


COMPLETION, FINALIZATION, AUTHORIZATION

Why Did the Editing Processes in the Pentateuch Come to an End? A Conversation with Jean Louis Ska

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Abstract: While the source model (JEDP) in Pentateuchal studies has been replaced by a model of literary traditions and successive *Fortschreibungen*, the concept of final editing as a mere technical compiling redaction has lost its impact. Subsequently, the closure of the cascading editing processes of Pentateuchal texts was linked to external initiation by the Persian authority or even the imperial context. But these theories have also more or less failed and thus the question of when and why the editing processes of the Pentateuch ended is still open. In contrast to an external motivation of closure and a decisive influence of the Persian authorities, Jean Louis Ska already at an early stage asserted internal reasons for the Pentateuch's conclusion. This essay presents Jean Louis Ska's hypotheses based on his examination of the two important theories of the Persian imperial authorization and Joel Weinberg's citizen-temple community. Building on this, it sheds light on the process of the finalization of the Torah against the background of recent research on textual history, the Samaritans, and the significance of the Torah in Qumran. By understanding the Torah as a "shared tradition", which served as a point of reference for the collective construction of identity in an increasing density of textual references, a processual finalization of the Pentateuch is proposed.

Keywords: Pentateuch. Final redaction. Shared tradition. Finalization of redactional reworking. Completion of the Torah. Imperial authorization.

Completamiento, finalización, autorización

¿Qué hizo que los procesos de edición del Pentateuco llegaran a su fin?

Una conversación con Jean Louis Ska

Resumen: Mientras que en los estudios sobre el Pentateuco el “modelo de las fuentes” (JEDP) ha sido reemplazado por un modelo de “tradiciones literarias” con ampliaciones sucesivas (*Fortschreibungen*), el concepto de “edición final” entendida como mera “compilación” también ha ido perdiendo aceptación. Posteriormente, el cierre de los procesos de edición “en cascada” de los textos del Pentateuco se ha querido vincular a la iniciativa externa de la autoridad persa o por lo menos al contexto imperial. Pero estas teorías –en mayor o menor medida– también han fracasado y, por lo tanto, la cuestión acerca de cuándo y por qué finalizaron los procesos de edición del Pentateuco sigue abierta.

En contraste con los autores que han propuesto una motivación puramente externa para la redacción final del Pentateuco y una influencia decisiva de las autoridades persas, Jean Louis Ska, en los albores mismos de la discusión, afirmó la necesidad de tener en cuenta los intereses internos del Israel post-exílico para explicar la edición final del Pentateuco.

Este ensayo presenta las hipótesis de Jean Louis Ska basadas en su estudio de dos importantes teorías: la de la “autorización imperial persa” y la de la “comunidad de los ciudadanos vinculados al Templo” postulada Joel Weinberg. A partir de esto, procura clarificar el proceso que llevó a la finalización la Torá sobre el trasfondo de las recientes investigaciones sobre la historia del texto, los samaritanos y el significado de la Torá en Qumrán. Entendiendo la Torá como una “tradicción compartida” por varias tendencias, que sirvió como punto de referencia para la construcción colectiva de la identidad en un contexto de referencias textuales cada vez más densas, se propone aquí la hipótesis de una finalización progresiva del Pentateuco.

Palabras clave: Pentateuco. Redacción final. Tradición compartida. Completamiento de la Torá. Autorización imperial.

Jean Louis Ska’s celebrated book, *Introduzione alla lettura del Pentateuco. Chiavi per l’interpretazione dei primi cinque libri della Bibbia*, was first published in 1998¹ and became very influential in the subsequent

¹ All quotes are taken from the English edition *Introduction to Reading the Pentateuch*, which was released as a translation of the revised French edition in 2006. The Italian original was published first in 1998, the reworked and updated French translation already in 2000. I was honored and pleased to be part of the SBL international panel in Rome 2019, which was organized by Francesco Cocco and celebrated the twentieth anniversary of the publication of Jean Louis Ska’s *Introduction*

Pentateuchal discussion². This was mainly due to the fact that Ska did not attempt to “sell his theory as the one-and-only product”, but that he wanted to enable his readers, as much as possible, to judge from a “neutral” standpoint. For this he aimed “to give him or her the indispensable ‘critical weapons’” by “presenting the data”³ by which he primarily meant the synchronic form of the Pentateuchal text. “If the whole is greater than the sum of its parts, it is important to consider the whole before looking at the ‘sum’”⁴. However, Ska tried to convince his readers that the historical-critical view was on the horizon of the indispensable synchronic reading. In addition to carefully introducing the canonical form, Ska intended to give an impression of how traditional literature was formed, how it was edited, and how it managed to increase its impact through continuous adaptive and successive processes of *Fortschreibung*.

The final chapter then tried to answer the question why and how these vivid editing processes came to an end; a question that has still not been answered satisfactorily after the collapse of the Documentary Hypothesis, which simply employed “R” – i.e., the redactor responsible for combining the four sources. In the preface of his introduction Ska writes with regard to the finalization of the Torah: “In the end, I had to choose between the hypothesis of the imperial authorization and that of a community of citizens assembled and organized around the temple”⁵. In my opinion, Ska correctly challenges the Persian imperial authorization theory and suggests “the internal needs of the Postexilic community”⁶. This understanding, which is discussed further in Ska’s critical paper on the Persian imperial authorization, will be the topic of the following reflections⁷.

to Reading the Pentateuch. A basic version of the following discussion was presented there. I am grateful to Jorge Blunda for having encouraged the publication and to Jordan Davis for correcting my English.

² See, e.g., PAKKALA, *God’s Word*, 1517, or many of the contributions in GIUNTOLI – SCHMID (eds.), *Pentateuch*.

³ SKA, *Introduction*, ix-x.

⁴ *Ib.*, x.

⁵ *Ib.*, xi.

⁶ *Ib.*, 225.

⁷ SKA, “Authorization”, 185-208. See further SKA, “Pentateuque”, 17-30; SKA, “History”, 145-169. The following remarks do not intend to represent the comprehensiveness of Ska’s numerous contributions to Pentateuchal studies. Some of them are presented in the collected volume SKA, *Exegesis*.

1. The Torah as Imperial Law?

The hypothesis of a Persian imperial authorization as it was put forward by Peter Frei and Klaus Koch claimed that authorization of particular laws was part of the Persian policy to implement local legal orders and thus guarantee governmental order. “Norms established by a local authority are not only approved and accepted by a central authority but adopted as its own. The local norms are thereby established and protected within the framework of the entire state association, that is, the empire, as higher-ranking norms binding on all”⁸. As long as those local regulations did not contradict the Persian general understanding and framework, they were accepted and implemented as “imperial law”. In analogy to other processes in the empire – an exemplary role is generally attributed here to the Greek-Lycian-Aramaic Xanthos Trilingual (COS 4.30) –, processes of authorization were primarily intended to ensure the practice of local cults. To grant the local province a sort of religious autonomy, the Persian authorities based their imperial policy on the basic customs of the local community. The assumed qualitative process cannot be proven in the central registers of the Persian Empire in detail, but individual examples show that local circumstances were authorized in imperial law.

With regard to the Pentateuch, the theory was adopted by several scholars suggesting that the laws of the Torah were officially accepted as local law for “the Jews” in all provinces or at least for the Judeans in the province of Yehûd. Beyond the mere fact of authorization, the hypothesis was even implemented as a background to the formation, or at least the completion, of the Pentateuch’s editorial processes. Most prominent and influential was Erhard Blum, who had already suggested an authorization before the pertinent publication of Frei and Koch. Blum considered the Persian institutional requirements as the most crucial trigger for combining the two compositions of D and P (in Blum’s terms KD and KP) in the Torah⁹. In his view, the composition of the Pentateuch aimed at providing a *Vorlage* that would be principally able to reach a consensus within the various groups of literati. The equally obvious and serious objection that the Torah is neither justiciable nor related to the actual concerns of the local autonomous province of Yehûd is discounted by Blum: “Finally, the critical objection as to how such a contradictory, compromise document‘ should have served

⁸ FREI, “Authorization”, 7.

⁹ BLUM, *Textgestalt* 181-198.

as a legal basis overlooks the trivial fact that the Torah has had this validity since ancient times”¹⁰.

However, even the emphasis on the charm of assuming that the finalization of the Pentateuch received its stimulus from outside could not hide the fact that the data supply for the hypothesis was very weak and diverse, both from the perspective of Iranian studies and of Pentateuchal research. Besides a few analogies, the overall implementation of authorized local law in the imperial framework was generally questioned. Some of the examples were demonstrated as projections, others were not really relevant or were unsuitable for a comparison with the Torah. Finally, the documents referenced in Ezra which were used as a basis for the process of implementing the Torah as imperial law are now generally regarded as fictional. In sum, the discussion of the premises and the specification of the thesis of a Persian authorization of the Torah since the 1990s has become predominantly negative¹¹. The Pentateuch is neither a compromise nor is it the conclusion of editorial processes initiated from the outside, at least not by the Persian imperial government. A substantial contribution to the critical discussion was also made by Jean Louis Ska in a paper with the subtitle “Some Question Marks”¹².

Ska’s objections to the theory were severe: They addressed the diversity of the witnesses that were put forward for the theory as well as their lack of comparability with the Pentateuch. Besides the issue of dating, he questioned the more or less necessary identification of the “law” in Esd 7 with the Torah¹³. Ska further joined the objection of H.-C. Schmitt, noting that the fact that the Torah was written in Hebrew instead of the expected Imperial Aramaic also impeded the theory. The most crucial objection addressed the character of the Torah, which is far beyond Persian juridical interest and their understanding of “law”:

What mattered for them was the loyalty of the provinces, the security of the empire, and the regular payment of taxes. ... The Pentateuch, however, is not merely a juridical text. ... Besides, the Pentateuch is by far the longest instance of a possible ‘imperial authorization’. Is it reasonable to think that such a long,

¹⁰ “Der kritische Einwand schließlich, wie ein solch widersprüchliches ‘Kompromissdokument’ als Rechtsgrundlage hätte fungieren sollen, übersieht den trivialen Tatbestand, dass die Tora seit der Antike eben diese Geltung hat”, *ib.*, 198.

¹¹ See particularly WIESEHÖFER, “Reichsgesetz”, 36-45; WIESEHÖFER, “Rule”, 172-185; the anthology edited by WATTS, *Persia*, and ZENGER – FREVEL, “Prozess”, 143-149; FREVEL, “Reichsinteresse”, 214-217; the overview of the critical issues in SCHMID, “Authorization”, 27, and LEE, *Authority*.

¹² SKA, “Authorization”.

¹³ For some insights into this complex discussion, see GRÄTZ, “Gottesgesetz”, 1-10.

composite, and heterogeneous text was meant to be the reference document about the juridical status of Israel in the eyes of the Persian authorities?¹⁴

In addition, according to Ska, the fictitious design of the “Sinai/Horeb” setting of the Torah is hardly suitable for the idea of a Persian imperial authorization. In short, the Pentateuch does not meet the requirements of a legal document. “The Pentateuch is a theological document about Israel’s identity, not exactly a political compromise”¹⁵. Thus, it is not really a sufficient explanation for the existing contradictions within the Pentateuchal literature to attribute them to a consensual understanding forced by the Persian authorities. Beyond Ska, the view of a compromise between *two* schools or compositions is particularly questionable with regard to the more recent understanding of the complex redactional history of the Pentateuch. Although the differentiation between priestly and non-priestly texts still holds a wide acceptance in Biblical studies, none of the two forms a block-like understanding of *a group* as was presumed in the compromise-theory. The relation between priestly and non-priestly texts in terms of *Vorlage*, adaptation, alteration, or interpretation is far more complex and cannot be reduced to the adoption of two broad lines.

2. The Torah as a Written Document of the Postexilic Community

After having presented the broad criticism of the thesis of an imperial authorization of *the Torah*, we can return to the fuzziness of Ska’s own position quoted at the beginning. He holds to the view that the finalization of the Torah has something to do with the Persian authorities in a rather permissive way. To this end, he develops a network of arguments as to why traditions underwent a change of status in the postexilic period and condensed into the Torah as the document we face in the late Persian period. Ska considers the moment of being written as a characteristic of the Torah, which makes it especially valuable: “Writing gives an enduring quality” and thus “the Pentateuch acquires the quality of a normative and irrevocable

¹⁴ Ska, “Authorization”, 168; cf. Ska, *Introduction*, 219–221; Ska, “Pentateuque”, 22–23.

¹⁵ Ska, “Authorization”, 169. In a French paper, Ska uses various metaphors to underline the particularity of the Pentateuch, e.g., “une grande fresque historique” or “comme une cantate à plusieurs voix”, Ska, “Pentateuque”, 27, 29. In one of his most recent papers, Ska refers to the Pentateuch as “il perno dell’identita e dell’esistenza del popolo”, Ska, “Torah”, 90.

document about Israel's origins and juridical organization"¹⁶. He reads the scripturalization of the Torah against this background: "In the postexilic period oral tradition was no longer capable of meeting the needs of the community, and hence it became necessary to write down the most essential parts of Israel's 'documents' about its past"¹⁷.

But *why* was the former tradition no longer capable? Ska first discusses material reasons, of which he highlights two: the change from papyrus to parchment and from Paleo-Hebrew to Square-Hebrew script.

"In this context, it also became possible to edit, rework, and adapt these texts to new situations and new preoccupations. Older traditions may have been integrated and new texts or redactional layers may have been inserted in order to create a more comprehensive literary document that could meet the needs of the postexilic community"¹⁸.

For a second reason, he points at the growing importance of archives in the Persian period. Ska points at 2 Mac 2,13 and considers the information as debatable evidence for the foundation of a library in the time of Nehemiah. "The text implies that the 'rebuilding' of the postexilic community required not only the reconstruction of Jerusalem and of the temple but also the constitution of a library"¹⁹. Thirdly, Ska refers to cultural reasons for why the Pentateuch came into being. "The postexilic community needed a solid ideological basis if it wanted to survive within the Persian Empire"²⁰. The breakdown of the preexilic institutions made it necessary to recompose its identity around the temple. At this point of the argument, Ska refers to Weinberg's citizen-temple community (*Bürger-Tempel-Gemeinde*), which was named at the beginning as an alternative to the Persian imperial authorization of the Torah.

But before we discuss the issue of the citizen-temple community and its relation to the Pentateuch, let me briefly comment upon some of the mentioned aspects. First, the question of material culture and scribal practice is admittedly crucial for understanding the Torah as "a book" and there are many open questions regarding the division of scrolls, etc.²¹ How-

¹⁶ SKA, "Authorization", 170-171, cf. SKA, *Introduction*, 247-252.

¹⁷ SKA, "Authorization", 171.

¹⁸ *Ib.*, 172.

¹⁹ *Ib.*, 173.

²⁰ *Ib.*, 174.

²¹ See the overview in GRUND-WITTENBERG, "Schreiberkultur", 5-18. For the link between scroll production and scripturalization, see also SCHMID, *Traditionsliteratur*, 35-60; FREVEL, *Transformations*, 24, 111, 118, etc.

ever, I cannot see the material change as a decisive *turning point* for the emergence of the Pentateuch and above all not for the completion of its adaptations. To be sure, regarding the suggestion of a large number of non-simultaneous updating processes, we are currently experiencing difficulties in Pentateuchal studies not only in terms of the sociology of literature in antiquity, but also on the technical side of scroll production. This problem is not yet solved and we lack a consensual model for how to relate the multi-redaction processes to the writing processes and the production of scrolls. However, the increasingly blurred boundaries between literary and redactional criticism on the one hand and textual criticism on the other suggest that the conclusion of the Pentateuch was *not* due to material reasons.

Second, the archives present similar difficulties. It is true that the Neo-Babylonian and Persian period until 484 BCE is characterized by a great number of private documentary and administrative archives. In general, an archive is a place where “knowledge is preserved but also the place where knowledge is produced and shaped by power relations current at that time”²². Archives served several functions, and it is certainly also correct to follow Ska in not differentiating too sharply between archives and libraries²³. Finally, in light of the “library” in Qumran there can be no doubt that the writing of the biblical traditions also served documentary purposes. However, I cannot see how this can shed light on the question how the Pentateuch came into being and particularly why the processes of editing ended and resulted in canonization. Yes, it is plausible that the Torah already existed in *whatever* extent in the mid-fifth century BCE and that it was kept in the temple (even if not yet finalized as the extant normative text), but we can be pretty sure that the editing did not end in the time when Nehemiah is placed in history by the literary record. In addition, as for the note in 2 Mac 2,13, we should rather understand the installation of a library as “one of the typical things a Hellenistic king would do”²⁴. Thus, it is questionable whether the text in 2 Mac 2,13 “implies that the ‘rebuilding’ of the postexilic community required not only the reconstruction of Jerusalem and of the temple but also the constitution of a library”²⁵.

²² WAERZEGGERS, “Network”, 91.

²³ See for discussion also HASLER, *Historiography*, 132-133.

²⁴ SCHWARTZ, *2 Maccabees*, 166.

²⁵ SKA, “Authorization”, 173.

3. The Torah Born out of Internal Needs of the Postexilic Community

After having presented some general conditions for the evolution of the Pentateuch (growing scripturalization and the importance of archives), Ska seeks to strengthen the connection between Persian influence and the emergence of the Torah beyond the rejected hypothesis of imperial authorization by referring to Joel Weinberg's hypothesis of the citizen-temple community. Following Ska, in analogy to Babylonia the temple in Jerusalem "had official status, recognized by the Persian Empire, and this gave them a relatively autonomous position, notably in the financial area"²⁶. The Persian authority entrusted the administration of the shrines to a small group of priests. This is drawn from the scenario described in Esd 7. The region "would be under the economic and political dominion of the temple, and the temple was under the control of priests who had returned from Babylon"²⁷. Ska lays heavy emphasis on the fact that "the temple was the only important indigenous institution after the return from the exile" and that "the postexilic community was rebuilt and survived around the temple"²⁸. Following Ska, this cannot be imagined without any approval by the local Persian authorities. Within this requirement, the general structure of the Pentateuch became an advantage: no monarchy, but established institutions of administration and traditional law. "Israel had to survive with the sole help of the institutions inaugurated in the desert, because Israel had to live in another 'desert', the political situation of the postexilic community within the Persian Empire"²⁹. To cope with the second problem, the issue of membership, the narrative setting of Israel within the surrounding nations was also crucial for implementing the Pentateuch as Torah. Thus, Ska concludes that "the origin of the Pentateuch is to be found more in the inner necessities of the Second Temple community than in any explicit requirement coming from the Persian authorities"³⁰.

Thus, Ska seeks "the origin of the present form of the Pentateuch within the community gathered around the temple"³¹. He does not hold on to an imperial authorization (which he correctly blames to have an inappro-

²⁶ Ska, *Introduction*, 226.

²⁷ *Ib.*, 227.

²⁸ Ska, "Authorization", 176.

²⁹ *Ib.*, 178.

³⁰ *Ib.*, 178.

³¹ Ska, *Introduction*, 227.

ropriate institutional bias), but takes an external stimulus as the decisive impulse for the birth of the Mosaic Torah. The formation of a new identity within the Torah was triggered by the granted autonomy.

“The Persian authorities were ready to concede relative autonomy to the province of Yehûd. This decision made it possible for the postexilic community living in Jerusalem and Judea to start a new life on a new basis. But this possibility required from the community itself a great effort to redefine in clear terms its identity and conditions of existence. This was done, not to comply with the requirements of the Persian authorities, but to meet the needs of the community itself”³².

This idea is extremely appealing and valuable, because it tries to think the content, form and structure of the Torah alongside the framework of its implementation. It thus avoids one of the short-comings of the imperial authorization theory. However, what is not clear to me is the connection of this approach with the theory of Joel Weinberg, particularly with the aspects of administration and governance in the Persian province.

4. The Theory of the Citizen-Temple Community and the Formation of the Torah

It is not necessary to discuss the complex theory here in detail, but some remarks may help to clarify why the so-called “citizen-temple community” hypothesis cannot contribute to the question of why the Torah came into being and why it was canonized.

The citizen-temple community is a kind of self-governing entity within the subjugated zones of the Persian Empire. Weinberg correctly presumes that Samaria was the stronger province on which Yehûd was initially dependent; a view which holds true even in recent studies³³. In the course of the Persian period, Yehûd became a self-governed entity centered on the temple in Jerusalem. The model assumes a historicizing understanding not only of the lists of returnees in Esd 2 and Nm 7, but also of the construction of agnatic social structures as unfolded in the book of Numbers. The essentials are perfectly described by Robert Bedford: The citizen-temple community is “a type of semi-autonomous, self-governing polity that integrated eco-

³² SKA, “Authorization”, 178.

³³ See FRELVEL, *Geschichte Israels*, 358-364; KNOPPERS, *Judah*, 27-28; HENSEL, “Bedeutung”, 20-48; HENSEL, *Juda*, 35-238; HENSEL, “Relationship”, 30-34; HECKL, “Rolle”, 12-15.

nomically and administratively the inhabitants of a city or territory with the local temple and its personnel, giving rise to a community of free, fully enfranchised members who had a right to property and a landed estate”³⁴. Joel Weinberg seeded his idea in many papers into the academic discussion, particularly those on Chronicles and Ezra³⁵. He was followed by many, and others have expanded the comparative evidence with examples from the Persian Empire (e.g., Klaus Koch, Joseph Blenkinsopp and even Robert Bedford)³⁶. His suggestion, of course, has certain merits, particularly regarding the influence of the Axial Age theory and the developmental shift in the late 5th century BCE. However, the critical arguments against it were also very vividly present in the discussion (and were also acknowledged by Jean Louis Ska)³⁷: the lacking comparative base, temple and land ownership, real agnatic communities as holding claims on the land, the *bēt ’ābôt* as *golah*-communities, etc.

For instance, Bedford challenged that – although it holds true that YHWH is the true owner of the land – according to the Pentateuch, the temple in Yehûd controlled no land (to which Weinberg agrees), even if one admits the Levitical cities or the asylum cities as temple land. In contrast, in Babylonia private land ownership was admitted if not common. Thus, Bedford even goes as far as challenging a “temple economy” in the province of Yehûd at all³⁸. In contrast, the temple had to be funded by taxes, or – as Bedford puts it – “rather than a tax, these payments may be seen as a fixed rent on the land payable to its owner via the Temple”³⁹. However, tithes were not a substantial part of the temple income in Babylonia. Under these conditions, the model of citizen-temple community has to be crucially transformed: the comparative base is meagre if not completely questionable⁴⁰. It is based on Weinberg’s affinity to a rather “technical” understanding of the Axial Age.

³⁴ BEDFORD, “Role”, 3*-4*; cf. BEDFORD, *Restoration*, 207-209.

³⁵ WEINBERG, “Notizen”; WEINBERG, “*bēit ’ābôt*”; WEINBERG, “Agrarverhältnisse”; WEINBERG, “Mentalität”, and particularly the English translation WEINBERG, *Citizen-Temple Community*.

³⁶ See especially BLENKINSOPP, *Essays*, 62-65. Bedford can at the same time be counted among the greatest critics of the thesis, see BEDFORD, “Role”, 3*-19*.

³⁷ See, e.g., WILLIAMSON, *Studies*, 26-39; CARTER, *Emergence*, 46-47, 295-307; ROTHENBUSCH, *Tora*, 426-428; BORTZ, *Identität*, 255-256, and also SKA, “Authorization”, 175-176.

³⁸ BEDFORD, “Role”, 4*.

³⁹ *Ib.*, 10*.

⁴⁰ *Ib.*, 13*; ROTHENBUSCH, *Tora*, 50-53.

The acceptance of Weinberg's theory is further impeded by the assumption of agnatic communities as land owners and the involvement of these communities in the administration of property⁴¹. This concept is obviously borrowed not (only) from Ezra and Nehemiah, but rather from the book of Numbers, although Weinberg does not draw extensively on this book of the Pentateuch. Weinberg sees *bêt 'ābôt* as the crucial unit of social organization in Achaemenid Yehûd:

"The *bêt 'ābôt* was the result of a consciously intended convergence of the former agnatic units that were dissolved during the exile and the early post-exilic times such as the *mišpāhāh*. The *bêt 'ābôt*, whose main function was social, was a form of organization that included not only laymen in the community, but the priests and Levites as well"⁴².

The problem is not to acknowledge the *bêt 'ābôt* as an important structure; the problem is rather to identify this structure with a self-governing, postexilic *golah*-community acknowledged by the Persian authority and to assume continuity to the preexilic *bêt 'āb* social reality. Even in the most complex implementation of clan and family structures in the social organization in the book of Numbers, there is no indication that *bêt 'ābôt* was directly related to governmental aspects. The exclusive membership is not only a crucial characteristic of the citizen-temple community; it also points rather strongly to the concept of a Greek polis, which Weinberg also admits⁴³.

In sum, there is no evidence for the existence of the assumed citizen-temple community even *within* Yehûd, let alone within Transeuphratia. In addition, the similarity to other communities in Bactria, Parthia, Sardis and elsewhere is only possible to a limited extent. Whether the concept of citizen-temple communities existed at all, remains doubtful at best. This critique was emphasized often and by many⁴⁴. Weinberg's theory is based on assumptions that cannot be historically confirmed: Following Weinberg, the citizen-temple community is not identical with Yehûd, but an autonomous administration *within* Yehûd, which was under Persian rule. There is no historical evidence for such a bifurcated or even three-partite structural development. Weinberg argues,

"the *bêt 'ābôt*, the town and the temple were three typologically and functionally different institutions, but they did not form a vertical hierarchic structure

⁴¹ SMITH-CHRISTOPHER, *Religion*, 108.

⁴² WEINBERG, *Citizen-Temple Community*, 134, cf. WEINBERG, "*bēt 'ābôt*", 413.

⁴³ WEINBERG, *Citizen-Temple Community*, 33.

⁴⁴ E.g., CATALDO, *Yehud*, 112-116; DION, "Community", 284.

with strict order of supremacy and subordination, but were rather a loose horizontal combination of interacting and counterbalancing institutions”⁴⁵.

This is undoubtedly an interesting attempt to explain the political and economic importance of the temple, but for the second half of the 5th century BCE it simply lacks evidence. There was no *union* of temple community and city community into a new unit of temple-citizen community. More recent studies on the economy of the Persian period see the economic influence of the temple rather subordinated to the provincial development⁴⁶. In any case, the importance of the Jerusalemite Temple in the 5th century BCE should not be overestimated: “In neither Judah nor Samaria was the temple the main economic hub of the province”⁴⁷.

Weinberg’s theory is based on the assumption of a decisive influence of the returnees from the Babylonian exile. Besides the problematic calculation of the number of returnees, there are other problems with Weinberg’s assumptive understanding that the Jewish population in the former Babylonian province mentioned in Nm 7 and Esd 2 formed “a separated group”⁴⁸. The more recent debate on the construction of exile in biblical literature is more than reluctant to assume an actual *golah* influence, and particularly the demographic reconstruction of Weinberg has been proven wrong in many respects⁴⁹. Many other points concern the interpretation of Ezra and Nehemiah as reliable documents within this process. Dating those “sources” at the same time as the narrated events has been heavily contested within the last decade, although not all issues are yet settled⁵⁰. To reconsider the Hellenistic “background radiation” of the narratives in Ezra and Nehemiah is in accordance with a later dating of the completion of the Torah, at least until the first half of the 4th century BCE.

However, in my view the main problem with Weinberg’s citizen-temple model is that there is no correspondence between the Torah and the temple that is limited to an administrative unit, e.g., the province of Yehûd. On the one hand, the spatial scope of the Pentateuch is not limited to Yehûd, Jerusalem is not mentioned at all; Transjordan and Samaria play as important roles as the Negev and Galilee, if we take either the land promises given to

⁴⁵ WEINBERG, *Citizen-Temple Community*, 135.

⁴⁶ RISTAU, *Jerusalem*; ALTMANN, *Economics*; LIPSCHITS, “Materialkultur”, 189-191.

⁴⁷ KNOPPERS, *Judah*, 154.

⁴⁸ WEINBERG, *Citizen-Temple Community*, 132.

⁴⁹ BORTZ, *Identität*, 143-149; LIPSCHITS, “Materialkultur”, 193-194.

⁵⁰ See HECKL, *Neuanfang*, 2-3; BORTZ, *Identität*, 256; FINKELSTEIN, *Realities*, 159-163.

the patriarchs or the border description in the book of Numbers as a clue. On the other hand, the diversity of Judaisms in postexilic times that built their identity on the Torah was bigger than Yehûd, including the Samaritans and the diaspora communities in Egypt as well as the alleged Transjordanian Judaism or the community assembled around the Yahû temple in Makeda⁵¹. Although there is a Judean bias in some or even many texts, the Torah is applicable for a larger range of communities.

Finally, the benefit of Weinberg's theory for the birth of the Torah is limited. The idea of a citizen-temple-community only plays a role to the extent that it ensures the community's relationship to the temple as an institution. It is neither needed for the completion of the Pentateuch nor does it contribute any new aspect to it. This means that the alternative *Persian imperial authorization – citizen-temple community* provided by Ska in his introduction is unsuitable to the problem of finalization and purpose of the Pentateuch. As already noted above, the more illuminating remark is the suggestion that the origin of the Torah had internal reasons that had to do with membership and identity.

5. The Torah as Portrayal or Utopia of a Theocratic Israel

Having pointed at some of the critical objections against the theory of the citizen-temple community, two aspects should be made clear. First, there is no question that the second temple in Jerusalem had a growing importance in the administration and political organization by the 4th century BCE at the latest. This is, for instance, corroborated by Nm 18, which comprises a very late description of the financial income in the temple, most probably in Jerusalem, although it may apply to all YHWH temples. Although there are some clues in the redactional layers, which can be addressed with Achenbach as “theocratic”⁵², it is nevertheless not entirely clear whether the more or less modest economic upgrading of the central sanctuary took place shortly before or after the conclusion of the Pentateuch (and following its implementation). All the more, it remains open how this development is related to the provincial status (including the development of tax collection, administration, the continued role of Ramat Raḥel, etc.)⁵³. Following Gary

⁵¹ See the overview in FREVEL, *Geschichte Israels*, 328-368.

⁵² ACHENBACH, *Vollendung*, 632, etc.; ACHENBACH, “Pentateuch”, 225, 253; FREVEL, *Transformations*, 4, 16, 66, 100.

⁵³ See the recent data in LIPSCHITS, “Materialkultur”, 196-208.

Knoppers, there are no “clear instances in which the temple functioned as an appointed branch of the local, satrapal, or central government’s fiscal administration”⁵⁴. The relationship between central government and local autonomy is more complex than the hypothesis suggests. The alleged semi-autonomous status of the temple administration has to be read against the role of the governor in ruling the province⁵⁵. Above all, and this is the second point, there is no discernible link between the emergence and implementation of the Torah and the citizen-temple community hypothesis. That the content of the Torah remains remarkably detached from the concrete political structures of Yehûd, and that the coexistence of high priest and political leadership only receives attention in very late texts, which in any case depict the “governor” as subordinate to the high-priest, has to be taken into account. The Torah is better understood as promoting a separation from, rather than an involvement in, the governmental requirements; and both realms should not simply be brought into an easy alignment. With regard to the later Hasmonean polity, it is particularly open for discussion whether the late-Persian/early-Hellenistic texts of the book of Numbers in question follow reality or the other way around, i.e., depict ideological constructs which were then taken as normative blueprints in later periods.

All this speaks against the assumption that the context of the economic and political development in the Persian province was the trigger for the transformation of the cluster of traditions to the Torah. It is neither the administration of the province nor the relative autonomy of the temple in Jerusalem that requires or forces the creation of the Torah. It is definitely not a mirror of political reality, thus being a utopian ideal that reflected reality⁵⁶. We may concede that at least the orientation towards the temple favored its emergence. Reinhard Achenbach summarizes the recent discussion concerning the relation between the Persians and local sanctuaries or temples as follows: “An external or even content-related influence on the internal concerns and regulations of the local religions by the Persians can therefore be excluded to the greatest possible extent”.⁵⁷ Moreover, the observation that assumes – especially for the latest layers of the Torah in the book of

⁵⁴ KNOPPERS, *Judah*, 161.

⁵⁵ CATALDO, *Yehud*, 114-117; BURT, *Courtier*, 188; SMITH-CHRISTOPHER, *Religion*, 108-112; LIPSCHITS, “Materialkultur”, 194.

⁵⁶ FREVEL, *Transformations*, 26, 45, 66, 401-402, etc.

⁵⁷ ACHENBACH, “Einleitung”, 9 [Translation CF]. See already my statement in a discussion on the closure in Dt 34 (1999): “So far, no convincing model of an external motivation for the conclusion of the Pentateuch has been provided”. (FREVEL, *Lesen*, 27, Translation CF).

Numbers – that the influence of the Persians was already waning seems to be correct⁵⁸. This makes the attribution of the birth of the Torah to external influence even more unlikely.

Jean Louis Ska saw all of this early on and anticipated it through his suggestion that the origin of the Torah developed from internal reasons. As we have seen, this insight gains even more persuasive power when it is detached from Weinberg's thesis.

6. Identity or Identities? Dissolving the Boundaries of Yehûd

It can hardly be denied that the Torah has something to do with the emergence of Judaism in the formative period. Within this process, it is crucial to accept that there was not a uniform, closed and sharply defined developmental path. Therefore, the term "Judaism" has rightly been pluralized within the discussion. The paradigm has shifted from "schism" to "variance" and from "conflict" to "cooperation", the key point being that Judaisms were *simultaneously* involved in processes of exchange, demarcation and adjustment, and that this entanglement is characteristic of the period of emergence and formation. The various groups did *not* form a single postexilic *community* let alone a single political entity, but they were strongly related. Speaking of an "interferent formation", I have suggested the term "interference" to denote this entanglement⁵⁹. The fact that the Torah was part of the "shared tradition" is crucial for the understanding of its importance on the one hand⁶⁰, but also for the processes of its finalization on the other hand. To this end, we must be clear on one further point: the concept of a *single* final redaction is a remnant from the source theory, which described the combination of the four sources in a single operation. However, the concept and notion of such an *Endredaktion* together with the too simple model for the creation of traditional literature has become increasingly

⁵⁸ Cf. ACHENBACH, "Religionspolitik", 276 ("Die hierokratische Definition der Identität Israels führt – je schwächer der Zugriff des Großreiches auf die judäische Medinah wird – zu einer Stärkung theokratischer und exklusivistischer religiöser Normierung.").

⁵⁹ FREVEL, *Transformations*, 93-94, 334, 338. The term oscillates deliberately between the literal notion and a metaphorical one employing the interference of waves in physics as source domain.

⁶⁰ Several contributions have underlined the importance of the interaction of plurality and unity in this process. Just to mention NIHAN, "Torah"; ARTUS, "Numbers 32"; NOCQUET, *Samarie*; SKA, "Pentateuch"; HENSEL, "Bedeutung", etc.

questionable⁶¹. To move the final hands from Jerusalem to Samaria is even more confusing than that it explains the striking fact of mutual acceptance⁶². Even the alternative concept to denote as “final” just the last editing hand in the editing process fails, since editing processes have been non-linear as evinced from the Qumran evidence and from the textual history. There is not a single point of finalization by which production became reception. There was no stipulation, decision, or agreement regarding the finalization of editorial work. It is neither only in Jerusalem nor only in Samaria where the finalization took place, so that the respective other had to accept it or not. The processes took place rather simultaneously (and not uniformly) in the places where the Torah was implemented as a reservoir of collective identity and Yahwism. If one realizes this, one must also abandon the concept of the intentionality of the conclusion of the editing processes. In contrast, one has to conceptualize the end as a process of dying out alteration in the transmission of biblical manuscripts. The history of the text includes the intertwined aspects of redaction and reception. In sum: there was no *final editing* in terms of a single redaction process which *intended* to end the reworking, supplementation, and re-shaping of the Torah.

Having that in mind, let us now come back to the formation of the Torah and the end of the editing processes that were closely related to this formation of Judaism(s) in the late 5th and 4th century BCE. While the individual communal identities in Samaria, Yehûd, Transjordan, the Negev, the diaspora in Egypt and Babylonia, etc. may have been contested, the final product of the Torah represents an uncontested “shared tradition”, a sort of common ground forming the “transnational” community of “Israel”. The successive inclusion of traditions represents various existing branches and the high degree of self-referentiality of Torah demonstrates the inner consistency of this document. To form the identity construct of *Israel*, consisting of twelve tribes centered on a single sanctuary (and it is not by chance that Jerusalem is not mentioned), constituted by a common ancestry and united by a common Aaronide priesthood (which was in fact not the case in reality) and a set of rituals is the unsurpassed unifying power of the Torah in this process.

When Ska suggested the “internal needs of the postexilic community” he defined the function of the Torah twofold: “First, it provided criteria

⁶¹ See the discussion in WITTE, *Urgeschichte*, 1-16; FREVEL, *Transformations*, 439-440; SCHMID, “Diaskeuase”, 5-17; ZENGER – FREVEL, “Prozess”, 138.

⁶² See the discussion of Nocquet’s suggestions in OTTO, “Pentateuch”, 304, 308-309. See KARTVEIT – KNOPPERS, “Bible”, 1-16 for an introductory overview of the state of research with regard to the Samaritan-Qumran Torah.

for membership in the community. Second, it established with clarity the power structure and the respective positions of the various groups that coexisted at that time”⁶³. Although Ska does not explicitly define what he understands by community, the subtle difference between “coexisting” and “cohabiting” is important in this respect. The community that is formed by the common ancestry in the Torah far exceeds the limits of Yehûd. Within his argument, Ska poses a nice metaphor. He sees the Torah as the “identity card” of the postexilic community. Thus, for him “the primary purpose ... (is) to define the conditions of membership in a specific community called ‘Israel’”, which are “blood ties and a ‘social contract’”⁶⁴. Through this construct, “postexilic Israel wanted to safeguard its identity”⁶⁵. Leaving aside the trouble we face with the notion of (collective) identity in philosophical, cultural and social respect, which cannot be addressed in this essay (keywords are, for example, “container-term”, “transdisciplinary hybrid”, “the risk of synonymy with culture”, etc.)⁶⁶, this is fine. The connection between narrative, tradition, memory, etc. and the formation of identity has been emphasized many times⁶⁷. However, I would like to emphasize that it is crucial to understand the notion of “community” and “Israel” in the sense outlined above. It is clear that a collective identity is produced by the social construction of boundaries, by “in” and “out”⁶⁸. The striking fact though is that the Torah as *Magna Carta Israelitica* did not cover the collective identity of any of the real, existing sub-communities 100%, but rather the specific shape of each sub-community was formed by their varying relationship to, and interpretation of, this commonly shared tradition.

Thus, in my understanding it would be misleading to limit the scope to the Persian province of Yehûd. Although there is a Judean bias in some texts of the Torah, the perspective goes beyond Yehûd; it covers the provinces of Samaria, Idumea and the Transjordan as well as the diaspora communities. Because an “identity card” expresses the affiliation of an individual to a political entity, the metaphor is rather weak to cover the capability of the Torah as a “shared tradition”. The Torah is part of the relational network of tradition which *enables* the formation of identity in relation to it.

⁶³ SKA, *Introduction*, 228.

⁶⁴ *Ib.*, 225.

⁶⁵ *Ib.*

⁶⁶ See STRAUB, “Identity”, 67-76; FREVEL, “Person”, 69-70.

⁶⁷ The literature on this issue is “legion”; I dare to mention only JONKER, *All-Israel*, 16-64 and BEN ZVI – EDELMAN (eds.), *Imagining*.

⁶⁸ See EISENSTADT – GIESEN, “Construction”, 75-78.

This is why I have suggested describing the function of the Torah as an “identity reservoir”⁶⁹ rather than an identity card. Louis Jonker – building on Jean Louis Ska – speaks of a “multi-levelled identity negotiation” with regard to Chronicles⁷⁰, but this also fits aptly as a characterization of the *Torah*. The *Torah* is a multi-faceted literary mindscape⁷¹.

With the two issues “membership” and “power” raised by Ska, he correctly brings two *ideal* constructs to the fore. Neither was there a real “membership” in the sense of citizenship provided by the *Torah* nor were the power structures related to a concrete state or political entity. But the *Torah* provided the utopia of a *theocratic* Israel, which embraced *all* Judaisms and united them. Belonging thus became a matter of relating. The Mosaic *Torah* designed in the wilderness facing a “land” that is by no means sharply delineated constructs an “inside” without defining the demarcational boundaries of Yehûd, Samaria, Elephantine, etc. The “other” in the *Torah* are the surrounding nations and the “foreigners” (which are for sure partly included), which do not relate themselves to the universal *Torah*. The argument above perfectly fits to a rather multi-dimensional notion of *Torah*, denoting simultaneously a body of rules of behavior, a particular concept of self-understanding, and at first place the five books of Moses. Or as J. J. Collins puts it by using a quote of Seth Schwartz: “*Torah* was not just the written text, despite the iconic importance that was increasingly attached to it. ... ‘*Torah*’ was a set of negotiations between an authoritative but opaque text and various sets of traditional but not fully authorized practice”⁷².

⁶⁹ FREVEL, *Transformations*, 10-19, 318, 336-338, etc.

⁷⁰ JONKER, *All-Israel*, 22, 72, 285.

⁷¹ The term “mindscape” is employed to allude to the field of memory studies. Originally, it is meant to denote a meta-type in science theories. Following Maruyama, the notion includes “a structure of reasoning, cognition, perception, conceptualization, design, planning, and decision making that may vary from one individual, profession, culture, or social group to another” (MARUYAMA, “Mindscapes”, 590). We may add with Ehud Ben-Zvi, who frequently uses the term “social mindscape” for the Persian period Yehûd: “The study of social mindscapes involves, inter alia, that of accepted and shared ways of thinking in a group, generating ideas, questions and ways of addressing them, providing meaning to ‘data’ and actually constructing ‘data’ by focusing on particular matters and not others, assigning significance to memories, stories, and actually shaping the production of memories according to particular patterns. Moreover, it involves the study of how all these are deeply interconnected.” (BEN ZVI, *Memory*, 6, cf. 36, 54-55, 668, etc.).

⁷² COLLINS, “*Torah*”, 62.

7. The Successively Growing Authority of the Torah – Conclusion

This conversation with Jean Louis Ska has highlighted the merits of assuming internal reasons instead of external motivation for the conclusion of the Torah. In his approach in the textbook about twenty years ago, Ska already anticipated a great deal of the current discussion with just a few remarks on the completion of the Torah. It would be worthwhile to follow this up in a number of respects.

1. The discussion of internal needs leaves behind the alternative of two competing concepts of the postexilic period. It is widely accepted that the compilation of traditions is closely related to the formation of collective identity. Thus, the alternative of imperial authorization and citizen-temple community on the one hand and internal stimulation on the other fails in assuming *one single* impulse. The process of the Pentateuchal traditions becoming Torah should rather be related to a longer period of formation and growth. Already the composition of the Jacob-Esau cycle or the earliest composition of an exodus-conquest narrative fulfilled this function. There can be little doubt that the Torah had been in a process of formation for several centuries so that the link between authority of scripture, identity formation, and implementation of law should not be limited to a narrow period such as the time of Darius. Another aspect is the conceptualization of authoritativeness of scripture which does not only imply a longer history of growth but also a growing intensity from loosely accordant texts to literal correspondence. It may also be more complex than matching a clear defined community with one sharp delineated canon of authoritative scripture. Things were fuzzier, as has been demonstrated in many studies. In my view, it is worthwhile not to concentrate too much on a birth date but rather to conceptualize a development of the Torah in interlocked phases of *emergence, formation, completion, and implementation*. However, it is obvious that this function of tradition was intensified in the postexilic period, when supporting state structures were lacking. On the one hand, there were no supporting state structures that could guarantee unity. On the other hand, from the end of the late 8th century BCE onwards, communities were emerging that were geographically separated from one another and oriented in principle to the same older traditions. Against the background of the globalized structures of the Persian Empire, this *local* diversification led to the need to define what was

common and what was unique, particularly when the empire was declining.

2. The paradigm shift in Samaritan research, which was associated with the keyword “interfering formation” above, must also be taken seriously for the development of the Pentateuch. The fact that the communities centered on the temples in Jerusalem and Gerizim understood the common Torah as a “shared tradition” is not only to be related to the phase of reception but also to the phase of production, even if it is not yet possible to conceptualize the institutional forms of cooperation with which both groups (and perhaps even other groups) participated in one way or another in the formation of the Pentateuch. Before the “parting of the ways” there was intense cooperation. The more clearly the local communities developed apart, the smaller the forms of cooperation became until they finally resulted in only slightly different shapes of the Torah, which were further differentiated in reception and copying. This is also linked to the decline of imperial cohesion in the 4th century BCE.
3. It is one of the global trends in Old Testament/Hebrew Bible research to acknowledge that most texts respond to texts. Eugene Ulrich puts it in a nutshell: “All of Scripture is rewritten”⁷³. And all of scripture experienced processes of successive literary growth that became increasingly referential in the latest phases of production. “Processes of textual supplementation, amendment, adaptation, alteration and transformation have been identified as the trigger of literary production. *Fortschreibung* is interpretation, and *Fortschreibung* also comprises redactional amendment as deliberate relation of textual traditions”⁷⁴. With regard to the Torah, the processes of interpretation are particularly condensed in the books of Leviticus and Numbers, so that we may well assume that the completion of the work was a process and not a selective event. This process of texts becoming scripture by enhancing their self-referentiality and increasing their entanglement as *texture* is crucially intertwined with the processes of identity formation.
4. In accordance with the last-mentioned aspect, the separation between production and reception as well as between so-called biblical and post-biblical literature is becoming blurred both in terms of method-

⁷³ ULRICH, *Scrolls*, 201.

⁷⁴ FREVEL, *Transformations*, 7.

ology and literary-history. Textual history as it is revealed by the Qumran evidence demonstrates textual forms where the phases of production and reception are inextricably intertwined⁷⁵. The text was even more pluriform than the pluriformity of the existing groups. There is simply no point in the transition phase of the emergence of the Torah at which production and reception can be separated by fixing the wording. The same applies to the transition from inner-biblical interpretation to commentaries in extra- or non-biblical literature. Admitting all the differences in modes of allegorization, the forms of the Midrashim and the reference structures of the interpreted texts, a great proximity between inner-biblical interpretation and so-called post-biblical use of scripture can be acknowledged. However, the more stable the Torah became as a text, the more clearly the interpretation was outsourced. This development also advocates against a single date for when the Torah was finalized. The shifting of scribal discourses from successive *Fortschreibung* to a mode of referential reception is a complex process that presumably cannot be clearly grasped either in terms of points or degrees. The Torah successively came into being by the growth of referentiality: both with regard to the self-referentiality of the term “Torah” on the one hand and the external references to the Torah beyond the five books of Moses.

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⁷⁵ See, for instance, ULRICH, *Scrolls*, 38: “With the evidence, especially of 4Qpaleo-Exod^m and 4QNum^b, we can see more clearly that the Jewish Scriptures were still developing, that variant editions were circulating within and were used by different groups”. For an overview, see most recently ZAHN, *Genres*.

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