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Golden Calves, Stone Tablets, and Fundamental Law

Geoffrey P. Miller*

Abstract: This article considers the Golden Calf episode in the Book of Exodus as an amendment to the constitution of Ancient Israel, adopted at or around the time of the Josianic political and cultic reforms of 621 BCE. These reforms represented a fundamental change because the high places played a deeply embedded role in the politics, religion, and culture of the society. Josiah's campaign was, accordingly, an attempt to effect a constitutional revolution in the government of Judah. The golden calf text retrojects into the fundamental legitimating national text -- the story of the giving of the law to Moses on Sinai -- an episode in which Aaron, the representative of the priests of the high places, commits apostasy by building an altar and leading the people in worship of a false idol. The text revises the constitution of Judah by banning the high places and requiring centralization of cultic observances in Jerusalem.

Few episodes in the Book of Exodus are as puzzling as the story of the golden calf. Seen variously as an epitome of the Israelites' tendency towards apostasy,¹ a polemic against Jeroboam's sanctuaries at Bethel and Dan,² a fable on idolatry,³ or a narrative

* Professor of Law, New York University. I would like to thank Amy Adler for sparking my interest in the overall topic, Alan Avery-Peck, Calum Carmichael, Bernie Levinson, Martha Roth, Jack Sasson, Mark Smith, Lori Singer, and Ray Westbrook for generous comments, Rachel Magdalene and William Morrow for organizing the panel at the American Association or Religion/Society for Biblical Literature at which this paper was presented, and participants at workshops at New York University and the American Society for Legal History.

¹ E.g., R.E. Clements, *Exodus* (Cambridge: Cambridge University Press 1972), p. 205; Martin Noth, *Exodus : A Commentary* (Philadelphia: Westminster Press 1962), p. 246-47.

² See Moses Aberbach and Leivy Smolar (1967), "Aaron, Jeroboam, and the Golden Calves," *Journal of Biblical Literature* 86:129-140; Gary N. Knoppers, "Aaron's Calf and Jeroboam's Calves," in A. Beck, A. Bartelt, P. Raabe, and C. Franke, eds., *Fortunate the Eyes that See: Essays in Honor of David Noel Freedman in Celebration of His Seventieth Birthday* (Grand Rapids: William B. Eerdmans 1995), 92-104. For other treatments, see, e.g., N. Gottwald, *The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel 1250-1050 BCE* (Maryknoll, New York: Orbis Books 1979), p. 683; M. Noth, *Exodus*, p. 247.

³ Herbert Chanan Brichto, *Toward a Grammar of Biblical Poetics. Tales of the Prophets* (New York and Oxford: Oxford University Press, 1992).

source for Deuteronomy,⁴ the episode continues to spark vigorous debate. This paper contributes to that debate by emphasizing a political and constitutional role for the golden calf story which has not previously been identified. I argue that the text retrojects into the basic law-giving event on Sinai an episode intended to justify Josiah's program of cultic centralization and suppression of high places. The story's Deuteronomistic authors⁵ coded legal and political concepts in narrative form because they wanted to draw legitimation and support from an authoritative historical source.⁶ The analysis in this paper considers various respects in which elements and actions in the golden calf story can be related to events, conditions, or normative claims about Josiah's program.⁷

⁴ Calum Carmichael, *Law and Narrative in the Bible: The Evidence of the Deuteronomistic Laws and the Decalogue* (Ithaca: Cornell University Press, 1985), 54-65, 88-96, 317-26.

⁵ There are substantial questions as to the authorship and dating of the Deuteronomistic corpus. Many biblical scholars hold, however, that at least a first recension of the Deuteronomistic history was contemporaneous with the reforms of Josiah -- a view associated with the work of Frank M. Cross. See Frank M. Cross, *Canaanite Myth and Hebrew Epic* (Cambridge: Harvard University Press 1973), pp. 278-89. For extended treatment generally favoring Cross's view, see Gerald E. Gerbrant, *Kingship According to the Deuteronomistic History*, SBL Dissertation Series 87 (Atlanta: Scholar's Press 1986).

⁶ The proposition that the golden calf narrative is a product of Deuteronomistic literary activity runs counter to much of the criticism of Exodus 32, which sees it deriving primarily from the J and E sources. However, aside from the weight of prior authority, there is no compelling reason why the golden calf episode must be attributed to J or E. Indeed, the attribution of the episode to J/E may be a stumbling block to interpretation because it rules out the possibility that the text may be part of other traditional complexes.

⁷ The interpretation proposed here can be compared to Calum Carmichael's technique of associating legal and narrative texts. E.g., Carmichael, *Law and Narrative*; Carmichael, *The Laws of Deuteronomy* (Ithaca: Cornell University Press, 1974). The present work is not inconsistent with Carmichael's, but the focus is different. While Carmichael proposes an intertextual linking of law and narrative, the project here associates narrative with external political conditions.

The technique used in this paper can be understood as a form of political allegory, and thus has some points of contact with Joel Rosenberg's *King and Kin: Political Allegory in the Hebrew Bible* (Bloomington: Indiana University Press 1986), which sees the Book of Genesis as an extended meditation on the Davidic court history in II Samuel. However, Rosenberg does not consider the possibility that allegory might be used for the purpose of creating or altering fundamental law, nor does he deal with the golden calf or the Josianic reforms.

I. The Golden Calf Story and the Josianic Reforms

As preparation to drawing linkages between the two stories, it is useful to summarize the golden calf episode in Exodus and the history of Josiah's reforms as set forth in II Kings.

A. The Narrative of the Calf

The setting of the golden calf episode at Exodus 32 is Mt. Sinai, where the people, impatient for Moses' return from the mountain, call for gods to worship.⁸ Aaron instructs them to take off their gold earrings and uses the gold to cast an image of a calf. The people say, "these are your gods, O Israel, who brought you up out of the land of Egypt."⁹ Aaron builds an altar before the calf and proclaims the following day as a festival.¹⁰ The people bring burnt offerings and other sacrifices, and revel before the calf.¹¹

Michael Walzer's *Exodus and Revolution* (New York: Basic Books 1984) is a treatment of the Exodus story from the standpoint of contemporary liberation politics; it presents Exodus as a political narrative but sees it as a discursus on revolution -- a point of view quite distinct from the present paper, which views the golden calf episode as legitimating the power of the central political authority.

Baruch Halpern's *The Constitution of the Monarchy in Ancient Israel* (Chico, Cal.: Scholars Press 1981) treats the the institutions of royal government in Ancient Israel, but does not in detail with the topic of the present paper.

For an example of constitutional interpretation of a text in the Book of Exodus using the technique of identifying elements of the text as symbolic representations of political reality, see Geoffrey Miller (1995), "J as Constitutionalist: A Legal-Economic Interpretation of Exodus 17:8-16 and Related Texts," *Chicago-Kent Law Review* 70:1829-1847.

⁸ The calf story is repeated in Deuteronomy, told from the perspective of Moses himself. Deuteronomy 9:13-22.

⁹ Exodus 32:4.

¹⁰ Exodus 32:5.

¹¹ Exodus 32:6.

Up on the mountain, God tells Moses to return because the people are acting perversely.¹² God vows to destroy the people, but to make Moses a great nation.¹³ Moses intercedes on behalf of the people, however, and God relents.¹⁴ Moses comes down the mountain carrying the two tablets of law in his hands.¹⁵ Joshua, who has apparently joined Moses, hears a sound that he interprets as a noise of war, but Moses concludes that the people are engaged in a revel. When Moses sees the festivities, he becomes angry and breaks the tablets at the foot of the mountain.¹⁶

Moses destroys the calf in fire, grinds it up, scatters it on water, and makes the Israelites drink the mixture.¹⁷ Aaron offers the weak excuse that the people forced him to act, and that the calf came out of the fire by accident.¹⁸ When Moses calls for allies, “all the sons of Levi” gather round him¹⁹ and mount a violent purge, killing brothers, friends and neighbors throughout the camp.²⁰ Moses praises the Levites, announcing that “today you have ordained yourselves for the service of the Lord.”²¹

¹² Exodus 32:7-8.

¹³ Exodus 32:9-10.

¹⁴ Exodus 32:11-14. For an insightful treatment of the legal quality of Moses’s intercession, see Y. Muffs, *Love and Joy: Law, Language and Religion in Ancient Israel* (New York, Harvard University Press 1992), pp. 12-14.

¹⁵ Exodus 32:15.

¹⁶ Exodus 32:19.

¹⁷ Exodus 32:20.

¹⁸ Exodus 32:24.

¹⁹ Exodus 32:26.

²⁰ Exodus 32:27.

²¹ Exodus 32:29.

The next day Moses again intercedes with God for the people. God says that he will punish those who have sinned against him, but apparently puts off the day of reckoning, and in fact promises to send an angel to lead Moses and the people to the promised land.²²

Later, God commands Moses to cut two tablets like the ones that were broken, and promises to “write on the tablets the words that were on the former tablets, which you broke.”²³ Moses returns up the mountain, and God says he will make a new covenant with the people.²⁴ God issues a series of ordinances to the Israelites, which include prohibitions against covenanting with the inhabitants of the promised land, respecting their altars or sacred pillars, participating in their sacrifices, or making cast idols. Moses himself writes these commandments on the tablets.²⁵

B. The Cult Centralization Program of Josiah

Josiah ascended the throne of Judah c. 640 BCE at a time when that nation was poised to reclaim a degree of national sovereignty after many years as an Assyrian vassal.²⁶

²² Exodus 32:30-34.

²³ Exodus 34:1.

²⁴ Exodus 34:10.

²⁵ Exodus 34:28.

²⁶ Our only information on the reform of Josiah comes from the Bible itself, and in particular from texts which were either written or heavily redacted by a later writer or school of writers. The lack of certainty in the sources counsels caution in our treatment of the material, as Lemche and others have emphasized. See, e.g., N.P. Lemche, *Ancient Israel: A New History of Israelite Society* (Sheffield: Sheffield Academic Press 1988), p. 169. However, the historical validity of the account of Josiah’s reforms in the Bible is not crucial to the thesis of this paper: even if the account were written at a much later date, the author may have shaped his narrative with reference to the calf story, in an attempt to validate the legitimacy of Josiah’s actions from the perspective of later times. It is equally possible that the calf story itself was written, or comprehensively revised, during or soon after Josiah’s reign as a form of constitutional

According to the account in Kings, Josiah commenced a major reconstruction project in the temple during his eighteenth regnal year, paid for by the temple treasury.²⁷ Josiah instructed that no accounting be required from the temple contractors.²⁸

Apparently as a result of the temple renovations, the high priest discovered a book of the law in the temple and reported the discovery to Shaphan the chief scribe.²⁹ Shaphan read the book to Josiah, who tore his clothes in the traditional gesture of grief.³⁰ Josiah dispatched a delegation to the prophetess Huldah, who declared the Lord's judgment on the people: "I will indeed bring disaster on this place and on its inhabitants -- all the words of the book that the king of Judah has read. Because they have abandoned me and have made offerings to other gods, so that they have provoked me to anger with all the work of their hands, therefore my wrath will be kindled against this place, and it will not be quenched."³¹ However, Huldah had better news for Josiah: "because your heart was penitent, and you humbled yourself before the Lord, when you heard how I spoke against this place, and against its inhabitants, that they should become a desolation and a curse, and because you have torn your clothes and wept before me . . . you shall be gathered to your grave in

amendment designed to validate the Josianic reforms. I am grateful to Alan Avery-Peck and to Calum Carmichael for calling this point to my attention.

²⁷ II Kings 22:3-7.

²⁸ II Kings 22:8.

²⁹ II Kings 22:8. The law book found in the temple is commonly associated with some of the Book of Deuteronomy. See, e.g., M. Noth, *The History of Israel* (2d ed. New York: Harper and Row 1960), p. 275.

³⁰ II Kings 22:11.

³¹ II Kings 22:17

peace; you shall not see all the disaster that I will bring on this place.”³² Thus, Josiah delayed the judgment but did not prevent its ultimate execution.

Josiah summoned the elders of Judah and Jerusalem to the temple, read to them from the newly discovered book of the law, and made a covenant before God to obey these statutes.³³ All the people pledged themselves to the new covenant.³⁴

Josiah proceeded to implement reforms which fundamentally changed the political and legal order in his territory.³⁵ He instituted a far-reaching repression against the religious practices of his time, especially in the countryside.³⁶ He removed offending cultic objects from the temple and burnt them by the Kidron River, carrying the ashes to Bethel.³⁷ He took the asherah from the temple to the Kidron gorge, burnt it, pounded it into dust and scattered it over a common burial ground.³⁸ He pulled down the offending altars

³² II Kings 22:19-20.

³³ II Kings 23:1-3.

³⁴ II Kings 23:3.

³⁵ For analysis of the impact of the Josianic reforms on civil as well as religious culture, see Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press 1997).

There is no indication that this reform represented any form of social movement that took the interests of disadvantaged persons into account. In this respect Gottwald is surely wrong when he asserts that Josiah “strove to stand somewhat above the sectoral conflict and redress the most vocal grievances of the disadvantaged.” N.K. Gottwald, *The Hebrew Bible in its Social World* (Atlanta: Scholars Press 1993), p. 311.

³⁶ This process had begun earlier, under Hezekiah, but had not been fully implemented at that time.

³⁷ II Kings 23:4.

³⁸ II Kings 23:6.

made by the kings of Judah, pounded them to dust, and threw them into the Kidron.³⁹ He suppressed the priests whom the kings of Judah had appointed to burn sacrifices at the hill-shrines in Judah and Jerusalem, as well as the priests of Baal and the heavenly bodies.⁴⁰ He desecrated hill shrines throughout Judah and “brought in” their priests.⁴¹ He desecrated the hill shrines in Samaria, killed their priests, and dismantled the altar made by Jeroboam at Bethel.⁴² He ordered the people to keep the Passover in Jerusalem “as the book of the covenant prescribed.”⁴³

Josiah’s activities, however, were cut short by the Pharaoh Necho, who killed Josiah in a battle at Megiddo and placed Judah under Egyptian control, effectively ending Josiah’s reform program and setting into motion events that, within a few years, would result in the downfall of the Southern Kingdom and the deportation of its leadership. Meanwhile, Josiah’s assault on the high places appears to have fallen short even before the end of the nation-state; after Josiah’s death, Jeremiah lamented that there were as many altars as towns in Judah.⁴⁴

II. A Political Interpretation of the Golden Calf Episode

We are now in a position to associate the golden calf episode with the reforms of Josiah. The thesis starts from the proposition that the Book of Exodus, which was extant in

³⁹ II Kings 23:12.

⁴⁰ II Kings 23:5.

⁴¹ II Kings 23:8.

⁴² II Kings 23:15.

⁴³ II Kings 23:21-23.

⁴⁴ See J. Wellhausen, *Prolegomena to the History of Ancient Israel* (Gloucester, Mass.: Peter Smith 1973), p. 27.

some form at the time, served, at least in part, as a form of constitution for the monarchy of Ancient Israel. The fundamental law-giving event on Sinai was the theoretical and legal basis for the integrity of the state and the rule of the monarchy. If this constitution was to be amended, it would have to be through alteration, revision, or re-interpretation of the legitimating norms found in Exodus.⁴⁵

A consequence of this normative structure was that to fit within the Exodus format, any project of constitutional legitimation had to be cast as a narrative and retrojected into the history of the Israelite wanderings. Thus, constitutional norms were necessarily coded in symbolic form -- a code that would have been readily accessible to politically important actors in the society of the times, but which was forgotten once Israel had ceased to exist as a political entity in its own right. We seek to recover this code. The success or failure of the project can be judged by the plausibility of the linkages that can be identified between the Exodus narrative and the political situation of Josiah's day.⁴⁶

⁴⁵ The technique of embodying fundamental legal norms in an authoritative text from the past is common to constitutionalism in general. For example, citizens of the United States organize their political affairs under a written document from 1787 -- an authoritative norm from the past whose meaning is constantly being updated and revised to account for changing needs, values, and circumstances. A difference between modern constitutionalism and the ancient constitutionalism found in the Book of Exodus is the lack of an explicit means for amendment in the latter case. The written constitution of Ancient Israel could be amended only by revisions in the authoritative text, which in practice meant alteration by scribes.

⁴⁶ The existence of parallels between the golden calf episode and Josiah's reforms is not inconsistent with the standard account which connects the golden calf with Jeroboam's golden calves at Bethel and Dan. It is generally accepted that the Bible's account of Jeroboam's activities is part of the Deuteronomistic history; as such, this story would most likely have been written either roughly contemporaneously with, or somewhat after, Josiah's reform program. The undeniable connection between Jeroboam and Aaron can be explained without positing that either the golden calf story was written in order to discredit the northern kingdom, or that Jeroboam himself consciously modeled his religious reforms on existing traditions about Aaron. Instead, both the golden calf episode and the account of Jeroboam's religious activities were written from the perspective of later times, and with a similar purpose: to validate and endorse Josiah's program of cultic centralization.

The analysis can be presented most clearly in two steps: first, by associating the basic elements of the golden calf and the Josianic reforms; and, second, by examining the actions and events of the golden calf episode to determine what meaning these incidents may have held for the political culture of Josiah's times.⁴⁷

A. Elements of the Story

The figure of Moses in the golden calf episode stands for the king. This role is implicit throughout the Book of Exodus.⁴⁸ Moses is the ultimate political authority for the Israelites during their wilderness wanderings. He is sometimes portrayed in explicitly regal terms, as in the episode of the battle with the Amalekites at Exodus 17:8-16, where he gives orders to his military commander, controls the progress of the battle through the power of his upraised hands, and builds an altar in honor of the victory.⁴⁹

The Israelites who are staying in the camp at the foot of Sinai stand for the people -- both the people of Judah and those of the former Northern Kingdom who had come under Josiah's control.

⁴⁷ The possibility that Exodus 32 was a product of the political events accompanying the reforms of Josiah is consistent with the view that these reforms generated a great deal of literary activity, some of which, at least, found its way into the Hebrew Bible; this activity included not only a comprehensive account of Ancient Israel's past by the so-called "Deuteronomistic history," but also the law scroll discovered in the temple in Josiah's day, as well, possibly, as part of the Book of Deuteronomy itself.

⁴⁸ J.R. Porter argues that the figure of Moses in the Pentateuch "would seem to be that of the Israelite king, more specifically the Davidic monarch of the pre-exilic period." J.R. Porter, *Moses and Monarchy: A Study in the Biblical Tradition of Moses* (Oxford: Basil Blackwell, 1963), 7-28. Porter observes that, whatever can be said about the historical facts of Moses' life, the normative biblical tradition about him seems to have been developed in Jerusalem, where a symbolic representation of the king would have its natural milieu. Porter goes on to suggest that Moses is never described explicitly as a king because this would have been unacceptably anachronistic to an audience that preserved the historical memory of not having been ruled by a king before the rise of the monarchy in the Tenth Century.

⁴⁹ For discussion, see Miller, "J as Constitutionalist."

Joshua stands for the king's military commander, and, perhaps more generally, for the royal administration as a whole. Joshua's role throughout the Bible is that of the prototypical military leader. It is he who commands the Israelite forces during the wilderness battle with the Amalekites, who guides the Israelite forces after the death of Moses, and who leads the invasion of the promised land. In addition to his military role, Joshua is portrayed throughout the Bible as Moses's most loyal servant and aide; as such, he is also an appropriate representative for the royal bureaucracy in general.

Aaron stands for the priests of the traditional cultic sites which claimed a history extending back before the establishment of a monarchy in the land.⁵⁰ The Bible often designates these as "high places." Aaron's role in the golden calf episode resembles that of a priest of such a high place. He builds an altar, makes a graven image, and leads the people in worship. This role for Aaron is similar to his role elsewhere in the Bible, which consistently portrays him performing a priestly function. However, in contrast to his role elsewhere in the Bible, where he stands for the Yahweh priesthood in general, including the priests of the royal cultus, in the golden calf episode Aaron stands for the priests of the high places only and not for the custodians of the royal cult. For this reason, Aaron is portrayed in a negative light in the golden calf episode, notwithstanding the high status he enjoys in other biblical texts.

⁵⁰ For discussion of the economic functioning of these shrines, see Geoffrey Miller (1993), "Ritual and Regulation: A Legal-Economic Interpretation of Selected Biblical Texts," *Journal of Legal Studies* 22:477-502.

The Levites represent a centralizing group of temple functionaries and bureaucrats who were loyal to the king and who were not affiliated with any particular clan.⁵¹ The golden calf text is at pains to distinguish the Levites, who ally themselves with Moses, from Aaron (and presumably his party), who are the instigators of the apostasy.

The tablets stand for the fundamental law of the land -- what today we would recognize as its political constitution. Key features of the fundamental law of any society are its durability and its embeddedness in the political culture (as operationalized by making it difficult to amend). These features are symbolized in the tablets of law by means of various details intended to emphasize their reliability, durability, and authenticity. Thus, the tablets are made of stone, not clay or papyrus which could more easily be broken, altered or destroyed. The words of the commandments are carved by God himself in the stone in such a way as to protect against alteration or revision. The text tells us that the tablets are inscribed “on both sides,”⁵² indicating that fundamental law could not be changed by simple addition to an existing text.⁵³ Even the detail of there being two tablets

⁵¹ The nationalist character of the Levitical group is emphasized in the Bible by the claim that, unlike the other tribes, the tribe of Levi had no allotment of territory in the promised land. The landlessness of the Levites served important functions. It provided assurances that the Levites would not be biased in favor of one group or another. At the same time, the separation of the Levites from any particular tribe tended to ensure their loyalty to the central authority and to the king in particular. The king could recruit the Levitical staff throughout the territory under his control. The Levites thus provided an important opportunity for patronage. Levites are also expected to be consecrated -- set apart -- by virtue of their service to the state. The Levite is expected to give up normal family ties. In the blessing of Levi in Deuteronomy, Moses bequeaths to Levi the temple instruments of the Urim and Thummim, and extols Levi because he “said of his father and mother, ‘I regard them not’; he ignored his kin and did not acknowledge his children.” Deuteronomy 32:8-9.

⁵² Exodus 32:15.

⁵³ A number of commentators observe that engraving on both sides was unusual in the Ancient Near East, and suggest that the detail of the two-sided engraving in the golden calf episode is intended to stress the specialness of the tablets. This observation, while true so far as it goes, misses the key meaning of the detail, namely that the biblical authors are providing assurances that the text could not be altered by subsequent addition.

may bear on their constitutional status: it may be worth considering whether the biblical authors envisaged the entire law as being written on each tablet, so as to create duplicate tablets which could be checked against each other, thus providing evidence that the fundamental law had not been changed.⁵⁴

The golden calf represents the idols and other ritual artifacts of the high places. These would include, not only metallic idols in representational form, but also items such as the asherah -- wooden pillars erected next to the altar of a god.⁵⁵ Because the golden calf is a composite image intended to symbolize all sorts of paraphernalia of the high places, it is perfectly appropriate that the calf be referred to in the plural -- as “gods” rather than “god.”⁵⁶

The altar that Aaron constructs stands for the high places themselves. The construction of an altar usually represents the establishment of a cultic sanctuary in the

⁵⁴ For an earlier suggestion, based on analysis of Ancient Near Eastern treaties, that the full text of the Decalogue might have been inscribed on both tablets, see, e.g., Josiah Derby, “The Two Tablets of the Covenant,” *Jewish Bible Quarterly*, 1993 (21): 73-79. Derby observes that “The original Decalogue (Exod 20:1-17) was written on two stone tablets, but from literary considerations, its 172 words could easily have been written on only one. Hittite parallels suggest that the Decalogue was the testimony of the covenant that had to be written in two copies, one for the suzerain and the other for the vassal. Since God dwelt symbolically in the Tabernacle, his copy was deposited with Israel's.” The present paper adds to Derby’s conjecture by observing that, apart from diplomatic parallels, there were reasons having to do with the authentication of the text for inscribing the full text of the Decalogue on each tablet. I am grateful to Jack Sasson for bringing the Derby article to my attention.

⁵⁵ On the asherah, see Mark S. Smith, *The Early History of God* (San Francisco: Harper and Row 1990), pp. 81-85.

⁵⁶ Thus, the plural form of the address to the deity in the golden calf episode does not necessarily establish its equation with the golden bulls of Jeroboam at Bethel and Dan, as some have argued. Moreover, as Bernard Levinson observes, the text refers to the deity in the standard grammatically plural form that can signify either “god” or “gods”. Bernard M. Levinson (1990), “Calum M. Carmichael’s Approach to the Laws of Deuteronomy,” *Harvard Theological Review* 83:227-257.

symbolism of biblical narrative.⁵⁷ There is no reason why this action should not have the same meaning here.

The dust of the golden calf which Moses creates by grinding it after he has destroyed it in fire stands for the ashes and dust of the various offending cult objects which Josiah destroyed and ground into dust. The mixture of dust from the calf and water from the stream which Moses creates and gives to the Israelites to drink can be associated with the dust of the offending altars which Josiah threw into the Kidron river.

The new tablets which Moses cuts and inscribes with the words dictated by God on Sinai represent the revised political constitution established by Josiah as a consequence of his cultic reforms. As we have seen, these reforms were extremely deep-seated and far-reaching, requiring fundamental changes not only in the religious but also in the legal life of the society.⁵⁸ Thus, it would have been quite appropriate to symbolize the Josianic reforms as effecting an amendment to Judah's political constitution.

2. Actions and Events

Having identified what appear to be the key linkages between the two contexts, we can investigate the meaning of the events in the golden calf narrative for the politics of the Josianic reforms.

The text begins with the people calling for Aaron to construct a god for them to worship. The meaning of this detail, from the perspective of Josiah's reforms, appears to be that the religious rituals in the traditional cultic centers enjoyed support among the

⁵⁷ Another example (of many) is the construction by Moses of an altar after the victory over the Alalekites (Exodus 17:8-16); this text would appear to symbolize the construction and maintenance of the Jerusalem temple by the kings of the Davidic line. See Miller, "J as Constitutionalist," p.1837.

⁵⁸ See B. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation*.

population at large. As M. Weinfeld has stressed, Josiah's attempt to stamp out the high places would have offended many in the population: "let us bear in mind the far reaching consequences of this reform: a people who are heart and soul and in every aspect of their daily life bound to the sacral institutions around them (the high places and local sanctuaries), are one day forcibly denied them and are instead presented a single, central sanctuary necessitating pilgrimage which from distant areas was not an easy matter and for some (the aged and infirm) an impossibility."⁵⁹ The authors of Exodus 32 could not very well have denied the popularity of the high places, because the strong support for these institutions was too well known in the society. Thus, instead of denying the popular support for the practice, the authors looked for a way to denigrate it.⁶⁰

In response to this public demand, Aaron constructs an idol for the Israelites to worship.⁶¹ He does so outside of the presence of Moses, and without Moses's approval or

⁵⁹ M. Weinfeld (1964), "Cult Centralization in Israel in the Light of a Neo-Babylonian Analogy," *Journal of Near Eastern Studies*, 23:202-212, p.202.

⁶⁰ The technique of admitting an embarrassing fact which was too well entrenched in popular culture to deny, but then reversing the value attributed to the fact admitted, can be found in a number of other biblical texts. For examples, see Geoffrey Miller (1997), "A Riposte Form in the Song of Deborah," in Tikva Frymer-Kensky, Bernard Levinson and Victor Matthews, eds., *Gender and Law in the Hebrew Bible and the Ancient Near East* (Sheffield Academic Press, forthcoming 1997); Geoffrey Miller (1995), "Verbal Feud in the Hebrew Bible: Judges 3:12-30 and 19-21," *Journal of Near Eastern Studies* 55:105-117.

⁶¹ Aaron's construction of the golden calf is often equated to Jeroboam's construction of golden calves at the northern sanctuaries of Bethel and Dan. E.g., Moses Aberbach and Leivy Smolar, "Aaron, Jeroboam, and the Golden Calves." However, despite the clear connections between the golden calf story and the Bible's account of Jeroboam's religious practices, there are also significant discrepancies that make any easy equation between the two contexts problematic. For example, the revelry around the calf is often thought to refer, implicitly at least, to sexual practices associated with Canaanite festivals -- an interpretation suggesting that the calf episode refers to other cult sites than the sanctuaries at Bethel and Dan, where there is no indication of sacred prostitution. E.g., Clements, *Exodus*, p. 207. The people's demand for an idol in the golden calf story does not fit easily with the Jeroboam story, which is a polemic against the king of the Northern Kingdom rather than against its people. Nor can the role of Aaron be easily explained in this context.

support. The text thus recognizes that the priests of the high places exercised the power, prior to Josiah, of creating their own idols and cultic artifacts. This was an important authority because it gave the traditional priests an influence over religious ritual free of royal supervision or command. This power enjoyed by the priests of the high places was antithetical to the wishes of Josiah, who wanted to centralize the cult in Jerusalem under the custodianship of priests approved and appointed by the king himself. Because the golden calf is viewed as a great evil, the episode disapproves any power of the priests of the high places to utilize their own idols and cultic artifacts.

Perhaps more distressing than the religious power of the high places, from the standpoint of royal politics, was the political power that implicitly accompanied it. The priests of the high places naturally enjoyed a degree of independent control -- an authority that, moreover, may well have been enhanced and implicitly supported by Assyrian imperial policy, which would have favored power centers capable of checking and balancing a potentially rebellious central government.⁶² The authority of the high places is symbolized by Aaron's incantation before the calf, that "these are your gods, O Israel, that brought you up from Egypt"⁶³ -- a formulation that appears preposterous given the fact that an idol newly constructed could not possibly have brought the Israelites out of Egypt. The phrase makes sense, however, when it is understood that the allocation of credit for bringing the people out of Egypt is a symbolic code for the right to organize a nation and

⁶² The degree to which the high places may have operated under implicit Assyrian sponsorship is beyond the scope of this paper. However, it may be observed that in earlier years, the Assyrian quisling Ahaz publicly supported the high places and undermined the temple. Hezekiah, who rebelled against Assyria, attempted to destroy the high places and renovated the temple.

⁶³ Exodus 32:4.

protect it from its enemies.⁶⁴ Thus, when Aaron asserts that the golden calf is the gods of Israel who brought the people out of Egypt, the text claims that the priests of the high places were exercising a form of political power which was close to treason against the state -- a claim that may have had some basis given the politics of the times. The golden calf narrative disapproves any such exercise of political power by the priests of the high places, and implicitly claims that this is a power to be exercised only by the king and by cultic functionaries operating under royal supervision.

Aaron builds the calf out of gold that the people have donated from their earrings. From the standpoint of the Josianic reforms, this text argues that the traditional worship at the high places was expensive for the population. The priests of the high places were not simply providing a service free of charge; they demanded to be paid, and the payment came from the people. Implicitly, the text argues that the people would be better off financially under the regime of cult centralization because they would no longer have to make donations to support the high places. Thus, the text argues that the program of cult centralization was financially advantageous -- especially given the fact, heavily stressed in the Book of Kings, that Josiah's temple renovation project was paid for entirely out of the temple treasury and not from other sources.

Aaron constructs an altar for the calf while Moses is away on Mt. Sinai. The meaning of this detail from the standpoint of the Josianic reforms is straightforward. The altar symbolizes the high places themselves, while Aaron's construction of the altar codes

⁶⁴ It is in this sense that Jeroboam's statement before the golden calves at Bethel and Dan should be understood: by saying that these were the gods that brought Israel out of Egypt, Jeroboam was asserting the authority to rule the Northern Kingdom free of any claim from the south.

the fact that the priests of the high places had traditionally asserted the right to officiate at cultic sites free of royal approval, oversight, or supervision. The fact that God disapproves Aaron's altar in such strong terms is an argument that these altars were wrongful and illegal.

In addition to building the altar, Aaron decrees a festival day, again without the approval or instruction of Moses. This detail codes the fact that prior to the Josianic reforms, the citizens of Judah made pilgrimages to the high places on specified festival days -- unleavened bread, harvest, and ingathering.⁶⁵ These festivals were of crucial importance to the local sanctuaries, because they were a principal source for the sanctuaries' income. The festivals would also have been highly valued by the participants as conventionally established institutions useful for matchmaking, trading, news, and entertainment. By arguing that the festival decreed by Aaron was sinful, the golden calf text denies the priests of the high places the power to hold pilgrimage festivals -- a radical change for Judean society.⁶⁶

After the Israelites bring their offerings to Aaron's altar, the Israelites engage in a revel around the calf. This is a denigrating reference to practices associated with at least some of the high places. The exact nature of the activities is not clear, but they may have included, among other things, the practice, or at least the unofficial endorsement, of prostitution and other sexual practices at or near the cultic sites.⁶⁷ The revel around the calf

⁶⁵ Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation*, p. 97.

⁶⁶ This disapproval of the pilgrimages to the high places is an integral part of Deuteronomy's transformation of Passover into a centralized festival to be celebrated at the central temple in Jerusalem.

⁶⁷ See Martin Noth, *Exodus*, p. 248; Umberto Cassuto, *Commentary on Exodus*, 413-14. For a contrary view portraying the worship before the calf as an orderly ritual grounded in traditional

symbolizes a breakdown in social roles associated with a form of religious frenzy. It implicitly contrasts the cultic practices at the high places with the approved worship at the reformed temple in Jerusalem, where social roles are maintained in their proper order and licentiousness is forbidden.

During the period of construction and worship of the calf, Moses is on Sinai receiving the tablets of law from God. This detail exonerates the king from any involvement in the apostasy. He is away at the time the sin was conceived and executed. His absence, moreover, is not for any frivolous reason. Rather, he is performing the important kingly role of receiving the fundamental law of the society. Thus, the king cannot be faulted for his failure to oversee the people during this crucial period. The text tells us that the king -- i.e., Josiah -- is innocent of any of the wrongdoing committed by the people in the high places.

The text also tells us that the people cannot be trusted to conduct religious rituals on their own outside the presence of the king, because if they attempt this they are likely to give in to idolatry. Thus, the text supports the Josianic program of centralizing the cult, since it is only at the temple in Jerusalem that the conduct of religious rituals can be subject to royal oversight and supervision.

God vows to destroy the people for their sin, and to make Moses the leader of a great nation. Moses intercedes and causes God to stay his hand. The political meaning of these details from the standpoint of the Josianic reforms appears straightforward. Moses's conversation with God on Sinai symbolizes Josiah's communication with God through the

practices, see Jack M. Sasson (1973), "The Worship of the Golden Calf," in *Orient and Occident: Essays Presented to Cyrus H. Gordon on the Occasion of his Sixty-Fifth Birthday* (Kevalaer, Butzon & Bercker: Neukirchen-Vluyn, Neukircher Verlag), pp. 151-159.

prophetess Huldah (Josiah engages in this consultation through agents in order to maintain his authority as king, which would have been undermined had he sought out Huldah in person). God's vow on Sinai to destroy the Israelites for their worship of the calf stands for God's judgment during Josiah's period, when (speaking through Huldah) he vows to bring disaster on Jerusalem and its people because they worshipped "idols they have made with their own hands."⁶⁸ Moses's intercession with God on Sinai represents Josiah's actions in rending his clothes and weeping upon hearing the contents of the book of the law. God's decision to relent and not destroy the Israelites is a retrojection into the Sinai episode of God's words to Josiah to the effect that because Josiah had humbled himself upon hearing the judgment against Judah, God would not destroy the country as long as Josiah lived.

In addition to retrojecting into the Sinai story the events surrounding the discovery of the law book, the story of Moses's intercession with God in the golden calf narrative provides powerful normative arguments in favor of Josiah's reforms. The text insists that the Israelites -- i.e., the people of Judah -- owe their lives to the king, because it is only because of royal intervention that the people were not destroyed for their sin. Thus instead of being angry at the king for destroying the high places, the people should be grateful. The text, moreover, reinforces the gratitude which the people owe to the king by denying that the king's intercession was for a selfish purpose. God offered Moses a new and better kingdom if Moses would only consent to the destruction of the Israelites. Far from being a selfish act, therefore, Moses' intercession on behalf of the Israelites was profoundly public spirited. From the standpoint of the politics of Josiah's day, the text denies that the king's

⁶⁸ II Kings 22:17.

campaign against the high places was undertaken for any narrow reason, such as to aggrandize his power, but rather was intended solely to serve the welfare of the people.

In the golden calf episode, God does not entirely release the Israelites from his judgment, promising only to allow them to come unharmed to the promised land.⁶⁹ God declares that “a day will come when I shall punish them for their sin.”⁷⁰ This puzzling detail⁷¹ can be explained as follows. God’s decision not to punish the Israelites immediately is a retrojection, into the Sinai story, of the events of Josiah’s day. Notwithstanding Josiah’s intercession, God did not withdraw his judgment against the Judeans for their worship of false idols, but merely promised to defer the execution: “you will not live to see all the disaster which I am bringing upon this place.”⁷² These texts, which foretell the fall of the Southern Kingdom, were evidently written during the exile as part of a redaction to the Deuteronomistic corpus intended to account for the catastrophe of 586 BCE.

Returning to the golden calf story, we read that Moses goes down the mountain with the tablets of law in his hands. Joshua, hearing the revelry below, remarks that there is fighting in the camp, but Moses corrects him. The text brings Joshua into the picture in order to indicate that he, like Moses, was not a participant in the worship of the calf. The purpose, from the standpoint of the Josianic program, is to indicate that the king’s military

⁶⁹ Exodus 23:34.

⁷⁰ Exodus 23:35.

⁷¹ Commentators have wondered why God did not subsequently punish the Israelites after vowing to do so. E.g., Noth, *Exodus*, p. 251. Noth explains the delayed punishment as reflecting the view of the biblical author that the apostasy of Jeroboam would be punished at some time in the future.

⁷² II Kings 22:20.

commander, and perhaps his other ministers as well, were not to blame for the extreme measures which had to be taken in order to respond to the demands of the temple scroll.

Upon witnessing the revel before the calf, Moses smashes the tablets at the foot of Mount Sinai. The smashing of the tablets is an extraordinary feature of the golden calf episode, one whose significance is not always fully appreciated. The centrality of this episode is illustrated by the chiasmatic structure that can be discerned within the golden calf narrative and its sequelae:

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- a. **Moses receives tablets of law on top of Sinai (Ex. 31:18)**
 - b. God vows to destroy the Israelites because they have committed idolatry (Ex. 32:10)
 - c. Moses intercedes on behalf of the people (Ex. 32:11-14)
 - d. Moses comes down from the mountain (Ex. 32:15)
 - e. **Moses breaks the tablets of law at the foot of Sinai (Ex. 32:19)**
 - d'. Moses goes back up the mountain (Ex. 34:1-4)
 - c'. Moses intercedes on behalf of the people (Ex. 34:9)
 - b'. God vows to make the Israelites a great nation if they do not commit idolatry (Ex. 34:10-16)
 - a'. **Moses receives new tablets of law on top of Sinai (Ex. 34:28)**
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The internal pattern of the calf narrative thus indicates that the breaking of the tablets is the central event in the narrative -- central not only because it is framed by an extended, symmetrical structure on both sides, but also because it perfectly offsets the events that begin and end the chiasm, namely the two receptions by Moses of the tablets of law on Sinai. Thus, it would appear that an interpretation of the Sinai pericope should stress the breaking of the tablets as fundamental to the entire story, and as integrally related to the apostasy of the calf.

What is the meaning of the breaking of the tablets from the standpoint of Josiah's

reforms? Prior scholarship recognizes that the smashing of the tablets symbolizes the abrogation of an existing covenant, conceived of as the covenant between the Israelites and God.⁷³ Thus, the tablet breaking symbolizes the fact that Josiah, upon hearing the contents of the law book, recognized that the prior constitutional ordering in Judah would have to be changed. Under the prior dispensation, the kings of Judah suffered the high places to continue in operation -- indeed, actively supported them. The temple scroll prohibited these practices. Moses's breaking of the tablets on Sinai symbolizes Josiah's decision to abrogate the existing constitution by centralizing the cult and suppressing the high places. The centrality of the breaking of the tablets indicates that Josiah's constitutional reform was the fundamental event with which the golden calf narrative as a whole is concerned.

Because it deals with the power of a king to abrogate the constitutional order, the golden calf narrative treats a matter of extreme sensitivity and importance. It symbolizes Josiah's actions in a way which quite brilliantly explains, justifies, and limits the power of the king to change the constitution.

The text recognizes that the reforms of Josiah do, in fact, represent a change in the basic constitution of the society. Had the reforms been less far-reaching, it might have been possible for the king to implement them without admitting that he was changing the basic rules. Indeed, there is every reason to suppose that during the several hundred years of Judah's history as a nation, its kings did from time to time change the rules of the political system without acknowledging that they were revising fundamental law. Such incremental changes would have been easier to accomplish because they would not have required a justification for altering the fundamental rules on which all the other rules were

⁷³ Breaking tablets was a well-understood method of abrogating a legal agreement in other Ancient Near Eastern settings. See *Chicago Assyrian Dictionary*, Vol. H, pp. 170-74 (1956)(hepu).

premised. In the case of Josiah's reforms, however, such an incremental approach was not possible, simply because the reforms were so far-reaching, involving as they did changes in basic religious practices, practices related to the preparation and distribution of food, planning for social activities through the festival calendar, and the administration of civil justice -- not to mention the radical curtailment of the priests of the high places. Judeans who played a role in the political system would have understood perfectly well that Josiah was changing the essential ground rules. It was necessary for the king to address this fact in the constitutional text which justified and embodied the changes being made.

In treating the abrogation of the old constitution, the golden calf episode sets forth important principles relating to the power of constitutional amendment. The text makes perfectly clear that Moses had no part in the sin of the golden calf. Moses would not have broken the tablets if he had not discovered the people engaged in apostasy. Thus, the text shifts responsibility for the need to revise fundamental law away from Moses and on to the people, who, under Aaron's leadership, have abrogated their covenant with God. The meaning from the standpoint of Josiah's reform is that the king himself is not responsible for the need to amend the constitution. It was the people of Judah, instigated by the priests of the high places, whose behavior required such a radical step. Thus, the text places the blame for the need for a constitutional amendment on the people and the priests of the high places, and denies that the changes were actively sought out by the king.

However, the episode also makes it clear that the king asserts the right to abrogate the constitution on his own initiative without input from others. Moses himself throws the tablets against the foot of Mount Sinai. He does not do so at the command of God; in fact, God allows Moses to return down the mountain carrying the intact tablets, even though

God is aware of the nature of the apostasy going on below. From the standpoint of the Josianic reforms, this text denies that interests such as the priests, tribal leaders, and the nobility have a right of consultation, and claims that only the king may abrogate fundamental law.

The power of constitutional nullification is a dangerous matter, however, because it can be exercised too freely. If the law could be voided arbitrarily, it would not have much force, and in the limiting case would cease to be any kind of law at law, resembling rather the arbitrary rule of the White Queen in *Alice in Wonderland*. Kings, moreover, while they may wish to be free of rules laid down by their predecessors, want equally to impose rules on their successors. Thus, an unfettered power of constitutional nullification would not be beneficial to a king in the long run, however much he might desire it in a particular instance. The golden calf episode responds to this concern by limiting the king's authority to abrogate the constitution to extraordinary circumstances.⁷⁴

Returning to the golden calf text, we see that Moses takes the calf and burns it into a powder. This detail has sparked no end of controversy.⁷⁵ How could Moses have burned the calf if it was made of gold? How could he have ground it into powder? Scholars have speculated that the calf may have been made of wood plated with gold, or that it must have rested on a wooden pedestal. Others have postulated that the destruction of the calf was not

⁷⁴ The value of limiting revocation of the constitution to cases of extreme danger is recognized in many constitutions today. Many constitutions allow temporary suspension during national emergencies; and even the U.S. Constitution, which contains no general emergency power, authorizes suspension of the writ of habeas corpus during time of war.

⁷⁵ For a sampling, see David Frankel (1994), "The Destruction of the Golden Calf: A New Solution," *Vetus Testamentum XLIV*, 330-339; F.C. Fensham (1966), "The Burning of the Golden Calf and Ugarit," *Israel Exploration Journal* 16:191-193; Christopher Begg (1985), "The Destruction of the Calf (Exodus 32:20 and Deut. 9:21)," in *Deuteronomium: Entstehung, Gestalt und Botschaft* (Leuven: University Press 1985), 208-251.

intended to be taken literally, but rather reflected Ancient Near Eastern stereotypes of destruction.⁷⁶ The theory proposed in this paper offers a somewhat different explanation. The golden calf represents all the offending cultic paraphernalia that were destroyed by Josiah. While some of these may have been made of metal, many were made of metal and wood, or wood alone -- as indicated in the biblical account of Josiah's campaign against the offending cult sites, which describes him as burning a number of different items.⁷⁷ Once the golden calf is seen as symbolic of all the offending cultic paraphernalia outlawed during the Josianic reform, it becomes perfectly logical to depict it being burned in a fire.⁷⁸

After burning the calf and grinding it into a powder, Moses mixes it with water and forces the Israelites to drink it.⁷⁹ This rather mysterious detail has also sparked debate and puzzlement, stemming partly from the fact that the gold dust ought to have sunk in the water and therefore would not have been easy to keep in suspension for the Israelites to drink. Some commentators hold that the grinding of the idol into powder and mixing it with water for distribution to the Israelite people was intended to create a "water of cursing" such as that referred to in Numbers 5:11-28.⁸⁰ David Frankel suggests that what

⁷⁶ See S.E. Loewenstamm (1967), "The Making and Destruction of the Golden Calf," *Biblica* 48:481-90.

⁷⁷ The laws of Deuteronomy indicate that cult objects were often made of wood, since they require the people to "destroy [the Canaanites'] idols by fire." Deuteronomy 7:5.

⁷⁸ We might also note that Moses's action in destroying the calf by fire represents a reversal of the earlier action by Aaron, who creates the calf by forging it in a fire.

⁷⁹ Specifically, in the account in Deuteronomy 9:21, by casting the gold dust into the "torrent that flowed down the mountain."

⁸⁰ E.g., Noth, *Exodus*, p. 249.

was mixed with the water was actually the ground-up remains of the tablets of the law.⁸¹ The political theory advanced in this article offers another possible solution. The scattering of the dust from the calf into the water symbolizes a fair allocation system for a generalized benefit that does not respect persons, since the fine dust would mix evenly in the water and, therefore, all the Israelites would receive the same amount of the dust in the water that they drank.⁸² As applied to the politics of Josiah's day, the story claims that the people under Josiah's rule received a benefit from the king's campaign against the high places. The symbolism is arguably quite apt because the expropriated value of the artifacts of the high places undoubtedly did go into the royal treasury, where they could be used for the benefit of the people as a whole. Moreover, the destruction of the high places relieved the people of the obligation to pay the priests for their services. By portraying the people giving the gold willingly and unwillingly receiving it back (Moses forces the Israelites to drink the mixture) the text concedes the popularity of the high places and the unpopularity of Josiah's campaign against them. The story argues, however, that if the people knew what was good for them, they would see that the king's actions were actually undertaken for their benefit.⁸³

⁸¹ David Frankel (1994), "The Destruction of the Golden Calf: A New Solution," *Vetus Testamentum XLIV*, 330-339.

⁸² This symbolism is reinforced by the chiasmatic contrast with the forging of the calf: while the calf was forged by combining small pieces of gold contributed by the people, the process was reversed by the destruction of the calf and the redistribution of the gold to the people.

⁸³ The detail of the forced drinking is omitted from the account in Deuteronomy. This omission might reflect the circumstance that, by the time the text in Deuteronomy was written, the economic justification for the expropriation of the hill shrines had ceased to be a live political issue, and thus the detail of the drinking could be omitted in order to emphasize further the degree to which the hill shrines had been repudiated. For an argument that the account in Deuteronomy depends on the Exodus narrative, see Begg, "Destruction of the Calf," pp. 234-35.

After destroying the idol, Moses deals with the idolaters. He takes a place by the gate of the camp and calls for volunteers, a call that is answered by all the Levites. Moses instructs the Levites to attack their brothers, friends and neighbors and thus purge the camp, a command that results in the death of three thousand people. At the conclusion of the purge, Moses tells the Levites that “today you have consecrated yourself to the Lord completely, because you have turned each against his own son and his own brother and so have this day brought a blessing upon yourselves.”⁸⁴

From the standpoint of the Josianic reforms, this text refers to the king’s campaign against the high places. The purge which Moses inflicts on the Israelites in the golden calf episode has its parallel in the tactics which Josiah used against the supporters of the high places of his day.⁸⁵ By endorsing Moses’s purge of the Israelite camp, the golden calf text provides sanction for what were undoubtedly unpopular measures undertaken by Josiah against the cult sites.⁸⁶

Moses’s purge of the camp is carried out by Levites who rally to his side. The meaning of this detail from the standpoint of Josiah’s reforms is fairly clear once it is recalled that the Levites represent temple functionaries and bureaucrats who owed their appointment and loyalty to the king and that Aaron represents the priests of the high places. By honoring the Levites and discrediting Aaron, the episode authorizes royal appointees

⁸⁴ Exodus 32:29.

⁸⁵ Josiah’s campaign against the high places was hardly less bloody than the purge of the Israelites at the foot of Sinai. For example, the Bible recounts that Josiah slaughtered the priests of the hill-shrines of Samaria and burnt their bones upon their altars. II Kings 23:20.

⁸⁶ As emphasized by Weinfeld and others, the suppression of the traditional sanctuaries amounted to “the denial of religious experience to the majority of the population and the creation of a religious vacuum in their midst.” M. Weinfeld (1964), “Cult Centralization in Israel in the Light of a Neo-Babylonian Analogy,” *Journal of Near Eastern Studies*, 23:202-212.

associated with the temple to take over the functions traditionally exercised by the priests of the high places.⁸⁷

A noteworthy feature of the golden calf story is that Aaron, the leader of the apostasy, appears to escape punishment in the midst of the bloodletting that occurred to his followers. From the standpoint of Josiah's reforms, the lenient treatment given to Aaron reflects a rhetorical compromise. Elsewhere in the Bible, Aaron stands for the Yahweh priesthood and enjoys a concomitantly high status. It would have been inconsistent with that status if Aaron had been killed or severely punished during the purge. The authors of Exodus 32 wanted to repudiate Aaron as representative of the priests of the high places, but they also had to deal with the fact that Aaron was portrayed in a positive light in the existing traditions. Moreover, from the perspective of royal ideology, it would not have been convenient to repudiate Aaron altogether, since the priests of the royal cult also claimed a legitimacy that extended back to Aaron. The authors resolved the tension by having Moses punish the followers of Aaron, but not Aaron himself, and by blaming the people rather than Aaron for the initial demand for an idol.⁸⁸ This allowed them to discredit Aaron in the golden calf episode while leaving other traditions about him intact.

⁸⁷ For example, Josiah's reforms would have greatly increased activities at the Jerusalem temple, and it would have been Levites who met this need. Moreover, Josiah's reforms increased the need for centralized justice, and it would again have been Levites who performed this service. See Bernard Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation*, pp. 146-213. The laws of Deuteronomy authorize the appointment of local judges from the various tribes, but provide that if the case is a hard one, it will be brought before the "levitical priest or the judge then in office" in Jerusalem. Deuteronomy 16:18.

⁸⁸ The account in Deuteronomy goes so far as to say that God wanted to kill Aaron, and only relented because of Moses's intercession. Deuteronomy 9:20.

When Moses returns up the mountain (in Exodus 34), God covenants to make Israel into a great nation, so long as the people do not commit idolatry.⁸⁹ In particular, the text promises that the Israelites will conquer their rivals in the Promised Land and drive out the Canaanites and other groups. From the standpoint of Josiah's reforms, this text represents the new covenant which Josiah enters before the people of Judah after the discovery of the temple scroll.⁹⁰ The text promises that if the people keep the covenant -- that is, if the people support Josiah in his campaign -- Judah will again be a great nation. This would have been an appealing message at the time, since Josiah's campaign was part of a broader strategy to cast off Assyrian rule and to expand the domain of Judah into the old territories formerly constituting the Northern Kingdom. God's promise to give Israel the land of Canaan for an inheritance can be associated with the territorial ambitions of Josiah to regain lost territory -- ambitions that probably enjoyed the support of many in the population.

The new tablets created by Moses in Exodus 34 represent the revision of fundamental law which was effectuated by the Josianic reforms. Again, this event finds a parallel in the politics of Josiah's day. The new law is an obvious analogue to the law scroll which mysteriously turned up in the temple during the renovation project, and which was subsequently validated by Josiah as an authentic statement -- or restatement -- of fundamental law. The Book of Kings does not indicate specifically what the scroll said, but most commentators believe that the scroll can be associated with, and indeed probably constituted a part of the Book of Deuteronomy. When we turn to the Book of

⁸⁹ Exodus 34:13.

⁹⁰ II Kings 23:1-3.

Deuteronomy, we find a restatement of the law from a perspective that would have been congenial to the Josianic program, specifically including a stringent set of laws mandating centralization of the cult and destruction of the high places.

Moses himself writes the Ten Commandments on the new tablets, in contrast to the original tablets which, according to the Bible, were inscribed by the finger of God. From the standpoint of Josiah's reforms, this text claims that the king has independent authority to set the terms of the revised constitution. The king does not need authorization or input from other powers when rewriting fundamental law.⁹¹

We learn in Exodus 34 that the words on the new set of tablets are to be identical to those on the broken tablets.⁹² This might seem inconsistent with the idea that the new tablets symbolize a revision of fundamental law. In fact, however, it is quite standard for those who wish to change a constitution to claim that their actions are actually consistent with more fundamental norms.⁹³ Accordingly, it is not surprising that the authors of the golden calf episode wished to claim that the new dispensation was actually consistent -- even identical -- to the fundamental law previously declared by God. This detail finds a parallel in the Book of Deuteronomy, which effects a revolution in the prior order while claiming to be merely a restatement of existing law.

Conclusion

⁹¹ This text thus parallels the detail in Exodus 32 portraying Moses himself as the one who makes and carries out the decision to destroy the original tablets. Just as the former text asserts that the king has unilateral power to abrogate fundamental law, the detail of Moses writing the new commandments claims that the king alone can determine the content of the replacement.

⁹² Exodus 34:1.

⁹³ For example, the Framers of the American constitution drew inspiration from the laws of England even as they were drafting a charter to govern their collective life as an independent nation.

This paper has presented a theory of the golden calf episode as a form of amendment to the constitution of the monarchy, created for the purpose of sanctioning Josiah's program of cultic centralization. These reforms represented a fundamental change because the high places played a deeply embedded role in the politics, religion, and culture of the society. Josiah's campaign was, accordingly, an attempt to effect a constitutional revolution in the government of Judah. The golden calf text retrojects into the fundamental legitimating national text -- the story of the giving of the law to Moses on Sinai -- an episode in which Aaron, the representative of the priests of the high places, commits apostasy by building an altar and leading the people in worship of a false idol. The text revises the constitution of Judah by banning the high places and requiring centralization of cultic observances in Jerusalem.

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The Golden Calf: Made by Man or God

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