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Between Cooperation and Hostility

Multiple Identities in Ancient Judaism and the Interaction with Foreign Powers

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Conflicting Models of Identity and the Publication of the Torah in the Persian Period

Introduction: The Positive View of the Persians in the Hebrew Bible

If you read the three parts of the Hebrew Bible you get the impression that it ends with the Persian period. In the *Nebiim* Haggai, Zechariah and Malachi, the last of the twelve Prophets, are situated under the Persians, and the *Ketubim*, according to most Hebrew manuscripts, end with the permission of the Persian king for rebuilding the Temple and the appeal to come back to Jerusalem: "Thus says King Cyrus of Persia: Yhwh, the God of heaven, has given me all the kingdoms of the earth, and he has charged me to build him a house at Jerusalem, which is in Judah. Whoever is among you of all his people, may the Lord his God be with him! Let him go up" (2 Chron 36:23).

As in Second Isaiah, Cyrus appears to have been chosen to restore Judah and to invite the Babylonian Diaspora to do their *Aliyah*. It is interesting that this "open end" of the *Ketubim* does not respect chronology since the story about restoration of Jerusalem, its Temple and the promulgation of the Law is told in the books of Ezra and Nehemiah which were placed before Chronicles.

It might be possible that Chronicles was written later than the oldest parts of Ezra and Nehemiah, perhaps during the Hellenistic period, as suggested by Welten and others.[1] Still it is interesting that there are no direct allusions to events from the Greek period.

The same holds true for the Latter Prophets. Several European scholars have argued that the latest redactions of many prophetic books were undertaken during the Hellenistic period,[2] and that the scroll of Jonah was written at that time, but here again the redactors did not introduce clear allusions to

[1] Welten, *Geschichte*; Willi, *Chronik*.
[2] See for instance Steck, *Abschluß*.

that time. To this one can compare the idea found in the Talmud that prophecy ended in the Persian period.[3]

The Persian period is apparently considered as an accomplishment of sorts. This fits well with the fact that the Persian kings and the Persian Empire are, in the Bible, never said to be an abomination and are never condemned, as is the case for the Egyptians, the Assyrians and the Babylonians. There may be some Persian individuals who act badly, as narrated in the book of Esther, but once their intrigues are thwarted, the Persian king will act favorably with regard to the Jews.

Even if there is little extra-biblical evidence for the theory of the so-called Imperial Authorization in order to explain the publication of the Torah, the fact remains that the biblical accounts about the promulgation of the Law present Ezra as acting in conformity with the will of the Achaemenid ruler. According to Ezra 7, Ezra is sent by order of the Persian king in order to publish a Law, which is the law of Ezra's god and also the law of the Persian ruler (v. 28), and Ezra's God is also the God of heaven (v. 23: אלה שמיא).

Should Ezra's accreditation letter be a creation from the early Hellenistic period, as argued by Grätz,[4] it is all the more interesting that it reveals an attempt to identify Ezra's law with the law or at least the will of the Persian king.

What are the reasons for this very positive view of the Persians? The answer may be twofold. First, the Judeans considered them as "liberators" since they had vanquished the Babylonians, who had destroyed the temple and deported important parts of the population. Second, the Persians were apparently quite liberal with regard to the internal affairs of the people incorporated into the Empire, as long as they were loyal and paid their taxes.

The pro-Persian attitude of an important segment of Judean intellectuals can be detected in the different reactions to the events of 587, which were written down at the beginning of the Persian period and which can be labeled as "crisis literature".

[3] Babylonian Talmud, Sanhedrin 11a: "Our Rabbis taught: Since the death of the last prophets, Haggai, Zechariah and Malachi, the Holy Spirit [of prophetic inspiration] departed from Israel"; Baba Batra 12b: "Since the day when the Temple was destroyed, prophecy has been taken from the prophets and given to the wise".

[4] Grätz, *Edikt*.

The Origins of the Hebrew Bible: A reaction to the Crisis of the Loss of the Temple and the Land

In his book "Krisensemantik: Wissenssoziologische Untersuchungen auf einem Topos moderner Zeiterfahrung" Steil investigates the concept of crisis in the context of the French revolution and delineates three reactions to this crisis that he characterizes in the following way, using a terminology inspired by the work of Max Weber.[5]

	Prophet	Priest	Mandarin
Situation	Marginal	Representative of the former power	Belonging to the high officials
Legitimization	"Personal knowledge"	Tradition	Intellectual instruction
Semantic of crisis	Hope for a better future	Return to mythical origins	Construction of a history
Reference	Utopia	Myth	"History"

The attitude of the "Prophet" considers the crisis as the beginning of a new era. The representatives of this view are people who stand somewhat at the margins of society, but who are nevertheless able to communicate their views. They legitimate their discourse by appealing to personal inspiration. The "priestly attitude" reflects the position of representatives of the collapsed social, political and religious structures. Their approach to overcoming the crisis is to valorize the time of "origins" and the God-given institutions that reflect the divine will. The so-called "mandarin position" sums up the attitude of high officials who try to construct a discourse in order to understand the irruption of the crisis. They also try to maintain their former privileges through the construction of a historiography that provides the reasons for the breakdown of the former structures and that makes them appear as the experts of "history".

Interestingly, Steil created this terminology without any allusion to the Bible. It seems to me a very helpful model for discerning the construction of post-587 identities in different intellectual groups.

As far as we can see in Ancient Near Eastern texts there are mainly two ways to explain military disasters. Either the national god has become angry with his people and abandons them (Mesha stela, poem of Erra) or the na-

[5] Steil, *Krisensemantik*; for the following see also Römer, "L'Ancien Testament".

tional deity has been defeated by the more powerful gods of the invaders (Assyrian propaganda; see 2 Kings 18). The first model is adopted in the prophetic discourse, while the second is denied in different ways by the "Mandarins" and the "Priests".

The Prophetic Discourse of the Early Persian Period

Isaiah chapters 40–55 were perhaps originally conceived as an independent collection of (anonymous) salvation oracles that arose at the end of the Babylonian or the beginning of the Persian era and that were later added to the scroll of Isaiah. Like the "Deuteronomists", Second Isaiah understands the fall of Jerusalem as a sign of divine wrath, which leads Yhwh to hide himself and not to intervene in favor of his people: "I was angry with my people, I profaned my heritage" (Isa 47:6). This idea comes close to the Nabonidus Inscription where the destruction of Harran and the sanctuary of Sîn is explained as follows: "Sîn, the king of all gods, became angry with his city and his temple, and went up to heaven and the city and the people became desolate".[6]

An inscription of Esarhaddon also relates exile to divine wrath but insists that the deity changes quickly from anger to mercy: "Seeing this, the Enlil of the gods, Marduk, got angry. His mind became furious, and he made an evil plan to disperse the land and its people ... Though he had written 70 years as the length of its abandonment the merciful Marduk quickly relented, reversed the order of the numerical symbols, and ordered its resettlement for the 11th year" (Inscription of Esarhaddon).[7]

Similarly, texts in Second Isaiah claim that Yhwh's anger does not last for a long time ("For a brief moment I abandoned you, but with great compassion I will gather you. In overflowing wrath for a moment I hid my face from you, but with everlasting love I will have compassion on you, says Yhwh, your Redeemer", Isa 54:7–8) and that this time of wrath has definitely come to an end. The crisis is a turning point here towards a new creation, the arrival of Cyrus being compared to a messianic era.

Interestingly the attitude of the author(s) of Isa 40–55 is to take on the official rhetoric of the Cyrus cylinder and to proclaim him, by doing so, Yhwh's messiah for Israel and the world.[8]

[6] Harran Inscription, quoted according to ANET, 560–2.

[7] Quoted after Parpola, *Assyrian Prophecies*.

[8] www.britishmuseum.org/research/search_the_collection_database/search_object_details.aspx?objectid=327188&partid=1 (08/11/2011).

Cyrus Cylinder	*Second Isaiah*
12 He (Marduk) took under his hand Cyrus, ...	45:1 Cyrus, whose right hand I took
and called him by his name	45:3 I, Yhwh, the God of Israel, call you by your name.
13 He made the land of the Qutu and all the Medean troops prostrate themselves at his feet	45:1 to subdue nations before him
while he shepherded in justice and righteousness the black-headed people	44:28 who says of Cyrus, 'He is my Shepherd',
15 like a friend and companion, he (Marduk) walked at his side.	45:2 I will walk before you
32 I collected together all of their people and returned them to their settlements, ...	45:13 I have aroused Cyrus ... and I will make all his paths straight; he shall build my city and set my exiles free ...

The Persian ruler is praised as Yhwh's liberator who will inaugurate a new future, which, according to another passage, shall make everyone forget the "former events":

Isa 43:16 Thus says Yhwh, who makes a way in the sea, a path in the mighty waters,
17 who brings out chariot and horse, army and warrior; they lie down, they cannot rise, they are extinguished, quenched like a wick:
18 Do not remember the former things, or consider the things of old.
19 I am about to do a new thing; now it springs forth, do you not perceive it? I will make a way in the wilderness and rivers in the desert.
20 The wild animals will honor me, the jackals and the ostriches; for I put water in the wilderness, rivers in the desert, to give drink to my chosen people,
21 the people whom I formed for myself so that they might declare my praise.

According to Jean-Daniel Macchi this passage was added in the 5th or 4th century BCE into the Isaianic corpus.[9] The "first things" (ראשנות) allude to the divine judgments and especially to the destruction of Jerusalem. The author claims that they are not worth any longer to be remembered since a new era has arrived and the page of remembering the past can now be

[9] Macchi, "Ne ressassez plus".

turned. This is in fact an anti-Dtr position because, as we will point out, for the Deuteronomists the fall of Jerusalem and the exile are at the very center of their theological reflection.

Contrary to Second Isaiah where the new era that follows the crisis is understood to happen immediately, the majority of the prophetic books underwent an "eschatological" or a "salvation" oriented redaction, which often added a new positive ending to the scrolls, suggesting that the oracles of doom had been realized and that the era of disaster can now be turned into a better future. This is, for instance, the case with the book of Amos in which the two last verses announce the restoration of Yhwh's people in their land, or equally the book of Joel, which ends with the promise that Judah and Jerusalem will be inhabited forever and that Yhwh will dwell on his holy mountain.

One may conclude that many prophetic books were revised during the Persian period from an eschatological perspective; this may partially be understood as a reaction to the fact that the revolutionary announcement of a paradise-like situation in Second Isaiah did not come true. Contrary to most of the prophetic books, which have a future-oriented perspective, the "mandarin attitude" of the Deuteronomists maintains a focus on divine judgment and exile.

The So-Called Deuteronomistic History and its Revision in the First Half of the Persian period

Noth's idea that the books of Deuteronomy through Kings constitute a historiography written shortly after the catastrophe of 587 (around 560)[10] has known several modifications and has even been recently rejected, especially in German scholarship. A significant number of scholars now argue that a "Deuteronomistic History" never existed.[11] It is impossible here to comment in a detailed way on the present debate. Suffice it to say that the opponents of the theory do not present an alternative solution for the presence of Dtr texts in the former Prophets. Moreover, the idea of several seemingly random and unrelated insertions that reflect Dtr thought creates, in my view, not an advancement in scholarship but a regression of a sort, back to Wellhausen.[12] For our present purposes we do not need to discuss the question of the starting point of the Dtr History (DtrH), which in my

[10] Noth, *Studien*; English translation: *Deuteronomistic History*.

[11] For a presentation of the current debate see Römer, *Deuteronomistic History*, 27–43.

[12] Wellhausen argued that there were many Dtr editorial modifications in the books of Judges, Samuel and Kings; see Wellhausen, *Composition*, 301.

view lies at the end of the 7th century BCE. Contrary to Noth, one must emphasize that the so-called DtrH underwent several editions and that it was not the work of a single author but resulted from a school of scribes. We will focus on the last redactions of this history that took place during the early Persian period.

Noth is still right, in that he understands the Dtr History as an etiology for exile.[13] The Deuteronomists from the Babylonian and Persian periods correspond in this respect to the "Mandarin" attitude identified by Steil. The Deuteronomists belong to the class of high officials of the Judean court, who (perhaps in Babylon) attempted to edit a comprehensive history in order to understand why the disaster happened. They wanted to provide a rationale for the exile by showing that, even though the people and the kings were constantly warned, they disregarded those warnings. Several actors are held responsible for the catastrophe: the whole people, the (bad) kings, or Manasseh alone, the worst of all kings. This diversity may be explained by the assumption of different Dtr redactors. It may also be understood as an attempt to suggest different possibilities for identifying the causes of the exile. Interestingly, the high Judean court officials are never directly blamed, probably because the DtrH arose within this milieu. If the DtrH is an explanation of the exile, it is also a theodicy. Like some prophetic books (Second Isaiah, Jeremiah) the Deuteronomists affirm that the exile is not due to Yhwh's weakness but that he provoked the Babylonian invasion in order to punish Judah (2 Kings 24:3, 20).

Interestingly, the DtrH does not end with a proper conclusion but with a short notice about Jehoiachin's release from his Babylonian exile (2 Kings 25:27–30). This "open end" is somewhat intriguing. For Noth it was added because "it belongs in the account of the fate of the Judean kings", although it "lacks any intrinsic historical significance".[14] In no way it should be understood "to herald a new future".[15] This is probably a very minimalistic interpretation, but it is true that the Deuteronomists' main goal concerning the crisis was to provide an explanation for it. One may also find, however, some subtle strategies directed at the time period after the fall, by pointing to the literary parallels between the description of Jehoiachin's destiny and the Diaspora-novels in Gen 37–50 (Joseph), Dan 2–6 (Daniel) and Esther. In all these texts an exiled person is brought out of prison, becomes in a way second to the king (2 Kings 25:28; Gen 41:40; Dan 2:48; Esther 10:3) and the accession to this new status is symbolized by the changing of clothes (2 Kings 25:29; Gen 41:42; Dan 5:29; Esther 6:10–11; 8:15). Each

[13] Noth, *Deuteronomistic History*, 122.

[14] Noth, *Deuteronomistic History*, 117.

[15] Noth, *Studien*, 143.

of the stories insists on the fact that the land of deportation has become a land where Jews can live and even have interesting lives and careers. 2 Kings 25:27–30 could be interpreted similarly: Exile is transformed into Diaspora. This idea is brought forward discreetly through the strategy of an open-ended ending. It shows that the Deuteronomists accepted the new geo-political situation and probably tried to come to terms with Babylonian domination and then with that of the Persians.

The notion of an "ongoing exile" can also be detected in the Persian period revisions of the account of Josiah's reform in 2 Kings 22–23. The importance of the "discovered" book and its public reading seems best explained by a time when the temple lay in ruins, or more generally, by a Diaspora situation where access to the Jerusalem sanctuary was difficult for Jews living outside the land. Interestingly, Josiah's reform consists mainly in the cleansing of the temple from all kinds of cultic symbols. The temple is emptied in order to become a place where the book is read to the people. The replacement of the temple cult by the reading of the Torah in 2 Kings 22–23 can be understood as the ideological foundation behind the formation of synagogues and the foundation of Judaism as a "book religion".[16] In the last revision of Solomon's prayer at the inauguration of the temple (1 Kings 8), the king gives the built or rebuilt temple a new role: it becomes a *qibla*. The Dtr redactor envisions that Yhwh will listen from heaven but will not bring the people back from exile; rather, he will allow those who deported them to treat them with compassion. The root רחם is rare in the writings of the DtrH;[17] the closest parallel occurs in Deut 30:3, which also belongs to a Persian period text.

Deut 30:3	ושב יהוה אלהיך את־שבותך ורחמך ושב וקבצך מכל־העמים
1 Kings 8:50	ונתתם לרחמים לפני שביהם ורחמום

In Deut 30 the divine compassion leads to the return to the land, whereas in 1 Kings 8, Yhwh provokes compassion among Israel's vanquishers in order that the exiles can live in the foreign land. This parallel underlines how the Persian edition of the DtrH tries to combine the interests of the returnees and of those who remained in Babylonia.

[16] Sonnet, "Livre 'trouvé'"; Römer, "Transformations"; Smyth, "Josiah".

[17] It occurs in the sense of compassion only in Deut 13:18, which presupposes the Achan story in Josh 7 and which speaks of Yhwh's compassion leading to the multiplication of offspring. 2 Kings 13:23, which mentions Yhwh's compassion for Israel because of his covenant with the Patriarchs, is clearly an insertion into the notice about Hazael's succession and may stem from a post-Dtr redactor; see Römer, *Israels Väter*, 387–8.

Competing Origin Myths: Exodus versus Abraham

The ideology of the Dtr school represents the interests of the Babylonian Golah, those who stayed in Mesopotamia, as well as of those who returned. For this reason the Dtr school also edited the Moses story in the book of Exodus, integrating it with the so-called D-composition. The foundation of Yhwh's history with Israel lies for the Deuteronomists in the story of the Exodus. The Exodus and conquest story affirm the right to possess the land through an ideology of colonization: Yhwh brought Israel out of Egypt to give them the land; he will also bring back the members of the "true Israel" from Babylon, and they will possess the land again.

It is difficult to estimate the percentage of the deported Judean population. The idea of the "empty land" and the exile of "all Judah", which can be found at the end of the book of Kings (2 Kings 25:21: "So Judah was carried away captive out of his land"), does not reflect historical reality, as shown already by other biblical accounts such as Jer 40–42 or the book of Lamentations.[18] Recent archaeological work on the situation in Judah after 597 suggests that the Judean population decreased significantly.[19] Contrary to earlier estimations, which allowed for a very low percentage of exiled Judeans, recent publications tend to increase this amount; those estimations vary currently between 20% and 60% (this, by the way, shows that the interpretation of archaeological data can be as speculative as exegesis).[20]

There was clearly an ideological and perhaps also an economic conflict between the Babylonian Golah and the population that had remained in the land. The text of Ezek 33:23–29 reflects this conflict from the perspective of the Golah.

This passage, Ezek 33:23–29, contains a *disputatio* against the inhabitants of the land (Jerusalem?) who were not exiled and who claimed possession of the land.[21] It begins by quoting one of the claims of this group:

> Ezek 33:23 The word of Yhwh came to me:
> 24 "Son of man, the inhabitants of these ruins (יֹשְׁבֵי הַחֳרָבוֹת) in the land of Israel are saying, 'Abraham was only one (אֶחָד), yet he possessed the land (וַיִּירַשׁ אֶת־הָאָרֶץ), but we are many; to us the land has been given (לָנוּ נִתְּנָה) for a possession (לְמוֹרָשָׁה)'".

[18] Barstad, *Myth*.

[19] Lipschits, "Achaemenid Imperial Policy".

[20] See for instance the different estimations of Lipschits (foregoing footnote) and Finkelstein, "Territorial Extent"; see also the discussion in Albertz, *Exilszeit*, 73–80; English translation: *Israel*.

[21] Zimmerli, *Ezechiel*, 817.

This claim is heavily rejected by the prophet and further destruction is announced:

> Ezek 33:27 This is what you must say to them: "This is what the Lord Yhwh says: 'As surely as I live, those living in the ruins (אשר בחרבות) will die by the sword, those in the open field I will give (נתתיו) to the wild beasts for food, and those who are in the strongholds and caves will die of disease.
> 28 I will turn the land into a desolate ruin (ונתתי את הארץ שממה) ...
> 29 Then they will know that I am Yhwh when I turn the land into a desolate ruin (בתתי את־הארץ שממה) because of all the abominable deeds they have committed.'"

This rejection uses a play on words through the root נתן: Instead of giving the land to the people, Yhwh will "give" the land's inhabitants to death and their land to desolation. This might point to a conflict between the deportees of 597 and those who remained in the land.

Verses 25–26, which mention cultic reasons for the divine judgment against the inhabitants of the land, are missing in LXX*[22] and are therefore probably a very late addition.[23] It is disputed whether this oracle should be attributed to the prophet Ezekiel himself[24] or a "golah-oriented" redaction[25] revising the original message of the prophet in order to strengthen the claim that the first Babylonian Golah represented the true Israel. Even if the passage is the work of a later redaction, it is very plausible that Ezek 33:24 quotes an existing saying of the non-deported Judean population. Their claim about the land is probably directed against the exiles; this is clearly the case in a parallel passage in 11:14–18 (Ezek 11:15 contains a parallel formulation – נתנה הארץ למורשה [היא] לנו – but without reference to Abraham).[26]

The reference to Abraham is particularly interesting. Firstly, it is assumed that he is a known figure, which clearly indicates that the oldest Abraham traditions are not an invention from the Babylonian period. Secondly, he is presented as אחד, as "one". This adverb creates an opposition with the רבים. It is also noteworthy that the link with Jacob or a land promised to Jacob is apparently unimportant (or unknown?). Thirdly, the text

[22] In LXX the messenger formula at the beginning of v. 25 introduces the oracle of v. 27–29. There is also a change between the second person singular in v. 25–26 to the third person plural in v. 27.

[23] Against Zimmerli, *Ezechiel*, 815.

[24] See Zimmerli, *Ezechiel*, 818, and most commentaries.

[25] So especially Pohlmann, *Hesekiel*, 454–6; similarly Garscha, *Studien*, 298–302.

[26] Another possibility would be that the adage refers to Edomite occupation of the land after the fall of Judah (see the root ירש in Ezek 35:10 and the substantive מורשה in 36:2–3, 5). So Pohlmann, *Hesekiel*, 454–6. But the polemical context makes it more plausible that here we witness an inner-Judean conflict between the Babylonian Golah and the "people of the land".

says that Abraham possessed or took possession of the land, which indicates that the saying of the non-deportees is based upon an Abraham tradition – one that told how the patriarch came to possess the land. Interestingly, there is no allusion to a divine gift or the promise of the land. Furthermore, there is no indication of a 'Mesopotamian' origin of the patriarch. Abraham appears as an autochthonous figure. A tradition about Abraham's immigration from Mesopotamia would have been seen as contrary to the claims of the people who remained in the land.[27] The redactors of Ezek 33 thus rejected the claim of the non-exiles by presenting the members of the Babylonian Golah as the true Israel.

Somewhat later, a text in Second Isaiah tries to bring about a reconciliation between the exiles and the "autochthonous" population. The exact date of Isa 51:1–3 is difficult to assess. What is clear, however, is that the invoking of Sarah and Abraham seems to presuppose and to "correct" the passage of Ezek 33:23–29.

Ezek 33:23–24	Isa 51:2–3
Son of man, the inhabitants of these *ruins* (ישבי החרבות) in the land of Israel are saying, '*Abraham was one* (אחד), yet he possessed the land, but *we are many* (רבים); to us the land has been given for a possession.'	Look to *Abraham your father* and to Sarah who bore you; for *he was one* (אחד) when I called him, I blessed him *and made him many* (וארבהו). For Yhwh will comfort Zion; he will comfort all her *ruins* (כל־חרבתיה).

Both texts share common features. They present Abraham as "one" and contrast him with his "many" descendants. Both texts mention the "ruins", even if for a different purpose. Whereas Ezek 33:24–29 is extremely hostile to the inhabitants of the "ruins", Isa 51:3 announces the consolation of Zion's ruins. It looks as if the author of Isa 51:1–3[28] wanted to resolve the conflict between the inhabitants of the land and the exiles. Therefore he promises consolation for the ruins of Zion (v. 3) as well as the return of the exiles (v. 11), emphasizing the unity of "all Israel". In Isa 40–55, as already observed, there are also allusions to a new exodus, and the addressees are often called "Jacob". Exodus traditions and patriarchal traditions are both known, but the first literary link between them was probably created by priestly authors.

[27] This supports the hypothesis that the idea of Abraham's origin in Mesopotamia only occurs in the latest layers of the Abraham tradition; see also Köckert, "Geschichte", 106.

[28] The parallels between Ezek 33:24 and Isa 51:2–3 invalidate van Oorschot's assertion in *Babel*, 248, that v. 3 has nothing to do with v. 2.

The Priestly School and the Idea of a Separation between Religious Identity and Political Power

The existence of "Priestly texts" in the Pentateuch is probably with very few exceptions the most stable theory of Pentateuchal research since Graf and Wellhausen. Most scholars would agree to locate P either at the end of the Babylonian period, or, probably the better option, at the beginning of the Persian era. I will not take up the current discussion regarding whether P was originally written as an independent document, a view held by the majority of scholars, or whether P was a work of redaction from the very start that was intended to supplement the older non-priestly material.[29] More relevant for our purposes is the question of the extent of the original P account. One's identification of the end of P carries significant theological import. Does the P document (or redaction) end with the establishment of the people in the land (somewhere in Josh 18:1 or Josh 19:51)[30] or with Moses' death in Deut 34*?[31] Or is P much more limited, with a conclusion at the end of Exodus or more logically after the establishment of the cult in Lev 9 with the consecration of the priests and the first sacrifices followed by the appearance of Yhwh's glory to the whole people (Zenger),[32] or in Lev 16, where Aaron is allowed to enter the adytum and where Yhwh's encounter with Israel has become a permanent feature in the cultic acts of purification and sacrifices (Köckert, Nihan).[33]

There is however a priestly text in Exod 6:2–8, where Yhwh promises to Moses that he will bring the people into the land. This land that Yahweh gave to the ancestors is called in 6:4 ארץ מגוריהם, the land in which they resided as aliens (see also Gen 17:8 and 28:4). This implies that, according to P, the Israelites are "resident aliens" in the land, which is given to them as אחזה; this probably means that Yhwh gives to the Israelites the usufruct of the land but that it remains God's exclusive possession.[34] P's conception of the land comes close to the idea of that expressed in the Holiness Code: "the land is mine; with me you are but aliens (גרים) and tenants" (Lev 25:33). One may therefore conclude that the gift of the land after the exodus is basically the same as the gift of the land to the ancestors.[35] One may even

[29] A good overview of the present discussion can be found in Shectman/Baden, *Strata*.

[30] Blenkinsopp, *Pentateuch*, 237; Knauf, "Priesterschrift".

[31] The still quite popular, but in my opinion unconvincing, view that P ended in Deut 34* with the death of Moses depends on Noth's idea that P covered the whole extent of the Pentateuch. For this view, see especially Frevel, *Blick*; Schmidt, "P".

[32] Zenger, "Priesterschrift".

[33] Köckert, "Leben"; Nihan, *Priestly Torah*, 379–94.

[34] Bauks, "Begriffe".

[35] Nihan, *Priestly Torah*, 85.

go further and argue that for P it makes little difference whether Israel is living in the land or in "exile", since it effects no change in the people's *ger*-status.

P constructs its "history of revelation" in three steps characterized by three divine names: *elohim* for all humans, *el shadday* for all descendants of Abraham and *yhwh* for Moses and Israel. In Exod 6:3 Yhwh states: "I appeared to Abraham, Isaac and Jacob as El Shadday but by my name Yhwh I did not make myself known to them"; this is a clear reference to Gen 17:1 ("... Yhwh[36] appeared to Abraham and said to him: I am El Shadday ..."). Here P creates a clear link between the patriarchs and the Exodus, by presenting Abraham as an "ecumenical ancestor", who is not only the ancestor of Isaac and Jacob but also the forefather of most of the populations with whom the Judeans had to live together in the Persian period. In the priestly version of the Abraham narrative, the text of Gen 11:27–32 presents Abraham and his family as coming from Mesopotamia, trying to construct Abraham also as an identity marker for the Golah.

The priestly school advocates – contrary to the Deuteronomists – an inclusive monotheism: its three stages divine revelation suggest that all people of the earth venerate the same god, irrespective of whether they address him as elohim, el, or el shadday. For P, there is no need to struggle against the worship of other gods, since these gods represent only partial manifestations of Yhwh. The Diaspora situation and the contact with other people do not represent a threat for "Israel".

This kind of theology, moreover, seems quite compatible with the Persian worldview of a supreme God presiding over all the nations of the empire, as can be seen in the Persian royal inscriptions or in the representation of Persian rule in Behistun.

Furthermore P also insists that all major "identity markers" for the nascent Judaism are given during the origins stage, before entering the land and before the creation of an Israelite or Judean state. The *Sabbath* is the result of God's creation of the world (Gen 2:1–4) before it is discovered by Israel in the wilderness (Exod 16). The rite of *circumcision* is given to Abraham for all his descendants and those who are closely related to him (Gen 17). Circumcision, which was quite commonly practiced in the Levant, becomes an identity marker in the Babylonian Golah, since the Babylonians did not observe this ritual. It may be that P began something new by changing the moment of circumcision, transforming it from a puberty ritual into a birth

[36] Some commentators have thought that the name Yhwh in Gen 17:1 does not fit with P's theory of the divine revelation. But this is not true: The narrator uses the tetragrammaton in order to inform the reader about the identity of El Shadday. In the narrative, of course, Abraham is not privy to this information.

ritual (as can be seen in the fact that Ishmael is circumcised at the age of thirteen and Isaac on his eighth day). The *Passover* is instituted in Egypt (Exod 12) and seems to become a major festival also in the Egyptian Diaspora as shown by the so-called Passover letter. *Regulations about licit and illicit food* are given already in Noah's time (e.g., the prohibition on eating blood) and then more specifically for Israel during the time in the desert. And even the sanctuary is constructed in the desert according to a model that Yhwh revealed to Moses. The idea of a mobile sanctuary may constitute an attempt to redefine the Dtr notion of cult centralization and perhaps to signal the acceptance of different Yhwh sanctuaries (e.g., Jerusalem, Gerizim, Elephantine).

By situating all rituals and religious institutions in a mythical past, P claims that there is no need for a king or a state to enforce the cult; everything is founded in the original revelation. In a sense, P is therefore the first to invent the separation of "religion" and "state". The creation of a religious identity, which is not based on the idea of the state or the land or political autonomy is the very basis of the construction of the Pentateuch and also the foundation of Judaism as a religion, which is able to accept life under foreign rulers and to accept this rule as God-given.

Hexateuch or Pentateuch?

The decision to promulgate the Pentateuch in the middle of the Persian period was in a certain sense also based on an anti-eschatological perspective. As Frank Crüsemann has already observed,[37] the Torah does not allot much space to prophecies of salvation. It is mainly the work of a compromise between the priestly and the Dtr circles. In my view the Pentateuch came into being thanks to the decision to separate the book of Deuteronomy from the books of Joshua through Kings in order to combine it with the pre-priestly and priestly traditions in Genesis–Exodus* and to make it the conclusion of the Torah.[38]

There are also a few hints concerning the existence of a Hexateuch project, which would have had the "Torah" end with the book of Joshua. As has often been observed, the last chapter of Joshua (Josh 24) clearly presents itself as the conclusion of a Hexateuch, and a Hexateuch would certainly have also been acceptable to the Samaritans (see especially the location of Joshua's final discourse in Shechem).[39] Biblical scholarship has so far largely neglected the question of the role and the participation of the Samaritan authorities with regard to the process that led to the promulgation of the Torah.[40] One can imagine that there was a minority coalition of priests and lay people, which may have included Samaritan authorities, a coalition that might well have been in favor of Israel's political restoration.

There is indeed a major ideological difference between a Pentateuch and a Hexateuch. The theological focus of the Hexateuch is undoubtedly the land, promised by Yhwh to the Patriarchs and conquered by Joshua. A Hexateuch would have constructed a post-exilic identity centered on the possession of or the claim to the land. For political, sociological and theological reasons, such an idea was difficult to maintain. The majority of Judean intellectuals accepted Judah's integration into the Persian Empire and would have been unhappy with a foundation document that ends with a narration of a military conquest of regions that did not even belong to the provinces of Yehud and Samaria. For the members of the Babylonian – but also Egyptian – Diaspora, the idea that living in the land is a constitutive part of Jewish identity was unacceptable.

The central figure in the Pentateuch is Moses, and its central concern is the Law, of which Moses is the mediator. Theologically, the Pentateuch has an inconclusive ending: Moses is allowed only to contemplate the land; he will not enter it. The divine promise is repeated in Deut 34, but inside the Torah it is not fulfilled. This literary strategy opens up different possibilities for understanding the fulfillment of the promise; it can be read as fulfilled with the arrival of the Achaemenids or still to be accomplished in a more eschatological sense. The story of Moses' death outside the land clearly betrays a Diaspora perspective. It is a message to the Jews of the Diaspora who were very concerned about having a burial place within the land. Probably since the Persian period wealthy Jews were very eager to be buried in Jerusalem or in the "land of their ancestors".[41] In contrast to this, Deut 34 claims that one may live and die outside the land, as long as one respects the Mosaic Torah. Moses thus becomes a symbol for an exilic identity, based on the reading and observance of the Law.

[37] Crüsemann, "Pentateuque".

[38] The book of Numbers would then have been created as a bridge of sorts between the "Trieateuch" and the book of Deuteronomy. See Römer, "Israel's Sojourn"; Albertz, "Numeri".

[39] Römer/Brettler, "Deuteronomy 34".

[40] Especially since we know that there was already a sanctuary on Gerizim; see Stern/Magen, "Archaeological Evidence"; Nihan, "Torah".

[41] Lichtenberger, "Im Lande Israel".

The Integration of Minority Voices

Although the Pentateuch is mainly a product of the priestly and the Dtr schools, which represent above all the interest of the Babylonian Golah (those returned to Palestine and those who remained in Babylon), it integrates nevertheless discordant voices. The Joseph narrative, which was probably inserted at a very late stage of the formation of the Torah, represents the interests of the Egyptian Diaspora and its more "liberal" perspective.

In Num 11, a discrete place was provided for ecstatic prophetic groups.[42] There, Moses complains to be the only mediator between the people and Yhwh. Therefore God takes some of Moses' spirit and places it on 70 elders of the people, who are thus enabled to prophesy. Over the protests of Joshua, Moses legitimates the idea of independent prophetic groups who receive the divine spirit directly. This idea corresponds to prophetic and charismatic milieus of the Persian era according to which all of the people could become Yhwh's prophets (Isa 44:3; Ezek 36:27; 39:29; Joel 3:1–2). However, prophetic voices are rare in the Pentateuch, and the narrative in Num 11 claiming the democratization of prophecy was immediately corrected in Num 12 by the demonstration of a qualitative difference between Moses and all other prophets (12:6–8). Only much later were the prophetic scrolls added to the Torah. Interestingly, the collection of the *Nebiim* opens with the books of Josh through Kings, in which the task of the prophets is by no means eschatological but to warn their addressees to respect the divine law.

The Pentateuch is not only cautious with regard to prophecy but also anti-royalist in a way. The construction of Moses as a royal figure suggests that there is no more need for a king because the whole Law is already given through Moses, and even in the book of Kings the Israelite and Judean monarchs are not lawgivers anymore. One text however, Deut 17:14–20, concedes the possibility that Israel might be ruled by a king, although in quite a restrictive way. The statement that Israel should not be governed by a foreign king (17:15) might be a concession to nationalistic groups, which struggled for the continuation of the Davidic dynasty. On the other hand, the law of the king summarizes negatively the story of the origins of the Israelite monarchy (especially 1 Sam 8–12 and 1 Kings 3–10) and transforms the king into a reader and promoter of the book of the Law.

[42] For the following see with more details Römer, "Nombres 11–12".

Conclusion: The Persian Period as "Fulfillment of History"

When the Torah was edited, prophetic and eschatological expectations were somewhat excluded because the redactors of this document accepted Persian rule. The books of Joshua through Kings, as well as other prophetic scrolls, were now retained as a kind of "deutero-canonical" section within a constantly growing prophetic library. When Kings became part of the *Nebiim*, 2 Kings 25 was not an absolute ending anymore but rather a transition to the prophetic oracles, which contained all the prophecies of doom to which Israel and Judah had not listened; but the oracles of judgment are followed by oracles of restoration, so that the history from the conquest to the loss of the land is followed by an eschatological perspective.[43] Both historiography and prophetic literature are from now on under the authority of the Mosaic Law, to which both are related. This is probably the reason why biblical historiography only covered the time until the Persian period, since the Torah was considered to be the fulfillment of history.

References

Albertz, R., *Die Exilszeit: 6. Jahrhundert v. Chr.* (BE 7; Stuttgart et al.: Kohlhammer, 2001); English translation: *Israel in Exile: The History and Literature of the Sixth Century B.C.E.* (Studies in Biblical Literature 3; Atlanta: Society of Biblical Literature, 2003).

–, "Das Buch Numeri jenseits der Quellentheorie: Eine Redaktionsgeschichte von Num 20–24 (Teil I)", *ZAW* 132 (2011) 171–83.

Barstad, H.M., *The Myth of the Empty Land: A Study in the History and Archaeology of Judah during the 'Exilic' Period* (Symbolae Osloenses; Oslo: Scandinavian University Press, 1996).

Bauks, M., "Die Begriffe מורשׁה und אחזה in P^{S}: Überlegungen zur Landkonzeption in der Priestergrundschrift", *ZAW* 116 (2004) 171–88.

Blenkinsopp, J., *The Pentateuch: An Introduction to the First Five Books of the Bible* (The Anchor Bible Reference Library; New York et al.: Doubleday, 1992).

Crüsemann, F., "Le Pentateuque, une Tora: Prolégomènes à l'interprétation de sa forme finale", in A. de Pury/T. Römer (ed.), *Le Pentateuque en question* (MoBi 19; Genève: Labor et Fides, ^{3}2002) 339–60.

Finkelstein, I., "The Territorial Extent and Demography of Yehud/Judea in the Persian and Early Hellenistic Periods", *RB* 117 (2010) 39–54.

Frevel, C., *Mit Blick auf das Land die Schöpfung erinnern: Zum Ende der Priestergrundschrift* (HBSt 23; Freiburg et al.: Herder, 1999).

Garscha, J., *Studien zum Ezechielbuch: Eine redaktionskritische Untersuchung von Ez 1–39* (EHS.T 23; Bern/Frankfurt: Lang, 1974).

Grätz, S., *Das Edikt des Artaxerxes: Eine Untersuchung zum religionspolitischen und historischen Umfeld von Esra 7,12–26* (BZAW 337; Berlin/New York: de Gruyter, 2004).

Knauf, E.A., "Die Priesterschrift und die Geschichten der Deuteronomisten", in T. Römer (ed.), *The Future of the Deuteronomistic History* (BETL 147; Leuven: University Press/Peeters, 2000) 101–18.

[43] Schmid, "Historiographie", 42–3.

Köckert, M., "Leben in Gottes Gegenwart: Zum Verständnis des Gesetzes in der priesterschriftlichen Literatur", *JBTh* 4 (1989) 29–61.
–, "Die Geschichte der Abrahamüberlieferung", in A. Lemaire (ed.), *Congress Volume Leiden 2004* (VTSup 109, Leiden/Boston: Brill, 2006) 103–28.
Lichtenberger, H., "'Im Lande Israel zu wohnen wiegt alle Gebote der Tora auf': Die Heiligkeit des Landes und die Heiligung des Lebens", in R. Feldmeier/U. Heckel (ed.), *Die Heiden. Juden, Christen und das Problem des Fremden* (Tübingen: J.C.B. Mohr, 1994) 92–107.
Lipschits, O., "Achaemenid Imperial Policy, Settlement Processes in Palestine, and the Status of Jerusalem in the Middle of the Fifth Century B.C.E.", in idem/M. Oeming (ed.), *Judah and the Judeans in the Persian Period* (Winona Lake: Eisenbrauns, 2006) 19–52.
Macchi, J.-D., "'Ne ressassez plus les choses d'autrefois!' Esaïe 43,16–21, un surprenant regard deutéro-ésaïen sur le passé", *ZAW* 121 (2009) 225–41.
Nihan, C., *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (FAT II/25; Tübingen: Mohr Siebeck, 2007).
–, "The Torah between Samaria and Judah: Shechem and Gerizim in Deuteronomy and Joshua", in G.N. Knoppers/B.M. Levinson (ed.), *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (Winona Lake: Eisenbrauns, 2007) 187–223.
Noth, M., *Überlieferungsgeschichtliche Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament* (Darmstadt: Wissenschaftliche Buchgesellschaft, [1943] 1967); English translation of the first part: *The Deuteronomistic History* (JSOTSup 15; Sheffield: Sheffield Academic Press, 1991).
Parpola, S., *Assyrian Prophecies* (SAA 11; Helsinki: Helsinki University Press, 1997).
Pohlmann, K.-F., *Das Buch des Propheten Hesekiel (Ezechiel): Kapitel 20–48* (ATD 22/2; Göttingen: Vandenhoeck & Ruprecht, 2001).
Römer, T., *Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* (OBO 99; Fribourg/Göttingen: Universitätsverlag/Vandenhoeck & Ruprecht, 1990).
–, "L'Ancien Testament: Une littérature de crise", *RTP* 127 (1995) 321–38.
–, "Nombres 11–12 et la question d'une rédaction deutéronomique dans le Pentateuque", in M. Vervenne/J. Lust (ed.), *Deuteronomy and Deuteronomic Literature* (FS C.H.W. Brekelmans; BETL 133; Leuven: Peeters, 1997) 481–98.
–, "Transformations in Deuteronomistic and Biblical Historiography: On 'Book-Finding' and Other Literary Strategies", *ZAW* 109 (1997) 1–11.
–, *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* (London/New York: T&T Clark/Continuum, 2005).
–, "Israel's Sojourn in the Wilderness and the Construction of the Book of Numbers", in R. Rezetko et al. (ed.), *Reflection and Refraction: Studies in Biblical Historiography in Honour of A. Graeme Auld* (VTSup 113; Leiden/Boston: Brill, 2007) 419–45.
Römer, T./Brettler, M.Z., "Deuteronomy 34 and the Case for a Persian Hexateuch", *JBL* 119 (2000) 401–19.
Schmid, K., "Une grande historiographie allant de Genèse à 2 Rois a-t-elle un jour existé?", in T. Römer/K. Schmid (ed.), *Les dernières rédactions du Pentateuque, de l'Hexateuque et de l'Ennéateuque* (BETL 203; Leuven: Peeters, 2007) 35–46.
Schmidt, L., "P in Deuteronomium 34", *VT* 59 (2009) 475–94.
Shectman, S./Baden, J.S. (ed.), *The Strata of the Priestly Writings: Contemporary Debate and Future Directions* (ATANT 95; Zürich: TVZ, 2009).
Smyth, F., "When Josiah Has Done his Work or the King Is Properly Buried: A Synchronic Reading of 2 Kings 22,1–23,28", in A. de Pury et al. (ed.), *Israel Constructs its History: Deuteronomistic Historiography in Recent Research* (JSOTSup 306; Sheffield: Sheffield Academic Press, 2000), 343–58.
Sonnet, J.-P., "Le livre 'trouvé': 2 Rois 22 dans sa finalité narrative", *NRTh* 116 (1994) 836–61.
Steck, O.H., *Der Abschluß der Prophetie im Alten Testament: Ein Versuch zur Frage der Vorgeschichte des Kanons* (BThSt 17; Neukirchen-Vluyn: Neukirchener Verlag, 1991).

Steil, A., *Krisensemantik: Wissenssoziologische Untersuchungen zu einem Topos moderner Zeiterfahrung* (Opladen: Leske und Budrich, 1993).
Stern, E./Magen, Y., "Archaeological Evidence for the First Stage of the Samaritan Temple on Mount Gerizim", *IEJ* 52 (2002) 49–57.
van Oorschot, J., *Von Babel zum Zion: Eine literarkritische und redaktionsgeschtliche Untersuchung* (BZAW 206; Berlin/New York: de Gruyter, 1993).
Wellhausen, J., *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (Berlin: de Gruyter, [1899] 1963).
Welten, P., *Geschichte und Geschichtsdarstellung in den Chronikbüchern* (WMANT 42; Neukirchen-Vluyn: Neukirchener Verlag, 1973).
Willi, T., *Chronik.* Vol 1: *1 Chronik 1,1–10,4* (BKAT 24/1; Neukirchen-Vluyn: Neukirchener Verlag, 2009).
Zenger, E., "Priesterschrift", *TRE* 27 (1997) 435–46.
Zimmerli, W., *Ezechiel* (BKAT 13; Neukirchen-Vluyn: Neukirchener Verlag, 1969).