THE RECONCEPTUALIZATION OF KINGSHIP IN DEUTERONOMY AND THE DEUTERONOMISTIC HISTORY’S TRANSFORMATION OF TORAH

by

BERNARD M. LEVINSON
Minneapolis

There is no reason to believe that ancient Israel differed from any other ancient Near Eastern state in its view of the king. Quite the contrary. Event taking into account the institutional differences between the monarchies of the northern and the southern kingdoms of Samaria and Judah, far more would have been shared with the broader Near Eastern royal ideology as regards the authority, role, prestige, and power of the monarch. With regard to every significant feature of royal power throughout the Near East, there are clear and specific points of overlap. Precisely because of the extent to which the royal ideology of ancient Israel is identical to that of the ancient Near East, the points of divergence are the more remarkable. In particular, the legal corpus of Deuteronomy conceptualizes the king in a way that rejects all prevailing models of monarchic power within both ancient Israel and the broader New East. Deuteronomy submits a utopian manifesto for a constitutional monarchy that sharply delimits the power of the king. The Deuteronomic Torah establishes itself as sole sovereign

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1 Henri Frankfort’s argument that Israelite religion caused the nature of the Israelite monarchy fundamentally to differ from that of Mesopotamia, with similarities restricted to “externalities,” goes beyond the evidence (Kingship and the Gods: A Study of Ancient Near Eastern Religion as the Integration of Society and Nature [Chicago, 1948], pp. 337-44; citation at p. 339). The central claim for distinctiveness is that the Israelite kingship did not constitute the essential bond between the divine and human realms: since Israel had been chosen at Sinai, the fundamental covenant was Mosaic rather than Davidic, pre-monarchic rather than monarchic. Political kingship thus never attained the formative power of Exodus and Sinai, which were both chronologically and ontologically prior (pp. 339-40). Such an approach presumes the present redaction of the biblical text, along with the current order of the biblical books, to represent historical fact. It does not address the source-critical or historical-critical issues involved in the composition of the Sinai pericope or in the concept of covenant. The author thus provides something closer to an engaging theology of kingship than a comparative historical analysis.
authority, and thus in effect usurps the traditional authority of the monarch. This redefinition of royal authority takes place as part of a larger program whereby the authors of Deuteronomy redefine the jurisdiction of each branch of public office, from judicial administration through kingship and priesthood to prophecy itself, systematically subordinating each, first, to the requirements of cultic centralization, and, second, to the textual authority of deuteronomistic Torah (Deut. xvi 18-xviii 22). This utopian delimitation of royal power never passed from constitutional vision into historical implementation: so radical a departure from precedent was it that the Deuteronomic Historian, precisely while seeming to implement deuteronomistic law, pointedly reversed the deuteronomistic program and restored to the monarch all that Deuteronomy had withheld.

The shared royal ideology of Israel and the Ancient Near East

In order to highlight the radical vision of the authors of Deuteronomy, the broad conformity of Israelite and Near Eastern royal ideology must first be demonstrated. The many points of contact involve the monarch’s key functions.

(1) The notion that the monarch is the adoptive son of the god who heads the pantheon was a commonplace at Ugarit. For example,

Kirta, as monarch, is designated bnm . il. / šph / lṭpn . wqḏš, “a scion of El—/Son of the Gentle and Holy One.”⁵ Yahweh similarly affirms the Davidic monarch, both legally adopting him and appointing him his earthly counterpart as head of the divine council:

He shall cry to me, “My Father are You! My God and Rock of my salvation!”
As for me, Firstborn will I appoint him,
Most High [‘Elyôû] to all the kings of the earth! (Ps. lxxxix 27-28)⁴

The Hebrew adoption formula (דָּ֖בֶן דָּ֖בָא), which is here employed in a theological context, corresponds to one that is common in Akkadian in the secular context of family law: ana mārūti (aḫlūti) nadānu, “to appoint/designate for sonship.”⁵ The divine adoption of the monarch is also represented in another royal psalm. The king recalls the legal speech act whereby Yahweh had appointed him divine scion:

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⁴ All Bible translations are my own, unless otherwise indicated. It is surprising that NRSV fails to render the mythological force of לֹֽו (Elyôn) in Ps. lxxxix 28b, despite its correctly rendering the same Hebrew word as “Most High” at Deut. xxxii 8. In the latter example, it also adopts the Qumran reading (“according to the number of the gods”) rather than the MT in the continuation of the verse, thus reinforcing the image of Elyon as head of the divine council. Elsewhere too Psalm lxxxix employs direct mythic language and thought: Yahweh, praised as head of the pantheon (v. 7), is the Divine Warrior (vv. 9, 14) who, by means of mortal conflict with a sea-god (vv. 10-11), creates heaven and earth (vv. 12-13). See also G. N. Knoppers, “David’s Relation to Moses: The Contexts, Content and Conditions of the Davidic Promises”, in: King and Messiah in Israel and the Ancient Near East: Proceedings of the Oxford Old Testament Seminar (ed. John Day; JSOTSup 270; Sheffield, 1998), pp. 91-118, esp. p. 113; and P.G. Mosca, “Ugarit and Daniel 7: A Missing Link”, Bib 67 (1986), pp. 496-517 (at 512-14).


Roberts demonstrates how scholarly recourse to the model of divine adoption of the monarch as a legal metaphor in effect seeks to explain away specific Near Eastern mythological language in Psalms as only figurative. The full force of the sonship language is thereby sharply circumscribed. This issue is evident in the exegesis of Ps ii 7-8 by Hermann Gunkel. Brilliantly identifying the correspondence to Babylonian and Egyptian inscriptions, he invokes the metaphor of adoption so as to erect the sharpest
He said to me, “My son are you! I, this day, have given birth to you!” (Ps. ii 7b)

Such speech acts constitute legally binding declarations. In cuneiform family law, where they are common, they serve formally to assert or (if accompanied by a negative) to dissolve adoptive ties.6

The metaphor of legal adoption to symbolize the close bond between god and king, as found in the literature of Ugarit and Israel, is less prevalent in Mesopotamia, for internal reasons. While the Akkadian dynasty of Sumer developed the notion of divine kingship, that idea was rejected by the Semitic rulers of Babylon, and it effectively disappeared after the Ur III period (2112-2004 B.C.E.). Consequently, not divine adoption but divine appointment of the monarch to rule came to be the standard motif of royal legitimation in Babylon and Assyria, whose kings thus ruled under divine aegis.7

(2) Tied to the idea of divine adoption or appointment of the monarch is the notion that the god grants the king special judicial insight. Thus Hammurabi is endowed by Šamaš, the sun god, with special ability to perceive the principles of justice and righteousness (kittum u mīšārum) that inform his laws.8 Applying the same topos, the psalmist petitions: “O God, grant the king your judgments; the king’s son, your righteousness!” (Ps. lxxii 1). Similarly, when Solomon marks his accession with a visit to the high place at Gibeon for an incubation, Yahweh grants him the opportunity to ask whatever he wishes.9

The monarch modestly requests only “a discerning mind to judge your
people” (1 Kgs. iii 9). For the king’s altruism in requesting only standard Near Eastern judicial wisdom, God proclaims that he will grant Solomon both what he sought and the wealth and honor that he did not seek (1 Kgs. iii 11-13). The promised fulfillment of the incubation prayer is immediately redactionally confirmed. The Deuteronomicist editor deftly appends an older wisdom narrative of two prostitutes who test the acuity of an unnamed monarch, identified only as “the king” (1 Kgs. iii 16-28), as they contest their rival maternity claims before him. The king, now contextually defined as Solomon, is glorified for his “divine wisdom in executing justice” (1 Kgs. iii 28).10

(3) Because of the divine endowment of judicial wisdom, a primary duty of the monarch was to administer justice. In particular, he was responsible for ensuring the socially marginalized equal access to legal protection. By hearing the cases of the widow and the orphan, the king himself indirectly stood in for the adult male missing from their family units. This commitment of the king to protect the widow and the orphan by hearing their cases was a widely distributed Near Eastern topos found in diverse literary genres.11 At Ugarit, it is represented by Dan El in the Aqhat epic and by prince Yaṣṣīb’s reproof of Kirta, his mortally ill father, for failing to behave like a king.12 In Babylon, it is evident in Hammurabi’s elegant claim that Marduk commissioned him dannum enšam ana la ḫabālim, kīma Šamaš ana šalmāt qaqqadim waṣēmma mātim nuwewrim, “so that the strong might not oppress the weak, to rise like Šamaš over the black-haired ones, and light up the land.”13

The positive duty of guaranteeing due process to the socially marginalized (the widow, the orphan, and the poor) by personally hearing the judicial narrative also confirms the forensic sense of ḫannām in 1 Kgs. iii 9 as “to judge,” pace NRSV’s “to govern” (although of course the verb can, in general, have either meaning).

10 The judicial narrative also confirms the forensic sense of ḫennūm in 1 Kgs. iii 9 as “to judge,” pace NRSV’s “to govern” (although of course the verb can, in general, have either meaning).


13 Laws of Hammurabi, i.27-44; Roth, Law Collections, p. 76 (my trans).
their plea has a negative corollary: to extirpate injustice. Hammurabi thus commits himself *raggam u šēnam ana ḫulluqqim*,” “to eliminate evil and the evildoer.”

In a doxology upon the accession of the Davidic monarch, the psalmist integrates the two elements of the topos into a tricolon:

May he defend the cause of the poor of the people,  
give deliverance to the needy,  
and crush the oppressor. (Ps. lxxii 4)

(4) Upon accession to the throne, the Babylonian monarch might proclaim a special remission of debts, free slaves, restore land to its owners, adjust prices, and ensure correct weights and measures. This royal initiative was designated: *mēšaram/andurāram šakānum*, “to establish righteousness/freedom.” Similarly, upon the consolidation of his rule, *mēšaram/andurāram šakānum*, “David began to establish justice and equity for all his people” (2 Sam. viii 15b). Whereas in the Akkadian context the formula refers primarily to a special one-time dispensation upon accession, in the Israeliite context, it defines the inauguration of the justice that is expected of the entire reign of the king, and by means of which his adequacy as king will be evaluated. Such ongoing commitment to justice, marked by the use of this formula, represents the ideal attribute of the Davidic dynasty (1 Kgs. x 9; Ps. lxxii 1). It became a key expectation of the current and future monarch

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14 Laws of Hammurabi, i.35-36; Roth, *Law Collections*, p. 76 (my trans).
17 The syntax (perfect of “to be” plus active participle) implies the beginning of a recurrent action, as pointed out by Weinfeld, *Social Justice*, p. 46. For the most recent study, see H. Niehr, “The Constitutive Principles for Establishing Justice and Order in Northwest Semitic Societies with Special Reference to Ancient Israel and Judah”, *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte* 3 (1997), pp. 112-30.
in classical prophecy (Jer. xxii 3, 5, 15; xxxiii 15; Ezek. xlv 9) and, in future expectation, provided the hallmark of the messianic new age (Isa. xlii 4).

(5) Just as Hammurabi, both in inscriptions and in the prologue to his laws, stresses his diligence in repairing and rebuilding temples,\(^1\) so do the Israelite and Judean kings serve as defenders and patrons of the cult. A primary measure of the devotion of Judah’s most distinguished monarchs is their commitment to the temple complex. The Davidic dynastic oracle follows immediately upon David’s proposal to build the temple (2 Samuel vii); Solomon plans, undertakes and completes its construction and also dedicates it (1 Kings i-viii); Hezekiah takes initial steps to purify the cultus (2 Kgs. xviii 1-8); and Josiah repairs the temple complex and purifies the cultus while also centralizing it (2 Kings xxii-xxiii).\(^1\)

(6) The king also serves as military commander-in-chief, with the expectation that he personally lead his city or nation in war. One need only consider Kirta’s ill-fated military campaign,\(^2\) the campaign successes about which Hammurabi boasts in the prologue to his laws,\(^3\) or neo-Assyrian royal campaigns to recognize this convention. The same was expected of the Israelite monarch. Saul’s first act as Israel’s first king was to muster the tribes in order to mount a campaign to liberate a city in Gilead from Ammonite siege (1 Sam. x 27-xi 15). Conversely, the compelling narrative of David’s sin with Bathsheba begins with the narrator’s trenchant indictment of the king for indolence: “In the spring of the year, the time when kings go out to battle, David sent Joab with his officers and all Israel with him; they ravaged the Ammonites and besieged Rabbah. But David remained in Jerusalem” (2 Sam. xi 1-2). Before the gripping tale of adultery and arranged murder is even begun, David is already condemned for failing to fulfill the royal mandate.

\(^1\) *ANET*, pp. 269-71; see G. Roux, *Ancient Iraq*, p. 185; Laws of Hammurabi, i.50-iv.63; Roth, *Law Collections*, pp. 77-80.

\(^2\) The claim by Frankfort that “[t]he Hebrew king normally functioned in the profane sphere, not in the sacred sphere. . . . He was emphatically not the leader of the cult” overlooks such examples (*Kingship and the Gods*, p. 342). The expectation of royal cultic leadership increases further with the Chronicler’s vision for Yehud as a temple-state: both Hezekiah and Josiah assume major cultic roles (2 Chronicles xxx-xxxi, xxxv).

\(^3\) *CAT* 1.14.IV.8-52; Parker, *Ugaritic Narrative Poetry*, pp. 18-20.

\(^4\) Laws of Hammurabi, ii.32-36; ii. 68-ixi.6; iii.47-54; iii.70-iv.6; iv.23-31. See Roth, *Law Collections*, pp. 77-80.
Taken together, therefore, these six characteristics emphasize the extent to which ancient Israel fully participated in the royal ideology of the broader ancient Near East. Precisely that lack of distinctiveness, retrospectively viewed as a threat, accounts for the sharp polemic preserved by the Deuteronomistic Historian in his narrative about the foundation of the monarchy. In effect, the nation’s elders insist that Samuel should erase Israel’s religious and political identity: “Now, appoint a king for us to govern us like all of the other nations!” (1 Sam. viii 5).

The ideology of royal judicial authority in the Deuteronomistic History

Among the components of the Near Eastern royal ideology, the responsibility of the king for justice (which encompasses attributes 2, 3, and 4 above) warrants particular attention. Just as in Babylon and Ugarit, so in ancient Israel was the monarch regarded as the supreme legal authority, arbiter of justice, and appellate court. So central is the king to the administration of justice that, in his narrative of the establishment of the monarchy (1 Samuel vii), the Deuteronomistic Historian grants priority to the emergency need for royal judicial integrity. In so doing, he contradicts his own literary sources which, far more accurately, lay out the actual cause. The need for an institutionalized political and military administration was a response to the expansion of the technologically more advanced Philistines from the coastal littoral into the Shephelah and the hill country of central Judah and Samaria (1 Sam. iv 1-vii 2). Nonetheless, the Deuteronomistic Historian presents the popular demand for a king as filling a judicial, not a military, vacuum. Despite Samuel’s exemplary dispensation of justice in his role as circuit-court judge, the sons whom he appoints in his old age fail to follow in his footsteps (1 Sam. viii 1-4) and are indicted by the Deuteronomistic Historian for their corruption. In


23 For the reuse of Deuteronomy’s law concerning the proper behavior of judges (Deut. xvi 19) in DtrH’s evaluation of Samuel’s sons, see B. M. Levinson, Deuteronomy and the Hermeneutics of Legal Innovation (New York and Oxford, 1997), p. 139.
this narrative, all Israel’s elders converge upon Samuel at Ramah to request a king as a supreme judicial authority, to fill the legal vacuum created by his bribe-taking sons: וַיִּקְרָא וַיַּקְרַב מֵעָלָם אֶל שְׁמוֹאֵל בְּרָמָה הַיּוֹם “Therefore, appoint a king for us to dispense justice for us” (1 Sam. viii 5; cf. v. 6).24

The Deuteronomistic Historian glorifies the monarch by regularly including stories of his judicial activity. David and Solomon both directly and by delegation heard complex legal cases and entertained judicial appeals. Royal prerogative even entitled the monarch to pardon a capital offense that would otherwise require execution by the blood avenger (2 Sam. xiv 1-24). So ably does David serve as both public prosecutor and judge in Nathan’s parable of the ewe lamb that he unwittingly convicts himself of a double capital offense (2 Sam. xii 1-14). Absalom’s designs to exercise supreme judicial authority are no less a usurping assault on his father’s throne (2 Sam. xv 4) than his subsequent claim on his father’s concubines (2 Sam. xvi 20-22).25 The king’s judicial function, as presupposed by the narratives, is not restricted to being either a final court of appeal (as in the case of the woman from Tekoa in 2 Sam. xiv 1-24) or a protector of the poor (as in the case of the ewe lamb in 2 Sam. xii 1-14). The Deuteronomistic Historian also portrays the monarch as arbiter of ambiguous legal cases, in which there are no witnesses and in which there exist no empirical criteria for deciding between the competing claims of the two litigants (1 Kgs. iii 16-28). Given that in early legal material the final decision in such ambiguous cases was the responsibility of the local sanctuary (Exod. xxii 7, 8, 10), it is likely that this story reflects aggrandizement of the monarch rather than normative judicial procedure. In this idealization of the king in terms of his judicial wisdom, the Deuteronomistic Historian draws extensively on standard Near Eastern royal ideology.26

24 The Hebrew verb can also denote “to rule” or “to govern” but the context favors the judicial denotation here. On the various attempts to clarify the sense of the verb in this verse, see L. M. Eslinger, *Kingship of God in Crisis* (Bible and Literature Series 10; Sheffield, 1985), pp. 254-58.


26 Noting this point and showing how Solomon is redactionally aggrandized in conventional Near Eastern terms as possessing superior skills of royal administration as well as encyclopaedic wisdom (1 Kgs. iv 1-19; v 7-8; v 9-14) is G. N. Knoppers, *Two Nations under God: The Deuteronomistic History of Solomon and the Dual Monarchies* (2 vols.; HSM 52-53; Atlanta, 1993-1994), vol. 1, pp. 83-87. For a careful analysis of the redactional transformation of the concept of wisdom, from pragmatic shrewdness to judicial insight, see Weinfeld, *Deuteronomy and the Deuteronomic School*, pp. 254-57.
The double anomaly of Deuteronomy

Because of their program of cultic centralization, which identified the Temple as the single legitimate sanctuary, the authors of Deuteronomy pointedly rejected the Israelite and Near Eastern convention that makes the king central to the administration of justice. In systematically working out the broader implications of centralization, they had to address issues ostensibly unrelated to the cultus, foremost among which was justice. In the Covenant Code, cases involving ambiguities of evidence or the absence of witnesses were remanded to the local sanctuary for cultic resolution by means of a judicial oath or oracular responsum at the altar (see Exod. xxii 7, 8, 10). But the deuteronomic prohibition of all local sanctuaries—even those not devoted to foreign gods and thus almost certainly Yahwistic (Deut. xii 13-14; 2 Kgs. xxiii 8-9; cf. Deut. xviii 6-8)—meant that this important judicial function of the local altar could no longer be tolerated. Centralization therefore created a “judicial vacuum in the provincial cities.” To compensate, the authors of Deuteronomy called for the creation of a professionalized, secular, judiciary to be distributed throughout Judah: Judges and judicial officers shall you appoint for yourself in each of your city-gates” (Deut. xvi 18a). This judiciary assumed responsibility for all routine legal cases. The ambiguous legal cases, however, which were formerly resolved at the local sanctuary, were now remanded to the central sanctuary, as the exclusive legitimate cultic site (Deut. xviii 8-13). As a result of this change, the role of the king had also to be redefined, since the authors of Deuteronomy now in effect assigned to the Temple the ultimate judicial responsibility more conventionally held by the monarch.

This deuteronomic redefinition of powers results in two anomalies in the legal corpus. First, in the laws concerned with the administration of justice (Deut. xvi 18-20; xvii 2-7; xvii 8-13), there is a stunning silence with regard to the king. In Deut. xvii 8-13, the locus for supreme judicial authority is the Temple and its officials. Not a word is said about the monarch, the expected arbiter of judicial authority. The suppression of any mention of the conventional royal mandate to

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27 For a fuller study of the judicial role of the cultus, which also includes priestly manipulation of the lots, priestly rulings, and judicial ordeals, see Levinson, *Hermeneutics of Legal Innovation*, pp. 110-27.
hear cases and to defend the rights of the marginalized is so systematic as to constitute an intentional rejection of that norm. The denial that justice has anything to do with monarchic authority is the more striking in that the instructions for how to obtain a ruling in the case of a complex judicial case refer the litigant to the Jerusalem Temple: to the very bailiwick of the monarch. Indeed, standing just south of Solomon’s Temple would have been, not only the private residence of the king, but also: “the Hall of the Throne where he was to pronounce judgment, the Hall of Justice, covered with cedar from floor to floor” (1 Kgs. vii 6). Even the architecture of the Temple complex presupposes the judicial role of the monarch, a role denied him by the authors of Deuteronomy as they rewrite literary history by designating the Temple—now markedly to the exclusion of the Israelite king—as the exclusive source of judicial authority in the central sphere.

Second, conversely, although the following paragraph of the legal corpus is devoted to the king, nothing is said about his traditional judicial function:

(14) When you enter the land which Yahweh your God is about to give you and have taken possession of it and have settled in it and you say, “I will appoint a king over me like all the nations that are round about me,” (15) you may indeed appoint a king over you whom Yahweh your God will choose. From among your brothers shall you appoint someone as king over you; a foreigner who is not one of your brothers may you not place over you. (16) However, he must not acquire many horses for himself nor may he cause the people to return to Egypt in order to acquire more horses, since Yahweh has said to you, “You must never again return that way!” (17) Nor may he acquire many wives for himself, for his heart would turn away; nor may he enrich himself with silver and gold. (18) When he comes to sit on the throne of his kingdom,

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30 Only post-exilically, under the influence of Achaemenid models of royal authority, is the monarch’s right to judicial appointment restored to him. The Chronicler’s programmatic narrative of Jehoshaphat’s judicial reform anachronistically revises Deut. xvi 18-20; xvii 2-7 (and other texts) in order to reassert royal judicial authority (2 Chronicles xix). That text, despite the very influential article by Albright, is not historical. It is a deliberate compilation of other texts and only provides reliable information about the Chronicler’s vision for a reconstruction in the Persian Age. Establishing the text’s non-historicity are A. Rofé, “The Law About the Organization of Justice in Deuteronomy (16:18-20; 17:8-13)”, Beth Mikra 65 (1976), pp. 199-210 (Hebrew; English abstract); R. R. Wilson, “Israel’s Judicial System in the Preexilic Period”, JQR 74 (1983), pp. 229-48; Rüterswörden, Studien zu Dt 16, 18-18, 22, pp. 15-19; and, most extensively, G. N. Knoppers, “Jehoshaphat’s Judiciary and ‘the Scroll of YHWH’S Torah’”, JBL 113 (1994), pp. 59-80. Rofé’s article has been widely overlooked.
he shall have a copy of this law written for him upon a scroll in the presence of the levitical priests. (19) It shall remain with him and he shall read in it all the days of his life, so that he may learn to fear Yahweh his God by diligently performing all the words of this law and all the statutes (20), so as not to exalt his heart over his brothers nor to deviate left or right from the commandment, so that he, together with his descendants, may long reign over his kingdom in Israel (Deut. xvii 14-20).

Just as Deut. xvii 8-13 restricted judicial recourse in the central sphere to the Temple while ignoring the conventional role of the king, so does the Law of the King suppress just those attributes that represented the monarch’s greatest source of dignity. Indeed, the depiction of the functions of the king in this unit serves far more to hamstring him than to permit the exercise of any meaningful authority whatsoever. After the introductory specification that the king should not be a foreigner (vv. 14-15), five prohibitions specify what the king should not do (vv. 16-17). There remains for the king but a single positive duty: while sitting demurely on his throne, to “read each day of his life” from the very Torah scroll that delimits his powers (vv. 18-20). In Deuteronomy’s presentation, the king is reduced to a mere titular figurehead of the state, more restricted than potent, more otiose than exercising real military, judicial, executive, and cultic function.31 The one potent authority is the Torah—the text of Deuteronomy xii-xxvi—in whose original reception, formulation, transcription, and implementation Deuteronomy’s king plays no role whatsoever.32

Deuteronomy’s cultic center thus claims supreme judicial authority at royal expense (Deut. xvii 8-13): the authors divest the king of his judicial authority and reassign it to the Temple. The conception of cultic justice is itself radically revised in the process of Deuteronomy’s reconfiguration of public offices. The procedures for obtaining a verdict at the central sanctuary detailed in Deut. xvii 8-13 make no ref-


ference to conventional priestly manipulation of the lots in order to issue a judicial ruling nor to the Urim and Thummim that were stored within the שיפודוות, “breastplate of justice”, and that hung from the priestly vestments (Exod. xxviii 15-30; Lev. viii 8), although their use represented a hallmark of the priestly tribe of Levi (Deut. xxxiii 8).

Nor is there any hint of a judicial ordeal officiated over by a priest (Numbers v) or of a judicial oath before the divinity.

Even the language of an oracular responsum—לְכָלֶה לְכָלֶה יִשָּׁרָה, “according to the instruction that they shall teach you” (Deut. xvii 11)—seems more vestigial than cultic, so great is the overlay of Deuteronomic cliché.

No longer is an individual priestly “ruling” or “instruction” at issue, as in cases of cultic purity or impurity (the פִּתְרָה of Lev. xiii 59; xiv 2, 32, 54, 57; xv 32; Hag. ii 11). The Torah proclaimed at the Temple is instead the Torah of Deuteronomy: the reference seems in this context self-reflexive, and refers to the legal corpus of Deuteronomy xii-xxvi. The scribal law of Horeb has here fundamentally transformed the Zion both of the monarchy and of the Temple.

The separation of king and cultus in Deuteronomy

Just as Deuteronomy’s Law of the King (Deut. xvii 14-20) denies the king any role in justice, so does it deny him a role in the cultus. The monarch’s one contact with a religious official is to arrange for a copy of the Deuteronomic Torah to be written for him. There is no provision for the monarch actively to participate in the cultus, still less to supervise it or serve as royal patron of the Temple. The converse is also true. Deuteronomy’s cultic laws envision no role whatsoever for the monarch. The calendar of pilgrimage festivals (Deut. xvi 1-17) is addressed to each citizen who is commanded to observe it (see Deut. xvi 11, 14). It is not supervised by any official or public

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34 On the religious and forensic function of oaths, see K. van der Toorn, Sin and Sanction in Israel and Mesopotamia: A Comparative Study (SSN 22; Assen/Maastricht, 1985), pp. 45-55.

35 Thus Deut. xvii 10 נְחָלָה נְחָלָה (cf. v 1, 29; vi 3, 25; vii 11 etc.); דִּבְרָה נְחָלָה; xvii 11 כֵּן כֵּן פָּרָה נְחָלָה ... דִּבְרָה נְחָלָה (cf. v 32; xvii 20); xvii 12b-13 מַעְבֶּרֶת דִּבְרָה נְחָלָה (cf. xiii 11; xix 20; xxi 21).
authority, not even the highest of them, the king. Nor is there direct literary contact in the arrangement of the legal corpus between cultic and administrative law. In redactional terms, the festival calendar belongs to a separate unit from the Laws of Public Officials (Deut. xvi 18-xviii 22).

The double denial by Deuteronomy of the conventional participation of the king in justice and cultus amounts to an extraordinary rejection of the standard Israelite and Near Eastern royal ideology. The Law of the King paradoxically denies him all the essential components of royal power and prestige: supreme judicial authority and sponsorship of the cult. Even military leadership is sharply curtailed.\(^{36}\) Recognition of Deuteronomy’s radical bid for the primacy of Deuteronomic Torah over the monarch’s conventional standing must anticipate a methodological difficulty: how is it that Deuteronomy, which scholarly consensus views as having been promulgated by King Josiah (2 Kings xxii-xxiii), could nonetheless be so usurping of royal power in its Law of the King (Deut. xvii 14-20)?\(^{37}\) Equally, how is it that

\(^{36}\) In itself, the injunction not to multiply horses for himself (Deut. xvii 16) seems neutral: directed only at the accumulation of a private militia or private wealth. But military leadership is not urged here as a positive responsibility of the king. In the war laws (Deut. xx 1-20; xxi 10-14; xxiii 9-14; xxiv 5), the king is never mentioned, even proleptically by way of future reference, among the other leaders and officials in charge of the army.

\(^{37}\) Attempts to resolve the problem diachronically, by reconstructing a deuteronomistic layer from a deuteronomistic one and viewing the radical contraction of power as restricted to the latter, still fail to come to terms with the larger incompatibility between even this deuteronomistic version and the account of Josiah’s reform as narrated by the Deuteronomistic Historian (2 Kings xxii-xxiii). For the attempt to distinguish deuteronomistic and deuteronomistic layers within Deut. xvii 14-20, see Rüterswörden, \textit{Studien zu Dt 16, 18-18, 22}, pp. 94-111. His literary analysis is based upon the assumption that the Deuteronomic layer would have had a pragmatic, political orientation which was secondarily revised in light of Dtr theology. The assumption of any Deuteronomic basis to the law is strongly challenged by N. Lohfink’s review, \textit{TLZ} 113 (1988), p. 426. Eckart Otto attempts to rehabilitate this model of a two-stage redaction. He argues that in its first, pre-exilic, Deuteronomic redaction, the legal corpus represented a programmatic legal reform, involving matters of cult, justice, and family law. This edition excluded the Law of the King, which was only added when the corpus was secondarily revised to become a Deuteronomic draft constitution for the post-exilic community (“Von der Programmschrift einer Rechtsreform zum Verfassungsentwurf des Neuen Israel: Die Stellung des Deuteronomiums in der Rechtsgeschichte Israels”, in: \textit{Bundesdokument und Gesetz: Studien zum Deuteronomium} [ed. G. Braulik; HBS 4; Freiburg, 1995], pp. 92-104). Otto’s exclusion of the Law of the King as deuteronomistic is inconsistent with his own compelling larger argument for the historical provenance of the legal corpus of Deuteronomy. It is difficult to understand how a comprehensive royal reform, conducted under Josianic aegis, would deny the king any mention whatsoever, let alone a meaningful political, judicial, or cultic role. For a valuable sum-
Josiah, however exemplary in his piety, would so easily participate in his own forced abdication from power? At issue is the prevailing assumption that the Deuteronomic Historian is consistent with Deuteronomy in his conception of royal power. The Deuteronomic Historian wants the reader to understand the Josianic reforms as the triumph of Deuteronomic law. Indeed, despite the diversity of positions as regards the number and dating of its various editions, most scholars take for granted that the Deuteronomic History directly implements the norms of the Deuteronomic legal corpus. In fact, the actual story is more complex, for Deuteronomy’s norms are implemented by the Deuteronomic Historian in a completely non-Deuteronomic way. The double denial by the Deuteronomic author that there should be any connection between king and cult is reversed by the Deuteronomic Historian.

The Deuteronomic account of the national celebration of the Passover in Jerusalem, the high point of the account of Josiah’s reform, radically revises the Deuteronomic Passover, which it ostensibly enacts to the letter (2 Kgs. xxiii 21-25). In narrating the first ever centralized celebration of the Passover, the Deuteronomic Historian makes Josiah the royal patron of the cult who assiduously supervises the celebration of the Passover. He it is, then, standing ceremoniously before the assembled people, who solemnly commands: “Offer the passover sacrifice to Yahweh, your God, as it is written upon this scroll of the covenant” (2 Kgs. xxiii 21). The formula points to the king’s near verbatim citation of the


39 De Vaux, Ancient Israel, pp. 487-88, understands the syntax of 2 Kgs. xxiii 22 to presuppose an early centralized observance of the Passover during the period of the tribal league, with Josiah’s observance marking its reinstatement. That analysis can be supported neither syntactically nor historically. The parallel between the syntax of comparison in v. 22 and the subsequent note about Josiah—“that like him there was no king before him . . . nor arose [one] like him after him” (v. 25)—suggests that the Deuteronomist in both cases uses the language of comparison to express absolute difference: both Josiah and the Passover were unique. Historically, there is no evidence to support any pre-monarchic tribal unity under an amphictyony; see A. D. H. Mayes, “The Period of the Judges and the Rise of the Monarchy”, in: Israelite and Judaean History (ed. J. H. Hayes and J. M. Miller; Philadelphia, 1977), pp. 297-304. Following de Vaux in the misunderstanding of 2 Kgs. xxiii 22 is J. G. McConville, Law and Theology in Deuteronomy (JSOTSup 33; Sheffield, 1984), p. 108.
Deuteronomic command יָlayınֶה צְבָעַת, “You shall offer the passover sacrifice to Yahweh, your God” (Deut. xvi 1a). Despite the royal insistence upon conformity to law, Josiah’s very invocation of that law transforms it. The narrative introduction to the royal citation already raises the interplay of voice and authority as the Deuteronomist cannily observes that Torah is here implemented under royal aegis: מֹשֶה מִלְמַרְכָּז “The king commanded all the people . . .” (2 Kgs. xxiii 21aβ). In one deft stroke the Deuteronomistic Historian revokes and redefines both the Deuteronomic Passover, now enacted under royal command, and Deuteronomy’s Law of the King, as the monarch now leads the cultus. The Deuteronomistic Historian subordinates Deuteronomic law to his own more conservative view of the proper relation between king and cult and thus reverses Deuteronomy’s innovation. With Josiah made the royal enforcer of Torah as the law of the land, the Deuteronomistic Historian, several generations after Deuteronomy, returns to the monarch the active connection to cultus and law that had been, so briefly and idealistically, denied him.⁴⁰ That the reversal of Torah should assume the form of compliance with Torah makes the move characteristically Deuteronomic in strategy even if not in substance.

If this analysis is correct, the Deuteronomistic account of the discovery, verification and enforcement of “the Torah scroll” in 2 Kings xxii-xxiii, all under the aegis of Josiah, is a much more sophisticated narrative than has traditionally been acknowledged. In recounting the discovery and promulgation of Deuteronomy, the Deuteronomistic Historian actually abrogates Deuteronomy, the very normative standard that he purports to implement.⁴¹ The promulgation narrative

⁴⁰ The importance of the king to the cultus is also evident elsewhere in the Deuteronomistic History. Both David and Solomon offer sacrifices (2 Sam. xxiv 22-25; 1 Kgs. iii 4, 15; ix 25), and David leads the procession bringing the Ark to Jerusalem (2 Sam. xvi 1-19); see G. N. Knoppers, “Rethinking the Relationship between Deuteronomy and the Deuteronomistic History”, CBJ (forthcoming). I am grateful to Prof. Knoppers for sharing this manuscript in advance of its publication. The account of Solomon’s building of the Temple, including the dedicatory prayer before the assembled nation, corresponds closely to ancient Near Eastern literary accounts of royal temple building; see V. Hurowitz, I Have Built You an Exalted House: Temple Building in the Bible in Light of Mesopotamian and Northwest Semitic Writings (JSOTSup 115; Sheffield, 1992), pp. 106-10.

⁴¹ See Knoppers, “The Deuteronomist and the Deuteronomic Law of the King”, pp. 329-46; and idem, “Rethinking the Relationship between Deuteronomy and the Deuteronomistic History.” In the latter article, Knoppers has broken through to an important new insight, as he cogently challenges the dominant paradigm that regards
more properly legitimates the Deuteronomistic History itself, along with its non-Deuteronomistic conception of royal cultic patronage and royal ideology. The scholarly convention that it is straightforwardly the legal core of Deuteronomy that Josiah implements—a view that has no source but for the vested interests of the Deuteronomistic History itself—overlooks the extent to which the Deuteronomistic Historian’s conception of kingship conflicts with Deuteronomy’s Law of the King (xvii 14-20).

The discrepancy between Deuteronomy’s rejection of standard royal ideology and the Deuteronomistic History’s account of Deuteronomy’s royal implementation forces the methodological difficulty: how could Josiah have been responsible for a text that so limited his own power? The ideological clash suggests a modification to the traditional scholarly position that Deuteronomy was first promulgated under Josianic aegis.\(^{42}\) Possibly, Deuteronomy stemmed from the hands of court scribes under Manasseh who were committed to the ideals of Hezekiah’s initial cultic reform and centralization. Disillusioned by the situation under Manasseh, they drafted a utopian legal program for cultural renewal. They drew partly on the model of Neo-Assyrian state treaties, while also defying that model by installing Yahweh as the suzerain to whom the Deuteronomistic Historian as directly implementing the legal norms of Deuteronomy. In doing so, however, his approach does not fully realize its own promise, stranding Knoppers between the older model, which he rejects, and the newer model, which he propounds. Knoppers assumes the classic paradigm in which the Law of the King is Deuteronomistic in order to argue that the later Deuteronomistic Historian then abrogates Deuteronomy’s contraction of royal authority. Yet he never clearly defends the attribution of the Law of the King to Dtn, although the thesis of selective reuse and abrogation requires it. Indeed, his insightful analysis begs the question. Given the Law of the King’s abrogation of royal authority, it can hardly be considered Josianic. Once severed from this historical linchpin, however, on what grounds can the Law of the King either be attributed to Dtn or dated prior to the Deuteronomistic History? The historical context and motivation for the Law of the King are thus left without explanation. Knoppers indirectly concedes these unresolved diachronic issues as he notes in the conclusion that the relation between the Law of the King and the Deuteronomistic History may actually be synchronic, with each deriving from different factions within the Deuteronomistic movement. But that alternative sociological explanation invalidates the prior thesis of legal abrogation, since it removes the inconsistency between Deuteronomy and the Deuteronomistic History. Moreover, if two different ideological positions can both be attributed to a single social group, the distinction between “Dtn” and “Dtr” is no longer meaningful.

\(^{42}\) To fully address this issue is beyond the scope of a brief article. The focus here is to address the texts and their respective ideologies of kingship on their own terms. The following historical reconstruction is simply a tentative sketch of one possible historical context for Deuteronomy’s unprecedented limitation of the monarch.
exclusive loyalty (Deut. xiii 2-19) and tribute (xiv 22-28) are owed, and to whom the loyalty oath (adê), with its sanctions, must be sworn. The seventh century presented many opportunities for Judaean court scribes to become familiar with such Neo-Assyrian treaties, whether directly or in Aramaic translation (as at Sefire). Indeed, Manasseh’s name appears in lists of vassal kings in contemporary documents from both Esarhaddon and Ashurbanipal. The mistrust of royal power, on account of Manasseh’s pragmatic foreign policies, might well account for the sharp delimitation of royal authority by the authors of Deuteronomy, as they downplay the role of the monarch while making Yahweh exclusive Sovereign and transfer to the nation the idea of divine election (Deut. xiv 1-2; see below). Subsequently, the accession of Josiah could have provided an occasion for renewed optimism, with the monarch again viewed as an agent of cultural renewal. For that reason, the editor of the first edition of the Deuteronomistic History might well have taken over the cultic norms of Deuteronomy, elevating them to a historiographic standard of evaluation, while nonetheless departing from Deuteronomic norms by restoring to the monarch his traditional authority to intervene in the cultus.

The objection might, of course, be raised, that Deuteronomy’s restriction of royal power allows the king to retain all that is not explicitly prohibited. From that perspective, the law would represent only a modification, instead of a radical denial, of royal power. But some controls to the hypothesis are possible by consulting sections of the legal corpus other than the law in question. At every point of the legal corpus that addresses subjects that fall within the traditional spheres of royal authority, there is a consistent omission of any reference to the king. There is not even a proleptic reference that anticipates future contingency, on the order of the centralization formula. The war laws of Deuteronomy, for example, are striking for their non-mention of a monarch as leader of the campaign. When the conscripted army is first called to the field, it is the priest and the officials who are to address the troops before the commanders take charge (Deut. xx 1-9).

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43 ANET, pp. 291, 294.
44 See also Knoppers, “Rethinking the Relationship Between Deuteronomy and the Deuteronomistic History.”
45 Even the secondary reference to the future judge (Deut. xvii 9), who is placed directly in the sanctuary, is decidedly non-royal. See the clear analysis of A. D. H. Mayes, Deuteronomy (New Century Bible Commentary; London, 1979), pp. 268-69.
There is no reference, direct or indirect, to a single military commander, let alone a king. The extraordinary omission of the monarch from both justice and cultus has already been established. Even interventions in the economy like the remission of debts, which were the conventional hallmark of royal power (especially upon accession), are detached from royal decree. It is the legal corpus of Deuteronomy, rather than the king, that decrees the remission of debts, while also transforming the institution from a one-time dispensation granted by the reigning monarch into a septennial national obligation completely independent of any particular royal initiative (Deut. xv 1-3). Thus, even sections of Deuteronomy separate from the actual Law of the King are consistent with it: they envision no role for the king in precisely those spheres of life—cultus, administration of justice, national military campaigns, and finance—where the monarch would be expected to be most active.

The following chart attempts to summarize more comprehensively the incompatibility between the ideology of kingship in Deuteronomy and that of the Deuteronomistic History.

<table>
<thead>
<tr>
<th>Discontinuities in the Royal Ideology of Deuteronomy and DtrH</th>
<th>Dtn</th>
<th>DtrH</th>
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</thead>
<tbody>
<tr>
<td>Monarch as final court of judicial appeal</td>
<td>—</td>
<td>+</td>
</tr>
<tr>
<td>Monarch as defender and presider over cultus</td>
<td>—</td>
<td>+</td>
</tr>
<tr>
<td>Divine adoption of monarch</td>
<td>—</td>
<td>+</td>
</tr>
<tr>
<td>Royal leadership in war</td>
<td>—</td>
<td>+</td>
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<tr>
<td>Royal responsibility for economic relief</td>
<td>—</td>
<td>+ (Jer 34)</td>
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<td>(debt remission, manumission)</td>
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The degree of incompatibility is so strong as to invite a reconsideration of the model for deeming later literary layers of Deuteronomy “Deuteronomistic” and assigning them to the Deuteronomistic Historian. The question of the literary stratification within Deuteronomy, which cannot be denied, should be made heuristically independent of the attribution of such strata to DtrH. How meaningful is it to assign

46 See Knoppers, “Rethinking the Relationship between Deuteronomy and the Deuteronomistic History” (see note 40).
47 For an important challenge to the standard model of automatically assigning strata in material, especially in the prophetic corpora, to the activity of an assumed
the Law of the King, whether in whole or in part, to a Deuteronomistic Historian, when the latter contravenes the former by holding the monarch accountable for the correct operation of the systems of cultus and justice? Even those sections of Deuteronomy whose Deuteronomistic attribution is widely agreed upon raise methodological questions on the matter of kingship. The frame section of Deuteronomy holds the people accountable for the exile, understanding exile to result from national apostasy (Deut. xxxi 14-30). The Deuteronomistic Historian, however, assigns primary responsibility for national apostasy to the monarch: it was the pivotal actions of Jeroboam (2 Kgs. xvi 21-23) and of Manasseh (2 Kgs. xx i 1-17) in introducing syncretistic worship that brought about the destruction of Israel and the exile of Judah. The very indictment assumes a norm that is non-Deuteronomic: the expectation that the monarch bears primary responsibility for the cultus. From this vantage point, the apostasy of the people is entirely secondary to that of the king, since the people follow in his footsteps. In the same vein, the frame of Deuteronomy specifies that there be a national convocation every seven years, at the Festival of Tabernacles, whereupon the priests should instruct the assembled people in Torah (Deut. xxxi 9-15). In the case of the Deuteronomistic Historian, however, the priestly readers become, rather, those who are royally read to. Josiah, having assembled the nation, reads the Torah “to all the men of Judah and all the inhabitants of Jerusalem, and the priests and prophets, all the people, young and old” (2 Kgs. xxiii 1-2).

The authors of Deuteronomy transfer many key attributes of the conventional royal ideology from the king to the nation and to the Deuteronomistic Torah itself. In doing so, they seem to engage the Davidic dynastic oracle, directly or indirectly; in effect they redefine the primary relation as obtaining between God and Israel rather than between God and the Davidic dynasty.48 If God adopts the Davidic monarch as divine scion (סמך רחבי ירהו פלך לחל הדרת רע; 2 Sam. vii 14a), Deuteronomy denies that status to the monarch (Deut. xvii 14-20) and


48 The reapplication of the Davidic dynastic oracle to the nation is also evident in Deutero-Isaiah’s explicit invocation and nationalization of it: ספק ירהו גלוד רחבי ירהו פלך, “I will make an eternal covenant with you, [with] the steadfast, sure love of David” (Isa. lv 3).
predicates it rather of Israel as a nation who, collectively, now serve as divine scion: יִבְשָׂם אֶת בְּנֵי יִשְׂרָאֵל לְנָשִׂיאֵי אֲנָשָׁי (Deut. xiv 1a). Yahweh here formally adopts Israel. The Deuteronomic election formula nationalizes the older royal adoption formula so as to establish a contractual relationship between deity and people: יִשְׂרָאֵל לְנָשִׂיאֵי אֲנָשָׁי (Deut. xiv 2b; cf. Deut. xxvi 17-18). The nationalization of the royal ideology takes place elsewhere in Deuteronomy as well. At the beginning of this study, it was noted that the head of the pantheon confers his “Elyon-function” upon the royal adoptee, granting the Davidic monarch hegemony over all other earthly kings:


As for me, Firstborn will I appoint him, 
Most High [‘Elyôn] to all the kings of the earth! (Ps. lxxxix 28)

While rejecting this mythologization of the monarch, the authors of Deuteronomy appropriate that resonant language in promising national hegemony as the blessing of covenantal obedience:


Yahweh your God shall appoint you Most High [‘Elyôn] over all the nations of the earth! (Deut. xxviii 1b; cf. xxvi 19)49

It is now the nation, and not the king, who rules as the earthly counterpart to the head of the pantheon.

Deuteronomy’s “constitutional” monarchy

Rejecting the conventional royal ideology, the Law of the King might, more appropriately, be described as the blueprint for a constitutional monarchy that radically curtailed precisely the normal hallmarks of power that characterized the monarch. That blueprint for a reconstituted monarchy finds its place within a broader draft constitution in which the key judicial, administrative, and cultic branches of government have their separate spheres of authority defined and allocated

49 The mythological reference is flattened by the NRSV: “The Lord your God will set you high above all the nations of the earth” (Deut. xxviii 1b). See n. 4, above, for the similar flattening even in the explicitly mythological context of the Davidic dynastic oracle (Ps. lxxxix 28).
by a single, sovereign authoritative text (Deut. xvi 18-xviii 22). The key idea of this charter is that no one branch of public office is superior to the other; rather, each is equally subordinate to Deuteronomy’s “Torah.” It is the legal corpus of Deuteronomy that assigns each branch its function and specific sphere of influence; that brings each branch of the administration into relation to one another as part of a broadly conceived whole; that grants each judicial, executive, cultic, and prophetic institution its legitimacy; and that assigns it a standard of performance. No single public institution is self-legitimating: neither the monarchy, the priesthood, nor even prophecy itself.

Such a systematic subordination of king, indeed of all public authorities, to a sovereign legal text that defines the powers of each and to which each is accountable, has no counterpart in the ancient Near East where, rather, under the standard royal ideology, it was the king who promulgated law. It is equally absent from the Greek ideology of kingship as reflected in epic and hero cult. This blueprint for a “Torah monarchy” arguably lays the conceptual foundations for the later idea of a constitutional monarchy. Since Deut. xvi 18-xviii 22 promotes the idea of a public text as what defines the institutional structure of government, and permits no single institution to emerge as superior either to the other branches of government or to the charter to which all are accountable, it may well be that Deuteronomy here also lays the foundation for western constitutional thought more broadly. Yet the literary materials of the Bible or the ancient Near

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52 The singularity of the Deuteronomic subordination of king to independent law is the more striking since the Greek vision of kingship, as Iron Age authors envisioned the Bronze Age, otherwise closely corresponds to the royal ideology of the ancient Near East. Thus, in both the Greek and Near Eastern conceptions, the hereditary king is overlord of a set of vassals, plays a role in the cult by leading sacrifice and sponsoring the construction of temples and shrines, is leader in war, and arbitrates legal disputes. The king possesses some form of strong connection to the divine, either being himself worshipped as a god or considered to be the literal or metaphorical son of a god or goddess. The gods look favorably on the king and often bestow their authority upon his rule, symbolically in the form of a scepter. The gods also grant the king the ability to judge wisely and fairly. Finally, the well-being of the crops was thought to be dependent upon the king, with a good growing season attributed to royal justice and piety. On these points of correspondence, see M. L. West, The East Face of Helicon (Oxford, 1997), pp. 14-19, 132-37.
53 Proposed by way of introduction in Lohfink, “Wirksamkeit des Gotteswortes”, pp. 305-6. In the post-biblical reception of the text, Deuteronomy was from ancient times viewed as a constitutional model by Jews. The rabbinic patriarchate in Israel during
East are rarely directly examined for their role in the development of Western politics and judicial thought. The isolation of academic disciplines from one another and the difficulty for non-biblicists of approaching the text diachronically, let alone controlling Near Eastern material in a meaningful way, make it difficult for political philosophers or legal historians to include the Bible within the conspectus of primary sources for the development of constitutional history. Conversely, biblicists have often not undertaken such broader theoretical issues.

Deuteronomy’s blueprint was more utopian than pragmatic. In the same way that Ezekiel’s vision of the restoration of kingship (Ezek. xxxvii 13-18) and of cultic, political, and corporate life in the land (Ezekiel xl-xlviii) was never carried out, as the prophet became, like Moses, a promulogator of law, so, too, there is no evidence for the implementation of the judicial-political-religious charter of Deut. xvi 18-xviii 22. So radical was it in its own time that, shortly after its

54 The work of Eric Voegelin is no exception to this generalization, since it imposes a Greek notion of philosophical reason upon the material, failing to come to terms with the way in which the Near Eastern and Israelite narrative and law represent thought, even if not formulated in propositional terms (Israel and Revelation, vol. 1 of his Order and History [5 vols.; Baton Rouge, 1956-87]). Contrast the promising new series The Jewish Political Tradition (ed. M. Walzer, M. Lorberbaum, and N. J. Zohar; 4 vols.; New Haven and London, 2000-). Note therein the author’s “The Sinai Covenant: The Argument of Revelation”, 1.23-27.

55 The “Mosaic” blueprint for an ideal national life (Deut. xvi 18-xviii 22) bears striking parallels to Ezekiel’s similarly utopian visions of the renewal of kingship (xxxvii 13-28) and of the restoration of corporate life in Judah, around a rebuilt Temple, with restructured institutions of land distribution, priesthood, and monarchy (chs. xl-xlviii). Ezekiel’s vision of the restoration of the united monarchy reuses the Davidic dynastic oracle in such a way as to embed in it both people and Temple, all but crowding out the king. The prophet pointedly rejects the formula of divine adoption of the monarch (Ezek. xxxvii 23). He transfers the original’s promise of an eternal line from designating dynastic continuity upon the throne (2 Sam. vii 16) to assuring national continuity on the land: (Ezek. xxxvii 25b). It is not the Davidic scion (2 Sam. vii 13) but God himself, without reference to human agency, who shall build the Temple (Ezek. xxxvii 26-27); and the status of divine “servant” is assigned not uniquely to the monarch (2 Sam. vii 8) but, equally, to both monarch (Ezek. xxxvii 24, 25). While retaining the classical term “king” (xxxvi 22, 24), he also invokes the premonarchic term “tribal chieftain” (xxxvii 25), which becomes the normal form of reference in Ezekiel’s prescriptions for the royal role (chs. xlv-xlvi). Finally, although
promulgation, it was effectively abrogated, as the Deuteronomistic Historian, while purporting to implement the norms of Deuteronomy, restored to the king precisely those powers denied him by Deuteronomy. In having Josiah conduct the first centralized Passover, the Deuteronomist simultaneously enacts and abrogates the requirements of Deuteronomy. Idealism thus clashed with idealism. The utopian elevation of Deuteronomic Torah to sovereign power encountered the renewed utopian hopes pinned onto the Davidic dynasty by the Deuteronomistic Historian, whose charter for a political community conforming to Torah departed from Torah in order to reinvigorate the monarchy.

Abstract

Because the royal ideology of ancient Israel was largely identical to that of the broader ancient Near East, the points of divergence are the more remarkable. In particular the legal corpus of Deuteronomy conceptualizes the king in a way that rejects all prevailing models of monarchic power, both Israelite and Near Eastern. Deuteronomy submits a utopian manifesto for a constitutional monarchy that sharply delimits the power of the king. This redefinition of royal authority takes place as part of a larger program (Deut. xvi 18-xviii 22) whereby the authors of Deuteronomy redefine the jurisdiction of each branch of public office (local and central judicial administration, kingship, priesthood, and prophecy). Each is subordinated, first, to the requirements of cultic centralization, and, second, to the textual authority of deuteronomic Torah. This utopian delimitation of royal power never passed from constitutional vision into historical implementation: it represented such a radical departure from precedent that the Deuteronomistic Historian, precisely while seeming to implement deuteronomic law, pointedly reversed the deuteronomic program and restored to the monarch all that Deuteronomy had withheld.

the Davidic dynastic oracle assumes the inevitability of royal transgression of moral law (תְּשׁוֺעָה, 2 Sam. vii 14b), Ezekiel’s “covenant of peace” makes no such concessions and pointedly stipulates that both king and nation must conform to Torah: תְּשׁוֺעָה אִם (Ezek. xxxvii 24b).