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RECONSTRUCTING THE SOCIAL CONTEXTS OF THE PRIESTLY AND DEUTERONOMIC MATERIALS IN A NON-WELLHAUSENIAN SETTING

(Pekka Pitkänen 20/3/18)

(AAM as of 20/3/18)

Introduction

As is well acknowledged, priestly (P/H) and Deuteronomic materials can be seen as significant textual and ideological building blocks in the Pentateuch, in addition to narrative (classically J/E) materials. Clearly there are enough stylistic differences to distinguish between the priestly and Deuteromic materials, and also see other narrative materials as a separate set, even when the distinctions may not always be hard and fast. In that sense, one can think that the early, pre-Wellhausenian scholarship, and also scholarship following him, has been on a right track, at least broadly so.¹ And, clearly, it seems reasonable to assume that the stylistic differences between the P/H and D codes, on which this paper focuses, suggest at the minimum a possibility of differing origins for them. In the Wellhausenian synthesis, the origins of the Pentateuchal law codes were essentially seen from a sequential perspective where each code followed its predecessor and built on it, sometimes developing and sometimes abrogating concepts relating to the predecessor. Such development was also combined with an evolutionary concept of development from simple to complex, free-spirited to ritualistic and decentralised to centralised, with the process lasting for several centuries from the Covenant Code to Deuteronomy and then the priestly materials. In the final Pentateuch, the codes were ultimately seen as having been lumped together, with little consideration of their interplay in the context of the overall Pentateuchal narrative. Such neglect still remains one major drawback of Wellhausenian approaches.² While this issue is not the focus of this essay, it nevertheless highlights the question of to what extent the Pentateuch can be seen as a coherent piece of work and to what extent it may be a haphazard collection of materials. And, from the perspective of the legal materials within that context, is it right to assume an essentially separate and isolated provenance for them? In contrast to the Wellhausenian views, the recent doctoral dissertation by Benjamin Kilchör has argued that Deuteronomy builds on both the Covenant Code and the priestly materials, with also minimum, if any, contention between the views of those legal materials.³ Except for negating the

¹ Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon Press, 1972, with reprint Winona Lake, In: Eisenbrauns, 1992) is one recent treatment that includes highlighting Deuteronomy's distinctive character from a stylistic perspective, also in relation to the priestly materials. Milgrom's three-volume commentary on Leviticus is an example that includes featuring the distinctive stylistic characteristics of priestly materials (P and H) in the Pentateuch.

² See esp. Benjamin Kilchör, *Mosetora und Jahwetora: Das Verhältnis von Deuteronomium 12-26 zu Exodus, Leviticus und Numeri*. BZAR 21 (Wiesbaden: Harrassowitz, 2015), 1-30.

³ Kilchör, *Mosetora und Jahwetora*. But there nevertheless seem to be certain tensions between the codes; cf. Pekka Pitkänen, *A Commentary on Numbers: Narrative, Ritual and Colonialism*, Routledge Studies in the Biblical World (London: Routledge, 2017), *passim*.

essentials of the Wellhausenian scheme of the development of the Israelite religion,⁴ such a view would build towards an idea of strong interconnections between the legal materials. When one combines this with the observation that Kilchör's analysis fits with a synchronic reading of the Pentateuch, one can infer at least the possibility of a more concurrent origin for the legal codes than that afforded by a Wellhausenian approach. But, certainly, the Wellhausenian approach already had implications for the possibility of a reasonably concurrent existence of reconstructed priestly and Deuteronomistic schools,⁵ as can for example be seen by a comparison of the date and overall style of the prophetic books of Jeremiah and Ezekiel, perhaps together with the postulated setting of the so-called Deuteronomistic history,⁶ or at least the books of Kings, keeping in mind that Noth's theory and its derivatives are a disputed concept today.⁷ More minimalist views about Deuteronomy and its provenance would seem to be in line with such concurrency to an even greater extent, this time more explicitly in the postexilic period. In this paper, I will build on these and other relevant observations (many of them made by people participating in the conference where this paper was presented) in order to suggest a plausible, or at least possible social context for the Priestly and Deuteronomistic materials that does not follow a Wellhausenian approach. At the outset, one important related pair of presuppositions taken here is that the Covenant Code (and with it the Ritual Decalogue) is the earliest code on which both P, and especially D build,⁸ and that H is a development on P.⁹ I will also include considerations from my previous work that sees the Pentateuch, or, rather, Genesis-Joshua as a programmatic and essentially unified document of settler colonialism.¹⁰ As part of a proposal for seeing Genesis-Joshua as a unified

⁴ Certainly, the views of such scholars as Weinfeld (esp. op. cit and *The Place of Law in the Religion of Ancient Israel*, VTSup 100. Leiden: E.J. Brill, 2004), Jacob Milgrom (e.g. *Leviticus*, 3 vols, The Anchor Bible, New York: Doubleday, 1991-2001) and Jan Joosten (*People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26*, Leiden: E.J Brill, 1996), by dating the priestly materials before Deuteronomy, already implied problems for the Wellhausenian scheme of development from simple to complex.

⁵ Cf. e.g. Weinfeld, *Deuteronomy and the Deuteronomistic School*.

⁶ Martin Noth, *The Deuteronomistic History*. 2nd edn, JSOTSS 15 (Sheffield: Sheffield Academic Press, 1991). German original: *Überlieferungsgeschichtliche Studien I* (Halle: M. Niemeyer, 1943).

⁷ See e.g. Eckart Otto, *Deuteronomium 1,1-4,43*, Herders Theologischer Kommentar zum Alten Testament (Stuttgart: Herders, 2012).

⁸ The plausibility of such a view is my view demonstrated convincingly by Kilchör, *Mosetora und Jahwetora*, which see for further details.

⁹ Christophe Nihan, *From Priestly Torah to Pentateuch*, Forschungen zum Alten Testament 2. Reihe 25 (Tübingen: Mohr Siebeck, 2007); Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1995); cf. Christian Frevel, 'The Book of Numbers – Formation, Composition and Interpretation of a Late Part of the Torah. Some Introductory Remarks', in Christian Frevel, Thomas Pola and Aaron Schart, eds, 2013. *Torah and the Book of Numbers* (Tübingen: Mohr Siebeck, 2013).

¹⁰ Pekka Pitkänen, 'Pentateuch-Joshua: a settler-colonial document of a supplanting society', *Settler Colonial Studies* 4/3 (2014), 245-276; *idem.*, 'Reading Genesis-Joshua as a unified document from an early date: A settler colonial perspective', *BTB* 45.1 (2015), 3-31; cf. also *idem.*, Numbers.

document in terms of its literary composition,¹¹ I have postulated that Genesis-Joshua were written by two authors together, with one author (A1) from priestly circles writing Genesis-Numbers and the other (AD) from Deuteronomistic circles writing Deuteronomy and Joshua.¹² Such a dual authorship very strongly implies the concurrent existence of priestly and deuteronomistic streams of tradition, if not schools or equivalent.

Social contexts

1. Social roles

It is generally postulated that the origin of both P/H and D is priestly, and this premise is followed here. The difference is that whereas P and H focus on priests, D attests lay theology.¹³ Already considering that, in addition to Deuteronomy and Joshua being Deuteronomistic in their theology,¹⁴ much of the narrative in Genesis-Numbers is priestly, one can suggest that Genesis-Joshua as a whole is a priestly document, or at the minimum attests strong affinities with priestly theology. From a social scientific perspective, priests were well attested as an important social group in the ancient Near East. But, also from an (wider) anthropological perspective, priests can be seen to attest high status in a variety of societies across human history, in particular in the premodern era.¹⁵ This is natural as premodern societies placed great emphasis on the divine and much of the purpose of the priestly profession was to act as a mediator between human and divine, certainly so in the ancient Near East.¹⁶ In ancient Israel, the P/H corpus particularly emphasises the importance of priesthood. One area is the ritual system where priests administer practically all rites that relate to purity and expiation.¹⁷ In addition, priests have best access to the divine, especially in the organised tabernacle cult. They also have access to sacrifices and offerings. And, they are

¹¹ In line with a variety of sources for the Pentateuch (and Joshua), I see this unified work as having been composed of such sources, including the Priestly and Deuteronomistic materials that, except for being most notably associated with the Pentateuchal legal materials, may also extend to other genres, especially narratives and genealogies.

¹² Cf. Pitkänen, 'Reading Genesis-Joshua'; *idem.*, *Numbers*.

¹³ See e.g. Eckart Otto, *Das Deuteronomium im Pentateuch und Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte Des Deuteronomiumrahmens*. FAT 30 (Tübingen: Mohr Siebeck, 2000), 253.

¹⁴ See e.g. Pekka Pitkänen, *Joshua*, *Apollos Old Testament Commentary 6* (Leicester: IVP, 2010), also building on Gordon J. Wenham, 'The Deuteronomistic Theology of the Book of Joshua', *JBL* 90 (1971), 140-148.

¹⁵ See e.g. Gerhard Lenski, *Power and Privilege: A Theory of Social Stratification* (New York: McGraw-Hill Book Company, 1966), esp. 256-266; Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Blackwell, 1986), 42-43; Catherine Bell, *Ritual Theory, Ritual Practice* (New York: Oxford University Press 1992, with new foreword in 2009), 130-140.

¹⁶ See e.g. Pekka Pitkänen, *Central Sanctuary and Centralization of Worship in Ancient Israel: From the Settlement to the Building of Solomon's Temple*, reissue with a new introduction by the author (Piscataway, N.J.: Gorgias Press, 2014, first edition 2003, second publisher's edition 2004); Michael B. Hundley, *Gods in Dwellings: Temples and Divine Presence in the Ancient Near East*, *Writings from the Ancient World Supplement Series 3* (Atlanta: Society of Biblical Literature, 2013) which (as a later publication) interestingly takes many similar views as Pitkänen, even if often offering a more detailed treatment in a number of respects.

¹⁷ Two exceptions are Num 19 and Dt 21:1-9, but priests also play a role in these rituals.

separated from other Israelites based on a hereditary system (e.g. Lev 8-9; Num 16-18). All this at the minimum implies a high status for priests. However, there is a democratisation in that priests are not necessarily above reproach (e.g. Ex 32 and the golden calf narrative; cf. Num 20:1-3; 27:15-23). Also, in the view of P/H, and also D, priests and Levites, a (sub)category within the priestly group,¹⁸ do not have landholdings and therefore cannot create excessive wealth (cf. the system of Levitical towns in Josh 21; repeated in 1 Chr 6). Also, local altars, where it would appear that lay people could offer sacrifices (Ex 20:22-26), are permissible in certain circumstances.¹⁹ Deuteronomy's conceptualised placial network that encompasses the land is a further interesting issue.²⁰

That Deuteronomy looks at society in a wider cross-sectional perspective (Dt 16:18-18:22), is in line with its overall characteristic focus on laity. It offers other parallel structures of society than just priests (and perhaps tribal leaders that are mentioned in both P/H and D). King is conceptualised in Deuteronomy (Dt 17:14-20) as someone who should be a humble person and is proffered as a potential future prospect rather than an actual reality.²¹ Deuteronomy also presents judges

¹⁸ The distinction between Levitical priests and non-priestly Levites does not seem an issue as such based on ancient Near Eastern parallels, cf. e.g. Ada Taggar-Cohen, *Hittite Priesthood*, *Texter der Hethiter: Philologische und historische studien zur Altanatolistik* 26 (Heidelberg: Universitätsverlag Winter, 2006)

¹⁹ See Pitkänen, *Central Sanctuary*.

²⁰ See Cynthia Parker, *Deuteronomy's Place: An Analysis of the Placial Structure of Deuteronomy* (PhD Thesis, University of Gloucestershire, 2015, available at <http://eprints.glos.ac.uk/2259/> [accessed 30/1/17])

²¹ The early Israelites seemed to be well aware of the rights of kings and the potential resulting social stratification that societies that exhibited kingship attested (1 Sam 8:11-17). This is completely in line with social stratification attested by agrarian societies throughout the world and through time, with ancient Israel clearly being an agrarian society (cf. Lenski, *Power and Privilege*, esp. 210-219; Patrick Nolan and Gerhard Lenski, *Human Societies: An Introduction to Macrosociology*, 12th edn [Oxford: Oxford University Press, 2005]; and cf. e.g. the characteristics of agrarian societies being attested in the ancient Near East [already] in the late 3rd millennium BCE in Benjamin Foster, *The Age of Agade: Inventing Empire in Ancient Mesopotamia* [Abingdon, Oxon: Routledge, 2016], 17 and *passim*). One of the brilliant conceptualisations of the early Israelite documents was seeing Yahweh as the king of Israel (see Dt 33:5; 1 Sam 8:7; cf. Foster, *Agade*, 275 for an example of seeing the city god, Tishpak, as king of the city in Eshnunna at around 2010 BCE, even if the ruler, Shu-iliya did assume divine honours for himself, like with Naram-Sin, Shulgi and Shu-Sin). This analogy with kingship can for example be seen in the idea that Yahweh owned the land and could therefore give it to Israel (cf. Ex 3:3-8; Lev 25:23, 42; see Lenski, *Power and Privilege*, 216-217, 220-221 on such rights of kings; and see Ömür Harmansah, *Cities and the Shaping of Memory in the Ancient Near East* [New York: Cambridge University Press, 2013], 53-54 for an example of an Iron Age I ancient Near Eastern land grant in the northern Levant). Yahweh could then also equally take the privilege of land away (cf. Lev 26; Dt 28). Interestingly, one may ask if the authors could have imagined that Yahweh might eventually pardon a people whose land was taken away (by taking them away from it) and return them to it (Dt 4:29-31; 30:1-8)! All in all, in relation to such thinking by the ancient Israelites, one may also keep in mind that forced population transfers were demonstrably exercised at least by the Egyptian, Hittite and Middle Assyrian empires already in the late second millennium BCE (see e.g. Kenneth A. Kitchen, *On the Reliability of the Old Testament* [Grand Rapids, Michigan: Eerdmans, 2003], 301-302; Ran Zadok, 'The Aramean Infiltration and Diffusion in the Upper Jazira, ca. 1150-930 BCE', in Gershon A. Galil, Ayelet Gilboa, Aren M. Maeir and Daniel Kahn, eds, *The Ancient Near East in the 12th-10th Centuries BCE*:

and prophets as significant actors in society. All these features would suggest fairly careful egalitarian design by the authors of the documents, as has already been proposed in scholarship.²² But, it is difficult to consider the egalitarianism of Deuteronomy as totalising or as utopian (however one might define the concept utopian). The existence of slavery, in particular in terms of non-Israelites, in Deuteronomy and also in P/H, is one clear aspect that mitigates against such notions.²³ Coming back to priests and Levites, Deuteronomy on the whole sees them (see below for further details on priests and Levites in Deuteronomy) as one strand of the institutions and power structures of society and particularly highlights the relative lack of landholdings by them. However, Deuteronomy is aware of their privileges and overall role in respect to the divine that, as we have just pointed out, cannot but imply a heightened social status (Dt 18:1-8). From such a perspective, one can suggest that the thought world of the P/H and D documents is at the very least broadly similar, even if the emphases are different. So, all in all, one can say that, across the P/H corpuses, social stratification clearly exists but is in many ways eschewed and flattened, and a variety of more or less parallel social institutions exist across the conceptualised society (elders, judges, prophets, priests, and possibly a king).

2. Date

Dating considerations cannot be avoided for reconstructing social contexts, even when some features of the texts could fit in more than one context, and certain contexts can at least potentially stay essentially similar for extended periods of time. Interestingly, in its narrative world, the books of Chronicles suggest that David reorganised the Pentateuchal system of worship for the newly built temple that took the place of the earlier tent of meeting. Clearly this, in addition to the Pentateuch itself, suggests a premonarchical setting for the P/H materials in the thought world of the ancient Israelites, even if the actual time of their production were to be deemed postexilic. As for D, the narrative setting is again Mosaic and thus premonarchic, however, in terms of the legal materials themselves, as such, they could fit a premonarchic, monarchic or even later setting. This includes the tentative presentation of a king in Deuteronomy (Dt 17:14-20) that could be read in both prospective and retrospective terms.²⁴ In a non-Wellhausenian context, I have proposed a settler colonial reading of Genesis-Joshua. Such a reading sees that ancient document as essentially a blueprint for a new society that is settling in the

Culture and History, AOAT 392 [Münster: Ugarit-Verlag, 2012], 569-579; K. Lawson Younger, *A Political History of the Arameans: From their Origins to the End of Their Politics* [Atlanta: SBL Press, 2016], 149). In the context of Yahweh being a king and the Israelites on the whole more or less egalitarian under Yahweh (cf. just ahead), it would at the minimum seem reasonably fitting for Deuteronomy to stipulate that a human king, if one were to be installed, should be a humble, non-ostentatious person who follows Yahweh.

²² See esp. Joshua A. Berman, *Created Equal: How the Bible Broke with Ancient Political Thought* (New York: Oxford University Press, 2008).

²³ Deuteronomy's views against indigenous peoples are another issue; cf. below. An alternative expression to egalitarianism in Deuteronomy could be attenuated social stratification (and cf. e.g. Lenski, *Power and Privilege*; Nolan and Lenski, *Human Societies*).

²⁴ Cf. above.

southern Levantine area. In the process, the new society is to supplant existing indigenous societies, destroying them as societies and building a new society instead.²⁵ Such a reading suggests a time when the settler colonial process was ongoing. A further clue can be obtained by looking at an overall trajectory attested by the narrative of Genesis-Joshua. It starts by creation and placing man in the garden where Yahweh is also present. However, due to disobedience, man is driven out from the garden. This state of affairs in essence ends with the setting of the tent of meeting as the dwelling place of Yahweh in the midst of Israel at Shiloh in the book of Joshua, preceded by the construction of the tent of meeting and the ancient Israelite cult at Sinai. The setting up of the tent of meeting at Shiloh can then be seen as a restoration of creation and is in line with overall conceptual settler colonial idylls.²⁶ Such a vision, then, would to me clearly seem to fit best to a time when Shiloh was prominent.²⁷ According to the biblical texts, this was the case until the disaster at Aphek at about 1050 BCE (1 Sam 4) after which, some 50-100 years later, Jerusalem became prominent through the building of the temple there. It would seem odd if Genesis-Joshua would promote Shiloh from that time on, including as Psalm 78 explicitly speaks for the replacement of Shiloh's conceptual status with Jerusalem.²⁸ But, of course, as such, I on my part would not be averse to other proposals for dating (and provenance) if they are able to attest explanatory power that can be deemed better. One should also keep in mind here that, including based on ancient Near Eastern parallels, one can very reasonably think that Genesis-Joshua would go through modifications as it was transmitted through time, so monarchic and potentially later features in it could have been added in after the composition of the main work,²⁹ in particular if such features are more or less isolated and not part of the main themes of the document.³⁰

3. *Writing*

One objection to an early provenance is that it is often thought that the ancient Israelites could not write in the early period of their existence. However, writing in the ancient Near East was as such of course already some two thousand years old and alphabetic writing at least 500 years old by the time early Israel as a society appeared on the scene in the late second millennium BCE. While there is no direct positive evidence of Israelite writing from the premonarchical period, most notably, the recent finds at Khirbet Qeyafa are closely positioned in terms of time and

²⁵ See Pitkänen, 'Pentateuch-Joshua'. See also Parker, *Deuteronomy's Place* in regard to Deuteronomy, even when Parker's work does not directly address issues that relate to settler colonialism.

²⁶ See Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (Basingstoke: Palgrave Macmillan), 2010, 88-89.

²⁷ On Shiloh in the premonarchical period, including from an archaeological perspective, see Pitkänen, *Central Sanctuary*, esp. 111-127.

²⁸ Cf. Pitkänen, *Central Sanctuary*, esp. 127-158.

²⁹ Cf. David M. Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (New York: OUP, 2011); Pitkänen, *Joshua*.

³⁰ For comments on Deuteronomy and urbanisation, see ahead.

geography.³¹ It would seem reasonable that the Israelite documents were written on perishable materials, such as papyrus, and one could hardly imagine otherwise for a lengthy document such as Genesis-Joshua, considering that cuneiform would not appear to have been a popular medium in ancient Israel. Considering that writing was typically in the hands of scribes in the ancient Near East, I suggest here that there could have been separate scribes who codified the materials, or that priests could write, especially considering that this was an alphabetic script.³² There is no need to necessarily assume widespread literacy for the period, in contrast to the later 8th-7th centuries,³³ even if writing would not have to be assumed to have been severely constrained at the (earlier) time either (cf. Jdg 8:14, etc.). Of course Genesis-Joshua itself refers to writing, too. So, if writing was on perishable materials, there is no need to expect much evidence of it, in line with the present state of archaeological evidence. It should further be said that considering the premonarchical period as necessarily primitive, as is often done in scholarship, is at the very least arguably comparable to orientalism³⁴ and also an outlook that relates to modern Western attitudes towards preindustrial societies, whether such societies were past or present, especially if the societies cannot be classified under the category of a state. Such an approach was common in anthropology in the 19th century but was increasingly refuted in the 20th century (and into the 21st century). One may also keep in mind here that considerable literary compositions existed in the ancient Near East in the second millennium BCE, the most notable of them being the Gilgamesh epic, over twelve tablets (or so), that already reached its standard form by about 1100 BCE.³⁵ And, one should further note that the Merneptah Stele (ca. 1208 BCE) indicates that the Israelite settlement was well under way already before the collapse of the Late Bronze Age regional “system” in the early 12th century BCE (ca. 1177 BCE),³⁶ so one can expect that any technologies (and also thinking) in the Iron Age would be in continuity with the Late Bronze Age.

³¹ Cf. Gershon Galil, ‘The Hebrew Inscription from Khirbet Qeiyafa/Neta’im: Script, Language, Literature and History’, *Ugarit Forschungen* 41 (2009), 193–242. For a summary of further related evidence, including e.g. the Izbert Sartah inscription, see Pitkänen, *Joshua*, 59-60.

³² Cf. also e.g. Yoram Cohen, *The Scribes and Scholars of the City of Emar in the Late Bronze Age* (Winona Lake, IN: Eisenbrauns, 2009) and comments made in Pitkänen, ‘Reading Genesis-Joshua’, 17.

³³ cf. e.g. Seth L. Sanders, *The Invention of Hebrew* (Urbana, Chicago, and Springfield: University of Illinois Press, 2009).

³⁴ Cf. Edward Said, *Orientalism* (London: Routledge, 1978; reprint with a new afterword 1995 and new preface in 2003), the 1995 afterword includes responses to criticisms against his work, for example by Bernard Lewis. Note also the concept of hegemony as developed by Bruce Routledge (see Routledge, *Moab in the Iron Age: Hegemony, Polity, Archaeology*, Philadelphia: University of Pennsylvania Press, 2004 and idem. *Archaeology and State Theory: Subjects and Objects of Power*. London and New York: Bloomsbury, 2011) based on concepts introduced by Antonio Gramsci, here in terms of Western scholarship.

³⁵ See Andrew George, *The Babylonian Gilgamesh Epic: Introduction, Critical Edition and Cuneiform Texts* (Oxford: OUP, 2003); Jeffrey Tigay, *The Evolution of the Gilgamesh Epic* (Wauconda, IL: Bolchazy-Carducci Publishers, 2002. A reprint of 1982 edition published by Philadelphia: University of Pennsylvania Press); cf. Carr, *The Formation of the Hebrew Bible*, esp. 3-149.

³⁶ Cf. Eric H. Cline, *1177 B.C.: The Year Civilization Collapsed* (Princeton, NJ: Princeton University Press, 2014).

4. Other archaeological perspectives

Much of what is said in the biblical documents can clearly be seen to be a conceptual creation. Such conceptual creations ultimately reside in human brains and are therefore impossible to capture archaeologically unless they are, in one way or another, reified by humans into material objects. For analysis, it is also necessary that at least some of such material objects survive to the present when a large portion of the ancient world has been lost forever. Herein lies the difficulty for the archaeological discipline of trying to reconstruct the ancient world from material evidence (cf. e.g. issues outlined by Routledge and Schloen), or from material evidence only.³⁷ In addition, the biblical documents themselves indicate, or at least imply, that the system designed and also initiated by the ancient Israelites (cf. Joshua) did not work entirely well in practice, as attested especially by the book of Judges (more on that below).

But, there are also indications based on comparative ancient Near Eastern evidence that the ancient Israelites would in any case not have followed the rules and injunctions of the newly conceptualised society to the letter. For example, it is known that, in the ancient Near East, court cases hardly, if at all, quote the extant legal codes. That most Old Testament books, including the books of Samuel and Kings, are only loosely connected to the Israelite legal materials fits with such an idea. Accordingly, one does not, at the minimum as such, need to see the lack of references as indicating that the laws are a later creation, in contrast to what is suggested by Wellhausenian approaches. Also, with rituals, actual practice does not necessarily follow ritual manuals, and this is attested across human societies (cf. 1 Sam 2).³⁸ In addition, interestingly, Chronicles already indicates a system that is modified from the Pentateuchal legal materials since the time of David by the necessity of the changing setting of the newly build temple in comparison and contrast to the earlier tent of meeting for which the legal materials were at least ostensibly created. And, with apparently less than widespread literacy, as noted in the foregoing, at least before the 8th-7th centuries,³⁹ it is unlikely that many of the writers of the Old Testament texts should be expected to have known the legal codes and Genesis-Joshua as a whole. On the whole, the materials in Genesis-Joshua can be seen to have remained a vision of a small group of people who could not promulgate it across the society, whether through disseminating the ideas or through coercion, in line with sociological studies that suggest that such methods are necessary for social organisation.⁴⁰ From a slightly different but related perspective, the ancient Israelite ideas derive from ancient Near Eastern practice

³⁷ See Routledge, *Moab in the Iron Age*, incl. p. 25; idem., *Archaeology and State Theory*; J. David Schloen, *The House of the Father as Fact and Symbol: Patrimonialism in Ugarit and the Ancient Near East* (Winona Lake, In: Eisenbrauns, 2001, incl. 46.

³⁸ See e.g. Bell, *Ritual Theory, Ritual Practice*, 137-140.

³⁹ Cf. Sanders, *The Invention of Hebrew*.

⁴⁰ Cf. esp. the concepts and analysis of centrifugal ideologisation and cumulative bureaucratisation of coercion by Malešević (Siniša Malešević, *The Sociology of War and Violence* [Cambridge: CUP, 2010]).

and thinking on the one hand and are tied with producing a narrative of common history (Egyptian slavery and exodus) and common descent (patriarchs, with genealogies particularly associated with priestly materials) on the other. These features link with producing a blueprint for the operation of the new (settler) society (cf. above). All this then can be seen in the light of aiming to produce a social hegemony, with reference to the 20th century Italian sociologist and activist Antonio Gramsci, particularly as interpreted and developed by Routledge, in effect as use of existing cultural resources for hegemonic purposes.⁴¹ In the ancient context, such concepts as ANE patrimonialism,⁴² tribalism⁴³ and a sense of searching for freedom (cf. Exodus and liberation)⁴⁴ would be useful hegemonic building blocks and can be seen as having been fairly effective in the formation of the ancient Israelite society, as the (wider) biblical evidence seems to indicate. At the same time, other building blocks were not as easily digestible and it is therefore not entirely surprising that they were not internalised and put into practice easily by the ancient Israelites, again as the biblical evidence clearly seems to indicate (e.g. Judges, but also already Exodus-Joshua). This was the case despite of a strong rhetoric about following Yahwism and certain (related) patterns of behaviour, and despite seeking to implement certain social structures depicted in Genesis-Joshua. Malešević's comments about the failure of propaganda in the Soviet Union (and its success in the West)⁴⁵ and, from the perspective of ritual, Catherine Bell's discussion of the attempts at ritual innovation in the Soviet Union that were ultimately rather unsuccessful⁴⁶ provide interesting comparators. One should further consider that, on the assumption of an early date, the original documents already had to be adapted to changing circumstances from since the rejection of Shiloh and the choice of Jerusalem, and the establishment of kingship and its bureaucratic structures (1 Ki 4; cf. 1 Sam 8:10-18) would have added to the difficulties with "literal" application (cf. comments in relation to Chronicles in the foregoing). In addition, it would seem that the original settler colonial vision would have become increasingly untenable with the loss of territories in the greater Israel from the ninth century on (2 Ki 10:32-33), not to speak of the division of Israel into two kingdoms after the time of Solomon (1 Ki 12).

But, overall there is some, and at least in my opinion clear, indication based on material evidence that a new entity arose in the area,⁴⁷ even if there is less

⁴¹ See Routledge, *Moab in the Iron Age*, esp. 27-40; idem., *Archaeology and State Theory*, as already noted above, fn. 34.

⁴² At least aspects of it; cf. Schloen, *The House of the Father*.

⁴³ Cf. Pekka Pitkänen, 'P/H and D in Joshua 22:9-34', *Biblische Notizen* 171 (2016), 27-35.

⁴⁴ Such search would be in the context of escaping the oppressive structures of agrarian societies; cf. Gerhard Lenski, *Ecological-Evolutionary Theory: Principles and Applications*. (London: Paradigm Publishers, 2005), esp. 147-168; Nolan and Lenski, *Human Societies*, esp. 198-200; cf. Pekka Pitkänen, 'The ecological-evolutionary theory, migration, settler colonialism, sociology of violence and the origins of ancient Israel', *Cogent Social Sciences* 2/ 1210717: 1-23, <http://dx.doi.org/10.1080/23311886.2016.1210717>.

⁴⁵ See Malešević, *The Sociology of War and Violence*, 211-215.

⁴⁶ See Catherine Bell, *Ritual: Perspectives and Dimensions* (New York: Oxford University Press, 1997, with a new foreword in 2009), 225-229.

⁴⁷ See e.g. Israel Finkelstein, *The Archaeology of the Israelite Settlement* (Jerusalem: Israel Exploration Society, 1988); Avraham Faust, *Israel's Ethnogenesis: Settlement, Interaction,*

certainty with the more specific archaeological detail. On such details, for example, there is certainly the issue of site identifications and such related issues as trying to match them with potential destructions that might be attributable to the Israelites. However, that discussion is covered elsewhere, to my view at the very least broadly satisfactorily, so I will not try and repeat it here.⁴⁸ All in all, again, one has to ask the question of to what extent human thinking can be captured in material remains that survive and can be unearthed through archaeology, and one can in general ask the question of to what extent existing material remains should be reflected in the texts.⁴⁹ In this context, one may also keep in mind the wider

Expansion and Resistance (London: Equinox, 2006); and cf. e.g. comments in Pitkänen, 'Pentateuch-Joshua'.

⁴⁸ See e.g. Pitkänen, Joshua; Pitkänen, *Numbers*; Pitkänen, 'The ecological-evolutionary'; Ralph K. Hawkins, *How Israel Became a People* (Nashville: Abingdon Press, 2013); cf. Koert van Bekkum, *From Conquest to Coexistence: Ideology and Antiquarian Intent in the Historiography of Israel's Settlement in Canaan* (PhD Thesis, Theologische Universiteit van de Gereformeerde Kerken in Nederland te Kampen, 2010). It must be said here that, under the present state of knowledge, Ai remains an issue.

⁴⁹ An interesting example in this respect is the question of cities and Deuteronomy. It is often considered that Deuteronomy reflects an urban or urbanising society (e.g. Moshe Weinfeld, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, The Anchor Bible [New York: Doubleday, 1991], 36-37; this issue was drawn to my attention by John Bergsma at the conference where this paper was presented). To my mind, a main immediate issue to consider is the use of the word *šā'ar* (gate) in Deuteronomy. It seems that in a number of cases the word can be taken in a metonymical sense (see Dt 12:12, 18; 14:27; 16:11, 14; 18:6; 26:12). At the same time, the word gate seems to be more or less meant in Dt 6:9; 11:20; 17:5; 21:19; 22:15, 24; 25:7. Now, it is correct that the new settlements in the Palestinian highlands in Iron Age I were rural and unfortified, and this is in a number of ways comparable to for example developments in the northern Levant (cf. Harmanşah, *Cities*, 33-39). And yet, movement towards rural settlement did not at all mean that cities lost their overall significance, demonstrably so in the northern Levant (Harmanşah, *Cities*, e.g. 68-71), in fact, as Harmanşah points out, building cities was continually considered a feat in the northern Levantine cultural context in Iron Age I as well (see Harmanşah, *Cities*). Also, the situation was not quite the same in Transjordan as in the central Palestinian highlands. In Transjordan, both the biblical text and archaeological evidence indicate at least relative fortification (cf. Pekka Pitkänen, *A Commentary on Numbers: Narrative, Ritual and Colonialism* [Abingdon, Oxon: Routledge, 2017], 191-194; Bruce Routledge, *Moab in the Iron Age: Hegemony, Polity, Archaeology* [Philadelphia: University of Pennsylvania Press, 2004], 94-96). Similarly, Canaanite lowlands more or less remained fortified as is well known. In the context of the settler colonial orientation of the biblical documents, they visualised that Israel would take over and settle all of the highlands, lowlands and Transjordan. In this mix, Deuteronomy can be seen as talking about taking over towns that the Israelites did not build (Dt 6:10, in a future sense; cf. Dt 2:34; 3:4, 10, 12 in a past sense). It should be further noted that the legislation about Levitical towns in the P/H material can be read as indicating town planning in a programmatic settler colonial context (Num 35:1-8; cf. Pitkänen, *Numbers*, 204-209), and the Numbers passage (Num 35:4) indicates that such towns would have walls, at least in the imagination of the author. Moreover, the author of Joshua stipulates the practical implementation of Levitical towns (Josh 21), and I have argued that the same person (cf. in the foregoing in this essay) authored both Deuteronomy and Joshua, so this on its part further suggests that AD was aware of P/H materials (cf. Kilchör, *Mosetora und Jahwetora*). Accordingly, and even if, as seems likely, the laws of Deuteronomy have a prehistory before being incorporated in the book of Deuteronomy and Genesis-Joshua as a whole, it would not be entirely impossible for Deuteronomy to speak in terms of towns and gates in its legislation already in Iron Age I (and, of course, assuming differing, even if collaborating and interlinked, authors and streams of tradition for P/H and D, they could on the whole use

discussion in archaeological theory that archaeological data requires interpretation,⁵⁰ just as is the case with textual materials, *mutantis mutandis*. And, interestingly, one should note that archaeological evidence from the Persian period in relation to the biblical texts is fairly limited⁵¹ but the (priestly) documents are nevertheless postulated to have been formed at that time in the Wellhausenian system, in that sense, the situation is hardly worse for the Early Iron Age.

5. P/H and D personnel

We now return to some further details explicitly on the P/H and D materials. The intention here is to try and propose a possible way of accounting for the different views and perspectives between these two streams and suggest something about possible authorship. The differences in style in particular would seem to suggest the likelihood of a separate provenance for P/H and D in terms of the priestly personnel involved. One possibility, even if somewhat speculative, that I will propose here is that P/H was more or less produced by priests and D by Levites. A clue towards this can be obtained by looking at the construction of the system of priestly and Levitical towns in Joshua 21. In the vision that is attested by the chapter, priests are concentrated in the south (Judah, Simeon, Benjamin). Non-priestly Levites are placed in the north (and also in the East). If one looks at things from the perspective of ethnogenesis, one could also at least partially see this in the sense that a certain group of southerners are being defined as priestly cultic personnel and a certain group of northerners (and Easterners) as Levitical cultic personnel.⁵² In the system, especially according to the book of Numbers, the Levites are involved in the service of the tent of meeting, assisting priests who themselves are also part of the Levitical tribe (Num 3-4, 18). With the setting up⁵³ of the tent of meeting, also as the central sanctuary, at Shiloh, a geographically very central location in the land, one can imagine that there would be both priests and Levites

differing terminology). Rural communities, if thinking in terms of Deuteronomic legislation, would somehow have to substitute for (and adapt) the concept of gate in their local settings (and cf. the immediately apparent use of metonymy in the use of the term gate anyway as pointed out above). One should further note that the ancient Israelite society already started before Iron Age I (cf. comments in the foregoing). Otherwise, the centralising vision in Deuteronomy does not seem to me to necessitate an urban setting (cf. Pitkänen, *Central Sanctuary*). For considerations of what one might be able to say about the economic setting of Deuteronomy in interaction with archaeological data, see the essay by Richter in this volume.

⁵⁰ Cf. e.g. John Bintliff and Mark Pearce, eds., *The Death of Archaeological Theory?* (Oxford and Oakville: Oxbow Books, 2012).

⁵¹ For a summary, see Gunnar Lehmann, "The Levant during the Persian period", in Margaret Steiner and Ann E. Killebrew, eds, *The Oxford Handbook of the Archaeology of the Levant c. 8000-332 BCE* (Oxford: Oxford University Press), 841-851.

⁵² Cf. considerations in Pitkänen, 'P/H and D in Joshua 22:9-34'. All in all, one should also note that the demarcation could have contributed towards forming the fault lines of the split of the United Monarchy (1 Ki 12). In addition, it is important to highlight that the Pentateuch indicates that the tombs of most of the patriarchs are in the south (Hebron), surely an important issue ideologically (cf. Pitkänen, *Reading Genesis-Joshua*, 18, also noting that 1 Sam 10:2 particularly implies the possibility that the tomb tradition is early), and this could link with the south being associated with priests, already from earliest times.

⁵³ And maybe even construction; cf. Pitkänen, 'P/H and D in Joshua 22:9-34'; Pitkänen, *Numbers*.

there in its service.⁵⁴ Thus one could assume that there would be a mixture of more southern based and more northern based personnel at Shiloh. Someone from the southern oriented contingent would then write Genesis-Numbers, and, equally, someone more oriented towards the north would write Deuteronomy and Joshua, also keeping in mind that Deuteronomy is often seen to be a document with at least northern influences (esp. Dt 27). If so, it would be natural to assume that the documents would attest some cultural and stylistic differences. Thus, the combination of P/H and D into Genesis-Joshua would then be a coming together of more southern and more northern traditions into one work, in the context of priests and Levites. If the author of Deuteronomy and Joshua were a Levite, he could be less concerned about priestly details in terms of terminology and on the other hand also e.g. focus on not forgetting the Levites (e.g. Dt 12:19). The speeches of Moses in Deuteronomy could then fairly naturally be seen as a fictional autobiography that would build on the tradition of Moses as a non-priestly Levite and then also attempt to construct a social hegemony through related legislation directly attributed to him (as with the P/H traditions in terms of legislation).⁵⁵ Other than this, perhaps a Levitical perspective could account for a wider focus on the land and its projected institutions as a whole, and not only on matters more directly related to priests. And, interestingly, the less than exact terminology of Deuteronomy (esp. the characteristic expression *hakohanim halewiyyim*) could be an attempt towards emphasising the ultimate equality of all Israelites for rhetorical purposes (cf. in slight contrast Num 17), and in that could also draw attention to priests being Levites, without needing to negate the importance of priests in cultic matters. As such, this proposal is building, but with a twist, for example on the work of von Rad who did already suggest Levites as being behind the composition of Deuteronomy.⁵⁶ Such a view could also help explain why there are two legal codes focused on the land in the Pentateuch, H (Lev 17-26) and D. Both have a vision of the land, but H is more focused on priesthood (esp. Lev 21-22; 24:1-9) and D on the wider society,⁵⁷ and H reflects a more southern⁵⁸ and D more northern context and basis,⁵⁹ even if the geographical focuses may be seen in the content of

⁵⁴ Some of these could at least theoretically be on a rotating basis (cf. apparently, or at least potentially, 1 Chr 23-26; also cf. Dt 18:6-8).

⁵⁵ Cf. Tremper Longman, *Fictional Akkadian Autobiography: A Generic and Comparative Study* (Winona Lake: Eisenbrauns, 1990). On hegemony, cf. above.

⁵⁶ See Gerhard von Rad, *Studies in Deuteronomy*, Studies in Biblical Theology 9 (London: SCM Press, 1953; German Original *Deuteronomium-Studien*, Göttingen: Vandenhoeck & Ruprecht, 1948), 66-68, also referring to earlier work by Bentzen that von Rad had not seen, Aage Bentzen, *Die josianische Reform und ihre Voraussetzungen* (København: P. Haase & Sønns Forlag, 1926). Bentzen, pp. 60-65 suggests that Deuteronomy originates from country Levites. It should be noted that Bentzen otherwise follows the Wellhausenian framework of the development of priesthood and does not consider that priests had yet been distinguished from among Levites at the time when Deuteronomy came about.

⁵⁷ I would like to thank my former student Lynn Underwood for suggesting that it would be useful to have materials addressed to ordinary people and not just priests.

⁵⁸ E.g. Judah leads in the wilderness (Num 2) and Levitical towns for the priests are assigned from the South (Josh 21; cf. Lev 25:32-33). Num 7 could also be seen in this way.

⁵⁹ Note also that the Transjordanians seem to be emphasised slightly more in the Deuteronomic tradition, with the priestly tradition tending to see the status of the land East of the Jordan as somewhat ambiguous; cf. Pitkänen, *Joshua*, 354-380; *Numbers*, incl. on Num 32; and Moshe Weinfeld, *The Promise of the Land: The Inheritance of the Land of*

the codes themselves only intermittently and not necessarily overwhelmingly strongly in the context of the whole. All in all, Genesis-Joshua can then be seen as a work that unites two types of closely related traditions associated with two (or three) geographical regions into a single piece that emphasises the unity of the newly forming Israelite society in the context of settling the land and replacing indigenous societies under the rubric of promoting Yahwism. The JE style narratives that are also a part of the work can generally be seen in the context of tradition collected by the respective priestly and Levitical authors, with much of such tradition possibly oral based. Finally, one could also assume that a copy of Deuteronomy could potentially be kept separately, in addition to a combined copy of Genesis-Joshua (Dt 31:24-26). In addition, one might be able to conceive that some excerpts from Exodus-Numbers could possibly have been kept as ritual manuals, even when it would seem that they were not followed completely in actual practice (e.g. 1 Sam 2), in line with what is known from ritual studies (cf. above).

Summary and Conclusions

This paper has outlined a possible way of looking at and reconstructing the social context of the priestly and deuteronomic materials in a setting that does not assume the main Wellhausenian scheme of development and dating of the Pentateuchal materials. Such an examination is clearly, if not naturally, linked with dating and compositional issues that relate to this ancient document. Accordingly, I have outlined here how such an alternative reconstruction can link with the wider isagogical issues. I have above all suggested that priests and Levites as cultic personnel are responsible for creating Genesis-Joshua in the context of settling the Canaanite highlands and creating a new society there to replace existing indigenous societies. Such a reconstruction is certainly different from a Wellhausenian one, nevertheless it builds on the idea that a variety of sources were available to the authors from which they created the document. I hope this paper can stimulate further discussion about the Pentateuch in a context that is not limited to the Wellhausenian paradigm that in my view is a hindrance when trying to understand this amazing work from antiquity and the history of ancient Israel. Any new understandings may then also have related new ethical, religious and political implications for today (and also implications for academics). I believe that the above considerations, together with the other presentations at the conference that formed the basis of this volume, do present a plausible and credible alternative to the Wellhausenian approach that also at the minimum accounts very well for the related data as a whole.