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Israel, the People of God, as Theocracy

1 The Origins of the Term

The fact that the term “theocracy” is used to denote the political and/or religious system associated with this word is due to the Old Testament. The first to coin this word was Flavius Josephus in his apologist work *Contra Apionem*, in which he was attempting to make his Roman readers understand the peculiarity of Judaism as an ethnic as well as a religious community:

There is endless variety in the details of the customs and laws which prevail in the world at large. To give but a summary enumeration: some peoples have entrusted the supreme political power to monarchies, others to oligarchies, yet others to the masses. Our lawgiver, however, was attracted by none of these forms of polity, but gave to his constitution the form of what – if a forced expression be permitted – may be termed a “theocracy” placing all sovereignty and authority in the hands of God.¹

This sketch is based directly on the picture the Bible paints of Moses. Josephus, who was far away from modern criticism of the Bible, took it as an accurate historical description and translated it into concepts familiar to his readers. He presented Moses as a political “lawgiver”, who could thus stand beside the lawgivers of the Greeks. As the world’s first lawgiver, he could even be thought of as their predecessor. As was always the case in Antiquity, this view of history was not only intended to make sense of early history, but also of the present. With the concept of theocracy, Josephus was hence attempting to capture the specific quality of Judaism and to make it intelligible in the context of the Roman world.

Josephus’ Mosaic concept, as it were, differed significantly from the way in which another Jewish group understood the kingdom of God (ἡ βασιλεία τοῦ θεοῦ): Following the tradition of prophetic eschatology, which was at least as

¹ Flavius Josephus, *Contra Apionem*, II 164–65, trans. Henry St. J. Thackeray, Loeb Classical Library 186 (Cambridge, MA: Harvard University Press, 1926), 359. [οὐκοῦν ἄπειροι μὲν αἱ κατὰ μέρος τῶν ἔθῶν καὶ τῶν νόμων παρὰ τοῖς ἅπασιν ἀνθρώποις διαφοραὶ. κεφαλαιωδῶς ἂν ἐπινοήσῃ τις· οἱ μὲν γὰρ μοναρχίαις, οἱ δὲ ταῖς ὀλίγων δυναστείαις, ἄλλοι δὲ τοῖς πλήθεσιν ἐπέτρεψαν τὴν ἐξουσίαν τῶν πολιτευμάτων. ὁ δ’ ἡμέτερος νομοθέτης εἰς μὲν τούτων οὐδοτιοῦν ἀπέειπεν, ὡς δ’ ἂν τις εἴποι βιασάμενος τὸν λόγον, θεοκρατίαν ἀπέδειξε τὸ πολίτευμα θεῶ τὴν ἀρχὴν καὶ τὸ κράτος ἀναθεῖς.]

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important in Judaism at this time as the temple cult administered by the priests, Jesus of Nazareth and his teacher John the Baptist had awaited the impending arrival of the kingdom of God. Even though he was executed as a false Messiah, as “King of the Jews” (Matt 27:37 par.), Jesus had rejected an institutional setting for this idea, at least regarding its political implementation in the here and now. His disciples later purported that he had said:

My kingdom is not from this world. (John 18:36)²

While other branches of Judaism wore themselves out by rebelling against the Romans, the Christians awaited the parousia. And once Christianity was made one of the pillars of the Roman Empire by the Emperors in the 4th century, ultimately becoming its official religion, the concept of theocracy lost its political meaning altogether. The tensions between *Regnum* and *Sacerdotium* that dominated the Middle Ages were to never make use of the term.

This changed after the end of the Middle Ages, when various radical strands of the Reformation called the coexistence of *Regnum* and *Sacerdotium* into question and declared their – usually quite local – area the “Kingdom of God”. It goes without saying that all these attempts failed very quickly when they could not retreat to a secluded space of their own, as in some parts of the New World.

The term “theocracy” began to play a more significant role only with Spinoza’s *Tractatus theologico politicus* of 1670.³ It is surely no coincidence that a Jewish philosopher, whose work was in large parts devoted to historical criticism of the Bible, would be the one to revive it, especially since he derived fundamental consequences for the politics of his day from his study of the Bible. Once again, theocracy is to Spinoza not one constitutional form among many, but the constitution of Mosaic Judaism and is emblematic of the central role of Moses, especially in the Sinai Pericope:

They took the advice of Moses, in whom they all had the greatest confidence, and decided to transfer their right to no mortal man, but to God alone; and without long delay they all promised equally, with one voice, to obey all God’s commands implicitly, and to recognize as law only what he should declare to be such by prophetic revelation.⁴

² ἡ βασιλεία ἡ ἐμὴ οὐκ ἔστιν ἐκ τοῦ κόσμου τούτου.

³ See Jacob Taubes, ed., *Religionstheorie und politische Theologie*, vol. 3, *Theokratie* (München: Fink, 1987), 5.

⁴ Benedict de Spinoza, *The Political Works: The Tractatus Theologico-Politicus in Part and the Tractatus Politicus in Full*, ed. and trans. Archibald G. Wernham (Oxford: Clarendon Press, 1958), 157. [Ex consilio Mosis, cui omnes maximam fidem habebant, suum jus in neminem mortali-um, sed tantum in Deum transferre deliberaverunt: nec diu cunctati omnes aequo clamore

The result was that religion and politics became one and the same.

The sovereignty of the Jews, then, was held by God alone; and it was the covenant alone which justified them in calling their state God's kingdom and God their king, and hence in calling the enemies of their state the enemies of God, citizens who aimed at usurping the sovereignty traitors to God, and, finally, their civil laws the laws and commandments of God. Thus in this state civil law and religion, which, as I have shown, lies wholly in obedience to God, were one and the same thing; [...] In short, there was no distinction at all between civil law and religion. This was why their state could be called a theocracy – because its citizens were only bound by laws revealed by God.⁵

In practice, however, abandoning legal bonds in favour of the spontaneously uttered will of God could hardly work. Spinoza is quick to point out this tension between religious theory and political practice:

Yet all this was based on belief rather than fact; for in fact the Jews retained their sovereignty completely, as will be clear from the manner and method in which their state was governed.⁶

Strictly speaking, the theocracy presupposes that every individual is directly beholden only to God. The Israelites, however, relinquished this right already at the Sinai. In arguing this, Spinoza points to Exod 20:18–20: “When all the people witnessed the thunder and lightning, the sound of the trumpet, and the mountain smoking, they were afraid and trembled and stood at a distance, and said to Moses, You speak to us, and we will listen; but do not let God speak to us, or we will die.” This is repeated on occasion of the revelation of the Decalogue in Deut 5, where the original reading in V. 4: “Yahweh spoke with you face to face at the mountain, out of the fire,” was later supplemented by V. 5: “At that time I was standing between Yahweh and you, to declare to you the words of Yahweh; for you were afraid because of the fire and did not go up the mountain.” Again

promiserunt Deo ad omnia ejus mandata absolute obtemperare, nec aliud jus agnoscere nisi quod ipse revelatione prophetica ut jus statueret.]

5 Spinoza, *Political Works*, 159. [Imperium ergo Hebraeorum Deus solus tenuit, quodque adeo solum ex vi pacti Regnum Dei jure vocabatur, et Deus jure etiam Rex Hebraeorum: et consequenter hujus imperii hostes hostes Dei, et cives qui id usurpare vellent rei laesae divinae majestatis, et jura denique imperii jura et mandata Dei. Quare in hoc imperio jus civile et religio, quae, ut ostendimus, in sola obedientia erga Deum constitit, unum et idem erant: [...] et absolute jus civile et religio nullo prorsus discrimine habebantur. Et hac de causa hoc imperium theocratia vocari potuit, quandoquidem ejus cives nullo jure nisi a Deo revelato tenebantur.]

6 Spinoza, *Political Works*, 159. [Verumenimvero haec omnia opinione magis quam re constabant; nam Hebraei revera jus imperii absolute retinuerunt, ut ex jam dicendis constabit, nempe ex modo et ratione qua hoc imperium administrabatur.]

in Deut 5:22–27 the Israelites transfer their right to unmediated contact with their deity onto Moses: “Go near, you yourself, and hear all that Yahweh our God will say. Then tell us everything that Yahweh our God tells you, and we will listen and do it” (V. 27). Spinoza summarizes:

By these words they obviously abolished the original covenant, transferring their right to consult God and to interpret his decrees to Moses without reserve.⁷

Relinquishing their sovereignty in this way could have led directly into a dictatorship:

For as soon as the Jews transferred their right to consult God to Moses, and promised unreservedly to regard him as the divine mouthpiece, they lost all their right completely, and had to accept any successor chosen by Moses as chosen by God.⁸

This did not happen, however, since Moses chose not to designate a successor.

Moses, however, appointed no such successor, but left the state to be so administered after his death that it could be called neither a democracy, nor an aristocracy, nor a monarchy, but only a theocracy: for while one man had the right to interpret the laws and to publish God’s responses, another had the right and power to administer the state in accordance with the laws already expounded and the responses already made known.⁹

Instead, these powers were separated (“separation of powers”) and the power to give laws parted from the task of interpreting and wielding the law, as Spinoza concluded from the different office of Joshua besides the priest Eleazar according to Num 27:21.

While theocracy had thus re-entered the discourse, it was met with suspicion in 18th century enlightenment circles. Voltaire, in the 9th section *De la theocratie* of his *Essai sur les moeurs et l’esprit des nations* (1756)¹⁰ no longer considers it a specific

7 Spinoza, *Political Works*, 161. [His clare primum pactum aboleverunt, suumque jus Deum consulendi ejusque edicta interpretandi in Mosen absolute transtulerunt.]

8 Spinoza, *Political Works*, 161. [Nam simul ac jus suum Deum consulendi in Mosen transtulerunt, et absolute promiserunt ipsum loco divini oraculi habere, omne jus plane amiserunt, et quem Moses successorem eligeret tanquam a Deo electum admittere debebant.]

9 Spinoza, *Political Works*, 163. [At Moses nullum talem successorem elegit, sed imperium ita administrandum successoribus reliquit ut nec populare, nec aristocraticum, nec monarchicum, sed theocraticum vocari potuerit. Nam jus leges interpretandi et Dei responsa communicandi penes unum, et jus et potestas imperium administrandi secundum leges jam explicatas et jam communicata responsa penes alium erat.]

10 *An essay on universal history: the manners, and spirit of nations, from the reign of Charlemain to the age of Lewis XIV.* Written in French by M. de Voltaire. Translated into English, with additional notes and chronological tables, by Mr. Nugent, 2nd ed. (London: J. Nourse, 1759).

feature of Israel. Theocracy had now become a universal historical concept. “Seemingly most of the ancient nations had been ruled by some sort of theocracy.”¹¹

It seems quite impossible to assume a form of government other than the theocracy for the first, somewhat stronger peoples; for as soon as a nation chooses a tutelary deity, this deity has its priests. The priests dominate the spirit of the nation; they can rule only in the name of their god; so they let him speak all the time; they propagate his oracles, and it is by express order of the god that everything is done.¹²

Understood as the rule of priests, theocracy was a political evil to Voltaire, a dictatorship that facilitated despotism and injustice. Although Voltaire assumed that theocracy had stood at the beginning of political rule all over the world, he argued that progress could be achieved only by overcoming it. Even today, theocracy retains much of this negative reputation.

2 Julius Wellhausen on Theocracy

In Old Testament Studies, it has been Julius Wellhausen who made theocracy a key concept in explaining the transition of Israel and Judah to Judaism. His argument built on a new dating of the Priestly Source and the insights it afforded into the textual historical sequence of the law codes found in the Pentateuch. The last chapter of his *Prolegomena to the History of Ancient Israel* (orig. 1876) is headed: “Theocracy as Idea and as Institution”. In it, the term “theocracy” serves as a key to understanding the genesis and specific quality of Judaism. The heading alone shows that Wellhausen perceived, with greater acuity than all his predecessors, the gap between idea and political reality that the term “theocracy” contains.

In ancient Israel the theocracy never existed in fact as a form of constitution. The rule of Jehovah is here an ideal representation; only after the exile was it attempted to realise it in the shape of a Rule of the Holy with outward means.¹³

11 Voltaire, *Essay*, 39. [Il semble que la plupart des anciennes nations aient été gouvernées par une espèce de théocratie.]

12 Il ne paraît pas même possible que dans les premières peuplades un peu fortes, on ait eu d'autre gouvernement que la théocratie; car dès qu'une nation a choisi un dieu tutélaire, ce dieu a des prêtres. Ces prêtres dominent sur l'esprit de la nation; ils ne peuvent dominer qu'au nom de leur dieu; ils le font donc toujours parler; ils débitent ses oracles, & c'est par un ordre exprès de dieu que tout s'exécute.

13 Julius Wellhausen, *Prolegomena to the History of Israel*, trans. J. S. Black and A. Menzies (Edinburgh: Black, 1885), 411.

In his view, there was initially no opposition between monarchy and theocracy. Monarchy was the political reality and theocracy the idea it hinged on.

The kingship of Jehovah, in that precise sense which we associate with it, is the religious expression of the fact of the foundation of the kingdom by Saul and David. The theocracy was the state itself.¹⁴

Wellhausen linked this idea to prophecy and understood it as the norm the prophets expected the kings of Judah to fulfil.

The theocracy as the prophets represent it to themselves is not a thing essentially different from the political community, as a spiritual differs from a secular power; rather, it rests on the same foundations and is in fact the ideal of the state. Isaiah gave this ideal its classical form in those pictures of the future which we are accustomed to call Messianic prophecies. These passages are not predictions of this or that occurrence, but announcements of the aims which, it is true, the prophet only expects the future to realise, but which are of force or ought to be of force in the present, and towards which the community, if true to its own nature, must strive.¹⁵

This contrasted most sharply with the state of affairs during the Second Temple period, in which the state had been lost and religion divorced itself from the state and began to take on a life of its own.

The Mosaic theocracy, the residuum of a ruined state, is itself not a state at all, but an unpolitical artificial product created in spite of unfavourable circumstances by the impulse of an ever-memorable energy: and foreign rule is its necessary counterpart. In its nature it is intimately allied to the old Catholic church, which was in fact its child.¹⁶

In conclusion, one might say that theocracy in an actual sense does not exist, at least as a political entity. Either theocracy is the ideal of monarchy and its corrective or it becomes a self-sufficient, religious institution and is thus a hierocracy (“Anstalt”).

As his Arabist works show, Wellhausen did not consider this development in any way unique, but in fact saw it as typical. In *Das arabische Reich und sein Sturz* (1902) the term “theocracy” makes a prominent return.

One can define theocracy as a society headed not by the king and the authority he claims or has inherited, but by the prophet and the law of God.¹⁷

¹⁴ Wellhausen, *Prolegomena*, 414.

¹⁵ Wellhausen, *Prolegomena*, 414–15.

¹⁶ Wellhausen, *Prolegomena*, 422.

¹⁷ Julius Wellhausen, *Das arabische Reich und sein Sturz*, 2nd ed. (Berlin: Walter de Gruyter, 1960), 5–6 (my translation). [Man kann die Theokratie definieren als das Gemeinwesen, an dessen

Under those conditions the crucial moment came up with Mohammed's death. Now Mohammed's leadership passes to his Meccan followers and companions.

Their spiritual leader was Umar b. Chattâb, a man one can consider the founder of the second theocracy, the theocracy without a prophet.

Umar and his predecessor Abubakr

could legitimate their originally illegitimate rule only ex post, by ruling in accordance with the idea of theocracy. Since Allah no longer ruled through his living representative, they let him rule by taking his word, the Quran, and the example set by his messenger, the Sunna, as their guide. They aimed only to be considered interim representatives of the sole, legitimate ruler of the theocracy, the prophet. They expressed this through the official title they gave themselves, Chalif, meaning vicar.¹⁸

What does this history of research entail for biblical studies today, or to put it differently: to what extent can the current state of our discipline confirm or correct the ideas previously put forward?

3 The Kingdom of God in Ancient Israel and Judah

The notion of a kingdom of God was widespread in the ancient world. There is little to confirm that monarchy and theocracy were alternatives, as Josephus understood them, or that there existed an evolutionary sequence from theocracy to monarchy, as argued by Voltaire. Monarchy conceived of itself as theocracy. Wellhausen had already observed this, even though it is now generally agreed that he misinterpreted the role of prophecy as a critical corrective. The theocratic idea was fundamental to the legitimacy of kings. At least nominally, it further

Spitze nicht der König und die angemaasste oder ererbte Gewalt steht, sondern der Prophet und das Recht Gottes.]

18 Wellhausen, *Das arabische Reich*, 22–23 (my translation). [Ihr geistiges Haupt war Umar b. Chattâb, ein Mann den man als den Gründer der zweiten Theokratie ansehen kann, der Theokratie ohne Propheten. [...] Sie konnten nur hinterdrein ihre im Ursprunge illegitime Herrschaft legitimiren, indem sie sie nach der Idee der Theokratie führten. Da Allah nicht mehr durch seinen lebendigen Bevollmächtigten regierte, so liessen sie ihn dadurch regieren, dass sie sein Wort, den Koran, und das Beispiel seines Boten, die Sunna, zur Richtschnur nahmen. Sie wollten nur als interimistische Vertreter des allein berechtigten Herrschers der Theokratie gelten, des Propheten. Das drückten sie durch den Amtsnamen aus, den sie sich beilegen, Chalif d. h. Vikar.]

limited the king's power and subjected it to the norm of "justice as world order".¹⁹ The king was the mandatary of the gods.

This relationship was expressed by the kingship ritual that was performed not only upon a king's first accession to the throne, but annually at the beginning of the year.²⁰ The texts that were recited on this occasion have been preserved in quite significant number in the Psalter and the prophetic books. One example of the close relationship between king and God is the poem that provided the basis for Psalm 72:

'Yahweh' give the king your justice,
and your righteousness to the son of the king! [...]
'May he live' while the sun endures,
and as long as the moon throughout all generations. [...]
In his days 'righteousness' flourish,
and peace abound, till the moon be no more. [...]
May his name endure forever,
his fame continue as long as the sun! (V. 1.5.7.17a*)²¹

The justice the king is to exercise is granted him by God, both as norm and as ability to implement the norm. This is the reason God is asked to grant "justice and righteousness" (*mišpāṭ ūš'ē dāqāh*). The kingdom of the human king is derivative of the Kingdom of God. The wish uttered on behalf of the king pertains mainly to his long life. The king's long life was a boon because every change on the throne threatened to bring incalculable political disarray.

Quite similar to Psalm 72 is the homage to the king in Psalm 21:

Yahweh: in thy strength the king rejoices,
and in your help how greatly he exults!
You have given him his heart's desire,
and you have not withheld the request of his lips.

¹⁹ See Hans Heinrich Schmid, *Gerechtigkeit als Weltordnung: Hintergrund und Geschichte des alttestamentlichen Gerechtigkeitsbegriffes*, BHT 40 (Tübingen: Mohr Siebeck, 1968).

²⁰ See already Sigmund Mowinckel, *Psalmenstudien. II. Das Thronbesteigungsfest Jahwäs und der Ursprung der Eschatologie* (Kristiania: Dybwad, 1922); more recently Christoph Levin, "Das Königsritual in Israel und Juda," in *Herrschaftslegitimation in vorderorientalischen Reichen der Eisenzeit*, ORA 21, ed. Christoph Levin and Reinhard Müller (Tübingen: Mohr Siebeck, 2017): 231–260.

²¹ See Martin Arneth, "Psalm 72 in seinen altorientalischen Kontexten," in *"Mein Sohn bist du" (Ps 2,7): Studien zu den Königspsalmen*, SBS 192, ed. Eckart Otto and Erich Zenger (Stuttgart: Katholisches Bibelwerk, 2002): 135–72; Uwe Becker, "Psalm 72 und der Alte Orient: Grenzen und Chancen eines Vergleichs," in *Mensch und König: Studien zur Anthropologie des Alten Testaments*, HBS 53, ed. Angelika Berlejung and Raik Heckl (Freiburg i.B.: Herder, 2008): 123–40; Levin, "Königsritual," 248–49.

For you meet him with rich blessings;
 you set a crown of fine gold on his head.
 He asked you for life; you gave it to him,
 length of days for ever and ever.
 His glory is great through your help;
 splendour and majesty you bestow on him.
 You bestow on him blessings forever;
 you make him glad with the joy of your presence. (V. 2–7)²²

Under these circumstances, an immediate link was forged between the rule of the king and the rule of his god. An example of this can be found in the Assyrian ritual:

Assur is king – indeed Assur is king!
 Assurbanipal is the [representative] of Assur, the creation of his hands!
 May the great gods make his reign firmly established!
 May they guard the life of Assurbanipal, king of Assyria!²³

It seems very likely that the annual celebration of the king's ascension was also a celebration of his god's ascension to the throne.

One of the earliest and most instructive hymns on that occasion is Psalm 97:

Yahweh has become king!
 Let the earth rejoice; let the many coastlands be glad!
 Clouds and thick darkness are round about him.
 Righteousness and justice are the foundation of his throne.
 Fire goes before him and burns up his adversaries round about.
 His lightnings lighten the world; the earth sees and trembles.
 The mountains melt like wax [...] before the lord of all the earth.
 The heavens proclaim his righteousness. [...]
 All gods bow down before him. (V. 1–4.5a*.b–6a.7b)²⁴

²² See Hermann Spieckermann, *Heilsgegenwart: Eine Theologie der Psalmen*, FRLANT 148 (Göttingen: Vandenhoeck & Ruprecht, 1989), 208–19; Levin, “Königsritual,” 250.

²³ Most recent collation: Manfred Dietrich: “Das Ritual für die Krönung des Assurbanipal (VAT 13831),” in *Textarbeit: Studien zu Texten und ihrer Rezeption aus dem Alten Testament und der Umwelt Israels*, AOAT 294, ed. Klaus Kiesow and Thomas Meurer (Münster: Ugarit-Verlag, 2003): 127–56, at 131. English translation: Alasdair Livingstone in *The Context of Scripture*, vol. I, *Canonical Compositions from the Biblical World*, ed. William W. Hallo and K. Lawson Younger, Jr. (Leiden: Brill, 1997), 473.

²⁴ See Christoph Levin, “Das Gebetbuch der Gerechten: Literargeschichtliche Beobachtungen am Psalter,” *ZTK* 90 (1993): 355–81, at 364–66; Reinhard Müller, *Jahwe als Wettergott: Studien zur althebräischen Kultlyrik anhand ausgewählter Psalmen*, BZAW 387 (Berlin: Walter de Gruyter, 2008), 86–102.

The Psalm begins with the fanfare *Yhwh mālāk* “Yahweh has become king!” The cry is a variant of the formula with which the human king was proclaimed on his accession. The proclamation *Yhwh mālāk* puts the stress on the subject. It means: “Yahweh is the one who has become king!” That is a reflection of the myth: the kingship of Yahweh rests on his victory in the struggle of the gods. We find a similar proclamation in the Ugaritic Baal-Anat myth, following Baal’s victory over Yamm: *yammu lū māta ba’luma yamluk*, “Yamm is indeed dead! Baal shall be king!”²⁵ The homage at what was originally the end of the psalm means acknowledgment by the defeated rivals: “All gods bow down before him.”²⁶

At the beginning of the year in autumn the theophany was performed in the cult. Riding on clouds like the Baal, Yahweh appeared in thunderstorms, defeated the sea god, and demonstrated, in the return of the vegetation cycle, his awoken blessing power. In cultic practice the theophany resulted in the ascent to the throne: “Yahweh has become king!”²⁷ With god’s ascent to the throne, the king celebrated his own power. He presented himself as “servant of Yahweh”, who was committed by the deity, to preserve the world order in his realm.

The relationship of the king to the dynastic god is thought in terms of vassal-ty. We can suspect, that the appointment formula: “I will be your Lord, and you shall be my servant,” was widely disseminated. It is also occasionally placed in the mouth of Yahweh as an adoption formula for the King: “I will be your father, and you shall be my son.” (2 Sam 7:14).²⁸

4 The People took over the Duties of the King

The big shift came about after the conquest of Jerusalem, when the monarchy was destroyed by the Babylonians. The first and most urgent need after the conquest was to get back the former living conditions. One experienced the lack of public security as the biggest loss. Therefore the Davidic dynasty had to be reestablished as soon as possible. And because the living conditions were understood as dependent on the

²⁵ KTU (= CAT) 1.2 IV 32, see *The Cuneiform Alphabetic Texts from Ugarit, Ras Ibn Hani and Other Places*, 2nd edition, ed. Manfred Dietrich, Oswald Loretz and Joaquín Sanmartín (Münster: Ugarit-Verlag, 1995), 10; English translation: *Canaanite Myths and Legends*, ed. John C. L. Gibson (Edinburgh: T. & T. Clark, 1978), 45.

²⁶ See also Christoph Levin, “Old Testament Religion: Conflict and Peace,” in idem, *Re-Reading the Scriptures*, FAT 87 (Tübingen: Mohr Siebeck, 2013): 165–81, at 168–73: “Yahweh, the Victorious King.”

²⁷ See Müller, *Jahwe als Wettergott*, 79–85.

²⁸ See Levin, “Das Königsritual,” 244–46.

regular worship of the deity, who was watching over the welfare of the land, the king should resume the official Yahweh-cult and build up the temple again.

This hope is best witnessed by the so called Deuteronomistic History, i.e. the first editorial level of the books of Joshua through Kings. It propagates the restoration of the Davidic dynasty and to concentrate the worship of the god Yahweh to the temple in Jerusalem.²⁹ The hope, however, deceived, at least in part. When the Persians entered the stage of the political world in the west, they established a system of satrapies that formed an effective administration, which did not allow the provinces more than limited sovereignty. Henceforth the Yahweh religion would have to manage without the mediatory role, which the king took on in the relationship with God. The Persians only allowed the rebuilding of the temple that took place at some time which we do not know.

After the temple had been rebuild or at least repaired, the performance of the cult was to be reorganized, no means that the king was still lacking. The traces of this efforts can be found in the book called Deutero-Isaiah. Within Isa 40–48 two genres are prominent: the disputation speech and the salvation oracle. The disputation speech is the speech of the defence – “apologia” in theological terms. An appeal is made to the judgment and conviction of the readers/listeners:

Who has measured the waters in the hollow of his hand,
and marked off the heavens with a span, [...]
and weighed the mountains in scales
and the hills in a balance? [...]
Behold, the nations are like a drop from a bucket,
and are accounted as the dust on the scales. [...]
Have you not known? Have you not heard?
Has it not been told you from the beginning? [...]
I am Yahweh, the first,
and with the last: I am He. (Isa 40:12a,b.15a,21a; 41:4b)

The statements are put in the form of questions: “Have you not known?” An appeal is made to already existing knowledge (“told you from the beginning”), knowledge in which experience of nature and history coincides with the traditional creed. The appeal to this knowledge is supposed to overcome the doubt; for despair and profound distress say that God takes no note of his people’s fate. The doubt seems to apply to Yahweh’s ability to act, however, rather than to his will. Hence the appeal “Have you not known? Have you not heard?” and the reminder

²⁹ The new insight into the intention of the Deuteronomistic History goes back to Timo Veijola, *Das Königtum in der Beurteilung der deuteronomistischen Historiographie: Eine redaktions-geschichtliche Untersuchung*, AASF B 198 (Helsinki: Suomalainen Tiedeakatemia, 1977).

that Yahweh has created the ends of the earth. The answer towards which everything tends is the triumphant self-revelation: “I, Yahweh, am the first, and with the last I am He.” The person of the Supreme God to whom the creation of heaven and earth is attributed, reveals himself as “Yahweh”: “I am Yahweh and there is no other” (Isa 45:18). This we may call the re-establishment of theocracy, now not anymore in the restricted area of the former Judean monarchy, but in a world-wide perspective, and with some tendency towards monotheism even.

Together with Yahweh’s role, in Deutero-Isaiah the role of his people changes too. God’s emphatic “I” addresses a “You”:

But you, Israel, my servant, Jacob, whom I have chosen: [...]
 Fear not, for I am with you; be not dismayed, for I am your God. [...]
 Behold, all who are incensed against you shall be put to shame and confounded;
 those who strive against you shall be as nothing and shall perish. [...]
 For I, Yahweh your God, hold your right hand;
 it is I who say to you, “Fear not, I will help you.” (Isa 41:8a.10a.11.13)

The genre pattern in which this assurance is framed is the *salvation oracle*, in the cult proclaimed to the individual petitioner and especially to the king. But here it is the people as a whole who are addressed. The longing for the restoration of the Davidic kingdom is met by the curious solution that the function of Yahweh’s *royal servant* is transferred from the individual king to God’s people.³⁰ This mental leap was made possible in that Israel is now addressed as an individual, the people of God being identified with its forefather Jacob.

Just as the king was set over the people by Yahweh, it is now Israel who becomes the vassal of the universal Supreme God, acting on his behalf towards the world of the nations:

Behold my servant, whom I uphold,
 my chosen, in whom my soul delights. [...]
 He will bring forth justice to the nations, [...]
 and the coastlands wait for his law. (Isa 42:1a.bβ.4b)

Just as the king rules and pacifies the country by exercising justice and giving instructions, thus fulfilling the commission given to him by the deity, in the same way Israel will now carry Yahweh’s law to the ends of the earth and, commissioned by him, will rule and pacify the whole world of the nations.

30 See (among others) Otto Kaiser, *Der königliche Knecht: Eine traditions-geschichtlich-exegetische Studie über die Ebed-Jahwe-Lieder bei Deuterojesaja*, FRLANT 70 (Göttingen: Vandenhoeck & Ruprecht, 1959).

It was only after the end of the monarchy, that the people themselves could become the immediate counterpart to the divine. Henceforth, the commitment to loyalty applied to everyone. The “you” that formerly addressed the king as the guarantor of divine world-order, shifted to the Judeans and in the later times to each individual.

5 Israel became the Immediate Vassal to its God

The turn is tangible in the double meaning of the book of Deuteronomy. In its original shape that was conceived in the seventh century the law propagated only the unity of the place of worship and the unity of the god Yahweh. However, in its current form it reads as the normative basis for Israel’s relationship to God. It became subject to a loyalty oath.³¹

We know this genre from the Assyrian vassal treaties. A closer parallel is the oath, by which the servants of the king would be bound to loyalty to the newly enthroned king, so as to guarantee the continuity of rulership. For this we have examples from Royal Hittite Instructions³² as well as from Syria, e.g. the inscriptions of Bar-Ga’yah and Mati’el found at Sefire,³³ and the Hadad inscription of Panamuwa found near Zenjirli.³⁴ The *Shema* ‘ “Hear, o Israel”, as the former introduction of Deuteronomy, was eventually enlarged in order to claim loyalty towards Yahweh: “You shall love Yahweh your God with all your heart, and with all your soul, and with all your might” (Deut 6:5).³⁵

31 See Timo Veijola, “Bundestheologische Redaktion im Deuteronomium,” in idem, *Moses Erben*, BWANT 149 (Stuttgart: Kohlhammer, 2000): 153–75; Udo Rüterswörden, “Dtn 13 in der neueren Deuteronomiumforschung,” in *Congress Volume Basel 2001*, VTSup 92, ed. André Lemaire (Leiden: Brill, 2002): 185–203.

32 See Jared L. Miller, *Royal Hittite Instructions and Related Administrative Texts*, SBLWAW 31 (Atlanta: Society of Biblical Literature, 2013).

33 Edition: Herbert Donner and Wolfgang Röllig, *Kanaanäische und Aramäische Inschriften*, vol. 1–2 (Wiesbaden: Harrassowitz, 1971 and 1973), No. 222–224; English translation: Joseph A. Fitzmyer in *The Context of Scripture*, vol. 2, *Monumental Inscriptions from the Biblical World*, ed. William W. Hallo and K. Lawson Younger, Jr. (Leiden: Brill, 2000): 213–17.

34 Most recent edition: Josef Tropper, *Die Inschriften von Zincirli: neue Edition und vergleichende Grammatik des phönizischen, sam’alischen und aramäischen Textkorpus* (Münster: Ugarit-Verlag, 1993), 54–97; English translation: K. Lawson Younger, Jr. in *The Context of Scripture*, vol. 2, 156–58.

35 See Timo Veijola, “Das Bekenntnis Israels: Beobachtungen zu Geschichte und Aussage von Dtn 6,4–9,” in idem, *Moses Erben*, 76–93, at 80–81.

To the corpus of the Deuteronomic law, a treaty scene was added. Its subject is the relationship between Israel and Yahweh as immediate counterparts:

You have let Yahweh declare this day that he will be your God, and to walk in his ways, and to keep his statutes and his commandments and his ordinances, and to obey his voice; and Yahweh has let you declare this day that you shall be his people of his possession, as he has promised you, and that you are to keep all his commandments. (Deut 26:17–18)

The scene is clearly secondary when compared to the older parts of Deuteronomy, because the reciprocal declaration was inserted in the form of a soliloquy of Moses.³⁶ Therefore the Hebrew became fairly difficult. The use of the verb *'mr hiphil* “to let say” is unique. The relationship of both partners is not balanced: on Yahweh’s side the divine choice dominates, on Israel’s side the commitment to loyalty and obedience is underlined. However, this is in accordance with the huge difference in authority and power between God and the human. In fact, the covenant between Israel and Yahweh should have occurred only through a unilateral declaration of Yahweh. The application to the religious matter changes the given genre of the vassal treaty.

The commitment scene also adapts the genre of Deuteronomy. The law, as it is transmitted, becomes the subject of a loyalty oath.³⁷ Therefore, Deuteronomy now like a treaty closes with a conditioned blessing, and moreover with a long curse (Deut 28:1a,2a,3–6,15–19). The law gains a specific religious meaning, which it until now had not possessed. The obedience to the law becomes the expression of the relationship with God.

It has been proposed that the covenant scene be taken out of the context of the Deuteronomic speech of Moses and understood as a reflection of an actual historical event.³⁸ Such proposals imply that the relationship between God and Israel existed so-to-say on a treaty basis. This is unlikely, religio-historically speaking. None of the many covenant scenes related in the Old Testament can reflect real history. The notion of the covenant with God, seen historically, can only be a theological concept that serves to conceive the relationship to god and to give to it the fundamental position for which it can claim.

³⁶ See Christoph Levin, *Die Verheißung des neuen Bundes in ihrem theologiegeschichtlichen Zusammenhang*, FRLANT 137 (Göttingen: Vandenhoeck & Ruprecht, 1985), 101–05.

³⁷ See, e.g., Eckart Otto, “Treueid und Gesetz: Die Ursprünge des Deuteronomiums im Horizont neuassyrischen Vertragsrechts,” *ZAR* 2 (1996): 1–52.

³⁸ See, e.g., Rudolf Smend, “The Covenant Formula” (1963), in *“The Unconquered Land” and Other Old Testament Essays: Selected Studies of Rudolf Smend*, ed. Edward Ball and Margaret Barker (Farnham: Ashgate, 2013): 41–71, at 47–48, who tentatively proposes a covenant under king Josiah according to 2Kgs 23:3.

This brings up a further key scene: the covenant closed under Joshua in Shechem (Josh 24). Lothar Perlitt has made evident the fictional character of the story.³⁹ Again it does not relate a real historical event. Rather it concerns Israel's fundamental consciousness of its relationship to its God. The scene is transferred at the end of the conquest of the land, but has as a goal the shaping of this relationship in the present postexilic time.⁴⁰ In theological terms, the scene goes ahead of the covenant closing scene in Deut 26:17–18.

In Shechem, the Israelites select Yahweh as their God by free choice. No doubt, such a presentation cannot mirror the religio-historical reality. Religion history does not work like that. In history Israel could not have had the free choice, and theologically it should not have that choice.

In Josh 24 therefore the election is performed as a non-non-election. This cannot be called “election” (hebr. *bḥr*), but it is. Israel commits itself *not to leave* Yahweh, so as to serve other gods: “Far be it from us that we should forsake Yahweh, to serve other gods. [...] We will serve *Yahweh*, for he *is our god*” (Josh 24:16,18). Using these words, the people quotes and transmits the creed in the form of the *Shema*: “Yahweh is our god!” Obviously the strange procedure of a non-non-election was not to be avoided. What was the reason?

The tension arises from the use of a paradigm created for a different occasion. The election of a god is based upon the model of *the election of the king*. This shows itself in the details. The convening of the representatives of the people follows the same procedure as on occasion of the election of Saul as king in 1 Sam 10. The order in which the representatives put themselves has its precise meaning for the election procedure in 1 Sam 10, whereas in Josh 24 it is rather strange. The setting is transferred to Shechem, because there the kings Abimelech and Jeroboam I. were made kings. After the decision of the people, Joshua mediates a covenant (*b^erît*), in which the paradigm of the treaty with the king can be recognized.⁴¹

6 The Divine Kingship in New Form

Here again we recognize that the Second Temple community overcame the desire of the restitution of the monarchy with the notion that Yahweh himself was the

³⁹ Lothar Perlitt, *Bundestheologie im Alten Testament*, WMANT 36 (Neukirchen-Vluyn: Neukirchener Verlag, 1969), 239–84.

⁴⁰ See Reinhard Müller, *Königtum und Gottesherrschaft: Untersuchungen zur alttestamentlichen Monarchiekritik*, FAT II 3 (Tübingen: Mohr Siebeck, 2004), 214–36.

⁴¹ See also Levin, “Das Königsritual,” 240–42.

king over Israel. They could build on the widespread concept of divine kingship in the Ancient Near East.⁴² This concept however fundamentally changed its character, becoming the direct relationship of the people with the deity without the royal mediator. This is, what may be called “theocracy.” And from now on, to introduce the institution of the monarchy was understood as being in conflict with the theocracy.⁴³ It counted as a sin, that awfully confused the relationship of God to his people.

The change, which took place at this time, is well to be observed at the term *ʾəlohîm ʾaḥerîm* “other gods”.⁴⁴ This term cannot originate from religious practice; for idolatry always happens in the worship of individual gods. The cult does never address an anonymous divine collective. Though widespread in the Old Testament, the term “other gods” is only explicable when it arises *a priori* as a contrast: “Not Yahweh, but other gods.” Originally, there are three possibilities for the use: (1) the commitment, as in Josh 24:16: “Far be it from us that we should forsake Yahweh to serve *other gods*;” (2) the polemics: “You go after *other gods* that you have not known” (Jer 7:9); (3) and as a variant of the obligation, the rule: “I am Yahweh your God. You shall have no *other gods* before me” (Exod 20:2–3).

The latter, known most famously as the *First Commandment*, shows in itself the fundamental religio-historical change, which had taken place.⁴⁵ Until then, there was no harm in the worship of other gods. In the frame of national religious practice it was usually self-defeating through its uselessness. But here it is explicitly and strictly prohibited: “I am Yahweh your God, who brought you out of the land of Egypt, out of the house of bondage. You shall have no other gods before me.” Formerly the worship of Yahweh was simply a given fact. Henceforth it became a matter of conscious and personal decision. In this form it now determines large parts of the prophetic tradition, the historical presentations and the Torah.

It is remarkable that the form, which this obligation has got in the First Commandment, again reminds one of the patterns of vassalage. It is the exclusive relationship of the divine lord and his royal servant, that provides the model.⁴⁶ The “you” addressed by the deity originally was the king. The duty impressed on

⁴² See Henri Frankfort, *Kingship and the Gods: A Study of Ancient Near Eastern Religion as the Integration of Society and Nature* (Chicago: University of Chicago Press, 1948).

⁴³ See Veijola, *Das Königtum*, 53–114; Müller, *Königtum und Gottesherrschaft*, esp. 119–96.

⁴⁴ See Levin, *Die Verheißung des neuen Bundes*, 92–95.

⁴⁵ See Christoph Levin, “Die Entstehung der Bundestheologie im Alten Testament,” *Nachrichten der Akademie der Wissenschaften zu Göttingen, I. Philologisch-historische Klasse* 2004 Nr. 4 (Göttingen: Vandenhoeck & Ruprecht, 2004), 89–104, at 99–104; Erik Aurelius, “Der Ursprung des Ersten Gebots,” *ZTK* 100 (2003): 1–21.

⁴⁶ See Reinhard Müller, “Treue zum rettenden Gott: Erwägungen zu Ursprung und Sinn des Ersten Gebots,” *ZTK* 112 (2015): 403–28.

him is the faithful loyalty of the vassal, i.e., to have no other overlord besides the one. From now on this concept was used not for the king's position in the cult, but to shape the relationship of the people of God towards Yahweh. The obligation binds every single member of the congregation. By this transformation religion radically changed its nature.

7 Theocracy as Idea and as Institution

It is obvious, that this form of theocracy is a religious idea again. And again we are confronted with the relation of "idea and institution" as Wellhausen has coined it. In order to become real religious life the idea had to be institutionalized, at least to some degree. There are at least three factors to be named:

- (1) The Law: After Deuteronomy had been transformed to become some kind of vassal treaty, the traditional Ancient Oriental Law in its Judean shape and its inherent ethics became the basis of religious behaviour. Piety was bound on obedience towards the Torah. This was an important advantage that enabled the individual to realize his religious (and – in the case of Judaism – ethnic) identity in daily life's practice. To some degree religion and ethics became one and the same thing.
- (2) By this way religion was practised by the individual and got its appropriate place in the life of the families. The religious tradition was transferred by father-son-relationships, as it is underlined several times in the Torah (Exod 12:26–27; 13:14–16; Deut 6:20–25; see also Ps 78:3–4). The main seasonal festivals like Passover were performed in the family. By the rite of circumcision the incorporation into the congregation of believers became an individual act. All in all, religious practice grew independent from institutions like priests and temples, and religion could be practiced really everywhere in the world.
- (3) Nevertheless, Judaism also continued to practice the former official cult at the temples on mount Garizim and on mount Zion. Deuteronomy already stressed the importance of the central shrine, and this was continued in the Priestly Code and the many post-priestly material in the Pentateuch. The priests acted as representatives of the theocracy. In this respect it is true that "theocracy as a constitution is hierocracy."⁴⁷ One may say that the priests were to replace the king in the performance of the temple worship. It is no surprise that when in the second century the monarchy came into being in Judah again, the priesthood played a decisive role.

⁴⁷ Wellhausen, *Prolegomena*, 421.

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