

Israel and the Covenant People of Yahweh

A. D. H. Mayes

I

Much current discussion of the problems surrounding the reconstruction of ancient Israelite history tends to be presented in terms of a dispute between those who hold to an essentially theological account of that history, on the one hand, and, on the other, those who proclaim their adherence to the principles and methods by which more general historical study is now carried out. For the former the Old Testament, though subject to the requirements of critical analysis, is still available at least as a source for reconstructing that history; for the latter, any use of the Old Testament in historical reconstruction is in principle problematic. The antipathy towards any suspicion of even a covert theology in historical reconstruction is clear in the writings of especially Davies and Thompson;¹ for them and others the Old Testament is to be understood as ideology, at best reflecting the distorted ideas of those who, in the post-exilic period, had a religious agenda for their own period, but had no sense of, or indeed interest in, history as this would now be understood.

For those who adhere to this latter view, the actual history of the pre-exilic period is a scientific enterprise to be carried out not on the basis of biblical texts but rather through archaeology informed by general cultural, anthropological and sociological understanding. In this context various models may be used, models deriving from the study of tribal structures elsewhere, such as the model of the segmentary society. But the objective here is to reach an account of the history of the period and the place which will reflect the actual society and actual events without the ideological distortions associated with the Old Testament and its view of a chosen people coming into the land from outside and displacing its former

¹ See P. R. Davies, "Method and Madness: Some Remarks on Doing History with the Bible," *JBL* 114 (1995) 699-705, and T. L. Thompson, "A Neo-Albrightian School in History and Biblical Scholarship," *JBL* 114 (1995) 683-98. These articles are written as a response to I. W. Provan, "Ideologies, Literary and Critical: Reflections on Recent Writing on the History of Israel," *JBL* 114 (1995) 585-606; reference should also be made in this connection to G. W. Ahlström, *The History of Ancient Palestine from the Palaeolithic Period to Alexander's Conquest* (JSOTSup 146; Sheffield, 1993) 50, who in his rejection of any philosophy in his historical work, apparently sees his approach as that of a purely objective historian. For a discussion of some of these issues, see A. D. H. Mayes, "Historiography in the Old Testament," in J. Barton (ed.), *The Biblical World* (London, 2002), vol. 1, 65-87; id., "The Covenant People: Max Weber and the Historical Understanding of Ancient Israel," in A. D. H. Mayes and R. B. Salters (eds.), *Covenant as Context: Essays in Honour of E. W. Nicholson* (Oxford, 2003).

46 Proceedings of IBA

inhabitants. That view of Israelite history simply perpetuates the “silencing” of the reality of Iron Age Palestinian history in the interest of legitimating the interests of the post-exilic Jewish community. The reality can be reconstructed, if at all, only through archaeology and the use of models of society and social development derived from elsewhere.

The purpose of this paper is to argue, not that the quest for pure objectivity in historical study is an illusion (something which surely requires no demonstration), nor that those who criticize most severely the so-called theological nature of many “reconstructions” of Israelite history are themselves the purveyors of hidden ideologies (an inappropriate approach which indulges itself in the same over-personalized *ad hominem* arguments), nor that one must simply resign oneself to an inescapably relativistic approach to history in which, effectively, any reconstruction is as justifiable as any other, but rather that there has been available for many years an approach which both recognizes that historical understanding cannot be objective and also at the same time has elaborated a set of controls which will allow us to distinguish the good from the bad in historical reconstruction. The approach is that of Max Weber, whose study, *Ancient Judaism*,² brought into the world of the ancient Near East an interpretive approach to historical reconstruction which, despite its influence on later Old Testament scholars, including especially Martin Noth, is in danger of being forgotten in a context dominated by approaches to history which aspire to scientific objectivity. The general nature of Weber’s approach has been discussed in other contexts;³ here the attempt will be made to focus on one aspect of that approach, Weber’s understanding of law in general and Israelite law in particular, as a way into his view of the history of Israel and the origins of the covenant people of Yahweh.

II

The necessary context and background for our study of Weber’s understanding of Israelite law may be quickly sketched.⁴ Weber begins his investigation with a brief discussion of the nature of that group whose origin he seeks, the post-exilic Jewish community. This community was a status group, bound together by a common life style expressing itself in certain beliefs and practices, together with restrictions in marriage and dietary conventions. It is the search for its origins that

² M. Weber, *Ancient Judaism* (New York, 1952).

³ See Mayes, *The Old Testament in Sociological Perspective* (London, 1989) 36-48; id., “The Covenant People: Max Weber and the Historical Understanding of Ancient Israel.”

⁴ For fuller treatment see Mayes in the works cited in n. 3.

leads Weber back to the formative period of Israel in Palestine.

Three types of society in Palestine are relevant to Israelite origins: urban society, which may be described on the basis of the Amarna texts, Old Testament records and information on Mediterranean city-states derived from classical sources; the peasantry, exploited by urban patricians and excluded from political rights that depended on property ownership; and the type of semi-nomadic stockbreeder, aliens who lived under certain rights of protection in the context of treaty relationships with the settled community.⁵ Israel is not identical with any one of these types, but is to be found historically within the context of all of them. Israel is a historical entity which, within the framework of a gradually evolving urbanism, was variously represented within all types.

The developing identity of Israel is reflected especially in the pre-exilic law collections. The Book of the Covenant is primarily concerned with peasant property in cattle, but the laws also regulate money loans and the taking of interest, so having a focus on the peasant farmer not in isolation but in relation with the urban dweller, the source of such loans; similarly, the laws regulate the peasant's obligations towards the *ger*, including semi-nomadic herdsmen. The ongoing development of the different social groups constituting Israel is clearly reflected in the revision of the Book of the Covenant in Deuteronomy.

It is the social and economic diversity of Israel, and the need to regulate its internal life by law, that raises the question of its very existence. What is it that allowed for the existence of an Israel that could overcome and comprehend such social diversity? Weber found the answer in the lawcodes, and particularly in the increasingly theological elaboration which these laws exhibit. As they gradually develop to meet changing situations they become more explicitly laws of Yahweh; they are laws of the covenant between Yahweh and Israel. Israel's unity is thus founded on a union of different groups in covenant with Yahweh.⁶ In order to explain the rise of the covenant unity, Weber referred to personal experience of a religious and historical nature.⁷ He presumably means by this that Israel's covenant unity is founded on the experience of charismatic leaders such as Moses,⁸ but the matter, in the context of the study of the origins of Judaism, is not taken any further. Whatever precise account is given of the origins of the idea, its effect is the foundation of the *Eidgenossenschaft* or covenant community of Israel, the people

⁵ Weber excludes as anachronistic for the period the type of nomadic bedouin.

⁶ Weber, *Ancient Judaism*, 75.

⁷ Weber, *Ancient Judaism*, 79f., 118.

⁸ On the role of Moses see also Weber, *The Sociology of Religion* (London, 1965) 49f.

48 Proceedings of IBA

of Yahweh.

The actual historical framework within which Weber places the foundation of the covenant community of Israel is in fact not precisely determined. Although it is suggested that its roots lie in the work of charismatic leaders such as Moses, it must be emphasized that Weber is here still working with typological categories. Moses is the type of charismatic leader, and it is to that type that the *Israelgenossenschaft* owes its origins. It was left to Martin Noth, with his theory of an Israelite amphictyony,⁹ to give a historical dimension to Weber's typological arguments; to that historical conclusion, however, Weber did not himself clearly come. What is suggested here is that while the historical argument of Noth, that the Israelite oath community is to be dated to the pre-monarchic period and understood on the analogy of the classical amphictyony, is now all but universally rejected, this does not invalidate the typological argument of Weber, an argument within the framework of which different historical constructions may be developed. It is with particular reference to Weber's understanding of law that this may be demonstrated.

III

Weber devoted substantial study to the law in general, and this is alluded to in isolated statements in *Ancient Judaism*. So, he refers to "rationally formulated law,"¹⁰ and in another place¹¹ he writes: "Law has always developed first through legal oracles, precedents, responses of charismatically qualified bearers of legal wisdom." This kind of allusion can only be understood, however, against the background of his much fuller study of the subject in *Law in Economy and Society*.¹² There, Weber developed once more an ideal type approach to the subject: that is, ignoring for the moment questions of historical particularity Weber argued that in general terms law-making tends to move through a series of stages of development. Each of these reflects a certain mode of authority and social structure, so that although it is in the first instance a matter of law-making, there is a direct correspondence with the way in which authority is exercised in certain forms of society.

⁹ See Mayes, *The Old Testament in Sociological Perspective*, 52-3.

¹⁰ Weber, *Ancient Judaism*, 87.

¹¹ Weber, *Ancient Judaism*, 84.

¹² M. Weber, *Law in Economy and Society* (Cambridge MA, 1954). This part of Weber's work has been discussed especially by M. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford, 1985) 235-56. Much of what immediately follows is indebted to Fishbane.

The development of law, according to Weber, takes place through four stages. These are: charismatic legal revelation, the empirical creation of *ad hoc* laws, the systematization of law, and the theoretical elaboration of law. These stages may be correlated with certain forms of society: the first two are typical of patriarchal or tribal type societies, the third and fourth belong within the framework of more elaborate, bureaucratic state organizations. Moreover, the development also reflects a tendency towards increasing rationalization, a trend which Weber considered to be characteristic of all social development; indeed, Weber describes the four stages as the formally irrational, the substantively irrational, the substantively rational and the formally rational.

Charismatic law-making is regarded by Weber as formally irrational: it is that form of law-making in which one applies "means which cannot be controlled by the intellect, for instance when recourse is had to oracles." In the empirical creation of *ad hoc* laws, particularly by socially eminent individuals, we meet law-making that is substantively irrational. This includes those instances where a law is based on a decision which "is influenced by concrete factors of the particular case, as evaluated upon an ethical, emotional or political basis rather than by general norms." The imposition and systematization of law is a substantively rational activity, in which decisions are reached in particular cases in accordance with existing rules, ethical imperatives and so on. Collections of rules and norms exist for enactment and application. Finally, the systematic and theoretical elaboration of law by trained jurists is a formally rational activity standing at the end of the rationalization process. At this stage, highly abstract rules are being formulated in the context of study and exegesis within law schools.

It is tempting within the framework of a model of understanding Israel as from its inception identical with the covenant people of Yahweh, to relate Weber's typological stages directly to particular Old Testament examples, and in doing so to illustrate Israel's charismatic foundation as the covenant people of Yahweh.¹³ So, examples of charismatic law-making may be found in Exod. 22:8,10 (EVV 9,11); Lev. 24:10-23; Num. 9:1-14; 15:32-36; 27:1-11; 1 Sam. 14:36-44 in which laws are formulated on the basis of enquiry of Yahweh; the empirical creation of *ad hoc* law may be illustrated by reference not only to Deborah (Judg. 4:5) and Samuel (1 Sam. 7:16), but also to David (1 Sam. 30:22-25) and Solomon (1 Kings 3:16-28); the imposition and systematization of law can be seen in Deut. 1:17 or

¹³ Fishbane has drawn attention to these Old Testament parallels. It should be emphasized, however, that Fishbane is working within a context very different from that under discussion here, and that the criticisms which follow do not relate to Fishbane's very illuminating work.

50 Proceedings of IBA

Ezra 7:10, while the theoretical elaboration of law may be found in Lev. 5:21f. (EVLV 6:2f.) when compared with Exod. 22:6f. (EVLV 9f.).

But this direct move into the historical context of Israel is premature and distorting. An immediate problem is indicated by the fact that many of the examples of the apparently earliest type, the stage of charismatic law-making, are found in what are generally understood to be priestly passages, and so historically derive from the latest rather than the earliest records. In addition, however, it is clear that in several examples of both first and second stage law-making, those involving oracular enquiry and the empirical creation of *ad hoc* laws, no particularly Yahwistic frame of reference is presupposed, and so these forms of law-making cannot easily be integrated into a scheme of development in which the practice of law-making is perceived as gradually evolving within an Israel understanding itself from its foundations as the covenant people of Yahweh. Yet it is undoubtedly in these records, presenting the judicial activities of a Deborah, a Samuel, a Saul, a David or a Solomon, that we encounter some of the earliest Israelite material available to us. This is suggested perhaps especially by two points: first, that as far as oracular enquiry is concerned, it is evident that the early accounts (1 Sam. 14:36-37; see Exod. 22:8,10 [EVLV 9,11]) referred originally to enquiry being made of "God", rather than of Yahweh, the presupposed religious context being the general Semitic worship of El, rather than the highly specific Israelite allegiance to Yahweh; secondly, the fact that in these records no clear distinction is made between the pre-monarchic and early monarchic leaders of Israel, between the judges and the early kings, indicating that in Saul, David and at least the early Solomon, we are still in the realm of an Israel which is effectively a chieftainship rather than, as in the later systematized view of Israel's past, a monarchic state.

Following the Weber typology, it is therefore possible to identify early stages of law-making in Israel which presuppose an Israel which does not (yet) understand itself as the covenant people of Yahweh. The source of oracular direction is "God", and the authority which issues directives and decisions of a substantively irrational nature is a chieftain.¹⁴ It is also clear that there is considerable dislocation between this substantively irrational law-making, illustrated in the stories of David and Solomon, and the substantively rational law-making presupposed in the records deriving from exilic and post-exilic times

¹⁴ For a well-informed reconstruction of Israel's social history from band society, to chieftainship to state, in which the earliest stage to be historically reconstructed is that of a chieftainship, see especially F. S. Frick, *The Foundation of the State in Ancient Israel* (Sheffield, 1985). Frick makes effective use of both anthropological models and of archaeology.

(Deut. 1:17; Ezra 7:10). In these cases Israel now lives under a law which is issued (through Moses) from Yahweh as part of a covenant relationship with his people. The law is law of Yahweh, and Yahweh is the exclusive objective of his people's allegiance. This stage cannot easily be seen as a direct development from these earlier stages, but rather seems to presuppose roots which have a different context. The substantively rational law-making of an Ezra presupposes earlier stages of legal development which are not those represented by the stories of Deborah, Samuel, Saul, David and Solomon.

The Weber approach suggested, but did not require, that Israel in its origins be understood as the covenant people of Yahweh, that it was common submission to Yahweh in the framework of a covenant relationship that allowed for the inherent mutual hostility of the component parts of Israel to be overcome; it was Noth's adoption of Weber's approach, and his firm historical anchoring of the *Eid-genossenschaft* of Israel into the pre-monarchic Israelite amphictyony, understood as a Yahwistic covenant community, that sealed the identification of Israel from its origins with the people of Yahweh, to the extent that the true Israel was an amphictyonic Israel with the monarchic state as a foreign institution. Weber's typological approach to law does, however, make it possible to develop a different historical understanding, and one in which a better accommodation may be found with more recent approaches to the reconstruction of Israelite history.

IV

Weber's typology of law represents a heuristic lense through which to view the case of Israel, rather than a precise analysis of this particular historical instance. It is clear that to apply this perspective rigidly, through interpreting it in terms of reflecting an Israel founded as the covenant people of Yahweh (charismatic law-making), established as a state (*ad hoc* law-making), eventually to become the religious community (the application of existing norms as a substantively rational activity), reflects a fundamental confusion that distorts the nature and function of the typological approach and indeed also the principle that informs Weber's understanding.

Weber's typological approach must be understood within the context of his view of the nature of ideal types and the distinction which is drawn between ideal types and descriptive types.¹⁵ According to Giddens:

¹⁵ For this see especially A. Giddens, *Capitalism and Modern Social Theory: an analysis of the writings of Marx, Durkheim and Max Weber* (Cambridge, 1971), 141-3.

52 Proceedings of IBA

The interpretation and explanation of a historical configuration demands the construction of concepts which are specifically delineated for that purpose and which... do not reflect universally essential properties of reality.... An ideal type is constructed by the abstraction and combination of an indefinite number of elements which, although found in reality, are rarely or never discovered in this specific form.... Such an ideal type is neither a "description" of any definite aspect of reality, nor, according to Weber, is it a hypothesis; but it can aid in both description and explanation. An ideal type is not, of course, ideal in a normative sense: it does not convey the connotation that its realisation is desirable.... An ideal type is a pure type in a logical and not an exemplary sense.... The creation of ideal types is in no sense an end in itself... the only purpose of constructing it is to facilitate the analysis of empirical questions.¹⁶

Giddens goes on to note that ideal types are very different in both construction and function from descriptive types. Descriptive types "simply summarise the common features of groupings of empirical phenomena." Whereas an ideal type involves "the one-sided accentuation of one or more points of view," the descriptive type involves "the abstract synthesis of those traits which are *common* to numerous concrete phenomena."¹⁷ The two types are not unrelated, particularly in that a descriptive type may be transformed into an ideal type through "the abstraction and recombination of certain elements" in order to emphasize those components which are significant for the explanation of specifically historical configurations. "The transition from descriptive to ideal type takes place when we move from descriptive classification of phenomena towards the explanatory or theoretical analysis of those phenomena."

It is clear that Weber's account of the development of law belongs within the

¹⁶ Giddens, *Capitalism and Modern Social Theory*, 142, quotes Weber, *The Methodology of the Social Sciences* (New York, 1949) 90, as follows: "In its conceptual purity this mental construct cannot be found empirically anywhere in reality."

¹⁷ Giddens here quotes Weber, *The Methodology of the Social Sciences*, 90, 92. It is clear that such a model as that of the segmentary society, as it has been applied to pre-monarchic Israel, involves the construction and application of a descriptive type. The amphictyony likewise probably falls mainly into this category, particularly insofar as certain "institutions" such as the "judge of Israel" and the "central sanctuary", are attached to it. Insofar, however, as the amphictyony had a clear explanatory and analytic function in the context of ancient Israel, serving as an analogy to provide an account of how Israel became the people of Yahweh, it may also be understood in ideal type terms.

category of the ideal rather than the descriptive type. It is intended as an explanation of the development of law-making by which we might understand essential aspects of the evolution of any given historical example. This implies that the individual stages of that development, and even less the succession of those stages, cannot simply be taken as descriptive of any historical instance of authority and law-making. What is intended is to provide an interpretive approach for explanatory rather than descriptive purposes. This should be set in the wider context that characterizes Weber's overall approach. Just as, in the broad framework, Weber's concern is with the nature, origin and development of capitalism, so in *Ancient Judaism* his concern is with the nature, origin and development of the post-exilic Jewish community. This community is designated a "status group", that is, it is a group which has no essential economic unity but is held together by a common life style that expresses itself in distinctive ways: positively in certain common beliefs and customary practices, and, negatively, in restrictions in the spheres of marriage and dietary habits. There is no intention here to provide a full descriptive account of this history of Israel.¹⁸ Indeed, from Weber's perspective, such an objective begs an important question: the assumption that there is a given entity, Israel, whose history is open to description, rather than that, from the outset, "Israel" is an interpretive category. Furthermore, Weber's account of the various types of life to be found in Palestine should also be included as ideal types: although they may start as summary descriptions of "the common features of groupings of empirical phenomena," there is already present here an interpretive approach which looks to the interrelationship of these types and analyses this through a concentration on particular aspects of the types. Weber's approach is throughout interpretive, and the categories he uses are correspondingly ideal type concepts. This must be emphasized in relation to his whole study of *Ancient Judaism*.

V

Weber's choice of Judaism as a subject of study, as indeed his choice of Calvinistic Protestantism in his book *The Protestant Ethic and the Spirit of Capitalism*, arose from his wider interest in the formation of capitalism. Both of these particular studies contributed to the wider project on a number of levels,

¹⁸ So the criticism that Weber's teleological approach does not provide a comprehensive account of the successive sets of circumstances that made up the whole historical sequence, is clearly wide of the mark; see Mayes, *The Old Testament in Sociological Perspective*, 143-4.

54 Proceedings of IBA

including the major issues of the relationship of religion to society, and history understood as an ongoing process of disenchantment of the world. Values and subjective judgments determine not only Weber's choice of topics for study, but perhaps particularly his characterization of post-exilic Judaism as, not simply a status group, but a pariah community. This term has been rejected as pre-emptive and value loaded,¹⁹ and indeed it may be that Weber's use of it reflected to some degree his perception of the Jewish community of his own day. However, given the caution with which Weber applied it,²⁰ and the understanding that this too must be taken as an ideal type construct, it may be accepted as a useful perspective from which the subject may be approached.

As a status group, post-exilic Judaism was defined by its distinctive beliefs and practices; these beliefs and practices, identifying it as the covenant people of Yahweh, were enshrined in the law that regulated its life, the law being that accumulated body of teaching collected in the Pentateuch. Now, at this stage, it is clear that the law is, in Weber's terminology, substantively rational: there is a body of norms on the basis of which Jewish life is governed. How long before this there existed comparable life regulating collections of law is uncertain; the Book of the Covenant in Exodus 20-23 and the law of the deuteronomic code, are clearly preparatory stages, but in neither case does it appear that the law functioned, as did the Torah under Ezra, as a constitutional instrument of government.²¹ Only with the post-exilic community and the law of Ezra has this stage been reached.

Insofar as we may go behind this stage, to a time of substantively irrational law-making, when *ad hoc* decisions were made, or further back to a time of formally irrational law-making, based especially on oracular enquiry, one is directed towards the activity of levitical teachers in Israel. This cannot be identified as in any sense a state legislature: only in the latest pre-exilic period, at the earliest in the time of Josiah, can it be argued that a move may have been made to establish this levitical ethical teaching as state law.²² Rather, we must see in this levitical teaching an activity, laying the foundations to what was later to emerge, going on within the historical framework of a state whose rationale and history are not defined by that activity. The history of Israel and Judah is not, in other words, to be described and accounted for, in terms of the particular strands of legal

¹⁹ See Mayes, *The Old Testament in Sociological Perspective*, 144.

²⁰ Weber, *Ancient Judaism*, 3f.

²¹ For a discussion of the nature of Deuteronomy from this perspective, see Mayes, "On Describing the Purpose of Deuteronomy," *JSOT* 58 (1993) 13-33.

²² The reference in 1 Chron. 26:30 to Levites being appointed by David with "oversight of Israel westward of the Jordan for all the work of the Lord and for the service of the king" is a clear retrojection from a later period.

development which are to emerge eventually in the post-exilic community. At most, that history and the social and religious institutions that characterized it, may be seen as the context within which this development was taking place, but a context which, from a different perspective, would be defined in wholly different terms. Insofar as the nature of state authority is to be analysed through Weber's typology, it appears that for the time of David and Solomon, as indeed for earlier and probably also later time, we are in an era of the *ad hoc* formulation of law to meet specific situations. This, as noted above, does not belong within any necessarily Yahwistic frame of reference, and cannot be seen as a preliminary stage to the emergence of that substantively rational law-making which is characteristic of the post-exilic Jewish community.

It should not be understood that an implication of this argument is that Israel in the time of David and Solomon and the later monarchy is to be understood as a state formation to be described without reference to religion, whereas the post-exilic Jewish community was a theocracy rooted in the work of pre-exilic Levites and prophets functioning within an otherwise secular context. Rather, one must think in terms of pre-exilic Israelite society as one indeed permeated by religion, but religion understood in terms of a highly flexible, and not exclusively Yahwistic, system of ritual practice, myth and belief, whereas the post-exilic Jewish community was a society defined by a holy book in which belief is rigid and exclusive. The transition from the one to the other was a gradual and complex process marked by the rise to prominence of that levitical and prophetic element within pre-exilic Israel demanding exclusive allegiance to Yahweh.²³

The role of the Levites in Weber's presentation²⁴ was that of discerning the will of Yahweh in any particular issue, through the casting of lots in order to secure a positive or negative answer to a specific question. This was an oracular activity, but the nature of it was such as to promote rational questions on specific issues, and so the gradual accumulation and dissemination of the rational knowledge of

²³ One important element, though by no means the only one, which created the possibility of this transformation was the increasing literacy of Israelite society. For the contrast between the flexible openness of religious practice in oral cultures and the exclusive creedalism of literate religions, see especially J. Goody, *The Logic of Writing and the Organization of Society* (Cambridge, 1986). On the Yahweh alone movement in pre-exilic Israel see M. Smith, *Palestinian Parties and Politics that Shaped the Old Testament* (New York, 1971); B. Lang, *Monotheism and the Prophetic Minority* (Sheffield, 1983).

²⁴ Weber's view of this came under early criticism by J. Guttman, "Max Webers Soziologie des antiken Judentums," *MGWJ* 69 (1925) 195-223, but even Guttman was compelled to acknowledge that some such religious leadership as that postulated by Weber for the Levites must have existed in pre-exilic Israel.

56 Proceedings of IBA

the will of Yahweh. Levitical teaching of the commandments of Yahweh, culminating in the ethical decalogue, formed the source of the ethic of the classical prophets; it was this ethic and this preaching which led to the rise of the post-exilic community. The prophetic proclamation marks a breakthrough, a sudden leap forward, and is followed by a period in which the proclamation is absorbed and systematized in the religious following that succeeded the prophet. This is called by Weber the "routinization" of prophecy.²⁵ Routinization is the process by which "the doctrine of the prophets enters into everyday life, as the function of a permanent institution."²⁶ This process represents the transformation of a revealed religion into a priestly enterprise characterized by pastoral care and the religious cultivation of the individual. The routinization of prophecy, as a function of the priesthood, represents that process and that relationship in which the priesthood and the post-exilic Jewish community stand with pre-exilic prophecy. The teaching of the prophets, and their insistence that Israel's destruction was the will of Yahweh who was using world powers to achieve his purpose, made explicit the latent monotheism and universality of the Israelite idea of God; that teaching also expressed the requirement of humility and absolute obedience as the only mode of relationship with God. These are distinctive characteristics of the post-exilic Jewish community which may then be seen to be directly rooted in pre-exilic prophecy.

VI

Weber's study, *Ancient Judaism*, is a work of historical sociology. His approach was first to define the topic of his study and then to seek its origins. The task is accomplished by means of constructing ideal types, heuristic models through which it is possible to arrive at an explanation and understanding of the object of investigation. His choice and definition of the object of study, the post-exilic Jewish community, undoubtedly arises from his wider academic interests and his own cultural environment; his construction of ideal types results from the recognition of historical reconstruction as an interpretive activity.

The post-exilic Jewish community is a status group, a pariah community which is rooted in pre-exilic prophecy and the ethical teaching of the Levites. The typology of the development of law-making suggests this origin. For Weber, the teaching of the Levites also represented that process by which even older oracular

²⁵ Weber, *The Sociology of Religion*, 60ff.

²⁶ Weber, *The Sociology of Religion*, 62.

direction was routinized into everyday life as the function of a religious institution. That older oracular or charismatic activity may be defined as Mosaic, so that Moses could be seen as the point of origin of that which later became post-exilic Judaism. But Weber leaves plenty of room here for understanding Moses simply as the paradigmatic ancestor of the later Levites whose real activity it was, in the context of monarchic Israel, to establish the foundations of post-exilic Judaism. If that is so, then the biblical presentation of Israelite origins in the work of Moses and his successors is very much to be seen as a legitimating projection into the past of the work of the levitical teachers and prophets of the monarchic period.

This levitical activity took place within and in relation to particular political and social arrangements, but these political and social arrangements, while undoubtedly influenced by that activity, are not to be closely defined by reference to it. In other words, that which was eventually to evolve into an exclusive principle of definition, namely the exclusive worship of Yahweh to whom Israel was related by covenant, formed but one strand in a multi-faceted context marked by flexibility and openness in religious practice and social arrangement. Israel as the covenant people of Yahweh is the end result of an evolution rooted in pre-exilic levitical teaching and prophetic proclamation. Insofar as the biblical presentation of pre-exilic Israel is of the covenant people of Yahweh, an Israel which did not exist until exilic and post-exilic time, it is anachronistic and very much reflective of its time; but the fact that to that extent the biblical account is an ideological construct of its age does not render it irrelevant to our particular understanding of at least one significant strand, and to our general understanding of the overall context, of that pre-exilic Israel in which this post-exilic understanding has its roots.

License and Permissible Use Notice

These materials are provided to you by the American Theological Library Association (ATLA) in accordance with the terms of ATLA's agreements with the copyright holder or authorized distributor of the materials, as applicable. In some cases, ATLA may be the copyright holder of these materials.

You may download, print, and share these materials for your individual use as may be permitted by the applicable agreements among the copyright holder, distributors, licensors, licensees, and users of these materials (including, for example, any agreements entered into by the institution or other organization from which you obtained these materials) and in accordance with the fair use principles of United States and international copyright and other applicable laws. You may not, for example, copy or email these materials to multiple web sites or publicly post, distribute for commercial purposes, modify, or create derivative works of these materials without the copyright holder's express prior written permission.

Please contact the copyright holder if you would like to request permission to use these materials, or any part of these materials, in any manner or for any use not permitted by the agreements described above or the fair use provisions of United States and international copyright and other applicable laws. For information regarding the identity of the copyright holder, refer to the copyright information in these materials, if available, or contact ATLA at products@atla.com.

Except as otherwise specified, Copyright © 2016 American Theological Library Association.