the concept of the religious community of twelve-tribe Israel, see Philip R. Davies, *The Origins of Biblical Israel*, LHBOTS 485 (New York: T&T Clark, 2007), 129–77.

makes sense as an integral part of the concept of the religious community of Israel bound to YHWH, which includes those YHWH-worshippers living from Dan to Beersheba but might also be intended to include those in Transjordan as well.⁶⁹ The territory occupied by this community would correspond to either the traditional boundaries of the Promised Land or to the largest area that either kingdom ever controlled politically, in which case the territory above Galilee to Damascus, the Negev highlands, and the territory down to Kadesh-barnea in the Sinai would need to be added.

The elaboration of the concept of the twelve-tribe religious Israel – even if the twelve-tribe scheme itself might have emerged already in the Neo-Babylonian period – may plausibly be set in the years after the construction of the temples on Mount Gerizim and in Jerusalem, when literature explaining the creation of this people bound directly to its god in a formal pact defined by torah began to be generated and collected. Friendly cooperation between the two provinces in the mid-fifth century BCE is indicated by the marriage of the daughter of Sanballat, the governor of Samaria, to the son of the high priest in Jerusalem, and by the acceptance of the Pentateuch as an authoritative text by both religious communities. This amity continued until the end of the fifth century, as evidenced by the memorandum at Elephantine from functionaries in both Yehud and Samaria who offered support for the rebuilding of the local temple, provided that animal sacrifice was replaced by meal offerings and incense.⁷⁰ The inclusion of both former kingdoms in the religious community of Israel is definitely part of the design of the original composition of Kings. It is curious, however, in this case, that sinning and doing evil was not specified throughout the book of Kings, especially at the beginning, as a failure to follow the Sinai/Horeb torah.

Perhaps a tentative explanation for this omission can be sought in the royal focus of the composition. As noted earlier, there likely was a practice at accession of establishing a pact (the *‘ēdūt*, as in 2 Kgs 11:12) between the god of the kingdom and the new king, his earthly vice-regent, on the one hand, and perhaps also between the king and his people on the other (2 Kgs 11:14), with periodic renewals undertaken (so, e. g., 2 Kgs 11).⁷¹ Certainly, within the framework of the book, the author is focusing primarily on the pact between god and king. The covenant that YHWH was to have established with David is referenced a few times and, significantly, a similar covenant is offered to Jeroboam I (1 Kgs 11:37–38). The two kings who were offered this pact initially became the measuring sticks for determining whether their successors followed the path of YHWH. The point

⁶⁹ For a discussion of Judean settlement, expansion, and trade in the Persian and Hellenistic periods that included Galilee and Transjordan, see Ernst Axel Knauf, “Biblical References to Judean Settlement in Eretz Israel (and Beyond) in the Late Persian and Early Hellenistic Periods,” in Davies and Edelman, *Historian and the Bible*, 175–93.

⁷⁰ Porten and Yardeni, *Textbook of Aramaic Documents*, 1.A4.9.

⁷¹ See n36 above.

of the Sinai/Horeb covenant is to regulate Israel without relying on a king as an intermediary between the people and the divinity.

With this in mind, it appears that the purpose of Kings extends beyond justifying the destruction of Samaria and Jerusalem to include an exploration of whether native monarchy would be needed in the emergent religious community of Israel. Is the Davidic covenant temporarily suspended but intact, or has it been divinely terminated after multiple generations of infractions? The lesson of the Northern Kingdom in particular shows that dynasties will be terminated for not walking the path of YHWH. The fiction that Judah was ruled by a single dynasty throughout its history⁷² would suggest the conclusion, in light of the fate of the kingdom of Israel, that the Davidic covenant was over, but this seemed to be a point of contention amongst the literati. Some seemed to cling to the hope that it had only been suspended and could be reinstated, as seen in the claims that Zerubbabel, a Davidic descendant, had returned to Yehud (e. g., Hag 1:1, 12–14; 2:2–4, 21–23; Zech 4:6–10; Ezra 3:2, 8; 5:2; Neh 12:1) so that one of his descendants would be eligible to become king in the future, or in the hope expressed in Ezekiel's vision of the future temple (chs. 40–48) that a Davidide might occupy the office of *nāṣī'*.

In the original conception of Kings, divine torah is delivered via prophets; in the altered form of the book, the torah given at Sinai/Horeb was misplaced during much of the monarchy until the reign of Josiah, and prophets were required to remind the king what he needed to do. By using old, standard templates that placed the conditions for dynastic success in the framework of a divine-royal pact and cited reasons why a city might be destroyed, the author of Kings raised the important question of the need for human kingship in the Achaemenid-era, religiously based covenant community of Israel.

H. Conclusion

We know nothing of what comprised the set school texts in Hebrew for scribal training during the monarchy of Judah (or Israel). Nevertheless, we can assume that these texts would have been memorized, so that wherever Judahite scribes ended up after the loss of the monarchy in 586 BCE, they would have been able to write them down again. Had there been a reason to continue to educate scribes in Hebrew, the texts could have been used again in this capacity. If a new Aramaic curriculum of set texts became the standard for training scribes in an imperial context, the corpus of set Hebrew school texts might still have been

⁷² For detectable breaks in the Davidic dynasty, see Donald V. Etz, "The Genealogical Relationships of Jehoram and Ahaziah, and of Ahaz and Hezekiah, Kings of Judah," *JSOT* 71 (1996): 39–53; Lowell K. Handy, "Speaking of Babies in the Temple," *Proceedings of the Eastern Great Lakes and Midwest Biblical Societies* 8 (1988): 155–65.

written down again by former Judahite scribes and kept in personal or administrative libraries in Yehud, Babylonia, and Egypt. Thus, traditions relating to the monarchic era as well as texts created in that period could have been accessible in literate circles generations later.

The first edition of any single book currently within the collection of the Tanak or the Old Testament would have been a coherent composition with a beginning, middle, and ending that followed the literary conventions of its genre. This is the case regardless of the amount of oral or written source material that was incorporated or drawn upon. The person who created the book conceived of an overall plan and would have adapted existing material to fit the requirements and parameters of the governing patterns, conventions, and ideologies being used to shape it. Subsequent changes to a composition would have been made within the existing framework and are not likely to extend to more than 25 percent of most books. We only have the final forms of books, and identifying expansions and additions is a precarious task; success is most achievable when working with manuscript variants, although the evidence often remains open to more than one understanding. Success is much more elusive when attempting to identify stages of growth in a given book that are attested in all extant manuscripts of that book.⁷³

Determining when a book was initially put into writing has to be done on the basis of internal clues and ideology. Certainty in most cases is unachievable, which becomes clear when one reads a survey of existing opinions and proposals for dating. Both Genesis and Kings reflect a religious worldview that is post-monarchic; they model behavior and norms for what would become emerging Judaism, not those of monarchic Yahwism. The earliest date of composition that can be assigned to either composition is the Neo-Babylonian period (ca. 586–538 BCE), even if monarchic-era materials have been included.

In addition, the scheme of Israel as a composite of twelve tribes is assumed in both Genesis and Kings. Pinpointing the origin of this idea is difficult, given the limited evidence. It might have been an expansion of an older northern Israelite concept that included groups within the kingdom's territory at the height of its power, including Transjordan and the Galilee. It could also have built on a past where Judah had been a vassal of the kingdom of Israel in various periods. Once both Israel and Judah had been absorbed within the larger Neo-Babylonian imperial system and its successor, the Achaemenid Empire, the decision to

⁷³ For a recent study that systematically describes editorial techniques on the basis of text-critical principles and manuscript variants, see Reinhard Müller, Juha Pakkala, and Bas ter Haar Romeny, *Evidence of Editing: Growth and Change of Texts in the Hebrew Bible*, SBLRBS 75 (Atlanta: Society of Biblical Literature, 2014). In general, the decision as to which of two variants contains the earlier text remains contested in many instances, as various scholars invoke standard principles in support of opposite solutions. This highlights the inability to obtain certainty in literary-historical questions due to the nature of the evidence.

develop the concept of religious Israel as an ideal community within the imperial reality led to the revival of the name Israel, which had been abandoned as a political designation in favor of Samaria. The older idea of tribal Israel could then have been expanded by adding tribal areas associated with the former kingdom of Judah. Such a move might have been facilitated by the administration of the Judean hill country by Samaria after 582 BCE or by the incorporation of Samaria, Yehud, the Galilee, and Transjordan within the larger administrative unit of Beyond the River. Thus, it is unclear whether this twelve-tribe idea initially developed in Samaria or Yehud and whether under the Neo-Babylonians or the Achaemenids. Its elaboration makes the most sense, however, after the centralized temples to YHWH at Gerizim and Jerusalem were functioning as the centers of this new religious community.

If Genesis was composed in Judean circles, the inclusion of chapters 1–11 to persuade those familiar with Babylonian religion and culture to view YHWH, and not Marduk, as the universal creator god presupposes an Achaemenid date. The inclusion of the twelve-tribe scheme presumes a period of cooperation between Samaria and Yehud and a joint process of identity-building. It seems most appropriate to place this period after the building of the temple in Jerusalem, when a segment of the population would have been resettled from Babylonia, even if the period of cooperation between Samaria and Yehud might have begun already in the short-lived Neo-Babylonian period (586–538 BCE).

The book of Kings similarly reflects postmonarchic concerns. It uses the concept of adherence to the way of YHWH to evaluate the behavior of the kings and people of Israel and Judah. This “way” requires members of religious Israel to worship YHWH as the only deity and to abandon the *bāmôt*. Parallels to this concept are known from Egypt and Achaemenid Persia but not Mesopotamia. The unique interweaving of sources from two independent political kingdoms illustrates more than how repeated failure to adhere to the “way” resulted in the exile of the ancestors of current members of religious Israel in Samaria and Yehud. An equally central theme of the book is the questioning of the need for the return of a “Davidic” monarchy in the leadership of the postmonarchic religious community of Israel. A subsequent expansion equated the “way of YHWH” explicitly with Mosaic Torah. While plausible arguments can be made for placing the initial composition of Kings in the Neo-Babylonian period, its failure to be accepted in Samaria suggests it was a specifically Judean composition. It could have originated after the period of cooperation among the leadership or literati located in the Cisjordanian highlands had ended, or it might have been “sectarian” literature intended to assert Judean superiority even during the period of cooperation, to be circulated only within Yehud.

This essay is meant to provoke reflection on how little is known about the compositional process of the books now comprising the Hebrew Bible. It is hoped that by taking the time to ascertain how much of that knowledge is based

on actual data and how much is conjecture, scholars might become more self-conscious about why they favor the approaches they use and about what is at stake when opting for one set of methods and its underlying presumptions over another. The admission by those espousing different approaches that firm, testable solutions are not possible under the circumstances could reduce polarization in the debate over the origins of biblical literature.

The Tablet of the Heart and the Tablets of Stone: Orality and Jurisprudence in Ancient Israel*

Jean Louis Ska

My son, keep my words and treasure up my commandments with you; keep my commandments and live; keep my teaching as the apple of your eye; bind them on your fingers; write them on the tablet of your heart (על־לוח לבך).

– Prov 7:1–3 (cf. Prov 3:1–3; Jer 31:32)

This passage from the book of Proverbs expresses in a graphic way the question that will be developed in these pages.¹ The last sentence contains a paradox, namely the exhortation to write on the “tablet of the heart,” something that seems impossible. One can write on many different materials, but not on a heart. A similar phrasing is found in the English expression, “to learn by heart,” which means “to learn by rote,” “to memorize.” Proverbs 7:1–3 goes somewhat further, however, since it exhorts its audience not only to remember but also to put into practice. In other words, teachings and commandments should become a kind of second nature, and the disciple is invited to act out of conviction rather than out of coercion or compulsion. Another aspect deserves attention: in this exhortation, the son is invited to remember and observe his parents’ commandments as long as he lives. Writing, in this context, is synonymous with enduring effect. This is, as we will see, one of the main features of writing as distinct from oral expression.

This passage indicates that Proverbs privileges oral transmission, since writing on the heart is the equivalent of remembering and assimilating. Curiously enough, we find in the Old Testament hardly any exhortations to read. The

* I would like to thank in a special way Charles Conroy for correcting the English of this article and for several valuable pieces of information. My thanks go also to Bernard S. Jackson for many fruitful exchanges and comments. All remaining flaws and shortcomings are my own responsibility.

¹ The quotation is alluded to in the title of an important work by David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005). All biblical translations follow the ESV, with occasional slight modifications for the sake of clarity.

usual exhortation is to listen and to obey. Deuteronomy is full of exhortations to “listen,” the most famous being the Shema, “Hear, O Israel” (שמע ישראל, Deut 6:4). In 2 Chr 17:7–9, King Jehoshaphat sends officials and Levites to teach the people from a written text of the Law, but they do not distribute copies of the book to be read.²

This emphasis on listening means that the superiority of writing over oral transmission and memorizing is perhaps not so evident as it seems at first sight.³ This is also the case in a biblical narrative describing all the operations connected with a book or scroll (ספר), starting with oral transmission and leading to its transcription and its public reading (Exod 24:3–8). After the public reading of the “book of the covenant” (v. 7), the response of the audience, the people of Israel at Mount Sinai, is not “we will read” but “we will listen” (ונשמע, v. 7b).

There are, as everyone knows, many theories and debates about the different aspects of oral traditions in biblical research, both in Old and New Testament scholarship.⁴ There is one field, however, that is often neglected and deserves, perhaps, a more comprehensive treatment. I have in mind the world of biblical law. Looking back at the huge amount of literature dedicated in the past and in recent years to the problem of oral tradition, there is surely a strong predominance of studies on narrative. This situation can be explained easily, I think. First, the major work of biblical scholarship that triggered research on oral tradition in recent times was Hermann Gunkel’s commentary on Genesis. Second, New Testament scholars studied oral tradition in their inquiry about the origin and composition of the Gospels and, especially, about the connection between the oral preaching of Jesus of Nazareth and the writing of the Gospels, which took place several decades afterwards. One can also mention the fact that Christian exegesis is generally more interested in narratives than in laws. We may see in this phenomenon a consequence of the Law–Gospel (*Gesetz–Evangelium*) opposition, which is surely not a Lutheran monopoly. Third, the most important of the extrabiblical studies on oral tradition that have influenced biblical scholarship are those of Millman Parry and Albert Lord on the Homeric poems. In

² On the problem of literacy in Israel, see Bernard S. Jackson, *Wisdom-Laws: A Study of the Mishpatim of Exodus 21:1–22:16* (Oxford: Clarendon, 2006), 59–74. According to most specialists, general literacy was not widespread in ancient (biblical) Israel. It did not really appear before the eighth century BCE, and only in restricted circles.

³ This is underscored by Susan Niditch, *Oral World and Written Word: Ancient Israelite Literature*, LAI (Louisville: Westminster John Knox, 1996), and by William M. Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University Press, 2004); and Carr, *Writing on the Tablet of the Heart*.

⁴ For a survey of the history of research up to 1950, see Eduard Nielsen, *Oral Tradition: A Modern Problem in Old Testament: Introduction*, SBT 11 (London: SCM, 1954). For more recent works, see Robert D. Miller II, *Oral Tradition in Ancient Israel*, Biblical Performance Criticism Series 4 (Eugene, OR: Cascade, 2011); Brian B. Schmidt, ed., *Contextualizing Israel’s Sacred Writings: Ancient Literacy, Orality, and Literary Production*, AIL 22 (Atlanta: Society of Biblical Literature, 2015).

these three cases, the focus of research is the world of narrative. The oral transmission of laws and juridical traditions is studied only accessorially. This is evident in some of the surveys of recent research in the field, for instance in the two main books dedicated to oral traditions in the Old Testament, by Eduard Nielsen and Robert D. Miller II. Nielsen mentions the important works by August Klostermann, Albrecht Alt, and Martin Noth on the origin of biblical law, but hardly develops the topic.⁵ Miller, for his part, is not very much interested in this question since he allots just one sentence to the problem: "It is, moreover, probable that the codes of customary law throughout ancient Western Asia were oral in nature."⁶ A rapid survey of the literature on the topic confirms this first impression. All this is to say that we have some good reasons to study the problem of oral tradition in the world of biblical law. In this short article, I would like to treat three main topics, hoping to contribute to a better knowledge of the nature and function of ancient biblical law. First, I would like to say a word about a pioneer in this field, namely the German jurist Friedrich Carl von Savigny (1799–1861). He is hardly mentioned by exegetes, but his influence was nevertheless decisive in the academic world. Second, I will discuss the Icelandic parallel invoked by Klostermann, Alt, and Noth, namely the annual assembly of the Althing, during which the Icelandic law was orally proclaimed. Third, I will try to prove the existence of an oral juridical tradition in ancient Israel by analyzing a certain number of Old Testament narratives about lawsuits and juridical matters that, in my opinion, cannot be explained except by reference to oral rather than to written customary laws.

A. Friedrich Carl von Savigny

A few words about Friedrich Carl von Savigny (b. 1799, Frankfurt am Main; d. 1861, Berlin) are in order to situate this important personality in the intellectual world of his time.⁷ His family was of French origin and migrated from Lorraine to Germany after Louis XIV revoked the Edict of Nantes in 1685, denying freedom of religion to Protestants in France. His wife, Kunigunde Brentano, was a Catholic; she was the sister of Bettina von Arnim and Clemens Brentano, the poet. The brothers Grimm (Jacob [1785–1863] and Wilhelm [1786–1859]) were

⁵ Nielsen, *Oral Tradition*, 47–48.

⁶ Miller, *Oral Tradition*, 25.

⁷ For more details, see Iris Denneler, *Friedrich Karl von Savigny* (Berlin: Stapp, 1985); Claudia Schöler, *Deutsche Rechtseinheit: Partikulare und nationale Gesetzgebung (1780–1866)*, *Forschungen zur deutschen Rechtsgeschichte* 22 (Köln: Böhlau, 2004), 106–12. For his importance for the study of law in general, see Bernard S. Jackson, *Making Sense in Jurisprudence*, *Legal Semiotics Monographs* 5 (Liverpool: Deborah Charles, 1996), 58–61, especially 59; for his importance for the study of biblical law, see Joshua Berman, "The History of Legal Theory and the Study of Biblical Law," *CBO* 76 (2014): 19–39, esp. 23.

his diligent students at the University of Marburg before becoming his assiduous collaborators. We know Savigny's juridical methodology thanks to the notes taken by the Grimms during their teacher's classes in 1802. In 1810, after a few years at the University of Landhut in Bavaria, Savigny was called to the University of Berlin by Wilhelm von Humboldt and became friends with the statesman and historian Barthold Georg Niebuhr (1776–1831) and the jurist Karl Friedrich Eichhorn (1781–1854), the son of Johann Gottfried Eichhorn (1752–1827), one of the pioneers of modern Old Testament criticism. Christian Matthias Theodor Mommsen (1817–1903), the famous German historian, jurist, journalist, politician, archaeologist, and Nobel laureate (in literature, 1902), often considered one of the greatest classicists of the nineteenth century, owed many of his ideas about Roman law and civilization to Savigny. From 1817 until 1848, Savigny collaborated in different capacities with the Prussian government. In 1842, he became *Grosskanzler* (high chancellor) and headed the juridical organization of Prussia until he resigned in 1848.

Savigny was a representative of the so-called historical school of jurisprudence. Riding the wave of nationalism after the Napoleonic wars, some jurists, especially the Heidelberg law professor Anton Friedrich Justus Thibaut (1772–1840), proposed to unify the civil laws for all the German states.⁸ He was inspired by a rationalistic spirit and took the Napoleonic codes as a model. Savigny opposed him strongly in a famous pamphlet with the title “On the Vocation of Our Age for Legislation and Jurisprudence” (1814).⁹ For Savigny, jurisprudence could be neither an abstract, artificial, and academic work nor the product of an arbitrary power. He was therefore opposed to a doctrine of natural law. Inspired by the Romantic movement, Savigny affirmed that jurisprudence was first rooted in the customs (*Gewohnheitsrecht*) and symbolic actions (*symbolische Handlungen*) of the peoples. These customs were transmitted orally from generation to generation. As the Romantics looked for old popular tales and songs, Savigny looked for old customs rooted in the ordinary life of the people (*Volksrecht*). We may see in this kind of inquiry something very similar to Hermann Gunkel's quest for oral traditions behind the sources of the book of Genesis.¹⁰ Law originated therefore in the particular “spirit” of a people and found its first expression

⁸ See Anton Friedrich Justus Thibaut, *Über die Nothwendigkeit eines allgemeinen bürgerlichen Rechts für Deutschland* (Heidelberg: Mohr und Zimmer, 1814).

⁹ Friedrich Carl von Savigny, *Vom Beruf unserer Zeit für Gesetzgebung und Rechtswissenschaft*, Pandektenrecht 54 (Heidelberg: Mohr und Zimmer, 1814; repr., Goldbach: Keip Reprint, 1997).

¹⁰ Hermann Gunkel, *Genesis*, 3rd ed. (1910; Göttingen: Vandenhoeck & Ruprecht, 1969); ET: *Genesis*, trans. Mark E. Biddle (Macon, GA: Mercer University Press, 1997). The part of the introduction on the orally transmitted stories of Genesis was published separately: Hermann Gunkel, *The Stories of Genesis*, ed. William R. Scott, trans. John J. Scullion (Vallejo, CA: BIBAL, 1994).

in customs. Only much later did law become the result of formal decisions pronounced by judges in courts of justice. Following Montesquieu and Hegel, Savigny and his disciple Georg Friedrich Puchta (1798–1846) used the word *Volksgeist* (spirit of the people) to characterize this element of popular jurisprudence. For Savigny, Puchta, and their followers, law and jurisprudence were to be found primarily in the life of the people, and the first object of the study of law was the so-called *ius commune* (*das gemeine Recht*, “common law”), still in force in Germany at that time.

According to this theory, law and jurisprudence are constantly evolving, and any attempt to replace them with a sophisticated and unified code of laws imposed by a political authority risks severing the exercise of justice from the real existence of citizens. Theory and practice in jurisprudence cannot be divorced without damaging both. Here is a quotation that clarifies the point:

The form ... in which law lives in the common consciousness of a people is not that of abstract rules but as the living intuition of the institutions of law in their organic connexion, so that whenever the necessity arises for the rule to be conceived in its logical form, this must be first formed by a scientific procedure from that total intuition. That form reveals itself in the symbolical acts which display in visible shape the essence of the jural relation and in which the primitive laws express themselves more intelligibly and thoroughly than in written laws.¹¹

Four essential points in Savigny’s work have a bearing on our understanding of oral tradition in ancient Israel’s juridical tradition. First, it will be important to look for the origin of jurisprudence not in the written law codes but in the actual practice of justice, most of the time in local communities. Second, this actual exercise of justice is not necessarily the work of official judges or trained jurists. This exercise of justice is the product of local communities and follows customary procedures long before it is organized at a national level in an official administration of justice. Even at that stage, much is done on a local level and according to custom. In other words, the existence of written law codes does not necessarily coincide with the end of oral customary law. Third, local and customary law is transmitted orally and is only partially reflected in written codes of law. This makes the study of biblical law more difficult, since we will have to look for unwritten sources behind the collections of laws present in Scripture. Fourth, symbolic acts are frequent in juridical procedures and they have left traces in the language used in ancient laws, where symbolic and narrative elements predominate over abstract and technical language.

¹¹ Friedrich Carl von Savigny, *System of the Modern Roman Law*, trans. W. Holloway (Madras: J. Higginbotham, 1867), 12; Michael D.A. Freeman, *Lloyd’s Introduction to Jurisprudence*, 6th ed. (London: Stevens, 1994), 799–800; and Jackson, *Making Sense*, 59, which includes the passage quoted here.