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## From Ark of the Covenant to Torah Scroll: Ritualizing Israel's Iconic Texts

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From Ark of the Covenant to Torah Scroll:  
Ritualizing Israel's Iconic Texts  
James W. Watts

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The builders of Jerusalem's Second Temple made a remarkable ritual innovation. They left the Holy of Holies empty, if sources from the end of the Second Temple period are to be believed.<sup>1</sup> They apparently rebuilt the other furniture of the temple, but did not remake the ark of the covenant that, according to tradition, had occupied the inner sanctum of Israel's desert Tabernacle and of Solomon's temple.

The fact that the ark of the covenant went missing has excited speculation ever since. It is not my intention to pursue that further here.<sup>2</sup> Instead, I want to consider how biblical literature dealt with this ritual innovation. Why did the Pentateuch, a Second-Temple-era work at least in its final form, describe in elaborate detail the manufacture and use of a ritual object (Exod 25:10-22; 37:1-9; 40:20-21; Lev 16:12-16) that did not exist in its own time? How did this Torah support and validate Second Temple rituals that deviated from its prescriptions in such a central way? My thesis is that the Pentateuch was shaped to lay the basis for Torah scrolls to replace the ark of the covenant as the iconic focus of Israel's worship.

### **1. Ritual Replacements for the Ark of the Covenant**

It might appear that the temple replaced the ark as the central focal point of worship, because the ark disappeared into Solomon's temple (1 Kgs 8:6-8) and never re-emerged in stories about later events. The temple clearly stands as a locus of YHWH's presence in texts relating events of both the First and Second Temple periods, just as the ark does in stories of earlier times. The temple more obviously, however, replaced the Tabernacle. Both the Deuteronomistic History and Chronicles say so explicitly (2 Sam 7:2, 7; 1 Kgs 5:5; 1 Chr 22:19). Stories in which the ark appears usually also mention the Tabernacle or temple, rather than presenting ark and shrine as equivalent to each other (1 Sam 3:3; 4:3; 2 Sam 6:17; 1 Kgs 8:4-9; 2 Chr 35:3), and 1 Kings implies that the Tabernacle was deposited inside Solomon's new temple (1 Kgs 8:4). The same can be said of Torah scrolls: outside the Pentateuch, their mention frequently accompanies an em-

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<sup>1</sup> Josephus, *War* 5.5.5; Tacitus, *Histories* 5.9. Note also its omission from the account of the temple's rededication in the second century B.C.E. in 1 Macc 4:49-51. Josephus and 1 Maccabees insist that the rest of the interior furniture—the menorah, the incense altar, and the table of show-bread—were present inside the Hellenistic-era Temple.

<sup>2</sup> For a summary of both academic and popular theories and a sober evaluation of them, see John Day, "Whatever Happened to the Ark of the Covenant?" in *Temple and Worship in Biblical Israel* (ed. J. Day; London: T&T Clark, 2007): 250-270. For discussion of how speculations about the lost ark functioned in late Second Temple Judaism, see Steven Weitzman, *Surviving Sacrilege: Culture Persistence in Jewish Antiquity* (Cambridge, MA: Harvard University Press, 2005), 25-28.

phasis on the temple (e.g. 2 Kgs 22:8; 2 Chr 34:15; 1 Macc 1:54-61; Sir 24:10, 23; Acts 7:44-53).<sup>3</sup> According to biblical and post-biblical texts, the ritual change between pre-exilic and post-exilic Israel did not involve the role of the temple, which they claim remained the same. Instead, the change involved the forms of the iconic texts that were kept inside those temples, and the absence of the ark.

The ark's disappearance necessarily forced changes in traditional ritual practices. What replaced the ritual functions of the ark? The answer to that question varies depending on which of its ritual functions we consider. P's rules for offerings require that the blood of bull and goat sin offerings be sprinkled on the ark's cover every year on Yom Kippur (Lev 16:14-15). According to the Mishnah (*m. Yom. 5:2*), when Second-Temple-era high priests entered the Holy of Holies on Yom Kippur, they performed the blood ritual on the exposed bedrock. This *שתייה* "foundation stone" was believed to be the place where the ark had previously rested inside Solomon's Temple. (This may be the same outcrop that is enshrined today in the Dome of the Rock.)

The ark, however, also served other ritual functions. It represented God's presence in Israel, perhaps as God's throne or footstool as suggested by the title, "the ark of the covenant of YHWH of Hosts who sits enthroned upon the cherubim" (1 Sam 4:4; cf. 2 Sam 6:2; 1 Chr 13:6). Like the images and symbols that represented the presence of gods in other ancient cultures, the ark could be paraded in public (Num 10:33-36; Josh 3; 2 Sam 6) and could even accompany Israel's armies to war (Josh 6; 1 Sam 4; cf. Num 14:44). The ark also served as a repository for Israel's most sacred relics. It contained the covenant tablets written by God (Exod 25:16; 40:20; Deut 10:1-5). Either inside or beside it were kept a jar of manna (Exod 16:32-34) and Aaron's flowering rod (Num 17:10), as well as a Torah scroll (Deut 31:9, 26; however, 1 Kgs 8:9 denies that the ark contained anything but the tablets). These processional and reliquary functions could not be performed by exposed bedrock inside the temple.

Neither the Pentateuch nor any other biblical text addresses the ritual problem of the ark's absence directly. Unlike other rituals modified because of circumstances, such as David and Solomon's decision to build a stone temple to replace the Tabernacle (2 Sam 7; 1 Kgs 5; 1 Chr 22; 2 Chr 2), or Ahaz's redesign of the Temple altar (2 Kgs 16:10-18), or the expansion of the personnel for slaughtering offerings to accommodate the large numbers at Hezekiah's Passover (2 Chr 30), or the Maccabees' decision to store away the defiled altar and build a new one (1 Macc 4:44-47), no ancient narrative describes and explains the decision to leave the Holy of Holies empty. The account of rebuilding the temple in the book of Ezra emphasizes the Persian rulers' commitment to restore to the Jerusalem temple all "the gold and silver vessels of the house of God which Nebuchadnezzar took" (Ezra 5:14-15; 6:5), but its inventory only includes tableware (1:8-11).<sup>4</sup> The books of Ezra and Nehemiah do not mention the ark or the rest of the Temple's special furniture.

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<sup>3</sup> Ezra and Nehemiah complicate this generalization. On the one hand, the books emphasize efforts to rebuild the temple as well as Ezra's role in bringing the Torah from Babylon and reading it to the people. On the other hand, they separate the ceremonies of Torah reading from temple rituals. For discussion, see James W. Watts, "Scripturalization and the Aaronides," *JHS* 13 (2013) online: [http://www.jhsonline.org/Articles/article\\_186.pdf](http://www.jhsonline.org/Articles/article_186.pdf).

<sup>4</sup> So also 1 Esdr 2:10-15. Other Second-Temple-period texts (1 Esdr 4:44, 57; 6:17-26; 8:17, 55; Dan 1:1-2; 5:2-3, 23; Jdt 4:3) frequently mention the Babylonian's appropriation of the temple vessels which the Persians returned. They use the theme of the temple vessels to emphasize ritual continuity between first and

We can only speculate then about why the Second Temple's inner sanctum was left empty. It is possible that this decision reflects exegesis of Pentateuchal texts. Deuteronomy insists that God wrote the second set of tablets as well as the first set that Moses broke (Deut 10:4-5, cf. Exod 34:28). On that basis, post-exilic Judeans may have believed that the tablets could not be reconstructed by humans. Of course, the manna and the flowering rod were also irreplaceable. Perhaps they thought that there was no point in rebuilding the ark without these relics to put inside. Second Temple Judeans were apparently willing to tolerate an empty Holy of Holies, but not an empty ark of the covenant. Their reticence may indicate that the prevailing understanding of the ark was that it served primarily as a reliquary for sacred texts and, perhaps, other sacred objects.<sup>5</sup> In that case, the reliquary had no purpose without tablets to put inside.

Though biblical narratives never confront the problem of the missing ark directly, several prophetic texts suggest metaphorical and spiritual replacements for the ark. Jeremiah 3:16-17 predicts that the ark will not be remade after its destruction by the Babylonians, and proposes that the city of Jerusalem will replace it as "the throne of YHWH." Ezekiel 1 and 10 depict God's real throne as supernaturally portable and surrounded by cherubim (cf. Isaiah 6). Isaiah 66:1 casts the sky and the earth in the roles of God's throne or footstool. Later, 4 Ezra 8:1-2 coped with the destruction of the Second Temple by arguing that the true temple survives in heaven.<sup>6</sup> Seers in the first century C.E. envisioned angels making incense offerings ceaselessly in the heavenly temple (*T. Lev.* 1:22-23) and even imagined the ark installed in its inner sanctum (Rev 11:19).<sup>7</sup> By and large, God's throne has remained in heaven ever since in Jewish and Christian traditions. Such speculations do not, however, provide a substitute for the ark in earthly rituals of procession nor do they replace its reliquary functions.

Narrative accounts from the late Second Temple and the Late Antique periods indicate another ritual replacement for the ark, namely, Torah scrolls. The evidence for this development in Late Antiquity is fairly abundant from rabbinic literature and the physical remains of ancient synagogues. Jews in Late Antiquity displayed portable arks containing scripture scrolls in public

second temples, but do not mention the ark or the other interior furniture. See Peter R. Ackroyd, "The Temple Vessels: A Continuity Theme," in *Studies in the Religion of Ancient Israel* (VTSup, 23; Leiden: Brill, 1972), 166-81; Isaac Kalimi and James D. Purvis, "King Jehoiachin and the Vessels of the Lord's House in Biblical Literature," *CBQ* 56 (1994): 449-57; and idem, "The Hiding of the Temple Vessels in Jewish and Samaritan Literature," *CBQ* 56 (1994): 679-685.

<sup>5</sup> C. L. Seow, "Ark of the Covenant," *ABD* 1:386-93 argued that P's depicts the ark only as a book reliquary.

<sup>6</sup> Weitzman, *Surviving Sacrilege*, 113.

<sup>7</sup> Jewish mysticism identifies the divine presence, the *Shekhinah*, as itself "the ark of the covenant, the container of *Yesod*" (Zohar 1:2a, 33b, 50b, 59b, 228b; 2:13a, 214b, 235b, 259a-b (Heikh); 3:199a; Moses de Leon, *Sheqel ha-Quodesh*, 75 (95); see Daniel Chanan Matt, tr., *The Zohar: Pritzker Edition*, vol. 3 [Stanford, CA: Stanford University Press, 2006], 377, 544). A tradition of Catholic mysticism that dates back to at least the third century C.E. provides an incarnational twist to ark mysticism by identifying the Virgin Mary as "the living shrine of the Word of God, the Ark of the New and Eternal Covenant" (Pontifical Council for the Pastoral Care of Migrants and Itinerant People, *The Shrine: Memory, Presence and Prophecy of the Living God* [Vatican City: Libreria Editrice Vaticana, 1999], §18; and United States Catholic Conference, *Catechism of the Catholic Church* [New York: Doubleday, 1993], §2676).

processions (*m. Ta'an.* 2:1). The traditional name for such scroll boxes or cupboards is ארון "ark," just like the biblical ark.<sup>8</sup> From the fourth century C.E. on, the physical remains of many synagogues contain permanent installations for arks. Arks also appear in Jewish art from the period that frequently shows the scrolls inside.<sup>9</sup> Rabbinic literature tells us that scrolls of scripture, and especially Torah scrolls, were regarded as holy (*m. Šabb.* 16:1). They conveyed sanctity to the arks that contained them (*b. Šabb.* 32a) and the buildings in which they were kept (*m. Meg.* 3:1).<sup>10</sup>

The evidence from the earlier Second Temple period is not so abundant. The letter of Aristeeus (177) in the second century B.C.E. labeled the Torah ἅγιος "holy" and θεῖος "divine,"<sup>11</sup> and remarked on the beautiful gold lettering and excellent parchment of the Torah scrolls sent to Egypt for translation.<sup>12</sup> Second Maccabees (8:23) depicted Judah Maccabee using a Torah scroll in the process of arranging his army for battle. It is not clear whether he consults the Torah as an oracular source or has it read aloud to his troops. At any rate, the writers of 2 Maccabees thought a Torah scroll should be present with the army on this occasion.<sup>13</sup> *Tefillin* and their parchments were

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<sup>8</sup>The use of ארון/ארונה "ark" to describe a cabinet containing Torah scrolls appears in a dedicatory inscription in the Dura Europos synagogue (third-century C.E.), which calls the aedicula in the central wall a "house of the ark" (Steven Fine, *Art and Judaism in the Greco-Roman World* [Cambridge: Cambridge University Press, 2005], 177). The label appears in rabbinic literature in *y. Meg.* 73d, "the curtain over the ark containing the scrolls is as sacred as the ark itself" (also *y. Šabb.* 17c). It is also reflected in John Chrysostom's anti-Jewish polemic, which in the fourth century C.E. emphasized the ritual discontinuity between the ark of the covenant and an ark of the Torah: "What sort of ark [*kibotos*] is it that the Jews now have, where we find no propitiatory, no tablets of law, no Holy of Holies, no veil, no high priests, no incense, no holocaust, no sacrifice, none of the things that made the ark of old holy and august?" (*Adv. Jud.* 6:7 [PG 48:913], quoted in Eric M. Meyers, "The Torah Shrine in the Ancient Synagogue," in *Jews, Christians, and Polytheists in the Ancient Synagogue: Cultural Interaction during the Greco-Roman Period* [ed. S. Fine; New York: Routledge, 1999], 207).

<sup>9</sup> Lee I. Levine, *The Ancient Synagogue: The First Thousand Years* (New Haven: Yale University Press, 2000), 351-53.

<sup>10</sup> Seth Schwartz, *Imperialism and Jewish Society: 200 B.C.E. to 640 C.E.* (Princeton: Princeton University Press, 2009), 234-36, 241-43.

<sup>11</sup> *Let. Aris.* 177.

<sup>12</sup> *Let. Aris.* 3, 5, 31, 45, 313; see Pieter W. van der Horst, "Was the Synagogue a Place of Sabbath Worship Before 70 CE?" in *Jews, Christians, and Polytheists in the Ancient Synagogue: Cultural Interaction during the Greco-Roman Period* (ed. S. Fine; New York: Routledge, 1999), 35.

<sup>13</sup> 2 Macc 8:23: καὶ Ἐλεάζαρον, παραναγνοῦς τὴν ἱερὰν βίβλον καὶ δοῦς σύνθημα θεοῦ βοηθείας "and Eleazar, for reading aloud the sacred book and giving the watchword, 'the help of God'." For the translation "read aloud," see J. Lust, E. Eynikel, and K. Hauspie, *Greek-English Lexicon of the Septuagint* (rev. ed.; Stuttgart: Deutsche Bibelgesellschaft, 2003), 466. For the association of the name Eleazar with God's help, see Exod 1:4. Robert Doran regarded the appearance of Eleazar as a secondary gloss inspired by this association, and noted that the Syriac text makes it explicit that Eleazar reads the scroll (*2 Maccabees* [Hermeneia; Minneapolis: Fortress, 2012], 169, 177). He wondered: "Are we to imagine the scroll being carried into war as was the ark of the covenant in 1 Sam 4:3-5? Or is Judas's reading from the holy scroll a reflection of the command in Deut 17:19 that the king shall read in the law all the days of his life? Note how, in 15:9, Judas encourages his soldiers 'from the law and the prophets.' As Judas and his men are fighting for

discovered among the Dead Sea Scrolls, which indicate that using Pentateuchal texts as amulets of this kind, and perhaps as *mezuzot*, was already common practice by the first century B.C.E.<sup>14</sup> There is therefore some evidence that, by late Second Temple times, scrolls and parts of scrolls assumed the role of relics and the processional functions that had previously been performed by the ark of the covenant and the tablets it contained.

One legend explores the theme of the Torah replacing the ark. 2 Maccabees 2:1-8 tells of Jeremiah giving the people "the law" before hiding the ark.

The prophet, after giving them the law, instructed those who were being deported not to forget the commandments of the Lord . . . . He exhorted them that the law should not depart from their hearts. . . . Jeremiah came and found a cave-dwelling [on Mt. Sinai], and he brought there the tent and the ark and the altar of incense; then he sealed up the entrance. . . . He declared, "The place shall remain unknown until God gathers his people together again and shows his mercy." (NRSV)<sup>15</sup>

Stephen Weitzman observed that 2 Maccabees interpreted Jer 3:16 as a command to the prophet rather than a prediction. Doing so encouraged cultural survival through belief in the ark's supernatural survival.<sup>16</sup> Since the ark has been rendered ritually inaccessible, however, this story also mythically encapsulates Jewish historical experience: Torah scrolls remained readily available for reading and memorizing while the ark disappeared.

Second-Temple-era literature also attests clearly to the idea that the Torah is a text of divine and heavenly origin like the tablets of the covenant. This motif appears first in extant sources in Sir 24:23 (early second century B.C.E.). Ben Sira describes personified wisdom present with God in heaven since creation (*a la* Prov 8) as ministering "in the holy tent . . . and established in Zion." He then identifies wisdom specifically with "the book of the covenant of the Most High God, the law that Moses commanded us" (NRSV).<sup>17</sup> By the end of the Second Temple period, the notion that the Torah scroll originated in heaven was widespread (Bar 4:1; Acts 7:53; 'Abot 3:15; cf. 5:6; *Gen. Rab.* 1:1-).<sup>18</sup> Just as God gave Moses the tablets of the commandments, so God gave Moses the Torah that existed in heaven from before the creation of the world.

the sake of the laws (8:21), it is appropriate that these laws be in evidence" (177). Daniel R. Schwartz (2 *Maccabees* [Berlin: De Gruyter, 2008], 340) thought that 2 Macc 8:23 refers to oracular consultation of the Torah instead, as in 1 Macc. 3:48.

<sup>14</sup> For a recent discussion, see Yehudah B. Cohn, *Tangled Up In Text: Tefillin and the Ancient World* (BJS 351; Providence: Brown University, 2008), 55–62.

<sup>15</sup> 2 Baruch 6:7-9 credited an angel with hiding the ark. See George Nickelsburg, "Narrative Traditions in the Paralipomena of Jeremiah and 2 Baruch," *CBQ* 35 (1973): 60-68; Marilyn F. Collins, "The Hidden Vessels in Samaritan Tradition," *JSJ* 3 (1972): 97-116; Doran, *2 Maccabees*, 56-58; and the literature cited in note 4 above.

<sup>16</sup> Weitzman, *Surviving Sacrilege*, 25-28.

<sup>17</sup> Michael A. Knibb, "Temple and Cult in Apocryphal and Pseudepigraphal Writings from Before the Common Era," in *Temple and Worship in Biblical Israel* (ed. John Day; London: T. & T. Clark, 2007), 401-16 [405].

<sup>18</sup> For a discussion of the Bible's place among ancient traditions of heavenly books, see Dorina Miller Parmenter, "The Bible as Icon: Myths of the Divine Origins of Scripture," in *Jewish and Christian*

## 2. Scrolls In Place of Tablets

The ritual innovation that replaced the tablets and ark with the Torah was anticipated and encouraged by the Pentateuch itself. Pentateuchal passages that speak of the tablets in the ark or the scroll of Torah tend to conflate the contents of tablets and scroll. These conflations have fuelled many reconstructions of the history of the editing of these texts. The prevalence of this ambiguity in various Pentateuchal texts, however, is evidence for the intentional conflation of tablets and scrolls during the redaction of the Pentateuch.

Deuteronomy distinguishes the tablets from the scroll, but also identifies the two kinds of texts. Deuteronomy 9:9-11 describes the tablets as "tablets of the covenant that YHWH made with you" (v 9) "written by the finger of God" (v 10 = Exod 31:18), containing "all the words that YHWH had spoken to you (pl) at the mountain out of the fire on the day of the assembly" (v 10, referring back to 5:1-22). According to Deut 10:1-7, God also wrote the second set of tablets. The emphasis on completeness in 9:10 appears again in the book's description of the Torah scroll. In Deut 31:9, Moses writes down the law and deposits it "with the Levitical priests who carry the ark of the covenant of YHWH and with the elders." Later in that chapter, he also writes a song of warning (31:19, 22), then writes "the words of this law (תורה) in a scroll (ספר) to the very end" (31:24) and orders the Levites to place it "beside the ark of the covenant of YHWH (ארון ברית-יהוה)" to serve as a "testimony" (עד) against the Israelites (31:25-26). Interpreters have struggled to distinguish the song from the law in this chapter that describes both of them as testimonies (cf. v. 28) against Israel.<sup>19</sup> What is clear, at any rate, is that the Torah scroll finds its place beside the ark containing the tablets of the covenant, which the scroll also contains—the one physically, the other literarily.

Exodus identifies scroll and tablets to the point of confusion. In Exod 24:7, the words ספר הברית "book (scroll) of the covenant" (which appear otherwise only in 2 Kgs 23:2, 21) describe the original written form of the covenant containing "all the words of YHWH" (24:4; cf. v. 3: "all the words of YHWH and המשפטים the commandments"). Moses writes down this book of the covenant on a scroll even before God can write it on stone. Interpreters debate whether the Book of the Covenant includes the commandments spoken by God or not, a debate that serves to emphasize the text's ambiguity on this point.<sup>20</sup> A few verses later, God promises to write tablets containing "the law and the commandment" (Exod 24:12). Again, the contents of the tablets are ambiguous and interpreters come to different conclusions: do the tablets contain just the Deca-

*Scripture as Artifact and Canon* (ed. C. A. Evans and H. D. Zacharias; London: T. & T. Clark, 2009), 298–310.

<sup>19</sup> For a thorough discussion of this problem, see Jean-Pierre Sonnet, *The Book Within the Book: Writing in Deuteronomy* (Biblical Interpretation 14; Leiden: Brill, 1997), who suggested that the emphasis on the completeness of the book in v. 22 means that it contains the song mentioned in v. 19 (p. 159). Sonnet extended his analysis to the rest of the Pentateuch in "Lorsque Moïse eut achevé d'écrire" (Dt 31,24): une 'théorie narrative' de l'écriture dans le Pentateuque," *RSR* 90 (2002/4): 509-24.

<sup>20</sup> Those who thought it does include Brevard S. Childs (*The Book of Exodus*, OTL [Philadelphia: Westminster, 1974], 505) and William H. C. Propp (*Exodus 19-40*, AB 2A [New York: Doubleday, 2006], 295). Those who thought it does not include Cornelis Houtman (*Exodus*, HCOT [Leuven: Peeters, 2000], 3:291) and Thomas B. Dozeman (*Exodus*, ECC [Grand Rapids: Eerdmans, 2009], 566).

logue (Exod 20:2-17), also the Book of the Covenant (Exod 21-23) or the Cultic Decalogue (Exod 34:10-26) or something else?<sup>21</sup> The names of these texts and of the ark meld together עדות "testimony," ברית "covenant," and תורה "law, instruction" in ambiguous ways.<sup>22</sup> Even the textual tradition in Exod 24:12 reflects this ambiguity: MT לָהֹט הָאֲבָנִים "stone tablets" followed by *vav* distinguishes the tablets from the *torah* and *mitzvah* "law and commandment," while SP's omission of *vav* puts them in apposition and identifies them (similarly LXX).<sup>23</sup> In Exod 31:18; 32:15-16, God finally provides the tablets of the testimony (הַעֲדָה) which Moses then proceeds to break. Moses re-writes the "words of the covenant (הַבְּרִית), the ten words" on new tablets, which in Exod 34:27-28 seem to be "these words," i.e. the ritual Decalogue that precedes this statement (cf. the similar language in Deut 4:13, 10:4) rather than the words that the people heard God speak from Mount Sinai (Exod 20).

This survey shows that almost every description of the tablets in the Pentateuch works to connect them with Torah scrolls in one way or another. These links do not appear outside the Pentateuch. Instead, the stories of Israel's early history feature the ark (1 Samuel) which at least 1 Kgs 8:9 insists contained the tablets, while stories of Judah's later history feature torah scrolls (2 Kings; 2 Chronicles; Ezra-Nehemiah). Only in the Pentateuch do the two kinds of texts get juxtaposed and implicitly conflated.<sup>24</sup> The fact that the Pentateuch, especially its redacted form combining D, P and other sources, works so hard to identify ark and scroll suggests that the Pentateuch was itself the engine for ritually replacing the ark with the Torah scroll in the Second Temple period.

### 3. Scrolls In Place of the Ark of the Covenant

In contrast to the Pentateuch's descriptions of stone tablets whose exact contents interpreters struggle to identify, the Pentateuch is unambiguous about the scroll's contents. The Torah

<sup>21</sup> See the summary of the debate in Houtman, *Exodus*, 3:300-301.

<sup>22</sup> Against those who have tried to distinguish the "ark of testimony" from the "ark of the covenant," Seow argued convincingly that the terms are synonymous (*ABD* 1:386-93). P's designation for the ark, הַעֲדָה אֲרוֹן, plays on a root that echoes in various forms throughout its text, as Propp observed: "'*ēdūt* chimes with P's common designation for Israel: (*hā*) '*ēdā* '(the) congregation.' Moreover, the phrase '*ōhel hā'ēdūt* 'the Testimony Tent' evokes the Tabernacle's frequent designation '*ōhel mō'ēd* 'Meeting Tent' (cf. LXX *hē skēnē tou martyriou* 'the Tent of the Testimony'). While '*ēdā* and '*mō'ēd* both derive from the root *y'd* 'to meet,' another important Priestly theme word is an anagram: *yd* 'to know' .... Thus the Testimony ('*ēdūt*) Tablets bear witness ('*ēd*), admonishing (*hē'id*) the community ('*ēdā*) to fulfill its covenant obligations ('*ēd[əw]ōt*), since God has made himself 'known' (*yd*) to them and continues to encounter (*y'd*) them at Meeting (*mō'ēd*) Tent' (*Exodus 19-40*, 385).

<sup>23</sup> See *BHS* and Dozeman, *Exodus*, 584. Childs (*Exodus*, 499) concluded that "the law and the commandment," which confuses the syntax, was added later, perhaps because Deut 5:28-31 suggests that Moses heard additional instructions than those initially heard by the people.

<sup>24</sup> Isaiah 30:8: "write it before them on a tablet (לִיחָ) and inscribe it in a scroll (סֵפֶר) so that it may be for the time to come as a witness (עֵד) forever" may attest to a traditional association between the ideas of tablet, scroll and witness/testimony quite apart from the specific instances of the tablets in the ark of the covenant and Torah scrolls. An original and continuing function of written texts is to serve as evidence for adjudicating legal and economic claims (e.g. receipts).



contains *all* the words of God to Moses (Exod 24:4; Deut 31:22), including everything on the tablets. The Pentateuch therefore removes the need for anyone to open the ark to consult the tablets: the Torah already contains the contents of the tablets. In fact, the Hebrew Bible never depicts anyone reading the tablets, while it describes or commands public reading of Torah scrolls on five different occasions.<sup>25</sup> The Pentateuch also contains literary elaborations of the ark's other contents. It describes how a jar of manna (Exod 16:34) and Aaron's staff (Num 17:25 Eng. 17:10) were deposited לפני העדות "before the testimony" למשמרת "for safekeeping" or "for observing," the staff to serve as אות "a sign" against rebels.<sup>26</sup> Thus it describes the ark functioning as a reliquary containing not only physical texts documenting the covenant but also the manna as physical evidence of YHWH's rescue of Israel and Aaron's flowering staff as physical evidence of the Aaronides' God-given pre-eminence in Israel.<sup>27</sup> In doing so, the Pentateuch presents the textual evidence for the revelation of Torah, both as decalogues and as larger speeches, as well as for YHWH's deliverance of Israel from Egypt and for YHWH's appointment of the Aaronides as Israel's hereditary priests. Its blessings and curses (Lev 26; Deut 27-30, 32) serve as testimonies and signs warning Israel of the consequences of breaking the covenant.

In each Pentateuchal case, oracular texts portray YHWH emphasizing the evidentiary function of these objects. The manna must be kept "throughout your generations, in order that they may see the food with which I fed you in the wilderness, when I brought you out of the land of Egypt" (Exod 16:32). Aaron's staff must be placed "before the covenant, to be kept as a warning to rebels, so that you may make an end of their complaints against me, or else they will die" (Num 17:10). The scroll of the law must be placed "beside the ark of the covenant of YHWH your God; let it remain there as a witness against you" (Deut 31:26). In the form of Torah scrolls, the Pentateuch thus functions as the physical testimony to YHWH's rescue of Israel (in place of the manna), to the divine origins of the commandments (in place of the tablets), to the rights and responsibilities of the Aaronide priests (in place of Aaron's rod), and to YHWH's promises and threats to Israel (in place of the Mosaic scroll).<sup>28</sup>

The Torah scroll can therefore function as a literary reliquary that replaces the ark's reliquary function of preserving testimony. In the stories of Josiah and Ezra reading a Torah scroll

<sup>25</sup> Exod 24:7; Deut 31:11-12; Josh 8:34-35; 2 Kgs 22-23; 2 Chr 34; Neh 8; see James W. Watts, *Reading Law: The Rhetorical Shaping of the Pentateuch* (Sheffield: Sheffield Academic Press, 1999), 15-31.

<sup>26</sup> For traditional and critical explanations for the position of the statement about depositing the manna beside an ark that has not been built yet, see Houtman 2:325, who observed that Exod 16:35 is also explicitly proleptic.

<sup>27</sup> Reinhard Achenbach noted the prominence of rod and flower motifs in Persian royal iconography to argue that the flowering rod story reflects Persian-period claims for Aaronide pre-eminence (*Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch* [BZAR 3; Wiesbaden: Harrassowitz, 2003], 127).

<sup>28</sup> The Pentateuch adopts and elaborates the form of a rhetorical argument starting with stories of the (divine) king's past beneficence, lists of obligations governing Israel's present behavior, and sanctions describing the future consequences of fulfilling those obligations or not (see Watts, *Reading Law*, 36-48). The contents of the ark of the covenant can be understood as iconic representations of those stories (the manna), lists (the tablets and rod) and sanctions (also the tablets and rod described as עדות / עד "a witness" or "testimony" and אות "a sign").

aloud to the people, the scroll functions in precisely this way to convict the people of their sins in failing to observe the festivals it mandates (Passover and Sukkot respectively). The Torah thus serves as עד "a witness, testimony" and as אות "a sign." The Torah scroll functions as a material icon as well, ritually displayed and processed as a legitimizing symbol. Doing so legitimized the regulations of Jerusalem's temple and priesthood. Later its authority gradually spread over Jewish and Samaritan legal institutions and family life.<sup>29</sup> The biblical accounts of Israel's pre-exilic apostasy and post-exilic repentance suggest implicitly that Torah scrolls proved much more effective than the ark in focusing the people's attention on the covenant with God.

Thus attention to the ritual function of Pentateuchal texts that portray tablets, ark, and scrolls shows that the scrolls did not replace the tablets so much as they replaced the ark of the covenant that contained the tablets. Once Moses deposited the tablets in the ark, no story tells of their re-emergence. They are manipulated only within their reliquary, the ark of the covenant, just as medieval Christians in Armenia and Ireland displayed and carried sacred texts within book shrines. These reliquaries simultaneously hid and displayed the texts they contained. Within their reliquaries, sacred books could be processed, venerated, and even lead armies into battle.<sup>30</sup> Only moderns who think textual power comes only from reading would dream of opening them to read what is inside.

In fact, biblical literature may have partly inspired this modern tendency to emphasize the semantic meaning of texts rather than their iconic or performative dimensions. The Pentateuch contains the tablets just as the ark contained them. However, both the ark and the Pentateuch are much more than just the tablets. Just as the golden ark surmounted by cherubim is far more elaborate in Exod 25:10-22 than the wooden box described by Deut 10:1-3, so too the five-book Pentateuch contains far more than just stories about the tablets, manna, rod and scroll. Both ark and Pentateuch appear as baroque elaborations of the original revelation, in iconographic and literary media respectively. Both have repeatedly tempted modern historians to try to reconstruct simpler originals.

The Pentateuch, however, makes the tablets available publicly more than the ark did. The ark was an icon that could be displayed and venerated. A Torah scroll is also an icon that can be displayed and venerated in exactly that way, but the scroll can also be read. Reading the scrolls aloud made the tablets more directly available to listeners and readers than the ark ever could.

In shifting from iconic text hidden in its ark reliquary to displayed text read regularly to all Israel, Deuteronomy changed Judean religious texts from esoteric to exoteric. This was a ritual innovation with long-lasting implications for Western religions. This was not, however, a shift from ritual to text, contrary to a line of interpretation that has prevailed from the ancient rabbis to many contemporary scholars.<sup>31</sup> The contents of the ark already provided textual authorization of

<sup>29</sup> James W. Watts, "Ritual Legitimacy and Scriptural Authority," *JBL* 124/3 (2005): 401-417 = *Ritual and Rhetoric in Leviticus* (Cambridge: Cambridge University Press, 2007), 193-217.

<sup>30</sup> See Michelle P. Brown, "Images to be Read and Words to be Seen," in *Iconic Books and Texts* (ed. J. W. Watts; London: Equinox, 2013), 93-118 [110-11].

<sup>31</sup> For a survey and bibliography, see Watts, "Scripturalization," and idem, *Leviticus 1-10* (HCOT; Leuven: Peeters, 2013), 517-20. See also the critique of this line of reasoning by Karel van der Toorn, "The Iconic Book: Analogies Between the Babylonian Cult of Images and the Veneration of the Torah," in *The Image and the Book: Iconic Cults, Aniconism and the Rise of Book Religion in Israel and the Ancient Near East* (ed. K. van der Toorn. Louven: Peeters, 1997), 229-248.

the ritual (Exod 34) and, in any case, the ritual continued unchanged (it is claimed) in Jerusalem's Second Temple. What was new was exoteric textual validation of rituals through the regular iconic display and performative reading of the Torah scroll. As a ritualized public text, Torah combined the ritual functions of epic and totem in one and the same thing.<sup>32</sup> The ritual change involved a shift from the iconic ark reliquary to iconic scrolls, which eventually gained their own ark reliquaries.

This shift was not necessitated by changing technologies or ideologies. For millennia, ancient Near Eastern cultures had ritually manipulated scrolls, tablets and the boxes that contained them. The evidence from Egypt is especially clear. From at least the early second millennium B.C.E. on, Egyptians used portable chests topped by statues or images of the god, Anubis, to keep ritual texts as well as cultic implements like scepters and embalming chemicals.<sup>33</sup> Egyptian art also depicts priests holding scrolls aloft in processions and funerary rituals. The Papyrus of Ani (13<sup>th</sup>-12<sup>th</sup> c. B.C.E.) shows a figure holding up an open scroll while the ceremony is performed.<sup>34</sup> A tomb painting from the New Kingdom shows, in the words of David Lorton, "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."<sup>35</sup> The Brooklyn Oracle Papyrus (651 B.C.E.) depicts a procession of the image of the god Amun-Re in which the chief lector priest reads aloud from a papyrus roll he holds before him.<sup>36</sup>

Evidence like this suggests that tablets, scrolls and text boxes were all subject to ritual manipulation in ancient cultures. Israel's shift from box to scroll exchanged one traditional ritual object for another. This was not what the book of Jeremiah envisioned when it predicted that the ark would not be rebuilt (3:16-17). Jeremiah imagined the ark being replaced by Jerusalem as the throne of YHWH and he dismissed temple worship as ineffective and unnecessary (7:4, 12-15, 21-23). Elsewhere the book of Jeremiah expects that the covenant will be replaced by one "written on the heart" so that torah instruction is no longer necessary (33:31-34). Though resonating with the elevation of the Jerusalem community in other texts (Isaiah, Ezekiel, Ezra, and Nehemiah), as the Second Temple period progressed this utopian vision yielded to the pragmatic practice of a

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<sup>32</sup> For this conclusion about the effects of ritualizing religious scriptures generally, see James W. Watts, "The Three Dimensions of Scriptures," *Postscripts* 2/2-3 (2006), 135-159 [145] = *Iconic Books and Texts* (ed. J. W. Watts; London: Equinox, 2013), 8-30 [19].

<sup>33</sup> Harco Willems, *The Coffin of Heqata: (Cairo JdE 36418): a Case Study of Egyptian Funerary Culture of the Early Middle Kingdom* (OLA 70; Leuven: Peeters, 1996), 142-45. The tomb of King Tutankhamun contained a beautifully gilded example (cf. Exod 25:11).

<sup>34</sup> Nineteenth Dynasty, ca. 1295-1186 B.C.E., from Thebes; in the British Museum, EA 10470/6.

<sup>35</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), 158; a photo of the painting appears in Eberhard Otto, *Die Ägyptische Mundöffnungsritual* (Ägyptische Abhandlungen 3; Wiesbaden: Harrassowitz, 1960), vol. 2, fig. 13.

<sup>36</sup> Brooklyn Museum 47.218.3a-j.

textualized torah instruction. Such instruction impressed the covenant "on the heart" through scribal practices very much rooted in textual torah traditions.<sup>37</sup>

Contrary to many reconstructions of religious history that cast scribes as rivals of priests in this period, the priests' monopoly over temple rituals was strengthened by shifting the focus of veneration from the ark of the covenant to the Torah scroll. High priests in Jerusalem rode the rising prestige of both temple and Torah to unprecedented heights of religious and political influence.<sup>38</sup> Only at the end of the Second Temple period did scribal and prophetic challenges to Aaronide priestly precedence gain significant influence in Rabbinic Judaism and early Christianity.

Thus the ark of the covenant evolved into the Torah scroll, displayed and performed for all to see and hear. Both iconography and rhetoric disguised this change as continuity, like most other successful ritual innovations.<sup>39</sup> Identification between Decalogue and Torah and between the ark of the covenant built at Sinai and holy arks in every synagogue obscured the transition from esoteric to exoteric sacred texts that took place in the Second Temple period. Fascination with spiritualized arks and the whereabouts of the lost physical ark continues to disguise the ritual innovation by which Torah scrolls replaced the ark as the holiest objects in Jewish worship.

The influence of this ritual innovation reached far beyond Judaism. It shaped the veneration of Gospel codices in ancient Christianity and of pandect Bibles in modern Christian denominations, and provided precedents for the veneration of books of scripture by Muslims and Sikhs as well.<sup>40</sup> Cherished scriptural texts, displayed for all to see and read for all to hear, became a characteristic feature of Western religious rituals.

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<sup>37</sup> See David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005).

<sup>38</sup> James W. Watts, "The Political and Legal Uses of Scripture," in *The New Cambridge History of the Bible*, vol. 1, ed. J. Schaper and J. C. Paget (Cambridge: Cambridge University Press, 2013), 345-64; and idem, *Leviticus 1-10*, 107-119.

<sup>39</sup> On the ubiquity of claims for the unchanging nature of rituals despite constant ritual criticism and change, see Ronald Grimes, *Ritual Criticism: Case Studies in Its Practice, Essays on Its Theory* (Columbia: University of South Carolina Press, 1990), 13-20.

<sup>40</sup> See the essays on these traditions and more in *Iconic Books and Texts* (ed. J. W. Watts; London: Equinox, 2013).