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## RITUAL LEGITIMACY AND SCRIPTURAL AUTHORITY

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Western culture has traditionally drawn a dichotomy between rituals and texts, usually favoring texts over rituals. We tend to associate this bias particularly with Protestant polemics aimed at Catholic rituals, but it was already quite strong in the Middle Ages, as Phillipe Buc has shown.<sup>1</sup> The elevation of text over ritual has served to distinguish “true” religion from ritualized “magic” throughout much of Western history.

Contemporary scholarship has given new attention to ritual to reverse this traditional privileging of text. Theorists of ritual have tried to understand rituals for their own sake. Ronald Grimes, for example, declared, “Ritual studies, unlike liturgics, does not begin with a consideration of traditions and texts. It begins by attending to gesture and posture, the actual comportment of the body in interaction.”<sup>2</sup> Ritual studies has therefore grown into its own subdiscipline within the study of religion.

The academic dichotomy between text and ritual remains entrenched, however, as witnessed by the different (sub)disciplines and their associated journals dedicated to each subject even within a given religious tradition. In this essay, rather than playing down either ritual or text in favor of the other, I want to point out and explain the interdependence of texts and rituals. That interdependence is readily apparent in contemporary religious liturgies and

A version of this paper was presented to a joint session of the Ritual Studies Section of the American Academy of Religion and the Pentateuch Section of the Society of Biblical Literature at the annual meeting in Atlanta in 2003. I appreciate the helpful comments and suggestions of those participating in that session, especially the respondent, Heather McKay.

<sup>1</sup> Phillipe Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton: Princeton University Press, 2001), 6–7, 251.

<sup>2</sup> Ronald Grimes, *Beginnings in Ritual Studies* (rev. ed.; Studies in Comparative Religion; Columbia: University of South Carolina Press, 1995), 91.

governmental ceremonies that highlight the reading and manipulation of texts. For example, processions with Torah scrolls and Gospel books utilize texts as ritual objects, as do many political and judicial oath ceremonies. William Scott Green explored the historical origin of these practices and observed that scripture took the place of the lost temple in rabbinic Judaism. It was therefore sanctified as a religious object more than as a text.<sup>3</sup> Building on Green's work, Thomas Driver concluded:

The point is not that scripture took the place of ritual, as some might imagine, but that ritual was modified so as to embrace the Torah texts and exalt them as sacred. . . . Ritual guides hermeneutics. In Judaism and in many other religions, certain rituals conceptualize the text and secure its place within the ordered world. . . . Among Protestants also, the scriptures are defined by the protocols (mostly unwritten and passed along by tradition) concerning their use. It is these protocols, not the scriptural words per se, that order Protestant life and give it the character that it has.<sup>4</sup>

Though Driver understates the role that some of the contents of scripture play in Protestant (and Jewish) life, his point is nevertheless well taken. The influence of ritual on beliefs about scriptures has received far too little attention in research.

The observations of Green and Driver leave open, however, the question of how texts and rituals came to be associated in the first place. What ritual benefit accrued from using texts in this way? I will argue that old texts were used in antiquity to validate the forms of important rituals. The rituals in turn lent their cultural influence to the texts that prescribed them. The textual authority of Western scriptures had ritual origins.

### I. Scriptural Authority

The problem of how some texts acquired such a high degree of religious authority in ancient Judaism is complicated by the fact that interpreters tend to make a number of unexamined—and unjustified—assumptions about scriptural authority. The first is simply to take scriptural authority as a matter of course and not realize that the Jewish (and later Christian, Manichean, Muslim, Sikh, etc.) reverence for an authoritative book was unusual in the context of ancient Near Eastern and Mediterranean religions.

The second assumption is that scriptural authority is an outgrowth of the

<sup>3</sup> William Scott Green, "Romancing the Tome: Rabbinic Hermeneutics and the Theory of Literature," *Semeia* 40 (1987): 147–68.

<sup>4</sup> Thomas F. Driver, *The Magic of Ritual: Our Need for Liberating Rites That Transform Our Lives and Our Communities* (San Francisco: HarperSanFrancisco, 1991), 141–42.

text's status as "law." Because the first Jewish scripture, the Torah/Pentateuch, contains several codes of civil law and religious instructions, people easily conclude that the Bible gained its status by virtue of its legal authority. Contrary to modern conceptions of law, however, study of ancient Near Eastern law codes and legal procedures has shown that law codes were not cited as authoritative guides to legal practice. The Code of Hammurabi, for example, which was recopied and distributed through much of the Middle East in the second millennium B.C.E., is never cited, nor are its provisions followed in the many court documents that have survived from those same times and cultures.<sup>5</sup> Though the idea of law functioned as a pervasive social ideal whose normative claims should govern people's behavior, written collections of laws did not function as especially authoritative guides for such behavior.

Other models for the origins of scriptural authority have been identified in treaties, which were expected to be read publicly and their provisions followed,<sup>6</sup> and bureaucratic documents that, in Egypt at least, were consulted to guide the decisions of administrators.<sup>7</sup> Treaties did influence the literary form of the covenant in the books of Exodus and Deuteronomy, so these practices may indeed have had some influence on the Torah's authority. But unlike texts revered as scriptures in Judaism and later "religions of the book," the ancient use of treaties, bureaucratic records, and royal decrees did not usually emphasize the antiquity of the documents to be consulted and followed.<sup>8</sup> In fact, in

<sup>5</sup> As observed famously by F. R. Kraus, "Ein zentrales Problem des altmesopotamischen Rechts: Was ist der Codex Hammu-Rabi?" *Genava* 8 (1960): 283–96; see also Hans Jochen Boecker, *Law and the Administration of Justice in the Bible and the Ancient Near East* (trans. Jeremy Moiser; Minneapolis: Augsburg, 1980), and the essays in *Theory and Method in Biblical and Cuneiform Law: Revision, Interpolation, and Development* (ed. Bernard M. Levinson; JSOT-Sup 181; Sheffield: Sheffield Academic Press, 1994).

<sup>6</sup> See Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (2nd rev. ed.; AnBib 21; Rome: Pontifical Biblical Institute, 1981).

<sup>7</sup> Donald B. Redford, "The So-Called 'Codification' of Egyptian Law under Darius I," in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch* (ed. James W. Watts; SBLSymS 17; Atlanta: Society of Biblical Literature, 2001), 151. Redford notes that this was especially the case during the first millennium B.C.E. in Egypt: "Osorkon, the high priest of Amun during the ninth-century civil war, could boast (probably quite honestly) that 'regular decisions in the Privy Chamber were taken [through] his knowledge of all the pol[icy decisions] which had accumulated throughout the generations of former kings.' [Footnote: punishment of the rebels was meted out 'according to a charter of the ancestors.'] Similarly the worthy Hory (ca. 800 B.C.E.) was 'skilled in the laws of the palace, the regulations of the ancestors'" (ibid.).

<sup>8</sup> A vivid depiction of the politico-religious use of a treaty text can be found in the Assyrian Tukulti-Ninurta Epic (thirteenth century B.C.E.), which depicts the Assyrian king making a legal case before the gods against his Babylonian rival: "I raise aloft, therefore, the tablet of oath between us, and call upon the Lord of Heaven [ ]!" (lines 150–51). "[Kashtiliash] was appalled on account of the appeal to Shamash and became fearful and anxious about what was laid before the

most such cases authority lay in the most recent treaty or decree (though it was common to appeal to old royal grants to justify land and tax claims).

Another apparently obvious source for scriptural authority lay in divinatory consultations of oracular/prophetic texts. The Zoroastrians of Persia, as well as the Greeks and Romans, gave great importance to the correct interpretation of oracles and literary texts by professional exegetes for purposes of divination. Their methods and results bear many similarities to the work of Jewish and Christian interpreters of sacred texts.<sup>9</sup> Though the influence of divinatory methods on later scriptural interpretation cannot be denied, such concerns cannot have been the source of the Bible's religious authority in the first place. The most obviously oracular books of the Hebrew Bible, such as Isaiah, Jeremiah, Amos, and other prophetic books, were not the first to achieve scriptural status. Nor do biblical narratives reflect any interest in ancient Israel in the reading and interpretation of oracular texts.<sup>10</sup> When they mention texts at all, they are rather concerned with the reading and application of Torah. The Bible's canonization began with the Torah, not the prophets as one would expect if divinatory concerns were the primary motive.<sup>11</sup>

Thus, neither individually nor together do laws, treaties, bureaucratic regulations, and oracular texts provide a sufficient explanation for the origins of scripture in ancient Judaism, though they all exerted some influence on the way in which scriptures came to be interpreted and used. The reasons for scripture's developing authority must be sought elsewhere. In antiquity, claims for the authority of old texts were more frequently made for *ritual* texts than for any others. Rather than law or diplomacy or bureaucracy or divination, the use of texts for and in ritual explains more plausibly the origins and development of book religion.

## II. Ritual Accuracy and Ritual Legitimacy

Many students of ritual have noted that a concern with "doing it exactly right" typifies many ritual performances, though such concerns for accuracy in

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gods. . . . You have entered in evidence against me an unalterable tablet with the seal impression of m[y forefather]s, They too have intro[duced evidence] before me, a [ ] whose wording cannot be changed!" (lines 167–74; trans. Benjamin Foster, *From Distant Days: Myths, Tales, and Poetry from Mesopotamia* [Bethesda, MD: CDL, 1995], 185–87).

<sup>9</sup> See John F. A. Sawyer, *Sacred Languages and Sacred Texts* (Religion in the First Christian Centuries; London: Routledge, 1999), 152–61.

<sup>10</sup> The one exception is Jeremiah 36, which describes the scribe Baruch reading a scroll of Jeremiah's oracles in the Temple. But the text here was simply a stand-in for the prophet, who could not preach because he was under house arrest.

<sup>11</sup> The priority of the Pentateuch (Torah) in the history of canonization is undisputed, even if the rest of the history is less evident.

some aspects of a ritual do not preclude the freedom to improvise others.<sup>12</sup> But how does one know if one is doing it right? How can priests be sure that their tradition of performance is correct? How can participants know that the priests are competent? Concerns for correct performance generate an interest in validating the authority of the ritualists. In antiquity, old ritual texts provided one means of validating or invalidating ritual performances.

There are several explicit examples from different cultures and times of using old texts to revive ancient ritual traditions. Livy, the first-century Roman historian, described a Samnite ritual that was performed ca. 300 B.C.E.:

A space, about 200 feet square, almost in the centre of their camp, was boarded off and covered all over with linen cloth. In this enclosure a sacrificial service was conducted, the words being read from an old linen book by an aged priest, Ovius Paccius, who announced that he was taking that form of service from the old ritual of the Samnite religion. It was the form which their ancestors used when they formed their secret design of wresting Capua from the Etruscans. (Livy, *History of Rome* 10.38)<sup>13</sup>

Livy emphasizes the antiquity of the rite that was being revived for this occasion. The priest read the old linen scroll aloud to ensure that the correct words were recited and to validate the accuracy and therefore the efficacy of the whole ritual. Livy does not provide sufficient information to allow us to evaluate the priest's honesty, but his use of the old book suggests that his authority to conduct this ritual or to conduct it in this way may have been contested. The rite required an oath of service in the Samnite army. Refusal meant execution as an offering to Jupiter, a threat actually carried out, according to Livy. So the ritual was clearly performed in the face of considerable social conflict, and reading the old book aloud helped the priest and his supporters to keep the upper hand.

<sup>12</sup> Sigmund Freud noticed the similarity in this regard between obsessive-compulsive behavior in individuals and the ritual behavior of groups ("Obsessive Actions and Religious Practices," [1907]; reprinted in *Readings in Ritual Studies* [ed. Ronald L. Grimes; Upper Saddle River, NJ: Prentice Hall, 1996], 212–17). Fritz Stahl went so far as to argue that ritual consists of nothing but close attention to repetitive actions ("The Meaninglessness of Ritual," *Numen* 26, no. 1 [1979]: 2–22). Cf. the more nuanced appropriation of these ideas by Jonathan Z. Smith ("The Domestication of Sacrifice," in *Violent Origins* [ed. Robert G. Hamerton-Kelly; Stanford: Stanford University Press, 1987], 191–235). Others have documented the prevalence of ritual change and, frequently, the lack of standardization in ritual practice: see Ronald Grimes on the ubiquity of ritual criticism and innovation (*Ritual Criticism: Case Studies in Its Practice; Essays on Its Theory* [Studies in Comparative Religion; Columbia: University of South Carolina Press, 1990], 17–18), Roy A. Rappaport on the ritual criterion of invariance and the inevitability of both historical change and individual choice in all ritual performances (*Ritual and Religion in the Making of Humanity* [Cambridge: Cambridge University Press, 1999], 36–37, 124–26), and Buc on the textual reinterpretation of rituals in the Middle Ages (*Danger of Ritual*, 9–12, 249).

<sup>13</sup> Livy, *History of Rome* (ed. Ernest Rhys; trans. Rev. Canon Roberts; Everyman's Library; New York: E. P. Dutton, 1912).

The Samnite's use of a book to revive a ritual is reminiscent of a scene in Jerusalem approximately 150 years earlier, as narrated in the book of Nehemiah. Ezra took "the book of the law of Moses" that he had recently brought from Babylon and read it to the assembled people (Neh 8:1–12). As a result of this reading, the people discovered how to celebrate properly the festival of Sukkot (Booths or Tabernacles; Neh 8:14–17). The story claims that the feast had not been celebrated in this way since the days of Joshua, some eight centuries earlier (though Ezra 3:4 claims that the returning exiles celebrated Sukkot).<sup>14</sup> Again, the situation was highly conflictual, in this case having to do with the ethnic boundaries of the community and the legitimacy of mixed marriages. Ezra used the authority of the book to bring about a mass divorce and the expulsion of foreign wives and their children from the Jerusalem community (Ezra 9–10).<sup>15</sup>

Jerusalem had witnessed a similar scene two centuries earlier, when an old book was discovered in the temple.<sup>16</sup> According to 2 Kings and 2 Chronicles, King Josiah read it to the assembled people and on its authority ordered them to celebrate Passover properly, as it had not been celebrated since the time of the judges. In this assertion in 2 Chr 35:14, the Chronicler seems to forget that in this account (2 Chr 30), though not in 2 Kings, King Hezekiah had celebrated such a Passover two generations earlier. The amnesia here and in Nehemiah 8 (see above and n. 14) suggests that ritual books were conventionally associated with claims for reestablishing discontinued festivals. Josiah also celebrated a covenant renewal ceremony and launched an attack on various ritual objects and sacred sites that he regarded as foreign or idolatrous. The liter-

<sup>14</sup> Commentators take the reference here to the days of Joshua as involving only the manner in which the festival was celebrated; see David J. A. Clines, *Ezra, Nehemiah, Esther* (NCB; Grand Rapids: Eerdmans, 1984), 186–88; Hugh G. M. Williamson, *Ezra, Nehemiah* (WBC 16; Waco: Word, 1985), 296–97. Perhaps the claim in Nehemiah 8 about Sukkot intentionally mimics the remark about Passover in 2 Kgs 22:23 to draw parallels between Josiah's and Ezra's book-based festival reforms.

<sup>15</sup> The chronological relationship between the reading of the Torah and the mass divorce is not clear because of the confusing arrangement of the Ezra materials in the books of Ezra and Nehemiah. Ezra, at least, certainly presents the ban on mixed marriages as a commandment of God (Ezra 9:10–12), though the Pentateuch itself is not so clear on the issue.

<sup>16</sup> Unlike Livy ("old linen book") and Nehemiah ("the book of the *torah* of Moses, which YHWH commanded Israel" [8:1]), 2 Kings does not describe the age of this "book of the *torah*" (22:8). But Josiah's concern that "our ancestors did not listen to the words of this book" (22:13) and the narrator's claim that the Passover prescribed by the book had not been observed since the time of the judges (23:21–23) clearly are meant to indicate the book's antiquity. Gary N. Knoppers points out that the phrase "book of the covenant" (23:2, 21) connects this book to the Mosaic covenant at Sinai (*Two Nations under God: The Deuteronomistic History of Solomon and the Dual Monarchies*, vol. 2, *The Rise of Jeroboam, the Fall of Israel, and the Reign of Josiah* [HSM 53; Atlanta: Scholars Press, 1994], 131 and n. 20).

ary context in 2 Kings 23 suggests that this took place as a result of reading the book, so in that case the book invalidated certain ritual practices while it validated others.<sup>17</sup> Here again a book is invoked in a situation of conflict, this time explicitly ritual conflict. The account of these events in 2 Chronicles 34–35, however, has the cultic reform precede the discovery of the book, which prompted the covenant renewal and Passover observances only.<sup>18</sup> Interpreters remain divided on the relative historical merits of the two versions.<sup>19</sup> But the link between the book and festival reform is explicit in both 2 Chronicles and 2 Kings, as it is in Nehemiah and Livy.

Thus, each of these three cases (Livy, Nehemiah, 2 Kings/2 Chronicles) presents a situation of ritual discontinuity lasting centuries. The gaps exceeded the life span of even the oldest ritual specialists and so raised the problem of ritual accuracy in an acute form for those proposing to revive the ancient rituals. Each ritual also took place in the context of considerable social conflict: over soldiers unwilling to fight in an upcoming war against the Romans in Livy's account, over the definition of the Jewish community in Jerusalem and intermarriage with outsiders in Nehemiah, and over correct ritual practice and sacred space in 2 Kings/2 Chronicles. Though in each case the ritual specialists were priests (led by a king in 2 Kings/2 Chronicles) who could claim positional authority to prescribe the manner of the ritual, they felt the need to buttress their authority in these extraordinary circumstances.<sup>20</sup> They used ancient books

<sup>17</sup> Knoppers argues that 2 Kings "employs the story of the torah scroll to justify and explain Josiah's unprecedented intrusion into the religious affairs of his people" (*Two Nations under God*, 2:139).

<sup>18</sup> Modern interpreters and historians have focused their attention primarily on the centralization of worship in Jerusalem and the destruction of rival sanctuaries and cult practices, because of the priority they receive in the text of Kings and also because of the effect such "reforms" probably had on the development of Israel's distinctive religious traditions, especially the Hebrew Bible itself (for a thorough review and evaluation of these issues, see Marvin K. Sweeney, *King Josiah of Judah: The Lost Messiah of Israel* [Oxford: Oxford University Press, 2001]). King Hezekiah, however, initiated somewhat similar reforms almost a century earlier (2 Kgs 18:3–6), but no explicit reference to a book appears in that account (Hezekiah is said only to have "kept the commandments that YHWH commanded Moses" [v. 6]). Chronicles' version of Josiah's reform, as well as the parallels from Nehemiah and Livy, suggests that the book's role in this episode was primarily to validate the revival of the ancient rituals of covenant renewal and of Passover.

<sup>19</sup> Some have favored Chronicles' chronology (G. H. Jones, *1 and 2 Kings* [NCB; Grand Rapids: Eerdmans, 1984], 602–6, who reviews the issue and research), but others have argued that Chronicles was entirely dependent on Kings (J. W. McKay, *Religion in Judah under the Assyrians* [Naperville, IL: Allenson, 1973]; H. G. M. Williamson, *1 and 2 Chronicles* [NCB; Grand Rapids: Eerdmans, 1982], 397–98) and many have noted how the stories have been shaped by the thematic interests of both writers (e.g., T. R. Hobbs, *2 Kings* [WBC 13; Waco: Word, 1985], 315–21).

<sup>20</sup> Concern to understand the source of authority behind books and scriptures has led interpreters to emphasize the human authorities who manipulate the book. So, to cite a recent example, Hindy Najman remarked on 2 Kings 22–23 that "[t]he priest, scribe and king are ultimately sufficient to authorize a text, be it new or old" (*Seconding Sinai: The Development of Mosaic Discourse*



to provide such reinforcement, because texts have the unique property of appearing to “speak” from the distant past. In each case, reading the texts helped sway many, though not all, of the assembled people to acquiesce to both the ritual and political agendas being advanced by the priests who controlled the texts.

### III. Ritual Text and Ritual Performance

In all three cases described above, the public display and reading of the text played a key role in stimulating the ritual acts that followed. Some ancient texts mandated that they be used in this way. The text of the Samnite ritual has not survived, so we cannot know what its contents were like. But most interpreters think that Josiah’s and Ezra’s books corresponded more or less to Deuteronomy and the whole Torah (Pentateuch), respectively. Deuteronomy mandates public recitation of the book (Deut 31), and many pentateuchal passages command performance of their prescriptions as written. Jewish scriptures are by no means unique in this regard. In cultures across the ancient Near East and eastern Mediterranean, there is evidence that ritual texts mandated that their stipulations be followed exactly as written and that priests and kings were concerned to do so, even to the point that reading and manipulating the ritual texts became part of the rituals themselves.

A number of Egyptian texts mandate verbatim repetition of their contents. For example, the prayers of Pahery, on a stela in Pahery’s tomb (Eighteenth Dynasty, ca. fourteenth century B.C.E.), request that those passing by make offerings and recite the prayer for the deceased also recorded on the stela: “say, ‘An offering, given by the king,’ in the form in which it is written; ‘An invocation offering,’ as said by the fathers, and as it comes from the mouth of god.”<sup>21</sup>

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in *Second Temple Judaism* [JSJSup 77; Leiden: Brill, 2003], 29). It is true that books by themselves are mute and are made authoritative only by the people who read them and control their use. However, this sociopolitical observation reverses and obscures the claims of the stories themselves, in which priests and kings derive *their* authority from the book (which in 2 Kings is, in turn, validated by inspired prophecy). Thus, though Najman intended to reconstruct the conceptions of textual authority operating in Deuteronomy, her reconstruction (which also relegates the prophet to a later editor) actually reversed the rhetoric of authority in the text of 2 Kings 22–23.

<sup>21</sup> Trans. Miriam Lichtheim (*Ancient Egyptian Literature: A Book of Readings* [3 vols.; Berkeley: University of California Press, 1973, 1976, 1980], 2:20), showing the citation of the first lines of the prayers (the first written on the stela, the second not and apparently conveyed by oral tradition “as said by the fathers . . .”). Other translations: “Ye shall say the *htp-di-nsu* exactly like that which is in writing, the invocation in the speech of the ancestors, like that which emerged from the mouth of god. . . . it is to be done as it should be, as that which is according to the *hpu* [law, customary rule, prescription] attested on this stela” (Redford, “So-Called Codification,” 139, who notes that in many contexts, “like that which conforms to the law” parallels “like that which is in

Other Egyptian texts link exact repetition of spells and prayers with detailed ritual instructions, such as an Osiris ritual from the Ptolemaic period (third–first centuries B.C.E.). It records an elaborate liturgy and then ritual instructions that begin, “Now when this is recited the place is to be completely secluded, not seen and not heard by anyone except the chief lector-priest and the *setem*-priest.”<sup>22</sup>

Even more than specific recitation instructions, texts from many ancient cultures prescribe the details of various rituals. These include instructions for the proper sequence of rites, for the performance of individual rituals, for the amounts of offerings for various rituals, and for the celebration of special festivals. In some cases, we have clear indications of how such texts were used. The texts from Ugarit (thirteenth–twelfth century B.C.E.) contain not only a number of rituals but also lists of gods and former kings that were used literally to “check off” that the rites were performed for the deities and ancestors in the proper order. The cuneiform equivalents of check marks remain in the margins of the tablets.<sup>23</sup> One Ugaritic omen text, a lung model, specifies the need to eat the sacrifice *dbh k . sprt*, “in accordance with the documents.”<sup>24</sup> Some Hittite texts witness to acute concerns to perform rituals exactly as “is written in the old tablets” and “on account of the old tablets, they do it in exactly that manner.”<sup>25</sup> Hittite kings cited their examination of written documents as proof of their ritual fidelity: “And whatever I, My Majesty, discover now in the written records, I will carry out.”<sup>26</sup> During a long-drawn-out plague, searches of archives turned up old ritual and treaty texts whose provisions had fallen into abeyance. When oracles confirmed that failure to follow these texts had brought the plague on

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writing” [p. 140]); “Just so, may you recite the offering prayer in the manner found in the writings, and the invocation offering as spoken by those long dead just as it came from the mouth of God” (John L. Foster, *Ancient Egyptian Literature: An Anthology* [Austin: University of Texas Press, 2001], 176–77). Several lines later, reward is promised for the recitation: “Goodness is yours when you perform it, for [you] discover [that it earns] you favor” (p. 177).

<sup>22</sup> “Lamentations of Isis and Nephthys,” trans. Lichtheim, *Ancient Egyptian Literature*, 3:116–21.

<sup>23</sup> Dennis Pardee, *Ritual and Cult at Ugarit* (WAW 10; Atlanta: SBL, 2002), 12–13, 200.

<sup>24</sup> RS 12.277, line 9; trans. Pardee, *Ritual and Cult at Ugarit*, 130; see also Moshe Weinfeld, “Social and Cultic Institutions in the Priestly Source against Their Ancient Near Eastern Background,” in *Proceedings of the Eighth World Congress of Jewish Studies* (Jerusalem: Magnes, 1983), 99.

<sup>25</sup> Weinfeld, “Social and Cultic Institutions,” 98–99; cf. Itamar Singer, *Hittite Prayers* (WAW 11; Atlanta: SBL, 2002), 83. A large number of Hittite ritual tablets like those referred to here have been discovered. For translations of representative samples, see *COS* 1:60–70, 83, or *ANET*, 346–61.

<sup>26</sup> Singer, *Hittite Prayers*, 83. The Hittites apparently regarded texts as interchangeable with oral tradition as a means to validate rituals, for the passage goes on to state: “When I consult a venerable old man, [as] they remember [each(?)] requirement and report it, thus I shall carry it out.”

Hatti (cf. the oracular check performed on Josiah's law book in 2 Kgs 22:13–20), the rituals were reinstated and offerings were made to compensate for the treaty violations.<sup>27</sup>

Other evidence for the use of such texts is the fact that inscriptions at or near temples often contained instructions on how to make offerings and especially how much to offer. For example, city authorities in Carthage in the late fourth century B.C.E. set up the so-called Punic Tariffs to regulate the amounts of temple offerings.<sup>28</sup> Such public inscriptions were clearly intended to regulate the ritual practices of the general public, not just priests. Greek legal sources confirm the public function of such inscriptions. Thus a speech by the orator Lysias ca. 400 B.C.E. accused Nicomachus of falsifying legal inscriptions that he was supposed to transcribe:

I am merely claiming that he should obey the code established and patent to all and I am surprised at his not observing that, when he taxes me with impiety for saying that we ought to perform the sacrifices named in the tablets and pillars as directed in the regulations, he is accusing the city as well: for they are what you have decreed. And then, sir, if you feel these to be hard words, surely you must attribute grievous guilt to those citizens who used to sacrifice solely in accordance with the tablets. But of course, gentlemen of the jury, we are not to be instructed in piety by Nicomachus, but are rather to be guided by the ways of the past. Now our ancestors, by sacrificing in accordance with the tablets, have handed down to us a city superior in greatness and prosperity to any other in Hellas; so that it behooves us to perform the same sacrifices as they did, if for no other reason than that of the success which has resulted from those rites. (Lysias, *Against Nicomachus* 17–19)<sup>29</sup>

In ritual matters, the Greeks and Romans and many other cultures usually regarded the ancient local traditions as normative for that place.<sup>30</sup> Old texts provided a public means of validating the accuracy of those local traditions.

It is harder to come by explicit descriptions of rituals that actually incorporated the display and public reading of their ritual texts. The clearest examples are biblical: Moses and Joshua (Exod 24; Deut 31; Josh 8:34–35) as well as Josiah and Ezra read books of laws to public assemblies. These early books presumably included ritual regulations like those in the finished Pentateuch, such as the provisions regarding offerings and the Day of Atonement in Leviticus 1–7; 16, which are addressed formally to “all Israel.” Such public instructions, therefore, appeared not only on monumental inscriptions but also on scrolls

<sup>27</sup> The Second Plague Prayer of Mursili §§3–6; trans. Singer, *Hittite Prayers*, 58–59.

<sup>28</sup> Trans. Dennis Pardee, *COS* 1:98.

<sup>29</sup> *Lysias* (trans. W. R. M. Lamb; LCL; London: Heinemann; New York: G. P. Putnam's Sons, 1930).

<sup>30</sup> For a recent discussion, see Sawyer, *Sacred Languages*, 152–53.

that could be carried about and read aloud. In addition, other kinds of ancient texts were used or even designed for ritual application: execration texts were covered with curses and then smashed to put them into effect; prayers were written in letter form and deposited in temples;<sup>31</sup> offensive letters could be displayed before the deity to plead for protection or revenge against the writer (2 Kgs 19:14–19).

The Egyptian ritual called “Opening the Mouth” provides more concrete evidence of how ritual texts were sometimes used. This rite for (re-)vivifying divine statues and, in Egypt, also the dead, is known to us in variant forms from both Akkadian and Egyptian sources. In the Egyptian version, one of the officiants at the rite is, according to David Lorton, “the *chery-hebet* or ‘ritualist,’ whose title literally means ‘the one who holds the ritual’ (i.e., the papyrus on which the words of the ritual are written).”<sup>32</sup> Several tomb paintings, reliefs, and papyri illustrate this official presiding over the ceremony, open scroll in hand.<sup>33</sup>

Jewish traditions, too, show developments in the ritual use of ritual texts. Ezra ritualized the public reading of the Torah (Neh 8) by surrounding it with blessings and responses, obeisances, and a hierarchical arrangement of the assembled people. The *Letter of Aristeas* (second century B.C.E.) depicts King Ptolemy doing obeisance before Torah scrolls and, once the new Septuagint Greek translation has been completed, describes how the ceremony unveiling the translation concluded with public curses on anyone who might dare alter any part of that work (*Let. Aris.* 177).

In summary, texts were used in a variety of cultures to establish correct ritual performance and to legitimize the ritual practices of priests, kings, and temples. Thus, the idea of enacting written instructions, that is, “doing it by the book,” involved first of all doing rituals. There is also some evidence that texts began to be manipulated and read as part of the rituals themselves. Therefore,

<sup>31</sup> William W. Hallo, “Letters, Prayers and Letter-Prayers,” in *Proceedings of the Seventh World Congress of Jewish Studies* (ed. Y. Gutman; Jerusalem: Perry Foundation, 1981), 17–27.

<sup>32</sup> David Lorton, “The Theology of the Cult Statues in Ancient Egypt,” in *Born in Heaven, Made on Earth: The Making of the Cult Image in the Ancient Near East* (ed. Michael Dick; Winona Lake, IN: Eisenbrauns, 1999), 149.

<sup>33</sup> The Papyrus of Ani (Nineteenth Dynasty, ca. 1295–1186 B.C.E., from Thebes; in the British Museum, EA 10470/6) shows a figure holding up an open scroll while the ceremony is performed. A tomb painting from the New Kingdom shows “artisans applying the finishing touches to two anthropoid sarcophagi” while “a man holds an open papyrus on which the words ‘performing the Opening of the Mouth’ are written” (Lorton, “Theology of Cult Statues,” 158; a photo of the painting appears in Eberhard Otto, *Die Ägyptische Mundöffnungsritual* [Ägyptische Abhandlungen 3; Wiesbaden: Harrassowitz, 1960], vol. 2, fig. 13). Moses was depicted in a similar pose in the synagogue at Dura-Europos (third century C.E.). Perhaps the Pompeian mural in the Villa of the Mysteries of a boy reading (first century C.E.) represents a similar situation in a Roman ritual.

as texts validated the accuracy and efficacy of rituals, rituals elevated the authority of certain texts to iconic status.

#### IV. The Developing Authority of Torah

In the case of Judaism, the Torah's *ritual* authority seems to have preceded its authority in other matters. A chronological summary of a series of incidents involving books or references to books illustrates the widening scope of the Torah's authority.

According to 2 Kings, Josiah's reading of a "book of law" in ca. 620 B.C.E. stimulated changes in cult furnishings, the monopolization of the most important rituals by the Jerusalem temple, and the revival of the celebration of Passover (2 Kgs 22–23). However, despite the long-standing critical consensus that Josiah's law book was more or less the biblical book of Deuteronomy, 2 Kings offers no indication that Josiah acted on Deuteronomy's extensive civil and criminal legislation. In fact, the king's active enforcement of ritual mandates actually contradicts Deuteronomy's restrictive view of kingship.<sup>34</sup>

The book of Ezra reports that, in ca. 535 B.C.E., the returning exiles built an altar in Jerusalem and celebrated Sukkot (the Feast of Tabernacles) "according to what is written in the Law of Moses, the man of God" (Ezra 3:3, 5). In 520, they installed the priests and Levites according to the Torah (Ezra 6:18). Here again, Torah regulated the affairs of religious festivals and personnel only.

In the following century, however, Ezra reformed the Jerusalem community's marriage practices on the basis of a "book of the law of Moses" (Ezra 9:11–12 with specific reference to Deut 7:3). Was this the first attempt to mandate the book's legislation beyond temple and ritual matters? Was Ezra the innovator who turned a ritual book into a law book? Perhaps, but other episodes from the same period suggest uneven developments, at the very least. Nehemiah legislated against debt slavery without reference to Torah laws (Neh 5:1–13). The only laws mentioned explicitly in the historical review in Nehemiah 9 are the Sabbath commandment (9:14) and laws against idolatry and blasphemy (9:18, 26). The communal covenant of Nehemiah 10 emphasized separation from neighboring peoples, no intermarriage, Sabbath and sabbatical years (including cancellation of debts), tithes and offerings to the temple, a wood offering (not in the Torah), and so on. So only the issues of intermarriage and separation from foreigners seem to depart from the pattern of invoking the Torah's authority for ritual and temple matters only—and ritual concerns probably motivated these as well. Note that the priests and Levites

<sup>34</sup> See Knoppers, *Two Nations under God*, 2:164–69.

lead the lists of those who divorced their foreign wives (Ezra 10:18–23), that Nehemiah “drove away” a grandson and brother of high priests because he had married into the royal family of Samaria (Neh 13:28), and that the book of Nehemiah concludes by emphasizing that Nehemiah “purified the priests and Levites of everything foreign” (13:29–30).<sup>35</sup> An explicit reference to Numbers grounds the exclusion of Ammonites and Moabites from the community (Neh 13:1–3), but Nehemiah must “purify” the temple room after expelling Tobiah the Ammonite from it (v. 9), which suggests again cultic concerns behind the policy of exclusion. After all, Leviticus describes the separation of holy and common, clean and unclean, as a chief task for ritual specialists, the priests (Lev 10:10). So the ritual purification of both temple and community focuses naturally on priests and seems to motivate Ezra’s and Nehemiah’s use of Torah as well. Once again, they used an old text to validate their ritual practices.

Within a few decades of these events, Persian authorities mandated Torah-orthodox Passover instructions for the Jewish community in Elephantine, Egypt. The letters from Elephantine suggest that, at the end of the fifth century B.C.E., the Jerusalem hierarchy extended the Torah’s ritual instructions, at least those regarding the date of Passover, to other Jewish cult centers outside Jerusalem. The Elephantine letters, however, show no awareness of an authoritative text, only of the Jerusalem priesthood’s expertise in such matters. The Elephantine community also appealed to the Jerusalem priests and elders for support for their temple rebuilding project, but they received help only from Persian governors in Judea and Samaria. Perhaps the failure of the Jerusalem hierarchy to respond to this request reflects their desire to centralize Jewish worship in Jerusalem alone, something mandated by Deuteronomy.<sup>36</sup> The Persian authorities limited the Elephantine temple’s offerings to non-animal offerings, which perhaps also reflected Jerusalem’s wish to monopolize animal sacrifice.<sup>37</sup> But even if written Torah was informing these decisions, its authority was not invoked in any of the extant correspondence.

The brother of Jerusalem’s high priest was installed in a new Samaritan temple on Mount Gerizim in the late fourth century, according to Josephus

<sup>35</sup> References in Ezra and Nehemiah to the actions and roles of priests, and especially high priests, are nevertheless sparser than one would expect in a society presumably centered on its temple. On this, see Deborah W. Rooke, *Zadok’s Heirs: The Role and Development of the High Priesthood in Ancient Israel* (Oxford: Oxford University Press, 2000), 152–74; she argues that the priests’ authority was limited to the temple, noting, however, that this literature depicts the Jerusalem priests, and especially the high-priestly family, unfavorably because of their intermarriage with non-Jews (p. 163).

<sup>36</sup> Rooke, *Zadok’s Heirs*, 181–82.

<sup>37</sup> The letters are translated by Bezalel Porton, in *The Elephantine Papyri in English* (ed. Bezalel Porton; Leiden: Brill, 1996), texts B13–14, B17, B19–21.

(*Ant.* 11.8).<sup>38</sup> The Samaritans also claim the Torah as their scripture. Though Josephus does not link the two, I wonder if the priest and the book traveled to Mount Gerizim together. Both would have served to authorize and validate the rituals of the Samaritan temple on the basis of Israel's ancient traditions. Subsequent controversies between Samaritans and Jews often centered on whose temple and priesthood accorded better with the Torah of Moses.<sup>39</sup> Nevertheless, Josephus made no mention of written Torah at the time of the temple's founding.

By the second century B.C.E., however, wider applications of the Torah's directives appear in much of the surviving literature. Thus, the book of Tobit (ca. 200 B.C.E.) describes not only the tithing of the first fruits but also a marriage contract being conducted "according to the law of Moses" (1:8; 7:12–13). 1 Maccabees (ca. 100 B.C.E.), like the book of Ezra, is careful to note compliance with Torah directives in the cleansing and restoration of the temple in 164 B.C.E. (1 Macc 4:47, 53). It maintains that the Maccabean revolt (167–164 B.C.E.) began over the question of compliance with Torah in making sacrifices (1 Macc 2:15–50). But similar compliance with Torah directives is noted in military matters as well (1 Macc 3:109). The principal legal (*halakic*) concerns of the books of Maccabees revolve around sacrifices, altars, Sabbath restrictions, circumcision, and food laws (*kashrut*), the latter clearly involving affairs far beyond the temple and its priests. The book of Judith (second century B.C.E.) is notable for highlighting Judith's observance of rules regarding fasting and purity (8:2–7; 9:1; 10:5; 12:2, 7–9, 19; 16:18). She seems to act in accord with Torah regulations, but unlike the story of Tobit, this narrative never refers to written laws. So the source of Judith's knowledge could have been oral teachings. The story of Susannah (ca. 100 B.C.E.), however, tells us explicitly that Susannah was trained in the law of Moses (v. 3). When Daniel proves her accusers to be liars, the community executed them "according to the law of Moses" (v. 62). This story thus explicitly applies written Torah to an issue of criminal law for the first time. It is also in the literature of this time that we first find references to the Torah scrolls themselves becoming the targets of attacks

<sup>38</sup> The historicity of Josephus's account has been questioned on grounds of chronology and also because it looks as though he adapted from Neh 13:23 a story of intermarriage between the ruling family of Samaria and the high priestly family to serve as anti-Samaritan polemic (see Lester L. Grabbe, *Judaism from Cyrus to Hadrian* [Minneapolis: Fortress, 1992], 174; Rooke, *Zadok's Heirs*, 222 n. 5). Samaritan traditions agree that they share a priestly lineage with Jews, but they date the split in priestly lines much earlier, to premonarchic times when Eli established a sectarian (that is, Jewish) priesthood (see *The Samaritan Chronicle, or The Book of Joshua the Son of Nun* [trans. Oliver Turnbull Crane; New York: John B. Alden, 1890], ch. 43).

<sup>39</sup> Josephus, *Ant.* 13.3; see Pieter W. van der Horst, "Anti-Samaritan Propaganda in Early Judaism," in *Persuasion and Dissuasion in Early Christianity, Ancient Judaism, and Hellenism* (ed. Pieter W. van der Horst et al.; Leuven: Peeters, 2003), 25–44, esp. 31–32, 37–39.

on Jewish ritual practices (1 Macc 1:56-57). What is privileged by ritual may also be desecrated and destroyed as a symbolic means of undermining communal identity. So in the practices and literature of the second century B.C.E., we find clear signs that the authority of Torah was extended beyond the ritual realm to criminal and civil matters, and that Torah scrolls had become symbols of Jewish identity and practice.

Perhaps a better way to put it is this: at that time, the ritual authority of the Torah was extended beyond the temple to other aspects of daily life, which, by falling under the Torah's precepts, were ritualized as well. The sectarian halakah (legal interpretation) of the Qumran scrolls and related materials provide the best examples of this tendency.<sup>40</sup> The Qumran *Temple Scroll*, likely also a late-second-/early-first-century B.C.E. composition, literally extends the purity laws of the temple to the whole city of Jerusalem. Though the scroll deals with other concerns as well, especially the king, its principal interest remains in temple rituals, purity requirements, and the proper performance of festivals. The sectarian literature's interest in civil procedures seems limited to repeating the Torah's provisions with little amplification, except when it comes to regulating the internal life of the sectarian community itself, as in the *Community Rule* and the *Damascus Document*. These documents add many rules of behavior and disciplinary procedures to the biblical mandates. However, when we remember that the sectarians conceived of their communities as reproducing the conditions of purity and holiness expected of the Jerusalem temple but not achieved there, these community rules appear once again to be extensions of the rules of the sanctuary. The temple's rules were applied to people insofar as they are (or should be) within the extended temple community.

Several recent studies have argued that concerns for ritual purity in late Second Temple Judaism were far more widespread than the example of the Qumran Essenes might suggest. Literary and archaeological evidence suggests that bathing and hand washing were not primarily focused on temple rituals but were common Jewish practices both in Judea and in the Diaspora.<sup>41</sup> My argument that the Torah's authority originated in temple ritual and was only gradually extended beyond it does not dispute this possibility any more than it challenges the widespread practice of criminal law in ancient Judaism. It simply

<sup>40</sup> E.g., the *Temple Scroll* (11Q19), the *Rule of the Community* (1QS), and the *Halakhic Letter* (4QMMT) from Qumran; closely related are the *Damascus Document* and *Jubilees*. For translations of the Qumran material, see Florentino García Martínez, *The Dead Sea Scrolls Translated* (2nd ed.; Leiden: Brill; Grand Rapids: Eerdmans, 1996). For a brief survey of halakah at Qumran, see Devorah Dimant, "Qumran Sectarian Literature," in *Jewish Writings of the Second Temple Period* (ed. Michael E. Stone; Philadelphia: Fortress, 1984), 489–502, 526–30.

<sup>41</sup> See the review and analysis by John C. Poirer, "Purity beyond the Temple in the Second Temple Era," *JBL* 122 (2003): 247–65.



points out that mere references to purity practices, as in the book of Judith, were not necessarily meant to invoke the written Torah; they may simply reflect traditional practice as taught by elders and priests. The invocation of written scripture to reinforce or to reform such practices outside the temple seems to have become common only in the Judaism of the second century B.C.E. and later.

### V. Conclusion

This article can only sketch broad patterns of practice and outline developments in the ritual use of texts and the textual authorization of rituals in antiquity. Much more detailed research remains to be done on how texts were used to justify ritual practices and how rituals elevated the authority of texts in various cultures and time periods. This initial survey, however, suggests that, more than any other factor, it was the authority of the Jerusalem temple's ritual traditions that established the Pentateuch's prestige. That authority was grounded in the assertion that the priests were practicing the ancient ritual traditions for that local cult. The validity of that claim was defended by invoking a book that claimed to be much older than the disruptions in cult practice caused by the destruction of the first temple and the Babylonian exile. As in other cultures of roughly the same time period, ritual and text supported each other: the prestige of the temple elevated the status of the book, which in turn guaranteed the legitimacy of the temple's rites.

Only when the ritual authority of the Torah was generally recognized did its other materials (civil and criminal laws, stories) gain special "scriptural" status. This development finds no clear parallel in other ancient cultures. It came about because the Torah's rhetorical structure combined lists of ritual instructions with criminal laws, narratives, and sanctions. It did so to persuade Jews to accept it as the Torah of the Jerusalem temple and community.<sup>42</sup> Once that was achieved, claims for its authority gradually increased in scope as various groups expanded the definition and geographic boundaries of the temple community.

Thus, the origin of the religious authority of Western Scriptures derived primarily from the use of old texts and books for validating rituals. The idea of Scripture was grounded first and foremost in the ritual use of texts. The traditional dichotomy in Western, especially Christian, traditions between text and ritual disguises the fact that the authority of the Scriptures originated in ritual concerns and continues to be maintained by ritual practices.

<sup>42</sup> For a full exposition of the rhetorical effect of the Torah's contents, see James W. Watts, *Reading Law: The Rhetorical Shaping of the Pentateuch* (Biblical Seminar 59; Sheffield: Sheffield Academic Press, 1999).

Ironically, the Torah's particular emphasis on ritual offerings no longer applies in either Judaism or Christianity. Because of historical changes in both traditions, they no longer recommend the literal application of many of the ritual instructions. Therefore other aspects of Torah and Bible, such as the stories and the moral laws, came to be considered more central to the message of scripture. Hence the many attempts, ranging from ancient halakah and allegory to modern literary analysis and structuralist anthropology, to interpret the Torah's ritual regulations in terms of ethics and theology.<sup>43</sup>

This development began almost as soon as the Torah's civil laws and narratives gained authoritative status, long before the Roman's destruction of the Second Temple rendered much of the ritual instruction moot. Philo of Alexandria described the Sabbath observance in an Essene synagogue in the early first century C.E.: "Then one, indeed, takes up the books and reads them, and another of the men of the greatest experience comes forward and explains what is not very intelligible, for a great many precepts are delivered in enigmatic modes of expression, and allegorically, as the old fashion was" (*Good Person* 7.82).<sup>44</sup> Here the need to do the ritual correctly had already expanded into a need to understand the ritual text correctly and the ritual's meaning as interpreted through that text. Eventually, for many communities that treasure Scriptures, understanding the text and its meaning was enough, and many of the rituals mandated in the text fell into disuse. Instead, rituals of the text arose that reinforced its iconic place at the center of worship.

<sup>43</sup> This tendency is pervasive throughout the commentary literature from antiquity to the present. Contemporary examples include, among many others, Jacob Milgrom, who expounds at great length on "the ethical foundation of the dietary system" found in Leviticus (*Leviticus 1–16: A New Translation with Introduction and Commentary* [AB 3A; Garden City, NY: Doubleday, 1991], 704–42; Mary Douglas, who has revised her famous comparative theory of impurity (*Purity and Danger: An Analysis of Concepts of Pollution and Taboo* [London: Routledge & Kegan Paul, 1966]) to make an exception for priestly legislation in the Torah, which she describes as "philosophical doctrines in the forms of rules of behaviour" (*Leviticus as Literature* [Oxford: Oxford University Press, 1999], 39); and Terence Fretheim, who argues that "law is a God-given means by which the creation can be made whole once again" (*The Pentateuch* [Nashville: Abingdon, 1996], 126). They base their claims on detailed examination of pentateuchal texts, and a critical analysis of their conclusions would require similar textual analysis, something this article makes no attempt to do. Here I am simply pointing out the strongly felt need within the religious and academic traditions to interpret the ritual regulations of Scripture in theological and ethical ways.

<sup>44</sup> *The Works of Philo* (trans. C. D. Young; Peabody, MA: Hendrickson, 1993), 689–70, as revised by Lawrence H. Schiffman, *Text and Traditions: A Source Reader for the Study of Second Temple and Rabbinic Judaism* (Hoboken, NJ: Ktav, 1998), 283. The Qumran *Rule of the Community* (1QS 6:7–8) described it this way: "The Many shall be on watch together for a third of each night of the year in order to read the book, explain the regulation, and bless together" (trans. García Martínez, *Dead Sea Scrolls*, 9).