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Staatstheorie im Alten Israel: Der politische Diskurs im Pentateuch und in den Geschichtsbüchern des Alten Testaments

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Narrative works from Genesis through 2 Kings and from Ezra to the Chronicler naturally reflect political and historical realities such as the king's or the dynasty's legitimacy or, more generally, the people's political identity. Reading political discourses in the Old Testament presupposes numerous factors. The Old Testament lacks an explicit theological-political discourse; that is, the narratives comment only indirectly on the political system. This is why the narratives associate discourses about the political system or about the constitution with particular formative personalities that are set in distinct formative epochs (10). Among other things, the political discourse on constitutional law precludes an interpretation of narratives and of legal material; it precludes a historical-critical source analysis and assumptions about reconstructing a political entity in Old Testament times. Reconstructing political discourses in general in the Old Testament has been highly unpopular for biblical exegetes, as Oswald points out. A twofold hermeneutical development in modern biblical scholarship had prevented scholars from looking at discourses about constitutional matters in the Old Testament at all. First, the separation of state and church generally barred political readings. Scholarship perceived the Bible as an entirely religious book without any political impact. Second, with the nineteenth-century historical-critical method developing interest in the Old Testament as a historical source, scholars typically perceived the monarchic sovereign state as the

default political constitution and, as a result, neglected to retrieve notions of diverse subgovernmental constitutional forms (10). Notwithstanding these trends in scholarship, Oswald considers diachronic and thematic aspects and extrapolates discourses about the constitution from the narratives' implicit political nature. Deconstructing macro- and micro-structural levels of the narratives, including their agenda of promulgating an ideal image of the people and its political identity, Oswald unveils a political discourse in the Old Testament that is predominantly led in Judah, as well as in Israel, in Ephraim, and Benjamin. The book's core unit (13–272), lists six basic patterns or paradigms of reflections on constitutional law: the David paradigm, the Moses paradigm, the patriarchal paradigm, the Abraham-Moses paradigm, the Persian paradigm, and the new David paradigm. Within these paradigms, naturally, source-critical and historical assumptions predetermine the results for the political discourse. I list the main scholarly decisions and conclusions.

The David paradigm (13–71) is presented in four subdivisions, the first of which is the Saul-David narratives from 1 Sam 9–2 Sam 8 that portray the king and serve to legitimize the beginning of the dynasty: the History of David's Rise, the Court History, the Succession Narrative, the Davidic narrative. The first subdivision, the "History of David's Rise," comprises 1 Sam 9:1–10:16 without 9:9 and 10:8; 1 Sam 11:13–14 without 13:7b–15a; 16:14–23; 18:1–28:2 without 21:9–10; 31–2 Sam 1, including 2 Sam 1:5–10, 13–16 as a later addition; 2 Sam 2–4; 5–6; 8:1–14; 15–18. The core intention of what Oswald calls "narrative politology" in the History of David's Rise is to legitimize the Davidic kingship (24). Historically, he dates this after the fall of Israel in the eighth century. His reasons for dating the kingship at this point in time are: the narratives presume that Ephraim and Manasseh (unlike Judah and Benjamin) are meaningless in the quarrel about the kingship; they do not assume that Judah was a vassal of Israel, as it was in the ninth/eighth centuries (2 Kgs 3:7; 9:16, 27; 10:12–14; 11:1; 16:5–9). The prominently featured Philistines become a major problem for Israel during the Assyrian threat (26). The eighth-century author projects all contemporary problems back into the times of the foundation of the empire: the constellation of the Philistines as a regional superpower, while Ephraim is represented as *quantité négligeable*, is now presented at the time of the foundation of Judah under David. The David-Saul narratives try to win Benjamin as an ally against the Philistines. David, who is replacing the Benjaminite Saul, is used as an etiology (R. Smend) that explains why Benjamin is ruled from Judah (27).

The Court History is the second subdivision of the David paradigm that takes this discussion further (2 Sam 9; 13–14; 15–19; 20:1–22, 23–26; Oswald does not refer to Van Seters's use of this term). While succession as a topic is only later brought into this context (i.e., in 2 Sam 10–12; 1 Kgs 1–2; 31), these older core units discuss three themes: the apologetic undertone that the narrative picks up from the older Saul-David narratives

about the king who secures his power without illegitimate or excessive violence (41); the loyalty of Saulides and Benjaminites toward the Davidic king, especially in the farewell and welcome scenes 2 Sam 15 and 18 (42); and the regional relationship between Judah and Benjamin in the encounters with Ziba, Mephibosheth, Shimei ben Gera, Sheba (42). Historically, the Court History portrays a highly centralized government, which is why Oswald suggests that it was not written before the eighth century (Hezekiah).

The Succession Narrative, the third subdivision of the David paradigm, consists of 2 Sam 9; 10–12 (minus 12:7b–12); 13–20*; 1 Kgs 1–2 (without 2:3–4; 26–27). The complementary material to the history adds the critical assumption about the king's malfunction (2 Sam 11–12*) and the irregularities in the succession on the throne (53). Both these aspects threaten the dynasty fundamentally, while historically a merely political solution was not sufficient, as the prophetic intervention indicates. These narratives dealt with irregularities of the succession in eighth/seventh-century Judah especially after Josiah became a victim of violence and the Egyptian pharaoh ruled the succession (2 Kgs 23:34). They intend to "rescue" the Davidic dynasty and point to the importance of the loyalty to the king.

The king and the threat of the end of the dynasty are the theme in the narratives about the Davidic kings in 1 Sam 1–2 Kgs 25*. This fourth subdivision of the Davidic paradigm includes Deuteronomistic passages. What Oswald calls "Davidic narrative" comprises 1 Sam 1–2 Kgs 25*: 1 Sam 1–3; 4–6; 1 Sam 9–2 Sam 8*; 1 Sam 10:8; 13:7b–15a; 15; 16:1–13; 2 Sam 7 (without 7:10–11a β , 23–24); 2 Sam 9–1 Kgs 2; 2 Sam 12:7b–12; 1 Kgs 2:26–27; 1 Kgs 3–5; 6–7 (without 6:11–13); 9:10–11:25 (without 9:25–23; 11:1–13); 11:26–12:32 (without 11:33; 12:31, 32b); 14:1–16:28 (without 14:22–24); 16:29–33; 21:20b β –22, 24, 27–29; 22:39–40); 1 Kgs 22:41–54; 2 Kgs 1:2a, 17*, 18; 2 Kgs 2–4; 6–8; 9–10; 11; 12:1–17:6; 18:1–20:21 (without 18:6b, 12); 21 (without 21:2b, 7–9, 11a β , 15; 22:1–2; 23:4–15*, 28–30; 23:31–25:30). Intending to substantiate the Davidic dynasty's claim on the Judean throne, this work originated in the Babylonian exile. Thematically, these books work through the history of Judah and Israel. This literary layer, attributed in a model that distinguishes between Deuteronomistic redactors to Deuteronomist P, puts the emphasis on the prophets as those who designate and legitimize the kings of the respective dynasties (55). Rejecting the idea of an autonomous prophecy, Oswald sees the narratives about David reflecting the deeds of the king, on the basis of the king's care for the government-run cult in Jerusalem, while the Deuteronomistic History reflects the acts of the people, with the criteria of the Moses Torah as a whole with their central concerns of trustworthiness to the covenant, dissociation from the foreign peoples, and prohibition of cultic images (56). The core of the Davidic narrative is Deuteronomistic; that is, the malfunction of the cultic politics of the proper Judean kings is seen as a cause for Judah's catastrophic downfall. According to this narrative, all cultic objects that were stolen from the temple

were rendered unusable, which put a somewhat “natural” ending to the cult in the interpretation of the narrative. Ultimately, this supports the Davidic claim of illegitimacy of the cult in general, while the Davidic monarchy could rule even without a temple (2 Sam 7:5–7). This Davidic perspective welcomed the killing of the illegitimate governor Gedaliah. The literary layer instead insists on the Davidic heirs’ unbroken legitimacy on the Judean throne. Naturally, this was only possible at a time when it was not clear that Jehoiachin’s release from prison would not imply that he could come back (71). These considerations about the Davidic monarchy served as the backdrop to develop two alternative conceptions. One defines Israel as a substate community with Moses as its ultimate authority; the other understands Israel as a community of tribes with Abraham as their patriarch.

The Moses paradigm (72–144) was updated in late monarchic times, that is, since the epoch of the Saitic dynasty. Oswald distinguishes four subforms of this paradigm: an exodus narrative (Exod 1–14:31), an exodus–mountain of God narrative (Exod 1–24*); a conquest narrative (Deut 1–Josh 22*), and the Deuteronomistic History (Exod 1–2 Kgs 25). The exodus narrative was a self-contained narrative (roughly comprising Exod 1:11–12, 22; 2:1–14, 15–23a α ; 4:19–20a, 21a α , 22–23; 5:1–6:1; parts of the plague narratives Exod 7:14–12:33*; Exod 12:37a; 13:17–18; 13:20–14:31*; 13:20–22; 14:5–6, 10–14; 19b–20, 21a β γ , 24–25, 27a β β , 30, 31a α). The narrative rejects the Egyptian oppressive state and, as a consequence, legitimizes the exodus by pointing out its legality (81). All agents that are involved remain anonymous and, the fact that these are nations (Israel, Egypt) instead of individuals adds to the narrative’s “abstract” character. Ultimately, the narrative takes the character of a declaration of principle (82) as it opposes Pharaoh to the God of Israel. Historically, the dominion and the building program of Pharaoh Neco II (610–595 B.C.E.) in which he used Judeans forms the background of the narrative. An older exodus tradition was updated at that time. Rejecting the Pharaoh’s state and his sovereignty, the exodus narrative comments on the exercise of power and emphasizes Judah’s desire for a self-determined existence. The constitutional reality of a state and its time without a king are reflected in the so-called exodus–mountain of God narrative (Exod 1:11–2:23a α ; 3:1–4, 6–7, 10–13, 15; 4:18; 4:19–14:31a α *; 15:22a; parts of Exod 18–21*; 24:3). This narrative resumes the exodus narrative and has two climactic points: the miracle at the Red Sea and the legislation at the mountain of God. Both have different authors and are kept together through the character of Moses. The legitimacy of the claim of the land is the topic of the conquest of the land narrative that comprises parts of Deut 1–3*, 4, 6, 12–26, 28, 29. For the first time it combines the exodus and the conquest of the land as topics. The group that was responsible for this narrative was living in Benjamin and was convinced that it owned the land, including Edomite, Moabite, and Ammonite territories. At the same time, the narrative actually prohibited a violent enforcement of these

territorial claims (Deut 2:1–3:13; 120). The Moses paradigm on the level of the Deuteronomistic history (Exod 1–2 Kgs 25*) emphasizes “the state and the legitimacy of the laws” (121). Three works preceded the actual Deuteronomistic edition: the exodus–mountain of God narrative (Exod 1–24), the conquest narrative (Deut 1–Josh 22), and the Davidic narrative (1 Sam 1–2 Kgs 25*) form the Deuteronomistic History. All three were reworked: the exodus–mountain of God narrative places the conquest motif and the elders as authorities next to Moses, tracing them both back to the mountain of God. Ultimately the Dtr insertions in the mountain of God narrative aim at legitimizing the Moses Torah (Deut 6–28*) over against the Covenant Code that the Deuteronomistic history delegitimizes. The narrative about the Torah of Moses is a legitimization for the law code, as is true for the earlier covenant code with the mountain of God narrative and the later priestly narratives that legitimize the Holiness Code. The new edition of the conquest narrative comprises for instance: Deut 4, a chapter that projects the shapelessness of YHWH (esp. V 9–31) and the ban on images back into Mosaic time. Also, the exhorting speeches in Deut 6–11 were filled in several epochs during the writing of the Deuteronomistic History, Deut 31:9–13, 24–26a are part of the Deuteronomistic history as are Josh 23. The statehood is shaped by the authority of the one God YHWH, his sanctuary, the observance of the god given laws, in addition to the guidance of elders, judges, and Levites as the relevant political entities in this separate literary unit. The relatively weak executive power reflects Judah’s submission under the Persian state in the early Persian period.

The patriarchic paradigm (145–84) deals with the consolidation of the people in the Jacob cycle (Gen 25–35*), the patriarchal narratives in Gen 12–49, and the Joseph narrative. First, the Jacob narratives focus is on the self-assurance after the catastrophe of 722 B.C.E., as the originally Omride and Jehu-dynasties’ land had to be reorganized and the new inhabitants needed to be integrated (155). In this situation, another legitimization of Bethel was needed to claim the relevance of the monarchy. Also, the bull image needed to be replaced, and Jacob had to install the sustenance of the temple from the people’s tithe as a replacement for the royal subsidies (Gen 28:22b, 156). The Jacob narrative is the first attempt to compensate for the loss of the monarchy in referring to the tribal system that indicates how Israel remains a people even without a king (156). The patriarchal narrative considers the dissident people in Gen 12–49* (parts of the Abraham narrative and of the Jacob narrative). Altogether, the patriarchal narratives intentionally contradict the idea of a written law by Moses and use a naturally creational ethos to which all human beings are subjected (167). The patriarchal narrative is not about a substate structure or institution but instead a tribally organized people without the need for administration. This contradicts the program of a *polis*-oriented model of the conquest narrative or the Deuteronomistic History. Israel’s constitution is derived from specific events in the

patriarchal life and from their impeccable ethos: to be generous (Gen 13:5–12), hospitable (Gen 18), peace-making (Gen 26), and willing to reconcile (Gen 33:15). Oswald dates the bulk of the patriarchal narratives in exilic time (168). The patriarchal paradigm promotes the north Israelite constitution with an emphasis on Bethel. The support circles of this narrative are to be found in a group that seeks the conciliation with the former northern kingdom, unlike the perspective of the Deuteronomistic History that is so much oriented toward Judean circles.

Among the patriarchal narratives, the Joseph narrative (170–84) considers the reconciled people, namely, the leading positions of Joseph, Reuben, Judah, Joseph, and Benjamin, while Levi for programmatic reasons is of no importance (178). Oswald understands Joseph as an entity that, according to the Davidic narrative (2 Kgs 17:6) and to the Deuteronomistic History (2 Kgs 17:23), have been deported in its entirety by the Assyrian king. Oswald reconstructs the discourse about the constitutional law in looking at Joseph's judicial circumstances that he understands as reflections of different forms of foreign rules and of vassal statuses. The relative power of Joseph expresses that Joseph rules first over the domestic servants and still must be granted primacy among equals. The Joseph narrative considers the hierarchical system in detail. The bottom line is a balanced system of powers in the Joseph narrative: if one would be stronger than the other, this strength should be used in order to help the weaker (184). Oswald suggests a theocratic ideal not so much as a counterbalance to the royal constitution of Israel and Judah than as opposed to the ideal of a Mosaic Torah: the immediacy of Joseph's access to God helps him to interpret dreams (40:12–13, 18–19; 41:25–32), to engage in soothsaying (44:5, 15) and it is also in contrast to, for instance, Deut 18:10. Oswald suggests a Samaritan origin of the Joseph narrative in the early Persian period.

The Abraham-Moses paradigm (185–228) redefines the characters of the earlier narratives into Torah-obedient persons, in that it identifies Moses metonymically with the Torah and emphasizes the entirety of the Torah as important in which each commandment requires observance. The transformation of the main characters turns the Pentateuch into a religious didactic narrative (228).

The Persian paradigm (229–66) comprises writings that concern Judah's external relationship, in that they root the respective initiative back into the Persian times, assuming an initiative of the Persian king. While Chronicles intends to portray a minimal involvement of the Persians, Ezra and Nehemiah in the report about the building of the wall and in the concept of Nehemiah strongly emphasize the legitimization strategy that fully unfolds in the main composition of Ezra and Nehemiah and in the edict of Artaxerxes (229).

Finally, the new David paradigm (267–72) features in the main outline of Ezra–Nehemiah, that is, when applying the honorary title “man of God” to David (Neh 12:24, 36; cf. 2 Chr 8:14). The main shift is in David’s portrayal as a founder of the temple and the temple service, as well as his transformation into a cantor and into a liturgically active person. Oswald suggests reading Chronicles as an apology of the Second Temple that had acquired many functions of what originally had been the monarchy’s: Chronicles traces numerous temple services back to David. The state in Chronicles is a temple state, and the kings are mainly understood as the founders, keepers and promoters of the cult. Besides, they are in charge of Jerusalem, that is, of the city walls and the construction work (272).

A bibliography, an index of selected biblical passages, and two summaries in the form of tables conclude this monograph. Altogether, Oswald offers a most impressive and detailed consideration of the political impact and relevance of narratives for constitutional law. For instance, it is refreshing how he deconstructs the exodus–mountain of God narrative and points to the discourses of constitutional law that shape it, in comparison to the constitutional entity of the people in a Greek *polis*. Altogether it is most interesting how constitutional debates rule the compositions in their very outline. A supreme example of this is the passage about the “mountain of God” narrative as a narrative that incorporated the Covenant Code. The book is written in an excellent and absorbing style and offers numerous insights on the discourses on the constitution in ancient Israel.

The condensed format and the comprehensive approach does not allow Oswald to substantiate individual cases of diachronic reading and source-critical decisions. While he only partly points to further readings, the biblical scholar can easily reconsider Oswald’s decisions, while students on the introductory level will need additional bibliography.

Clearly, this book is a hallmark in consideration of theories about the constitution in the Old Testament. It will hopefully be discussed in more detail, especially as consideration of the interface between historical and source-critical readings of the Old Testament.