TRADITIONS AT ODDS
THE RECEPTION OF THE PENTATEUCH IN BIBLICAL AND SECOND TEMPLE PERIOD LITERATURE

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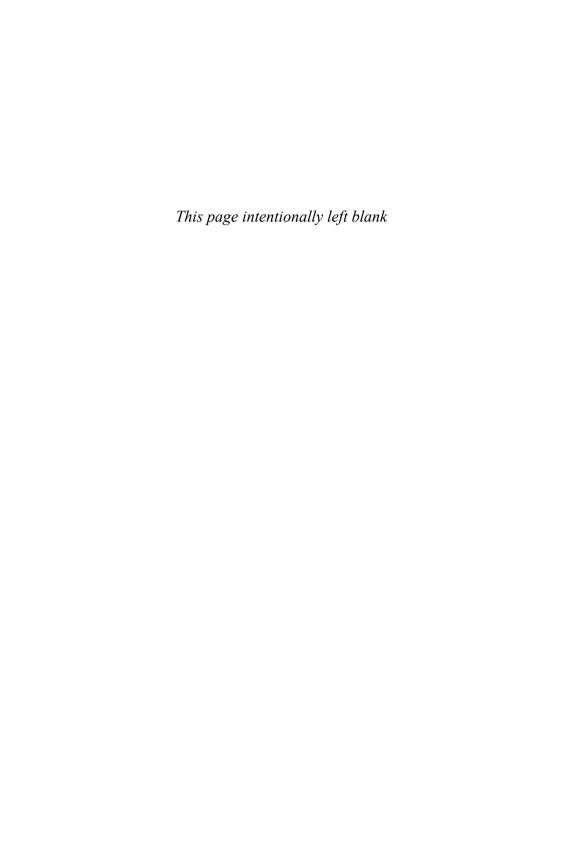Andrew Mein, Westcott House, Cambridge

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The roots of this project lie in, what appeared to be at the time of its inception, a simple task. During a seminar on the book of Exodus, I was assigned to compare the prophetic treatments of the exodus event with the narrative in Exod 1–12. While not expecting any detailed or lengthy accounts within the prophetic texts, I proceeded with the assumption that there would be a significant amount of direct borrowing from Exodus. But almost as soon as I began, I was surprised at the scarcity of references to the departure from Egypt, to the sojourn in the wilderness, even to Moses and Aaron. The few that did occur appeared to contain details that either had no connection to Exodus at all, or appeared contradict it outright. Based on these observations, I began a more in-depth study of the echo of pentateuchal elements in non-pentateuchal texts, with the results mirroring what I had found in the prophetic literature—namely, that there appears to be far less adherence to the Pentateuch in the Bible than is commonly assumed. These data then established a basic foundation for this project.

I owe tremendous thanks to the many friends, colleagues, and teachers, all of whom have helped to make this project possible. Special thanks go to Dr. Bill T. Arnold of Asbury Theological Seminary. It was his Introduction to Old Testament course that first sparked my passion for study. He is a learned scholar, a trusted mentor, and a dear friend. Much thanks also to Dr. Richard Sarason, a learned scholar and a critical reader of the highest order. His broad wealth of knowledge, and his expertise as a writer proved to be critical in shaping and improving this work. My debt and gratitude to Dr. David H. Aaron are inexpressible. Through his seminars at Hebrew Union College, and through much individual teaching, he has challenged me to develop as a critical and thoughtful reader. At nearly every stage of this project, through its completion as a doctoral dissertation and its revision into the current form, Dr. Aaron has provided invaluable guidance. My development as a scholar would not have been possible without him.

I am very grateful to the LHBOTS series editors, Drs. Claudia Camp and Andrew Mein, for their guidance throughout this process, as well as

> *"Oh, bienamada, yo no te amaría! En tu abrazo yo abrazo lo que existe"*
> —Pablo Neruda

ABBREVIATIONS

ABD	*Anchor Bible Dictionary*. Edited by D. N. Freedman. 6 vols. New York, 1992
BDB	Brown, F., S. R. Driver, and C. A. Briggs. *A Hebrew and English Lexicon of the Old Testament*. Oxford, 1907
BTB	*Biblical Theology Bulletin*
CANE	*Civilizations of the Ancient Near East*. Edited by J. Sasson. 4 vols. New York, 1995
CBQ	*Catholic Bible Quarterly*
DSD	*Dead Sea Discoveries*
GKC	*Gesenius' Hebrew Grammar*. Edited by E. Kautzsch. Translated by A. E. Cowley. 2d ed. Oxford, 1910
HTR	*Harvard Theological Review*
HUCA	*Hebrew Union College Annual*
JBL	*Journal of Biblical Literature*
JETS	*Journal of the Evangelical Theological Society*
JJS	*Journal of Jewish Studies*
JNES	*Journal of Near Eastern Studies*
JPS	*Tanakh: The Holy Scriptures: The New JPS Translation According to the Traditional Hebrew Text*. Philadelphia, 1985
JSNT	*Journal for the Study of the New Testament*
JSOT	*Journal for the Study of the Old Testament*
OTP	*Old Testament Pseudepigrapha*. Edited by J. H. Charlesworth. 2 vols. New York, 1983
OtSt	*Oudtestamentische Studiën*
RevQ	*Revue de Qumran*
SJOT	*Scandinavian Journal of the Old Testament*
VT	*Vetus Testamentum*
ZAW	*Zeitschrift für Altentestamentlich Wissenschaft*

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Chapter 1

INTRODUCTION AND STATEMENT OF PURPOSE

When we read about the history of Israel in non-pentateuchal texts, we encounter several conflicting impressions with what the Pentateuch reports. Psalms 78 and 105 indicate that only seven plagues, rather than ten, were dispatched against Egypt before the exodus. According to Jer 7:22, Yahweh did not give commandments in the wilderness concerning sacrifices. Ezekiel 20:8 makes the unprecedented claim that during their Egyptian captivity the Israelites worshipped the gods of their oppressors. And according to 1 Sam 2:27, the ancestors of Eli were ordained to priestly service while still in Egypt. Such content-related discrepancies with the Pentateuch are not limited to depictions of the past; there are numerous points of contrast in cultic matter. For example, according to 1 Chr 24:19, priestly duties were established by Aaron "just as Yahweh the God of Israel had commanded him." There is, of course, no pentateuchal account that describes Aaron receiving directives from Yahweh.

The presence of such inner-biblical discrepancies was not lost upon the earliest biblical interpreters. The rabbinic sages not only identified potentially conflicting biblical texts but also sought to resolve the contradiction through the application of various hermeneutical principles (middot). One common maneuver was a middah attributed to Rabbi Ishmael (ca. 90–130 C.E.), as preserved in the *Sifra*: "Two verse of Scripture contradict each other until the third verse comes between them."[1] Hananyah ben Hizkiyyah ben Garon, a sage of the first Tannatic generation (early first century C.E.), is recognized in the Talmud Bavli as resolving discrepancies between Ezekiel and the Pentateuch (*Shabbat* 13b). In contrast to these sages, other early writers utilized inner-biblical discrepancies for polemical purposes. Hiwi Al-Balkhi, a ninth-century author of unknown origins, composed a work consisting of two hundred

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1. Translation from H. L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash* (trans. and ed. Markus Bockmuehl; 2d ed.; Minneapolis: Fortress, 1996), 21. See their pp. 15–30 for an extensive treatment of rabbinic *middot*.

questions covering contradictions, the problem of miracles, and questionable interpretations. Though the original is lost, at least forty of his questions are preserved in an apologetic response formulated by Saadyah Gaon.[2] Another notable early work in the polemical stream was discovered by Solomon Schechter in the Cairo Genizah;[3] following A. Kahana, the text is now known as שאלות עתיקות.[4] A large section of the text consists of a series of questions concerning biblical passages that contradict each other.

In modern biblical criticism, the study of inner-biblical contradictions has moved beyond apologetics and polemics and functions primarily to provide data for the identification of discrete literary sources for the purposes of establishing the compositional history of biblical texts. While this approach is invaluable, in the present study I will approach the content-related discrepancies in texts as an opportunity to explore the nature of inner-biblical intertextuality. The fact that two texts, which purport to describe the same person, event, or cultural institution, conflict with regard to basic details has critical implications for our understanding of how one text influences the composition of another. There are, to be sure, multiple plausible explanations for the origins of such discrepancies. Perhaps the two texts represent wholly independent traditions. Alternatively, an author may intentionally produce a discrepancy in order to revise or clarify an extant text. Or, an author might have departed from another text out of incompetence. Whatever the precise answer might be, an exploration of the origin of content-related discrepancies can lead to important insights regarding the process by which biblical authors engaged literature from within their culture, and so, provides an avenue for examining the reception history of biblical literature.

By "reception history" I refer to the manner in which a certain text was regarded by later authors and readers, encompassing a broad range of responses to texts. Rather than examining the cultural and sociological factors that inform text composition, reception-historical studies focus on

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2.   See Israel Davidson, *Saadia's Polemic against Hiwi Al-Balkhi* (New York: Jewish Theological Seminary, 1915).

3.   Solomon Schechter, "Geniza Specimens," *JQR* 13 (1901): 345–74. Further refinement of the text is found in Ezra Fleischer, "The Character of the 'Ancient Questions' and the Problem of the Author's Identity" (Hebrew), *HUCA* 37 (1967): 1–23; Judah Rosenthal, "Ancient Questions on the Tanakh" (Hebrew), *HUCA* 21 (1948): 29–91; Alexander Scheiber, "Unknown Leaves from *Sheʾelot ʿAtiqot*," *HUCA* 27 (1956): 291–303; idem, "Fernere Fragmente aus *Sheʾelot ʿAtiqot*," *HUCA* 36 (1965): 227–59.

4.   A. Kahana, "Sheʾelot ʿAtiqot," *HaGoren* 5 (1906): 5–42.

the aftermath of composition and promulgation.[5] Thus, an analysis of reception history allows us to ask (and answer) diachronic questions about the status of a text after its composition: How was it regarded by later authors? Was conformity to it a high priority for later authors? How did it influence the composition of other literature? In the words of Luke Timothy Johnson, reception history is concerned with the "examination of the world that [a text] creates" rather than "the study of the world that created the [text]."[6]

  With regard to the Hebrew Bible, studies of reception history have generally focused on the history of interpretation of a given text within Jewish[7] or Christian[8] contexts. The present study, however, will take a

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5. The identification of the cultural foundations of the Hebrew Bible have received great impetus from comparative studies of ancient Near Eastern cultures, exemplified in William Hallo and K. Lawson Younger, Jr., eds., *The Context of Scripture* (3 vols.; Leiden: Brill, 1997–2002). For critical evaluations of the comparative approach, see Meir Malul, *The Comparative Method in Ancient Near Eastern and Biblical Legal Studies* (Kevelaer: Butzon & Bercker, 1990); Samuel Sandmel, "Parallelomania," *JBL* 81 (1962): 1–13.

6. Luke Timothy Johnson, "Literary Criticism of Luke–Acts: Is Reception History Pertinent?," *JSNT* 28, no. 2 (2005): 159.

7. See David Instone-Brewer, *Techniques and Assumptions in Jewish Exegesis before 70 CE* (Tübingen: Mohr Siebeck, 1992); Christoph Dohmen, *Hermeneutik der judischen Bibel und des alten Testaments* (Stuttgart: W. Kohlhammer, 1996); Michael Fishbane, *The Garments of Torah* (Bloomington, Ind.: Indiana University Press, 1989); Alan J. Hauser and Duane F. Watson, eds., *A History of Biblical Interpretation* (Grand Rapids, Mich.: Eerdmans, 2003); James Kugel, ed., *Studies in Ancient Midrash* (Cambridge, Mass.: Harvard University Press, 2001); idem, *In Potiphar's House: The Interpretive Life of Biblical Texts* (San Francisco: Harper & Row, 1990); James Kugel and Rowan Greer, *Early Biblical Interpretation* (Louisville, Ky.: Westminster John Knox, 1988); Martin Jan Mulder, ed., *Mikra: Text, Translation, Reading & Interpretation of the Hebrew Bible in Ancient Judaism & Early Christianity* (Peabody, Mass.: Hendrickson, 2004); Jacob Neusner, *Midrash in Context: Exegesis in Formative Judaism* (Atlanta: Scholars Press, 1988); Nahum Sarna, *Studies in Biblical Interpretation* (Philadelphia: Jewish Publication Society, 2000).

8. See, for example, G. K. Beale, ed., *The Right Doctrine from the Wrong Texts? Essays on the Use of the Old Testament in the New* (Grand Rapids, Mich.: Baker, 1994); G. K. Beale and D. A. Carson, *Commentary on the New Testament Use of the Old Testament* (Grand Rapids, Mich.: Baker, 2007); Craig Evans, *The Gospels and the Scriptures of Israel* (Sheffield: Sheffield Academic Press, 1999); Craig Evans and James Sanders, *Paul and the Scriptures of Israel* (Sheffield: Sheffield Academic Press, 1993); idem, *Early Christian Interpretation of the Scriptures of Israel: Investigations and Proposals* (Sheffield: Sheffield Academic Press, 1997); Richard B. Hays, *Echoes of Scripture in the Letters of Paul* (New Haven, Conn.: Yale University Press, 1993); Walter Kaiser, *Uses of the Old Testament in the New* (Chicago:

slightly different path through a focus on the inner-biblical reception history of the Pentateuch.[9] Through this study, I aim to provide a detailed analysis of the nature and extent of the Pentateuch's influence upon the composition of other biblical texts by providing detailed analysis of the aforementioned content-related discrepancies between pentateuchal and non-pentateuchal texts. By identifying the nature of the literary relationship between apparently conflicting texts, I will examine the status of the materials now found in the Pentateuch and the extent and nature of their influence on other authors.

To this point, studies of the reception of the Pentateuch have been dominated by an approach that asserts both its compositional priority and its authoritative status. The Pentateuch is thus regarded as the literary standard and antecedent for the composition of other biblical texts. Within this perspective, non-pentateuchal texts that treat the same themes or motifs as the Pentateuch are held to be compositionally dependent upon it. Discrepancies between texts, meanwhile, are regarded as abbreviations or distortions of the pentateuchal material. This conceptualization of the literary force of the Pentateuch, which highlights a linear flow of influence from earlier texts to later texts, is informed by the Documentary Hypothesis, which ascribes to the Pentateuch some of the oldest "traditions" and many of the earliest strands of narrative within the Bible (J and E from the early monarchic period, and D from the late-monarchic period).

The Documentary Hypothesis also establishes a theoretical basis for the attribution of literary authority to the Pentateuch. Based on its supposed temporal priority, and its eventual canonization, it is widely presumed that other biblical authors regarded the source documents as authoritative. Essentially, this is a transfer of the literary status of the completed canon to its individual components. This retrojection of authority then leads to an emphasis on doublets and contradictions

Moody, 1985); Richard Longnecker, *Biblical Exegesis in the Apostolic Period* (2d ed.; Grand Rapids, Mich.: Eerdmans, 1999); Steven Moyise, *The Old Testament in the New Testament* (Edinburgh: T. & T. Clark, 2004).

9.   A dominant segment of reception-historical studies of the Pentateuch concerns its identification as *torah* in post-exilic Israel. See the essays in Gary Knoppers and Bernard Levinson, eds., *The Pentateuch as Torah: New Models for Understanding its Acceptance and Promulgation* (Winona Lake, Ind.: Eisenbrauns, 2007), and James W. Watts, ed., *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch* (Atlanta: Society of Biblical Literature, 2001). See also Peter Frei on Persian imperial authorization: "Zentralgewalt und Lokalautonomie im Achamenidenreich," in *Reichsidee und Reichsorganization im Perserreich* (ed. Peter Frei and K. Koch; Göttingen: Vandenhoeck & Ruprecht, 1984), 10–26.

within the final form of the Pentateuch. As R. N. Whybray points out, a proper defense of the Documentary Hypothesis requires that the final version of the text contains as many repetitions as possible, which allows for the detection of discrete sources.[10] The persistence of repetitive and contrasting elements in the final form of the text is further viewed as an indication of the sources' authoritative status. The redactors responsible for the final text had such reverence for their source material that they were compelled to preserve as much of it as possible, even at the risk of producing a repetitive, or contradictory text. Thus Jeffrey Tigay writes that the presence of doublets "suggests that the sources had a quasi-canonical status before the final compilation of the Bible."[11]

The combination of the above two factors, the temporal priority of the Pentateuch and its authoritative status, produces a model of literary influence that asserts that temporally earlier texts, because of their authoritative status, provide the necessary literary foundation for the composition of later texts.[12] The Pentateuch is thus regarded as the literary foundation to which other biblical texts necessarily conform when discussing certain themes such as the history of Israel, the covenant between Yahweh and Israel, or divinely sanctioned laws. In this light, any similarity between the Pentateuch and non-pentateuchal texts, on either the lexical or thematic level, is taken as evidence of dependence, while discrepancies are understood as adaptations or manipulations of pentateuchal material, rather than independent traditions. Thus, we have a model of influence that recognizes contrasts between the Pentateuch and non-pentateuchal

10. R. N. Whybray, *The Making of the Pentateuch: A Methodological Study* (Sheffield: JSOT Press, 1987), 83.

11. Jeffrey Tigay, *Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 429.

12. An important research trajectory in this regard concerns the literary influence of Deuteronomy on the rest of the canon. On the Deuteronomic redaction of Joshua–Kings, see Frank Moore Cross, "The Themes of the Book of Kings and the Structure of the Deuteronomic History," in *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge, Mass.: Harvard University Press, 1978), 274–89; Richard Nelson, *The Double Redaction of the Deuteronomistic History* (Sheffield: JSOT Press, 1981); Martin Noth, *The Deuteronomistic History* (Sheffield: JSOT Press, 1981); Rudolf Smend, "Das Gesetz und die Volker: Ein Beitrag zur deuteronomischen Redaktionsgeschichte," in *Probleme biblischer Theologie: G. von Rad zum 70 Geburtstag* (ed. Hans Wolter Wolff; Munich: Chr. Kaiser, 1971), 494–509. On the Deuteronomic redaction of prophetic texts, see, among many others, Bernard Duhm, *Das Buch Jeremiah* (Tübingen: J. C. B. Mohr, 1901), and S. Herrmann, *Jeremia: Der Prophet und das Buch* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1990); Raymond Person, *The Deuteronomic School: History, Social Setting and Literature* (Leiden: Brill, 2002).

texts while simultaneously asserting the latter's dependence upon the former. The clearest exposition of this compositional model is found in Michael Fishbane's *Biblical Interpretation in Ancient Israel*, a work that has attained paradigmatic status in the field of biblical intertextuality.[13] While his work presents numerous examples of how the composition of a text is influenced by another text, its most important aspect is the model of scribal activity presented to explain the origins of the intertextual connections. This model, which Fishbane calls "inner-biblical exegesis," also supplies the modern reader with a set of objective criteria by which to detect instances in which one text is based on another.[14]

According to Fishbane, the study of inner-biblical exegesis is akin to tradition-critical studies; the two disciplines share the general goal of identifying pre-existent material lying behind biblical texts. The difference lies in the point of focus. Tradition critics engage the Bible with an external focus, with the goal of identifying *pre-biblical* (non-biblical) traditions that have been integrated into biblical narratives. A particularly active segment of this field involves the search for the oral foundations of biblical narratives.[15] As the name would suggest, the focus

13. Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985). Subsequent publications on the topic include: "Inner-biblical Exegesis," in *Hebrew Bible/Old Testament: The History of Its Interpretation*. Vol. 1, *From the Beginnings to the Middle Ages (Until 1300), Pt. 1: Antiquity* (ed. Magne Sæbø; Göttingen: Vandenhoeck & Ruprecht, 1996), 33–48; "Types of Biblical Intertextuality," in *Congress Volume, Oslo 1998* (ed. Andre Lemaire and Magne Sæbø; Leiden: Brill, 2000), 39–44; "Use, Authority and Interpretation of Mikra at Qumran," in Mulder, ed., *Mikra*, 339–77.

14. For critical reviews of *Biblical Interpretation in Ancient Israel*, see Brevard Childs, Review of *Biblical Interpretation in Ancient Israel*, *JBL* 106 (1987): 511–13; Moshe Greenberg, Review of *Biblical Interpretation in Ancient Israel*, *Numen* 34 (1987): 128–30; James Kugel, "The Bible's Earliest Interpreters," *Prooftexts* 7 (1987): 269–83; James Sanders, Review of *Biblical Interpretation in Ancient Israel*, *CBQ* 49 (1987): 302–5; Lou H. Silberman, Review of *Biblical Interpretation in Ancient Israel*, *Hebrew Studies* 28 (1987): 173–76; Benjamin D. Sommer, *A Prophet Reads Scripture: Allusion in Isaiah 40–66* (Stanford: Stanford University Press, 1998), 1–31.

15. See, for example, Hermann Gunkel, *The Folktale in the Old Testament* (trans. Michael D. Rutter; Sheffield: Almond, 1987); idem, *The Stories of Genesis* (trans. John Scullion; Vallejo, Calif.: BIBAL, 1994); idem, *Die Urgeschichte und die Patriarchen: (das erste Buch Mosis)/übersetzt, erklärt und mit Einleitungen in die fünf Bücher Mosis und in die Sagen des ersten Buches Mosis versehen von Hermann Gunkel* (Berlin: Vandenhoeck & Ruprecht, 1911); Susan Niditch, *Folklore and the Hebrew Bible* (Minneapolis: Fortress, 1993); idem, *Oral World and Written Word: Ancient Israelite Literature* (Louisville, Ky.: Westminster, 1996); Martin

of inner-biblical exegesis is internal relative to the Bible; the primary aim is to identify how earlier *biblical* material influences the composition of other biblical texts. Accordingly, Fishbane views the Bible as a multi-layered document, in which older texts (the *traditum*) shaped newer texts (the *traditio*). The key element to this intertextual relationship is exegesis. The *traditio* does not simply borrow elements from the *traditum*. Instead, the *traditio* is an interpretive development of the *traditum*, an attempt to explain, expand, or otherwise adapt it for a new context. This exegetical venture is motivated by nothing less than the authoritative status of the *traditum*. As Fishbane describes it, the reuse of older texts in new compositions reveals that the former "had already achieved an authoritative status—thus suggesting a canonical consciousness of sorts, insofar as such authoritative texts would constitute a precanonical canon."[16]

Due to his views on the linear flow of influence between texts and the authoritative status of the *traditum*, Fishbane describes the relationship between the *traditum* and the *traditio* as a paradox: "[t]he older *traditum* is dependent upon the *traditio* for its ongoing life. This matter is paradoxical, for while the *traditio* culturally revitalizes the *traditum*, and gives new strength to the original revelation, it also potentially undermines it."[17] Through this conceptualization, Fishbane is able to assert simultaneously the scriptural status of the *traditum* while at the same time explaining the introduction of innovations within the developmental process of the *traditio*.

The allegedly paradoxical relationship between the authority of the *traditum* and the presence of innovations in the *tradition* obtains only if we hold that the relationship between texts involves exegesis, that is, recognition of the authority of the *traditum*. Benjamin Sommer's work on intertextuality in Isa 40–66, however, shows that exegesis is only one possible form of interaction between texts.[18] He identifies two additional types of intertextual reference, "echo" and "allusion."[19] The former is a reference to another text that has no apparent goal. Because there is no purpose to the reference, the author's attitude towards the *traditum* is

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Noth, *Überlieferungsgeschichte des Pentateuch* (Stuttgart: W. Kohlhammer, 1948); Rolf Rendtorff, *Das überlieferungsgeschichtliche Problem des Pentateuch* (Berlin: de Gruyter, 1977).

16. Michael Fishbane, "Revelation and Traditions: Aspects of Inner-Biblical Exegesis," *JBL* 99 (1980): 359–60.

17. Fishbane, *Biblical Interpretation*, 15.

18. Sommer, *A Prophet Reads Scripture*.

19. Ibid., 8–16.

unclear, and so, we cannot with any certainty claim that an author echoes another text for interpretive purposes. "Allusion" is also an intentional reference to another text, though, unlike "echo," it is one with specific rhetorical or strategic goals. These include acknowledgement of a predecessor, introducing lesser-known works or displaying the author's erudition. The interpretation of older texts, however, is not one of these goals. In making an "allusion" to another text, the author does so only to suggest the meaning of his own text, rather than interpret the text being alluded to. The goal of allusion is strictly internal relative to the composition at hand.[20] For this reason, an author can take a decidedly negative stance towards the *traditum*. For example, Sommer refers to the reversal of earlier prophecies in Isaiah: Isa 56:9–57:6 limits the destruction predicted by Jer 12:7–13; Isa 62:6–7 reverses the laments of Lam 2:13–19. Similarly, portions of Isaiah attack the anthropomorphic creation account in Genesis (Isa 40:1, 25, 28; 44:24; 45:18–20).[21]

Though Sommer does not address directly the issue of the linear model of composition, his work does demonstrate the need for a broader approach to intertextuality. A focus on positive influences is severely limited in scope, since it fails to appreciate the range of potential responses to the *traditum*, only some of which entail acceptance of its authoritative status. Hence, we cannot assume that a reference to another text is always motivated by recognition of its authority, since intertextuality can and does involve a decidedly negative stance towards older texts. This broader conception thus provides an effective tool for exploring the full range of how texts are related to each other.

Utilizing this expanded conception, I aim to demonstrate in this study that a model of intertextuality that emphasizes conformity to the Pentateuch through a linear flow of influence does not provide an accurate explanation for the origin of various content-related discrepancies. Through a detailed intertextual analysis of non-pentateuchal passages, and a comparison with thematic parallels in the Pentateuch, I will show that the discrepancies between texts are not products of interpretation, distortion, or any other form of manipulation of the pentateuchal text. The contention that these discrepancies arise from a direct literary dependence upon the Pentateuch is a far too limited vision of how biblical texts are related to each other. What the evidence from this investigation will show is a rich diversity in the origins of inner-biblical discrepancies. Some arise because they are rooted in genuinely non-pentateuchal traditions. Others are the result of different authors

20. Ibid., 30.
21. Ibid., 144.

independently engaging identical thematic elements. And yet others arise because ancient authors operated with a standard of citation vastly different from modern sensibilities. This list of course is not exhaustive; it serves simply to illustrate a critical point—conformity to the Pentateuch was neither a dominant nor primary consideration in the composition of biblical texts.

Ultimately, this study will constitute an investigation into the cultural repertoire of biblical authors. In his *The Act of Reading*, the literary scholar Wolfgang Iser defines the "repertoire" of a text as "all the familiar territory within the text," which includes references to other literature, but also elements of social and political history. The repertoire consists of "the whole culture from which the text has emerged."[22] It is a pool of general, culture-wide knowledge that informs the composition of a text. According to Iser, the import of the repertoire lies in its function as "a meeting point between text and reader."[23] By making use of knowledge that is generally available, the author creates a world of familiarity within the text, into which the reader is drawn. With this definition in hand, I aim to demonstrate that the Pentateuch did not represent a central element of the cultural repertoire of biblical authors. The analysis of inner-biblical discrepancies will show that though ancient authors had access to some traditions that would eventually be incorporated into the Pentateuch, the Pentateuch itself did not dominate their cultural repertoire to the extent that it necessarily influenced their literary activity.

In order to demonstrate the absence of pentateuchal influence in non-pentateuchal texts, I will examine the treatment of three thematic elements that are central to the Pentateuch as a whole: (1) holidays and festivals; (2) the early history of Israel, from the patriarchs to the conquest; and (3) references to a Mosaic or divine source of legislation. Analysis of these themes will provide three separate occasions to study the nature of the intertextual relationship between the Pentateuch and other biblical texts, which will in turn reveal multiple points of conflict between the two, thus demonstrating a lack of adherence to the Pentateuch. And by demonstrating that various discrepancies between texts are evidence of the independent origin of non-pentateuchal texts, I will argue for a specific reception history of the Pentateuch—namely, that the narrative and legal material of the Pentateuch had minimal influence upon other biblical authors.

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22. Wolfgang Iser, *The Act of Reading: A Theory of Aesthetic Response* (Baltimore: The Johns Hopkins University Press, 1978), 69.
23. Ibid.

My challenge to the linear model of composition and its implications for the reception history of the Pentateuch will also be informed by a study of literature from the Second Temple period, an era marked by great theological diversity, stoked in no small part by competing political and religious interests.[24] The literature produced within this period will also show that authors did not regard the Pentateuch as a dominant text. While the Pentateuch was accorded some authoritative status, it is clear that strict conformity to it was not a priority. As a detailed example, I present here the qualifications for priestly services as detailed in the Damascus Document (CD).

A central theme of this text is the centrality of the priestly office. The priests are the first to enter into the meeting of the community (CD [4Q266 10 I] 14:3), and there can be no meeting of a group of ten without a priest (CD [4Q266 9 III] 13:2). The "admonitions" section of CD describes the priests as those who restore covenant fidelity after the conquest of Canaan.[25] The high regard for the Aaronide priesthood is further evident in CD's description of the messiah as "the Messiah of Aaron and Israel."[26] Given the centrality of the priestly office to CD, its concern for their qualification is quite appropriate. In this dimension, however, CD exhibits no conformity to similar regulations in the Pentateuch. According to CD, a priest must be learned in "the book of Hagi" (בספר הגי), an otherwise unknown and unattested text.[27] And while the regulation in CD (4Q266 10 I) 14:6–8 requires priests to be learned in "the ordinances of the law" (משפטי תורה), there is much evidence to suggest that this phrase does not refer strictly to the Pentateuch. Theodore Mullen argues that prior to 200 C.E., there is no common, standard

24.   Donald Harman Akenson, *Surpassing Wonder: The Invention of the Bible and the Talmuds* (Chicago: University of Chicago Press, 1988); Jeff S. Anderson, *The Internal Diversification of Second Temple Judaism: An Introduction to the Second Temple Period* (Lanham, Md.: University Press of America, 2002); Albert I. Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation* (Leiden: Brill, 1997); Gabriele Boccaccini, *Roots of Rabbinic Judaism: An Intellectual History, From Ezekiel to Daniel* (Grand Rapids, Mich.: Eerdmans, 2002); Mark Adam Elliott, *The Survivors of Israel: A Reconsideration of the Theology of Pre-Christian Judaism* (Grand Rapids, Mich.: Eerdmans, 2000); Erwin Goodenough, *By Light, Light: The Mystic Gospel of Hellenistic Judaism* (Amsterdam: Philo, 1969); Lester Grabbe, *Judaic Religion in the Second Temple Period: Belief and Practice From the Exile to Yavneh* (London: Routledge, 2000); idem, *Judaism From Cyrus to Hadrian* (2 vols.; Minneapolis: Fortress, 1992).

25.   CD (4Q266 3 II) 6:2.

26.   CD (4Q266 9 II) 12:23; (4Q266 10 I) 14:19; (4Q266 3 III) 19:11; 20:1.

27.   CD (4Q266 9 III) 13:2–3; (4Q266 10 I) 14:6–8. See the discussion on pp. 222–24.

"Torah" among the various Judaisms, and that when this word is used one cannot assume what its contents would have been.[28] Even if we were to concede that this phrase is a reference to the Pentateuch, however, the importance attached to ספר הגי reveals that the community behind CD embraced multiple documents as authoritative. Thus, the issue at hand is not simply whether the community responsible for CD had access to the Pentateuch, but rather, the literary status of the five books.

A significant point of disjunction with the Pentateuch in CD is the restriction on the age of officiating priests (CD [4Q266 8 III] 10:7–10). In contrast with Num 8:24–25, where the upper age limit is 50 years old, CD sets the upper limit at 60. In maintaining CD's dependence upon the Pentateuch, Charlotte Hempel argues that the limit of 60 is derived from Lev 27:3. But why would the author of CD, in discussing age requirements for the priest, refer to Lev 27:3, which sets the price scale for redemption of human beings and has no relevance for priestly service? This difficulty is compounded by the fact that the author of CD apparently ignored directly relevant material in Num 8:24–25. Therefore, it may be preferable to view CD's age limit of 60 as an independent development, uninfluenced by any pentateuchal text.

What is fascinating is that though CD does not exhibit dependence upon the Pentateuch for priestly term limits, it does betray influence from the book of *Jubilees*. In CD, the basis of the upper age limit of 60 is theological: "No one older than sixty years shall judge the congregation, for because of the sin of human beings their days were shortened, and in his fierce anger against the inhabitants of the earth God commanded that their understanding depart before they complete their days."[29] This dimension is not known from the Pentateuch; neither the age limit of 50 in Num 8:24–25 nor the limitation of human life to 120 years in Gen 6:3 is related to the idea of diminishing intellect as divine punishment. However, the exact notion is found in *Jub.* 23:11: "All the generations that will come into being from now until the great day of judgment will grow old quickly—before they complete two jubilees. It will be their knowledge that will leave them because of their old age; all of their knowledge will depart."[30]

As this example illustrates, the nature of the reception of the Pentateuch by the author(s) of CD defies standard approaches that see *the*

28. E. Theodore Mullen, *Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch* (Atlanta: Scholars Press, 1997), 40.

29. Translation from Charlotte Hempel, *The Laws of the Damascus Document: Sources, Tradition, and Redaction* (Leiden: Brill, 1998), 100.

30. Translation from James VanderKam, *The Book of Jubilees* (Louvain: Peeters, 1989), 139.

Torah as exclusively authoritative from the moment of its issuance, since those behind CD regard multiple documents as authoritative. This lack of conformity in a historical period well after the completion of the Pentateuch forces us to rethink the manner in which early Israelite authors, whose works were eventually included in the biblical canon, received and regarded the Pentateuch. The broad range of texts written outside of the influence of the Pentateuch in the Second Temple period consequently provides us with a means to interpret non-pentateuchal texts without the burden of attributing to the Pentateuch a place of prominence within the cultural repertoire. In fact, assuming such dominance in light of evidence from the Second Temple period proves to be problematic, since we would have to argue that the Pentateuch was the sole influence upon later biblical writers, that its influence waned during the Second Temple period, as evidenced by a lack of full conformity to it in the literature of the time, but regained an authoritative position in the Rabbinic and early Christian periods.

The evidence from the Second Temple period will also prove valuable in challenging suppositions regarding the inevitability of pentateuchal authority. The linear model of composition, described above, operates with the assumption that various authors adhered to the Pentateuch because it was known and authoritative. This perspective even underlies arguments that there is very little awareness of the Pentateuch in other biblical texts, according to which the lack of pentateuchal motifs in other biblical literature is evidence that the Pentateuch was not yet written.[31] The implication is, of course, that if the Pentateuch did exist, then it would have influenced the composition of texts. What the Second Temple period literature shows, however, is that the existence of a text does not guarantee that it will be cited by subsequent authors. Authors are not limited to adopting and conforming to a text; they can reject it or ignore it as well. But beyond calling into question the linear model of composition, these data also reveal the importance of identifying the societal mechanisms that insure the status of a text. The assumption that a text automatically became authoritative shortly after its publication/promulgation cannot be demonstrated. What is quite necessary, then, is a consideration of how a text does achieve authority. What elements of society are responsible for elevating a particular text to the status of scripture? Do all segments of society agree as to the scriptural status of a particular text? Are there elements inherent to the texts that merit such prominence?

Before concluding this introductory chapter, a clarification of two terms is necessary. To this point, I have used the term "biblical" on

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31.   See my discussion on pp. 17–19.

numerous occasions. An elucidation of its meaning is necessary because I will argue for a lack of conformity to the Pentateuch not only in other portions of the Hebrew Bible, but also within the literature of the Second Temple period. In other words, I will argue that the canonical status of the books now grouped as the Bible did not apply during the Second Temple period or earlier. Consequently, the idea that a certain text was "biblical" must be viewed as a later development, meaning that the use of the term for the Second Temple period or earlier is technically anachronistic. What is more, the term "biblical" cannot serve as a temporal marker, since several canonized books are contemporaneous with non-canonical Second Temple period literature. With this clarification in mind, I will use the phrases "biblical text" and "biblical author(s)" as a reference to those texts, or their authors, that are now included within the Hebrew Bible without making assumptions about the status of the text *vis-à-vis* its reception history.

The second term needing clarification is "authority." This term could, of course, refer to a number of concepts—institutional sanction, canonical status, a prominent place in the cultural repertoire, and so on. It is absolutely ridiculous, of course, to argue that the author of a text had no intent for the final product to be authoritative in some manner. This would be of particular concern in the ancient world, where the production of literature was primarily motivated by the desires of patrons rather than aesthetics. Even in cases where authors had the means to write for pleasure, however, we cannot minimize their intent to communicate some form of truth to the reader. In this sense, all texts, be they ancient or modern, come with an inherent *claim* to authority.

However, the fact that writers *intend* for their text to be authoritative cannot inform us of the readers' response. Beyond the author's intent, we must ask what societal mechanisms were available or necessary in order to accept its claim of authority, and hence, elevate it over other texts. We must ask what measures the patron would have taken to insure that the text was accepted as true. We must ask how the later scribal and archival culture regarded the text. In other words, we need to study, as much as possible, the reception history of the text in order to determine whether a claim of authority was accepted or not. We cannot simply assume that because a text was included in an authoritative canon centuries after its composition that its nature as "authoritative" was never in question. That this is not the case is plainly evident from the various debates concerning the canonical status of Qoheleth and Esther.[32]

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32. See C. L. Seow, *Ecclesiastes* (New York: Doubleday, 1997), 3–4; Carey A. Moore, "Esther, Book of," *ABD* 2:633.

For these reasons, I will use the terms "authority" or "authoritative" to refer to a specific, reader-reception oriented textual status. The terms will not be equated to canonical status, since the evidence in this study will show that the concept of a canon is anachronistic into the Second Temple period. Nor will it refer to a certain status for the text as claimed by the author, since ostensibly all authors would vouch for their texts' import. Instead, I will use "authority" as a way to speak of the character of the reception of a text. In one sense, an authoritative text is one that has reached a certain venerated or elevated status within the society. This description, however, is not quite detailed enough, for my primary concern in this study is to gauge specifically how certain texts influence the composition of other texts. For this reason, I will define "authority" as the status of a text that is regarded as a fundamental element of the cultural repertoire, which imposes conditions of conformity and adherence upon the composition of subsequent texts. Thus, a document is "authoritative" if it has enough literary force to curtail variants. Though unstated in most works, this is the basic definition of "authority" that most proponents of the linear model of composition follow, since their approach to intertextuality is established on the assumption that the Pentateuch controls the cultural consciousness of biblical and postbiblical authors.

Here is a brief overview of how the rest of this study will progress. In Chapter 2, I will present a more complete description of the linear model of composition, its theoretical underpinnings, and its inadequacies. This will then lead into a consideration of the methodological approach to be employed in this study. In Chapters 3 through 5, I will present biblical and Second Temple period literary treatments of the three themes central to my study: holidays and festivals, the early history of Israel, and references to a Mosaic legal document. Additionally, each chapter will include a theoretical discussion pertinent to the particular theme. The discussion of holidays and festivals in Chapter 3 will be prefaced with a consideration of ritual theory. Chapter 4, focusing on non-pentateuchal descriptions of the history of Israel, will necessitate a foray into a controversial issue, the status of the Bible as a historical source. Chapter 5, centered on references to a Mosaic or divine source of legislation, will entail a discussion of the function of textuality in ancient society. In the final chapter, I will provide a brief summary and a discussion of the implications of this work for further study.

Chapter 2

Methodology

1. *A Critique of the Linear Model of Composition*

The linear model of composition, with its emphasis on the authoritative status of the Pentateuch and the concomitant view of literary inter-dependence within the canon, has proved to be extremely popular in studies of biblical intertextuality, as it coheres with insights from source/ redaction criticism and views regarding the formation of the canon. However, this model rests on a number of problematic theoretical assumptions that have not been addressed in adequate fashion. This raises the issue, then, of why dissonance is tolerated in the scholarly consensus. In this chapter, my aim is not simply to create an alternative model of composition, for there is no single theoretical approach that is flawless. Instead, the primary goal is to diminish as much as possible the number of problematic tenets that emerge from the dominant model.

Let us first consider in greater detail the deficiencies of the linear model of composition. As noted above, the Documentary Hypothesis is a fundamental pillar of the model, since it establishes the temporal prior-ity of pentateuchal texts and thus establishes a relative chronology by which the direction of influence between texts is assessed. Further, the schematization of the composition of the Pentateuch as a merger of four independent documents provides a conceptual analogue for the literary-antecedent function of the Pentateuch within the canon.

For many years, however, the validity of the Documentary Hypothesis has come under severe criticism. While much of this criticism concerns the dating and nature of the four discrete sources—for example, many now regard J as an exilic rather than pre-exilic source[1]—these critiques

1.   For exilic dating of J, see Erhard Blum, *Studien zur Komposition des Penta-teuch* (Berlin: de Gruyter, 1990); Thomas Dozeman and Konrad Schmid, eds., *A Farewell to the Yahwist? The Composition of the Pentateuch in Recent European Interpretation* (Atlanta: Society of Biblical Literature, 2006); Christoph Levin, *Der*

still maintain the basic skeleton of the hypothesis that the Pentateuch was produced through an editorial combination of multiple independent documents.[2] A more substantial critique, which targets the core of the Documentary Hypothesis, can be found in R. N. Whybray's *The Making of the Pentateuch*.

Whybray's strongest objection to the Documentary Hypothesis is based on its conception of the role of the author. The Documentary Hypothesis is built on the assumption that ancient authors functioned with the same standards of literary aesthetic and coherence as modern authors, leading to the assumption that a single writer would not produce a document with redundancies or contradictions. For this reason, doublets and contradictions in the final form of the Pentateuch are taken as evidence of the merger of two or more independent documents. While the Documentary Hypothesis imposes upon ancient writers a consistency that may be unparalleled in ancient literature, this expectation of uniformity does not apply to the redactors. This is, in Whybray's view, an outright contradiction, since it entails one type of compositional process as responsible for the source documents, producing unified texts with no contradictions, while positing another process for the final form of the

Jahwist (Göttingen: Vandenhoeck & Ruprecht, 1993); John Van Seters, *In Search of History: Historiography in the Ancient World and the Origins of Biblical History* (Winona Lake, Ind.: Eisenbrauns, 1997); idem, *The Life of Moses: The Yahwist as Historian in Exodus–Numbers* (Louisville, Ky.: Westminster John Knox, 1994); idem, *Prologue to History: The Yahwist as Historian in Genesis* (Louisville, Ky.: Westminster John Knox, 1992); Hermann Vorländer, *Die Entstehungszeit des jehowistischen Geschichtswerkes* (Frankfurt am Main: Peter Lang, 1978).

2.   For critiques of the late dating of P, see the summary in David R. Hildebrand, "A Summary of Recent Findings in Support of an Early Date for the So-Called Priestly Material of the Pentateuch," *JETS* 29 (1986): 129–38, and Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995). Additionally, several scholars have argued that P cannot be viewed as a complete narrative, but only a supplement to J and E: Cross, *Canaanite Myth and Hebrew Epic*, 301–21; Rendtorff, *Das überlieferungsgeschichtliche Problem des Pentateuch*; S. Tengstrom, *Die Toledot-Formel und die literarische Struktur zur Komposition des Pentateuch* (Berlin: de Gruyter, 1990); Paul Volz and Wilhelm Rudolph, *Der Elohist als Erzähler: ein Irrweg der Pentateuchkritik?* (Giessen: A. Töpelmann, 1933); F. V. Winnett, "Reexamining the Foundations," *JBL* 84 (1965): 1–19. With regard to E, based on its fragmentary nature, Wilhelm Rudolph and Paul Volz were among the earliest to ask whether it was even necessary to posit the existence of an E source (see Volz and Rudolph, *Der Elohist als Erzähler*; and Wilhelm Rudolph, *Der "Elohist" von Exodus bis Josua* [Berlin: A. Töpelmann, 1938]). John Van Seters echoes their sentiments, arguing that material typically viewed as E should be attributed instead to an exilic J source—see his *Prologue to History*, 4.

Pentateuch, one in which doublets and contradictions *were* tolerated. "Thus the hypothesis can only be maintained on the assumption that, while consistency was the hallmark of the various documents, inconsistency was the hallmark of the redactors."[3] As Whybray shows, proponents of the Documentary Hypothesis have not provided adequate grounds for why the compositional process should be so different in the two stages, other than to maintain that the presence of doublets necessarily proves the merger of separate documents. Neither have they given much credence to the possibility that an author may deliberately use doublets, repetitions, and contradictions for literary or stylistic reasons, as effectively argued by Robert Alter and Meir Sternberg.[4]

Based on this challenge to the Documentary Hypothesis, we have ample grounds to question its conclusions regarding the temporal priority of the Pentateuch's source material. But more importantly, Whybray's excellent critique demonstrates that we cannot take as granted the supposed linear evolution of the Pentateuch from four discrete sources. This in turn leads us to question the validity of a compositional model that posits the necessity of influence of temporally prior texts upon subsequent literature. To be sure, the absence of pentateuchal awareness in non-pentateuchal texts has been recognized for some time. In his *Die Entstehungszeit des Jehowistischen Geschichtswerkes*, Hermann Vorländer demonstrates an absence of pentateuchal motifs in pre-exilic prophetic texts, which leads him to date the Pentateuch to the exilic period.[5] Philip Davies takes a similar approach in arguing for a second-century B.C.E. dating for the Pentateuch in its presently canonized form. His argument is based on a history of Judah written by Hecateus of Abdera, preserved in a work by Diodorus Siculus (first century C.E.).[6] While Hecateus knows of the central role of Moses in the history of Israel, he does not mention Abraham, Joshua, or the monarchy. Thus, Davies states, "only a rudimentary historiographical account had been canonized by the end of the fourth century."[7] In an analysis of the exodus and covenant themes, Niels Peter Lemche argues that their conjunction, which takes center stage in the Pentateuch, does not occur in any

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3. Whybray, *The Making of the Pentateuch*, 130.

4. Robert Alter, *The Art of Biblical Narrative* (New York: Basic Books, 1981), 131–54; Meir Sternberg, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* (Bloomington: Indiana University Press, 1985), 445–75.

5. Vorländer, *Die Entstehungszeit des jehowistischen Geschichtswerkes*, 337.

6. Menahem Stern, *Greek and Latin Authors on Jews and Judaism* (Jerusalem: Israel Academy of Sciences and Humanities, 1974), 20–43.

7. Philip R. Davies, *Scribes and Schools: The Canonization of the Hebrew Scriptures* (Louisville, Ky.: Westminster John Knox, 1998), 104.

premonarchic texts.[8] In fact, the pre-exilic prophetic texts contain few traces of any pentateuchal themes, and those that are present are likely secondary insertions by the Deuteronomist.[9] It is only in post-exilic literature that we see a fusion of the exodus and covenant motifs, thus suggesting a late dating of the Pentateuch. The analysis of a conjunction of themes is also a critical element to Frank Crüsemann's proposal. He focuses on the combination of the Sinai and law-giving motifs, demonstrating that in pre-exilic literature, Sinai (and Horeb) has no relation to the giving of law. Rather, it functions as the mountain dwelling place of Yahweh, from which he comes to provide divine salvation. As for the giving of the law, Crüsemann demonstrates that in pre-exilic literature it is situated in a variety of locations, none of which are Sinai.[10] It is only in Exod 32–34, an exilic text, that the two themes are combined, thus revealing the relatively late date in which the Pentateuch as a whole was formed.[11]

By focusing on intertextual awareness, these scholars provide evidence for the date of composition of the Pentateuch that does not rely on the Documentary Hypothesis, thereby providing an external means of challenging the hypothesis. However, they still maintain the basic principles of the linear model of composition by assuming the necessary authority of the Pentateuch. Each scholar noted above concludes that the absence of pentateuchal awareness proves the non-existence of the Pentateuch, the implication being that had the Pentateuch existed, it would have informed the composition of later texts. They do not adequately address the assumed authority of the Pentateuch and its reception via linear process, for there is no consideration of the possibility that the Pentateuch did exist, but was either unknown or ignored by other authors.

What is needed, then, is an approach to inner-biblical reception that focuses on the issue of authority. As I have noted a number of times now, the linear model of composition presumes that biblical authors approached the Pentateuch as "authoritative" literature (i.e. that it

8.   Niels Peter Lemche, *Early Israel: Anthropological and Historical Studies on the Israelite Society Before the Monarchy* (Leiden: Brill, 1985), 306–85. Lemche dates J and E to the late monarchic or early exilic period (pp. 356–57).

9.   Ibid., 328. In exilic prophetic texts, Lemche notes that Ezekiel has strong echoes of P (p. 325). Within post-exilic prophetic texts, Lemche identifies only a scattering of pentateuchal motifs: Isa 63:7–14; Hag 2:5; Mal 3:22 and Zech 10:10–11 (pp. 326–27).

10.   Exod 15:22–27 has laws given at Marah, Deut 12–26 at the plains of Moab, and Josh 24 in Shechem.

11.   Frank Crüsemann, *The Torah: Theology and Social History of Old Testament Law* (Minneapolis: Fortress, 1996).

dominated the cultural repertoire and functioned as a literary foundation). The basis of this idea is the rather simple notion that since the Pentateuch is part of the canon, which is accorded authoritative status by faith communities, it had canonical, or what Tigay calls "quasi-canonical," influence upon the composition of the rest of the Bible.[12]

In his *Scribes and Schools: The Canonization of the Hebrew Scriptures*, Philip Davies formulates an important criticism of this viewpoint by destabilizing much of what is typically assumed about canonization. He points out that, in general, studies of canonization envision a single, linear process, the end result of which is a closed list of authoritative texts. In this perspective, the primary criterion for the canonization of a particular text is its contents; there is some aspect inherent to a text that makes its place in the canon a certainty.[13] Because of these assumptions, Davies writes that most studies of canon formation posit an organic process, virtually directed by the texts themselves, "as if the inevitability of the canon were taken for granted."[14] Davies counters this conceptualization of canonization by arguing that while the formation of a canon is "an inevitable by-product of a consciously literate culture," "the production of a single closed list of authoritative writings is not the inevitable end product of this ongoing process."[15] The core of his argument is that the individual texts were not written with the express purpose of being included in the Bible. This is not to argue that the texts were written with no intent of being authoritative, but only to say that the original authors did not operate with the intention of placing their composition within a limited collection.

As an alternative, Davies argues that a canon is formed by two steps: (1) the preservation and transmission of a text by copying and (2) the classification of a text as belonging to a collection of some kind.[16] Again, the key point in his argument is that the canonical status of a text is not

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12. Tigay, *Deuteronomy*, 429.

13. See, among many examples, R. T. Beckwith, "Formation of the Hebrew Bible," in Mulder, ed., *Mikra*, 39–86; Richard Elliott Friedman, *The Creation of Sacred Literature* (Berkeley: University of California Press, 1981); Sid Z. Leiman, *The Canonization of Hebrew Scriptures: The Talmudic and Midrashic Evidence* (Hamden, Conn.: Archon, 1976); J. W. Miller, *The Origins of the Bible: Rethinking Canon History* (New York: Paulist, 1994); James A. Sanders, *Torah and Canon* (Philadelphia: Fortress, 1972); William Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University Press, 2004).

14. Davies, *Scribes and Schools*, 4.

15. Ibid., 9.

16. Ibid.

inherent to the text. The decision to canonize rests not upon the original author, but upon later tradents of the scribal culture in which literature is maintained. The designation of authority through placement in a canon is at least one step removed from the composition of the text. It is inappropriate, on this basis, to transfer the authority of the canon to the individual books, since the authors of the individual books played no role in the attribution of such status. Though authors *intend* for their text to achieve exclusive status, in the end it is a determination made by the reader(s).[17] This is exactly the element that is missing from the linear model of composition, which lacks any reflection on the processes by which the authority of texts is established.

The problematic assumptions of the linear model of composition discussed thus far, the temporal priority of the Pentateuch and its presumed function as a literary antecedent, lead to a troublesome bifurcation between the Pentateuch and non-pentateuchal texts. This is evident in two areas: ideology and literary form.

Informed by the linear model of composition, scholars attempt to resolve content-related discrepancies between the Pentateuch and non-pentateuchal texts while maintaining that the latter is dependent upon the former. Consequently, the points of contrast are labeled distortions or manipulations produced by theological or rhetorical goals. Let us consider here some recent interpretations of Ezek 20, a prophetic diatribe that contains a number of fascinating points of conflict with the Pentateuch. Similar to Josh 24:2 and 24:14, the prophet claims that the Israelites worshipped the gods of Egypt during their captivity (v. 7). According to v. 23, the second wilderness generation, who rebelled against Yahweh just as their ancestors did, is punished by being denied entry in to the promised land. Then there is the issue of missing elements, as Ezek 20 makes no mention of the patriarchs, Moses, Aaron, or Joshua. Even more striking, though the passage centers on Israel's rebellion in the wilderness, there is no mention of any of the wilderness sins described in the Pentateuch.

The most common means of resolving the discrepancies between Ezek 20 and the Pentateuch is by making recourse to the author's rhetorical and theological goals. According to Daniel Block, "Ezekiel's survey of Israel's history is not intended as a true reconstruction of the past. His purposes are rhetorical…"[18] Moshe Greenberg writes that the absence of any mention of the patriarchs in Ezek 20 is deliberate, intended:

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17. See my definition of "authority" on p. 14.
18. Daniel I. Block, *The Book of Ezekiel Chapters 1–24* (Grand Rapids, Mich.: Eerdmans, 1997), 640.

for the effect gained by juxtaposing God's total gracious commitment to Israel with Israel's total rejection of him from their first encounter with him as a nation, which was in Egypt. Ezekiel could not well have started Israel's career of apostasy with the patriarchs, the archetypal pious recipients of God's blessings.[19]

This approach to the text, which recognizes discrepancies in the narrative and emphasizes the continuity of Ezek 20 with the Pentateuch, allows scholars to portray the passage as a re-interpretation of extant traditions. Thus, Block calls the passage a "deliberate skewing and distorting of the sacred traditions" in which Priestly and Deuteronomic elements are given a radically different twist.[20] Similarly, Ronald Hals labels this passage a "prophetic message in which old tradition and radical inter-pretation are present."[21] Lyle Eslinger describes the text as "divine hyperbole."[22]

In these works, the recognition of the importance of ideology in the production of literature is quite valuable, since it provides insights into the social and political conditions that informed the text's composition. A troubling aspect persists, however, for while much of scholarship is apt to attribute textual discrepancies to ideological origins, there is a general lack of reflection on the ideological goals that lie behind the Pentateuch. A linear model of composition proves to be inadequate because it draws a sharp distinction between the Pentateuch and the rest of the Bible on the basis of ideology. The Pentateuch is upheld as the pristine record of the past, untainted by ideology and subjectivity, from which other texts deviate for various theological or rhetorical reasons. This assertion is not accompanied, however, by any discussion of why the Pentateuch is set apart in such a manner. Is there something inherent within the Pentateuch that prevents us from attributing to it the subjective process of exclusion and inclusion that is attributed to other texts? Is the Pentateuch somehow marked by form or genre as the repository from which the other texts are free to pick and choose? I would argue that there are in fact no such criteria. Just as the non-pentateuchal texts repre-sent manipulations or adaptations of traditional material according to a certain ideological purpose, so also the Pentateuch represents the prod-uct of a specific ideological program. Therefore, the recognition that

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19. Moshe Greenberg, *Ezekiel 1–20* (Garden City, N.Y.: Doubleday, 1983), 364.
20. Block, *The Book of Ezekiel Chapters 1–24*, 613–14.
21. Ronald M. Hals, *Ezekiel* (Grand Rapids, Mich.: Eerdmans, 1989), 135.
22. Lyle Eslinger, "Ezekiel 20 and the Metaphor of Historical Teleology: Con-cepts of Biblical History," *JSOT* 81 (1998): 103.

literature referring to the past is used not to reconstruct the past, but to speak to the needs of the present generation, must be applied to the Pentateuch as well.[23]

   In addition to ideology, a number of scholars draw a distinction between pentateuchal and non-pentateuchal texts on the basis of literary form. According to this view, the use of poetic forms in non-pentateuchal historiographic texts is thought to preclude their historical status, thereby rendering them a less accurate, less literal distillation of the pentateuchal narrative. While scholars recognize that these texts contain critical differences with the Pentateuch, they are regarded as by-products of the use of a non-objective literary form. According to Stanislav Segert, "The distinction between «history» and «poetry» may be seen as that between actual history and historical tradition."[24] Segert argues that in poetic form, Neh 9 is "distant from the actual history." It does not "give historical data, but…provides a testimony about how older history was understood and evaluated in a certain period not precisely determined in terms of absolute chronology."[25] In a similar vein, Mark Boda argues that because the author of Neh 9 is writing poetry, he cannot get trapped in the specifics of chronological sequence; his aim is only to paint a "broad picture of this period," for the "the tendency in poetic material has been to take the detail and condense it into a manageable kernel."[26]

   These contentions are based on the notion that there is a deep-seated connection between literary form and function. Among the earliest to make such an argument with regard to the Hebrew Bible was Karl Budde, who proposed that Hebrew lament poetry comes in a specific form: a stich of three accentual units followed by two accentual units, the so-called *qîna* meter.[27] Among contemporary scholars, an exemplary

   23.   A number of recent works dealing with the societal function of the Penta-teuch in the post-exilic period model this very important and informative approach. See R. Christopher Heard, *Dynamics of Diselection: Ambiguity in Genesis 12–36 and Ethnic Boundaries in Post-Exilic Judah* (Atlanta: Society of Biblical Literature, 2001); E. Theodore Mullen, *Narrative History and Ethnic Boundaries: The Deuteronomistic Historian and the Creation of Israelite National Identity* (Atlanta: Scholars Press, 1993); idem, *Ethnic Myths and Pentateuchal Foundations*; Van Seters, *The Life of Moses*; idem, *Prologue to History*; idem, *In Search of History*.
   24.   Stanislav Segert, "History and Poetry: Poetic Patterns in Nehemiah 9:5–37," in *Storia e tradizioni di Israele: Scritti in onore di J. Alberto Soggin* (ed. J. Alberto Soggin, Daniele Garrone, and Felice Israel; Brescia: Paideia, 1991), 255.
   25.   Ibid., 265.
   26.   Mark J. Boda, *Praying the Tradition: The Origin and Use of Tradition in Nehemiah 9* (Berlin: de Gruyter, 1999), 80.
   27.   Karl Budde, "Das hebräische Klagelied," *ZAW* 2 (1882): 1–52.

proponent of a correlation between form and content is Robert Alter, who argues that there is a "certain affinity…between the formal properties of any given prosodic system or poetic genre and the kinds of meaning readily expressed through that system or genre."[28] Based on this assertion, Alter writes that it is the poetic form of the psalms that "made it possible to articulate the emotional freight, the moral consequences, the altered perception of the world that flowed from this monotheistic belief, in compact verbal structures that could in some instances seem simplicity itself."[29]

We must recognize, however, that these arguments are limited. At minimum, poetry is a means of arranging a text through structure and meter. Without a doubt, many poetic texts are marked by a frequent use of figurative language and imagery. But can we conclude from this that the poetic form determines the truth-value of a text? Can we assume that because a text rhymes or has a set metrical pattern or is in some other way "not prose" that it is somehow less objective or more ironic or more satirical than a prose text? It is not the form of a text that determines its truth-value, but its actual contents. Therefore, we must question the argument that non-pentateuchal historical texts, because of their poetic form, are less "historical" adaptations of the pentateuchal narrative.[30]

2. *Alternatives to a Linear Model*

Within the past two decades there has been growing recognition of the inadequacy of the linear model of composition, as a number of scholars have offered up alternative theoretical approaches. The primary yield from these works is in the fact that they destabilize the notion of a linear process of composition, thus fueling our skepticism towards its implications for intertextuality.

Sara Japhet challenges a linear conception of composition in her study of the relationship between Chronicles and Samuel–Kings. On the basis of lexical and thematic connections between the two books, many view Chronicles as either a supplement or replacement of the "main" narrative

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28. Robert Alter, *The Art of Biblical Poetry* (New York: Basic Books, 1985), 62.
29. Ibid., 113.
30. Stanley Fish presents detailed arguments against the correlation of form and meaning in two essays: "What is Stylistics and Why are they Sayings Such Terrible Things about It?," and "What is Stylistics and Why are they Sayings Such Terrible Things about It? Part II," in *Is there a Text in this Class? The Authority of Interpretive Communities* (Cambridge, Mass.: Harvard University Press, 1980), 68–96 and 246–67.

of Samuel–Kings. Japhet contends that neither option is valid. In her view, Chronicles fails as a replacement since the Chronicler often alludes to facts or details that are mentioned only in Samuel–Kings, and thus assuming within the reader detailed knowledge of those books. This level of dependence, Japhet continues, does not mean Chronicles is a supplement, since the Chronicler includes so much material that repeats the narrative in Samuel–Kings.[31] In rejecting both the replacement and supplement view, Japhet denies the notion that there is one "main" text to which a later text responds or conforms. In her view, the literary relationship between Chronicles and Samuel–Kings is much more fluid. She labels Chronicles a "corrective history…a thorough reformulating of ancient history from a new 'modern' perspective, responsive to its time."[32] In some instances, this corrective history will adopt material found in earlier texts; at other times, it will create and innovate. Whether the author selects one mode or the other is not motivated by the status of the older text, but the ideological, theological, and literary elements that factor into the production of the new text.[33] Thus, Japhet challenges the linear model of composition through the recognition that the relationship between texts is multi-faceted and author-driven.

In his *Ethnic Myths and Pentateuchal Foundations*, Theodore Mullen challenges the notion that the Tetrateuch presents a coherent, unified reading produced from the combination of independent source documents. In fact, he argues that a linear reading of the four books is a secondary development. Originally, they represented "a repository of accounts that presented numerous options for selected usage for particular didactic religious and ethnic, communal purposes."[34] In effect, Mullen views the Tetrateuch as a reference volume that contains various texts both gathered and composed for the purpose of establishing the ethnic-identification needs of the post-exilic community. Consequently, the occurrence of doublets and contradictions—the lynchpin of the Documentary Hypothesis—is not due to the combination of discrete documentary sources, but a reflection of the nature and function of the whole as a repository.

31.   Sara Japhet, "Postexilic Historiography: How and Why?," in *Israel Constructs Its History: Deuteronomistic Historiography in Recent Research* (ed. Albert de Pury, Thomas Römer, and Jean-Daniel Macchi; Sheffield: Sheffield Academic Press, 2000), 160.

32.   Ibid., 161.

33.   For extensive treatment of the world-view of the Chronicler, see Sara Japhet, *The Ideology of the Book of Chronicles and Its Place in Biblical Thought* (Frankfurt am Main: Peter Lang, 1989).

34.   Mullen, *Ethnic Myths*, 11.

Mullen is not the first to suggest that a biblical book was originally composed as a repository; a similar perspective informs studies of prophetic literature. Philip Davies argues that biblical prophecy presents the reader, in the first instance, with a literary phenomenon, and that the connection of a prophetic text with the activities of a historical prophet cannot be assumed. He contends that the prophetic book is not a chronologically sequenced record of a prophet's activity, but an anthology, which presents the reader with a collection of material associated with a certain prophetic figure.[35] He defends this view by referring to the fact that prophetic books, for the most part, contain very little information about the actual prophet, a fact that is counter to the general trend for orally transmitted material about an individual to accumulate biographical details. Davies then suggests that the origins of the prophetic book lie in archival practice. Appealing to ancient Near Eastern parallels, he argues that the prophets communicated their message from the deity through letters, which came to be filed under the name of the sender. Eventually, these letters, which had no relation to one another (even those from the same prophet), were written onto a single scroll associated with one prophet.[36] The prophetic text was accordingly produced not as a chronologically ordered biographical sketch, but as an archive. This point of origin would then explain why so many of the prophetic books are disorganized, even after a lengthy process of transmission.

In his study of the redactional history of the prophetic texts, Terrence Collins argues that their literary unity cannot be assumed. He likens the composition of these texts to the creation of a collage, consisting of two processes. The first is the collection of various pieces of text, brought together based on the rubric of lexical or thematic similarities. Collins's paradigmatic example of this phenomenon is the book of Isaiah, in which material from the exilic and post-exilic period was fused with earlier material "to which it was seen as complementary" due to theme rather than authorship.[37] The second, and more intriguing process is a heavy amount of revision and editing after the juxtaposition of the various pieces of prophetic material. The key to this phenomenon is that the revision goes both ways; while most recognize that chronologically later

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35. Philip Davies, "Pen of Iron, Point of Diamond (Jer 17:1): Prophecy as Writing," in *Writings and Speech in Israelite and Ancient Near Eastern Prophecy* (ed. Ehud Ben Zvi and Michael H. Floyd; Atlanta: Society of Biblical Literature, 2000), 65–82.

36. Ibid., 74.

37. Terence Collins, *The Mantle of Elijah: The Redaction Criticism of the Prophetical Books* (Sheffield: JSOT Press, 1993), 43.

texts are revised to conform to earlier texts, Collins demonstrates that the reverse is also the case, as he outlines a fluid process in which pieces of text inform and influence each other unhindered by their relative chronology. Unlike Davies, Collins does recognize some sense of unity within prophetic texts. This unity is not, however, based on a narrative or chronological sequence, but rather is formed by "a broader, more impressionistic view" that results from the identification of the markers of internal editing and revision.[38]

One of the strongest opponents of a linear view of the composition of prophetic texts is Robert Carroll.[39] His commentary on the book of Jeremiah is especially informative, since he rejects a connection between the final form of the text and the activities of the historical prophet.[40] Carroll contends that any association of the actual prophet and the final form of the text is the product of editorial activity and not a fact that can be distilled from a close reading of the individual units themselves. It is the final editors of the text who supplied "details of speakers, places and occasions of utterances," with the introduction of Jer 1:1–3 being a parade example.[41] Consequently, there is no unity or coherence to the text except that which is generated from the editor's act of compilation and fusion of originally separate units through redactional insertions.[42]

38.   Ibid., 30.

39.   Robert P. Carroll, "Whose Prophet? Whose History? Whose Social Reality? Troubling the Interpretative Community Again: Notes Toward a Response to T. W. Overholt's Critique," in *The Prophets: A Sheffield Reader* (ed. Philip Davies; Sheffield: Sheffield Academic Press, 1996), 87–105; idem, "Intertextuality and the Book of Jeremiah: Animadversions on Text and Theory," in *The New Literary Criticism and the Hebrew Bible* (ed. J. Cheryl Exum and David J. A. Clines; Sheffield: JSOT Press, 1993), 54–78; idem, "Madonna of Silences: Clio and the Bible," in *Can a "History of Israel" Be Written?* (ed. Lester Grabbe; Sheffield: Sheffield Academic Press, 1997), 84–103; idem, *Jeremiah: A Commentary* (Philadelphia: Westminster, 1986).

40.   This represents a stern challenge to traditional views on the book of Jeremiah. See John Bright, *Jeremiah* (Garden City, N.Y.: Doubleday, 1965); William Lee Holladay and Paul D. Hanson, *Jeremiah 1: A Commentary on the Book of the Prophet Jeremiah, Chapters 1–25* (Philadelphia: Fortress, 1986), and *Jeremiah 2: A Commentary on the Book of the Prophet Jeremiah, Chapters 26–52* (Minneapolis: Fortress, 1989); Jack R. Lundbom, *Jeremiah 1–20: A New Translation with Introduction and Commentary* (New York: Doubleday, 1999), and *Jeremiah 21–36: A New Translation With Introduction and Commentary* (New York: Doubleday, 2004); J. A. Thompson, *The Book of Jeremiah* (Grand Rapids, Mich.: Eerdmans, 1980).

41.   Carroll, *Jeremiah*, 34.

42.   Carroll, "Whose Prophet?," 95.

For this reason, Carroll states: "The term 'book' is a misleading description of these congeries and they might be better described as a miscellany of disparate writings—a gallimaufry of writings…"[43]

There are several important implications to Carroll's approach to Jeremiah. First, it challenges the notion that coherence and sequence are intrinsic to a text by proposing that these elements are secondary impositions of the editorial process. Second, it demonstrates the flexibility of discrete textual units. Because the attribution of historical context is not inherent in the text itself but a product of editorial overlays, it is conceivable that the same text can be placed in multiple settings through the application of varying structures. Carroll demonstrates this in his study on the intertextual nature of Jeremiah, as he argues that the final form of the text was produced through an intertextual reflectivity, in which various pieces of text were brought together "in order to make them form a unitary statement about certain matters." This would explain the recurrence of the same units throughout Jeremiah (6:13–15 = 8:10–12; 11:20 = 20:12; 16:14–15 = 23:7–8; 23:19–20 = 30:23–24).[44] Here, Carroll argues persuasively that adaptation or incorporation of pre-existent texts is not motivated solely by the issue of textual authority or temporal priority, but also by the larger literary program of the editor/compiler.

If there is one principle that can be distilled from these diverse approaches, it is that the composition of biblical texts is complex and, for lack of a better word, messy. Some texts are intended to present clean, linear narratives, while other texts function as repositories of traditions. And while we cannot doubt that a text influences the composition of another, there are no restraints on how this exchange takes place. The notion that one text serves as the literary antecedent of another is undoubtedly true in some cases. We must recognize, however, that there is no element of necessity in this relationship, nor is this relationship determined strictly by which text was written first. This is precisely the area in which the linear model of composition fails, since it requires the assumption that conformity to the Pentateuch was a critical factor in the composition of other biblical texts. Consequently, we must resist the urge to incorporate these and other views into a unified model of composition, while coming to a deeper appreciation of the complexity that lies behind biblical intertextuality.

43. Carroll, *Jeremiah*, 38.
44. Carroll, "Intertextuality and the Book of Jeremiah," 66.

3. *Methodological Approach*

Having established the inadequacies of a linear approach to intertextuality, I will present the methodological approach to be utilized in this study. At its core, this study is concerned with intertextuality. Given this, it is important to recognize that there is no single intertextual method, such that the literary scholar Heinrich F. Plett prefers to speak of "intertextualities."[45] Within biblical studies, intertextual studies have by and large come in one of two forms. As already discussed in detail above, one stream of scholarship focuses on how one biblical text informs the composition of another, in what is essentially an examination of a text's source material. Another trajectory takes a more expansive approach, largely under the influence of Julia Kristeva, widely regarded as the pioneer of intertextuality.[46] Kristeva envisioned the text as a mosaic consisting of other "texts," a category in which she included in addition to literature, art, music, history, society and even the person of the author and reader.[47] Accordingly, she argued that no "text" exists in a vacuum, since it is integrally related to the culture of both the author and the reader. As Danna Nolan Fewell describes it, "[a]ll texts are embedded in a larger web of related texts, bounded only by human culture and language itself." In this light, "intertextual reading is inevitable," because each text contains innumerable connections to other texts.[48]

Within this broad conception of intertextuality, whether or not an author intends to allude to another text is not of primary concern. This is not to say that there is no consideration given to an author's intentional allusions to another text. Indeed, for Kristeva, the manner in which the author utilized the various pieces of the cultural mosaic was a central element of intertextual study, which she conceived of as "a process of creation by destroying and transforming the quotations and allusions in

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45.   Heinrich F. Plett, "Intertextualities," in *Intertextuality* (ed. Heinrich F. Plett; Berlin: de Gruyter, 1991), 3–27.

46.   Julia Kristeva, *Desire in Language: A Semiotic Approach to Literature and Art* (trans. T. Gora, A. Jardine, and K. S. Roudiez; New York: Columbia University Press, 1980), 66. For a survey of history on intertextual studies, see Thais Morgan, "Is there an Intertext in this Text? Literary and Interdisciplinary Approaches to Intertextuality," *American Journal of Semiotics* 3 (1985): 1–40, and Beth LaNeel Tanner, *The Book of Psalms through the Lens of Intertextuality* (New York: Peter Lang, 2001), 5–47.

47.   Tanner, *The Book of Psalms through the Lens of Intertextuality*, 19.

48.   Danna Nolan Fewell, ed., *Reading Between Texts: Intertextuality and the Hebrew Bible* (Louisville, Ky.: Westminster John Knox, 1992), 17.

this mosaic to fit the writer's value system."[49] However, she also recognized that there is an entire class of allusions that do not hinge on authorial intent. Because it exists within a broader cultural network, inter-connectedness is an inherent property of the text, and authors make allusions to various cultural elements ("texts") whether they intend to or not. Consequently, a certain aspect of a text may invoke within readers the lyrics of a song, a scene from a movie, or even a personal experience—any number of cultural elements that lie within their realm of experience, but of which the authors were not aware.

In either approach, be it the inner-biblical exegesis model outlined by Fishbane or the reader/culture-centered approach derived from Kristeva, there is no explicit methodological process. By and large, either approach to intertextuality begins with the identification of certain similarities between texts, be they lexical, thematic, or structural, and then proceeds with an analysis of the significance of those similarities, with an eye towards either an author's intentional use of other texts, or the reader's identification of allusive markers. With this methodological range in place, because my study will focus on the reception of a specific text, the Pentateuch, I will employ an approach that focuses on authorial intent. Further, because of the various problematic aspects of the linear model of composition that I have discussed thus far, my analysis will proceed without introducing data on the relative chronology of texts.

In order to establish the precise nature of a text's relationship to the Pentateuch, I will emphasize the following elements:

a. *Ideological Content*

The identification of similar or identical terminology in two texts is one of the key indicators of when a text has borrowed from another. As Michael Fishbane notes, instances of inner-biblical exegesis are readily identified by either direct quotation of a text (a rarity in the Bible), or by "implicit or virtual citations," which he defines as instances in which "multiple and sustained lexical linkages between two texts can be recognized and where the second text (the putative *traditio*) uses a segment of the first (the putative *traditum*) in a lexically reorganized and topically rethematized way."[50]

There are, however, several pitfalls that must be avoided in the use of lexical density. First, a study of lexical content must account for the use of stock or common vocabulary. This is of particular concern in the study

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49. Tanner, *The Book of Psalms through the Lens of Intertextuality*, 20.

50. Fishbane, *Biblical Interpretation*, 285.

of psalms and poetic material, which utilize a common set of terminology but have no compositional relationship with each other. When faced with similar lexical content, we cannot automatically assume that the similarity signifies anything other than the fact that there may not have been any other way to say something, or conversely, the fact that there is only one way of saying something.

Secondly, there are clear instances in which a biblical author borrows terminology from another text for negative purposes. A number of exegetes, seeing extensive terminological similarities between Ezek 20 and Deuteronomic literature, conclude that Ezek 20 borrows Deuteronomic terminology in recognition of its authoritative status.[51] However, Jacques Pons demonstrates that the author of Ezekiel uses Deuteronomic language to attack Deuteronomic theology and eliminate the positive aspects of the history of Israel that were highlighted by the Deuteronomist, for example, the election of Israel, the giving of the law, or the conquest of the promised land.[52] Perhaps in some broad sense of the word we could say that Ezek 20 is "dependent" upon Deuteronomy. However, the specific manner in which the terms are utilized makes clear that the author rejects the authority of the Deuteronomic corpus—the echo of Deuteronomic terminology functions to subvert Deuteronomic theology. Therefore, an intertextual analysis cannot simply proceed on the basis of common terminology. We must pay close attention not only to which words are used, but also to how they are used.

Because of the pitfalls of an emphasis on lexical content, we need a more reliable set of criteria by which to determine the relationship between texts. Such evidence is available through an analysis of the ideological content of texts. An analysis of lexical or thematic content reveals that there is some superficial connection between two texts. An analysis of ideological content, on the other hand, provides a broader base for comparison, since it provides insight into how an entire text, through which an author expresses ideological tenets, has influenced (or not) the composition of other texts. In order to discuss the intertextual

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51. J. Lust, "Ez XX 20, 4–26 une parodie d'histoire d'Israël," *Ephemerides theologicae lovanienses* 43 (1967): 521; J. Garscha, *Studien zum Ezechielbuch: eine redaktionskritische Untersuchung von Ez 1–39* (Bern: Herbert Lang, 1974), 117 n. 337; Walther Zimmerli, *Ezekiel 1: A Commentary on the Book of the Prophet Ezekiel, Chapters 1–24* (Philadelphia: Fortress, 1979), 407.

52. Jacque Pons, "Le vocabulaire d'Ézéchiel 20: Le prophète s'oppose à la vision deutéronomiste de l'histoire," in *Ezekiel and His Book: Textual and Literary Criticism and their Interrelation* (ed. J. Just; Leuven: Leuven University Press, 1986), 232.

implications of the ideological contents of texts, I will adopt a tradition-critical approach utilized by F. V. Greifenhagen in his *Egypt on the Pentateuch's Ideological Map*.

Greifenhagen examines the issue of Egypt in the Pentateuch with the concept of a "cognitive map," a technical term from geography which denotes "the ideas of space that one carries in one's head, so to speak, somewhat accurate regarding the known territory in which one lives, but becoming increasingly fuzzier as one moves away from this known space."[53] His aim is to identify Egypt's place on the cognitive map of the Pentateuch—is it embraced as close to Israel, or does it lie on the outer edge of Israel's cognitive world? Essentially, his interest is in the significance and symbolism expressed through various references to Egypt, and how that content functions within the overall ideological matrix of the Pentateuch.[54]

Greifenhagen identifies two contrasting depictions of Egypt in the Pentateuch. At times, Egypt is portrayed positively, as a refuge from famine and a place of material enrichment. This dimension is seen in Gen 12, in which Egypt is where the patriarch becomes wealthy, and in Gen 42, in which Egypt is the refuge from famine. Counter to this, Egypt is frequently portrayed as a place of danger, a land where the matriarch and the promise of a son are threatened, the people of Israel are oppressed, and the ruler defies the power of Yahweh. According to Greifenhagen, the two different portrayals of Egypt come from two independent traditions. Their incorporation into the final form of the Pentateuch is not, however, a haphazard juxtaposition. Through a skillful literary act, the author(s) responsible for the Pentateuch retain(s) the positive portrayal of Egypt, but twist(s) it in such a way so that Egypt is seen as a tempting place, one that is filled with the potential for riches and luxury, but which ultimately threatens the identity of the people of Israel. This juxtaposition of contrasting themes is evident in the portrayal of the rebellion in the wilderness as a desire to return to Egypt. The grumbling of the people for the rich food they enjoyed in Egypt, compared to the meager rations in the wilderness, reveals Egypt's function as a place of satiety. At the same time, the fact that it is those who rebel against Yahweh, and those who would die in the wilderness, who long for Egypt, shows that the Israelites are to have nothing to do with that land. The analysis of the content behind Egypt, then, does not reveal

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53. F. V. Greifenhagen, *Egypt on the Pentateuch's Ideological Map: Constructing Biblical Israel's Identity* (London: Sheffield Academic Press, 2002), 7.
54. Ibid., 6.

much about the political or cultural history of ancient Egypt, but it does reveal much about the ideology of the authors who produced the cognitive map.[55]

The principal yield from Greifenhagen's study is the use of ideological content to identify distinct historical traditions. By analyzing the treatment of Egypt in various texts, he demonstrates that the Pentateuch is in fact composed of multiple traditions of disparate and independent origins. Texts that have a decidedly negative view of Egypt have no relationship to texts that have a positive view, other than by virtue of the fact that a later editor joined them together in a single document. That they happen to mention the same location is coincidental, and not indicative of any literary relationship. Within my study, I will adapt Greifenhagen's methodology by focusing on how a certain motif functions within the ideological map of a particular text. This process will in turn reveal any potential connections, or lack thereof, with the manipulation of that same motif in the Pentateuch. Such an analysis will go beyond the identification of common lexical and thematic elements by revealing how the narrative function of a given motif within the Pentateuch is reflected, or not, in non-pentateuchal texts. Thus, the primary basis for determining the relationship between texts will be the interaction between complete narratives, rather than the identification of single lexical or thematic elements.

b. *When Is the Same Not the Same?*

In most biblical intertextual studies, the phenomenon of similar texts, on either the lexical or thematic level, is attributed to the direct influence of one text upon another. In his study of the history of the Decalogue texts, David H. Aaron warns against making such an assumption.[56] As he ably demonstrates, there are numerous instances in which two texts treat the same idea even though there is no direct interaction between them. As an example, he refers to the idea of vicarious punishment found in Exod 20:5 and Deut 5:9, and the counter-notion in Deut 24:16. According to Aaron, it is of course possible that Deut 24:16 was written specifically to countermand Deut 5:9. But, "it is equally possible that the sentiment against vicarious punishment derives from judicial practices that were common in the Ancient Near Eastern society." Thus, he argues that we cannot prove a direct intertextual relationship between Deut 5:9 and 24:16, in spite of the fact that they have similar content. "The most we

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55.   Ibid., 8.
56.   Aaron, *Etched in Stone*, 39–40.

can say…is that it is an instance of an *indirect* thematic relationship between two texts."[57]

In order to explain how this literary phenomenon comes about, Aaron refers to the notion of the cultural repertoire. As discussed above, the cultural repertoire represents a pool of general knowledge that is accessible throughout a given culture. An author can know of a certain idea or even a certain narrative not because he is familiar with a specific text, but because it exists within the culture. In many ways, this emphasis on an author's relationship to the broader cultural context is reminiscent of Kristeva's view of intertextuality, which focuses on the manner in which authors, artists, musicians, and the like engaged elements from the entire cultural sphere. As we encounter material that treat the same historical event, or the same thematic elements, we cannot assume that the "same" is always *the same.* There exist cultural and literary mechanisms that produce conceptual and even lexical similarities in texts, in spite of the fact that there is no direct interaction between them.

c. *Lack of Awareness and the Issue of Relevance*

An important indicator of the lack of pentateuchal influence in biblical texts is the absence of certain themes and motifs. However, this approach is also problematic since it is a typical form of the argument from silence. Though much has been written about the deficits of such an argument, and though we are dependent on negative evidence, it is not necessary to reject outright this line of reasoning. What is needed, however, are criteria by which to determine the significance of a text's silence. In this regard, the issue of relevance proves to be extremely beneficial. Once again, we turn to the work of David H. Aaron:

> Undoubtedly, we cannot conclude that the author of a text is not aware of something just because his text does not mention it… For example, I have made no mention of the viola. What if someone reviewing [*Etched in Stone*] were to suggest that David H. Aaron knows nothing whatsoever about the viola? As it turns out, that would be quite far from the truth. A rejoinder to such a review might suggest that violas are irrelevant to the subject matter of this book. Consequently, failure to mention them does not reflect upon the author's knowledge of violas, but only upon what the author deemed relevant or significant to his discussion.[58]

Based on the condition of relevance, the absence of a motif need not indicate an author's ignorance. Such seems to be the case in Ps 105, which treats the historical sequence from the patriarchs to the promised

57. Ibid., 39.
58. Ibid., 142.

land, but does not mention the people's rebellion in the wilderness because that theme is irrelevant to the psalm, a celebration of Yahweh's fidelity. Conversely, the absence of an element that appears to be highly relevant to the discussion at hand likely indicates that something is amiss. As an example, let us consider the absence of Sinai in Ps 78, a topic that I will discuss in greater detail in Chapter 4. Though the psalmist notes that Yahweh led his people to a holy mountain, there is no mention of the giving of the law or the formation of the covenant. In this instance, we cannot argue that the psalmist intentionally omitted the elements of law and covenant because they were irrelevant, for both ideas occur throughout the psalm.[59] The fact, then, that a text that is heavily concerned with the covenant and the establishment of the law fails to mention the Sinai theophany, which is central to the notions of covenant and law in the Pentateuch, strongly suggests that the psalmist was fundamentally unaware of the Sinai-theophany tradition as expressed in the Pentateuch.

d. *A Resistant Reading*

The scholars who challenge linear models of composition demonstrate the value of asking novel questions and challenging convention. Rather than trying to smooth out the gaps and fractures within a text, these scholars have sought to pry them open, in order to see how an unraveling of the text can leads to new insights. While there has been no direct influence, this resistant attitude is quite similar to New Historicism pioneered by Stephen Greenblatt.[60] New Historicism is not so much a precise methodology but an attitude towards art, literature, and the interaction of culture and history. It is characterized by "wide ranging curiosity…fascination with the particular…resistance to formulating an overarching theoretical program…"[61] New Historicist studies call for a "drastic broadening" and "an unsettling of hierarchies" by challenging notions of what is genius, what is inspired, and what is worthy of attention. New Historicism is an attitude that encourages the study and criticism of cultural elements that have been neglected in the past or disparaged as unimportant. It is a challenge to the entire notion of what is "important."

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59.   Cf. Ps 78:5, 7, 10, 23, 37.

60.   See Catherine Gallagher and Stephen Greenblatt, *Practicing New Historicism* (Chicago: University of Chicago Press, 2000); Stephen Greenblatt and Michael Payne, eds., *The Greenblatt Reader* (London: Blackwell, 2005); H. Aram Veeser, *The New Historicism Reader* (New York: Routledge, 1994).

61.   Gallagher and Greenblatt, *Practicing New Historicism*, 6.

Applying New Historicist attitudes to my proposed study will facilitate a resistant reading, one that will challenge conventional presumptions regarding the ordering of texts and the nature of intertextual influence. The conventional view is evident in F. C. Fensham's study of historiographic poetry. He operates with a linear model of composition and assumes that the Pentateuch is the foundation for other biblical depictions of Israel's past. Consequently, in the case of Neh 9, which mentions the giving of laws and commandments but does not mention the formation of a covenant, Fensham affirms the passage's dependence on the Pentateuch and states that "we may *presume* that the laws, stipulations, etc. in v. 13 refer to such a covenant."[62] This view of the text passes over a subtle fracture in the text—the fact that the covenant is never mentioned! Fensham does not ask a pertinent question: Why, in a text that is so concerned with the giving of the law, does it fail to mention the formation of the covenant? By raising such questions, I hope to exploit small gaps within the text in order to provide new insights into biblical intertextuality.

4. *A Note About Second Temple Period Literature*

The diverse group of Jewish texts from the Second Temple period, defined as the era from the end of the Babylonian exile until the destruction of the temple in 70 C.E., represents a rich source of evidence for an investigation into the reception of biblical material. During this period, there is no doubt that most of the biblical corpus was known and regarded as authoritative in some sense, since there are numerous references to biblical texts in the literature.[63] Further, as indicated by Ben Sira's references to the "law, the prophets and others (τῶν ἄλλων)," the tripartite form of the biblical canon seems to have been fixed by the late Hellenistic period. What makes the literature from this period so important, however, is the lack of uniformity in the reception of biblical material. Without a doubt, some texts originate from an interpretation of the biblical material; the best examples are the *pesharim* from Qumran, which present a running commentary of a text in light of contemporary political circumstances.[64] There are a number of other texts, however, of various genres that have only tangential connections to the Bible.

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62. Fensham, "Neh. 9," 43 (emphasis added).
63. Beckwith, "The Formation of the Hebrew Bible," 45–49.
64. Cf. G. J. Brooke, "Qumran Pesher: Towards the Redefinition of a Genre," *RQ* 10 (1981): 483–503; I. Fröhlich, "Le genre littéraire des *pesharim* de Qumrân," *RQ* 12 (1986): 383–98; Timothy H. Lim, *Pesharim* (Sheffield: Sheffield Academic

These texts will be of immense significance of our study. As I demonstrated through the discussion of priestly age limits in the Damascus Document, the lack of conformity to the Pentateuch in a historical period well after its composition compels us to rethink the nature of its reception by biblical authors. In each of the three following chapters, then, I will present relevant material from the Second Temple period in order to demonstrate a fundamental lack of conformity with the Pentateuch. In doing so, I will establish an interpretive framework through which to appreciate the reception of the Pentateuch in non-pentateuchal texts.

With regard to methodology, the inclusion of literary evidence from the Second Temple period requires us to discuss three specific issues: historical provenance, the notion that literature of this period represents "exegesis," and the specific sociological function of these texts.

Concerning the provenance of Second Temple period texts, we must recognize that in most cases, while the date of composition can be ascertained, we remain fundamentally ignorant of the identity and affiliations of the author(s). While the ideology of a text is quite easily distilled from a close reading, the texts contain few other indicators of their origins. And while some ancient sources, most prominently Josephus and Philo, contain detailed descriptions of Second Temple period Jewish groups, the use of such literary depictions for the identification of authors has produced mixed results. A case in point is the identification of the Qumran community.[65] Based on parallels between the descriptions of the community in the scrolls and descriptions of the Essenes from Pliny the Elder, Philo of Alexandria, and Josephus, many identify the Qumran community as Essenes.[66] A number of Qumran texts, however, contain descriptions of the community that conflict with what is what is known

Press, 2002); idem, *The Holy Scripture in the Qumran Commentaries and Pauline Letters* (Oxford: Clarendon, 1999); Lawrence Schiffman, *Reclaiming the Dead Sea Scrolls: The History of Judaism, the Background of Christianity, the Lost Library of Qumran* (New York: Doubleday, 1995), 223–41.

65.   Philip Davies, "The Birthplace of the Essenes: Where is 'Damascus'?," *RQ* 14 (1990): 503–19.

66.   Eleazar Sukenik, *The Dead Sea Scrolls of the Hebrew University* (Jerusalem: Magnes, 1955), 29; Frank Moore Cross, "The Early History of the Qumran Community," in *New Directions in Biblical Archaeology* (ed. D. N. Freedman and J. C. Greenfield; New York: Doubleday, 1971), 70–89; James VanderKam and Peter Flint, *The Meaning of the Dead Sea Scrolls: Their Significance for Understanding the Bible, Judaism, Jesus and Christianity* (San Francisco: Harper San Francisco, 2002), 240–50; Geza Vermes, *The Dead Sea Scrolls: Qumran in Perspective* (Cleveland: Collins & World, 1978).

of the Essenes on issues such as communal property and marriage.[67] For this reason, several scholars associated with Groningen University propose that the Qumran sect represents an offshoot of the main Essene group.[68] Still others completely reject any link between the Essenes and Qumran. Albert I. Baumgarten, for example, argues that the identity of the Qumran sect is unknown, but definitely not Essene.[69] Lawrence Schiffman argues for a Sadducean origin of the Qumran group, echoing Solomon Schechter.[70] On the basis of *halakhic* similarities, Louis Ginsberg argues that the Qumran group had pharisaic origins.[71] A resolution to this debate would take our discussion far off course; here, it suffices to note that the unresolved state of the question provides an important caveat—the identification of a certain text's origins remains a difficult issue. Therefore, at most points of this discussion, I will only speak generally about the "community" that is responsible for a particular composition without attempting to identify the group at hand.

Second, paralleling the dominance of the linear model of composition in biblical studies, a significant number of scholars argue that adherence to the biblical corpus was a key compositional factor behind Second Temple period literature. In recognition of the fact that many pseudepigraphic texts adopt the basic framework of biblical narratives while introducing some additions, Geza Vermes categorized such texts as

67. For a discussion of the specific points of conflict, see Philip Davies, Review of *Josephus' Description of the Essenes* by T. S. Beall, *Journal of Theological Studies* 41 (1990): 165–66; Norman Golb, *Who Wrote the Dead Sea Scrolls? The Search for the Secret of Qumran* (New York: Scribner, 1995), 141–43; Hillel Newman, *Proximity to Power and Jewish Sectarian Groups of the Ancient Period: A Review of Lifestyle, Values, and Halakhah in the Pharisees, Sadducees, Essenes, and Qumran* (Leiden: Brill, 2006), 47–48.

68. Gabrielle Boccaccini, *Beyond the Essene Hypothesis: The Parting of the Ways between Qumran and Enochic Judaism* (Grand Rapids, Mich.: Eerdmans, 1998); Fiorentino García Martínez, "Qumran Origins and Early History: A Groningen Hypothesis," *Foloio Orientalia* 25 (1988): 113–36; A. S. van der Woude, "A 'Groningen' Hypothesis of Qumran Origins and Early History," *RQ* 14 (1990): 521–42.

69. Albert I. Baumgarten, "The Rule of the Martian as Applied to Qumran," *Israel Oriental Studies* 14 (1994): 179–200; idem, "The Temple Scroll, Toilet Practices, and the Essenes," *Jewish History* 10 (1996): 9–20. See also M. Goodman, "A Note on the Qumran Sectarians, the Essenes and Josephus," *JJS* 46 (1995): 161–66.

70. See Lawrence Schiffman, "4QMMT—Basic Sectarian Text," in *Qumran Cave Four Special Report* (ed. Z. J. Kapera; Krakow: Enigma, 1991), 81–83.

71. Louis Ginsberg, *An Unknown Jewish Sect* (New York: Ktav, 1970); Chaim Rabin, *Qumran Studies* (Oxford: London University Press, 1957).

Jubilees, Pseudo-Philo's *Liber antiquitatum biblicarum*, *1 Enoch*, and the *Genesis Apocryphon* as instances of "rewritten Bible." According to Vermes, these texts were written primarily to "anticipate questions and to solve problems [in the biblical text]…"[72] This conception has received much support, as both George Nickelsburg's and James Charlesworth's introductions to pseudepigraphic literature devote considerable space to "rewritten" texts.[73]

The proposition of a linear development from biblical to Second Temple period literature is based largely on the notion that biblical exegesis was the primary intent of later Jewish authors. James Charlesworth writes that there is "stunning evidence that the Pseudepigrapha was often produced within the crucible of biblical interpretation…[and that in order] to speak to the curiosities and needs of a later time the stories needed to be retold and completed with details."[74] In his view, there are five exegetical methods that led to the production of Second Temple period literature:

1. Inspiration—the biblical text inspires the author "who then evidences considerable imagination."
2. Framework—the original setting of the biblical text is adapted for a new text.
3. Launching—a biblical text is used to launch another text "of considerably different reflection."
4. Inconsequential—the author borrows only bare facts from the Bible.
5. Expansions—an author begins with a biblical text but rewrites it.

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72. Geza Vermes, *Scripture and Tradition in Judaism: Haggadic Studies* (Leiden: Brill, 1961), 95.

73. See *OTP* 2:5–475; George W. E. Nickelsburg, "The Bible Rewritten and Expanded," in *Jewish Writings of the Second Temple Period: Apocrypha, Pseudepigrapha, Qumran, Sectarian Writings, Philo, Josephus* (ed. Michael E. Stone; Assen: Van Gorcum, 1984), 89–156. See also Sidnie White Crawford, "The Rewritten Bible at Qumran," in *The Bible and the Dead Sea Scrolls: The Second Princeton Symposium on Judaism and Christian Origins* (ed. James H. Charlesworth; 2 vols.; Waco, Tex.: Baylor University Press, 2006), 1:131–47; Kristin de Troyer, *Rewriting the Sacred Text* (Leiden: Brill, 2003), and Daniel J. Harrington, "Palestinian Adaptations of Biblical Narratives and Prophecies, I: The Bible Rewritten (Narratives)," in *Early Judaism and Its Modern Interpreters* (ed. Robert A. Kraft and George W. E. Nickelsburg; Philadelphia: Fortress, 1986), 239–46.

74. James H. Charlesworth, "In the Crucible: The Pseudepigrapha as Biblical Interpretation," in *The Pseudepigrapha and Early Biblical Interpretation* (ed. James H. Charlesworth and Craig A. Evans; Sheffield: JSOT Press, 1993), 39.

In a similar vein, Frederick Murphy identifies four categories of "rewritten" biblical texts:

1. Passages heavily dependent upon literal quotations of the Bible, with small-scale changes.
2. Passages that quote the Bible to set up a situation, but which contain extensive additions of non-biblical material.
3. Passages built around biblical figures, but with no quotations of biblical material.
4. Passages with no equivalent in the Bible.[75]

The problem with both schematizations is that they encompass disparate and conflicting approaches to the biblical text. Does an author producing a text that is heavily dependent upon the Bible employ the same methodology as an author who only borrows bare facts, or an author who creates a text that has no biblical equivalent at all? It is not at all clear how texts that have only a tangential relationship to the Bible represent exegesis. How can we call something "exegesis" if the connections to the Bible are threadbare, or non-existent?

In recognition of this limitation, Lester Grabbe calls for a modified definition of "interpretation." He argues that biblical interpretation in the Second Temple period is quite different from what the modern reader may have in mind, since it:

> might well involve developing para-biblical material rather than being an actual attempt to understand a particular biblical passage… [W]hat we are inclined to label "exegesis" or "interpretation" may be nothing more than building bridges between the biblical text and some other set of intellectual information that the writer wants to legitimate.[76]

Elsewhere, Grabbe writes "much of ancient exegesis was not an attempt to understand the text in its own right. On the contrary, the 'rules' served to bridge the gap between teachings that were considered (or desired to be) authoritative and the sacred text."[77] Grabbe's statements are certainly welcome refinements, since they recognize that biblical interpretation, in the modern sense, is not the primary motive of many of these texts. At the same time, Grabbe's continued use of "exegesis" and "interpretation" is troubling. If there is no "attempt to understand a particular biblical passage," then should we continue to use a term that connotes interpretive

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75. Frederick J. Murphy, *Pseudo-Philo: Rewriting the Bible* (New York: Oxford University Press, 1993), 20.

76. Grabbe, *Judaic Religion*, 169.

77. Grabbe, *Judaism*, 2:544. See also Devorah Dimant, "Use and Interpretation of Mikra in the Apocrypha and Pseudepigrapha," in Mulder, ed., *Mikra*, 379–83.

practice? But there is an even broader issue to consider. Should we continue to search for one umbrella term to cover what appear to be unrelated literary approaches?

In this vein, Donald Akenson emphatically rejects any notion of a linear development. In his view, there are no

> anchor points on the spectrum of Judahist religious invention… And these texts, so full of new inventions, did not evolve one from another in tidy sequence, but arose almost spontaneously. This virtual synchronicity means that the religious inventions of the period are forever spinning.[78]

We must recognize, consequently, that the texts from the post-biblical period entail a multi-faceted approach to the Bible. True, some authors set out to produce an exegetical clarification of a biblical text. But, this should not lead to the conclusion that all authors of this period engaged the Bible with an exegetical mindset. The category of "exegesis" or "rewritten Bible" is simply not comprehensive enough to describe adequately the literary diversity of this period. Consequently, we must refrain from assuming uniformity in the authorial process. While recognizing that the authors of these texts were aware of the Pentateuch and dependent upon it in certain ways, we must appreciate that their dependence was only selective. Their texts reveal the use of multiple strategies with regard to the Pentateuch, ranging from total dependence to total rejection, and a text can occupy more than one position along this continuum. Hence we must move beyond the notion that there is a single, uniform model or concept, such as "exegesis," that can serve as an adequate descriptor for the mindset of Second Temple period authors.

The final issue requiring clarification is the sociological function of texts within the Second Temple period, specifically as it relates to sectarianism. For many years, scholars posited a linear development from the religion of ancient Israel to Rabbinic Judaism.[79] Informed by this evolutionary approach, the literature produced during the Second Temple period, which with the exception of Daniel, Esther, and Qoheleth was not included in the biblical canon, was often labeled "apocryphal," "deutero-canonical," or in the case of the Qumran texts, "sectarian," all terms which connote an inferior status relative to the Bible.

However, the second half of the twentieth century saw the publication of numerous works that argued against there being a single, dominant

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78. Donald Harman Akenson, *Surpassing Wonder: The Invention of the Bible and the Talmuds* (Chicago: University of Chicago Press, 1988), 140.

79. For survey of research, see Gabriele Boccaccini, *Roots of Rabbinic Judaism: An Intellectual History, from Ezekiel to Daniel* (Grand Rapids, Mich.: Eerdmans, 2002), 1–8.

form of Judaism during the Second Temple period. The first to under-
mine this idea of linear religious development was Erwin Goodenough.
In his multi-volume work *Jewish Symbols in the Greco-Roman Period*,
Goodenough presents a comprehensive and systematic analysis of Jewish
religious symbolism from the Hellenistic and Roman periods.[80] This
evidence shows not only the widespread incorporation of pagan sym-
bols into graphic expressions of Jewish religions, but also, and more
importantly, a flagrant disregard for aniconic requirements known from
Rabbinic Judaism. Goodenough then uses this evidence to support his
theory that there existed a Hellenistic form of Judaism, completely
separate from Rabbinic Judaism, which represented the spiritual ancestor
to Christianity. The notion that there existed a plurality of Judaisms
within this period was further developed in the 1970s by Morton Smith
and Jacob Neusner.[81]

From this foundation, a number of scholars have maintained that the
Second Temple period was marked by great theological diversity.[82]
Lester Grabbe demonstrates the frequency with which recent works on
the history of the Second Temple period such terms as "pluralistic,"
"diverse," and "not monolithic" to describe the religious climate of this
time.[83] Hence, there is much merit in James Charlesworth's contention
that any conceptions of "orthodox" or "normative" Judaism before 70
C.E. are to be dismissed from scholarship.[84] According to James Sanders,
the discovery and translation of the Qumran texts was instrumental in
establishing this assessment. For Sanders, "[the] most important single
thing the scrolls have taught us is that early Judaism was pluralistic: the
Judaism that existed before the end of the first century C.E., when sur-
viving Pharisaism evolved into what we call rabbinic Judaism, existed
in a variety of modes."[85] The plurality of Jewish movements during the

80.   Erwin Goodenough, *Jewish Symbols in the Greco-Roman Period* (13 vols.;
New York: Pantheon, 1953–65). A one-volume edition of the work was produced in
1992 (Princeton University Press). See also Steven Fine, *Art and Judaism in the
Greco-Roman World: Toward a New Jewish Archaeology* (Cambridge: Cambridge
University Press, 2005).

81.   Jacob Neusner, *From Politics to Piety: The Emergence of Pharasaic Judaism*
(New York: Ktav, 1979); Morton Smith, *Palestinian Parties and Politics that
Shaped the Old Testament* (New York: Columbia University Press, 1971).

82.   Boccaccini, *Roots of Rabbinic Judaism*, 8–14.

83.   Grabbe, *Judaism*, 2:527.

84.   Charlesworth, "In the Crucible," 23.

85.   James A. Sanders, "The Impact of the Judean Desert Scrolls on Issues of
Text and Canon of the Hebrew Bible," in Charlesworth, ed., *The Bible and the Dead
Sea Scrolls*, 1:33.

Second Temple period is well illustrated by Grabbe's recent survey, in which he identifies nineteen separate groups active during this time: the Pharisees, Sadducees, the Essenes, the Qumran sect (assuming that they are not Essenes), the Boethusians, the Scribes, the Therapeutae, the Zealots, adherents to the Fourth Philosophy, the Sacrii, the Herodians, the Samaritans, Baptismal Sects, the Mandeans, Revolutionaries, the Gnostics, Charismatics, the עמי ארץ and the חברים.[86]

What were the generative factors to the proliferation of Jewish groups? Albert I. Baumgarten argues that sectarianism was not based on competing interpretations of scripture or competing responses to the perceived cultural threat of Hellenism.[87] He contends, instead, that sectarianism was rooted in the flourishing of Jewish independence under the Hasmoneans, whose dynasty restored the hopes for a "reimposition of boundaries between Jews and non-Jews, restrictions which had suffered so much damage in the preceding decades…"[88] According to Baumgarten, it was during this time of independence that Jewish society as a whole could make efforts to establish Jewish identity. Within this social setting, the critical factor in the rise of sects was competing conceptions of what it meant to be a Jew. Accordingly, as the sects were concerned with delineating the true essence of Israel, they defined themselves over against other Jewish groups, and in doing so, often turned markers normally used to label Gentiles against other Jews.[89] Accordingly, Jews who were not part of their sect were portrayed as outsiders, as "wicked" and "men of iniquity" who were destined to face punishment from God. Meanwhile, the sect viewed itself as the righteous remnant, the true essence of Israel, which would be rewarded greatly by God when the rest of the world is judged.

Within such a society marked by competing notions of who represented the true Israel, there was a complete lack of standardization of the notion of "scripture." Theodore Mullen argues that prior to 200 C.E., there is no evidence for a common conception of "Torah" among the various Jewish movements. Though each group referred to a "Torah,"

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86. Grabbe, *Judaism*, 2:463–554.

87. Baumgarten, *The Flourishing of Jewish Sects*, 115, 149. For a counter-view, see Joseph Blenkinsopp, "Interpretation and the Tendency to Sectarianism: An Aspect of Second Temple History," in *Jewish and Christian Self-Definition*. Vol. 2, *Aspects of Judaism in the Graeco-Roman Period* (ed. E. P. Sanders; Philadelphia: Fortress, 1981), 1–26; Shemaryahu Talmon, "The Emergence of Jewish Sectarianism in the Early Second Temple Period," in *King, Cult, and Calendar in Ancient Israel: Collected Studies* (Jerusalem: Magnes, 1986), 165–201.

88. Baumgarten, *The Flourishing of Jewish Sects*, 86.

89. Ibid., 9.

there was no agreement upon what that concept entailed.[90] Donald Akeson describes the state of "scripture" in the Second Temple period thus:

> If we miss this simple point, we miss everything. "Scripture" in the sense that the word is now used did not exist, and arguably, did not exist in the full sense of the term until well into the second century CE, either in the Jewish or the Christian traditions… [T]here were a wide variety of texts, stories, and codes of conduct, each of which had some degree of authority.[91]

In his view, literature from the Second Temple period attests to a veritable textual explosion, "in which the vocabulary of scriptural invention within Judahist tradition was increasing at an exponential rate."[92] In this socio-cultural setting, literature was not a force of unification, but rather the arena in which various competing theological and ideological claims were expressed. As Mark Elliott masterfully demonstrates in a comprehensive analysis, much of the literature of this period was intended to create a line of demarcation within Jewish society, one that marked a particular group as the righteous, while condemning the rest of Israel as heathens.

A chief means of establishing divisions within Jewish society is through what Elliott calls the "judgment of Israel" theme, the concept that all of Israel faces judgment and divine punishment, from which only the particular sect will be delivered.[93] The author of the *Rule of the Community* (1QS) calls for the members of the community to separate themselves from "men of injustice" (אנשי העול), who "treated the revealed matters with disrespect," and who will be punished by the curses of the covenant (1QS 5:12–13). Such a description could apply only to other Jews, since foreigners could not be expected to maintain fidelity to the "revealed things." The author of the Damascus Document (CD) envisages a terrible fate for Jews who are not part of his particular group:

> As for those who reject—when God shall visit the earth to give recompense to the wicked, when the word comes to pass, which is written in the words of Isaiah the prophet, the son of Amoz, who said, "There shall come upon you and upon your people and upon the house of your fathers days that have not come since day when Ephraim turned away from

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90. Mullen, *Ethnic Myths*, 40.
91. Akenson, *Surpassing Wonder*, 60.
92. Ibid., 134.
93. Elliott, *The Survivors of Israel*, 57–115.

> Judah." When the two houses of Israel separated, Ephraim ruled over
> Judah and all those who turned back were delivered to the sword, but
> those who persisted fled to the north. (CD [4Q266 3 III] 7:9–14)

According to Elliott, the author of CD quotes Isa 7:17 to refer to the
origins of the sect ("Ephraim") and its separation from the rest of Jewish
society ("Judah"). The aim of the reference, he argues, is to establish a
correspondence between what happened in the past and what will happen
in the future: "As there was a *division* between the righteous sect
(Ephraim) and the apostate Jews (Judah) in the recent past, so there will
be an even more decisive *decision* effected by divine judgment at the end
of days." In other words, divine judgment will divide Israel.[94] In 1QpHab
5:3–7, the author provides an interpretation of Hab 1:21–23 that envi-
sions the sect as the means by which God will punish the rest of Israel:
"God will not destroy his people through the nations, but God will place
the judgment of all nations in the hands of his elect. By their reproof,
those who kept his commandments in times of hardship, all of the
wicked of his people will be declared guilty."

   The "judgment of Israel" theme is found in a number of other Second
Temple period texts. Punishment upon the wicked and the deliverance of
the elect is central to *1 En.* 5:4–10. The passage is part of a larger unit
(2:1–5:10) which compares the orderliness of creation to the disorder of
the wicked. The charge against the wicked is framed specifically to
address a Jewish audience: "But as for you, you have not been long suffer-
ing and you have not done the commandments of the Lord…" (5:4).[95] In
the rest of the passage, the fate of this wicked portion is contrasted to the
"elect," to be identified with the community responsible for *1 Enoch*,
who will enjoy light, joy, and peace and inherit the earth (5:7).

   Punishment upon Israel for renunciation of the covenant is a primary
theme in *Jub.* 23:8–15. After reporting the death of Abraham, the author
presents an interlude on the decline of human longevity. Future genera-
tions, "until the great day of judgment," will die before they complete
two jubilees, 100 years, and their time on earth will be filled with suffer-
ing and misfortune (23:11–13). The decline in longevity and suffering in
life is forecast for the "evil generation which makes the earth commit sin
through sexual impurity, contamination, and their detestable actions"
(23:14). That the author is describing fellow Jews as the "evil generation"
is clear from 23:16, which explicitly identifies their sin as "abandoning
the covenant which the Lord had made between them and himself so that

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94. Ibid., 61.
95. Translation from E. Isaac, "1 Enoch," *OTP* 1:15.

they should observe and perform all his commands, ordinances and all his laws without deviating to the left or right."[96] In 23:19–20, the author foresees a struggle within humanity that will be caused by the sin of apostate Israel:

> One group will struggle with another—the young with the old, the old with the young; the poor with the rich, the lowly with the great; and the needy with the ruler—regarding the law and the covenant. For they have forgotten every commandment, covenant, festival, month, sabbath, jubilee, and every verdict. They will stand up with swords and warfare in order to bring them back to the way; but they will not be brought back until much blood is shed on the earth by each group.[97]

Two elements are identified as the catalyst for human suffering—the transgression of the covenant and the use of the improper calendar ("For they have forgotten…festival, month, sabbath, jubilee, and every verdict"). The reference to both issues makes clear that the sinners in question are not Gentiles but Jews who have strayed from the proper way.

In conjunction with the "judgment of Israel" theme, Elliott exhibits how various authors of the Second Temple period established firm boundaries within Israel on the basis of revelation.[98] According to the author of CD, it is only to the true remnant that God reveals "the hidden things in which all Israel had gone astray" (3:13–15 [4Q269 2]). The exclusive nature of that community's knowledge of divine commandments is also evident in CD (4Q269 2) 3:16—"He revealed (these matters) to them and they dug an abundant well of water." CD (4Q266 3 II) 6:4–5 provides the key to understanding the metaphor: "The well is the law (התורה) and those who dig it [blank] are the penitents of Israel…" As these statements make clear, the community behind CD saw itself as the only true portion of Israel, and the only ones who will escape divine punishment, because of their exclusive knowledge of essential, salvific divine truth.

According to the author of the *Habakkuk Scroll* (1QpHab), the true meaning of the prophetic text was revealed only to the מורה צדק; even Habakkuk himself did not know the meaning of what he had written (1QpHab 7:1–2). A notable example of revelational exclusivity is found in *4 Ezra* 14:37–48, which relates a visionary experience of Ezra concerning the nature of scripture. Ezra spends 40 days in the wilderness with five men, who produce 94 books through divine inspiration. After

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96. Translation from VanderKam, *The Book of Jubilees*, 143–44.
97. Translation from ibid., 145.
98. Elliott, *The Survivors of Israel*, 119–43.

the 40 days, God commands Ezra to make public the 24 books that were written first. This statement would appear to reflect the tradition that Ezra was responsible for the collation of the biblical canon. What is shocking, however, is that God commands Ezra to give these 24 books to "the worthy and the unworthy." It is only the 70 other books that are reserved for "the wise among your people. For in them is the spring of under-standing, the fountain of wisdom, and the river of knowledge" (*4 Ezra* 14:47–48).[99] Here, what is important is not the identity of the 70 books, but the claim that the 24 books are of a lesser order. It is only the 70 books, the possession of only a select group, which have salvific efficacy. "For the author of 4 Ezra *these* Scriptures were the important ones."[100]

Let us consider the implications of this literary evidence. The Second Temple period was rife with competing claims of exclusivity. There was neither an orthodox standard, nor a single party that was supreme over the others. Instead, the era was marked by a multitude of factions, each one of which saw itself as the true heir of ancient Israel and the rest of Judaism as apostate. Within this fractured and contentious social context, the text was not simply the means by which a group explored the mean-ing of a biblical text, but more importantly the means of expressing the claim to soteriological exclusivity. "Knowledge serves polemical ends. These groups accordingly do not place a high emphasis on sharing the common heritage of knowledge given to all Israel as if they were seeking a universal law or a better understanding of the traditions for their own sake."[101]

What we must appreciate is the spirit of innovation in these texts. Rather than simply writing about other texts, the various sectarian groups set out to produce literature reflecting their unique perspective on the past, present, and future. The literature produced during this period was not written to be commentary on scripture, but scripture itself.[102] In light of this discussion, any contention that the literature of the Second Temple period represents a non-standard form of Judaism must be rejected. In a period that lacked any semblance of an orthodox standard, the texts represented each group's claim to be the true heirs of ancient Israel.

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99.   Translation from B. M. Metzger, "The Fourth Book of Ezra," *OTP* 1:555.
100.   Elliott, *The Survivors of Israel*, 137.
101.   Ibid., 174.
102.   Akenson, *Surpassing Wonder*, 134.

Chapter 3

FESTIVALS AND HOLIDAYS

1. *A Theory of Ritual*

For many, the word "ritual" conjures up images of intricate actions, each one laden with deep and symbolic meaning, faithfully replicating what was once done in hoary antiquity. As Catherine Bell describes it,

> rituals tend to present themselves as the unchanging, time-honored customs of an enduring community. Even when no such claims are explicitly made within or outside the rite, a variety of cultural dynamics tend to make us take it for granted that rituals are old in some way; any suggestion that they may be rather recently minted can give rise to consternation and confusion.[1]

Among evangelical Christians, the consumption of bread and grape juice is presented as a re-enactment of Jesus' last meal with his disciples, which itself is understood as a re-signification of the paschal meal. Romantic portrayals of the Pilgrims finding respite from their struggles during the "first Thanksgiving" pervade the imagery of the modern American ritual meal. The pomp and ceremony of the British monarchy are celebrated as the continuation of "all the pageantry and grandeur of a thousand-year-old tradition" and "all the precision that comes from centuries of precedent."[2]

   The conceptualization of ritual as a timeless, conservative institution is prevalent in biblical studies, wherein much research attention has been focused on reconstructing the purported ancient origins of various holidays described in the Bible, and their evolution through Israelite

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   1. Catherine M. Bell, *Ritual: Perspectives and Dimensions* (Oxford: Oxford University Press, 1997), 210.
   2. David Cannadine, "The Context, Performance and Meaning of Ritual: The British Monarchy and the 'Invention of Tradition', c. 1820–1977," in *The Invention of Tradition* (ed. Eric Hobsbawm and Terrence Ranger; Cambridge: Cambridge University Press, 1983), 102.

history. This trajectory is informed by the assumption that biblical depictions of ceremonies evolved linearly from an ancient form in response to social, political, or religious stimuli. In many respects, this view is conceptually parallel to the linear model of text composition in that both correlate temporal priority with a high degree of authority. Here, the term "authority" may be a bit awkward, since the referent is a cultural institution and not a text. Nevertheless, I use the term deliberately; just as early texts are held to be the foundation for subsequent literature, so the putative original forms of rituals are thought to establish an "authoritative" base for further developments as a dominant element of the cultural repertoire.

This theoretical approach to ritual is well illustrated by Bernard Levinson's comprehensive reconstruction of the origin and development of Matsoth, found in his study on the legal developments of Deuteronomy.[3] According to Levinson, the original form of Pesach, as portrayed in Exod 12–13, consisted of a family meal with apotropaic purposes and no connection to the exodus event.[4] Deuteronomy 16 represents a subsequent development of this form informed by cultic developments. Because the form of Pesach as a home-based sacrifice contravened the doctrine of centralization and the prohibition of non-priestly manipulation of sacrificial blood, the Deuteronomic author(s) transformed Pesach into a centralized, temple-based ceremony. Further, Levinson follows a number of scholars who contend that the Deuteronomic author was responsible for the fusion of Pesach and Matsoth.[5]

The key element in this reconstruction of the development of Pesach is the manipulation of texts. According to Levinson, the Deuteronomic form of Pesach was a transformation of the original form in Exodus through literary reformulation. He defends this view on the basis of lemmatics, contending that the author of Deut 16 appropriates and

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3. Bernard Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997), 53–97. For history of scholarship, see Tamara Prosic, *The Development and Symbolism of Passover Until 70 CE* (New York: T&T Clark International, 2004), 19–32.

4. Levinson, *Deuteronomy*, 57.

5. Julius Wellhausen, *Prolegomena to the History of Israel* (Edinburgh: A. & C. Black, 1885), 88; Roland de Vaux, *Ancient Israel* (2 vols.; New York: McGraw Hill, 1965), 485; Hans-Joachim Kraus, *Worship in Israel: A Cultic History of the Old Testament* (trans. Geoffrey Buswell; Oxford: Blackwell, 1966), 49–50. On the original unity of Pesach and Matsoth, see J. Halbe, "Erwägungen zu Ursprung und Wesen des Massotfetes," *ZAW* 87 (1975): 324–46; J. B. Segal, *The Hebrew Passover, from the Earliest Times to A.C. 70* (London: Oxford University Press, 1963), 78–113.

recontextualizes certain key terms from various Exodus texts in order to portray Pesach as a centralized event, and to fuse it with the originally distinct ceremony of Matsoth. This view echoes strongly the linear model of composition, since it is based on the notion that Exod 12–13 represented a textual and cultic authority that could not be ignored in any subsequent treatments of Pesach and Matsoth.

In terms of theory, the emphasis on a linear, evolutionary development of ritual is informed primarily by early sociological and anthropological studies of ritual and religion.[6] The so-called "myth and ritual school," inspired by William Robertson Smith and James George Frazer, held that ritual was responsible for the formation of all myths and folklore, and so represented the foundation of religion and society. According to Robertson Smith, myths were secondary developments produced in order to explain the core meaning of a rite.[7] This core thesis was developed in a number of subsequent works. Most notably, Frazer argued in his *The Golden Bough* for the centrality of the theme of the dying and rising god-king to all rituals. His work led to a number of studies of Near Eastern religions that analyzed the means by which various rites integrated this theme.[8] A separate branch of the "myth and ritual" school, which originated with classicists from Cambridge University, also produced significant works on the influence of ritual on creation myths. Jane Ellen Harrison, a prominent representative of this stream, argued that myths provide a narrative description of what occurs in ritual, and that they develop "as spoken and somewhat secondary correlates to the activities performed in the rite."[9] She further suggested that while rituals tend to fade from the culture, the myths that originally accompanied them persist independently. When this occurs, the myth attaches itself to specific historical people or events, or evolves into a sort of etiological tale.

On the continent, *Religionswissenschaft* (or "phenomenology of religions") arose as an alternative to the primarily British "myth and ritual" school. To be precise, *Religionswissenschaft* is an umbrella term for various independent theories marked by certain similarities, for example,

6. See Robert Ackerman, *The Myth and Ritual School: J. G. Frazer and the Cambridge Ritualists* (London: Routledge, 2002), and Bell, *Ritual*, 3–22, for an overview of the "myth and ritual."

7. William Robertson Smith, *Lectures on the Religion of the Semites: The Fundamental Institutions* (3d ed.; New York, Ktav, 1969), 18.

8. Cf. Samuel H. Hooke, ed., *Myth and Ritual: Essays on the Myth and Ritual of the Hebrews in Relation to the Culture Pattern of the Ancient East* (London: Oxford University Press, 1933); idem, *The Labyrinth: Further Studies in the Relation between Myth and Ritual in the Ancient World* (London: SPCK, 1935).

9. Bell, *Ritual*, 6.

a commitment to a non-theological and non-philosophical study of religion. For our purposes here, the most important common thread among the various *Religionswissenschaft* perspectives concerns the relationship between ritual and myth. Counter to the myth-and-ritualists, the proponents of *Religionswissenschaft* followed Friedrich Max Müller in arguing for the primacy of myth; it was not ritual that gave birth to myth, as Robertson Smith argued, but myth that gave birth to ritual.[10] Among the most influential scholars in this stream is Mircea Eliade, who defined myth as sacred history, which "related an event that took place in primordial Time, the fabled time of the 'beginnings.'"[11] Ritual, on the other hand, was a secondary reworking of myths via re-enactment of what was done in ancient times as revealed in myth. Eliade thus argued that "[e]very ritual has a divine model, an archetype… [A]ny human act whatever acquires effectiveness to the extent to which it exactly repeats an act performed at the beginning of time by a god, a hero or an ancestor…"[12]

Though the "myth and ritual" school and the varied approaches of *Religionswissenschaft* differ concerning the nature of the relationship between ritual and myth, both agree that rituals have a deep-seated connection to the foundational narratives of a culture. And it is because of this organic connection to mythology, to an ancient narrative, that ritual is perceived both to forge a link between the past and the present, and to communicate a common belief within the participants.

While this perceived connection between ritual and cultural foundations may appeal to idyllic notions of heritage, contemporary sociologists and ritual theorists have largely discounted its validity. Though not strictly intended as a critique of either *Religionswissenschaft* or the "myth and ritual" school, a functionalist approach to ritual has done much to undermine the notion of an intimate connection between ritual and myth.[13] Proponents of functionalism are guided by the basic question of what a ritual accomplishes: What is its social purpose? What effect does it have on society? What does it communicate to the participants? So, for example, in his study of the Nuer tribe, E. E. Evans-Pritchard set out to ask what significance the particular ceremonies had for the individuals

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10. See Friedrich Max Müller's *Lectures on the Science of Language* (repr. ed.; New York: Scribner, Armstrong & Co., 1967).

11. Mircea Eliade, *Myth and Reality* (trans. Willard R. Trask; New York: Harper & Row, 1963), 5.

12. Mircea Eliade, "Ritual and Myth," in *Readings in Ritual Studies* (ed. Ronald L. Grimes; Upper Saddle River, N.J.: Prentice Hall, 1996), 198.

13. See Bell, *Ritual*, 23–60, for notable works of this approach.

themselves.[14] We should note, in many cases, functionalists reach the same general conclusion—the primary function of ritual is to produce social cohesion. Their particular focus, then, lies on how participation in ritual brings this about.

Through a pragmatic point of focus, functionalists provide compelling evidence for a stark lack of uniformity in the import of a ritual, and so cast doubt on its connection with foundational myths. In recognizing this variety in meaning, the functionalists demonstrate two key points: (1) even though the actions of a ritual might echo older forms, the belief communicated through such actions does not necessarily derive from some earlier form; (2) there is no single core belief, not in the sense that the ritual is meaningless, but in the sense that there is great variety on the level of the individual participants in what effect the ritual brings about.

In his analysis of Hawaiian sacrificial rituals, Valerio Valeri contends that the cultic ceremonies create social solidarity, but not through the communication of a uniform set of beliefs. Referencing John Austin's categories of speech acts, Valeri argues that ritual has no direct illocutionary effect.[15] He rejects the notion that there is a relationship between the signs employed in the ritual and the concepts it is supposed to communicate. Because there is no direct "x to y" illocutionary effect in its performance, ambiguity lies at the core of a ritual. There is, consequently, a wide range of possible interpretations for a ceremony, and this makes it "possible for differences in meaning to coexist, both synchronically and diachronically… While ritual can be said to communicate, it communicates with a grammar too poor to establish meaning unambiguously."[16] Because of this ambiguity, Valeri contends that ritual fulfills its cohesive function through the creation of a situation, rather than the transmission of a common meme. "[B]y reproducing dispositions that are at the same time bodily, emotional and mental" rituals reproduce society, which in turn leads to "an understanding of the premises of the cultural system."[17] These premises, in turn, are "fundamentally implicit and unformulated: the only clear knowledge that exists about them is that they can be 'felt.'"[18] It is this unified experience that represents the unifying power of ritual.

14. E. E. Evans-Pritchard, *Nuer Religion* (New York: Oxford University Press, 1974).

15. John L. Austin, *How to Do Things with Words: The William James Lectures Delivered at Harvard University in 1955* (Oxford: Clarendon, 1962).

16. Valerio Valeri, *Kingship and Sacrifice: Ritual and Society in Ancient Hawaii* (Chicago: University of Chicago Press, 1985), 343.

17. Ibid., 344.

18. Ibid.

Other theorists have put forth similar arguments, both for the inherent ambiguity of rituals and the manner in which they create cohesion.[19] As Catherine Bell observes, "For participants, the most common reasons given for joining in a ritual activity tend to be answers such as 'we have always done this,' 'it's our tradition,' or 'we do it because it makes such-and-such positive things happen.'"[20] What is missing, of course, is uniformity regarding the essential belief informing the ritual. Bell further argues that there is very little awareness among the participants of how rituals construct tradition and meaning. This is not to argue that individuals take part in ceremonies with no cognizance of the significance of their actions, but that there is no uniformity to this rational factor. One individual might pray to the dead out of a genuine belief in the efficacy of ancestor veneration, while another might do it simply out of coercion. In an informative survey, Bell refers to a number of other works that demonstrate this ideational diversity, including David Jordan's analysis of a Taiwanese village, Peter Stromberg's study of the Swedish church, and James Fernandez's work on the Fang cult of the Bwiti in West Africa.[21]

Because of the indeterminate nature of ritual, and the resulting diversity of interpretations, David Kertzer argues that solidarity derives from the activities of the rituals, rather than an underlying common belief. According to Kertzer, "[t]he complexity and uncertainty of meaning of symbols are sources of their strength."[22] Bell echoes this sentiment in contending that rituals are an effective means of establishing solidarity because they rarely make any single interpretation explicit. The ambiguous nature of rituals allows participants to focus on common symbols, rather than dogma. On this basis, she concludes that ambiguity is necessary if a ritual is to function effectively as an institution of social cohesion.[23]

19.   Catherine M. Bell, *Ritual Theory, Ritual Practice* (Oxford: Oxford University Press, 1992), 182–87.

20.   Ibid., 167.

21.   David K. Jordan, "The *jiaw* of Shigaang (Taiwan): An Essay in Folk Interpretation," *Asian Folklore Studies* 35, no. 2 (1976): 81–107; Peter Stromberg, "Consensus and Variation in the Interpretation of Religious Symbolism: A Swedish Example," *American Ethnologist* 8 (1981): 544–59; James W. Fernandez, "Symbolic Consensus in a Fang Reformative Cult," *American Anthropologist* 67 (1965): 922.

22.   David I. Kertzer, "Ritual, Politics and Danger," in Grimes, ed., *Readings in Ritual Studies*, 341.

23.   Bell, *Ritual Theory, Ritual Practice*, 109, 184. See also James L. Watson, "Standardizing the Gods: The Promotion of T'ien Hou ('Empress of Heaven') along the South China Coast, 960–1960," in *Popular Culture in Late Imperial China*

It should be emphasized at this point that the recognition of indeterminacy within ritual is not based on the inability of participants to answer questions about what they do and why they do it. On the contrary, the assertion that ritual lacks uniform belief-content is based on the very nature of ritual itself. As noted above, Valeri rejects the idea that ritual communicates a certain belief through illocution, arguing instead that ritual communicates by appealing to what an individual feels. He writes that ritual "attempts to promote awareness of basic notions whose knowledge is inchoate or that, to be believed, must be discovered through experience."[24] David Kertzer argues that though rituals have a standardized form, they are not conservative: "Rituals do change in form, in symbolic meaning, and in social effects…"[25] This variability is attributable to two key elements: condensation of meaning and multivocality. By condensation of meaning, Kertzer refers to the manner in which individual symbols represent a diversity of meanings. This notion is closely related to multivocality, by which Kertzer refers to the diversity of meanings associated with the same symbol. The primary difference between condensation and multivocality is that the latter points to the ways in which the same symbol is understood differently by different people, while the former relates to the inter-relation of the various meanings. Based on the flexible, multi-dimensional, and subjective nature of symbols, he argues "it should hardly be surprising that ritual symbolism is often ambiguous: the symbol has no single precise meaning. Put in more positive terms, this means that symbols are not arcane ways of saying something that could be more precisely expressed in simple declarative form."[26]

Without a doubt, the functionalist approach to ritual provides valuable insight into the ambiguous nature of ritual and the possibility for a diversity of interpretations. At the same time, we should recognize that these theorists have perhaps pushed too far. Against their claims, it is apparent that many rituals do in fact create cohesion through uniform beliefs. For example, all participants in Christian communion will (ideally) walk away with the concept that Jesus Christ was sacrificed for their sins. True, individuals will have contrasting views regarding the efficacy or veracity of this concept. But independent of the individual's attitude or competence, the ritual itself (i.e. its structure and "intrinsic"

(ed. David Johnson, Andrew J. Nathan, and Evelyn S. Rawski; Berkeley: University of California Press, 1985), 323–24.

24. Valeri, *Kingship and Sacrifice*, 345.

25. Kertzer, "Ritual, Politics and Power," 341.

26. Ibid., 343.

rationale) hinges on the notion that the bread and wine symbolize the body and blood of Jesus Christ.

Perhaps, then, we should attenuate the insights from the functionalist approach. Rather than concluding that rituals have no uniform, core belief, it may be better to argue that certain ambiguities in ritual complicate efforts to identify a single core belief, and that there is wide ranging diversity in individual motivations for participation. Further, the fact that there may be a single, ideal belief that a ritual is supposed to transmit does not mean that all participants will receive the intended message. In the end, accommodating both the ambiguous and fixed nature of ritual within a single theoretical model proves to be a complex task, one that will not be taken up here. For our purposes, though, the functionalist approach to ritual provides a rich yield since it destabilizes the notion that rituals preserve an ancient, mythic set of beliefs by exhibiting the critical importance of ambiguity to the efficacy of a ritual.

In severing any necessary connection between ritual and some ancient element of culture, the door has been opened to recognize the novelty of many rites. Though rituals are often viewed as highly conservative, ancient forms, there is much evidence showing that most of the rituals that we cherish as traditional, timeless bases of culture are recent inventions. The Pledge of Allegiance, for example, was written by Francis Bellamy in 1892, but did not become recognized by Congress as the official, national pledge until 1945. The phrase "under God," which many view as the core of the pledge, was not added until 1951 by the New York chapter of the Knights of Columbus, and not accepted into the official version of the pledge until 1954. And while it may be difficult to imagine a time in when Americans did not have a national anthem, it was not until 1931 that Francis Scott Key's *Star Spangled Banner* was adopted as such.

Other instances of innovation in ritual and tradition abound.[27] Hugh Trevor-Roper demonstrates that the bagpipe, the kilt, and clan tartans, what are assumed to be key elements of Scottish heritage, were eighteenth-century innovations with only loose ties to ancient Highland culture.[28] In an informative survey, Catherine Bell points to sociological studies of the Soviet Union that demonstrate that by the 1960s, most

27. See Hobsbawm and Ranger, eds., *The Invention of Tradition*, and James R. Lewis and Olav Hammer, eds., *The Invention of Sacred Tradition* (Cambridge: Cambridge University Press, 2008).

28. Hugh Trevor-Roper, "The Invention of Tradition: The Highland Tradition of Scotland," in Hobsbawm and Ranger, eds., *The Invention of Tradition*, 15–41.

of the ritual activity in the country consisted of recent inventions.[29] Examples include an assortment of rituals marking initiation into some group (the army, the working class), socialist wedding services emphasizing the importance of family to the state, and a ceremony known as the "Solemn Registration of a Newborn Child," a socialist equivalent to christenings.

In addition to the invention of rituals, the Soviet rituals exhibit the centrality of ideology. From the official perspective, the newly created rituals were intended to establish a means of political indoctrination by embedding communist mores into the ceremonial activities of the populace. Further, as is evident in the "Solemn Registration of a Newborn Child," the government's inventions allowed for the replacement of religious ceremony, just "as communist morality and socialist internationalism would overpower bourgeois nationalism."[30] Whether this ideological program was successful is debated, for numerous studies suggest a significant degree of distinction within the Soviet populace as to what they did and what they believed.[31] What is key, however, is that an entire system of rituals developed not as the reformulation or evolution of older rites, but created virtually *de novo* to serve the prevailing ideological paradigm.

Similar ideologically driven programs of ritual invention took place all over the world during the period 1870–1914.[32] For example, during this era, the United States faced an issue with few historical precedents: a massive influx of immigrants producing an increasingly heterogeneous population in need of assimilation. The solution was the invention of rituals that would enable immigrants to adopt and embody an American identity. On the one hand, immigrants were encouraged to participate in distinctively American rituals, such as the Fourth of July, in order to connect them to the history of the nation. Conversely, American ritual

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29.   Bell, *Ritual*, 225–30. Among the sources she cites are A. P. Binns, "The Changing Face of Power: Revolution and Accommodation in the Development of the Soviet Ceremonial System: Part I," *Man* 14 (1979): 585–606; Ethel Dunn and Stephen P. Dunn, "Religious Behavior and Socio-cultural Change in the Soviet Union," in *Religion and Atheism in the USSR and Eastern Europe* (ed. Bohdan R. Bociurkiw and John W. Strong; Toronto: University of Toronto Press, 1975), 123–50; Christel Lane, *The Rites of Rulers: Ritual in Industrial Society—The Soviet Case* (Cambridge: Cambridge University Press, 1981); Jennifer McDowell, "Soviet Civil Ceremonies," *Journal for the Scientific Study of Religion* 13 (1974): 265–79.

30.   Bell, *Ritual*, 226.

31.   See Dunn and Dunn, "Religious Behavior and Socio-cultural Change," 143.

32.   See Eric Hobsbawm, "Mass-Producing Traditions: Europe 1870–1914," in Hobsbawm and Ranger, eds., *The Invention of Tradition*, 263–308.

integrated certain foreign elements in order to embrace the increasingly heterogeneous nature of American identity. This period also saw an increase in ceremonies in which individuals could publicly affirm their American-ness, the most notable example being the veneration of the American flag through the Pledge of Allegiance. Through these rites, immigrants were enabled to overcome a substantial obstacle to achieving American identity—the fact that they were not, by birth, Americans. Rather than emphasizing ancestry or ethnicity, "these rites defined Americanism as an act of choice and a matter of specific practices and attitudes."[33] The invention of ritual provided a way for Americans to be made.[34]

The fact that a certain ritual is invented does not preclude the use of traditional elements. As Bell argues, the appropriation of tradition is critical for the success of ritual invention, for "[a] ritual that evokes no connection with any tradition is apt to be found anomalous, inauthentic, or unsatisfying by most people." Thus, most cases of invention entail some borrowing of older elements, ranging from near-verbatim reproduction, the selective adaptation of earlier activity, or the creation of practices that are evocative of the past.[35] What is important to recognize is that this reference to tradition involves only external elements—the words of a pledge, a method of animal sacrifice, or a certain style of dress. Consequently, the inventiveness of ritual does not lie in the novelty of the actions, but in the novelty of the effect the actions are supposed to produce.

Given the ambiguous and fluid nature of ritual, its documentation in media would appear to have a stabilizing function, since in theory, it could present a standardized account of a ceremony along with a detailed explanation of the intended effects. This is, however, only a theoretical possibility, for in practice "the documentary cannot be a neutral and passive recording of the tradition. It is a constructed view of a new ritual hybrid."[36] Bell defends this counter-intuitive assertion with a reference to Robert Gardner and J. Frits Staal's video documentary of the twelve-day Vedic fire ritual.[37] Though Gardner and Staal attempted to produce the definitive record of the ceremony, their end product was an eclectic

33.   Bell, *Ritual*, 230.
34.   Hobsbawm, "Mass-Producing Traditions," 279.
35.   Bell, *Ritual*, 145.
36.   Ibid., 248.
37.   See the film documentary by Robert Gardner and J. Frits Staal, *Altar of Fire* (Cambridge, Mass.: The Film Study Center at Harvard University, 1976). See Bell, *Ritual*, 247–48, for her discussion of the film.

hybrid. For one, it was the filmmakers, and not a native *yajamana*, who typically played a central role in the ceremony, who supplied the capital and material supplies. Second, the admission of a foreign film crew into the ceremonial grounds violated a historical ban on non-Brahmans entering the altar area. Further, because of a vociferous protest against the slaughter of goats, a key element of the ritual, the animals were replaced with rice cakes wrapped in banana leaves. Though Gardner and Staal insisted that the core of the ritual, the recitation of mantras, remained true to tradition, Bell is quite right in labeling the documentary "an oddly ambiguous project," essentially a mix of traditional and non-traditional elements necessitated by the very production of the film.[38]

The inventiveness of media portrayals is further evident when we consider the visual aspect. TV and film allow for a level of participation that was previously inconceivable. Ceremonies that were once restricted to the privileged few who could be in attendance are now made available to anyone who has a TV set. But beyond an expansion of the audience, a video broadcast enables a form of participation that is unavailable to the live audience. Those watching on TV have access to small, minute details that would otherwise have gone unnoticed. More importantly, a producer's or director's decisions on what images to show, and the order in which to show them, leads to a sequence of sights and sounds to which only the TV audience is privy. In effect, the depiction of a ritual through visual media produces a new ritual that is measurably different from what those in live participation experience.

Gregor Goethals demonstrates this inventive aspect of visual media in his study of the coverage of political rituals, in particular, the nominating convention.[39] In an event of such magnitude, anyone physically present would have little way of knowing all that goes on. But by showing the varied reactions of one candidate to another, of the audience to each candidate, or of the candidates' family members, the television broadcast forms an extended narrative out of all the events that take place during the convention. Though ostensibly watching the same event, the TV audience is presented with a "story" that is distinct from what the live audience can experience. Consequently, the depiction of this political event in TV is not an all-encompassing summary, but rather the creation of a distinct narrative, the form of which is determined by the editorial choices of the director and producers.

Through this extended introduction, I have aimed to destabilize the conceptualization of ritual as a conservative institution reflecting primeval

38. Bell, *Ritual*, 248.
39. Ibid., 261–67.

beliefs and practices. The core of a ritual is often ambiguous, leading to a wide range of possible interpretations on the significance of a given ceremony. Consequently, the power of ritual lies not in the communication of dogma, but in the common structure that it imposes upon participants. Further, there is the matter of invention. Ceremonies and traditions do not simply evolve out of older forms. They are frequently created anew, and this creation is informed primarily by ideology. What we must recognize, accordingly, is that the relationship between a ritual and social-cultural changes is complex. While rituals evolve as a response to changing social climates, they are also a principal means by which social change is effected. What is more, the depiction of ritual in various media is itself a form of invention, not stabilization. In producing a representation of ritual, the author or director can create a new narrative by choosing which elements will be presented, which will be given more attention than others, and the sequence of the presentation.

What then are the implications for this study? The primary issue in the text analysis that follows is the presence of discrepancies in the various depictions of holidays. Pesach, for example, is portrayed by the author of Exodus as a home rite, by the author of Deuteronomy as a centralized festival, and by the author of Ezekiel as a temple purification rite. Based on the view of ritual proposed by early anthropologists, many in biblical studies hold that these discrepancies reflect stages of a linear evolution. The reconsideration of ritual theory shows this approach to be inadequate, for variations in the form of ritual are not due solely to a linear evolution of an original form. Instead, the texts may represent unique inventions that are intended to address certain needs, as perceived by their authors. In this chapter, then, I will contend that the depictions of holidays throughout the Bible do not represent the evolution of pentateuchal accounts, but rather novel developments shaped by each author's unique ideological program.

2. Festivals and Holidays in the Bible

a. Pesach and Matsoth

An assessment of the reception of the Pentateuch's representation of Pesach and Matsoth is complicated by inner-pentateuchal dissonance. In Exod 12, Pesach is a home-based, family meal that takes place בין הערבים. Tightly linked to the plague of the firstborn, the narrative highlights the apotropaic function of the ceremony, in particular, the manipulation of the blood. In addition, various aspects of the meal relate directly to the departure from Egypt—the meal is eaten at night, with the

participants shod in their sandals and prepared with their staffs, there is no time for the bread to leaven, and none of the lamb is to be left until the morning. In Exod 12, the ritual elements of Pesach and Matsoth are presented as central to the historical events: "Israel's redemption was carried out by means of the cult."[40]

The portrayal of Pesach as a home-based ritual meal has no reflections in the rest of the Bible, or for that matter, outside of the Egyptian setting of Exod 12. Exodus 12:14, which regulates future celebrations, identifies the holiday as a חג, a term implying a temple-based ritual. A cultic setting for Pesach is made explicit in Exod 34:25, which identifies the paschal animal as a "festival sacrifice" (זבח חג). Leviticus 23:5–8 reflects Exod 12:6 in placing Pesach on the fourteenth day of the first month, בין הערבים. At the same time, the requirement for a seven-day assembly consisting of sacrifices reflects a temple setting. Two elements in Num 9:2–14 reflect the importance of the temple as the proper locus for Pesach celebrations. First, the ritual consists of an offering (קרבן) to Yahweh. Second, the passage introduces the legal innovation of a "second" Pesach, held on the fourteenth day of the second month, as an allowance for those who had contracted impurity. As the author of Num 9 does not allow for an expedited means of purification, nor for an alternative location, the priority he places on the need for purity and the temple is clear.[41]

Within the Pentateuch, the most glaring discrepancies with Exod 12 occur in Deut 16. The divine command in 16:2 ("You shall sacrifice [זבח] the Pesach to Yahweh") makes clear that the paschal animal is intended as a sacrifice, not a meal. Here, I use the term "paschal animal" intentionally, for Deut 16:2 does not limit the sacrifice to a lamb (שה, cf. Exod 12:3); an animal from the class of בקר or צאן can be offered up as well. In compliance with Deuteronomy's concern for centralization, the offering is to be made only at the central sanctuary, described through the stereotypical Deuteronomic phrase "the place where I will cause my name to dwell." This ceremonial locale is reiterated more forcefully in

40. John Van Seters, "The Place of the Yahwist in the History of Passover and Massot," *ZAW* 95 (1983): 178.

41. As in other episodes in which the development of law is connected to a narrative episode, the author includes a number of other laws on similar topics that have no actual point of derivation from the narrative, including a provision for a delayed Pesach for those who are on a distant journey (9:10), and an allowance for aliens to participate in the ceremony if they so wish (9:14). Other examples include the inheritance of Zelophehad's daughters (Num 27:1–11; 36), the man gathering sticks on Sabbath (Num 15:32–36), and the half-Egyptian blasphemer (Lev 24:10–23).

16:5–6, which explicitly bans any local performance of Pesach. Deuter-
onomy also differs in the temporal element. Rather than "throughout the
night" as in Exod 12, Deut 16:6 has "when the sun goes down"; accord-
ing to the author, this was when the Israelites actually left Egypt.

A popular resolution of these inner-Pentateuchal discrepancies depends
on a theory of linear evolution of ancient Israelite religion, according to
which early Israelite religion tolerated the presence of local cultic sites
and home-based rituals; Exod 12–13 would belong to this period.[42] With
the onset of Deuteronomic reform, local forms of religion were con-
sidered anathema, and either eliminated or converted into centralized
festivals. In this perspective, Deut 16 is a corrective, centralizing textual
response to the home-based Pesach of Exod 12–13.

In this section, I will propose an alternative to this reconstruction of
the development of the Pesach and Matsoth traditions through an exami-
nation of descriptions of Pesach outside of the Pentateuch. By demon-
strating an absence of dependence upon the pentateuchal depictions of
Pesach, I will argue that neither Exod 12–13 nor Deut 16 exercised
constraining force upon the composition of other texts, which in turn
suggests that a linear conception of the relationship between these texts
needs to be refined.

As noted above in Chapter 2, our analysis of the texts must push
beyond the search for elements of similarity or awareness. The fact that a
text calls the fourteenth day of the first month "Pesach" is not enough
evidence to posit dependence upon a pentateuchal text. Neither is an
author's failure to mention a particular theme indicative of his ignorance
of it. Therefore, the primary point of interest here will be on what a text
says with regard to the intended purpose of the ritual, a point of focus
that will lead to a far more accurate analysis of the relationship between
specific texts.

Let us begin with the description of Pesach and Matsoth in the first
year of Hezekiah, as narrated in 2 Chr 30. A unique feature of this cele-
bration is the postponement of Pesach until the second month. Two
reasons are given for the postponement: the priests were impure and
some people were not able to assemble in Jerusalem (20:3). The same
two themes, impurity and distance from Jerusalem, figure in the provi-
sion for the "second" Pesach in Num 9:9–14. Based on this thematic
similarity, Michael Fishbane argues that 2 Chr 30 is an exegetical adapta-
tion of Num 9, contending that the former is a nation-wide application

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42. Cf. Rainer Albertz, *A History of Israelite Religion in the Old Testament
Period.* Vol. 1, *From the Beginnings to the End of the Monarchy* (trans. John
Bowden; Louisville, Ky.: Westminster John Knox, 1994).

of the provisions in Num 9.[43] There is reason to question this conclusion, however. Numbers 9 contains a legal provision for a true "second" Pesach. The second-month ceremony does not abrogate the "first" Pesach, but only supplements it to accommodate certain individuals. In contrast, 2 Chr 30 eliminates completely the first-month ceremony; there is no "second" Pesach. Even as the text is aware of the normative character of the first-month, it changes the date of the ceremony for the entire nation.[44] Though the two texts share similar rationales for postponement, they vary considerably in terms of legal response, rendering questionable the contention that the Chronicles text is an exegetical development of the Num 9.

As it stands, the postponement of Pesach has no clear roots in Exod 12. Both the purity of the priestly staff and assembly at a central location are irrelevant to what is a family meal. The question that remains is whether these points of emphasis indicate dependence upon Deut 16. In Chronicles, the performance of Pesach at the Jerusalem temple is of such importance that the "proper" day of celebration (the fourteenth day of the first month) is rendered secondary to "proper" performance (at the central sanctuary with a purified priesthood). On the surface, this thematic focus would appear to be dependent on Deut 16, which more than any other text emphasizes the utter necessity of a centralized Pesach. Upon closer examination, however, the similarities between the two passages could be considered coincidental.

The first indication of the independence of 2 Chr 30 is in the manifest effects of the ritual. In Deut 16, Pesach is a celebration and remembrance of the exodus event; v. 1 enjoins that the ritual take place during the month of Abib, "for in the month of Abib, Yahweh your God brought you out of the land of Egypt, at night." In 2 Chr 30, there is no connection between Pesach and the exodus event. It is not a remembrance or celebration of Yahweh's great act of liberation. Instead, the Chronicler portrays it as a rededication ceremony. This is evident in Hezekiah's

43. Fishbane, *Biblical Interpretation in Ancient Israel*, 249. See also Peter Ackroyd, *I & II Chronicles, Ezra and Nehemiah: Introduction and Commentary* (London: SCM, 1973), 184; Raymond B. Dillard, *2 Chronicles* (Waco, Tex.: Word, 1987), 243–44; and Judson Rayford Shaver, *Torah and the Chronicler's History Work: An Inquiry into the Chronicler's References to Laws, Festivals, and Cultic Institutions in Relationship to Pentateuchal Legislation* (Atlanta: Scholars Press, 1989), 112. One of the first to make this connection was I. Benzinger, in *Die Bücher der Chronik* (Tübingen: J. C. B. Mohr, 1901), 123.

44. Sara Japhet, *I & II Chronicles: A Commentary* (Louisville, Ky.: Westminster John Knox, 1993), 940. See also John Mark Hicks, *1 & 2 Chronicles* (Joplin, Mo.: College Press, 2001), 468–69.

royal proclamation to the people of Israel. Though the author frames the decree as an invitation to come to Jerusalem to celebrate Pesach, the contents of the letter focus on repentance:

> O people of Israel, return to Yahweh, the God of Abraham, Isaac and Israel, so that he may turn to your remnant who escaped from the kings of Assyria… Now, do not be stiff-necked like your fathers were. Submit to Yahweh and come to his sanctuary, which he sanctified eternally. Serve Yahweh your God and he will relent of his anger against you. For when you return to Yahweh, your kin and your children will find compassion from their captors, in order to return to this land. (2 Chr 30:6, 8–9)

The restorative import of Pesach is further evident in the narrative sequence of 2 Chr 29–31. Looking backwards, 2 Chr 29 details the reinstatement of proper worship in the temple. Looking ahead to 2 Chr 31, it is after the celebration of Pesach and Matsoth that the people set out to destroy pagan shrines (31:1), the priests and Levites are appointed to their proper tasks (31:2), and the people of Jerusalem bring in their contributions to the temple (31:4–7). Within this sequence, Pesach marks an end and a beginning. On the heels of temple restoration (2 Chr 29), the description of Pesach is intended to show that proper worship of Yahweh has been restored in the land, thus marking the climax of religious reform. At the same time, the celebration of Pesach inaugurates a new era of Yahweh worship, as indicated by the destruction of the pagan shrines and the appointment of cultic officials. In effect, the Chronicler presents Pesach as a grand purification ritual that highlights the restoration of correct worship to the Jerusalem temple. In this light, 2 Chr 30's emphasis on purity need not be viewed as an adaptation of Num 9 or Deut 16, but rather as a derivative of the Chronicler's broader ideological concerns.

As an emblem of repentance and rededication to Yahweh, the Chronicler also highlights the function of Pesach in achieving political restoration. The narrator takes much care to note that the invitation to celebrate Pesach and repent to Yahweh went out to all Israel, from Beer-sheba to Dan (30:5). Pesach is the means by which elements of the broken and rebellious north can return to the good graces of Yahweh by returning to the legitimate place of worship. Therefore, the chapter's emphasis on the necessity of a central location for the ceremony may have little to do with the centralization program of Deut 16; it may instead derive from the Chronicler's ideological outlook on the relationship between the north and the south.

In fact, the abiding unity of the northern and southern kingdoms, and their joint status as "Israel" *qua* the elected people of God is a significant theme throughout Chronicles. In opposition to the Deuteronomistic History, which consistently depicts the northern kingdom as a bastardization of the "genuine" south, Chronicles affirms the common identity of two kingdoms. In Chronicles, the northern kingdom represents rebellion against Yahweh and his chosen dynasty, but also the fulfillment of Yahweh's will (2 Chr 10:15). "[T]he Chronicler's attitude towards the northern kingdom is ambivalent; the kingdom is based on a sin, yet its establishment fulfills the word of Yʜwʜ… The northern kingdom, for all its sins, is an integral part of the people of Israel."[45] In terms of geography, the Chronicler affirms the unity of the two kingdoms by portraying various Judean kings as having hegemony over northern territories (2 Chr 13:9; 15:9; 19:4). These descriptions of royal campaigns are not intended to provide a record of the military and political maneuverings of kings, but rather to demonstrate the essential unity of the *land* of Israel. In the Chronicler's perspective, political and historical circumstances did not alter Israel's presence in and occupation of all of the promised land. Even at a time when the monarchy was divided, and even after the collapse of one of the kingdoms, the geographical limits of Israel did not change.

The ideological emphasis on the unity of Israel is supplemented by the Chronicler's claim that there was continuous, uninterrupted settlement of the land.[46] This theme represents one of the clearest points of conflict between the ideological perspectives of Chronicles and the Pentateuch. As Japhet notes, "According to the genealogical introduction to Chronicles, the people living in the land in David's time are directly descended from the sons of Jacob. Nothing interrupted or disturbed the straight line of descent; we find no suggestion that some of the intermediate generations lived in Egypt, left Egypt, or returned to conquer the land of Israel."[47] Reflecting this idea, the Chronicler omits references to Egypt or the exodus that occur in parallel texts:

2 Samuel 7:6	*1 Chronicles 17:5*
"I have not lived in a house since the day that I brought up the Israelites from Egypt until today…"	"I have not lived in a house from the day that I brought up Israel until today…"

45. Japhet, *The Ideology of the Book of Chronicles*, 318.
46. Ibid., 363–86.
47. Ibid., 379.

1 Kings 6:1	*2 Chronicles 3:1–2*
"In the four hundred eightieth year after the Israelites left the land of Egypt, in the fourth year of Solomon's reign over Israel, in the month of Ziv, that is, the second month…"	"Solomon began to build the house of Yahweh in Jerusalem on Mount Moriah… He began to build on the second day of the second month of the fourth year of his reign."
1 Kings 8:21	*2 Chronicles 6:11*
"I have prepared there a place for the ark, in which is the covenant of Yahweh which he made with our ancestors when he brought them out from the land of Egypt."	"I have set the ark there, in which is the covenant of Yahweh which he made with the people of Israel."

Additionally, the Chronicler diminishes the conquest and the period of the judges by juxtaposing the Davidic period with the genealogy of the ancestors in chs. 1–9, thereby producing "a sense of timeless continuity from Jacob and his sons to David."[48] As Japhet shows, this continuity is further evident in the Chronicler's treatment of certain past figures. First Chronicles 7:21–22 recounts an episode in the life of Ephraim, in which the men of Gath kill his sons. In his mourning, he is comforted by his brothers. This tradition conflicts with Exod 1:6, which notes that Joseph and his entire generation died in Egypt. First Chronicles 4:21 forms a similar link between the descendants of Jacob and occupation of the promised land. The passage draws a direct line from Shelah, the son of Judah, to inhabitants of two Judean cities, Lecah and Mareshah, thereby affirming an uninterrupted line from Judah's sons to people living in Judean cities.

   In and of itself, the Chronicler's concern to express the unity of the two kingdoms does not provide any evidence of an ideological conflict with the Pentateuch. As I have demonstrated, however, the Chronicler's emphasis on unity is a part of a larger ideological system that does conflict with the Pentateuch with regard to the uninterrupted settlement of the land. The Chronicler rejects the notion that Israel ever lived outside of the land, or had to take the land away from an indigenous population. Similarly, the Chronicler rejects the notion that Israel was ever divided, or lost hegemony over the entire land. The portrayal of Pesach in 2 Chr 30 as a mechanism for the restoration of political unity can therefore be viewed as the product of this broader ideological system that fundamentally conflicts with the historiography presented in the Pentateuch. In

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   48.   Ibid., 374.

this perspective, the thematic parallels between 2 Chr 30 and Num 9/ Deut 16 are likely coincidental, rather than indicators of literary dependence.

According to 2 Chr 30:13, the festival of Matsoth was also delayed until the second month. Clearly, 2 Chr 30 is aware of the chronological proximity of Pesach and Matsoth. This fact in itself, however, does not prove that the Chronicler views Pesach and Matsoth as two components of a single festival as described in Deut 16. In fact, the text presents a unique picture of the relationship between Pesach and Matsoth that calls into question the author's awareness of their unity. As noted above, Hezekiah's summons to the nation for repentance is presented as a call to celebrate Pesach. The first act of the assembled people, however, is to celebrate Matsoth (v. 13). This change in sequence appears to reflect the author's general preference for Matsoth over Pesach. After briefly describing the offering of the paschal sacrifice, the author once again describes the celebration of Matsoth, this time including a note about the people's great joy (v. 21) and their performance of זבחי שלמים (v. 22). The description of the people's joy in celebrating Matsoth, though brief, is extremely significant, as Japhet contends that joy is the means by which the Chronicler portrays "one's complete absorption in what one is doing."[49]

We should adjust, then, the point made earlier regarding the role of Pesach as the culmination of reform. In the first half of the passage, Pesach is indeed portrayed as an opportunity to repent. However, it is the joyful celebration of Matsoth that signifies the people's "absorption" into the temple rituals, and thus their return to proper Yahweh worship. In the Chronicler's perspective, the celebration of Matsoth signals Israel's fervent desire to worship Yahweh in the right manner and in the right place. Given this significance, it is not surprising that the author portrays the people's longing to continue their worship beyond the normal requirements as an extension of Matsoth for an additional seven days (v. 23).

Within 2 Chr 30, there is some awareness that Pesach and Matsoth occur near each other. However, there appears to be little reflection of the notion that they belong to some unified cultic complex. Neither is there any connection between the two rituals and the exodus event, since the import of both lies in their status as emblems of cultic restoration. From this evidence, there is much reason to call into doubt the text's dependence upon the portrayal of Pesach and Matsoth in Deut 16 as a fused cultic ceremony with commemorative purposes.

49. Ibid., 253. Cf. 1 Chr 15:16–25; 29:9; 2 Chr 15:15; 23:18; 24:10; 29:25–30, 36.

Two separate texts describe a celebration of Pesach during the reign of Josiah, 2 Kgs 23:21–23 and 2 Chr 35. The latter is much more extensive than the former, and it is generally agreed that it represents an editorial expansion of the former.[50] A comparison of the two texts provides key insights into the ideology of the Chronicler, which in turn provides excellent evidence for determination of the reception of the Pentateuch. To begin, we should note that neither Kings nor Chronicles makes reference to the exodus event. As in 2 Chr 30, the manifest effect of Josiah's Pesach centers on the culmination of national reform. Second Chronicles 34 recounts the discovery of the law book and the ensuing religious reforms, which are described quite briefly in v. 33. After this cultic restoration, Josiah orders the celebration of Pesach. The same narrative sequence occurs in 2 Kings; after an extended account of the discovery of the law book and the subsequent religious reforms (chs. 22–23), the author includes a brief note describing the celebration of Pesach.

As in 2 Chr 30, the author also engages the import of Pesach as the culmination of national reform in 2 Chr 35, but for a different purpose—to emphasize the cultic authority of Josiah. This is accomplished in two ways: (1) by portraying Pesach as a temple sacrifice of the highest order; and (2) by portraying Josiah as the highest cultic authority.

Compared to the parallel account in 2 Kgs 23:21–23, 2 Chr 35 provides a much more detailed account of the cultic details of Josiah's Pesach. In the Kings text, we find only bare notice that Josiah ordered the celebration of the holiday. The Chronicler, on the other hand, situates the celebration of Pesach within a series of actions aimed at a thorough reorganization of the temple. In preparation for Pesach, the priests and the Levites were appointed to their proper positions (v. 2), the ark was returned to the temple (v. 3), the sacrifice was performed in the correct manner, that is, with the priests officiating and Levites assisting (v. 11), and various other Temple attendants took their proper place (v. 15). Additionally, upon completion of Pesach, the narrator reports that "Josiah had made ready the temple…" (הכין יאשיהו את־הבית, 2 Chr 35:20). In short, the Chronicler presents the festival as a priestly sacrifice of the highest order, since it marks the return of purity to the temple and the temple cult.

The portrayal of Pesach as an elevated temple sacrifice also explains the identification of the sacrificial animals in v. 7: בני־עזים, צאן כבשים

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50. Simon J. De Vries, *1 and 2 Chronicles* (Grand Rapids, Mich.: Eerdmans, 1989), 416; Dillard, *2 Chronicles*, 287; Hicks, *1 & 2 Chronicles*, 520; Jacob Myers, *II Chronicles* (Garden City, N.Y.: Doubleday, 1965), 211.

and בקר, a litany that does not conform to any pentateuchal text.[51] But more important than the specific animals is the description of the entire litany: "Josiah contributed for all the people who were present, as passover offerings (לפסחים), thirty thousand lambs and kids and three thousand bulls." In this context, פסח does not refer to a lamb, or to any specific animal at all. Instead, the term functions generically, encompassing a variety of animals, any of which are acceptable as an animal sacrifice. The generic conception of the paschal animal is further evident in v. 11, where the priests take the blood of the paschal sacrifice and sprinkle it, and v. 12, where the sacrifice that the priests distribute to the people is designated העלה.

In a calculated departure from 2 Kgs 23:21–23, the Chronicler's description of Pesach places extraordinary emphasis on the cultic authority of the king. In 2 Kings, Josiah issues a command to the people that they should celebrate Pesach: "Offer the paschal sacrifice to Yahweh your God, as it is written in the book of this covenant." The Chronicler, meanwhile, explicitly identifies Josiah as the one who kept Pesach (v. 1, 18). The emphasis on the actions of Josiah frames the entire description of the ritual—v. 1 begins the unit with "Josiah celebrated the Pesach for Yahweh in Jerusalem," while v. 18 wraps up matters with "None of the kings of Israel celebrated the Pesach in the manner that Josiah did." The critical role of the king is also highlighted by his provision of animals in v. 7. In contrast to pentateuchal texts, where celebrants are required to provide their own animal, the Chronicler has Josiah giving the people lambs, kids, and bulls from his own possessions. The Chronicler's depiction of Pesach is not only as an elevated temple sacrifice, but also as a royally sponsored, vicarious sacrifice. Finally, the authority of Josiah is evident in the appointment of the priests and Levites. In 2 Chr 35, the authority guiding the activity of cultic officials is specifically the king. So we read in v. 10: "when the service had been prepared, the priests stood in their positions and the Levites in their divisions, *according to the command of the king*." Later in v. 16, the Chronicler notes that the entire ritual was based on royal decree: "The entire service to Yahweh was arranged on that day, to celebrate Pesach…*according to the command of King Josiah*."

51.   Isaac Kalimi views the list as a harmonization of Exod 12:21 (צאן) and Deut 16:2 (בקר). He does not discuss the inclusion of the בני־עזים. See Kalimi's *The Reshaping of Ancient Israelite History in Chronicles* (Winona Lake, Ind.: Eisenbrauns, 2005), 156.

The emphasis on Josiah's authority in cultic matters corresponds to the general conception of the monarch in Chronicles as the highest cultic official.[52] This is not unique to Chronicles, of course, as the Deuteronomic Historian contends that the king is ultimately responsible for cultic propriety.[53] The Chronicler, however, places a higher degree of emphasis on the cultic role of the king. Not only does he evaluate kings on the basis of cultic reforms, he views the king as a source of cultic authority equal to Mosaic *torah*.[54] The assignment of duties to cultic functionaries is legitimized by a reference to David (2 Chr 8:14; 29:25; 35:15). The Chronicler also notes that temple officials adhered strictly to regulations put in place by Solomon (2 Chr 8:15). In 2 Chr 29:15, the Chronicler notes that the cleansing of the temple was undertaken in response to Hezekiah's command. According to Japhet, this elevation of the king in cultic matters comes at the expense of the high priest: "the centrality of the king appears in marked contrast to the absence of any mention of the high priest… The priest merely fulfills a specific function; his authority and duties do not go beyond his limited sphere of activity."[55]

The Chronicler's conception of the king as a source of cultic authority represents a fundamental conflict with the Pentateuch's vision of the monarchy. There is only one pentateuchal text that treats the monarchy in any detail (Deut 17), and it presents a severely restricted institution. The king is prohibited from acquiring riches or many wives, presumably through taxation and warfare. The only duty explicitly given to the king is to study "a copy of this law" (Deut 17:18). In the rest of the Pentateuch, the king is given no responsibility in judicial or legislative matters; not one pentateuchal legal text refers to the king as a source of legislation or an arbiter of cases. In fact, Deut 17:8–13 makes clear that the Levitical priest, not the king, is the source of authority in difficult cases. It goes without saying that the Pentateuch does not envision any sort of cultic responsibility for the king. The Chronicler, meanwhile, presents a pointed contrast to this conception of the monarchy as a restricted office by depicting the king as the highest cultic figure in the land. In doing so, the Chronicler offers an alternative to the non-monarchic, priest-oriented vision of society presented in the Pentateuch.[56]

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52.   Japhet, *The Ideology of the Book of Chronicles*, 438–44.

53.   Cf. 1 Kgs 15:11–15, 29–30, 34; 22:43, 52; 2 Kgs 3:1–3; 8:18, 27; 10:29–31; 13:2, 6, 11; 15:9, 18, 24–28, 34–35; 16:2–4; 21:2–9.

54.   Japhet, *The Ideology of the Book of Chronicles*, 235–36.

55.   Ibid., 441.

56.   On the theocratic vision of the Pentateuch, see E. Theodore Mullen, *Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch* (Atlanta: Scholars Press, 1997), 203–47.

The conception of Pesach as the climax of cultic purification and the emphasis on the cultic authority of Josiah converge in the Chronicler's claim that Josiah's Pesach had no historical precedents:

> Pesach had not been celebrated like it in Israel since the days of Samuel the prophet. None of the kings of Israel celebrated Pesach as Josiah did, along with the priests, the Levites and all Judah and Israel who were present, and by all the inhabitants of Jerusalem. (2 Chr 35:18)

The description in 2 Kgs 23:22 is nearly identical: "Pesach had not been celebrated in this manner since the days of the judges who ruled Israel, or during the days of the kings of Israel and kings of Judah." That these statements are meant to be understood rhetorically, and not as descriptions of the actual history of Pesach, is indicated by several factors. First, though both texts refer to the period of the judges, Pesach does not feature in either Judges or 1–2 Samuel. Second, the Chronicler's claim that no king of Israel celebrated Pesach conflicts with his own text, since 2 Chr 30 recounts Hezekiah's Pesach. In this light, the reference to the judges or to Samuel is each author's attempt to reach back into hoary antiquity. For the Chronicle, the Pesach of Josiah, who is the greatest reformer of all time, represents the apex of the greatest act of cultic reform of all time. It has no historical parallels.

Perhaps the most controversial element in 2 Chr 35 is the description of the preparation of the paschal animal in v. 13, ויבשלו הפסח באש. This description appears nonsensical (boiled in fire?), and both ancient and modern readers have argued that בשל here must mean "to roast," not "to boil."[57] Fishbane rejects these readings, preferring the more difficult "they boiled the *pesach* (lamb) in fire." He argues that the strange phrase is rooted in the idea "that the Pentateuchal Torah of Moses is integral and indivisible."[58] In describing the Pesach ceremony, the Chronicler was faced with two separate laws on the preparation of the lamb. According to Exod 12:8, the lamb is to be roasted in fire, not boiled or eaten raw; but according to Deut 16:6–7, the lamb is to be boiled. Because of his high regard for the authority and unity of the Pentateuch *qua* Torah, the Chronicler could not adhere to one law while ignoring the other. He therefore combined the two laws, taking אש from Exodus and בשל from Deuteronomy and rearranging the lexemes to produce ויבשלו הפסח באש.

57. For review of scholarship on this passage, see Fishbane, *Biblical Interpretation*, 135 n. 77. Among those who contend that בשל means "to cook," see Japhet, *I & II Chronicles*, 1053; Kalimi, *The Reshaping of Ancient Israelite History*, 158; Segal, *The Hebrew Passover*, 205–6.

58. Fishbane, *Biblical Interpretation*, 136.

While this description makes little sense superficially, it preserves the authority of both pentateuchal laws through "an artificial exegetical harmonization."[59]

There are reasons to question this resolution. Following the logic of the above argument, if the Chronicler is to acknowledge the legal authority of the Pentateuch by combining lexemes, then he necessarily produces a non-real description. The phrase "boiled in fire" is only a sign intended to express the author's knowledge of the Pentateuch, but not a description of any actual practice. This drives to the very heart of the Chronicler's purpose in writing. Does he write in order to put forth a representation of the past, or does he write only to produce a reflection of "scriptural" texts? Second, we should not dismiss the rendering of בשל as "to cook." In two texts, Num 11:18 and 2 Sam 13:8, the root refers to the action of turning grain into cakes; the ideal translation here is "bake," and not "boil." Exodus 23:19 and 34:36 have been traditionally understood to ban boiling a kid in its mother's milk (לא־תבשל גדי בחלב שמו). This translation poses some difficulty to our understanding of the cooking process that the law targets. If, however, we read חלב as a reference to "fat" and not "milk," we are left with a ban that is quite understandable—a kid is not to be fried with the fat of its mother, that is, a kid and its mother are not to be cooked together.[60] These data, which show that the lexical field of בשל is not limited to "to boil," make it quite plausible that the Chronicler's choice of the root has no intertextual significance. Rather than indicating dependence upon the legal authority of the Pentateuch, the root may simply be the author's haphazard choice of a verb for cooking.

What we have thus far is evidence that destabilizes the notion of the dominance of the portrayal of Pesach in Deut 16. The portrayal of Pesach as a temple-based ritual may derive from ideological concerns native to Chronicles, that is, the unity of the people of Israel (2 Chr 30) and the greatness of Josiah (2 Chr 35), and not necessarily the centralization program of Deut 16. Further, in each text we find an ideological conflict with the Pentateuch that raises doubts on notions of literary dependence. 2 Chr 30, which emphasizes the abiding unity of Israel, counters pentateuchal narratives that claim a long period of captivity and sojourn for the ancestors. Second Chronicles 35 highlights the cultic authority of the king and so contrasts starkly with the Pentateuch's theocratic vision of society. Though each depiction of Pesach has some points of continuity

59. Ibid.
60. In this light, the two laws would echo other biblical bans on taking the life of a baby and its mother at the same time (cf. Deut 22:6).

with Deut 16 (and, on a more limited scale, Exod 12), these can be viewed as coincidental. Consequently, there is much reason to doubt the notion that the two Pesach accounts in Chronicles represent an exegetical or literary development of pentateuchal materials.

Joshua 5 describes the celebration of Pesach at Gilgal after the crossing of the Jordan and entry into the promised land. In v. 10, we find that Pesach is held on the fourteenth day of the first month, in the evening; the author provides no other information concerning the ritual. As Richard Hess points out, this absence of details, especially regarding the preparation of the lamb, is ironic given the focus of the passage on food.[61] According to v. 12, on the day after Pesach the people began eating unleavened bread and roasted grain, both of which are described as the produce of Canaan. Because the people now gain sustenance from the land, the provision of manna ceases. A number of scholars argue that the description of the Israelites eating unleavened bread on the morrow of the Pesach is a reference to the festival of Matsoth.[62] What I will argue, however, is that the case for an allusion to Matsoth has been overstated. True, the author of Josh 5 describes the Israelites eating unleavened bread after Pesach. However, the author specifically indicates that the people also ate roasted grain, and as will be seen below, the combination of unleavened bread *and* roasted grain have a very specific function within the text that is distinct from the portrayal of Matsoth in the Pentateuch.

Within Josh 5, the description of the Israelites' diet has no cultic significance. There is no assembly, there is no sacrifice, and there is no festival. Instead, the consumption of unleavened bread and roasted grain is the replacement of manna as the means of sustenance. This is not, however, simply a historicist description of ancient Israelite dietary customs, for the shift in sustenance is the means by which the author portrays a shift in the identity of Israel. No longer are they sojourners, wandering in a harsh wilderness. They are now sedentary people, who are able to sustain themselves from the land. Thus, Richard Nelson labels the consumption of unleavened bread "a literary and rhetorical sign of

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61. Richard S. Hess, *Joshua: An Introduction and Commentary* (Downers Grove: InterVarsity, 1996), 124.

62. E. John Hamlin, *Inheriting the Land: A Commentary on the Book of Joshua* (Grand Rapids, Mich.: Eerdmans, 1983), 38; J. Maxwell Miller and Gene M. Tucker, *The Book of Joshua* (Cambridge: Cambridge University Press, 1974), 48. Further, J. Alberto Soggin argues that this text proves the relatively early date at which Pesah and Matsoth were fused into a single ceremony; see his *Joshua: A Commentary* (London: SCM, 1972), 75.

Israel's first transition to the agrarian culture of Canaan."[63] "[The] consumption of the foods of Canaan…presents a final, dramatic metaphor for the end of the wilderness period and the beginning of life in the land."[64]

Within this shift of settlement patterns, the celebration of Pesach has a specific function. It is on the day after Pesach that the Israelites no longer consume manna like wayfarers, but enjoy the produce of the land. Thus, the manifest effect of Pesach is transition. It is after Pesach that Israel's organic connection to the promised land is reinforced by a change in what they eat. In this aspect, Josh 5 displays little reflex of either Exod 12–13 or Deut 16, both of which emphasize Pesach as a commemoration of the exodus. Though brief, Josh 5:10–12 contains compelling evidence questioning the literary dominance of either pentateuchal text, since it presents Pesach as a liminal moment, marking the end of one era and the beginning of another.

The celebration of Pesach takes center stage in Ezra 6:19–22. In a scene highly reminiscent of 2 Chr 30 and 35, Pesach is celebrated after the restoration of the temple (6:13–18). And as in the Chronicles texts, the ritual value of Pesach here has little connection with the Pentateuch. The ceremony does not commemorate the departure from Egypt, but instead marks a liminal moment—the end of the exile, thus "[concluding] the history of the Returnees from the time of the declaration of Cyrus until the celebration of the festival."[65] In Ezra 6, Pesach is the climax of the return, indicating the restoration of the cult and the renewal of the commitment to proper worship. It is for this reason that the text explicitly identifies two groups of participants—those who returned from the exile and those who joined them by abandoning foreign impurities. In other words, it is only "true" Israel that partakes of Pesach. In this sense, the ceremony not only marks the culmination of restoration, but also confirms the identity of the celebrants as the elect of Yahweh. This ritual value is further applied to Matsoth, which the people celebrate with great joy to mark their return to the land (v. 22).

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63.   Richard D. Nelson, *Joshua: A Commentary* (Louisville, Ky.: Westminster John Knox, 1997), 80. See also C. Brekelmans, "Joshua V 10–12: Another Approach," *Oudtestamentische studien* 25 (1989): 89–95.

64.   L. Daniel Hawk, *Joshua* (Collegeville, Minn.: Liturgical Press, 2000), 81. See also Miller and Tucker, *The Book of Joshua*, 47.

65.   Joseph Fleishmann, "An Echo of Optimism in Ezra 6:19–22," *HUCA* 69 (2006): 29. See also Joseph Blenkinsopp, *Ezra–Nehemiah: A Commentary* (Philadelphia: Westminster, 1988), 132.

Ezekiel 45:18–25 contains instructions for a biennial purification of the temple. On the first day of the first month, the doorposts of the temple, the altar, and the gate of the inner court are to be smeared with the blood of a bull. On the seventh day, the priest is to make atonement for anyone who has sinned inadvertently (שגה ומפתי).[66] On the fifteenth day of the month, there is to be a seven-day festival, during which the נשיא provides daily burnt offerings. This procedure is repeated on the fifteenth day of the seventh month, thus "[dividing] the Israelite cultic calendar into two halves, each of which begins with a pilgrimage festival before Yahweh and a series of offerings."[67] The passage as a whole presents quite an interesting case for the analysis of the reception of the Pentateuch, as the author includes a number of elements that appear to reflect certain pentateuchal cultic regulations, such as the manipulation of blood and the cultic importance of certain days.

On the basis of these similarities, a number of scholars have argued that Ezek 45:18–25 is the prophet's counterpart to the priestly regulations for the purification of the tent of meeting in Lev 16.[68] There are, however, significant differences between the two texts, suggesting the independence of the author of Ezekiel. The purification ritual of Ezek 45 begins with the blood of a bull, which the priest uses to purify the temple complex (vv. 18–20). After this, a bull is sacrificed as a sin-offering for the נשיא and the general populace (v. 21); the text is not clear whether this is the same bull as the source of blood in v. 18. This is followed by a seven-day festival, during which the נשיא provides burnt offerings of seven bulls and seven rams, as well as a goat per day as a sin offering (v. 23). The ritual of Lev 16 also begins with the slaughter of a bull. In this case, however, the bull is intended as a sin-offering only for Aaron and the priests (vv. 6, 11). The atonement of the people's sin is accomplished by the offering of two goats, one that is slaughtered for an offering (v. 15), and another that becomes the focal point of a transference

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66.   Here, the LXX differs markedly from the MT, as it contains a command for a collection on the first day of the month: μιᾷ τοῦ μηνὸς λήμψῃ παρ᾽ ἑκάστου ἀπόμοιραν καὶ ἐξιλάσεσθε τόν οἶκον.

67.   Daniel I. Block, *The Book of Ezekiel Chapters 25–48* (Grand Rapids, Mich.: Eerdmans, 1998), 666–67.

68.   See Leslie Allen, *Ezekiel 20–48* (Dallas: Word, 1990), 266; John W. Wevers, *Ezekiel* (London: Nelson, 1969), 327–28; Walther Zimmerli, *Ezekiel 2: A Commentary on the Book of the Prophet Ezekiel Chapters 25–48* (Philadelphia: Fortress, 1983), 482. Walther Eichrodt, claiming that "a priestly torah on the purifying of the sanctuary has found its way into vv. 18–20," maintains that the ritual is based on Lev 16 and 23:26–32 (*Ezekiel: A Commentary* [Philadelphia: Westminster, 1970], 573).

ritual (vv. 21–22). To purify the sanctuary, Lev 16 orders that the blood of the bull and the blood of the goat be sprinkled upon the mercy seat seven times (vv. 14, 15).

Clearly, the two texts have some common elements, namely, the sacrifice of a bull, and the purifying effects of blood. However, the two texts present rituals that are fundamentally at odds with each other. The ritual of Ezek 45, a purification rite for both the temple and the people, is performed by the נשיא, not the priest.[69] Leviticus 16, meanwhile, presents a ritual in which the priests purify themselves. Additionally, the two texts differ with respect to the cultic ceremony initiated by the purification ritual. In Lev 16, the purification of the temple begins the day of atonement, a שבת שבתון during which no work is to be done. Ezekiel 45, meanwhile, portrays the purification of the temple as the beginning of a seven-day festival marked by daily burnt and sin offerings.

Ezekiel 45's description of the purification of the temple through blood manipulation engages a stereotypically cultic concept, the power of blood, which is a central element in the priestly pentateuchal texts. On the level of detail, however, Ezek 45 differs markedly from pentateuchal texts in the manner of manipulation. With regard to the purification of structures, Lev 14:49–53 commands the priest to tie together a living bird, a piece of cedar wood and a hyssop branch, then dip these in the blood of a sacrificial bird in order to sprinkle the house of the affected individual. This is the same procedure for the cleansing of a leprous individual (Lev 14:7). As noted above, the procedure in Lev 16 for the purification of the tent of meeting entails the sprinkling of blood only upon the mercy seat (v. 15) and the altar (v. 19). In certain cases, the priest is instructed to dash (זרק) the blood of the animal upon the side of the altar.[70] At other times, the priest is to smear (נתן) some of the blood on the horns of the altar while pouring out the rest at its base.[71] None of these elements are reflected in Ezek 45:18–25, which prescribes the application of blood to both altar and doorposts. Though Ezek 45 has

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69. The emphasis placed on the נשיא in this passage is reflected elsewhere in Ezekiel. He enjoys a position of privilege over against the people (43:1; 46:2, 8), acts as a representative of the people in presenting sacrifice (45:16–17), and is given his own portion in the land. See also Allen, *Ezekiel 20–48*, 266–67.

70. This is the case for the burnt offering (Lev 1:5; 9:12; 17:1–9), the well-being offering (שלמים; Lev 3:2, 8, 13; 9:18), the guilt offering (אשם, Lev 7:2), as well as the sacrifice of firstborn animals (Num 18:17).

71. This is the case for the sin offering made for an individual (Lev 4:3–12), the entire congregation of Israel (vv. 13–21), the prince (vv. 22–26), and individuals who commit an unintentional sin (vv. 27–35).

conceptual parallels to priestly texts treating blood manipulation, there is little indication of specific literary dependence.

Does this manner of blood manipulation reflect the Pesach ritual of Exod 12? A majority of scholars identify Pesach as a critical component of the ritual described in Ezek 45:18–25.[72] This would seem to be merely stating the obvious, seeing as how v. 21 contains an explicit command for the celebration of Pesach. In this case, however, what appears to be obvious may be misleading. True, the physical act of applying blood to doorposts is found in both Exod 12 and Ezek 45. In the former text, the action takes place in an individual's house and has an apotropaic function, to ward off the killer dispatched by Yahweh. In the latter text however, the application of blood functions as a means of purification, not protection. Indeed, the entire ritual, including the sacrifice of the bull as a sin offering and the seven-day festival of offerings focuses on purification: "Before the new spiritual relationship between Yahweh and his people can be celebrated, the defilement of the building and the people must be purged."[73]

The ritual in Ezek 45:1–25, then, appears to have little conceptual relationship to Pesach, as it is very specifically a temple purification rite. In light of this evidence, David H. Aaron argues that the reference to Pesach in v. 21 is "blatantly a harmonizing addition to this otherwise thematically discordant passage."[74] The description of a ritual involving the painting of doors during the first month of the year, which was otherwise focused solely on purification, is quite disturbing in light of Exod 12. The reference to Pesach and Matsoth in v. 21, consequently, may be viewed as a secondary insertion from the hand of an ancient reader who "felt equally disturbed by the fact that Ezekiel appeared ignorant of the cultural resonances associated with the first month and the blood-painting ritual…"[75]

Through this text analysis, I have demonstrated a stark lack of conformity in the various descriptions of Pesach and Matsoth, a fact that calls into doubt the literary dominance of the portrayal of these rituals presented in Exod 12–13 or Deut 16. To put it another way, even within the late exilic period, as evidenced by the texts from Ezekiel, Ezra, and

72. Allen, *Ezekiel 20–48*, 266; Block, *The Book of Ezekiel Chapters 25–48*, 664, 667; Iain M. Duguid, *Ezekiel* (Grand Rapids, Mich.: Zondervan, 1999), 518; Eichrodt, *Ezekiel*, 573–74.

73. Block, *The Book of Ezekiel Chapters 25–48*, 667.

74. David H. Aaron, *Etched in Stone: The Emergence of the Decalogue* (New York: T&T Clark International, 2006), 141.

75. Ibid.

Chronicles, neither Exod 12–13 nor Deut 16 were regarded as the authoritative interpretation of ritual activities taking place during the first fifteen days of the first month. There are of course superficial connections between these disparate accounts. All of the texts are familiar with the chronological importance of the fourteenth day of the first month, and all entail some form of animal sacrifice (though this is only implicit in Josh 5). Tamara Prosic argues that the various Pesach texts also share a structural similarity; in each case, the ritual functions as "the intermediary element between the two stages in the history of the Israelites."[76] In the Pentateuch, Pesach, as a commemoration of the exodus, marks the liminal moment between oppression and liberation. In 2 Chr 30, Pesach marks the healing of political fracture. Josiah's Pesach (2 Kgs 23 and 2 Chr 35) functions to indicate the move from impurity to purity. In Josh 5, Pesach marks the moment when the Israelites have entered the promised land, bringing an end to their time of sojourning. And in Ezra 6, the celebration of Pesach marks the transition from exile to restoration.

The quality of these similarities between non-pentateuchal texts and Exod 12–13 or Deut 16, however, does not support the notion of the dominance of one text over all others. Though each Pesach account engages a similar core of ideas, there is wide disparity in terms of the manifest effect of the ritual. For one writer, the celebration of Pesach marks the end of foreign oppression, while for another writer Pesach marks an era of recommitment to Yahweh. Hence, the evidence does not support the claim that one Pesach account, be it Exod 12 or Deut 16, served as the rhetorical and ideological pattern for other texts.

The lack of uniformity that I have sought to demonstrate throughout this section raises an important question regarding the nature of Pesach. Each author purports to describe the celebration of a ritual holiday called Pesach. Each author recognizes that the ritual is supposed to take place on the fourteenth day of the first month (though 2 Chr 30 violates this element) and is to involve some sort of animal sacrifice. Yet it is clear that each author formulates a unique conception of the ritual's import. How, then, are we to understand this lack of uniformity in the various descriptions of what appears to be the same ritual (that is, has the same name)? The answer lies in the consideration of ritual theory undertaken in the introduction to this chapter. Each of the descriptions of Pesach is a unique invention, shaped not by linear development from an ancient form or text, but by the authors' ideological and rhetorical goals. Each of these texts represents, in essence, a novel literary portrayal. In this light, the superficial similarities in the various texts can be attributed to the

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76. Tamara Prosic, "Passover in Biblical Narratives," *JSOT* 82 (1999): 51, 52.

authors' appropriation of similar traditional elements from the cultural repertoire, rather than a direct literary connection between the texts.

If we are to question the linear model of development of Pesach and Matsoth, what can we say regarding the inner-biblical development of the two rituals? First, the evidence from non-pentateuchal texts suggests that the connection between Pesach and Matsoth is a relatively late concept. It is for this reason that we find a number of texts in which the celebration of Matsoth is completely omitted. Though there is awareness that the two rituals occur near each other chronologically, there is no sense that one is a component of or complement to the other. Exodus 12–13 and Deut 16, then, likely represent an attempt to address this lack of uniformity by fusing Pesach and Matsoth into a multi-step ritual that originates from a specific historical context—the departure from Egypt.

The author of Deut 16 frames both Pesach and Matsoth as commemorations of the exodus event. The command to celebrate Passover during the month of Abib is justified through the claim that it was in this month that Yahweh brought his people of out of Egypt (16:1). The consumption of Matsoth, meanwhile, is intended to recall how the people left Egypt in haste (16:3). That the two rituals are intended to be complementary is evident from the command in 16:3, "you shall eat unleavened bread with it (i.e. the paschal sacrifice)." Though the author of Deut 16 portrays Pesach and Matsoth as a reminiscence of the departure from Egypt, he does not view the ritual actions themselves as having any tangible historical roots. The consumption of unleavened bread is not linked to the Israelite's inability to wait for their dough to rise. Instead, the bread is described as לחם עני, a memorial of the Israelites' suffering in slavery. Similarly, the slaughter of the paschal animal has no connection with an apotropaic ritual or an account of the plagues sent against Egypt. According to Deuteronomy, both Pesah and Matsoth recall the hasty departure of the Israelites (16:3).

Based on narrative plausibility, the emphasis on the hasty departure and an account of plagues are mutually exclusive. This is because the last plague, the killing of the firstborn, requires that the Israelites stay indoors, lest they be killed along with the Egyptians. Meanwhile, the emphasis on haste requires that the people be ready to leave their homes as soon as possible. Because of the stress on haste, we see that the Deuteronomic author makes no references at all to the plagues. True, there are references to "signs and wonders" that were performed in Egypt.[77] In most instances, however, the actual contents of the "signs and wonders" remain vague, and there is little evidence to suggest a reference

77. Cf. Deut 4:34; 6:22; 7:19; 26:8; 29:3; 34:11.

to the ten plagues. For example, in 11:3–4, the people of Israel are exhorted to recall the great works of Yahweh, "his signs and his deeds that he performed in Egypt before Pharaoh, the king of Egypt, and before all of his land" (v. 3). The author then provides an explication of the "signs" in v. 4: "what he did to the army of Egypt and to its horses and to its riders, how he made the water of the Red Sea flow over them as they pursued you." According to Deuteronomy, the miraculous action of Yahweh that led to the release of the Israelites was not a series of plagues, but instead, the splitting of the sea.[78]

Exodus 12–13 represents the most complex attempt at establishing a historical background for Pesach and Matsoth. The author of Deut 16 fused Pesach and Matsoth into a single ritual intended to recall and celebrate the exodus event. In Exod 12–13, meanwhile, the performative elements of Pesach and Matsoth are not only a means of celebrating the exodus, but in a sense re-creating it, since the author portrays both as integral to Yahweh's deliverance of the people. The author of Exodus links Pesach with the plagues account, rendering it into a home-based apotropaic ceremony intended to ward off the threat of death, and thereby situating the ritual within a specific historical context. In many ways, this provides an etiology of the apotropaic dimension of Pesach. As for Matsoth, the author of Exodus portrays the consumption of unleavened bread as a necessary correlate to the fact that the people left so suddenly they could not wait for their dough to rise (Exod 12:34). The idea of a sudden departure also influences the portrayal of Pesach, which the people are to eat with their loins girded, with their sandals on, and with their staffs in their hands (Exod 12:11).

The artificiality of the combination of Pesach and Matsoth in Exod 12–13 is evidenced by a number of problems in the text. As noted above, the emphasis on haste is incompatible with an account of the plagues. In attempting to establish the rituals as a historic paradigm rooted in a specific event, the author combines the notions of haste and the plagues, and thereby produces within the text a strange sequence of commands. In v. 11, the people are told to eat the paschal meal with their loins girded, and sandals on their feet, in expectation of a sudden departure. This is difficult to reconcile with the imminent danger posed by the last plague, which requires people to stay indoors, under the protection of the blood-marked doorposts.

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78. This focus on the splitting of the sea as the redemptive act is also evident in Josh 24:6 and Neh 9:9–10.

The Matsoth instructions in Exod 12:14–20 post further complications. In a text obsessed with imminent departure, the author introduces a requirement for the people of Israel to take a seven-day delay in order to hold a festival. Even stranger is the requirement that on the first day, on the morrow of Pesach, just when the Israelites are on their way out of Egypt, they are commanded to drop everything and remove all of the leaven from their houses. Some would argue, perhaps rightly, that these instructions for Matsoth are intended for future generations, and not those in Egypt. Even with this concession, however, Exod 12:14–20 prove to be intrusive within the context, which is very much set in Egypt. Through this intrusion, the author of Exod 12 makes the claim that the ritual requirements of Pesach and Matsoth are a direct re-enactment of a historical event. At the risk of narrative coherence, the author of Exod 12 includes the requirement for the people to clean their houses of leaven and celebrate a seven-day festival.

Through this aggressive historical re-contextualization, the author of Exod 12 situates the origins of both Pesach and Matsoth, and their relationship to each other, within the earliest days of the nation of Israel and gives the fused rituals a sense of great antiquity. For this reason, much of scholarship has argued for an ancient origin of both Pesach and Matsoth, and the evolution of both from a home-based ritual to a centralized festival at the hands of the Deuteronomic author. From the evidence presented here, however, this developmental model must be questioned. There is little evidence of dependence upon the portrayal of Pesach and Matsoth as an exodus-commemorative ceremony. Given this situation, I would suggest an alternative, that the pentateuchal texts represent late, alternative proposals for the celebration of Pesach and Matsoth in diaspora. The Deuteronomic author looks forward to a day when Pesach and Matsoth will once again be celebrated at a centralized sanctuary within the land of Israel. The author of Exod 12, meanwhile, resolves the issue of how to celebrate Pesach and Matsoth without a priest and without a temple by shifting everything into the home and by placing the execution of the ritual into the hands of the head of the family.[79] Both authors, by facilitating the continuation of Israelite ritual in the absence of the temple, create what Tamara Prosic calls "rituals of resistance," which allowed Israel to maintain a sense of distinctiveness on the basis of religious practice.[80]

79. Cf. Charlesworth, "In the Crucible," 180.

80. Prosic, "Origins of Passover," 84. On "rituals of resistance," see John Clarke, Stuart Hall, and Brian Roberts, "Subcultures, Cultures and Class: A Theoretical Overview," in *Resistance through Rituals: Youth-Subcultures in Post-War Britain*

b. *Sukkoth*

What we have just seen with Pesach is a lack of uniformity in the depiction of the ritual. To one author, Pesach represents the culmination of cultic reform. To another, it represents the end of wandering and the beginning of sedentary life. And to still another, Pesach is the commemoration of the ancestor's departure from Egypt. Informed by anthropological studies of ritual, this variability can be attributed to the inventive nature of ritual. Rather than a linear, evolutionary development of an ancient holiday, each biblical account may represent an innovation that is shaped by the authors' ideological and literary goals. This developmental model of ritual texts may also prove to be heuristic to the biblical descriptions of Sukkoth. Though the various textual accounts share a number of superficial elements, the authors appear to exercise considerable creativity not only in identifying the specific import of the ritual, but its practical components as well.

According to Lev 23, Sukkoth is just one part of a series of cultic rites that encompasses the first three weeks of the seventh month. On the first day of the month, the people are called to rest from all work and hold a holy convocation marked by trumpet blasts. The purpose of this occasion is to present אשה to Yahweh (vv. 24–25). The tenth day of the month is the day of atonement; the people are called to rest from their work, gather together in a holy convocation, and make offerings (vv. 27–32). From the fifteenth to the twenty-third day, after the harvest (v. 39), the people are to dwell in tents and celebrate the festival of Sukkoth. As indicated in vv. 34–43, the first and last days of Sukkoth are marked by an assembly, with sacrifices taking place during the intervening days; the sacrificial requirements are presented in great detail in Num 29:12–38.

The purpose of the festival is two-fold. In v. 40, the people are commanded to bring various fruits and branches to the assembly and rejoice before Yahweh; clearly, the author has in mind a harvest celebration, quite appropriate given the timing of the ceremony. The second purpose of the festival is identified in vv. 42–43. The people are instructed to construct booths (סכות) and live in them during the festival in order to recall the exodus: "so that your generations will know that I made the people of Israel live in booths when I brought them out from the land of Egypt" (v. 43).

(ed. Stuart Hall and Tony Jefferson; London: Hutchinson & Company, 1976), 9–74; Dick Hebdige, *Subculture: The Meaning of Style* (London: Methuen, 1979), 17–19; Daniel L. Smith, *The Religion of the Landless: The Social Context of the Babylonian Exile* (Bloomington, Ind.: Indiana University Press, 1989), 139–49.

An evolutionary model of development for Sukkoth is modeled by Jeffrey Rubenstein's study.[81] In his view, the original form of Sukkoth entailed a celebration of the enthronement of Yahweh and the renewal of his covenant with Israel.[82] After the transition to sedentary life, the festival took on agricultural elements and was known as "the festival of ingathering" (חג האסף; cf. Exod 23:16; 34:22). Rubenstein holds the Deuteronomic author as the first to establish a connection between the celebration of the harvest and the construction of booths (cf. Deut 16:13–15), though the text itself does not provide an explanation for why the festival is called "Sukkoth."[83] As for the origins of the name, Rubenstein follows several scholars who argue that the early Israelite laborers would have dwelt in temporary housing, *sukkoth*, during the harvest season, so that the "festival originally took its title from a common practice, not a religious obligation." Rubenstein thus argues that "The Festival of Booths" is not a prescriptive term, but a descriptive term.[84] It is the priestly author of Lev 23:39–43, whom Rubenstein identifies as H, corresponding to Israel Knohl's identification of two priestly sources, who appropriated the regular and common practice of dwelling in tents during the harvest and made it into a religious requirement, while at the same time giving it a historically reminiscent function.[85]

When we turn to non-pentateuchal depictions of Sukkoth, we see a lack of uniformity in the various texts that call into question the evolutionary development of Sukkoth from an original, ancient form. Much as the portrayals of Pesach, these treatments of Sukkoth call into question the literary authority of the pentateuchal portrayal of Sukkoth.

Ezra 3:4 describes the celebration of Sukkoth after the exile, stating that daily offerings were given "as prescribed for each day (במספר כמשפט דבר־יום ביומו)." At first glance, the passage does not appear to contain any major discrepancy with Lev 23 or Num 29. The description of the daily offerings as במספר כמשפט is similar to Num 29, where the identical phrase occurs seven times (vv. 18, 21, 24, 27, 30, 37).[86] There

81. Jeffrey L. Rubenstein, *The History of Sukkot in the Second Temple and Rabbinic Periods* (Atlanta: Scholars Press, 1995).

82. Cross, *Canaanite Myth and Hebrew Epic*, 83–90; Sigmund Mowinckel, *The Psalms in Israel's Worship* (Grand Rapids, Mich.: Eerdmans, 2004), 118–20; Rubenstein, *The History of Sukkot*, 24.

83. Rubenstein, *The History of Sukkot*, 14–15.

84. Ibid., 17–18. For Knohl's identification of the priestly writers, see his "The Priestly Torah Versus the Holiness School: Sabbath and the Festivals," *HUCA* 58 (1987): 65–117, and *The Sanctuary of Silence*.

85. Knohl, "The Priestly Torah," 97.

86. Shaver, *Torah and the Chronicler's History Work*, 100.

is, however, a quite curious absence in Ezra 3; there is no indication that the people built booths or that the ritual commemorated the wilderness sojourn. Of course, the absence of these elements does not necessarily indicate the author's ignorance of them. Though not explicitly stated, the construction of booths may be sufficiently implied in the text, since the author refers to a holiday called "Booths." There are other factors, however, which suggest that the absence of an explicit mention of the booths cannot be attributed to implicature.

First, when we consider the details of this brief text and its larger literary context, it appears that the construction of booths and commemoration of the wilderness prove to be of little relevance to the author's thematic concern. At this point in the narrative, the people have returned to Jerusalem, and the first act of the community is to reinitiate the temple cult and the sacrificial system (3:2). Upon the restoration of the altar, the community celebrates Sukkoth and offers regular burnt offerings to Yahweh (vv. 4–6). The re-establishment of the sacrificial system is only a prelude to the ultimate climax, however, the full restoration of the temple (3:8–6:18).[87] Within this sequence, the purpose of the description of Sukkoth (2:68–3:7) is to highlight the cultic piety of the returnees: the very first thing that they do is to commit themselves to the restoration of the temple and its sacrificial practices (2:68). In this manner, the narrator emphasizes the rightful claim of the returned exiles to the land of Judah. They are the ones who have been purified through the exile, and they are the ones who set out to restore order to the temple cult. In light of this broader contextual emphasis, the portrayal of Sukkoth as a series of sacrifices is intended to exemplify the commitment of the people to Yahweh through the execution of temple practices "as prescribed" (3:4), even at a time when the temple lay in ruins. Consequently, the celebration of Sukkoth marks a new, passionate beginning to the cultic life of the nation, which would culminate in the full restoration of the temple.[88] This literary concern explains the exclusively sacrificial depiction of Sukkoth in Ezra 3:4 as the portrayal of the ritual is shaped by the contextual importance of sacrifice and proper worship as a hallmark of the restored people.

Here, it could be argued that the author of Ezra 3 was aware of the commemorative function of Sukkoth from Lev 23, but simply chose to ignore it. Deuteronomy 16, however, presents evidence against this notion. In vv. 13–15, the Israelites are commanded to celebrate Sukkoth

87. R. J. Coggins, *Ezra and Nehemiah* (Cambridge: Cambridge University Press, 1976), 24.
88. Blenkinsopp, *Ezra–Nehemiah*, 98.

by rejoicing in the centralized temple for seven days. Though there are few explicit details regarding the ritual, the timing of the festival is indicated in v. 13 as taking place after the completion of the harvest, and the command to rejoice suggests that the primary import of Sukkoth in this text is a harvest celebration, rather than a commemoration of the exodus. It is neither necessary nor warranted, then, to conclude that the author of Ezra 3 has omitted the commemorative function of Sukkoth as depicted in Lev 23, for we have in Deut 16 evidence of a Sukkoth-tradition in which the holiday was linked only to the celebration of harvest. The absence of booths in Ezra 3, consequently, can be attributed to the utilization of a distinct Sukkoth-tradition.

The temporal element of Ezra 3 also suggests the author's independence from Lev 23. As indicated by v. 1, the events surrounding the restoration of worship in Jerusalem take place during the seventh month. There is no mention, however, of the two holidays that, according to Lev 23, precede the celebration of Sukkoth—a day of rest on the first day of the month (Lev 23:24) and the day of atonement on the tenth day (Lev 23:27). The author of Ezra shows no cognizance of the series of cultic celebrations encompassing the first 23 days of the seventh month as described in Lev 23.

The celebration of Sukkoth in the restoration community also takes center stage in Neh 8:13–18. Whereas the author of Ezra 3 placed strong emphasis on sacrifices, the author of Neh 8 focuses on *torah.* After the completion of the temple and the public reading of ספר תורת משה, Ezra, the elders, and the Levites discover within the *torah* a command to celebrate Sukkoth. As with the descriptions of Pesach in 2 Chr 30 and 35, there is emphasis here on the historical uniqueness of this celebration of Sukkoth: "for the people of Israel had not done so since the days of Joshua, son of Nun, until this day" (v. 17).[89]

As in Ezra 3, a significant indicator of the independence of Neh 8 is the temporal element. According to v. 13, the discovery of the Sukkoth law and the command for its performance took place on the second day of the seventh month, in clear contrast to Lev 23:39, which establishes the fifteenth day of the seventh month as the beginning of Sukkoth. Moreover, the author of Neh 8 is, like the author of Ezra 3, unaware of the other rituals that Lev 23 establishes for the first and tenth day of the seventh month. Here again, we see a non-pentateuchal author who exhibits little adherence to the presentation of Sukkoth in Lev 23 as one stage in a series of cultic celebrations encompassing most of the seventh month.

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89. Cf. 2 Chr 30:26; 35:18.

Another strong indication of the independence of Neh 8 deals with the practical elements of the ceremony. As described in vv. 15–16, the people gather wood, build booths and live in them for seven days. This would seem to echo the command to collect branches in Lev 23:40; yet, as Joseph Blenkinsopp points out, the two texts have contrasting lists:

Leviticus 23:40	*Nehemiah 8:15–16*
פרי עץ הדר	עלי־זית
כפת תמרים	עלי־עץ שמן[90]
ענף עץ־עבת	עלי הדס
ערבי־נחל	עלי תמרים
	עלי עץ עבת

Further, while Lev 23:40 orders the collection of branches and fruit, Neh 8:13 has the people collecting only branches.[91] Far more important than the specific products, however, is their disposition. The Levitical text does not explicitly state what the branches and fruit are to be used for. Based on the inclusion of fruit, we can surmise that they are intended as implements in a harvest celebration. Nehemiah 8, meanwhile, does not reflect the harvest dimension as it orders the people specifically to build booths from the material they collect.

Just as it appears to ignore the significance of Sukkoth as a harvest celebration, so Neh 8 also makes no mention of a commemoration of the wilderness sojourn, nor does it prescribe daily offerings, both of which are critical to Lev 23. The only event that does take place is a daily reading בספר תורת האלהים. What are the origins of such a practice? Daily readings from *torah* during Sukkoth are prescribed in Deut 31:9–13, but only every seventh year. On this basis, Julian Morgenstern argues for what is essentially a fantastic chronological coincidence—the events of Neh 8 fell on a sabbatical year, so that the public reading was in conformity with Deut 31:9–13.[92] Still others have argued that Neh 8

90.   Fensham offers the reading "wild olive," identifying the tree in question as the *Elaeagnus augustifola* (F. C. Fensham, *The Books of Ezra and Nehemiah* [Grand Rapids, Mich.: Eerdmans, 1982], 220). H. G. M. Williamson gives the translation as "oleaster" (*Ezra, Nehemiah* [Waco, Tex.: Word, 1985], 278), while Blenkinsopp has "pine tree" (*Ezra–Nehemiah*, 289). The LXX reads φύλλα ξυλων κυπαρισσίνων ("cypress").

91.   Blenkinsopp, *Ezra–Nehemiah*, 291–92. See also Shaver, *Torah and the Chronicler's History Work*, 103–4. Williamson argues that these differences are insignificant and that Ezra's teaching on Sukkoth is based on Lev 23, with some influence from Deut 16; see his *Ezra, Nehemiah*, 294–95.

92.   Julian Morgenstern, "Supplementary Studies in the Calendars of Ancient Israel," *HUCA* 10 (1935): 70 n. 107. See also Jacob Myers, *Ezra–Nehemiah* (Garden City, N.Y.: Doubleday, 1965), 157.

represents a harmonization of Lev 23 and Deut 31:9–13.[93] These proposals for a post-exilic *torah*-reading liturgy are problematic. As Stefan Reif demonstrates, though the talmudic tradition traces the origin of a regular, liturgical *torah*-reading to the days of Ezra, these claims are highly doubtful. And though there is evidence of fixed weekly *torah* readings in the Second Temple Period, there is no evidence of an annual reading until the early medieval period, so that attempts to identify these practices as remnants of practice from tanaaitic times are not convincing.[94]

Consequently, there is reason to question the claim that the *torah*-centered ritual of Neh 8 reflects an ancient *torah* liturgy derived from Lev 23 and Deut 31:9–13. As an alternative, I would suggest that the centrality of *torah* is derived from the ideological focus of the broader context. Within Neh 8, there is recurring mention of the importance of *torah*: vv. 1–12 contend that the first public act after return from exile was a reading of *torah*; in vv. 13–18 the celebration of Sukkoth is spurred by the discovery of regulations in דברי התורה; and in vv. 15–16, the proclamation to gather branches are in accordance with *torah*. This emphasis on *torah* is evident on a broader level, as well. Mark Throntveit identifies the reading of *torah* and the people's response to it as the controlling theme of the larger unit of 7:73–10:39, the structure of which he describes as three scenes with parallel structure:[95]

	Scene 1 7:73b–8:12	Scene 2 8:13–18	Scene 3 9:1–10:39
Time reference	7:73b; 8:2	8:13a	9:1a
Assembly	8:1	8:13b	9:1b–2
Encounter with the Law	8:3–6	8:13c	9:3
Application	8:7–11	8:14–15	9:4–37
Response	8:12	8:16–18	9:38–10:39

In his view, "the movement [assembly–reading–application–response] serves to unify the three chapters and emphasizes the importance of response to scripture."[96]

93. See P. R. Ackroyd, *Exile and Restoration* (London: SCM Press, 1968), 297; D. J. A. Clines, *Ezra, Nehemiah, Esther: Based on the Revised Standard Version* (Grand Rapids, Mich.: Eerdmans, 1984), 188; Williamson, *Ezra, Nehemiah*, 297.

94. Stefan C. Reif, *Judaism and Hebrew Prayer: New Perspectives on Jewish Liturgical History* (Cambridge: Cambridge University Press, 1993), 63–64.

95. Mark A. Throntveit, *Ezra–Nehemiah* (Louisville, Ky.: John Knox, 1992), 95.

96. Ibid., 95–96.

Tamara Eskenazi proposes an alternative structure, in which 8:13–18 is a component of the unit 8:1–13:31, which she also divides into three scenes with parallel structure, each built around the importance of *torah*:[97]

	First Reading and Implementation of Torah (8:1–12)	*Second Reading and Implementation (8:13–18)*	*Third Reading and Implementation (9:1–37)*
Assembly	8:1–3	8:13	9:1–2
Reading	8:4–8	8:14–15	9:3
Implementation	8:9–12	8:16–18	9:4–37

In either scheme, we see the centrality of *torah* to Neh 8. As H. G. M. Williamson observes, there is "only one focus of attention in this passage, namely, the reading of the Law."[98] In short, *torah* "is in the center, and the identity of the community reshapes itself around the scroll."[99]

Given this contextual emphasis, it is plausible to argue that the description of Sukkoth in Neh 8 as a ritual of *torah* reading corresponds to the dominant theme of the chapter, the centrality of *torah*.[100] It is for this reason that there is so much emphasis placed on the fact that everything was done according to what was written in the *torah*, in spite of the fact that there is no correspondence to any pentateuchal regulations. Likewise, it is because of the centrality of *torah* that Sukkoth is depicted not as a series of daily sacrifices or a commemoration of the wilderness sojourn, but as a ceremony centered on public reading. In essence, the celebration of Sukkoth becomes emblematic of the religious renewal of the people, exemplified by their response to *torah*. Therefore, the account of Sukkoth in Neh 8 need not represent a harmonization of Lev 23 and Deut 32, but instead, an account intended to express the ideological proclivities of the author of Neh 8, for whom *torah* is the centerpiece of the religious life of the restored community.

The descriptions of Sukkoth in both Ezra 3 and Neh 8 have at least a superficial connection with pentateuchal texts. This is not the case in two late prophetic texts. In Zech 14:16, Sukkoth functions as the climactic act of worship after the final victory of Yahweh over the pagan nations. It is not just Israelites, however, who will participate, for the prophet

97. Tamara Eskenazi, *In an Age of Prose: A Literary Approach to Ezra–Nehemiah* (Atlanta: Scholars Press, 1988), 96.

98. Williamson, *Ezra, Nehemiah*, 282.

99. Johanna W. H. Van Wijk-Bos, *Ezra, Nehemiah, and Esther* (Louisville, Ky.: Westminster John Knox, 1998), 79.

100. Williamson, *Ezra, Nehemiah*, 280.

envisions a universal exaltation of Yahweh, consisting of all those "who remain from the nations that came up against Jerusalem." In Ezek 45:18–25, there is no reflection of the significance of the fifteenth day of the seventh month as defined in the Pentateuch. Rather than identifying the day as the beginning of Sukkoth, the text presents the day as a reiteration of the temple purification ritual (v. 25).

Much as with Pesach, then, we see that the various presentations of Sukkoth have only minimal connections to the Pentateuch. While Lev 23 presents Sukkoth as an assembly of commemoration, this dimension is not reflected other biblical texts. Further, as is evident from Ezra 3, Neh 8, and Zech 14, the depiction of a ritual is informed primarily by the ideological and rhetorical goals of the author, rather than other texts.

c. *Sabbath*

The Sabbath is unique among biblical holidays in that its origins are set outside of the realm of human history. However, the emulation of Yahweh's rest after creation is only one among many rationales for Sabbath practice given in the Pentateuch. In two Decalogue texts, the requirement for Sabbath is followed by a series of motive clauses:

> Remember the Sabbath day and keep it holy. You shall labor for six days and do all of your work. But the seventh day is a Sabbath to Yahweh your God. You shall do no work, you or your sons, or your daughters or your male slave or your female slave, or your beasts, or the alien who resides amongst you. For in six days Yahweh created heaven and earth, the sea and all that is in it. Then he rested on the seventh day. Therefore, Yahweh blessed the seventh day and made it holy. (Exod 20:8–11)

> Observe the Sabbath day and keep it holy, just as Yahweh your God commanded you. You shall labor for six days and do all of your work. But the seventh day is a Sabbath to Yahweh your God. You shall do no work, you, or your son or your daughter or your male slave or your female slave or your ox or your ass or any of your beasts or the alien who resides amongst you, so that your male and female slave may rest just as you do. Remember that you were a slave in the land of Egypt, but Yahweh your God brought you from there with and strong hand and an outstretched arm. Therefore, Yahweh has commanded you to keep the Sabbath. (Deut 5:12–15)

In addition to these rationales, Exod 31:16 describes Sabbath as a perpetual sign of the covenant between Yahweh and his people.

When we turn to depictions of the Sabbath in non-pentateuchal texts, there seem to be very few traces of the developmental process that led to the plurality of rationales in the Pentateuch. Non-pentateuchal descriptions of the Sabbath do not discuss the import of Sabbath as an emulation

of divine rest, or a humanitarian act, or a confession of divine sover-eignty. Instead, these texts present variations on a single theme, Sabbath as an emblem of the covenant between Yahweh and Israel.

In the historical retrospective of Neh 9:13–14, the author identifies the Sabbath as a key component of the Sinaitic revelation:

> You came down on Mount Sinai and you spoke to them from heaven. You gave to them just ordinances and true instructions, good statutes and commands. You taught them your holy Sabbath, and you gave them com-mandments and statutes and instruction through Moses.

By explicitly identifying only Sabbath as the contents of revelation, the author asserts that it is the core of the covenant between Yahweh and Israel. The depiction of Sabbath as a symbol of the covenant also occurs in Isa 56:1–2. Through a parallel structure, the text equates justice and righteousness with Sabbath obedience:

> Thus says Yahweh
>
> Maintain justice and do what is right, because my salvation will soon come and my righteousness is to be revealed.
>
> Blessed is the man who does this, the mortal who holds onto it. The one who keeps the Sabbath and does not profane it. The one who keeps his hand away from doing any evil deed.

In this bi-colon, the "one who keeps the Sabbath" is synonymous with the one who maintains justice and does what is right. Hence, resting on the seventh day is the means by which the author of Isaiah explicates the broad concepts of "justice" and "righteousness."[101] As Claus Westermann descrbes it, "the only real indication of whether a man truly holds to 'justice and righteousness'…is strict observance of the Sabbath" (cf. 58:13; 66:23).[102]

The import of Sabbath as covenant-symbol finds its most lucid expression in the historical retrospective of Ezek 20, which presents the history of Israel as a recurring cycle of sin that reaches back to Egypt, when the Israelites worshipped the gods of their oppressors (v. 8). Within this cycle, the chief sin of the Israelites is the profanation of the Sabbath. While vv. 13, 21, and 24 describe the failure of the past generations to maintain fidelity to Yahweh's instructions, the only specific indictment

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101.   Bernard Gosse, "Sabbath, Identity and Universalism Go Together after the Return from Exile," *JSOT* 29 (2005): 364; John Oswalt, *The Book of Isaiah Chapters 40–66* (Grand Rapids, Mich.: Eerdmans, 1988), 455.

102.   Claus Westermann, *Isaiah 40–66: A Commentary* (Philadelphia: West-minster, 1969), 310.

made in each case is their failure to obey the Sabbath command. As in Neh 9:13–14, the exclusive mention of Sabbath practice emphasizes it as the chief of Israel's covenantal requirements.

In Ezek 20:15–16, the author takes the connection between Sabbath and covenant one step further, claiming that the first wilderness generation was denied entry into the promised land "because they rejected my ordinances and did not obey my statutes; they profaned my sabbaths, for their heart followed after idols." On a literal level, this statement is difficult to fathom, since idolatry is irrelevant to cessation from work. But, by establishing a causal connection between the two through the phrase "they profaned my sabbaths, for their heart followed after idols," the author of Ezek 20 makes a bold statement: Sabbath is not only a component of the covenant, but synonymous with it. Any violation of the covenant therefore entails a violation of the Sabbath itself.

A number of prophetic texts engage the import of Sabbath as a covenant-symbol from a negative perspective. In Jer 17:21–27, for example, Sabbath violation is the cause for national disaster. Proper observance of the Sabbath requirement will lead to the triumphant return of the Davidic kings, who will reign eternally and bring stability to Jerusalem (v. 25). A failure to obey, meanwhile, will lead to a fire that "will devour the citadels of Jerusalem and it will not be extinguished" (v. 27). Sabbath violation as the cause for disaster is also found in Neh 13:17–18. Here Sabbath failure is portrayed as the catalyst for the Babylonian exile: "What is this evil that you are doing, profaning the Sabbath? Did not your ancestors do the same, so that our God brought upon them and upon this city this disaster?"

The covenant between Yahweh and Israel involves not only the establishment of legal regulations, but also the definition of Israelite ethnicity. The covenant is the means by which individuals and groups are included in or excluded from the people of Yahweh. Given this significance, and the import of Sabbath as a principle symbol of the covenant, it is no surprise that a number of texts depict Sabbath as an ethnic marker. In Neh 10:30–31 and 13:15–22, Sabbath functions as a means of maintaining divisions between the covenant people of Judah and their foreign neighbors. Nehemiah 10:30–31 presents a major plank of the restored community's covenant—a pledge not to mingle with foreigners. This includes not only a ban on intermarriage, but also a prohibition against commerce with foreigners on the Sabbath and other holy days. In Neh 13:15–22 Nehemiah castigates the people for their failure to observe the Sabbath, for they not only produce goods, but also engage in trade with Tyrians. In both texts, the enforcement of Sabbath is not only cessation

from work, but also a calculated measure intended to draw strict lines of demarcation between Jews and non-Jews.

The import of Sabbath as an ethnic marker is also evident in Isa 56, but with a major point of contrast with the Nehemiah texts. In Isa 56, Sabbath functions not as a segregation device, but as a means of ethnic integration. Adherence to Sabbath requirements is the means by which formerly undesirable people can attain the blessings of Yahweh. In v. 3, the prophet tells foreigners and eunuchs, two groups that are excluded in other biblical texts, not to fear that they will be cast away from the people of Yahweh, for they will be gathered up with the remnant (v. 8). In fact, they will receive great blessings, which are detailed in v. 5 and 7. The means by which this is to occur is through observance of the Sabbath; the eunuchs and foreigners who keep the Sabbath are called מחזיקים בבריתי. As in Exod 31, Isa 56 utilizes the significance of Sabbath as covenant-emblem. And because it represents commitment to the covenant as a whole, fidelity to the Sabbath thus becomes an inclusive ethnic marker, the way by which one is identified as a member of Israel. At the same time, there is a decisively anti-pentateuchal stance in the text's incorporation of eunuchs and foreigners, groups that the Pentateuch sought actively to exclude from the community (cf. Lev 21:20; Deut 23:1, 3).[103] Though this phenomenon could be a product of the author's selective appropriation of pentateuchal material, it is equally plausible that the authors of Isaiah and Exodus each engage a common motif, the Sabbath as the emblem of the covenant, for different ideological purposes.

We thus find that the conception of Sabbath as a symbol of the covenant between Yahweh and his people is dominant in exilic and postexilic literature. The evidence for a significant level of pentateuchal influence, meanwhile, is minimal. Exod 31:16 is the only pentateuchal text that refers to Sabbath as a sign of the covenant, but it is an unlikely literary source for the texts presented here, since it contains multiple rationales for Sabbath observance (its status as a sign of the covenant and the emulation of Yahweh's rest). There may be, then, no single source text for this representative function of Sabbath. What we may have, instead, is an instance in which multiple authors engage an identical floating motif.

David H. Aaron defines "floating motifs" as "motival elements that are part of a cultural repertoire rather than intrinsic to a specific narrative or cluster of narratives."[104] It is a single motival element that is accessible to

103. Ibid., 313.
104. Aaron, *Etched in Stone*, 137.

all authors within a given culture not because it is crystallized in one text, but because it belongs to the cultural repertoire. In a limited sense, it is the idea of a floating motif that is similar to the concept of type-scenes. As Robert Alter points out, the presence of multiple, similar stories need not indicate a duplication of sources, but rather the use of a single type-scene, a concept developed in Homeric scholarship by Walter Arend.[105] According to Alter, a type-scene includes a certain sequence of events, and a "fixed constellation of predetermined motifs."[106] The use of a type-scene thus results in similar narrative episodes "not because of an overlap of sources but because that is how the convention requires such a scene to be rendered."[107] Where Aaron departs from and significantly improves upon Alter's observations is the recognition that a formulaic type does not depend on the existence of a complete story structure. The cultural repertoire contains numerous motival elements that are independent of an extended narrative sequence, but which still inform the composition of a narrative. Though a particular motif may have a specific function, there is no pre-determined manner by which it is incorporated into a text, hence Aaron's descriptive phrase "floating motif."

This concept helps elucidate the variety of description of Sabbath outside of the Pentateuch. Rather than products of a single, primeval Sabbath account, they may instead represent independent treatments of the generally available motif Sabbath-as-emblem. Further, because this motif is not connected to any single textual formulation or to a specific story-type, the manner in which authors utilize it is expansive. To some authors Sabbath-as-emblem functions as a historical explanation, for others, as an exclusive marker of ethnicity, and to others, a call for universalism.

This motival unity in non-pentateuchal texts represents a stark contrast to the presence of multiple rationales within the Pentateuch. To account for this multiplicity, a number of scholars argue that the depiction of Sabbath practice in the Pentateuch is a significantly late development that has no connection to any ancient practice. As Frank Crüsemann points out, in pre-exilic prophetic texts (cf. Isa 1:13; Hos 2:13; Amos 8:5), Sabbath is depicted as a time of cultic convocation; there is no humanitarian concern and there is no command to rest from work.[108] In

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105. See Walter Arend, *Die typische Szenen bei Homer* (Berlin: Weidmann, 1933).

106. Alter, *The Art of Biblical Narrative*, 51.

107. Ibid.

108. Crüsemann, *The Torah*, 134. See also Gnana Robinson, *The Origin and Development of the Old Testament Sabbath: A Comprehensive Exegetical Approach*

his view, the association between the Sabbath day and the requirement to rest from work is a late development.[109] According to John Van Seters, Sabbath-as-rest is a product of the exilic Yahwist (Exod 16:29–30), who derived the meaning of שבת as "to rest" from the Holiness Code, specifically, Lev 26:34–35.[110] The late dating of the Pentateuchal Sabbath texts suggests that the multiplicity of motivational rationales for Sabbath practice within the Pentateuch may not be evidence of the accretion of various ancient ritual practices. Instead, they may represent the remnants of various attempts by the authors of the Pentateuch to justify the innovation of weekly rest to an exilic community.

3. *Festivals and Holidays in the Second Temple Period*

In contrast to what we will in the treatment of the history of Israel and the identity of *torah*, the depictions of holidays in Second Temple period literature do not present many significant discrepancies with the Pentateuch. This is somewhat surprising given the vehemence expressed in many Qumran documents against the Jerusalem temple, and in particular, the office of the high priest (cf. 1QpHab 8:3–13; 9:9–12). For the most part however, the descriptions of festivals and holidays in this period are borrowings from the Pentateuch with one of three expansions: (1) adaptation and expansion of the principle of the biblical law; (2) amalgamation of various biblical laws treating the same topic; and (3) a retrojection of a biblical law into an earlier point in Israelite history.

Before treating these in detail, we should first consider evidence from the Jewish colony at Elephantine. The letters and documents preserved from this settlement represent an important exception to the trend noted above, for, as Reinhard G. Kratz demonstrates, they evidence ceremonial practice that departs from pentateuchal regulations.[111] The so-called Passover Papyrus presents an important example:

> [To my brothers Je]daniah and his colleagues the Jewish ga[rrison,] your brother Hana[i]ah. May God/the gods [seek after] the welfare of my brothers [at all times]. And now, this year, year 5 of King Darius, it has

(Frankfurt: Peter Lang, 1988), 167; John Van Seters, *A Law Book for the Diaspora: Revision in the Study of the Covenant Code* (Oxford: Oxford University Press, 2003), 160.

    109.   Robinson, *The Origin and Development*, 313–14.

    110.   Van Seters, *A Law Book for the Diaspora*, 161.

    111.   Reinhard G. Kratz, "Temple and Torah: Reflections on the Legal Status of the Pentateuch between Elephantine and Qumran," in Knoppers and Levinson, eds., *The Pentateuch as Torah*, 77–104.

been sent from the king to Ar[sames…]. […]…Now, you thus count four[teen days of Nisan and on the 14th at twilight ob]serve [the Passover] and from the 15th day until the 21st day of [Nisan observe the Festival of Unleavened Bread. Seven days eat unleavened bread. Now,] be pure and take heed. [Do] n[ot do] work [on the 15th day and on the 21st day of Nisan.] Do not drink [any fermented drink. And do] not [eat] anything of leaven [nor let it be seen in your houses from the 14th day of Nisan at] sunset until the 21st day of Nisa[n at sunset. And b]ring into your chambers [any leaven which you have in your houses] and seal (them) up during [these] days. […]…[To] my brothers Jedaniah and his colleagues the Jewish garrison, your brother Hananiah s[on of PN].[112]

Because this text contains no reference to Pesach in the preserved portions, Kratz argues that the letter never referred to Pesach at all. The insertions of "Passover" by Porten and Yardeni indicated above, however, are not unreasonable. In either case, it is in the details that the letter shows no reflection of either Exod 12 or Deut 16, as the letter includes two requirements—cessation from work and the requirement to fast— that have no biblical antecedent. A similar lack of adherence to the Pentateuch is evident in two Elephantine ostraca that mention Pesach. In neither do we find any indication of the connection between Pesach and Matsoth or the prescribed physical location of the rituals (home vs. temple).[113]

There is evidence for a similar lack of adherence in terms of Sabbath practice. As evident from the Passover Papyrus, the Jews of the colony did not work on religious holidays. However, a number of ostraca reveal that the cessation of work had no connection to Sabbath. Consider this brief example: "Greetings Islah. Now, behold, legumes I shall dispatch tomorrow. Meet the boat tomorrow on Sabbath. Lest, if they get lost, by the life of YHH, if not yo[ur] life I shall take" (7.16.1–4).[114] As this text makes clear, while the Jews at Elephantine used "Sabbath" to refer to a specific day, it came with no requirement for cessation of labor.

In assessing the significance of this evidence, Kratz warns against dismissing the Elephantine witness as a non-standard form of Judaism. On the basis of close connections between the colony and Jerusalem, as evidenced by frequent communication centering on cultic issues, especially the rebuilding of the temple, Kratz contends that the Jews of Elephantine were not exceptional. "Rather, they seem to have been

112. Translation from Bezalel Porten and Ada Yardeni, eds. *Textbook of Aramaic Documents from Ancient Egypt* (4 vols.; Jerusalem: Hebrew University, 1986–99), 1:54.

113. Cf. ibid., 7.6.9–10 (vol. 4, p. 158) and 7.24.5 (vol. 4, p. 174).

114. Translation from ibid., 4:169. See also 7.10.5, 7.12.9, 7.16.2; 7.35.

compatible with the Jewry represented by the leading figures in Jeru-
salem and Samaria to whom they addressed their letters."[115] The various
discrepancies with the Pentateuch within these texts cannot be dismissed
simply as a departure from orthodoxy. On the contrary, they provide
valuable evidence for the reception of the Pentateuch by a specific Jew-
ish group of the Second Temple period.

   The depiction of festivals in most other texts of the Second Temple
period do not contains such conspicuous departures from pentateuchal
regulations; instead, they supplement the biblical material in one of three
ways:

a. *Expansions of Biblical Law*
In his study on the Sabbath regulations from Qumran, Lawrence Schiff-
man identifies a number of statutes that represent interpretive adaptations
of the biblical ban on work.[116] CD (4Q266 8 III) 10:20, for example, bans
the community from discussing secular business on the Sabbath, while
CD (4Q270 6 V) 11:4 prohibits the formation of contracts. A similar ban
on planning or discussing weekday (i.e. secular) matters is found in
4QHalakhah B (4Q264a) 1 5–8. These regulations are based on the pro-
phetic critique of Isa 58:13: "If you refrain from trampling the Sabbath,
from pursuing your own interests on my holy day…" CD (4Q266 8 III)
10:22–23 prohibits the community from engaging in a number of culi-
nary practices on the Sabbath, including the preparation of food or the
consumption of food or drink within the camp. According to Schiffman,
these regulations are an exegetical expansion of the ban on collecting
manna on the seventh day (Exod 16:5, 23–30).[117]

   A similar expansive approach to pentateuchal legal material is evident
in the Temple Scroll (11Q19). The author of the text refers to Pesach
(17:6–9), Matsoth (17:10), Sukkoth (42), and the Festival of Firstfruits
(28–32; 43) in terms that suggest direct borrowing from the Pentateuch.
The text also ordains, however, a festival for the first wine (19:10–21:10)
and oil (21:12–23:02). Though these celebrations have no biblical
precedent, they likely represent an expansion of the first-fruit festivals
outlined in the Pentateuch.

   115.   Kratz, "Temple and Torah," 87.
   116.   Lawrence Schiffman, *The Halakhah at Qumran* (Leiden: Brill, 1975),
84–133.
   117.   Ibid., 98–101.

b. *Amalgamation of Biblical Laws*

The Temple Scroll is also an exemplar of the second type of appropriation of pentateuchal legal material. On a variety of subjects, the author of the Temple Scroll collects pentateuchal laws on a given topic and combines them, producing a complex regulation on a single topic.[118] For example, the ban on accepting bribes in 51:11–18 is a combination of Exod 33:6; Deut 1:16–17, and 16:18–20. The ban on self-mutilation, shaving between the eyebrows and tattoos in 48:7–10 is a combination of Lev 21:5, which bans such practices for the priests, and Lev 19:28 and Deut 14:1–2, which broadens the ban to all Israelites. Specifically with regard to holidays and festivals, the author of the Temple Scroll presents a series of regulations on the Day of Atonement that represents a collection of all the relevant material from the Pentateuch (cf. 11Q19 cols. 23–29).[119]

c. *Retrojection of Biblical Holidays*

A unique feature of the book of *Jubilees* is the author's frequent portrayal of pre-Mosaic figures celebrating festivals that are, in the Pentateuch, ordained in Mosaic legislation. For example, after the flood, *Jubilees* describes Noah's celebration of the Feast of Weeks (6:17–18). During his lifetime Abraham celebrates both Firstfruits (15:1–2) and Sukkoth (16:20–31). The question is, naturally, how did the patriarchs know of these holidays? According to the author of *Jubilees*, it was because they had access to the "Heavenly Tablets," a cosmic source of legislation that pre-dates, and hence, is superior to the Mosaic *torah*.[120]

Apart from these three categories, the treatment of the Sabbath in the book of *Jubilees* merits special attention. Among all of the holidays, *Jubilees* places particular emphasis on the Sabbath, as evident by the structure of the entire composition. After the introductory prologue in *Jub.* 1, the account of creation in *Jub.* 2 culminates in the establishment of Sabbath practice. *Jubilees* 50, meanwhile, draws the text to a close with a reiteration of the importance of practicing Sabbath-rest. The practice of Sabbath establishes a frame around the whole of *Jubilees*.

In a number of important aspects, the depiction of Sabbath in *Jubilees* presents a departure from the Pentateuch.[121] In identifying the origin of

118.   See Yigael Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983), 73–77.

119.   Ibid., 132.

120.   See pp. 224–25 below.

121.   Cf. Lutz Doering, "The Concept of the Sabbath in the Book of Jubilees," in *Studies in the Book of Jubilees* (ed. Matthias Albani, Jörg Frey, and Armin Lange; Tübingen: Mohr Siebeck, 1997), 179–206.

Sabbath, the author of *Jubilees* establishes a connection between Sabbath practice and creation that far exceeds what is found in Gen 2:2–3.[122] *Jubilees* 2 begins with the note that Yahweh created everything in six days then rested on the Sabbath (2:1). After a thorough description of the created order, the author returns to the Sabbath theme, discussing both its significance for Israel (2:17–24) and the regulations for its observance (2:25–33). In this manner, "the writer envelops the creation in words about the sabbath."[123] The link between creation and the Sabbath is further evident in the prominence of the number seven. Sabbath, of course, is the seventh day. *Jubilees* 2:2, meanwhile, identifies seven classes of angels, 2:3 identifies seven works of creation on the first day, and 2:16 identifies seven "places" created by God (the heavens, the earth, the seas, the depths, the light, the darkness, and "every place").

As with the association between Sabbath and creation, the author of *Jubilees* has far more to say than the author of Genesis regarding the paradigmatic nature of the "first" Sabbath. According to Gen 2:2–3, God blessed the seventh day and hallowed it, for it was the day when he rested from his work. There is, however, no explicit notice that the deity's rest establishes a pattern to be repeated in the human sphere, nor is this day explicitly designated the "Sabbath." The author of *Jubilees* addresses this ambiguity in several ways. After noting that God finished his work on the sixth day, the author writes that God gave the Sabbath as "a great sign," that all should work six days and rest on the seventh (2:17). This command applies not only to Israel, but to the angels as well (2:18), so that they observed work-cessation "before it was made known to all humanity that on it they should keep sabbath on earth" (2:30).[124] This note is especially interesting, for it speaks to the author's antiquating desire. Much as with Noah's celebration of Weeks and Abraham's celebration of Firstfruit and Sukkoth, the author of *Jubilees* claims great antiquity for Sabbath practice by maintaining that it was celebrated even before the creation of humanity. In this light, the requirement to rest is not simply an earthly repetition of what Yahweh once did, but rather the perpetuation of an ancient and cosmic institution, established by divine practice and decree. The inclusion of an explicit command in *Jubilees*

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122.   Significant portions of *Jub.* 2 survive in Hebrew in the Qumran text 4Q216 (4QJub[a]), including vv. 1–4 (col. v), 7–12 (col. vi), and 13–24 (col. vii). Additionally, 4Q218 (4QJub[c]), preserves *Jub.* 2:26–27. Cf. James VanderKam and Jozef T. Milik, "Jubilees," in *Qumran Cave 4. VIII: Parabiblical Texts Part 1* (Oxford: Clarendon, 1994), 35–38.

123.   James C. VanderKam, "Genesis 1 in Jubilees 2," *Dead Sea Discoveries* 1 (1994): 305.

124.   Translation from VanderKam, *The Book of Jubilees*, 15.

not only addresses the absence of such a command in the creation account of Genesis, but also the presence of multiple rationales for Sabbath practice in the rest of the Pentateuch. The author of *Jubilees* leaves little room for doubt about the importance of Sabbath. It is not an emulation of the deity or a humanitarian deed, or a remembrance of the days of slavery, but rather, the fulfillment of a commandment given to the entire universe at the dawn of time. Rather than choosing one pentateuchal rationale above others, the author of *Jubilees* neutralizes them all by developing an entirely new motivation based on the timelessness of Yahweh's command.

Previously, we saw the recurrence of the import of Sabbath as an emblem of the covenant, and hence a key element in maintaining the distinctiveness of Jewish identity within post-exilic texts. The author of *Jubilees* also utilizes this motif by establishing a connection between Sabbath, creation, and the election of Israel. According to the author, God's election of Israel is specifically the appointment of a people who will keep the Sabbath:

> I will not separate a people for myself from among my nations. They, too, will keep sabbath. I will sanctify the people for myself and will bless them as I sanctified the sabbath day. I will sanctify them for myself; in this way I will bless them. They will become my people and I will become their God. I have chosen the descendants of Jacob among all of those whom I have seen… I will tell about the sabbath days so that they may keep sabbath from all work on them. (2:19–20)[125]

As the election of Israel is established in the same divine speech that establishes the paradigm of Sabbath practice, it is clear that "Israel's identity and its Sabbath observance are unseparably connected by the fact that both are founded in the first Sabbath."[126] The connection between creation, Sabbath, and the election of Israel is recapitulated in *Jub.* 2:23. Here, the author identifies 22 generations of humanity from Adam to Jacob, with the latter of course representing the election of Israel. He then identifies 22 works of creation that preceded the seventh day. To insure that no reader miss the connection between the two, the author adds: "The latter is blessed and holy and the former, too, is blessed and holy. The one with the other served (the purposes of) holiness and blessing."[127] To this author, both Sabbath practice and the election of Israel represent the culmination of a sequence of events that began with the creation of the world, and the relationship between the election of

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125. Translation from ibid., 12–13.
126. Doering, "The Concept of the Sabbath in the Book of Jubilees," 187.
127. Translation from VanderKam, *The Book of Jubilees*, 13–14.

Israel and Sabbath is such that, of all the nations, Israel alone is privileged to keep the Sabbath: "The creator of all blessed but did not sanctify any people(s) and nations to keep sabbath on it except Israel alone. To it alone did he give (the right) to eat, drink, and keep Sabbath on it upon the earth" (*Jub.* 2:31).[128]

In his conception of Sabbath practice, the author of *Jubilees* does not necessarily reject biblical material. Though the association between Israel's election, the Sabbath, and creation is innovative, it does not represent any significant ideological conflict with the biblical portrayal of Sabbath. Rather, it appears that the author of *Jubilees* has taken a number of Sabbath-related themes nascent within the Bible and formed a stronger, more explicit association between them. Such is the general approach towards individual holidays and festivals in Second Temple period literature. There are very few examples in which a Second Temple period author presents an account of a holiday/festival that significantly departs from the portrayal of the same event in the biblical corpus. This relative absence of textual conflict concerning holidays and festivals has important implications for our understanding of the attitude Second Temple period authors had for the Jewish cultic establishment. But to understand that issue, we must first discuss one of the most contentious debates of the Second Temple period, the calendar.

A remarkable feature within Second Temple period literature is the vehement rejection of the luni-solar calendar, which reckoned the year as 354 days as determined by the lunar cycle;[129] this calendar would come to be adopted by rabbinic Judaism.[130] Periodically, through the insertion of intercalary months, the calendar was adjusted in order to correspond to the movements of the sun. In the long term, a span of nineteen years to be exact, the system of intercalary months allowed the luni-solar calendar to match the solar calendar. In the short term, however, the use of a luni-solar calendar often meant that the same "date" would occur several days or weeks apart in successive years. A number of Second Temple period authors reject this calendar in favor of a solar calendar that reckoned the year as twelve, thirty-day months, with an additional day added at the end of every three months, producing a calendar of 364 days.[131] Though some scholars suggest that each sect of this time

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128.   Translation from ibid., 15.

129.   Elliott, *The Survivors of Israel*, 144–45. See also Joseph M. Baumgarten, *Studies in Qumran Law* (Leiden: Brill, 1977), 101–42.

130.   Cf. *Mekhilta de-Rabbi Ishmael*, Tractate *Pisḥa* 2:39–41—"Israel reckons by the moon and the Gentiles reckon by the sun."

131.   Shemaryahu Talmon presents a reconstruction of the entire solar calendar in "What's in a Calendar? Calendar Conformity and Calendar Controversy in

developed its own calendrical system, the literary evidence strongly suggests that the 364-day calendar was regarded as authoritative by several groups. The author of the Damascus Document declares that the book of *Jubilees*, which he calls "the book of the divisions of the times according to their jubilees and their sabbatical periods," is authoritative in all calendrical matters. Two texts from Qumran, 4Q320 and 6Q17, though they do not refer explicitly to any literary sources, describe a solar calendar that is identical in structure to *Jubilees* and *1 Enoch*.[132] A number of other fragmentary texts from Qumran also indicate adoption of the 364-day solar calendar: fragments of calendrical texts (4Q320–330, 335–337; 6Q17); a fragment of 4QMMT (4Q394); the Psalms Scroll (11Q5); the *Songs of the Sabbath Sacrifice* (4Q400–407); and a text called *Phases of the Moon* (4Q317).[133]

The author of *Jubilees* defends the legitimacy of the solar calendar in several ways. First, he identifies the sun as the only celestial body that Yahweh appointed for reckoning time and the seasons. While he echoes Gen 1:14–19 in identifying the creation of the fourth day as the sun, stars, and moons, he identifies the sun as "a great sign above the earth for days, sabbaths, months, festivals, years, sabbaths of years, jubilees and all times of the years" (*Jub.* 2:9).[134] Second, the author of *Jubilees* establishes the propriety of the solar calendar through divine command. In *Jub.* 6, Yahweh explicitly commands Noah to reckon the year according to the sun (v. 32). This is followed by dire warnings against following the lunar calendar (6:36–38). Third, throughout *Jubilees* the author gives events a specific date according to a solar-based, heptadic chronological system that included months and years, as well as weeks (period of seven years) and jubilees (period of fifty years).[135] By dating the progression of Israelite history according to his preferred scheme, the author of *Jubilees* suggests that the solar calendar has been in use since the earliest days of Israel.

Ancient Judaism: The Case of the 'Community of the Renewed Covenant,'" in Charlesworth, ed., *The Bible and the Dead Sea Scrolls*, 2:43.

132. Ibid., 2:42.

133. Ibid., 2:37. See also Sacha Stern, "Qumran Calendars: Theory and Practice," in *The Dead Sea Scrolls in Their Historical Context* (ed. Timothy Lim; Edinburgh: T. & T. Clark, 2000), 179–86; James VanderKam, "The Calendar, 4Q327 and 4Q394," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995 Published in Honour of Joseph M. Baumgarten* (ed. Moshe J. Bernstein, Florentino García Martínez, and John Kampen; Leiden: Brill, 1997), 179–94.

134. Translation from VanderKam, *The Book of Jubilees*, 11.

135. See. pp. 168–69.

Fourth, the author of *Jubilees* legitimates the solar calendar by tracing its origins to a hero of antiquity, Enoch, "who wrote down in a book the signs of the sky in accord with the fixed pattern of their months so that mankind would know the seasons of the years according to the fixed patterns of each of their months" (*Jub.* 4:17).[136] Within Second Temple period literature, the figure of Enoch frequently functions as a paragon of intellect, one who has access not only to intricate human knowledge such as astronomy, but foreknowledge of the destinies of his descendants.[137] Given this portrayal of Enoch throughout Second Temple period literature, it is evident that the author of *Jubilees* attempts to bolster the legitimacy of the solar calendar by linking it to an ancient figure renowned for his access to cosmic realms of knowledge.

The most extensive discussion of the solar calendar is found in *1 En.* 72–82, a unit introduced as "The Book of the Itinerary of the Luminaries of Heaven," which provides exquisite detail regarding the movement of celestial bodies.[138] The entire section is presented as a series of commandments given to Enoch by the angel Uriel in a vision (80:1), which Enoch subsequently describes to his son Methuselah (82:1). The contents, however, are not legal prescriptions at all, but rather descriptions of astronomic phenomena that culminate in a command to adhere to the solar calendar.

The first "commandment" given by Uriel describes the movement of the sun (72:2–37). The passage presents a rather complicated description of the mechanism by which the sun moves and the corresponding changes to the length of day and night relative to its cyclical movement, with an emphasis on its immutability. With regard to the calendar, two sections of this passage stand out. *First Enoch* 72:8 establishes the periodicity of the sun's movement at one month of thirty days. In 72:32, after describing in detail the course of the sun, the author states, "Then the night becomes equal with the day, and the days (of the year) add up to exactly three hundred sixty-four days."[139] A description of the movement of the moon follows in *1 En.* 73. This passage not only discusses the lunar cycle, again in intricate and at times convoluted detail, but also presents

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136.   Translation from VanderKam, *The Book of Jubilees*, 26.

137.   See my discussion on pp. 163–65.

138.   These portions are preserved in Aramaic in 4Q209 (4QAstronomical Enoch[b] ar); 4Q210 (4QAstronomical Enoch[c] ar); 4Q211 (4QAstronomical Enoch[d] ar). Cf. Jozef T. Milik, ed., *The Books of Enoch: Aramaic Fragments of Qumran Cave 4* (Oxford: Clarendon, 1976), 278–96. For analysis of the text's cosmology, see M. Albani, *Astronomie und Schöpfungsglaube: Untersuchungen zum astronomischen Henochbuch* (Neukirchen–Vluyn: Neukirchener Verlag, 1994).

139.   Translation from E. Isaac, "1 Enoch," *OTP* 1:52.

multiple reasons why it is not an appropriate calendrical basis. Compared to the sun, the moon is strictly a "minor luminary" (*1 En.* 73:1); while the sun gives a constant amount of light, the moon "is given light in (varying) measure" (73:2); likewise, the movement of the moon is inconsistent: "Its coming out and its going in change every month" (73:3).[140] Further, the author contends that "in certain fixed months, the moon completes its cycle every twenty-nine days, (in certain others), every twenty-eight" (73:9).[141] Because of its secondary status, the rest of the passage describes the movement of the moon only relative to the movement of the sun.

In both *Jubilees* and *1 En.* 72–82 there is extreme stress placed on the need to adhere to the solar calendar. Both texts include extensive descriptions of the dangers that await those who fail to abide by the solar calendar. The author of *1 En.* 72–82 includes a list of cosmic and terrestrial catastrophes that will take place if the solar calendar is ignored:

> In respect to their days, the sinner and the winter are cut short. Their seed(s) shall lag behind in their lands and in their fertile fields, and in all their activities upon the earth He will turn and appear in their time and withhold rain; and the sky shall stand still at that time. Then the vegetable shall slacken and not grow in its season, and the fruit shall not be born in its (proper) season… All the orders of the stars shall harden (in disposition) against the sinners and the conscience of those that dwell upon the earth. They (the stars) shall err against them (the sinners); and modify all their courses. Then they (the sinners) shall err and take them (the stars) to be gods. And evil things will be multiplied upon them; and plagues shall come upon them, so as to destroy all. (80:2–8)[142]

However, the real danger in following the lunar calendar has to do with the consistency in the cult. Whereas the sun and the stars "bring about all the years punctiliously, so that they forever neither gain upon nor fall behind their fixed positions for a single day" (*1 En.* 74:12), the same is not true for the moon. Because "its coming out and its going in change every month" (*1 En.* 73:3), a lunar calendar is bound to be inconsistent. Hence, those who adhere to a lunar calendar "will inadvertently end up celebrating the great religious festivals on days when Yahweh did *not* command them to be held, which would be tantamount to blasphemy."[143] The consequences of using the wrong calendar are dire—holy days will

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140.   Translation from ibid., 1:53.
141.   Translation from ibid.
142.   Translation from ibid., 1:58–59.
143.   Frederick Cryer, "The 360-Day Calendar Year and Early Judaic Sectarianism," *SJOT* 1 (1987): 116.

be regarded as profane days and profane days will be regarded as holy days.[144] This theme is prominent in *Jub.* 6:32; here, the author writes that adherence to a lunar calendar will lead to the corruption of holy days: "All the Israelites will forget and will not find the way of the years. They will forget the first of the month, the season, and the sabbath; they will err with respect to the entire prescribed pattern of the years" (6:34; cf. 6:36–38).[145]

The fierce attack against the lunar calendar, and the equally fierce defense of the solar calendar, is rooted in part on efforts at establishing group identity. Emile Durkheim argued that a common calendar provides a means of socialization within a group since it "expresses the rhythm of the collective activities while at the same time its function is to assure their regularity."[146] In addition to regulating time, a calendar controls the activities of the group by establishing the rhythm of political, religious, social and personal activities. Thus, a calendar is one of the principal mechanisms by which a body asserts its influence over some group. Moreover, the adoption of a calendar necessarily entails a conscious decision to abide by a certain authority. Conversely, the rejection of a calendar represents the repudiation of an authoritative body and so, "palpably manifests schismatic intentions."[147] This is evident in the narrative of 1 Kgs 12, in which Jeroboam asserts Israel's cultic independence from Judah not only by establishing new temples, but also by establishing a new ritual calendar. The group-cohesive function of a calendar is also evident from a number of Qumran texts, in which entrance into the community is made contingent upon agreement to maintain times appointed for worship and festivals (cf. 1QS 1:7–15; 3:9–10; CD [4Q269 2] 3:14–15; [4Q266 3 II] 6:18–19).

The nature of the calendrical debate provides critical insight into various Jewish groups' views concerning the cult. I began this discussion by noting that Second Temple period literature contains relatively few discussions of holidays and festivals. The few that do occur do not present any significant conflicts relative to the biblical material, except the texts from Elephantine. What we find, instead, is an overwhelming

144.   Of course, we should note that a 364-day calendrical scheme would also eventually lead to the same problem, since it fails to correspond precisely to a solar year. For this reason, Sacha Stern argues that the 364-day calendar was only a theoretical model, rather than a system put into use. See his "Qumran Calendars: Theory and Practice."

145.   Translation from VanderKam, *The Book of Jubilees*, 42–43.

146.   Emile Durkheim, *The Elementary Forms of Religious Life* (trans. J. S. Swain; New York: Macmillan, 1915), 11.

147.   Talmon, "What's in a Calendar?," 28.

concern that holidays and festivals must be celebrated in the proper man-
ner. There is not a trace of the idea that Israel is guilty of celebrating the
wrong holidays or performing the wrong rituals. The primary concern of
Second Temple period authors is not to disparage the biblical conception
of holidays and festivals or to provide an alternative, but to insure that
they occur in the proper way. Therefore, a number of authors of this
period push for adherence to the solar calendar, which they believe will
insure that all of Israel's holy days will be celebrated on the exact day
that Yahweh had ordained for them.

This view of the holidays and festivals is paralleled by the attitude of
various Second Temple period authors towards the entire temple insti-
tution. The primary concern expressed in much Second Temple period
literature is not that the temple and its rituals are invalid, but that the
temple *leadership* is invalid. For this reason, the community behind the
Damascus Document embraces the institution of priesthood by calling
themselves the sons of Zadok. Rather than calling for the destruction of
the Jerusalem temple, they seek its restoration through the defeat of the
"wicked priest." Likewise, the author of the Temple Scroll aims to
reform the entire temple institution by rigorous application of the laws of
purity.

4. *Conclusion*

The observation that depictions of Pesach/Matsoth, Sukkoth, and
Sabbath outside of the Pentateuch differ considerably from treatment of
the same in the Pentateuch is neither radical nor innovative. The novel
development that I have attempted to provide in this chapter is the
resolution of such discrepancies. Informed by both the linear model of
composition, and a theory of ritual based on nineteenth-century socio-
logical studies, many contend that the differences between pentateuchal
and non-pentateuchal texts are evidence of a process of linear evolution,
so that non-pentateuchal depictions of holidays represent a later develop-
mental stage of an ancient cultural institution, a temporally prior form of
which is preserved in the Pentateuch.

A consideration of more recent work on ritual theory demonstrated the
weakness of such a model. By shifting the focus of study towards what
ritual actually accomplishes, theorists have provided insights that allow
for an alternate interpretive scheme for the diversity of the biblical depic-
tions of rituals. First is the recognition that indeterminacy is inherent and
essential to ritual. As shown by numerous studies, there often is no
consensus among participants regarding the specific meaning of a ritual.

Second is the recognition that most rituals, though they rely on an aura of antiquity and traditionalism, are in reality recent inventions. Thus, many ritual specialists reject the notion of a linear process of ritual development and emphasize *de novo* developments that, at times, incorporate certain traditional elements. Third is the recognition that the recording of a ritual in media profoundly affects its form and content, as exemplified by film and television. Fourth is the recognition that in both the invention of ritual and its depiction in media, ideology plays a critical role. Rituals are invented, recreated, and portrayed in a given manner specifically so that they can bring about certain intended effects in the societal context, not simply to provide an "evolutionary adaptation" of an older form.

In light of these theoretical considerations, what alternative point of origin can we offer for the variability in the biblical depictions of Pesach/ Matsoth, Sukkoth, and Sabbath? Based on an intertextual analysis focusing on what each author claims is the import of a specific holiday, I argued that the pentateuchal texts had little influence upon other biblical authors. To be clear, it is not simply the case that the non-pentateuchal texts significantly depart from the Pentateuch, but that they display no literary connection to it. The pentateuchal depictions of holidays did not present any form of constraint on the depiction of holidays by other authors. The literary portrayals of these holidays in non-pentateuchal texts are creative, inventive, and independent compositions that have no evolutionary or developmental connection either to the Pentateuch or to any other ancient form. Rather than a long process of evolution, these texts attest to the inventiveness of biblical authors. Be it Pesach or Sukkoth or the Sabbath, all of the biblical authors give shape and form to a certain ritual and give it a certain import based on a combination of their own intentions and the audiences' expectations. In many ways, whether or not these authors actually knew of the pentateuchal texts is immaterial, for their compositions demonstrate clearly that they were not limited to copying or adapting extant material. Inventiveness, creativity, and ideology, not conformity, were what motivated these portrayals of ancient Israel's ritual life.

Chapter 4

Non-Pentateuchal Historical Retrospectives

1. *The Bible and Historiography*

In Chapter 1 we observed a number of instances in which non-penta-teuchal texts contrast with the Pentateuch in describing Israel's past. The central question of the present chapter is: What is the relationship between the texts? Do differences between historical accounts suggest independent origins, or are they due to some form of manipulation of inherited traditions? To find an intellectually satisfying answer, we must first consider a more basic issue—the nature of history writing. What does a historian do when writing of the past? What is the relationship of a literary account of the past to the actual past itself? A proper evaluation of discrepancies in historical accounts, and a determination of their intertextual relationship, depends in large part on how we answer these questions. If we conclude that the aim of history-writing is to present an objective account that corresponds with the actual past, then discrepancies among texts would be reckoned as adaptations of or deviations from a standard account. Conversely, if we conclude that historical texts are subjective accounts shaped by ideological goals, then our evaluation would focus on how individual authors manipulate a given historical motif. These are, of course, only two options, but they illustrate well the importance of ascertaining the nature of historical texts in order to evaluate the discrepancies between them. Only by establishing the relationship between a text that depicts the past and the actual past itself can we properly assess the factors that contribute to the form of that account and its relationship to other accounts.

It is difficult to raise the question of the historical character of the Bible without calling to mind the fierce, unresolved debate between the so-called maximalists and minimalists.[1] While one side argues that

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1. Among many summaries of the subject, see John H. Hayes, "The History of the Study of Israelite and Judean History," in *Israelite and Judaean History* (ed. John H. Hayes and J. Maxwell Miller; London: SCM, 1977), 1–69; V. Philips

biblical narratives were written with genuine antiquarian interests, and serve as authentic witnesses to the history of ancient Israel, the other claims that there is no material evidence for their historical reliability, and so regards them as ideologically charged texts composed for a specific religious/political agenda. The fascinating element to this debate is that the two diametrically opposed assessments are based on an identical conception of the purpose of history-writing: the production of an objective account that corresponds to the actual past. The crux of the debate, then, is whether the Bible qualifies as history-writing in this sense or not.[2]

This conception of history-writing, with its emphasis on objectivity and correspondence, is a direct inheritance from nineteenth-century classical historicism.[3] The foremost figure of the movement, Leopold von Ranke, envisioned history as a scientific discipline, undertaken by trained specialists, based on primary sources and completely free of value judgments.[4] To Ranke, the primary task of the historian was to present the past "*wie es eigentlich gewesen*."[5] Through such a process, Ranke argued that the historian could not only establish facts about what happened in the past, but also explore the meaning of the world, thereby revealing its true order. "History thus replaced philosophy as the science that provided insights into the meaning of the human world."[6] The lasting legacy of classical historicism, of course, is the notion that history entails a precise

Long, "Historiography in the Old Testament," in *The Face of Old Testament Studies: A Survey of Contemporary Approaches* (ed. David W. Baker and Bill T. Arnold; Grand Rapids, Mich.: Baker, 1999), 147–64; Edwin Yamauchi, "The Current State of Old Testament Historiography," in *Faith, Tradition and History: Old Testament Historiography in its Near Eastern Context* (ed. A. R. Millard, J. K. Hoffmeier, and D. W. Baker; Winona Lake, Ind.: Eisenbrauns, 1994), 1–36.

2.   Cf. Hans M. Barstad, "History and the Hebrew Bible," in Grabbe, ed., *Can a "History of Israel" Be Written?*, 45–52.

3.   On the rise of classical historicism, see Georg G. Iggers, *Historiography in the Twentieth Century: From Scientific Objectivity to the Postmodern Challenge* (Hanover, N.H.: Wesleyan University Press, 1997), 23–30, and for an insightful rhetorical analysis of Ranke's works, see Hayden White, *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore: The Johns Hopkins University Press, 1973), 163–90.

4.   See Leopold von Ranke, "On the Character of Historical Science," in *The Theory and Practice of History* (ed. Georg G. Iggers and Konrad von Moltke; Indianapolis: Bobbs-Merrill, 1973), 33–46.

5.   The phrase occurs in the Preface to Ranke's *Geschichten der romanischen und germanischen Völker von 1494 bis 1514* (3d ed.; Leipzig: Duncker & Humblot, 1885), vii.

6.   Iggers, *Historiography in the Twentieth Century*, 25.

investigation, which produces an objective and factual representation of the past "as it actually was."[7]

Though this emphasis on accuracy and objectivity as the hallmark of history-writing remains prevalent in both historical and biblical studies, it has been thoroughly routed by recent developments in historiographic theory. Philosophers and theorists have demonstrated that historical accounts are necessarily ideological and subjective, and that in terms of literary form, works of history are nearly identical to works of fiction. While these theoretical developments have been met with either enthusiastic acceptance of vociferous rejection in historical studies, they have had little influence in biblical studies. As Hans Barstad sardonically notes, "the intellectual climate of the last thirty years or so appears not to have caught up on biblical studies at all. To say that historians of ancient Israel are theory weak is, in my view, the understatement of the century."[8] Barstad may overstate things a bit, since there are some recent works that include a synopsis of historiographic theory,[9] yet these discussions, however, are largely limited to the introduction, and the body of these works show little interaction with theoretical elements.

In spite of the general theory-weakness of biblical-studies, some have offered up an alternate conception of history-writing that moves away from the ideal of objectivity to examine the "creation" of a historical account through ideological and literary choices. Marc Brettler describes this re-assessment as a focus on the text, rather than the events behind the text, "away from concerns with texts as a source for the social, political or religious history of the Israelite past to an interest in the literary merits or ideological underpinnings of the texts."[10] It is important

7. Iggers and von Moltke contend that "as it actually was" is not an accurate translation of *wie es eigentlich gewesen*, arguing that *eigentlich* should be rendered "characteristic" or "essential" (*Theory and Practice*, xix–xx). On this basis, K. Lawson Younger argues that Ranke's rejection of speculation and his insistence on scientific rigor is based on an "emphasis on understanding the uniqueness of historical characters and situations" which requires "a strict dedication to the relevant facts" (K. Lawson Younger, "The Underpinnings," in *Israel's Past in Present Research: Essays on Ancient Israelite Historiography* [ed. V. Philips Long; Winona Lake, Ind.: Eisenbrauns, 1999], 312 n. 35). Though Iggers and von Moltke explore the subtle nuances of *eigentlich* and its use in the nineteenth century, the conception of history-writing as an objective, scientific account of things as they "actually" were still corresponds well to Ranke's preferred methodology.

8. Barstad, "History and the Hebrew Bible," 46.

9. See, for example, Lester L. Grabbe, *Ancient Israel: What Do We Know and How Do We Know It?* (New York: T&T Clark International, 2007), 25–36.

10. Marc Zvi Brettler, *The Creation of History in Ancient Israel* (London: Routledge, 1995), 1–2; K. Lawson Younger, *Ancient Creation Accounts: A Study in*

to note, however, that this shift away from objectivity is also theory-weak. Arguments in support of an ideological analysis of biblical historical accounts are based primarily on the observation that there is little formal difference between history-writing and fiction, that both entail the creation of a narrative through the application of literary factors such as genre constraints, plot structures, and characterization.[11] Because of this formal similarity, Meir Sternberg writes that a strict opposition between history-writing and fiction on the basis of truth-content is:

> a category-mistake of the first order. For history-writing is not a record of fact—of what "really happened"—but a discourse that claims to be a record of fact. Nor is fiction writing a tissue of free inventions but a discourse that claims freedom of invention. The antithesis lies not in the presence or absence of truth value but of the commitment to truth value.[12]

On the one hand, this line of argument is promising, since it provides a valuable alternative to the miminalist–maximalist debate. Still, it is problematic because it is based exclusively on the *observation* that a historical account contains subjective elements. There is little consideration of why a subjective, ideologically charged text, formally similar to fiction, should be considered "history" in the first place. For this reason, we must engage some important works on historiographic theory, which demonstrate not just the presence but the necessity of subjectivity through an exploration of what constitutes ideal history-writing. By formulating an empirical definition of history-writing, these theorists present a coherent argument for why subjectivity is a necessity of effective historical accounts. Therefore, a consideration of these works on the philosophy of history will have great heuristic value for our understanding of the task of the historian, and our analysis of "historical" texts.

In his *Analytical Philosophy of History*, Arthur C. Danto raises the question of what constitutes ideal history-writing. In his view, the essential task of the historian is to produce "substantive philosophy of history," an interpretation of the past that establishes patterns and determines significance.[13] This is opposed to "ordinary history," which does not entail history-writing, but only the collection of data from the

Ancient Near Eastern and Biblical History Writing (Sheffield: Sheffield Academic Press, 1990), 63.

11.   See Tremper Longman III, "Literary Approaches to the Old Testament," in Baker and Arnold, eds., *The Face of Old Testament Studies*, 97–115.

12.   Sternberg, *The Poetics of Biblical Narrative*, 205. See also Alter, *The Art of Biblical Narrative*, 32.

13.   Arthur Danto, *Analytical Philosophy of History* (Cambridge: Cambridge University Press, 1968), 117–18.

past as a prelude to "substantive philosophy of history." The duty of the historian is to go beyond producing a record of past events, "[f]or in addition to making true statements about the past, it is held, historians are interested in giving *interpretations* of the past. And even if we had a perfect account, the task of interpretation would remain undone."[14]

But why is that even a perfect account of the past fails to provide interpretation? To address this issue, Danto offers up the premise of an Ideal Chronicle, an account of the past from which nothing is missing. The producer of such an account, the Ideal Chronicler, knows of an event the moment that it occurs, and what is more, has the gift of instant transcription, so that he is able to record the event in pristine form immediately after its occurrence. The Ideal Chronicle is thus a comprehensive account of the past, one that is "necessarily definitive."[15] But, as Danto argues, the Ideal Chronicle cannot provide interpretation, and so does not qualify as history in spite of its all-encompassing view.

According to Danto, the significance of an event is established when a historian situates it within a network of other events. Danto likens this to a play or novel, in which the import of a given scene, say the death of a character, hinges on the rest of the story. The historian, Danto argues, establishes relationships between events through "narrative sentences," which "refer to at least two time-separated events though they only *describe* (are only *about*) the earliest event to which they refer."[16] He offers this example: "Isaac Newton, the author of *Principia Mathematica*, was born in 1642." Here, two separate events, Newton's birth and his composition of *Principia Mathematica* are connected to each other, and it is through this link, through the reference to a later event, that the import of 1642 is established. Without this future reference, 1642 would have no interpretive significance, since we would have no insight as to why a person born at this time stands out from others. The import of an event is thus established only through subsequent events: "[t]he whole truth concerning an event can only be known after, and sometimes only *long* after the event itself has taken place…"[17]

It is precisely this future reference that is impossible within the Ideal Chronicle, the implication being that the Ideal Chronicle cannot treat the significant of events, and so cannot provide interpretation, hence failing to qualify as history-writing. The Ideal Chronicle is a comprehensive, pristine record of all *past* events. Though it accurately portrays an event,

14. Ibid., 115.
15. Ibid., 149.
16. Ibid., 143.
17. Ibid., 151.

E, it has no access to subsequent events, E+1, E+2, E+3, etc.—precisely the data that is needed to form narrative sentences. Returning to our example, the Ideal Chronicle could not contain the sentence "Isaac Newton, the author of *Principia Mathematica*, was born in 1642," since there was no way of knowing in 1642 what Newton would do later in life. Because the Ideal Chronicle cannot contain future references, it cannot utilize descriptive phrases such as "the place where," "the person who," or "gave rise to," all of which are essential to interpreting an event. It can only provide one level of description. Therefore, Danto argues that within the Ideal Chronicle every event has the same level of significance, "which is to say that the category of significance fails to apply."[18]

Beyond a comprehensive chronicle, Danto argues that a satisfying historical account is produced when a historian begins with a record of the past, which he uses to produce a narrative in which events are connected to other events. It is precisely at this point that subjectivity becomes a critical factor. For the narrative to be coherent, it cannot include everything; there must be a process of selection and exclusion, which is dictated not only by properties of the event, such as geographical and temporal limitations, but also by personal factors such as the historian's notion of relevance, topical interests, as well as gender, class or ethnic affiliations. Thus, Danto writes:

> historians have certain feelings about the past things that they are concerned to describe… Such attitudes induce historians to make emphases, to overlook certain things, indeed to distort… Every historical statement, as a consequence of unexpungeable personal factors, is a distortion, and hence, not quite true.[19]

In this light, subjectivity, far from being a hindrance to history-writing, is actually integral to it. The key factors to the creation of an interpretive account, the selection and exclusion of data and the formation of a coherent, focused narrative through the construction of a causal matrix, are not inherent to the historical record, but applied according to the historian's concerns.

In the same vein as Danto, Hayden White argues that history-writing is the production of a narrative through a subjective process of selection and interpretation.[20] Much of White's approach to history-writing is based on the work of Claude Levi-Strauss, which deserves some consideration here. According to Levi-Strauss, historical "facts" are not

18. Ibid., 159.
19. Ibid., 31–32.
20. See his *Metahistory*, and *Tropics of Discourse: Essays in Cultural Criticism* (Baltimore: The Johns Hopkins University Press, 1978).

pristine and isolated events but rather a "multitude of individual psychic moments."[21] When producing an account of the past, the historian is faced with a "chaos of 'facts'" out of which he must "'choose, sever, and carve them up' for narrative purposes."[22] The writing of history, meanwhile, is an organization of this "chaos of facts" into a coherent narrative, the intended effect of which is to produce a "history for" rather than a "history of." White echoes this assessment in his introduction to *Metahistory* when he defines a historical account as "a verbal structure in the form of a narrative prose discourse that purports to be a model, or icon, of past structures and processes in the interest of *explaining what they were by representing them*."[23] White further reflects Levi-Strauss in arguing that the historian is faced with an unprocessed historical record that presents only "congeries of contiguously related fragments." The task of the historian is to assemble these elements in some manner in order to create a representation of the past "in the interest of rendering [the unprocessed historical] record more comprehensible to an audience of a particular kind."[24] According to White, this process is identical to the manner in which fiction is produced to present a coherent literary world, so that "[t]he historian—like any writer of a prose discourse—*fashions* his materials."[25]

In the process that leads from "unprocessed historical record" to a coherent historical narrative, White identifies multiple levels of conceptualization—the chronicle, the story, the mode of emplotment, the mode of argument and the mode of ideological implication. As we briefly look at each level, it is important to keep in mind White's portrayal of history-writing as the production of a narrative—each level of conceptualization is the means by which the author creates a historical narrative, which provides a specific interpretation of the past.

The first level of conceptualization is the chronicle. Faced with a mass of data in the unprocessed historical record, the historian includes certain objects and excludes others based on relevance. The resultant product is the chronicle, data from the historical field that is organized into a temporal sequence. The chronicle itself is open-ended; both its beginning and ending are completely arbitrary and determined only by the historian. Further, the chronicle contains no logical units, and presents neither

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21. White, *Tropics of Discourse*, 55. Here, White refers to Levi-Strauss' *The Savage Mind* (trans. John Weightman and Doreen Weightman; Chicago: University of Chicago Press, 1966).

22. Ibid., 55.

23. White, *Metahistory*, 2.

24. Ibid., 5.

25. Ibid., 106.

causality nor temporality between events. Simply put, the chronicle is a litany of events. But even at this basic stage, the subjective interest of the historian is plainly evidence, for it is the historian who determines if elements of the unprocessed historical record will be incorporated or excluded in the chronicle.

The next level of conceptualization is the formation of a story. The historian organizes data from the chronicle into a narrative sequence by imposing a temporal structure that portrays some events as beginnings, others as transitions and others as conclusions. By establishing temporality, the historian transforms the open-ended chronicle into a complete diachronic process. To illustrate: a chronicle will contain the datum "The king of England went to Westminster on June 3, 1321." In forming a story, the historian imposes a temporal function upon this event. It is critical to note, however, that there is nothing inherent within the event that determines its specific temporal function; it is strictly an authorial decision. The king's travels to Westminster can function as a beginning, ("The king went to Westminster on June 3, 1321. There the fateful meeting occurred…"), a transition point ("While the king was journeying to Westminster, he was informed by his advisers that his enemies awaited him there…"), or as a culmination ("To celebrate his first mass after coronation, the king went to Westminster."). As with the chronicle, then, the creation of a story is also dependent upon the subjective interests of the historian, since it is the historian who ultimately establishes the temporal function of a given event.

With the formation of a story, the historian is able to answer such questions as "What happened next?" and "How did things happen?" There still remains, however, the task of interpretation. The historian must answer questions such as "What does it all add up to? What is the point of it all?" This is accomplished by three modes of explanation: emplotment, argument, and ideological implication.

White defines "emplotment" as "the way in which a sequence of events fashioned into a story is gradually revealed to be a story of a particular kind."[26] By imposing a plot structure upon the story, the historian creates a narrative based on the protagonist's relationship to the environment. Following the work of Northrop Frye, White identifies four types of emplotment: Romance, Satire, Comedy, and Tragedy.[27] The Romance is a story of triumph, focusing on the protagonist's transcendence of and liberation from the world of struggle. Its polar opposite is Satire, "a

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26. Ibid., 7.
27. Northrop Frye, *The Anatomy of Criticism: Four Essays* (Princeton: Princeton University Press, 1957).

drama of disredemption" in which the protagonist becomes a captive to the world, not its master.[28] Both Comedy and Tragedy hinge on the hope of partial redemption. In Comedy, there is hope for a temporary triumph of the protagonist through an intervention against fate, so that the conflict at the core of the story is perceived to have brought about a purer and healthier society. In Tragedy, the hope for triumph is only illusory, redemption is impossible and the protagonist ultimately falls.

The mode of formal argument is the means by which the historian "provides an explanation of what happens in the story by invoking principles of combination which serve as putative laws of historical explanation."[29] By constructing a nomological-deductive argument, which "consists of some putatively universal law of causal relationships," the historian characterizes events within a causal matrix and establishes why events occur.[30] The most famous example of a causal matrix is Marx's notion that the progress of history can be attributed to transformations in the base and their effects on the superstructure. Following the work of Stephen C. Pepper, White identifies four categories of argument: Formist, Organicist, Mechanistic, and Contextualist.[31] The Formist focuses on the unique characteristics of historical events. In this perspective, the aim of the historian is to provide a "depiction of the variety, color, and vividness of the historical field…"[32] Consequently, the Formist attempts to identify how an event is caused by its singular nature. The Organicist "attempts to depict the particulars discerned in the historical field as components of synthetic processes."[33] The Organicist sees events as parts of a whole that is greater than the sum of its parts, and seeks to portray individual events as components of a larger process that is informed by certain principles. Within this perspective extremely dissimilar events can be reduced to a single paradigm.

This is similar to the Mechanistic view, which holds that events are the manifestations of extra-historical agencies. The Mechanist searches for laws that determine the outcome of processes in the historical field. "Ultimately, for the Mechanist, an explanation is considered complete only when he has discovered the laws that are presumed to govern history in the same way that the laws of physics are presumed to govern

28. White, *Metahistory*, 9.
29. Ibid., 11.
30. Ibid., 11–12.
31. Stephen C. Pepper, *World Hypotheses: A Study in Evidence* (Berkeley: University of California Press, 1961).
32. White, *Metahistory*, 14.
33. Ibid., 15.

nature."[34] In such a historical inquiry, the details of particular events are far less important than laws of social structure and process for which they provide evidence. The final mode of argument is the Contextualist, in which the occurrence of events is explained by exploring their relationship to other events within the historical context. In order to establish causality, the Contextualist identifies "threads" which link it to other events, a process known as "colligation."[35] By tracing the threads backwards in time, the Contextualist is able to identify the origins of an event, while tracing the threads into the future allows for a determination of an event's impact on subsequent events.

By mode of ideological implication, White refers to the establishment of a "set of prescriptions for taking a position in the present world of social praxis and acting upon it."[36] The mode of ideology not only raises questions of what can be learned from the past, but also on how the procession of past events influences our relationship to the status quo. Following Karl Mannheim, White identifies four categories of ideological implication: Conservative, Liberal, Radical, and Anarchist.[37] Each position recognizes the inevitability of change in society; their distinctiveness concerns the pace at which such change should occur, as well as the temporal location of the ultimate goal of such change, utopia. As the designation would suggest, the Conservative views historical evolution as the elaboration of the status quo and locates utopia within the present time. To the Conservative, change must come very slowly, if at all. The Liberal, like the Conservative, regards the foundation of society as relatively sound but admits to the need for some change, which should take place according to a social rhythm established by governmental and parliamentary procedures. Because the Liberal sees change as necessary, utopia lies in the future, but at such a distance from the present as to discourage any radical attempts to attain it immediately. Both the Radical and Anarchist argue that transformation of the social system must be attained abruptly and immediately. The Radical

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34. Ibid., 17.

35. White identifies Isaiah Berlin and W. H. Walsh as innovators in the idea of colligation: Isaiah Berlin, "The Concept of Scientific History," in *Philosophical History of Analysis* (ed. William H. Dray; New York: Harper & Row, 1966), 40–51; W. H. Walsh, *Introduction to the Philosophy of History* (London: Hutchinson, 1961), 60–65.

36. White, *Metahistory*, 22.

37. Karl Mannheim, *Ideology and Utopia: An Introduction to the Sociology of Knowledge* (New York: Harvest, 1946), and "Conservative Thought," in *Essays in Sociology and Social Psychology* (ed. Paul Kecskemeti; New York: Oxford University Press, 1953), 74–164.

recognizes the political power necessary to effect cataclysmic change, and so has more concern with the means by which transformation takes place. The Anarchist, meanwhile, aims to abolish society altogether and replace it with a community of individuals held together by common bonds of humanity. With regard to utopia, the Radical seeks to bring it about as soon as possible, while the Anarchist finds utopia in the past, before humanity fell into the corrupt state in which they find themselves.

As with the formation of a chronicle and the formation of a story, the application of these modes of explanation is determined by the ideological proclivities of the author. Whether an author chooses to present a historical account as a tragic downfall, or as evidence of the operation of extra-historical laws, is dependent only on compositional goals. There is nothing inherent within the unprocessed historical record, the chronicle, or the story that compels the historian to choose one mode over another. It is for this reason that White states:

> there are no extra-ideological grounds on which to arbitrate among the conflicting conceptions of the historical process and of historical knowledge appealed to by the different ideologies… I cannot claim that one of the conceptions of historical knowledge favored by a given ideology is more "realistic" than the others.[38]

Through this detailed analysis of the method by which historians operate, White demonstrates that the critical factor in the composition of historical accounts is not the degree of correspondence to the actual past, but rather the literary means by which a historian creates a narrative, and the message that he intends to communicate through it.

As both White and Danto show, the primary aim of the historian in representing the past is to transmit to the audience a certain point of significance. The ideal piece of history-writing is not a comprehensive record of the past. Even if an idealistic historian intended to produce such an account, it would be impossible because of personal and cultural biases, and because the production of a coherent historical account requires selectivity.[39] The chief aim of history-writing, then, is to produce an interpretation of the past, an account that reveals the significance of the past to the present and future of the audience. It is for this reason that

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38. White, *Metahistory*, 26.

39. Indeed, a number of historical scholars maintain that though objectivity is the ideal of history writing, it may never be fully reached: C. Behan McCullagh, "Bias in Historical Description, Interpretation and Explanation," *History and Theory* 39 (2000); Anders Schinkel, "History and Historiography in Process," *History and Theory* 43 (2004); Bernard Lewis, "In Defense of History," *Proceedings of the American Philosophical Society* 143 (1999): 573–87.

both scholars argue for the necessity of the narrative form; it is through the creation of a narrative that an author presents a certain perspective on the import of the past. What the historian produces is a narrative representation of the past that has a specific ideological purpose.

To many, the contention that ideology is central to history-writing may be disturbing due to the perception that ideology is tantamount to coercive propaganda achieved through deception. We cannot deny that this is completely false, since there are many cases wherein authoritative bodies propagate false information in order to achieve a certain aim. This is, however, an incomplete understanding of ideology, since falsehood is not a necessity. Consider the definition of ideology offered up by the literary scholar Terry Eagleton: "a suasive or rhetorical rather than veridical kind of speech, concerned less with the situation 'as it is' than with the production of certain useful effects for political purposes."[40] The great benefit of this conception is that while it emphasizes the creation of a world-view as the chief purpose of ideology, it steers us away from an emphasis on deception.

The recognition of the centrality of ideology leads to another key insight—the inventiveness behind historical narratives. Historians may not invent historical "facts," but they do exercise inventiveness in contextualizing a specific event within a narrative, and attributing to it a certain import.[41] To one historian, an event might represent a tragic downfall, while to another it might represent a small, but persistent glimmer of hope. On a pragmatic level, this would appear to smack of historical relativisim, or even worse, outright callousness. After all, we could rightfully ask how anyone could portray the interaction between European Americans and Native Americans during the late nineteenth and early twentieth centuries as anything other than tragic. And yet, the critically acclaimed film *Dances with Wolves*, while capturing the tragic elements of the era, concludes with the hope of redemption. In this sense, each historical text is a unique invention, not because it relies upon invented data, but because it presents a unique interpretation of events through the creation of a distinct narrative.

As we turn to the historical accounts in the Bible, the theoretical work of Danto and White provides an excellent foundation. In analyzing discrepancies between pentateuchal and non-pentateuchal texts, we can

40. Terry Eagleton, *Ideology* (London: Longman, 1994), 29.
41. White firmly argues that what separates the fiction author from the historian is that the former invents both the data and the field in which the data exist, while the historian culls data from the historical field, which consists of actual events (*Metahistory*, 7).

question the notion that the Pentateuch or any other text represents the paradigm for other historical accounts. Even if it was the earliest representation of Israel's history, an assumption that I will challenge below, the Pentateuch is itself the product of an ideologically driven process of selection and narrativization, which calls into doubt conceptions of the Pentateuch as an unbiased repository of facts. This in turn allows for a more refined methodology for evaluating inner-biblical discrepancies. The fact that two texts reference the same event has often been taken as evidence that one text borrows from the other. While such a direct borrowing is certainly possible, we must evaluate how those events function within a given historical narrative in order to elucidate fully their literary relationship. If two authors reference the same event and display similarities regarding its temporal and logical causality, and its significance to the audience, then the likelihood is increased that we have direct intertextual influence. On the other hand, if two authors reference the same event but portray them in widely divergent fashions, then we have an indication that there is no influence. Consequently, the following analysis will focus on the narrative and ideological functions of historical motifs, which will provide an avenue to gauge the reception of the historical narratives of the Pentateuch. Because of this level of focus, I will exclude references to events that have minimal content, which provide little data for an intertextual comparison.[42]

In the following discussion, David H. Aaron's analysis of the Decalogue motifs in Pss 105 and 106, Josh 24, and Neh 9, will provide a theoretical foundation; this work provides an analysis of the historical retrospectives, both in terms of their historical content, and their intertextual relationship with the Pentateuch that is unparalleled in the field. Additionally, I will include two other retrospective texts, Ps 78 and Ezek 20, which Aaron does not discuss, as well as historical motifs distinct from those concerning Sinai and the Decalogue.

2. *Non-Pentateuchal Historiographic Texts*

a. *Psalm 78*

This poetic account of Israel's history, stretching from the exodus to the rise of the Davidic empire, contrasts with the Pentateuch on a number of points. The description of the plagues (vv. 44–51) contains only seven plagues. In vv. 15–18, the issuance of water from the rock precedes the

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42. For example, the following texts refer to the Exodus in bare terms: 1 Sam 8:8; 10:18; 12:8; 2 Sam 7:6; 1 Kgs 8:16, 51, 53; 1 Chr 17:21; 2 Chr 5:10; Pss 80:8; 114:1; Hos 12:13; Hag 2:5.

provision of manna, the opposite of the sequence in Exod 16–17 and
Num 11/20. While the psalm refers to sin in the wilderness, there is no
mention of Sinai, the golden calf, or rebellions against Moses. Even
more fascinating is the complete absence of Moses, Aaron, Joshua, or
any other human leader except David. In spite of these points of contrast,
many share Artur Weiser's assessment of Ps 78 as a reflection of history
"in a way which takes for granted that an account of this history [the
Pentateuch] has been given to the cultic community."[43] Within this
perspective, the psalm is regarded as an interpretive selection of narrative
material from the Pentateuch, "not at all a 'summary of salvific events,'
but a loose and non-chronological treatment of possible postures of faith
over against that God who acted in favor of Israel."[44]

   In arguments for the dependence of the psalm upon the Pentateuch,
lexical density is a critical plank, since the psalm displays numerous
terminological connections with pentateuchal material:[45]

Psalm 78	*Pentateuchal Parallel*
בקע ים ויעבירם ויצב־מים כמו־נד (v. 13)	ויבקעו המים (Exod 14:21)
וינחם בענן יומם (v. 14)	ויהוה הלך לפניהם יומם בעמוד ענן (Exod 13:21)
הן הכה־צור ויזובו מים ונחלים ישטפו (v. 20)	ויך בצור ויצאו ממנו מים (Exod 17:6; cf. Num 20:11)
וימטר עליהם מן לאכל (v. 24)	הנני ממטיר לכם לחם מן־השמים (Exod 16:4)
ותאותם יבא להם (v. 29; cf. 30)	והאספסף אשר בקרבו התאוו תאוה (Num 11:4)

In addition, the treatment of the plagues in vv. 44–51 shares numerous
connections with Exod 7–12.

   Though the psalm uses language reminiscent of pentateuchal accounts,
a close reading reveals much evidence for its literary independence.
Though referring to the same "event" and often in similar language, there

   43. Artur Weiser, *The Psalms: A Commentary* (Louisville, Ky.: Westminster
John Knox, 2000), 538.
   44. Erhard Gerstenberger, *Psalms, Part 1* (Grand Rapids, Mich.: Eerdmans,
1988), 95. Frank-Lothar Hossfeld and Erich Zenger, *Psalms 2: A Commentary on
Psalms 51–100* (Minneapolis: Fortress, 2005), 286, 300; Mowinckel, *The Psalms in
Israel's Worship*, 2:112.
   45. See Edward L. Greenstein, "Mixing Memory and Design: Reading Psalm
78," *Prooftexts* 10 (1990): 204–7; Johannes Schildenberger, "Psalm 78 (77) und die
Pentateuchquellen," in *Lex Tua Veritas: Festschrift für Herbert Junker zu Vol-
lendung des sibzigsten Lebensjahres am 8 August 1961* (ed. Heinrich Gross and
Franz Mussner; Tieri: Paulinus-Verlag, 1961), 231–56.

is no similarity in terms of ideological framework or network of causality, suggesting an absence of adherence to the historical narrative presented in the Pentateuch.

The first indication of this independence comes from the treatment of two related motifs, the giving of water from a rock in vv. 15–16 and the provision of manna in vv. 17–18. As noted above, the psalm's sequence of events is the reverse of what we find in the Pentateuch (Exod 16–17 and Num 11/20). However, this point of contrast need not be a significant intertextual indicator, since the psalmist appears to have little interest in linear chronology. After describing the sin of the Ephraimites (vv. 9–10), the psalmist discusses the splitting of the sea and the wilderness sojourn (vv. 13–31), then brings the reader back to Egypt by describing the plagues (vv. 42–51). It is when we turn to the issue of emplotment, however, that we gain critical insights into the independence of this psalm.

While both Ps 78 and the Pentateuch engage the same historical motif (the same datum from the historical field), they differ significantly in terms of the plot-structure into which the motif is incorporated. In Exod 17, the people have camped but have no access to water. Their request for water is portrayed as a quarrelsome test of Yahweh (v. 2), a questioning of the departure from Egypt (v. 3), and a rebellion against Moses' leadership (v. 4). The Israelites' complaints, and their desire to return to Egypt, are even stronger in Num 20:

> If only we had perished with our kin before Yahweh. Why have you brought the assembly of Yahweh to this wilderness? So that we can die there with our beasts? Why have you brought us up out of Egypt, bringing us to this disastrous place, a place with no grain or figs or vines or pomegranates. There is not even water to drink! (Num 20:4–5)

Both texts employ a tragic emplotment. In Exod 17, the rock–water motif is utilized to depict the sin of rebellion. In Num 20, meanwhile, the tragedy is not that the people sin, but that their quarrelsome request leads to the demise of Aaron and Moses.

Neither negative portrayal of the rock-water episode is reflected in Ps 78 where the giving of water is portrayed positively, as a sign of Yahweh's protective mercy for his people. The psalm displays no connection between the people's rebellion and the request for water. Yahweh does not give water because the people complain, but because he is gracious. Hence, it is evident that the psalmist has emplotted the rock–water motif as a Romance, a story of Israel's redemption from material distress. This interpretation of the event is entirely foreign to what is found in the Pentateuch.

The positive portrayal of the rock–water motif leads to another indication of the psalm's literary independence from the Pentateuch. As in Exod 16 and Num 11, Ps 78:17–31 describes the giving of food in the wilderness as a rebellion and a test of Yahweh. There is dissonance, however, in the logical relationship between the giving of water and the giving of food. In Exodus and Numbers, the two events are depicted as parallels; the provision of both food and water are Yahweh's response to the complaints of the people. In Ps 78, there can be no logical parallelism since the provision of water is depicted in a positive vein. Instead, the psalmist presents a causal relationship, as he portrays the request for food as the people's rebellious response to the giving of water. Out of their disbelief, the people complain: "Surely he struck the rock and water gushed out and streams flowed forth. But is he able to give us bread? Can he provide meat for his people?" (v. 20). This connection between the giving of water and the request for food has no parallel in the Pentateuch, and so suggests a lack of adherence to it in the psalm.

Another significant indicator of the psalm's independence is the absence of Sinai. After rehearsing the plagues against Egypt, the psalmist writes of Yahweh's guidance of the people through the desert and the destruction of the enemies with water (vv. 52–53), leading to v. 54: "He brought them to his holy hill, the mountain which his right hand created." This is followed in v. 55 by a brief description of the conquest of the promised land. What is missing between v. 54 and v. 55 is what happened at the mountain. As discussed in Chapter 2, the fact that a certain motif does not occur in a text need not indicate an author's ignorance of it, since it may have no relevance to the composition. But in this case, we cannot argue that the psalmist intentionally omitted the elements of law and covenant because they were irrelevant, for both notions occur throughout the psalm. In vv. 5–6, the psalmist claims that Yahweh established עדות and תורה, which is to be taught to future generations. The desired effect of this teaching is that subsequent generations "do not forget the works of God, but keep his commandments" (v. 7). One of the crimes of the Ephraimites was that they did not keep God's covenant and refused to walk in his law. The wilderness generation was untrue to the covenant with Yahweh (v. 37), and the conquest generation failed to observe God's decrees (v. 56).

In the Pentateuch, of course, Sinai is intimately connected to divine revelation and the formation of the covenant. Therefore, the absence of Sinai within Ps 78, a text that is inundated with stress on divine commandments and the covenant, is a significant indicator of the psalmist's lack of dependence upon the Pentateuch. As David H. Aaron notes,

"Given the critical importance of the Decalogue and the Sinai theophany in the Pentateuch, we should expect any other covenant narrative, if it was written after the Pentateuch or some proto-Pentateuch that might have contained the Decalogue, to reflect cognizance of this climactic event."[46] Indeed, how can a writer who is familiar with the Pentateuch not include a reference to Sinai in a text that concerns divine commandments? On the basis of relevance, the absence of Sinai strongly suggests that the psalmist operated independent of the pentateuchal depiction of the mountain as the locus of revelation and covenant. This conclusion echoes a number of recent works that have exhibited a lack of awareness of the pentateuchal depiction of Sinai throughout the rest of the Hebrew Bible.[47]

From this analysis of the rock–water motifs and the absence of the Sinai motif, we can reasonably argue that the author of Ps 78 did not depend upon the historical narratives contained in the Pentateuch. He did not adopt the negative, tragic emplotment of the rock–water motif, nor did he borrow the logical sequence between the giving of water and the giving of manna. As for Sinai, it appears that the psalmist was only one of several authors who were unaware of a tradition that located the formation of the covenant and the giving of laws to a specific mountain.

Rather than adherence to an extant text, there is evidence to suggest that the representation of the past in Ps 78 is controlled by the author's literary goals in producing "history for." In Ps 78, the first eight verses establish the purpose of the portrayal of the past, and in doing so, reveal the author's ideological intent. The psalmist intends to speak a parable (משל), hidden things (חידות) from ancient times (v. 2), in fulfillment of the divine ordinance to teach the next generation (vv. 7–8). The specific pedagogical aim of the psalm is to steer present and future generations away from the sinfulness of the past. The past is strictly a negative example, a model of what is not to be done. By describing the repeated sins of the past, and the tragic consequences, the audience is urged to avoid repeating history. The psalmist's treatment of the past is controlled, first and foremost, by this particular historical outlook, which centers on the total depravity of past generations. It is this theme, and not adherence to the Pentateuch, which constrains and shapes the representation of the past in this psalm.

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46. Aaron, *Etched in Stone*, 98.

47. See ibid., 107–15; Thijs Booij, "Mountain and Theophany in the Sinai Narrative," *Biblica* 65 (1984): 1–26; Crüsemann, *The Torah*, 27–57; Van Seters, *The Life of Moses: The Yahwist as Historian in Exodus–Numbers* (Louisville, Ky.: Westminster John Knox, 1994), 247–89.

b. *Psalm 105*

Beginning with a hymnic introduction (vv. 1–8), the author of Ps 105 "uses a broad historical retrospective in order to motivate people to praise God."[48] The transition from introduction to historical recital is seamless. The final line of the introduction (v. 8), describing Yahweh's faithfulness to the covenant, leads directly to a description of the covenant made with the patriarchs in the first line of the retrospective (v. 9). As a number of scholars have pointed out, Ps 105 contains a number of points of continuity with the depiction of the patriarchs in Genesis.[49] Verses 9–10 recount a covenant made with Abraham, Isaac, and Jacob, reflecting the promise given in Genesis. The rebuke of kings and the designation of the patriarchs as prophets in vv. 14–15 echoes Gen 20. And while the psalm's treatment of Joseph (vv. 16–23) has few lexical connections with Genesis, it does reflect the latter's dominant thematic elements. The divine providence over Joseph's rise and fall echoes Gen 50:20, in which Joseph claims that Yahweh ordained the circumstances of his life. The description of Joseph as a teaching sage (v. 22) possibly represents an adaptation of his oneiromantic skills (Gen 40–41). Lastly, Ps 105:37–38, describing Israel's departure from Egypt with much gold and silver, and the Egyptian's joy at their departure, reflects Exod 12:35–36. Yet, in spite of these points of contact, there are good reasons to doubt the psalm's dependence upon the Pentateuch.

As with Ps 78, though the notion of covenant is central to Ps 105, there is no mention of Sinai/Horeb or the Decalogue. The historical recital begins with the formation of a covenant between Yahweh and the patriarchs (vv. 8–11). Yahweh's guidance of the people through Egyptian oppression and the wilderness is rooted in his fidelity to the covenant (v. 42), and Yahweh guides his people to the promised land so that "they might keep his statutes and observe his laws" (v. 45). As Aaron notes, "given that the dominant theme of the Psalm is *covenant* and that following the relevant laws and teachings is essential to fulfillment of that covenant, the Decalogue narrative(s) should certainly have proved relevant to the author's cause."[50] Based on the absence of Sinai and the

48. Aaron, *Etched in Stone*, 68.

49. Cf. ibid., 72–73; Leslie C. Allen, *Psalms 101–150* (Waco, Tex.: Word, 1987), 35–44; Richard J. Clifford, *Psalms 73–150* (Collegeville, Minn.: Liturgical Press, 1986), 156–61; Gerstenberger, *Psalms Part 2*, 231; Erik Haglund, *Historical Motifs in the Psalms* (Lund: C. W. K. Gleerup, 1984), 22–29; Kraus, *Psalms 60–150*, 308–12; Aare Lauha, *Die Geschichtsmotive in den altentestamentlichen Psalmen* (Helsinki: Finnische Literaturgesellschaft, 1945), 39–50; Weiser, *The Psalms*, 673–76.

50. Aaron, *Etched in Stone*, 74. See also Mitchell J. Dahood, *Psalms 101–150* (Garden City, N.Y.: Doubleday, 1970), 51.

Decalogue from this text, Aaron suggests one of three possible conclusions: the author of Ps 105 did not know of the Decalogue; the author did know it but did not find it relevant; the author knew of the Decalogue but did not use it on ideological grounds.[51]

There is some indication that Sinai may present an ideological conflict with the psalm's conception of covenant. To the psalmist, the covenant of significance is the one made with Abraham. The psalm praises Yahweh for being eternally mindful of his covenant with Abraham (vv. 8–9) and the provision of subsistence during the wilderness is a sign of Yahweh's commitment to that covenant (v. 42). The climax of the historical recital is the fulfillment of the promise to Abraham, that is, possession of the promised land. What is more, the Abrahamic covenant is portrayed not only as a promise of land, but also as the giving of divine commandments, as the covenant with Abraham is described as "the word which he commanded to a thousand generations" (v. 8). Therefore, it appears that in Ps 105 the Abrahamic covenant is an alternative to a covenant at Sinai as the source of divine revelation and a marker of ethnic identity.

On this basis it is tempting to conclude that the absence of Sinai in Ps 105 is intentional, that the psalmist knew of, but omitted, Sinai, in order to highlight the importance of the Abrahamic covenant. As Aaron observes, the literary form of the psalm lends credence to the recognition of authorial choice as a key compositional factor. Psalm 105, and indeed psalms in general, is composed of a collection of discrete units, the original context of which is difficult to reconstruct. This is evidenced by the fact that the first fifteen verses are appropriated in an entirely different literary context (1 Chr 16:8–22). The composite character of the psalm "suggests that an author (or editor) exercised choices from among a variety of sources."[52] Indeed, "*choice* is what the compositional history is all about."[53]

As I have argued thus far, the primary factor that determines what elements will be included or excluded from the psalm is not determined by the authoritative status of the Pentateuch, but rather by the author's rhetorical goals. In this perspective, the psalmist includes material treating the patriarchs, material which echoes narratives that would end up in the Pentateuch, not because they carry some sort of pre-canonical authoritative weight, but because they are relevant to the thematic core of Ps 105—Yahweh's faithfulness. And because authorial choice trumps

51.   Aaron, *Etched in Stone*, 74.
52.   Ibid., 68.
53.   Ibid., 69.

the supposed scriptural authority of pentateuchal (or pre-pentateuchal) narratives, we see certain exclusions from the historical recital of the psalm—for example, the wilderness rebellions.

The priority of ideology and authorial choice over adherence to the Pentateuch becomes evident when we consider the psalmist's treatment of the provision of water and manna (vv. 40–41). As noted above, the pentateuchal authors paint the provision of water and manna in decidedly negative tones, as parallel incidents of rebellion. While the psalmist references the same "event," there is a drastic difference in emplotment, for in Ps 105, there is no connection between the provision of water and manna and rebellion. In fact, there is no negative dimension to these events at all. Instead, the psalmist depicts the provision of water and manna entirely in a positive light, as parallel actions that are rooted in the deity's faithfulness to the covenant. "Because he remembered his holy promise to Abraham his servant" (v. 42), Yahweh gave his people sustenance in the wilderness. Much as with Ps 78, this discrepancy with the Pentateuch can to be attributed to the author's ideological outlook. In this case, the psalmist views history positively, as the realm in which Yahweh makes known his faithfulness to the covenant. The past is a series of examples of how Yahweh provides intimate care for his people. This ideology then provides the impetus for how the discrete sections that were joined to form the final poetic composition were chosen and manipulated by the author.

The evidence presented here suggests that the author of Ps 105 had access to a wide range of historical traditions, some of which he included in his text and others which he excluded in accordance with his compositional intent. This does not necessitate the view, however, that Ps 105 is a selective adaptation of the Pentateuch. While portions of the psalm are reminiscent of pentateuchal narratives, these apparent connections need not indicate dependence upon a fixed text. Rather, they could demonstrate that two authors are drawing upon elements from a common source, the cultural repertoire, which would be incorporated into the Pentateuch at a separate occasion. Compelling support for this contention comes from the treatment of the plagues against Egypt in Ps 78 (vv. 42–51) and Ps 105 (vv. 28–36), to which I now turn.

c. *The Plagues in Psalms 78 and 105*

The treatment of the plagues in Pss 78 and 105 represents one of the most widely discussed topics with regard to the reception of the Pentateuch in the book of Psalms. Both psalms differ from Exodus, and each other, in terms of the order and identity of the plagues; the two psalms, further, conflict with Exodus regarding the number of plagues:

Exodus	Psalm 78	Psalm 105[54]
Water to blood	Water to blood	Darkness
Frogs	Flies (ערב)	Water to blood
Gnats (כנם)	Frogs	Frogs
Flies (ערב)	Locusts (ארבה/חסיל)	Flies, gnats (ערב/כנים)
Pestilence against livestock	Hail	Hail
Boils	Pestilence	Locusts (ארבה)
Hail	Killing the firstborn	Killing the firstborn
Locusts (ארבה)		
Darkness		
Killing firstborn		

Because of the dominance of the linear model of composition, it is not surprising to find that most scholars reject the notion that the psalms' accounts of the plagues are independent of Exodus. With regard to Ps 78, the dominant view is that the Exodus plagues account is of composite origins, and that the seven plagues of Ps 78 reflect the J source.[55] There remains a problem, however, since the two lists have different orders:

Plagues from J	Psalm 78
Water to blood	Water to blood
Frogs	Flies (ערב)
Flies	Frogs
Pestilence	Locusts (ארבה/חסיל)
Hail	Hail
Locusts	Pestilence
Killing of the firstborn	Killing of the firstborn

54.   There is some question as to whether Ps 105 contains seven or eight plagues. B. Margulis argues that אמר ויבא ערב כנים בכל־גבולם (v. 31) refers to two plagues, reflecting the discrete nature of כנים and ערב in Exodus ("The Plagues Tradition in Psalm 105," *Biblica* 50 [1969]: 492). Samuel Loewenstamm dissents, claiming that since other plagues in the psalm are described in bi-cola, so v. 31 is a double reference to one plague ("The Number of Plagues in Psalm 105," *Biblica* 52 [1971]: 35). With either proposal, of course, we are still left with a clear discrepancy with Exodus in terms of the total number of plagues.

55.   The seven "J" plagues are typically identified as water to blood, frogs, flies, pestilence, hail, locusts, and death of the firstborn. See Clifford, *Psalms 73–150*, 47; John Day, "Pre-Deuteronomic Allusions to the Covenant in Hosea and Psalm LXXVIII," *VT* 36 (1986): 11–12; Greenstein, "Mixing Memory and Design," 207–8; Hossfeld and Zenger, *Psalms 2*, 297–98; Margulis, "The Plagues Tradition"; Schildenberger, "Psalm 78 (77) und die Pentateuchquellen," 244; Van Seters, *The Life of Moses*, 77–78.

If Ps 78 is dependent on the J source, what is to account for the shift in order? Perhaps sensing this disturbance, Erhard Gerstenberger argues that the plagues account of Ps 78 is a partial quotation of Exod 7–12.[56] This proposal only complicates the issue; while it may explain the final form of Ps 78, there is no explanation for why the psalmist would selectively quote an authoritative account.

Proposals to defend the continuity of Ps 105 with the Pentateuch are equally problematic. Svend Holm-Nielsen argues that though not all of the plagues are mentioned, and though their order is changed, the similarity in vocabulary between Ps 105 and Exodus make it "quite unreasonable to look for another independent tradition behind Ps. 105."[57] According to Leslie Allen, "Despite the omission of the fifth and sixth, the inversion of the third and fourth and the priority given to the ninth, the account is so similar that it can reflect only a free handling of the source material arranged in the book of Exodus."[58] F. C. Fensham suggests that some of the plagues were omitted from the psalm because it was written out of memory; he adds, further, "there is still poetic license."[59]

The most expedient solution to the discrepancy in the plagues account is to assert the literary independence of the psalms.[60] Thus Nahum Sarna posits the existence of multiple plagues traditions, some of which used the number ten and some which used the number seven, "each signifying the idea of totality."[61] Samuel Loewenstamm argues that the seven plagues of Ps 105 and the seven of Ps 78 were earlier than the material in Exodus, and that the combination of the 14 was combined and reduced in Exodus.[62] Marvin Tate contends that there was no single fixed plagues tradition out of which all other accounts evolved. In his view, it is "much more probable that the plague traditions were relatively fluid and malleable enough to be fashioned in different ways for different contexts."[63]

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56.   Gerstenberger, *Psalms Part 2*, 96.

57.   Svend Holm-Nielsen, "The Exodus Traditions in Psalm 105," *Annual of the Swedish Theological Institute* 11 (1978): 25.

58.   Allen, *Psalms 101–150*, 41.

59.   Fensham, "Neh. 9," 41.

60.   In addition to those cited above, cf. Anthony F. Campbell, "Psalm 78: A Contribution to the Theology of Tenth Century Israel," *CBQ* 41 (1979): 69; Gerstenberger, *Psalms Part 2*, 232; Haglund, *Historical Motifs*, 26; Marvin Tate, *Psalms 51–100* (Dallas: Word, 1991), 292–93.

61.   Nahum Sarna, *Exploring Exodus: The Heritage of Biblical Israel* (New York: Schocken, 1986), 74.

62.   Loewenstamm, "The Number of Plagues in Psalm 105," 38.

63.   Tate, *Psalms 51–100*, 293.

Concerning the reception history of the Pentateuch, the yield from this brief consideration is clear: Pss 78 and 105 need not represent derivatives of Exod 7–12, or any of the pentateuchal source documents. Instead, the psalmic plagues accounts may reflect independent utilizations of the plagues motif, available not from a single text, but from the cultural repertoire. It is this free-standing motif that the author of Exodus would manipulate to produce his account of the ten plagues.

Even after the crystallization of the plague account of Exodus, there is much evidence to suggest a great deal of flexibility in the tradition. This is seen in the treatment of the plagues in Second Temple period literature. According to the author of *Jubilees*, Yahweh sent forth an eleventh plague, directed against the Egyptian deities: "upon all of their gods the Lord took vengeance and he burned them with fire."[64] The anonymous author of *Liber Antiquitatm Biblicarum*, commonly known as Pseudo-Philo, claims that Yahweh dispatched ten plagues against Egypt but includes only nine in his litany: "blood and frogs and all manner of beasts and hail and the death of cattle, and locusts and gnats and darkness that could be felt and the death of the firstborn."[65] Not only is the plague of boils missing, but the author has the plagues in a different order compared to Exodus.[66] The Jewish-Hellenistic historian Artapanus identifies the signs performed against Egypt as the flooding and recession of the Nile, insects, boils, frogs, hail, and earthquakes, with no mention of the killing of the firstborn, which of course is the highlight of Exodus.[67] Based on this evidence, it appears that the process by which the ten-plagues account of Exodus became accepted as the paradigmatic depiction of events in Egypt was long and complicated. Not only was the Exodus account relatively late among biblical texts, there were also numerous alternate conceptions even after its composition, a situation that may indicate a different conceptualization of "authoritative" in the Second Temple period.

d. *Psalm 106*

As indicated by its concluding line—"Save us, Yahweh our God. Gather us up from the nations so that we can give thanks to your holy name, to give glory in your praise"—Ps 106 reviews the sins of the ancestors and

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64. *Jub.* 48:3; Translation from O. S. Wintermute, "Jubilees," *OTP* 2:139.

65. Translation from Daniel Harrington, "Pseudo-Philo," *OTP* 2:317.

66. If we apply the order of plagues from Exodus, Pseudo-Philo's account has: 1, 2, 4, 7, 5, 8, 3, 9, 10.

67. Preserved in Eusebius' *Preparatio evangelica* 9.27.27–33. See J. J. Collins, "Artapanus," *OTP* 2:902.

the grace of Yahweh throughout history in order to make petition. The psalmist presents history as a recurring pattern of sin–repentance–forgiveness, and through this depiction urges his audience to confess to Yahweh and rely on him for deliverance from their present travails, life in exile ("gather us up from the nations").

The psalm references numerous episodes that are also incorporated into the Pentateuch:[68]

Psalm 106	*Parallel in Pentateuch*
v. 7: Sin at the Red Sea	Exod 14:11–12
vv. 8–12: Crossing the sea, songs to Yahweh	Exod 8–12
vv. 13–15: Craving in the wilderness, leading to plague	Num 11
vv. 16–18: Rebellion against Moses and Aaron	Num 16
vv. 19–23: The golden calf and Moses' intervention	Exod 32
vv. 24–27: rejection of the promised land	Num 14
vv. 28–31: Baal Peor and Phineas's intervention	Num 25
vv. 32–33: Meribah, punishment of Moses	Num 20:2–13

These similarities lead many to echo Weiser's contention that "there can be no question of a direct literary dependence by the psalms on the Pentateuch…"[69] As David H. Aaron points out, however, there is much evidence of the psalmist's ignorance of pentateuchal narratives, specifically, the psalm's treatment of three episodes: the rebellion against Moses, the idolatry of Baal Peor, and the construction of the golden calf.[70]

Verses 16–18 describe a rebellion against Moses and Aaron led by Dathan and Abiram, who would eventually die by being swallowed up by the earth and by fire. Similar details are found in Num 16. Psalm 106, however, does not mention Korah, the central figure of Num 16. To account for this, Frank-Lothar Hossfeld argues that the name of Korah was intentionally omitted out of consideration for the Korahite temple

68.   Aaron, *Etched in Stone*, 78.

69.   Weiser, *The Psalms*, 681. Cf. Allen, *Psalms 101–150*, 44–56; Craig C. Broyles, *Psalms* (Peabody, Mass.: Hendrickson, 1999), 406–7; Gerstenberger, *Psalms Part 2*, 239–43; Haglund, *Historical Motifs*, 63–70; Frank-Lothar Hossfeld, "Ps 106 und die priesterliche Überlieferung des Pentateuch," in *Textarbeit: Studien zu Texten und ihrer Rezeption auf dem Alten Testament und der Umwelt Israels: Festschrift für Peter Weimar zur Vollendung seines 60 Lebensjahres* (ed. K. Kiesow and T. Meurer; Münster: Ugarit Verlag, 2003), 255–66; Kraus, *Psalms 60–150*, 316–22.

70.   Aaron, *Etched in Stone*, 74–80.

personnel.[71] A brief consideration of the redaction history of Num 16 shows this to be a weak argument.

For some time, the field has recognized the composite nature of Num 16. Throughout the entire narrative, there is a constant shift in the identity of the leaders of the rebellion, their point of contention, and their target. A quick look at the first few verses illustrates this point well. Verses 1–2 have Korah, Dathan, and Abiram confront Moses, while v. 3 notes that "they assembled against Moses and Aaron" to challenge their leadership of the community. Verses 4–11 have only Moses responding to the rebels, identified in v. 5 as Korah and עדתו, whom Moses addresses as "Levites."

The actual source division and redactional history of Num 16 proves to be a complex issue;[72] proposals range from two to four separate sources.[73] For our purposes, it is sufficient to state that Num 16 represents an amalgamation of various independent traditions. In this light, the absence of Korah in the psalm need not be viewed as a manipulation of the final form of Num 16. On the contrary, the psalm may not mention Korah because it references an earlier tradition that was also incorporated into the more complex narrative of Num 16, one in which only Dathan and Abiram are implicated.

Similarly, vv. 28–31, describing the idolatry of Baal Peor, also may represent an earlier stage of tradition that would eventually be expanded in Num 25. There is a similarity in the basic frame of the two texts: both involve the worship of Baal Peor and Phineas saving the people from devastation. Each text has, however, a unique ideological overlay. According to Ps 106, the moral of Baal Peor is the danger of idolatry; the worship of foreign gods led to dire consequences (i.e. a plague) that required heroic intervention.[74] The central theme in Num 25, meanwhile,

71.   Hossfeld, "Ps 106 und die priesterliche Überlieferung des Pentateuch," 259.

72.   See the summary of scholarship in Philp J. Budd, *Numbers* (Waco, Tex.: Word, 1984), 181–86.

73.   For the two-source theory, see Budd, *Numbers*, 181; Cross, *Canaanite Myth and Hebrew Epic*, 205; Baruch Levine, *Numbers 1–20* (Garden City, N.Y.: Double-day, 1993), 405–6. Martin Noth proposes three original stories (*Numbers: A Commentary* [Philadelphia: Westminster, 1968], 120–22), while Jacob Milgrom identifies four (*JPS Torah Commentary: Numbers* [Philadelphia: Jewish Publication Society, 1990], 414–23. For arguments on the original unity of Num 16, see Timothy Ashley, *The Book of Numbers* (Grand Rapids, Mich.: Eerdmans, 1993), 302; G. Richter, "Der Einheitlichkeit der Geschichte von der Rotte Korah," *ZAW* 39 (1921): 123–37.

74.   Bernd Janowski, "Psalm 106:28–31 und die Interzession des Pinchas," *VT* 33 (1983): 241. See also Hossfeld, "Ps 106 und die priesterliche Überlieferung des Pentateuch," 260–61.

is the danger of intermarriage. The worship of Baal Peor is the direct result of Israelite men consorting with Midianite women. The resulting plague, sent by Yahweh as punishment, is abated only when the zealous Phineas runs a spear through an Israelite who publicly flaunts his illicit marriage. Lest the reader not get the message, the author of Num 25 includes an epilogue in which he not only identifies the Moabite wife and her lineage, but also a divine mandate to "assail the Midianites and strike them down" (Num 25:17). There is no trace of this anti-intermarriage ideology in Ps 106.

This ideological contrast in itself does not demonstrate the chronological priority of Ps 106. The key factor to that argument is the mention of the plague in Num 25:8–9. Here, that Yahweh would strike the Israelites down with a plague is quite unexpected given the context. In vv. 3–4, Yahweh's reaction to the mingling with Moabites and the worship of Baal Peor is to command Moses to take all of the leaders of the people and to impale them. There is no mention of a plague, nor is one necessary, since the mandate to Moses represents divine punishment. In response, Moses commands the judges of Israel to go out and kill anyone who has worshipped Baal Peor (v. 5). Consequently, the mention of a plague that killed 24,000 people before Phineas's intervention is awkward and intrusive, sine the rest of the passage focuses on Yahweh's punishment via the community. The description of the plague then likely represents a remnant of an earlier tradition, reflected in Ps 106, in which the punishment came directly from God himself. In a secondary development, the author of Num 25 appropriated this tradition in producing a diatribe against the evils of intermarriage.

In vv. 19–23, we find a description of the construction of the golden calf. However, the psalm does not treat a theophany at a mountain or the formation of a covenant, or the smashing of tablets, all of which are intimately connected to the golden calf narrative in Exodus. Consequently, Aaron argues "[N]othing in the psalm unequivocally demonstrates cognizance of the tablets of the Decalogue."[75] What we have in the psalm, then, is evidence suggesting the original independence of the golden calf and Decalogue motifs, which were only later fused together within the Pentateuch.

Be it the sequence of events or the particular form of a historical tradition, the quality of the narrative discrepancies in Ps 106 indicates that the psalmist engaged historical traditions independent of the Pentateuch. Though the two texts may reference the same events, the psalmist exhibits no interaction with the pentateuchal depictions. Moreover, the

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75. Aaron, *Etched in Stone*, 80.

nature of the references to the rebellion against Moses, the intercession of Phineas, and the golden calf at Horeb suggest that the Pentateuch is actually later than the psalm. Far from establishing a literary foundation for the poetic representation of history, the pentateuchal authors appear to have adapted historical traditions already utilized in other texts and developed them according to their ideological and rhetorical goals.

e. *Joshua 24*

Much of the scholarly attention on Josh 24 has revolved around source-criticism, specifically the identification of the pentateuchal source documents that stand behind this description of a covenant at Shechem.[76] There have been a wide range of proposals, some identifying the text as an E composition,[77] some as a J composition,[78] and some as a Deuteronomic text.[79] Based on its purported organic connections with the Pentateuch, as well as its location within the canon, Josh 24 is often regarded as the literary summary of the Hexateuch, a view that presupposes the fusion o the Pentateuch with Joshua.[80] There is strong evidence with this passage, however, to suggest the text's literary independence.[81]

We begin with an extremely curious description of Abraham's life in Mesopotamia: "When your ancestors lived across the river—Terah, the father of Abraham and the father of Nahor—they worshipped other gods" (v. 2). Many have argued that this unusual description of the

76. For a detailed history of research on Josh 24, see William T. Koopmans, *Joshua 24 as Poetic Narrative* (Sheffield: Sheffield Academic Press, 1990), 1–163.

77. Julius Wellhausen, *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (repr. ed.; Berlin: Georg Reimer, 1963), 133. Otto Eissfeldt, Martin Noth, and Rudolf Smend echo Wellhausen, but also identify an additional J layer: Otto Eissfeldt, *The Old Testament: An Introduction* (trans. P. R. Ackroyd; Oxford: Blackwell, 1965), 255; Martin Noth, *Das System der zwölf Stämme Israels* (Stuttgart: W. Kohlhammer, 1930), 137; Rudolf Smend, *Die Erzählung des Hexateuch auf ihre Quellen untersucht* (Berlin: Georg Reimer, 1912), 336.

78. Volz and Rudolph, *Der Elohist als Erzähler*, 244–52; John Van Seters, "Joshua 24 and the Problem of Tradition in the Old Testament," in *In the Shelter of Elyon: Essays on Ancient Palestinian Life and Literature in Honor of G. W. Ahlström* (ed. W. Boyd Barrick and John R. Spencer; Sheffield: JSOT Press, 1984), 147.

79. Ernest Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Clarendon, 1986), 158–63; Lothar Perlitt, *Bundestheologie im Alten Testament* (Neukirchen–Vluyn: Neukirchener Verlag, 1969), 239–84.

80. C. Brekelmans, "Joshua XXIV: Its Place and Function," in *Congress Volume, Leuven, 1989* (ed. J. Emerton; Leiden: Brill, 1989), 5; Gerhard von Rad, *Das formgeschichtliche Problems des Pentateuchs* (Stuttgart: W. Kohlhammer, 1938), 7.

81. Cf. Aaron, *Etched in Stone*, 81–87.

religious life of the patriarchs is borrowed from the Pentateuch. Trent Butler maintains the continuity of this statement with Genesis by arguing that the worship of other gods is the central theme of Josh 24. He does not explain, however, how or why this theme develops from Genesis.[82] Richard Hess argues that the idolatry of Terah's sons is reflected in the oath between Jacob and Laban in Gen 35:13, which invokes אלהי נחור and אלהי אברהם.[83] In this argument, Hess relies upon Otto Eissfeldt's contention that אלהי אברהם is a reference to multiple gods.[84]

These claims that the Pentateuch contains descriptions of the patriarchs as idol worshippers are not convincing. The narratives in Genesis make clear that the patriarchs worshiped Yahweh from the earliest times, even if he might have been known by another name (cf. Gen 4:26; Exod 6:3). Further, there is no indication in Gen 11–12 that Abraham's departure from Haran "[represented] a departure from previous religious practice."[85] Thus, attempts to find within the Pentateuch the origins of the idea that Abraham and other patriarchs were idol worshippers are unsatisfying.[86] What, then, is the source of this idea? David H. Aaron suggests that this "unusual emphasis on the religion of Abraham's ancestors" derives from an independent Terah tradition, only fleeting glances of which were incorporated into the Bible. These include the identification of Abraham's ancestors in genealogies (Gen 11; 22; 24; 29; 1 Chr 1:26), a reference to the "god of Nahor" in Gen 31:53, and Gen 11:31–32, in which Terah, not Abraham, is the one who initiates the journey from Ur to Canaan.[87]

Within the broader context of Josh 24, the attribution of idolatry to Abraham and his ancestors has a specific function relative to the establishment of the covenant at Shechem. To the exilic audience of this text, the description of the worship patterns of the patriarchs is, in effect, a description of their own circumstances. Just as Abraham once lived in Mesopotamia and worshiped idols, so they also lived there, surrounded by foreign gods. The author's interest, however, is not only description but prescription. After the rehearsal of history, Joshua challenges the

    82.   Trent C. Butler, *Joshua* (Waco, Tex.: Word, 1983), 270.
    83.   Richard S. Hess, *Joshua: An Introduction and Commentary* (Downers Grove: InterVarsity, 1996), 301.
    84.   Otto Eissfeldt, "El and Yahweh," *JSS* 1 (1956): 32.
    85.   S. David Sperling, "Joshua 24 Re-examined," *HUCA* 58 (1987): 124.
    86.   There are, of course, a number of early Jewish texts that situate Abraham within an idol-worshipping context before his departure for Canaan. Nevertheless the dominant theme in these texts is that Abraham, unlike everyone else around him, refused to worship idols.
    87.   Aaron, *Etched in Stone*, 83.

people of Israel to put away the gods of Egypt (v. 14) and Mesopotamia (v. 15), and worship Yahweh exclusively. We should note here that the mention of Egyptian gods in v. 14 functions only to provide plausibility, since in the narrative Joshua is addressing a generation that just came up from Egypt. The focus of the passage, however, is on abandoning the gods of Mesopotamia, since "[t]he utterly implausible notion that Israel would have preserved the form of worship of the pre-Abrahamic ancestors gives away this author's central concern."[88]

In expressing a concern to sever the connection between the patriarchs and Mesopotamian gods, the author creates an allegory for the exilic audience that is intended to address the issue of exile and return. By emphasizing how their ancestors once worshipped foreign gods but committed to Yahweh before entry into the land, the author of Josh 24 challenges his readers, who are returning from exile in Mesopotamia, to affirm their exclusive devotion to Yahweh:

> The generation addressed by this Joshua author was to draw parallels between *itself* and those very people who emerged from *Egyptian* exile. The experience of Israel's ancestors was to be transferred to the contemporary experience of the exilic and postexilic generations who were using history to lend plausibility to the notion that a people who stands faithfully by Yahweh can (eventually) reemerge intact.[89]

In this light, the description of the patriarchs' religion is not a development of pentateuchal themes, but rather a critical element to the author's compositional goal—to challenge his audience to abandon Mesopotamian religion.

Genesis 35:2–4 represents a functional equivalent to this exile–return allegory. Having left Padan-Aram, Jacob orders his family to put away all foreign gods in preparation for their journey to Bethel, where he will build an altar to Yahweh. As with Josh 24, this passage severs any possible connection between the patriarchs and Mesopotamian gods, and so functions as an allegory of religious exclusivity for an exilic audience.

After describing the early life of Abraham, Josh 24 moves rather quickly, describing Abraham's wanderings, the birth of Isaac, Jacob's sojourn to Egypt, the appointment of Moses and Aaron and the departure from Egypt in just two verses. The description of the splitting of the sea is followed by the note "You were in the wilderness a long time" (v. 7). This description of the sojourn is ironic, since Josh 24 only identifies two wilderness-events, the defeat of the Amorites (v. 8), and the Balak–Balaam episode (vv. 9–10).

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88. Ibid., 157.
89. Ibid., 159.

The absence of what are, in the Pentateuch, the dominant elements of the wilderness narrative—the Decalogue, the golden calf, the rebellions—begs justification. Is it simply that the author of Josh 24 knew of, but did not include, references to these events? Trent Butler answers in the affirmative, arguing that since the passage focuses on divine guidance and victory, the writer only briefly mentions the wilderness, "letting the audience fill in the details and interpretation."[90] L. Daniel Hawk argues that the author intentionally omitted references to Sinai. In his view, Josh 24 portrays the covenant as a permanent, public testimony of the choice to serve Yahweh exclusively. The covenant at Sinai, on the other hand, does not hinge on the people's commitment, but only the deity's initiative through theophany and revelation. In this light, he argues that the mention of Sinai "would unnecessarily complicate the picture and diffuse the episode's linking of covenant with response."[91] While Hawk's approach is certainly sensitive to the dominant literary themes of Josh 24, it does not take into account the complete absence of the Sinai and Decalogue motifs throughout Joshua, and indeed in most non-pentateuchal texts, as was discussed above.

The basic lack of awareness of Sinai and the Decalogue provides the key to understanding the significance of the missing elements from Josh 24. The passage represents "an independent literary stream" that has no dependence upon the representation of Sinai in the Pentateuch.[92] Whatever historical tradition or mythology of the wilderness sojourn lies behind Josh 24, and the other historical retrospectives reviewed in this chapter, it did not include certain motifs—such as the revelation at Sinai, the rebellions against Moses, and the provision of food and water—that would later figure prominently in the depiction of the wilderness in the Pentateuch. It is for this reason that the author of Josh 24 locates the formation of the covenant at Shechem, rather than a divine mountain. This scene is not a companion or supplement to what occurred at Sinai, nor is it a reframing or replacement of it. None of these labels are appropriate, for they assume that the author of Josh 24 was cognizant of the wilderness narratives of the Pentateuch. For this reason, Aaron describes the Shechem-covenant as "an alternative covenant scene…which stands independently of any Decalogue scene."[93]

According to Aaron, the nature of the Balaam tradition provides further support for the independence of Josh 24. As Baruch Levine notes,

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90. Butler, *Joshua*, 271.
91. Hawk, *Joshua*, 268.
92. Aaron, *Etched in Stone*, 163–64.
93. Ibid., 84.

the Balaam material in Num 22–23 has very little connection with the historiography in Numbers, suggesting that awareness of the Pentateuch was not a prerequisite for knowledge of the Balaam tradition.[94] This notion is supported by the enigmatic Deir ʿAlla plasters.[95] On this basis, Aaron writes:

> Perhaps the writers of Joshua, Judges, Nehemiah and Micah did not have the litany of events as we now have them. Perhaps the Balak and Balaam narrative, itself a composite of prose and poetry…derives from one strand of literary depictions of the Egyptian and wilderness experience quite distinct from those that emphasized plagues, Sinai, a great variety of rebellions, battles, the crossing of the Jordan, and, finally, settlement in the promised land.[96]

Not only does Josh 24 present evidence of its independence from the Pentateuch, but from the rest of Joshua, as well. In v. 11, we find an odd description of a battle between the Israelites and the people of Jericho: "You crossed the Jordan, and you came to Jericho. The citizens of Jericho fought against you." This is a blatant contradiction with Josh 6, in which the "conquest" of Jericho consists of a cultic parade. Though some have minimized this discrepancy by arguing that the "battle of Jericho" in Josh 24:11 is representative of all of the conquest battles, there is much evidence to suggest that we have a genuine "battle of Jericho" in Joshua that was later overshadowed by ch. 6.[97] Fragments of this tradition can be found in materials concerning Rahab (Josh 2; 6:22–23). First, the interaction of Rahab and the spies does not seem necessary in light of the events in ch. 6, since an army need not scout a city that is not going to be invaded. Second, in the aftermath of the "battle" (6:22–23), Joshua commands the Israelites to go into Rahab's house and rescue her and her family, in fulfillment of the promise made earlier. This is problematic in the context since Rahab's house, built into the city wall (Josh 2:15), should have been destroyed when the walls collapsed. Third, there is a brief note in Josh 4:12 describing how a contingent from the Trans-Jordanian tribes came to the plains of Jericho "for battle" (למלחמה), again quite an odd note in preparation for a

94. Baruch A. Levine, *Numbers 21–36: A New Translation with Introduction and Commentary* (New York: Doubleday, 2000), 137.

95. Cf. Jo Ann Hackett, *The Balaam Text from Deir ʿAllā* (Chico, Calif.: Scholars Press, 1984); J. Hoftijzer and G. van der Kooij, eds., *The Balaam Text from Deir ʿAllā Re-Evaluated: Proceedings of the International Symposium Held at Leiden, 21–24 August 1989* (Leiden: Brill, 1989).

96. Aaron, *Etched in Stone*, 86.

97. Butler, *Joshua*, 272; Hawk, *Joshua*, 271; Hess, *Joshua*, 303; Nelson, *Joshua*, 275.

non-battle. Finally, there is text-critical evidence to consider. In Josh 2:18, the spies command Rahab to tie a red cord to her window "when we invade the country" (הנה אנחנו באים בארץ). J. Alberto Soggin notes rightly that this phrase is topographically imprecise, "because there was hardly any other place Israel could go after crossing the Jordan."[98] The LXX of this verse reads quite differently—ἰδοὺ ἡμεῖς εἰσπορευόμεθα εἰς μέρος τῆς πόλεως. In contrast to the MT, the topographic reference is precise—Rahab is to signal the Israelites when they enter into "a part" or "the center" (εἰς μέρος) of the town; there are "no walls falling down here, but an assault of the town…"[99]

We thus have several indications that Josh 24 references historical traditions that are at odds with the depiction of the same events in the Pentateuch, or in the case of v. 11, with the rest of Joshua. There is little doubt that Josh 24 shares certain lexical and stylistic elements with portions of the Pentateuch (or the source documents), and the review of history culminating in the formation of a covenant is an appropriate means of concluding the narrative that began with Abraham. However, this function of the passage is undoubtedly an editorial creation, for the text shows no clear signs of dependence upon the historical traditions of the Pentateuch.

f. *Ezekiel 20*

Much like Ps 78, the historical review in Ezek 20 is extremely pessimistic. The prophet's discourse on the past is introduced by the divine command "Make known to them the abominations of their ancestors" (v. 4), and the passage does not contain one positive note about the life of Israel from Egypt to Babylon. "[T]his story leaves no open space through which hope can enter… Ezekiel's depiction of Israel's past does not permit us even a glimpse of a people united in their intention to be faithful to God."[100] The aim of the text is made clear in a question that the prophet poses to the exiled audience: "Will you defile yourselves as your ancestors did, and will you whore after their detestations?" (v. 30).

The dominant opinion among scholars is that Ezek 20 is an adaptation or reinterpretation of pentateuchal material in accordance with the author's pessimistic historical outlook. Ronald Hals describes the passage as "a prophetic message in which old tradition and radical interpretation

   98.   J. Alberto Soggin, "The Conquest of Jericho through Battle: Note on a Lost Biblical Tradition," *Eretz Israel* 16 (1982): 216.

   99.   Ibid.

   100.   Katheryn Pfisterer Darr, "Ezekiel's Justification of God: Teaching Troubling Texts," *JSOT* 55 (1992): 100.

are present." In his view, Ezekiel's rehearsal of the past is nothing less than "a massively and distortingly artificial rewrite of Israel's history."[101] Daniel Block labels the passage a parody, a skewing and distorting of sacred traditions (i.e. the Pentateuch).[102] George Heider, meanwhile, writes that the passage well illustrates the "proclivity toward the creation of idiosyncratic, complex (and often brilliant) syntheses of his received tradition."[103] Labels such as "distorting," "artificial rewrites," and "idiosyncratic syntheses," are, of course, applicable only under the assumption that the Pentateuch functions as a literary paradigm for the author of Ezek 20.

It has often been observed that Ezek 20 features strong lexical similarity with Deuteronomic literature.[104] While most attribute these similarities to Deuteronomic influence, Jacques Pons puts forth a unique and important argument.[105] While recognizing significant lexical density, Pons argues that that these connections are not evidence of Deuteronomic influence, but rather that the author of Ezek 20 manipulates Deuteronomic theology in order to form a comprehensive polemic against it. I cite here just one brief example—Ezek 20:4, which describes the sins of the ancestors as תועבת. According to Pons, the author of Ezek 20 has taken a term that always occurs in Deuteronomy to describe foreign nations and has attached it to the patriarchs, thereby equating the two groups. In doing so, the author counters the notion that the ancestors were always connected to the promised land. Instead of conquest and inheritance, Israel will be condemned to a life of wandering.[106] Through similar observations on the manipulation of Deuteronomic terminology, Pons provides a basis for approaching Ezek 20 with an eye towards its ideological dissonance with the Pentateuch.

Ezekiel's retrospective begins with Israel in Egypt, where Yahweh made himself known to them and gave them a promise of freedom and a new land (vv. 5–6). The placement within Egypt of the establishment of a relationship between Yahweh and Israel and the promise of land is strange, since within the Pentateuch Abraham is the central figure with regard to both themes. Here, we cannot reasonably make the argument that the author of Ezekiel was unaware of any Abraham tradition. As

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101.   Hals, *Ezekiel*, 135.

102.   Block, *Ezekiel Chapters 1–24*, 613.

103.   George C. Heider, "A Further Turn on Ezekiel's Baroque Twist in Ezek 20:25–26," *JBL* 107 (1988): 722.

104.   Cf. Garscha, *Studien zum Ezechielbuch*, 117; Lust, "Ez XX 20, 4–26," 521; Zimmerli, *Ezekiel 1*, 1:407.

105.   Pons, "Le vocabulaire d'Ézéchiel 20," 214–33.

106.   Ibid., 217.

evidenced by Ezek 33:24, the author certainly had access to some Abrahamic tradition that centered on his status as ethnic and covenantal ancestor. Why, then, might the author of Ezek 20 have omitted Abraham? Or, to ask the question differently: Why would the author begin his historical review in Egypt? In their commentaries to Ezekiel, Moshe Greenberg and Walter Zimmerli argue that Ezek 20 could not have started with Abraham since he is never associated with idolatry in the Pentateuch.[107] However, as I will demonstrate below, the passage displays independence from the Pentateuch in a number of important areas, such as the notion that the Israelites worshipped the gods of Egypt (as in Josh 24), and the complete absence of those wilderness motifs that are central to the Pentateuch (e.g. Sinai, the golden calf, rock/water and manna, etc). Thus, the assumption that Ezek 20 knows of the Pentateuch but ignores it is problematic.

So, then, why does the author of Ezek 20 begin matters in Egypt? The answer to this question, I would contend, lies in the literary purpose of the historical retrospective. Much as we saw with the covenant scene in Josh 24, the historical retrospective in Ezek 20 delivers a specific message to an exilic audience, though not in allegorical form. After reviewing the sinful past of the ancestors, Yahweh declares through the prophet that he will gather up his scattered people and lead them into the מדבר העמים (v. 35), where they will be judged in order to purge out the sinners. After the purge, they will be led back into the land so that they can worship Yahweh on his holy mountain (vv. 34–44). This movement from captivity to promised land is, of course, pre-figured by the exodus event. Just as the ancestors were brought out of a foreign land, through the wilderness and into promised territory, so the exiled people will be gathered up from many nations and journey through the wilderness into the promised land. And just as the wilderness was where their ancestors were judged for their sins, so the current generation will be chastised and purified in the wilderness. By beginning his history of sin with the people in Egypt, the author of Ezek 20 forms an indelible link between past and present. Not only is the present situation caused by the sins of past generations, it will progress in exactly the same manner.

This typological connection between the "beginning" of Israel in Egypt and the exilic audience leads to a rather unusual description of ancient Israel's religious practices. While still in Egypt, the people receive a command from Yahweh: "Let each one of you cast out the detestable things that you desire. Do not defile yourselves with the idols of Egypt" (v. 7). The contention that the Israelites worshipped the gods

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107.   Greenberg, *Ezekiel 1–20*, 364. See also Zimmerli, *Ezekiel 1*, 1:405.

of Egypt has no discernible roots in the Pentateuch. Along with Josh 24:2, 14, it likely reflects an independent tradition that portrays the patriarchs as idolaters. Some interpreters, however, attempt to link this note to the Pentateuch by claiming that the depiction of idolatry in Egypt is a retrojection of the various wilderness sins.[108] However, as David H. Aaron points out, there is a fundamental ideological difference between the wilderness rebellions, as portrayed in the Pentateuch, and Ezekiel's depiction of Israel's sin in Egypt that makes this contention unlikely. In Ezek 20, the core issue of the apostasy is the worship of foreign gods, "competing religious models of worship."[109] This dimension is entirely absent in the portrayal of the wilderness sins in the Pentateuch, where the key issue is "doubts regarding the leadership of Moses, Aaron and God…"[110] The notion that Ezek 20 represents a collapsing of the wilderness sins fails to account for this critical ideological difference.

As with the omission of Abraham and the placing of the "beginning" of Israel in Egypt, the notion that the Israelites were guilty of worshipping the Egyptian gods is a critical element to the author's typological view of history. The exilic audience of this text is not only in the same political situation as their ancestors, bound by a foreign oppressor, but they are guilty of the same sin as well, worshipping foreign gods. In this manner, the author of Ezek 20 identifies the exilic audience as one part of a continuous historical pattern. Their captivity in a foreign land, their sin, their impending judgment and purification, and their return to the land, are not simply the result of past sins, or the culmination of past events, but yet another iteration of a historical cycle.

This cyclical view of history becomes quite apparent when we consider the literary structure of Ezek 20. The historical retrospective is presented as a three-fold repetition of a single sequence—divine commandment, disobedience, divine wrath, and wrath abated. The first scene (vv. 5–9) is set in Egypt, while the second and third (vv. 10–14 and 18–22, respectively) are set in the wilderness. A short unit detailing further punishments against the people follows each wilderness scene (vv. 15–17 and 23–26, respectively). Because of these additional units, Leslie Allen proposes a five-fold division, although a three-fold scheme is also quite coherent.[111]

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108.   Cf. Hals, *Ezekiel*, 141; Corrine Patton, "'I Myself Gave them Laws that Were Not Good': Ezekiel 20 and the Exodus Traditions," *JSOT* 69 (1996): 77.

109.   Aaron, *Etched in Stone*, 155.

110.   Ibid.

111.   For three-fold divisions, see Block, *Ezekiel Chapters 1–24*, 622–23; Ralph W. Klein, *Ezekiel: The Prophet and His Message* (Columbia: University of South Carolina Press, 1988), 74–76; Wevers, *Ezekiel*, 151; Zimmerli, *Ezekiel 1*, 407;

	Scene 1	Scene 2	Scene 3
Divine Command	v. 7: remove idols	vv. 11–12: ordinances and Sabbaths	vv. 18–20: ordinances and Sabbaths
Disobedience	v. 8a	v. 13a	v. 21a
Divine Wrath	v. 8b	v. 13b	v. 21b
Wrath Abated	v. 9	v. 14	v. 22
Additional Punishments		vv. 15–17: denial of entry into the promised land	vv. 23–26: exile, and "not good" laws

In all three units, the description of the divine wrath is nearly identical, with each involving the notion that Yahweh planned to pour out his wrath upon the people (ואמר לשפך חמתי עליהם, v. 8). Likewise, each scene depicts, in nearly the same fashion, how Yahweh restrained himself from punishing Israel for the sake of his name in the sight of foreign nations: ואעש למען שמי לבלתי החל לעיני הגוים (v. 9). Additionally, the two wilderness scenes are nearly identical in their description of the giving of the sabbath commandments (vv. 11–12, 19–20), the profanation of the sabbath (vv. 13, 21), and the punishment of the people (denial of entry into the promised land; vv. 15–16, 23–24).

We should not fail to appreciate what the author has accomplished through this structural pattern. By portraying the two wilderness generations in nearly the identical manner, and by tying it structurally to rebellion and idolatry in Egypt, he emphasizes that the sin of Israel is a repeating cycle. No matter when they occurred, the sins are identical and the root cause of the sin, failure to obey Yahweh, is identical. Likewise, the punishment that they face—death outside of the promised land—is identical. Hence, the portrayal of the past in Ezek 20 is not controlled by adherence to a literary source but by the author's cyclical view of history. Because the author sees Israel's history as the repetition of the same sin, he has produced a retrospective that is essentially a threefold telling of the same scene. Further, the author employs the cyclical portrayal of history in order to present a pointed object lesson to his exilic audience. Just as their ancestors, who were faced with "exile" in Egypt, perished in the wilderness because of their disobedience, so those who

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Greenberg, *Ezekiel 1–20*, 377. For the five-fold division, see Leslie C. Allen, "The Structuring of Ezekiel's Revisionist History Lesson (Ezekiel 20:3–31)," *CBQ* 54 (1992): 448–62; Eslinger, "Ezekiel 20," 93–125. Some have proposed a four-fold division of the unit: Eichrodt, *Ezekiel*, 258–73; Georg Fohrer, *Ezechiel* (Tübingen: Mohr Siebeck, 1955), 107; Lust, "Ez XX 20, 4–26," 496–502.

are now in exile in Babylon will also die in the wilderness of the nations because of their disobedience. Various attempts to link the "historical" content of Ezek 20 with specific pentateuchal narratives ignore the typological function of the cyclical worldview.[112] The "events" in this rehearsal of history do not originate from any specific historical tradition, whatever its relationship to the Pentateuch might be. On the contrary, the author creates these events in order to present Israel's history as a pattern of sin.

This explains the curious note in vv. 8–9 that Yahweh had planned on punishing Israel even before the exodus but relented out of concern for his reputation among foreigners. This imminent (but unfulfilled) chastisement does not reflect anything that is known from the Pentateuch. Instead, the author places such a drastic threat against Israel at the beginning of his historical review in order to highlight that at each stage of the past, Israel faced destruction because of its sin. A similar "invention of history" occurs in the description of the second wilderness generation. Just like the generation that left Egypt, the second wilderness generation violates divine commandments by profaning the Sabbath. Consequently, both suffer the same fate—neither is allowed to enter the promised land (vv. 15, 21); the first generation is doomed to die in the wilderness, while the second generation will be scattered throughout the nations. Here again, the author's claim that the second generation was denied entry into the land has no roots in the Pentateuch; it is a literary invention informed by the typological, cyclical view of history. The "event," in other words, derives from the author's ideological approach to the representation of the past, the central concern of which is to warn the audience of their own sin. The primacy of ideology is further evident in v. 28. The description of how Yahweh brought the people into the land, where they would continue in their pattern of sinful behavior, is a clear contradiction to the divine promise that the people would be dispersed (vv. 23–24). Thus, we have convincing evidence of how, in portraying the past, the author eschews the production of a linear narrative in order to reinforce the paradigmatic nature of the past for the present. Much of the "historical" content of the Ezek 20, then, is a creation of the author in correspondence to his cyclical outlook. As such, the passage represents an excellent example of how an account of the past functions as "history for."

112.   See, for example, Allen, *Ezekiel 20–48*, 10–11; Scott Walker Hahn and John Sietze Bergsma, "What Laws Were 'Not Good?' A Canonical Approach to the Theological Problem of Ezekiel 20–25:26," *JBL* 123 (2004): 204; Zimmerli, *Ezekiel 1*, 410.

To these indications of the ideologically driven inventiveness of the author of Ezek 20 we should also add several indications of his ignorance of the Pentateuch. To explore this further, let us return to the depiction of the first wilderness generation in vv. 10–16. In v. 11, there is a description of the giving of statutes and ordinances that emphasize the life-giving nature of divine commands: אשר יעשה אותם האדם וחי בהם. This phrase is often cited as a direct borrowing from Lev 18:5. Any potential connection with the Pentateuch is mitigated, however, by significant gaps in Ezek 20. First, as in the other historical retrospectives, there is the absence of Sinai. Though the author of Ezek 20 employs a descriptive phrase that appears to echo the pentateuchal description of divine laws, he does not display any cognizance of a tradition that situated the revelation of these laws at a holy mountain. In fact, the phrasing of v. 11 suggests that the author of Ezek 20 is quite unconcerned with situating the revelation of laws with any specificity. Again, the question is how a text reliant upon the Pentateuch can omit any mention of Sinai when discussing divine commandments.[113]

Second, though the author of Ezek 20 places much emphasis on the giving of divine laws, and the importance of obedience, he provides very few details regarding their content. Other than the requirement for Sabbath obedience, which, as previously discussed, is rooted in the conception of the practice as a covenant-symbol, the author mentions only the vague notions of "my statutes" (חקות) and "my ordinances" (משפטי). In the Pentateuch, there are two narratives that deal with the violation of Sabbath. In Exod 16, Yahweh uses the cessation of manna on the seventh day as a test of Israel's obedience. Numbers 15:32–36 discusses the case of a man caught gathering sticks on the Sabbath. In terms of sin in the wilderness, however, the Pentateuch pays much more attention to the quarrels against Yahweh or Moses, such as the incidents at Massah and Meribah, the Korah/Dathan/Abiram rebellions, the construction of the golden calf, and the rejection of the promised land, all of which are missing from the Ezekiel text. The two short pentateuchal narratives concerning Sabbath violation represent an unlikely base for the forceful diatribe in Ezek 20, in which Yahweh is portrayed as repeatedly pleading with the Israelite not to violate "my holy Sabbath." On this basis, we cannot support the conclusion that Ezek 20 is an interpretative adaptation of pentateuchal materials. If the author of Ezek 20 had access to pentateuchal traditions, and adapted them to write a "history of sin," why would he only include the notion of Sabbath violation, which is a

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113.   Indeed, neither the Decalogue nor Sinai motifs are connected with the giving of the laws in any prophetic texts.

relatively minor theme in the pentateuchal depiction of the wilderness? Conversely, why would he not have included the wilderness rebellions that dominate the narrative material in Exodus–Numbers?

In the introduction to this chapter I noted that a historian exercises great creativity in composing a historical narrative. Whether it is in the determination of a beginning, middle, and end of the "story," or the application of a plot structure and ideological implication, the historian is restricted primarily by his ideological concerns, and not conformity to other texts. What we see in Ezek 20 is that the inventiveness of the author applies not only in the adaptation of events into an ideological framework, but to the events themselves. That is to say, an author not only appropriates extant historical motifs, but also invents new "traditions" in order to fulfill his compositional goals. It is for this reason that Ezekiel claims that Israel worshipped the gods of Egypt, that Yahweh almost finished off the Israelites before the exodus, and that the second wilderness generation was scattered among the nations. The goal of the author of Ezek 20 as a historian is not simply to present a chronologically ordered record of past events, but to address a certain issue with the intended audience through various references to "events" from the past.

g. *Nehemiah 9*

Because of its post-exilic date of composition, there is near unanimity concerning Neh 9's dependence upon the Pentateuch.[114] According to Lester Grabbe, Neh 9 "appears to agree with the present form of the biblical text, suggesting that by the time that this chapter was written the Pentateuch (and perhaps the book of Joshua) were by and large in the form known to us now in the Hebrew Bible."[115] Konrad Schmid writes, "[t]he fact that Nehemiah 9 presupposes and uses the historiography of Genesis–2 Kings (as well as other texts) can be seen clearly in its many verbal allusions and in its character as a mixed composition of Priestly and Deuteronomic elements."[116]

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114.   In addition to the works cited below, see Myers, *Ezra–Nehemiah*, 170; Blenkinsopp, *Ezra–Nehemiah*, 303; Boda, *Praying the Tradition*, 189–90; Rolf Rendtorff, "Nehemiah 9: An Important Witness of Theological Reflection," in *Tehillah Le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg* (ed. Mordechai Cogan, Barry L. Eichler, and Jeffrey H. Tigay; Winona Lake, Ind.: Eisenbrauns, 1997), 111, 115; Williamson, *Ezra, Nehemiah*, 312.

115.   Lester Grabbe, *Ezra–Nehemiah* (London: Routledge, 1998), 56.

116.   Konrad Schmid, *Erzväter und Exodus: Untersuchungen zur doppeleten Begrundung der Ursprunge Israels innherhalb der Geschichtbucher des Alten Testaments* (Neukirchen–Vluyn: Neukirchener Verlag, 1999), 303. Translation from Manfred Oeming, "'See, We are Serving Today' (Nehemiah 9:36): Nehemiah 9 as a

Without a doubt, there is much evidence to suggest that Neh 9 and the Pentateuch reference similar historical traditions. Nehemiah 9 begins with the election of Abram, the changing of his name to Abraham, and the departure from Ur. The text places unique emphasis on Abraham by noting that Yahweh "chose" (בחר) him, employing a prototypical Deuteronomic term.[117] The passage then moves on to describe the captivity in Egypt (vv. 9–10) and the splitting of the sea (v. 11), which is in turn followed by a treatment of the wilderness that is quite extensive relative to other non-pentateuchal retrospectives. The author makes reference to the giving of laws at Sinai, which includes an explicit reference to Moses—again, both are rare in non-pentateuchal texts (v. 13)— the provision of food and water (v. 15), the construction of the golden calf (v. 18), and the forty-year duration of the wilderness sojourn (v. 21). Upon closer inspection, however, there are a number of subtle elements that suggest that while the author of Neh 9 may relate some of the same events as narrated in the Pentateuch, he does not adhere to its narrativization of those events.

Let us begin with the reference to Sinai in v. 13. As David H. Aaron points out, the specifics of this text call into question its dependence upon the Pentateuch.[118] First, there is the matter of content. Just as we saw in Ezek 20:11, Neh 9:13 describes the contents of the Sinai revelation in very general terms ("right ordinances and true laws, good statutes and commandments"), the exception being Sabbath practice. More importantly, Neh 9:13 does not mention either the Decalogue or the formation of a covenant within the context of a Sinaitic theophany. Second, there is the issue of the sequence of events. In contrast with the Pentateuch, the provision of food and water comes after the revelation at Sinai. Third, the author of Neh 9 includes a number of other events between the revelation at Sinai and the construction of the golden calf, namely, the provision of food and water, the promise of land, and the people's desire to return to Egypt. "In other words, there would appear to be a time lag *between* Sinai and the calf episode."[119] All three pieces of evidence suggest that the apparent points of contact with the Pentateuch

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Theological Interpretation of the Persian Period," in *Judah and the Judeans in the Persian Period* (ed. Oded Lipschits and Manfred Oeming; Winona Lake, Ind.: Eisenbrauns, 2006), 574.

117.   Blenkinsopp, *Ezra–Nehemiah*, 304; Boda, *Praying the Tradition*, 103; Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Winona Lake, Ind.: Eisenbrauns, 1992), 327.

118.   Aaron, *Etched in Stone*, 93–94.

119.   Ibid., 94.

are not the result of dependence upon that text. Instead, they may reflect historical traditions that were separately incorporated into the Pentateuch at another point in time. In this perspective, the author of Neh 9 was aware of a tradition that involved the revelation of law at the holy mountain and the construction of a golden calf in the wilderness. However, as evidenced by the absence of a Decalogue or covenant at Sinai and the time gap between Sinai and the golden calf, it seems that the author was unaware of the fusion of those elements into a single, extended narrative as presented in the Pentateuch.

In Neh 9:18, we find a description of the golden calf incident. Here, the author includes a quotation of the people of Israel, who declare regarding the idol: זה אלהיך אשר העלך ממצרים ויעשו נאצות גדלות. These words are nearly identical to the proclamation of Aaron in Exodus: אלה אלהיך ישראל אשר העלוך מארץ מצרים (32:4). Many follow Michael Fishbane's assessment that Neh 9:18 is a theological revision via citation of Exod 32:4.[120] In his view, concerned with the potential ambiguity in the plural forms of Exod 32:4, the author of Neh 9 changed these to singular forms in order to eliminate any potential reference to multiple deities and emphasize that the subject was the singular god of Israel. This proposed solution, however, causes more problems than it solves. If the direction of influence and revision is indeed from Exodus to Nehemiah, we are faced with an emendation that explicitly identifies the golden calf as Yahweh, leading to a stranger theological conundrum. The preferred solution, then, is to view Neh 9:18 as the earlier text. It is this text's identification of the sin of the people as an equation of the calf with Yahweh that would have troubled the author of Exod 32, who put forth a pious emendation. By changing the reference to a plural, the Exodus author counters "the impious utterance that *the calf is Elohim*, meaning 'God' in the singular."[121]

The evidence presented here lends much credence to the notion that "the authors of Psalms and other non-pentateuchal passages were not bound to frozen literary renderings that were built upon the authority of 'The Torah.'"[122] We can no longer maintain the notion that biblical authors approached the Pentateuch as the authoritative history of early Israel. There is not one text that exhibits any form of extended adherence to the historical narrative of the Pentateuch. There are, of course, a

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120.   Fishbane, *Biblical Interpretation*, 70. Cf. Boda, *Praying the Tradition*, 152; Clines, *Ezra, Nehemiah, Esther*, 152; Fensham, *The Books of Ezra and Nehemiah*, 230; Williamson, *Ezra, Nehemiah*, 314.

121.   Aaron, *Etched in Stone*, 94.

122.   Ibid., 86.

number of texts that display lexical or thematic similarities with the
Pentateuch, but a thorough intertextual analysis has revealed that in
many cases, these originate from references to the cultural repertoire. In
other cases, the Pentateuch may in fact represent a temporally later stage
of development. What is more, a number of texts display cognizance of
historical traditions that are genuinely independent of the Pentateuch, in
that they were not incorporated into its representation of history. Far
from the Pentateuch functioning as a repository for other biblical authors,
it represents only one attempt at establishing a historical narrative. And
indeed, what we have in each of these texts, including the Pentateuch, is
the creation of a historical narrative that encompasses various motifs that
are both inherited from other sources and newly invented. For each
author, the primary factor shaping the representation of the past is not
adherence to a source document or the presentation of a sequential
"history of." On the contrary, historians create a narrative in order to
write "history for," an account that is shaped by selectivity, ideology,
and subjectivity

h. *Historiography in the Second Temple Period*
In much of the historiographic literature of this era, a familiarity with
biblical narratives is made evident in references to people, places and
events known from the Bible, as well as an adoption of the basic biblical
framework. In this regard, Ben Sira 44–50:21, an extended hymn honor-
ing Israelite heroes, is particularly noteworthy, as it exhibits strong
awareness of and dependence upon not only the Pentateuch, but the rest
of the canon as well. This is evident, for example, in Ben Sira's treat-
ment of the election of Aaron and his priestly vestments (45:6–12), the
description of Elijah as one who will turn the hears of parents to their
children (indicating awareness of Mal 4:5–6), and the portrayal of
Jeremiah as the one "who had been consecrated a prophet, to pluck up
and destroy, and likewise to build and to plant" (49:7), an abbreviated
citation of Jer 1:4–10.
    What the literary evidence of this period also shows, however, is that
the type of literary adoption exhibited by Ben Sira was not applied to
other texts. Even as they borrowed elements from the Pentateuch, the
authors of this period were not bound by the representation of the history
of early Israel in the Pentateuch. Several Second Temple period texts
display an extraordinary level of invention and innovation, features that
clearly demonstrate that the post-biblical authors did not simply interpret
and transmit tradition—they attempted to create it as well. The founda-
tion of this apparently contradictory approach to the Pentateuch is the

author's ideological goal. As I have argued thus far, so Second Temple period authors also approached the representation of history informed primarily by a subjective, ideological interest. The representation of the past functioned as a means of communicating theological or political values to a target audience. In this light, the recognition of the authority of the Pentateuch through adherence to its historical depiction was a secondary concern. Whatever points of contact there may be between the Bible and Second Temple period historiographic literature exist not because the authors were bound to "scripture," but because these elements corresponded to their ideological proclivities.

i. *The* Genesis Apocryphon

The surviving portions of the *Genesis Apocryphon* (1QapGen) contain a series of narratives concerning the patriarchs. Since most of the first and last columns are missing, we remain ignorant of how the text begins, as well as its overall length. In its preserved state, most of the narratives concern the life of Abraham. Following Geza Vermes' category of "rewritten Bible," the *Genesis Apocryphon* is often viewed as an exegetical adaptation of Genesis, intended to address problematic elements in the biblical text.[123] While this assessment is not entirely incorrect, it does have a significant deficit, as it does not consider the importance of ideology.

As Michael Segal notes, "rewritten Bible" entails not only the adoption of the framework of a biblical narrative, but also the creation of a new narrative through the application of a new ideological framework. Consequently, he writes that it is "possible in almost every case to identify and describe the fundamental beliefs and concepts of the rewritten works."[124] Similarly, Daniel Harrington writes that "rewritten Bible" is not simply an expansion or correction of the biblical text, but an "actualization," which he defines as the attempt to make a certain tradition meaningful within a new situation.[125] Consequently, a rewritten text "reveals some sense of the historical circumstances that motivate the

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123.   See Brooke, "Biblical Interpretation at Qumran," 1:308; Joseph Fitzmeyer, *The Genesis Apocryphon of Qumran Cave 1: A Commentary* (Rome: Biblical Institute Press, 1971), 11.

124.   Michael Segal, "Between Bible and Rewritten Bible," in *Biblical Interpretation at Qumran* (ed. Matthias Henze; Grand Rapids, Mich.: Eerdmans, 2005), 25.

125.   Daniel J. Harrington, "Palestinian Adaptations of Biblical Narratives and Prophecies, I: The Bible Rewritten (Narratives)," in *Early Judaism and Its Modern Interpreters* (ed. Robert A. Kraft and George W. E. Nickelsburg; Philadelphia: Fortress, 1986), 239–40.

rewriting."[126] The point that both Segal and Harrington emphasize is identical to what I have been arguing throughout this chapter—the fundamental motive in the composition of historiographic literature was to give expression to a certain ideological program. By adopting and adapting certain elements of the Bible, and by adding inventive elements, the authors of these texts intended to communicate a distinct religious/political message. This is not to argue that there are no revisions or corrections of the biblical material within these texts. But, such corrective exegesis was not the primary motivation. If this were the case, the various authors of this period did an atrocious job, since they leave a number of narrative difficulties unsolved.

Let us consider the importance of ideology in the narratives of the *Genesis Apocryphon*. Column 19:14–20 tells of a dream that Abraham had before his descent into Egypt:

> I saw in my dream a cedar and a date-palm… Some men came intending to cut down the cedar, but to leave the date-palm by itself. But the date-palm protested and said, "Do not cut down the cedar, because we are both from the same root… And the cedar was saved on account of the date-palm and it was not [cut down]. I woke up from my sleep during the night and I said to Sarai my wife, "I had a dream [and] I am frightened because of it." She said to me, "Tell me your dream so that I may know it." I began to tell her the dream, and I [made known to her the meaning] of the dream. I said to her, "…they will want to kill me but spare you. This favor [only you must do for me], wherever we may go, [say about me], "He is my brother." Then I shall live under your protection and my life will be spared because of you.

Joseph Fitzmeyer labels this passage a "haggadic insertion" into Gen 12:10–19 which is intended as a rationalization of Sarah's lie in Egypt.[127] Vermes concurs, explaining that the passage is meant to address, in addition to Sarah's lie, a number of other questions that go unanswered in Gen 12:10–19: "How did Abraham know that his life would be endangered if the Egyptians learnt that his companion was his wife? What actually happened to Sarah in Pharaoh's harem? How did Pharaoh discover the cause of the calamities which befell his house?"[128]

When we consider the rest of the narrative, however, it is apparent that the author operates with a more global ideological concern, to glorify the character of Abraham. In clear contrast with the Pentateuch, Abraham and Sarah do not go in to Egypt (Gen 12:10); it is the Egyptians who

126.   Betsy Halpern-Amaru, *Rewriting the Bible: Land and Covenant in Postbiblical Jewish Literature* (Valley Forge, Pa.: Trinity, 1994), 4.

127.   Fitzmeyer, *The Genesis Apocryphon*, 110.

128.   Geza Vermes, *Post-Biblical Jewish Studies* (Leiden: Brill, 1975), 67.

initiate contact, and seeing the great beauty of Sarah, report back to their king (19:22). Pharaoh then has Sarah brought to Egypt, and just as Abraham feared, seeks to kill him (20:9). So, whereas the author of Gen 12 has the patriarch leaving the promised land for Egypt, the author of 1QapGen attributes his journey to outside influence. Further, whereas the author of Genesis produced a morally questionable account of the patriarch, one in which the threat against him was only perceived, the author of 1QapGen portrays the patriarch as the victim of an actual threat. Thus, by combining Abraham and Sarah's hesitance to meet the Pharaoh, the Egyptian's establishing contact, and the explicit threat against Abraham's life, the author of 1QapGen portrays the Egyptians as the aggressors, and Abraham and Sarai as the victims of oppression. Within this context, their lie becomes the means of fending off a mortal threat.

But far from simply justifying Abraham's lie, the author of 1QapGen portrays him as one who is privy to extraordinary knowledge. Unlike Gen 12, 1QapGen includes an allegorical dream sequence as a harbinger of the threat. Abraham's fear is not grounded in some human perception, but derived from his superior knowledge. His intellect is also a central element in the depiction of his interaction with the Egyptian nobles, who approach Abraham as they would a superior, bearing gifts. Further, they ask him for wisdom and truth, to which he responds with a reading from the book of Enoch (*1 En*. 19:23–25). The emphasis on knowledge applies to the portrayal of Sarah as well. While the Egyptian emissaries praise Sarah for her beauty, which surpasses that of all other women, they extol her just as equally for her great wisdom (20:6–7).

We should note that the author of 1QapGen does indeed solve a number of questions that are raised during a reading of Gen 12:10–19. It is critical, however, to recognize that these solutions occur within a larger ideological context—the glorification of the patriarch, achieved in two ways. First, by portraying Abraham and Sarah as the victims of oppression, the author formulates a credible rationalization for their lie. Second, the author depicts both the patriarch and matriarch as individuals of superior wisdom and intellect. Now, this concern to glorify Abraham does not necessarily conflict with the postulated goal of resolving difficulties in the biblical text. In fact, the two factors may operate in synergy. However, we must recognize that the so-called revisions of the biblical text occur within a specific ideological context. What I am arguing, then, is that correction of the biblical text is not the primary objective of these authors. It is only a secondary result of the ideological program that informs the composition of 1QapGen.

The relative unimportance of correcting the biblical text is on full display in 1QapGen 21:23–22:26, the account of the war with the eastern kings, paralleling Gen 14. The purpose behind both accounts is clear—to portray Abraham as a conqueror, able to defeat not just one but four nations with only his personal retinue. In the Genesis narrative, there are a number of unanswered questions: How, for example, were Abraham and his 318-man force able to defeat an army of four nations? Was it due to strategic superiority or divine assistance? What would have compelled Melchizedek, the king of Salem, to enter the scene as a cultic function-ary? Why does only the king of Sodom go out to meet Abraham? On one level, these kinds of questions are not valuable, since they involve an extraordinary amount of guesswork regarding the psychology of what are literary figures. At the same time, it is precisely these types of questions that modern scholars regard as the impetus for the composition of "rewritten" biblical texts.

When we turn to the account of the war in 1QapGen, we find that there is no treatment of these or any other unresolved issues of Gen 14. Instead, we find what is essentially a parallel account, what Fitzmeyer calls a "literal translation" of Gen 14 into Aramaic.[129] While 1QapGen does include some geographical data absent from Genesis—for instance, the description of Cherdalomer's route of attack (21:28)—this hardly represents a correction of Genesis. Such a situation makes little sense if the primary objective of the author of 1QapGen was to explicate and clarify biblical texts, since Gen 14 is marked by ambiguities. The author of 1QapGen shows no interest in providing a resolution, only in pre-senting a literary glorification of Abraham. Because Gen 14 fit this purpose well, the author made no substantive changes in including the passage in his own work. To reiterate the point, the author of 1QapGen was not, in the first instance, an interpreter of scripture. The primary purpose of his composition was not to present a "cleaned-up" version of the biblical text, but instead to produce a presentation of Abraham that focused on his superiority. The resolution of problems in the biblical narratives is only a by-product of this primary purpose.

j. *The* Liber antiquitatum biblicarum *of Pseudo-Philo*
The narratives of the *Liber antiquitatum biblicarum* (the *Book of Biblical Antiquities*, hereafter *L.A.B.*) extend from Adam to the rise of David. There is general agreement that the text was composed sometime around 70 C.E. The text itself is available only in Latin; while some have argued

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129.   Fitzmeyer, *The Genesis Apocryphon*, 6.

for a Greek *Vorlage*, others argue that the original was written in Hebrew or perhaps Aramaic.[130] As for the attribution of authorship, the text came to be associated with Philo of Alexandria because it was transmitted along with his compositions. It is now recognized, however, that the text could not have been written by Philo.

While the anonymous author shows awareness of the narrative sequence extending from Genesis to Samuel, he appears to have preference for the book of Judges. While the author excludes much material from the Pentateuch and Samuel, he echoes all of Judges, except for 1:1–3:16. On the whole, twenty-five of the text's 64 chapters cover the period of the judges, either in direct echo of the biblical book, or through unique narratives covering the same era. Further, the author explicitly cites Judges as a source for narratives that are not found in his own work: "Now concerning the lion that he killed and concerning the jawbone of the ass by which he killed the Philistines and concerning the bonds that were broken off from his arms as it were spontaneously and the foxes that he caught, are not these written in the Book of Judges?" (*L.A.B.* 43:4).[131] These features lead George Nickelsburg to argue that *L.A.B.* is an exegesis of Genesis–Samuel in light of Judges, in which the author "transposes the whole [of Genesis to Samuel] into the key of the book of Judges."[132] As support, he points to the frequent use of the sin–punishment–repentance–salvation pattern, familiar from the biblical book, within *L.A.B.*

While the similarities between *L.A.B.* and Judges are unmistakable, a close reading reveals that, as with the *Genesis Apocryphon*, the primary motive behind the text is not biblical exegesis, but rather the author's unique rhetorical goals. In two separate articles, Frederick Murphy has demonstrated how the narratives of *L.A.B.* are formed around one of two dominant themes, the eternal nature of the covenant between Israel and the deity, and the danger of foreign gods (and by extension foreign people).[133] We will consider each of these in more detail.

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130.   Harrington, "Pseudo-Philo," 2:298–99.

131.   Translation from ibid., 2:357.

132.   George W. E. Nickelsburg, "Good and Bad Leaders in Pseudo-Philo's *Liber Antiquitatum Biblicarum*," in *Ideal Figures in Ancient Judaism: Profiles and Paradigms* (ed. John J. Collins and George W. E. Nickelsburg; Chico, Calif.: Scholars Press, 1980), 63.

133.   Frederick J. Murphy, "Retelling the Bible: Idolatry in Pseudo-Philo," *JBL* 107 (1988): 275–87; idem, "The Eternal Covenant in Pseudo-Philo," *JSP* 3 (1988): 43–57.

(1) *The Eternal Covenant*. As noted above, Nickelsburg contends that the sin–punishment–repentance–salvation pattern, derived from the book of Judges, provides the structural key to *L.A.B.* As Murphy points out, however, *L.A.B.* actually devotes little space to the notion of repentance.[134] In most of the narratives, the people remain relatively passive after punishment, and salvation has no correlation to human repentance. Unlike in Judges, salvation comes in spite of the fact that the people do not ask for it. Thus, what Nickelsburg identifies as a four-fold structural pattern in actuality entails only three elements: sin–punishment–salvation.[135]

   A prime example of this structure is the description of the golden calf episode. While still on the mountain, Yahweh tells Moses that he is about to punish the people, for "they have been corrupted and have turned aside from my ways that I commanded them." Yet, immediately after describing his punishment, Yahweh indicates he will turn back to the people: "And now I too will forsake them, and I will turn again and make peace with them so that a house may be built for me among them…" (12:4).[136] God's forgiveness is not contingent upon repentance or intercession. Though the author of *L.A.B.* depicts Moses praying to Yahweh, there is no confession or contrition. Instead, the prayer focuses on how much Yahweh stands to lose if he destroys his people:

> If you do not have mercy on your vine, all things, Lord, have been done in vain, and you will not have anyone to glorify you. For even if you plant another vine, this one will not trust you, because you have destroyed the former one. For if you indeed forsake the world, then who will do for you what you say as God? And now let your anger be restrained from the vine; rather let what was said previously by you and what still must be said be done, and do not let your labor be in vain, and do not let your inheritance be pulled apart in humiliation. (12:9)[137]

Building on the work of L. Cohn, Murphy argues that the absence of repentance within *L.A.B.* is based on the notion of an eternal covenant that is not contingent upon human behavior.[138] "The promises made to the fathers will ultimately be carried out regardless of the actions of Israel. God knows in advance about the people's infidelity and has

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   134.   Murphy, "The Eternal Covenant in Pseudo-Philo," 43–44.
   135.   See also Harrington, "Pseudo-Philo," 2:301.
   136.   Translation from ibid., 2:320.
   137.   Translation from Murphy, "The Eternal Covenant in Pseudo-Philo," 47.
   138.   Cf. Leopold Cohn, "An Apocryphal Work Ascribed to Philo of Alexandria," *JQR* 10 (1898): 322.

already decided to punish *and restore* Israel."[139] The eternal covenant is first described with the election of Abraham. After Abraham rejects idolatry at the Tower of Babel, God promises "[I] will establish my covenant with him and will bless his seed and be lord for him as God forever" (7:4).[140] As described in *L.A.B.* 9:3, Amram, the father of Moses, challenges the community to procreate in spite of Pharaoh's threatening decree, on the belief that Israel will never be abandoned or extinguished: "It will sooner happen that this age will be ended forever or the world will sink into the immeasurable deep or the heart of the abyss will touch the stars than that the race of the sons of Israel will be ended."[141] The author of *L.A.B.* depicts Balaam as expressing a similar sentiment regarding the indestructibility of Israel. Rather than curse God's people, as Balak had desired, Balaam proclaims "It is easier to take away the foundations and the topmost part of the earth and to extinguish the light of the sun and to darken the light of the moon than for anyone to uproot the planting of the Most Powerful or to destroy his vine" (18:10).[142]

The eternal nature of the covenant is also an important theme in future-oriented passages. Reminiscent of Deut 28:44, the author of *L.A.B.* often has Moses or Yahweh predicting a time when the Israelites will fall into sin and face dire consequences. In Deuteronomy, of course, relief from the curses comes when the people repent. In *L.A.B.*, however, there is no necessity for repentance because of the eternal covenant. Thus in 13:10, Yahweh predicts both the sinful future of his people and his mercy towards them: "I know for sure that that they will make their ways corrupt and I will abandon them, and they will forget their covenants that I have established with their fathers; but nevertheless, I will not forget them forever."[143] Similarly in 19:2, Moses predicts both the future sin of Israel and Yahweh's grace: "I know that you will rise up and forsake the words established for you through me, and God will be angry at you and abandon you and depart from your land. And he will bring upon you those who hate you, and they will rule over you, but not forever, because he will remember the covenant that he established with your fathers."[144] In neither passage do we find even a trace of the notion that repentance is required for God's mercies.

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139.   Murphy, "The Eternal Covenant in Pseudo-Philo," 44 (emphasis added).
140.   Translation from Harrington, "Pseudo-Philo," 2:313.
141.   Translation from ibid., 2:315.
142.   Translation from ibid., 2:326.
143.   Murphy, "The Eternal Covenant in Pseudo-Philo," 47.
144.   Ibid., 48.

Because *L.A.B.* diminishes the importance of repentance and portrays divine forgiveness as assured, there is also a recognition of the inevitability of human sin. In his farewell prayer (19:8–9), Moses calls upon the mercy of God precisely because humanity will always sin: "For who is the man who has not sinned against you?… Now you will correct them for a time, but not in anger" (19:9).[145] The same theme gives unique shape to the narrative of the twelve spies in *L.A.B.* 15. Here, the author echoes certain elements of Num 13, such as the rejection of the land and Yahweh's punishment. There is much ambiguity, however, regarding the fate of the wilderness generation. Because of their rebellion, Yahweh promises, "I will do to them as they wished, and I will cast forth their bodies in the wilderness" (15:6). Immediately after this grim forecast, Moses intercedes on behalf of the Israelites: "Therefore let your mercy sustain us until the end, and your fidelity for length of days; for unless you had mercy, who would ever be born?" (15:7).[146] The narrative then ends abruptly, without any details of the aftermath. Nonetheless, the point of Moses' prayer is clear—"God must expect that Israel will be human; no one is perfect."[147]

(2) *Idolatry*. To the author of *L.A.B.*, "[i]dolatry is the root of all evil."[148] In *L.A.B.* 44:6–10, the author recounts a divine speech in which Yahweh responds to the sin of Micah by rehearsing the establishment of the Decalogue. The key portion of this passage is 44:7, wherein the deity details how the violation of each of the ten commandments is linked to idol worship:

> And I told them not to make idols… By accepting these they took my name in vain, and they have given my name to graven images. And the day of the sabbath that they agreed to keep, they have done abominable things on it… And whereas I told them not to steal, they have dealt like thieves in their schemes with graven images. And whereas I told them not to kill, they kill those whom they seduce.[149]

According to *L.A.B.*, idolatry began in extreme antiquity. Echoing Gen 4:22, *L.A.B.* credits Tubal with the invention of metal-working, but also notes that his invention led directly to the manufacture of idols. Even after the judgment of the flood, the pervasiveness of idolatry only expanded: "Then those who inhabited the earth began to observe the

145. Ibid.
146. Translation from Harrington, "Pseudo-Philo," 2:323.
147. Murphy, "The Eternal Covenant in Pseudo-Philo," 48.
148. Murphy, "Retelling the Bible," 279.
149. Translation from Harrington, "Pseudo-Philo," 2:358.

stars and started to reckon by them and to make predictions and to have their sons and daughters pass through the fire" (4:16).[150] The exception in all of humanity was Serug, an ancestor of Abraham (4:13–15).

In the only extended narrative treating Abraham, which has no biblical parallel, *L.A.B.* focuses on Abraham's staunch rejection of idolatry. In *L.A.B.* 6, Abraham is among twelve men who refuse to participate in the construction of the Tower of Babel. Their refusal is framed specifically as a rejection of idolatry (6:4). All twelve are then arrested and are to be thrown into a furnace. In the middle of the night, the other eleven escape, but Abraham refuses to do so. When he is thrown in to the furnace the next day, he is not burned alive, but rescued by a divinely appointed earthquake, which turns the flames of the furnace back upon 83,500 of Abraham's enemies. The author then notes that because Abraham rejected idolatry, and because he placed his fate into God's hands rather than escaping, when the nations are dispersed God will settle Abraham in the special land that he preserved from the destruction of the flood and grant eternal blessings to his descendants (7:4). Through this narrative, *L.A.B.* establishes a very specific claim with regard to the foundation of Israel's elect status. Their identity is based entirely upon their ancestor's steadfast rejection of idolatry, and so, the exclusive worship of Yahweh is highlighted as the distinguishing characteristic of Israel's identity. "Israel begins with Abraham's rejection of idolatry and choice to serve God. Such service separates Israel from the rest of humanity."[151]

In *L.A.B.* 9, the danger of idolatry is integrated into a narrative describing the election of Moses. After Pharaoh decrees that all male Israelite babies are to be killed, the Israelite elders gather together and decide that regulations should be established to prevent couples from having relations (9:2). The rationale behind this pledge, however, is not only to prevent the death of sons, but also to prevent daughters from being born, daughters who, with the lack of Israelite men, will be forced to marry foreigners, and presumably, worship their gods. The lone dissenter is Amram. Invoking the eternal covenant between Yahweh and Israel, and claiming that the world will come to an end before the people of Israel are extinguished (9:3), he proclaims that he will go into his wife and have sons, "so that we may be made many on the earth. For God will not abide in his anger, nor will he forget his people forever…" (9:4).[152] Amram then devises a plan by which the Israelite women will hide their pregnancy until the third month, and after giving birth, not reveal that

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150. Translation from ibid., 2:309.
151. Murphy, "Retelling the Bible," 276.
152. Translation from Harrington, "Pseudo-Philo," 2:315.

they have had sons (9:5–6). It is because of Amram's faithfulness, his adamant refusal to leave Israelite women with no proper husbands, leaving them with the threat of worshipping foreign gods, that Yahweh chooses his son Moses to be the agent of deliverance (9:7).

As a corollary to the danger of idolatry, the author of *L.A.B.* includes a number of elements that portray the danger of the foreigner. This is evident in the description of the golden calf, in which *L.A.B.* portrays the people's desire for a golden icon as a desire to emulate foreigners: "Make gods for us whom we may worship *as the other nations have*, because that Moses through whom wonders were done before our eyes has been taken away from us" (12:2). Thus, the calf represents a violation of the exclusive relationship with Yahweh that comes about because of the influence of non-Israelites. The inherent danger of foreigners is also a central theme in *L.A.B.* 61, the episode of David and Goliath. In a departure from the biblical narrative, *L.A.B.* frames the duel as a religious battle. In 61:2, Goliath is said to have stolen the ark and killed Israelite priests. In his taunt against the Israelites, he threatens them not only with slavery, as in 1 Sam 17:9, but with religious assimilation—"I will come to you…and make your people serve our gods."[153] The idolatrous threat of Goliath is further borne out in 61:6, in which David claims that while he is of the lineage of Ruth, Goliath is a descendant of Orpah, who "chose for herself the gods of the Philistines and went after them."[154] The defeat of Goliath, consequently, is not simply a great military victory, but the triumph of "Yahwism" over the religion of the foreigners.

Through his two essays, Murphy astutely demonstrates the ideological origins of the various expansive elements in *L.A.B.* There is little doubt that our anonymous author was aware of a literary unit consisting of Genesis–Samuel and adopted much of its framework. What is also clear, however, is that his work is more than a clarification and expansion of the biblical texts. On the contrary, he "rewrites" them in the sense that he produces a wide variety of elements, ranging from brief statements to entire narratives, that have no biblical precedent. The purpose of such rewriting is not to interpret or clarify the biblical text, but to express certain ideological and theological beliefs, such as the eternal covenant and the danger of idolatry.[155] In composing *L.A.B.*, our anonymous author

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153. Translation from ibid., 2:373–74.
154. Translation from ibid., 2:374.
155. In addition to these themes, Murphy identifies other subsidiary themes, including moral causality, human and divine plans, servanthood, eschatology, and harmony within Israel (Murphy, *Pseudo-Philo*, 244–65). George Nickelsburg ("Good and Bad Leaders") writes that leadership is the controlling theme of *L.A.B.*,

engages the biblical text as a source for data, but not as the definitive portrayal of either what occurred in the past or what significance it has for the present. With regard to both elements, *L.A.B.* displays a high degree of invention and independence from the Bible.

k. *"Competitive Historiography" of Jewish-Hellenistic Historians*
The importance of ideology as a formative factor in historical representations is evident in the writings of various Judeo-Hellenistic writers. Like the author of *L.A.B.*, these authors, who often focus on the life of Abraham or Moses, betray awareness of the biblical material, since much of their literature assumes within the reader a certain level of knowledge of biblical narratives. At the same time, their texts display radical independence by portraying Israelite heroes in a distinctly "non-biblical" fashion, as pioneers of philosophy or science and as skilled military leaders. This approach to the portrayal of Israelite figures is inexorably connected to the authors' socio-cultural context. In a world dominated by Hellenism, these authors composed their texts in order to assert the temporal priority and intellectual superiority of Jewish culture. It is through literature that these authors express their "special concern to strengthen the Jewish self-consciousness [in the Hellenistic context] by repeated assertions that several inventions of major cultural importance, e.g. astrology or the art of writing…were made by Abraham and/or Moses and were therefore in fact Jewish discoveries."[156] John J. Collins labels this literature "competitive historiography." Outside the Jewish culture, Berossus' *Babylonika*, Manetho's *Aegyptiaca* and the work of Demterios of Halicarnus would most certainly belong to this category. Faced with the rapid expanse of Hellenistic culture, native authors "looked to their past nostalgically and tended to romanticize their history by stressing its antiquity and superiority."[157] In doing so, the authors not only aimed to convince outsiders of the superiority of their native culture, but to bolster the pride of their own ethnic community.[158]

What we see in the Jewish exemplars of this genre is that the authors' ideological motivation, which is fueled by their socio-cultural milieu, informs their reception of the Pentateuch. These literary attempts at elevating Jewish culture have only the barest connections to the biblical

but it is apparent from his work that the depiction of leaders is very much entwined with a focus on either idolatry or the covenant.

156. Pieter W. van der Horst, "The Interpretation of the Bible by the Minor Hellenistic Jewish Authors," in Mulder, ed., *Mikra*, 544.

157. "Artapanus," 2:892.

158. Cf. ibid. See also van der Horst, "The Interpretation of the Bible," 545.

text. Though they reference people and events known from the Bible, these narratives are shaped primarily by the adaptation and appropriation of Hellenistic cultural and literary paradigms. In their literary attempts to displace Hellenism and espouse the glory of the Jews, these authors essentially offer up portraits of Israelite heroes that resemble Hellenistic images of the fathers of civilization, rather than portrayals from the Pentateuch. In doing so, these authors make the claim that the glories of Hellenism are, in fact, Jewish innovations.[159]

One of the oldest examples of competitive historiography is the work of Eupolemus, which is preserved in Eusebius' *Preparatio evangelica* (hereafter *P.E.*) via Alexander Polyhistor.[160] It is widely accepted that Eupolemus the historian is identical to a Jewish envoy named Eupolemus mentioned in 1 Macc 8:17 and 2 Macc 4:11.[161] That Eupolemus attributed some degree of authority to the Bible is evident from his depiction of the construction of Solomon's temple (*P.E.* 9.30.1–34.18), which closely follows 1 Chronicles. In one instance, we see that Eupolemus even attempts to harmonize a contradiction between the Pentateuch and Chronicles. In his description of the temple lamp-stands, Eupolemus follows 1 Kgs 7:48/2 Chr 4:7 in identifying their number as ten. However, he recognizes the discrepancy between this text and Exod 25:31–40, which commands that only one lamp-stand be placed in the tabernacle. He resolves this conflict by claiming that the ten lamp-stands conformed to what Moses did: "He also made ten golden lamp-stands, each weighing ten talents; he took as a model the lamp-stand placed by Moses in the tent of witnessing" (*P.E.* 9.34.5).[162]

Despite his familiarity with the Bible, at other points in his text Eupolemus presents an account with no biblical roots. As Ben Zion Wachholder notes, "[n]othing found in the fragments appears to be sheer copy of the traditional texts… Eupolemus used the Mosaic books, Kings and Chronicles, and the works of Herodotus and Ctesias to create a new

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159.   For more on this genre, see Collins, *Between Athens and Jerusalem*, 29–63, and Doron Mendels, "'Creative History' in the Hellenistic Near East in the Third and Second Centuries BCE: The Jewish Case," *JSP* 2 (1988): 13–20.

160.   F. Fallon, "Eupolemus," *OTP* 2:863.

161.   Ben Zion Wacholder, *Eupolemus: A Study of Judaeo-Greek Literature* (Cincinnati: Hebrew Union College–Jewish Institute of Religion, 1975), 1–7; van der Horst, "The Interpretation of the Bible," 537.

162.   Wacholder, *Eupolemus*, 247. Translation from Fallon, "Eupolemus," 2:869. In his critical edition of the Greek text, Karl Mras locates this passage to *P.E.* 9.34.7 (*Eusebius Werke. Acther Band. Die Praeparatio Evangelica* [2 vols.; Berlin: Akademie Verlag, 1954], 1:542).

history responsive to the needs of a generation…"[163] This aspect of Eupolemus' work is most conspicuous in his depiction of Moses (*P.E.* 9.26.1). Here, Eupolemus credits Moses with being the first wise man, the inventor of the alphabet, which the Jews subsequently passed on to the Phoenicians and the Greeks, and the individual responsible for establishing law for the Jews. In this aspect, Eupolemus does not echo the Deuteronomic portrayal of Moses as a prophet, nor does he trace the origin of laws to a theophany at Sinai. Instead, Moses' role as legislator is tied to his status as the first wise man. As such, Eupolemus depicts Moses as the father of "wisdom," which in his view entailed writing (the alphabet), philosophy, and written law.[164]

According to Wachholder, this portrayal of Moses as a wise man and father of civilization is informed by, and perhaps intended to compete against, Greek legends concerning the Seven Wise Men. These tales, dating from the seventh or sixth centuries B.C.E., portray the Wise Men as the pioneers of various fields of knowledge, and thus the pillars of contemporary civilization.[165] By identifying Moses as the first wise man, Eupolemus attempts to displace the Greek legends, and in doing so, makes the claim that Jewish culture is not only ancient and venerable in its own right, but that it is the source for the foundations of Greek culture.

The portrayal of Moses as a pioneer of knowledge takes center stage in a text by a little-known author Artapanus (third or second B.C.E.), which is preserved by Eusebius via Alexander Polyhistor.[166] According to Artapanus Moses "was the teacher of Orpheus. As a grown man he bestowed many useful benefits on mankind, for he invented boats and devices for stone construction and the Egyptian arms and the implements for drawing water and for warfare and philosophy" (*P.E.* 9.27.4).[167] In addition, Moses was a skilled administrator, who was responsible for the division of Egypt into 36 nomes. The greatness of Moses was such that he "was loved by the masses, and was deemed worthy of godlike honor by the priests and called Hermes, on account of the interpretation of the sacred letters" (*P.E.* 9.27.6).[168]

Artapanus describes the greatness of Moses by linking him with two figures from Greek mythology, Orpheus and Hermes. The former was a

163.   Wacholder, *Eupolemus*, 246.
164.   Ibid., 83.
165.   Ibid., 77.
166.   Collins, "Artapanus," 2:890–91.
167.   Ibid., 2:898.
168.   Ibid., 2:899.

mortal, frequently depicted as an expert musician and poet. His lyrical skills were such that he was able to charm the gods of the underworld while descending into Hades to rescue his deceased wife. From his journey into the realm of the dead, Orpheus was thought to have brought back esoteric knowledge on how to avoid the obstacles that threaten a soul after death in order to reach the Land of the Blessed Ones. Because of his superior knowledge and intellect, Orpheus is described in a number of texts as the father of both Homer and Hesiod.[169] By designating Moses as the teacher of Orpheus, Artapanus claims that the Mosaic tradition transcends whatever knowledge, wisdom, and poetic skill were embodied in the various portrayals of Orpheus. Hermes, meanwhile, is a Greek deity frequently depicted with winged shoes, a large hat, and a winged staff, all symbolizing his role as the messenger of the gods.[170] By equating the two, Artapanus portrays Moses as more than a divine messenger; the implicit claim is that Moses' access to divine knowledge is due to his super-human nature. While this portrayal of Moses is reminiscent of his role as mediator in Exodus–Deuteronomy, the fact that he is identified with a foreign deity violates the anti-idolatry rhetoric central to the Pentateuch.

Artapanus' heroic portrayal of Moses comes to the fore in his treatment of Moses in Egypt. In contrast to the biblical account, Artapanus claims that Moses fled Egypt because of a conspiracy against his life, led by Pharaoh Chenephres (*P.E.* 9.27.11–16). Further, the plagues against Egypt are described in terms that emphasize the agency of Moses; there is little indication that Yahweh directed or empowered Moses to perform any of the signs:

> Moses threw down the rod which he had and made a serpent… Proceeding a little he struck the Nile with the rod. The river became flooded and deluged all Egypt… When Moses saw this he performed yet other signs, and striking the ground with his rod, released some winged creatures to afflict the Egyptians… Again, Moses released a frog, through his staff, and in addition to these things, locusts and lice… Moses brought about hail and earthquakes through the night… (*P.E.* 9.27.27–33)[171]

As John J. Collins demonstrates, Artapanus presents a virtual point-by-point refutation of the disparaging portrayal of Moses and the Jewish people produced by Manetho. Whereas Manetho claimed that Moses invaded Egypt, Artapanus counters that Moses held back the Arabs from

169.   Pierre Grimal, *A Concise Dictionary of Classical Mythology* (London: Blackwell, 1990), 315–16.
170.   Ibid., 197–99.
171.   Translation Collins, "Artapanus," 2:901–2.

invading. Whereas Manetho claims that Pharaoh protected Egypt's sacred animals from Moses, Artapanus writes that Moses consecrated certain animals, which Pharaoh later killed and buried. While Manetho claims that Pharaoh fled to Ethiopia when Moses invaded Egypt, Artapanus counters that it was Moses who conquered Ethiopia with an army comprised of farmers. "In view of these correspondences, it seems highly probable that Artapanus intended, *inter alia*, to refute Manetho's version of Jewish origins."[172] Through this competitive portrayal, Artapanus presents Moses as an intellectual giant, a great hero, one who not only had access to supernatural knowledge, but was himself nearly divine. In doing so, the author not only stakes a claim for the superiority of Moses over the heroes of other cultures, but the superiority over all other people for those who claim Moses as their ancestor.

   The second-century B.C.E. author Aristobulus, fragments of whose work is preserved in Eusebius's *Preparatio evangelica*, discusses the Mosaic origin of Greek philosophy. In a fragment in which he discusses the biblical use of anthropomorphisms (*P.E.* 13.13.3–8), Aristobulus claims that references to the divine voice are "not as a spoken word, but as the establishment of things" (*P.E.* 13.3.3). He then claims that Moses "called the whole genesis of the world words of God in our Law." It is because Moses had knowledge of the creation of the world that he had access to the "words" of God. From here, Aristobulus argues that all Greek philosophers, who claim to have access to the gods and the universe, derive their knowledge from Moses:

> And it seems to me that Pythagoras, Socrates, and Plato with great care follow [Moses] in all respects. They copy him when they say that they hear the voice of God, when they contemplate the arrangement of the universe, so carefully made and so unceasingly held together by God. And further, Orpheus also imitates Moses in verses from his (books) on the Hieros Logos. He expresses himself thus concerning the maintaining of all things by divine power, their being generated and God's being over all things. (*P.E.* 13.12.4)[173]

In a separate fragment, preserved in *P.E.* 13.12.1, Aristobulous claims that Greek philosophy originated from a study of the Bible: "It is evident that Plato imitated our legislation and that he had investigated thoroughly each of the elements in it." Later in the same fragment, Aristobulus claims that Pythagoras "transferred many of our doctrines and integrated

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   172.   John J. Collins, *Between Athens and Jerusalem: Jewish Identity in the Hellenistic Diaspora* (2d ed.; Grand Rapids, Mich.: Eerdmans, 2000), 40.
   173.   Translation from A. Yarbro Collins, "Aristobulus," *OTP* 2:840–41.

them into his own system of beliefs."[174] As for the issue of how these Greek philosophers were able to gain access to Jewish knowledge, Aristobulus claims that portions of the Bible, including the exodus, the conquest, and legal material, were translated into Greek before the time of Demetrius Phalerus, who is identified as the sponsor of the LXX translation in *Letter of Aristeas* §301–322.[175]

There are numerous other texts, from Jewish, Greek, and Roman authors, that describe Moses as a pioneer of knowledge—so much so, in fact, that Wachholder posits the existence of a "standardized Mosaic figure reflecting his role as founder of intellectual pursuits in the Second Temple period."[176] Whether there was actually one literary formulation of Moses as an intellectual pioneer that informed the others is a question to be taken up at another time. What is clear, however, is that these portrayals of Moses as a "father of civilization" have very little connection to the Pentateuch. Even when these authors discuss the same themes as the Pentateuch, such as Moses' flight from Egypt or his establishment of law, they do not reflect adherence to it in any significant manner. Rather than recounting or embellishing a certain biblical narrative, these authors create narratives with no biblical precedent, in distinctively Hellenistic tones, in order to magnify the character of Moses.

A similar type of independence from the Pentateuch is evident in various portrayals of the Israelite patriarchs. According to Artapanus, Abraham was responsible for the invention of astrology and imparting that knowledge to the Egyptians (*P.E.* 9.18.1). The same describes Joseph as a figure of great intellect. In fact, his brothers were jealous of him, not because of their father's partiality, but because he surpassed them in intelligence and wisdom (*P.E.* 9.23.1–4). Artapanus also credits Joseph with two important inventions. The first was the organization of Egyptian agriculture: "Hitherto the Egyptians had farmed the land in a disorganized manner, because the country was undivided and the subordinate classes were treated unjustly by the more powerful. This man (Joseph) was the first to divide the land and distinguish it with boundaries" (*P.E.* 9.23.2). The second was the invention of weights and measures (*P.E.* 9.23.3).[177]

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174.   Translation from ibid., 2:840.
175.   See R. J. H. Shutt, "Letter of Aristeas," *OTP* 2:32–34.
176.   Wacholder, *Eupolemus*, 85. For a survey of both Jewish and non-Jewish texts containing such a reference to Moses, see pp. 85–96.
177.   Translation from Collins, "Artapanus," 2:897.

From here, let us turn to the work of an anonymous author, now referred to as Pseudo-Eupolemus (*P.E.* 9.17.2–9).[178] This author credits Abraham with spreading the knowledge of astrology and other scientific endeavors to the Phoenicians (*P.E.* 9.17.4) and the Egyptians (*P.E.* 9.17.8). Abraham, however, is only a transmitter, not the inventor, since he inherited his knowledge from Enoch, who gained his insights from the angels (*P.E.* 9.17.9).[179] Later in the same fragment, the author claims that the cultural fathers of the Greeks were, in actuality, the Jewish ancestors: "The Greeks say that Atlas discovered astrology. However, Atlas is the same as Enoch."[180] Whatever intellectual pursuit the Greeks might claim as their cultural heritage originates with the Jews, since the legendary figures responsible for these institutions were not Greeks at all, but Jews.

The depiction of Enoch as a source of knowledge in Pseudo-Eupolemus is echoed in a number of other Second Temple period texts. There is, however, some variety in the content of Enoch's knowledge. While a broad range of Second Temple period Jewish authors utilize the general theme of Enoch-as-wise-seer, the authorial purpose informing the composition of the texts, as well as the choice of genre, presents constraints on the details of Enoch's knowledge. In texts of the "competitive historiography" genre, such as Pseudo-Eupolemus, Enoch and other Israelite patriarchs are portrayed as the founders of science, philosophy, and cultural institutions, fields commonly associated with Greek culture. In other genres, however, Enoch's knowledge is portrayed as foresight, often with a distinctly religious aspect, obtained from his access to the divine realm. This dimension is particularly evident in the collection of texts known as *The Testament of the Twelve Patriarchs.*

Each testament presents a short review of the life of one of the twelve sons of Jacob, followed by a series of admonitions to their descendants that are thematically connected to the biographical sketch. For example, the *Testament of Reuben* warns against consorting with women, based on Reuben's affair with Bilhah (*T. Reub.* 3:9–4:11). In most cases, the admonitions are framed as a vision, in which the patriarch sees the sinful future of his descendants. The source of such knowledge is explicitly identified as Enoch. Simeon warns his descendants "be aware of acting

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178.   For arguments against the identification of this text as a work of Eupolemus, see Ben Zion Wachholder, "'Pseudo-Eupolemus' Two Greek Fragments on the Life of Abraham," *HUCA* 34 (1963): 83–113. For arguments identifying "Pseudo-Eupolemus" as a composition of Eupolemus, see R. Doran, "Pseudo-Eupolemus," *OTP* 2:874–76.

179.   Translation from Doran, "Pseudo-Eupolemus," 2:881.

180.   Ibid.

impurely, because impurity is the mother of all evils… For I have seen in the writing of Enoch that your sons will be destroyed with you in impurity…" (*T. Sim.* 5:3–4).[181] Likewise, Dan admonishes his descendants to observe the divine commandments, because "I know that in the last days you will depart from the Lord… For I have read in the book of Enoch, the righteous one, that your prince is Satan…" (*T. Dan* 5:1, 4, 6).[182] References to Enoch as a source for future knowledge are also found in *T. Levi* 14:1; 16:1; *T. Judah* 18:1; *T. Zeb.* 3:4; *T. Naph.* 4:1, and *T. Benj.* 9:1.

Enoch's access to knowledge is a prominent element in an early portion of the *Genesis Apocryphon* (1QapGen). The second column of the text describes the ire of Lamech; his wife is pregnant, but he is sure that it is a child of the Watchers, the Holy Ones, or the Nephilim (2:1), in spite of the protests of his wife (2:13–18). To discover the truth of the matter, he appeals to his father Methuselah, who in turn goes to his father Enoch. Unfortunately, the portion of the text describing the conversation between Lamech and Methuselah (col. 5) is highly fragmentary, leaving the resolution unknown to us. What is clear, however, is that the author of 1QapGen portrays Enoch as the source of hidden knowledge.

The most extensive portrayal of Enoch as a source of knowledge is found in *1 Enoch*, also known as the Ethiopic Book of Enoch.[183] *First Enoch* is not a unified text, but a collection of five separate compositions, each of which has a complicated compositional history: the Book of the Watchers (chs. 1–36), the Similitudes (chs. 37–71), the Astronomical Book (chs. 72–82), the Book of Dreams (chs. 83–90), and the Epistle of Enoch (chs. 91–108).[184] Within each section there is some form of the prototypical apocalyptic message—though the present time may be oppressive, the salvation of the righteous (and punishment of the wicked) will occur. The figure of Enoch is central to the conveyance of the

181.   Translation from Harm W. Hollander and Marinus de Jonge, *The Testaments of the Twelve Patriarchs: A Commentary* (Leiden: Brill, 1985), 116, 120.

182.   Translation from ibid., 271, 283, 286.

183.   See M. Black, *The Book of Enoch, or, 1 Enoch: A New English Edition with Commentary and Textual Notes* (Leiden: Brill), 1985; John J. Collins, *The Apocalyptic Imagination: An Introduction to Jewish Apocalyptic Literature* (Grand Rapids, Mich.: Eerdmans, 1998), 43–79; E. Isaac, "1 Enoch," *OTP* 1:5–89; Michael A. Knibb, *The Ethiopic Book of Enoch* (Oxford: Clarendon, 1978); Nickelsburg, "The Bible Rewritten and Expanded," 90–97; Michael E. Stone, "The Book of Enoch and Judaism in the Third Century B.C.E.," *CBQ* 40 (1978): 479–92; James VanderKam, *Enoch and the Growth of an Apocalyptic Tradition* (Washington, D.C.: Catholic Bible Association, 1984).

184.   Collins, *The Apocalyptic Imagination*, 43.

apocalyptic message, as the majority of the literary units present the "prediction" of the future as a vision that Enoch sees (cf. 12:4; 37:1; 80:1; 83:1; 85:1) or something that he has learned from the "Heavenly Tablets" (cf. 93:2). In either case, the author makes full use of the notion that Enoch had access to knowledge unavailable to others.

On one level, it could well be argued that these portrayals of Enoch are inspired by the description of his death as a relocation, rather than physical death (cf. Gen 5:24). In at least one aspect, the conception of Enoch as a master of knowledge has some connection to the Pentateuch, or pre-pentateuchal traditions about Enoch, since his direct ascension to heaven is the means by which he is granted access to esoteric knowledge. We must also note, however, that the level of adherence to the biblical material is limited. Though the ascension of Enoch provides a literary platform for his role as communicator of knowledge, this portrayal itself has no pentateuchal antecedent. Indeed, Enoch "is presented in these diverse sources with new, distinct and clearly articulated features that are by no means hinted at in Genesis."[185] In effect, the authors of the Enochic accounts utilized a pentateuchal base in order to develop innovative texts.

Within these works of competitive historiography there are a number of literary and cultural factors at work. These include the ideological purposes of the author, adaptation of Hellenistic literary and cultural paradigms and the appropriation of figures, as well as certain motival elements, from the biblical corpus. At the same time, the evidence exhibits the minimal reliance of Second Temple period authors upon the Pentateuch. Even as they adopt certain basic elements, they create highly imaginative accounts that have no basis in the biblical text. In fact, Collins argues that because of the culture-competitive purposes of these Jewish authors, elements derived from the Torah are intentionally de-emphasized, while the "criteria for excellence are those commonly accepted in the Hellenistic world." For this reason, the patriarchs are portrayed as scientists, inventors, philosophers, and scholars; by casting biblical figures in a Hellenistic light, "the dissonance between Jewish tradition and Hellenistic environment is decreased. Jews and Gentiles have common values, and so far from being witless barbarians, the Jewish people have produced the greatest cultural heroes of all."[186] What is clear, then, is that though the Pentateuch represented an important literary source, it did not carry sufficient force to curtail the composition of innovative literary accounts. Within the "competitive historiography"

185. Stone, "The Book of Enoch," 485.
186. Collins, *Between Athens and Jerusalem*, 63.

genre, adherence to, dependence upon, or expansion of the biblical text was secondary to other ideological and rhetorical factors, as well as the influence of foreign literary paradigms and the socio-cultural milieu. Beholden-ness to the Pentateuch was not a high priority for these authors. While these texts are both inventive and adaptive, the adaptation is primarily oriented towards Hellenistic cultural and literary models, rather than the historical narratives of the Pentateuch.

l. *The Book of* Jubilees[187]

Because the book of *Jubilees* covers much of the same events and figures, and in the same order, as Gen 1–Exod 13, it was often referred to in antiquity as "The Little Genesis."[188] In his translation and critical edition of *Jubilees*, August Dillman assessed the purpose of *Jubilees* as follows: "nicht um die kanonische Genesis zu verdrängen, sondern um sie zu ergänzen."[189] More than 150 years later, the evaluation of *Jubilees* as an expansive revision of Genesis–Exodus still reigns supreme, as scholars consider it a hallmark example of "rewritten Bible." Jacques van Ruiten, for example, describes the author of *Jubilees* as a "careful reader of Genesis" who "tried to reproduce the story of Genesis as faithfully as possible, though without the tensions and inconsistencies that are in the biblical story."[190] In his perspective, the various omissions in *Jubilees* are

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187.   Here, and throughout the rest of my discussion of *Jubilees*, I rely on James VanderKam's translation in his *The Book of Jubilees*. While O. S. Wintermute's translation in *OTP* is certainly insightful and valuable, it is based on the critical edition prepared by R. H. Charles in 1895, on the basis of four manuscripts (*The Ethiopic Version of the Hebrew Book of Jubilees* [Oxford: Clarendon, 1895]). VanderKam's translation, meanwhile, benefits from the discovery of 23 more manuscripts since 1895; his critical edition of the Ethiopic incorporating this expanded data, as well as the Hebrew fragments of *Jubilees* from Qumran, can be found in *The Book of Jubilees: A Critical Text* (Louvain: E. Peeters, 1989).

188.   Wintermute, "Jubilees," 2:41. August Dillman, the first to engage in a critical study of *Jubilees*, used that title in his translation and critical text (August Dillman, "Das Buch der Jubiläen oder die kleine Genesis," *Jahrbücher der Biblischen Wissenschaft* 2 [1850]: 230–56). It was subsequently taken up by both R. H. Charles and Herman Rönsch: R. H. Charles, *The Book of Jubilees or the Little Genesis* (London: A. & C. Black, 1902); H. Rönsch, *Das Buch der Jubiläen oder die kleine Genesis; unter Beifügung des revidirten Textes der in der Ambrosiana aufgefundenen lateinischen Fragmente* (repr. ed.; Amsterdam: Rodopi, 1970).

189.   Dillman, "Das Buch der Jubiläen," 75.

190.   Jacques T. A. G. M. Van Ruiten, *Primaeval History Interpreted: The Rewriting of Genesis 1–11 in the Book of Jubilees* (Leiden: Brill, 2000), 375. See also George J. Brooke, "Exegetical Strategies in Jubilees 1–2: New Light from 4QJubilees[a]," in Albani, Frey, and Lange, eds., *Studies in the Book of Jubilees*, 55.

an attempt to remove elements that "either do not add anything to the story line (e.g. doublets) or…create tensions within the story (e.g. inconsistencies), with other biblical stories, or with certain interpretations of a story."[191]

In the case of *Jubilees*, the "corrective" view of the purpose of the text is not only inadequate, as it was with *L.A.B.* or the *Genesis Apocryphon*, but inaccurate. Though there is a basic similarity with Genesis–Exodus in the chronological framework, the intention of the author to produce a text that completely replaces Genesis–Exodus is quite clear. The first indication of this intent is seen in the opening sections of *Jubilees*, wherein the author introduces the text as the record of the revelation to Moses on Sinai. Though he states that Moses received two stone tablets on the mountain (1:1), thus reflecting the Decalogue tradition, the actual contents of the tablets are of little concern. The text centers, instead, on Moses' reception of "what (had happened) beforehand as well as what was to come. He related to him the divisions of all times—of the law and of the testimony" (1:4).[192] According to *Jubilees*, the contents of the Sinai revelation are neither the Decalogue nor the legal prescriptions found in the various legal "codes" of the Pentateuch (Exod 21–23; Lev 17–26; Deut 12–26). They are, instead, the words of Yahweh found in this book, written at Yahweh's behest: "Pay attention to all the words which I tell you on this mountain. Write (them) in a book…" (1:5).[193] The author frames his text as the very words that Yahweh spoke to Moses on the mountain. By appropriating the Sinaitic context, the author frames his text as the very words that Yahweh spoke to Moses on the mountain, and so attempts to displace the authority of the Pentateuch, while asserting the superiority of his text.[194]

The secondary status of the Pentateuch is also evident in *Jubilees*'s frequent references to the "Heavenly Tablets." As will be discussed in greater detail in Chapter 5, the "Heavenly Tablets" is a cosmic source of law that is both older than and superior to the Pentateuch. The Pentateuch, meanwhile, is rendered into a secondary legal source, a partial reflection of what was cosmically ordained in a superior source.[195]

191.　Van Ruiten, *Primaeval History Interpreted*, 374. Van Ruiten reaches a similar conclusion in "The Interpretation of Genesis 6:1–12 in Jubilees 5:1–19," in Albani, Frey, and Lange, eds., *Studies in the Book of Jubilees*, 59–78.

192.　Translation from VanderKam, *The Book of Jubilees*, 2. Cf. 4Q216 (4QJub[a]), the edited text of which is available in VanderKam and Milik, "Jubilees," 1–22.

193.　Translation from VanderKam, *The Book of Jubilees*, 5.

194.　Nickelsburg, "The Bible Rewritten and Expanded," 101.

195.　See pp. 168–69 on the Heavenly Tablets.

Because of these features of *Jubilees*, Michael Segal argues that the adoption of the narrative sequence of Genesis–Exodus is not evidence of the author's hermeneutical purpose, but rather, an essential aspect to the claim of textual legitimacy. In fact, Segal writes that all examples of "rewritten Bible" are necessarily paradoxical, since an author relies on the biblical text on one level, while undermining on it another.[196]

As I have argued thus far, the author's desire to provide a clarification or correction of the biblical text is secondary to a number of other factors, including his own ideological concerns, the expectations of the audience, genre choices, and the borrowing of foreign literary elements. This is no different in the case of *Jubilees*. From a close reading, we are able to discern a number of important, recurring themes: a heptadic chronological system based on sabbatical years (seven-year period), jubilees (forty-nine year period), and a solar calendar; an emphasis on the transcendent nature of God; the danger of foreigners; and the antiquity of Israelite legal and cultic institutions.[197] In the rest of this section, I will present selections from *Jubilees* that demonstrate how these ideological emphases inform the formation of narratives that are at odds with the Pentateuch.

(1) *The Heptadic Chronological System*. The heptadic chronological system is the basic structuring mechanism of *Jubilees*, as most of the events are dated according to weeks and jubilees, calculated from the creation of the world. The birth of Cain, for example, is set in the third week of the second jubilee. One week later (seven years), Eve bore Abel, and after another week, she bore a daughter, Awan (4:1). The author is fairly consistent in supplementing chronological data from Genesis with the specific week and jubilee in which an event took place, thereby establishing an absolute chronology for the history of Israel. Additionally, the author of *Jubilees* adds dates to events for which no such data are given in Genesis. So, for example, Abraham's departure from Haran for Canaan occurred on the seventh year of the sixth week of the fortieth jubilee (12:28).

The significance of the heptadic chronological system is understated in *Jubilees*, but nonetheless powerful. By using the period of weeks and years, the author alludes to the sabbatical and jubilee practices known

196.   Michael Segal, *The Book of Jubilees: Rewritten Bible, Redaction, Ideology and Theology* (Leiden: Brill, 2007), 5 n. 7.

197.   Adapting observations by ibid., 5–11; James VanderKam, "The Origins and Purposes of the Book of Jubilees," in Albani, Frey, and Lange, eds., *Studies in the Book of Jubilees*, 16–19.

from Lev 25. Though this allusion is not highly detailed, the notion of release and return to native land is fundamental in the description of the exodus. According to *Jubilees*, Moses returns to Egypt on the second year of the second week of the fiftieth jubilee since creation. In other words, Israel is freed from slavery, and sets off for a return to its rightful land, on the "jubilee of jubilees." The liberation from slavery took place at the ultimate kairotic moment.

To further strengthen the association between jubilee-practice and the exodus event, the author of *Jubilees* asserts that the recently freed Israelites are returning to their ancestral possession. According to *Jub.* 8–9, after the flood Noah divides the land among his three sons. Shem, as the blessed of Yahweh (cf. 7:11), receives the largest and best portion, located in the middle of the earth, including Eden, Sinai and Zion, the Red Sea, India, Ararat, and the land beyond Mount Asshur. Noah then has each of his sons swear an oath, promising that they will not violate the other's territory (9:14–15). Canaan, the son of Ham, breaks this oath by settling in Shem's portion (10:29). In doing so, Canaan brings upon himself and his descendants a great curse, highlighted by Ham's prediction that they will be uprooted from the land that they have illegally taken:

> "You have settled in a land which was not your and did not emerge for us by lot. Do not act this way, for if you do act this way both you and your children will fall in the land and be cursed with rebellion, because you have settled in rebellion and in rebellion your children will fall and be uprooted forever. Do not settle in Shem's residence… You are cursed and will be cursed more than all of Noah's children through the curse by which we obligated ourselves with an oath before the holy judge and before our father Noah." But he did not listen to them. He settled in the land of Lebanon—from Hamath to the entrance of Egypt—he and his sons until the present. (10:30–33)[198]

Through this narrative, the author defends Jewish claims to the land by asserting that it was theirs from antiquity. The fact that someone else other than the descendants of Shem occupies the land is a violation of what had been ordained both by lot and by the command of Noah. Therefore, ancient Israel's journey to the promised land and their displacement of the Canaanites is presented not as an act of aggression, but as an attempt to regain possession of what was rightfully theirs.

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198.   Translation from VanderKam, *The Book of Jubilees*, 63–64.

(2) *The Transcendence of God*. Michael Segal writes that the develop-ment of angelology and demonology is a primary theme in *Jubilees*.[199] It could be argued, however, that this theme is subordinate to a broader concern, the transcendence of God. Angels function within the text predominantly as intermediaries between God and humanity, reinforcing the notion that God is beyond human apprehension. Demons, meanwhile (primarily Mastema), function to express the author's theodicy—God is not the source of evil or suffering in the world.

The centrality of the theme of transcendence is evident in the creation account of *Jub.* 2, particularly in comparison with Gen 1–2. In the description of the first day, the author of *Jubilees* does not mention the pre-creative state of תוהו ובהו, thereby asserting that nothing precedes God in creation.[200] In Gen 1:11, God commands the earth to produce vegetation: ויאמר אלהים תדשא הארץ דשא עשב. The author of *Jubilees*, meanwhile, "avoids the implication that the earth cooperated with God in his creative work" by attributing the creation of plant life exclusively to divine action: "On the day he created for them…the seed that is sown… all that sprouts, the fruits trees, the forests, and the garden of Eden…" (2:7).[201] The same theme occurs in *Jub.* 2:11–12, wherein the author describes God directly creating ocean life and birds, and *Jub.* 2:13, where he counters the notion that the earth brought forth living creatures by noting that God made all of the land animals (2:13). The emphasis on the superior nature of God may also explain an omission in *Jubilees*'s description of the creation of humanity (2:14), which, in contrast to Gen 1:26, does not include the notion that humanity was created in the image of God.

The theme of the transcendence of God leads to a frequent depiction of angels as intermediaries. Though the author presents the text as the contents of the Sinaitic revelation, it is the Angel of Presence, not Yahweh himself, who speaks to Moses (2:1). Similarly, during Enoch's heavenly journey he does not receive knowledge directly from God, but from the angels, with whom he spent six jubilees of years (4:21). The substitutionary function of the angels is also apparent in 3:1–3, the description of Adam's naming of the animals. In Gen 2:19–20, Yahweh brings the animals to Adam to name them. In *Jubilees*, by contrast, it is the angels who perform this apparently subservient task. But lest anyone mistakenly credit the angels with autonomy, or perceive Yahweh as

199. Segal, *The Book of Jubilees*, 9–10.
200. VanderKam, "Genesis 1 in Jubilees 2," 306.
201. Ibid., 311. Translation from VanderKam, *The Book of Jubilees*, 10.

somehow inactive, the author notes that everything that occurred was according to Yahweh's command (3:1).

In addressing the issue of theodicy, the author of *Jubilees* maintains a strict separation between God and evil, which exists on the earth not because God ordained it, but because of the Watchers, angels that God once sent to the earth who subsequently rebelled, copulated with human women, and bore giants (*Jub.* 5:1–11). The descendants of the Watchers are the root cause of sin and evil in the earthly realm, as described in Noah's prayer: "May they not cause destruction among your servants, my God, for they are savage and were created for the purpose of destroying" (10:5; cf. 7:27).[202] In response, Noah is granted knowledge of herbs that heal the afflictions caused by the demons (10:12–13).

The existence of evil is also attributed to the work of demons, whose leader is identified as either Belial (1:20; 15:53), or more frequently Mastema. After the flood, God charges his angels to bind up nine-tenths of all demons for judgment. However, he allots one-tenth of them to remain on the earth, under Mastema's control, so that he can exercise his will upon the earth, that is, cause sin and suffering (10:7–9). In the rest of the narrative, Mastema functions as the instigator of evil and temptation. Through this literary maneuver, the author of *Jubilees* allows for an attenuated dualism. While asserting that God is still in charge over the entire universe, he identifies a distinct source of evil. In the treatment of the binding of Isaac (*Jub.* 17:15–18:19), it is Mastema who accuses Abraham of loving Isaac more than God, leading to the test of his faith, presenting a strong thematic parallel to the introduction of Job. In what appears to be a "rewrite" of Exod 4:24–26, *Jub.* 48:1–4 describes an episode in which Moses encountered Mastema, who sought to kill him during the journey back to Egypt. In this account, Mastema represents not only the source of evil, but also an advocate of the foreign enemy, since his objective in killing Moses was "to save the Egyptians from [Moses'] power, because he saw that [he was] sent to carry out punishment and revenge against the Egyptians…" (48:3).[203] Here, it is critical to note that this "rewriting" is not based solely on the difficulties of the Exodus passage, but on the *Jubilees* author's concern to describe the transcendence of God.

(3) *Separation from Foreigners/Endogamous Marriage.* In 4:9, the author of *Jubilees* appears to tackle the question that has plagued many Sunday School teachers—"Where did Cain find a wife?"—by noting that

202.   Translation from ibid., 59.
203.   Translation from ibid., 310.

after the birth of Abel, Eve gave birth to a daughter, Awan, whom Cain would later marry.[204] While this passage solves an obvious ambiguity in Genesis, it is one part of *Jubilees*'s emphasis on endogamous marriage. This theme is prevalent through the rest of *Jub.* 4, in which the author carefully notes that every other descendant of Adam married within the family—Seth married his sister Azura (4:11); Enos married his sister Noam (4:13); Kenan married his sister Mualeleth (4:14). Beginning with Mahalalel (4:15), the pool of brides expands beyond the nuclear family—Mahalalel marries his first cousin (Dinah) as does Jared (4:16) and Enoch (4:20). Within this context, the importance of finding a right wife is reinforced by the constant identification of the woman by name and lineage. Through such explicit naming, the author emphasizes the point that no foreign blood factored into Israel's ancestry.[205] In this light, the description of the marriage of Cain establishes a paradigm for what all other Israelites, both ancient and modern, are called to do. So, while the identification of Cain's wife solves a problematic absence in Genesis, it is a smaller part of the author's attempt to present endogamous marriage as the proper and traditional practice of the chosen people of Yahweh.

The stress on endogamous marriage is also a dominant theme in *Jubilees*'s description of Jacob. In contrast to the narrative in Genesis, *Jubilees* contains multiple scenes of Jacob receiving very strict instructions with regard to marriage. As a part of his last testament, Abraham blesses Jacob as Yahweh's elect, "to be his people for his heritage in accord with his will throughout all time" (22:10).[206] As a part of this blessing Abraham sternly warns Jacob against not only taking a foreign wife, but also consorting with foreigners in any manner:

> Separate from the nations, and do not eat with them. Do not act as they do, and do not become their companion, for their actions are something that is impure, and all their ways are defiled and something abominable and detestable… Be careful, my son Jacob, not to marry a woman from all the descendants of Canaan's daughters, because all of his descendants are (meant) for being uprooted from the earth. (22:16, 20)[207]

The convergence of the themes of endogamous marriage and election occur again in Rebekah's instructions to Jacob (*Jub.* 25:1–3). In contrast

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204.   The original Hebrew of the text is preserved in 11Q12 (11QJub). Cf. Florentino García Martínez, Eibert J. C. Tigchelaar, and Adam S. van der Woude, "11QJubilees," in *Qumran Cave 11.* Vol. 2, *11Q2–18, 11Q20–31* (Oxford: Clarendon, 1998), 207–20.

205.   VanderKam, "The Origins and Purposes of the Book of Jubilees," 19.

206.   Translation from VanderKam, *The Book of Jubilees*, 129.

207.   Translation from ibid., 131–32.

to Genesis, here Rebekah reports directly to Jacob, not to Isaac, that she is exceedingly displeased because of Esau's Canaanite wives. Her warnings to Jacob to marry kin, however, are not based solely on personal preference. On the contrary, Rebekah commands Jacob to take a wife from their kin so that (or perhaps because) "the most high God will bless you; your family will become a righteous family and your descendants (will be holy)" (25:3).[208] In a scene unique to *Jubilees*, Jacob responds to his mother's warning by stating his own desire to marry within the extended family, just as Abraham commanded him (cf. 25:4–12).[209] The personal initiative of Jacob is further elaborated when he tells his mother that he had previously heard that Laban had daughters, and that he had designs to take one of them as a wife rather than a Canaanite (25:6). This commitment is a direct response to Esau, who had been goading his brother for twenty-two years to marry a Canaanite (25:8). In this manner, the author of *Jubilees* portrays Jacob's travels to Padan-Aram not simply as a flight for life, but as the fulfillment of commandments from Abraham and his mother, and the manifestation of his own commitment to proper marriage.

While the passages reviewed thus far highlight the importance of endogamous marriage, the episode of Dinah and Shechem in *Jub.* 30 emphasizes the danger of foreigners. In stark contrast to Gen 34:30, the author of *Jubilees* lauds Levi and Simeon for their violent reprisal against Hamor and Shechem, for their actions were a divinely sanctioned defense of an Israelite woman:

> For the punishment had been decreed against them in heaven that they were to annihilate all the Shechemites with the sword, since they had done something shameful in Israel. The Lord handed them over to Jacob's sons for them to uproot them with the sword and to effect punishment against them and so that there should not be again something like this within Israel—defiling and Israelite virgin. (30:5–6)[210]

Moreover, Yahweh rewards Levi's zeal by choosing him and his descendants for the priesthood (30:18). To reinforce further the toxicity of intermarriage, the author follows the Dinah narrative with a series of legal regulations (30:7–17). Here, the repugnance of the practice is made evident by the severity of punishments. A man who gives his daughter to a foreigner is to be executed; the daughter, meanwhile, is burned to death (30:7). There is no statute of limitations to this law, nor is there any

208.   Translation from ibid., 160.
209.   A small portion of Jacob's response, vv. 9–10, is preserved in the Qumran fragment 4Q222 (4QJub^g). Cf. VanderKam and Milik, "Jubilees," 87–94.
210.   Translation from VanderKam, *The Book of Jubilees*, 195–96.

possibility of forgiveness: "This law has no temporal limit. There is no remission or any forgiveness; but rather the man who has defiled his daughter within all of Israel is to be eradicated because he has given one of his descendants to Molech and has sinned by defiling them" (30:10).[211] This sin is in fact so egregious that it will bring about plagues and curses upon the entire people, with no relief even after repentance (30:15–16).

The description of the circumcision covenant in *Jub.* 15 presents extremely fascinating discrepancies with Genesis and provides evidence of the author's firm stance against foreigners. As we read in 15:12, Abraham received the command to circumcise his entire household; the fulfillment of the instruction is then described in 15:23–24. Twice it is stated within this passage that only circumcision on the eighth day is valid for inclusion into the covenant (15:12, 14). For this reason, the author of *Jubilees* describes Isaac as "the first to be circumcised according to the covenant which was ordained forever" (16:14), in spite of the fact that he previously described Abraham circumcising his entire household.[212] By upholding circumcision *on the eighth day* as a necessary condition for inclusion into the covenant, the author of *Jubilees* renders Ishmael's circumcision meaningless, and thus categorically rejects his stake in the lineage of Abraham. The author of *Jubilees* thus places strict limitations on the identity of the "proper" lineage of Abraham, and hence, the identity of those who will be privileged to inherit his blessings. As a side note, we should note that the author's emphasis on eighth-day circumcision produces a narrative difficulty, since technically Abraham should also be considered uncircumcised.

(4) *Emphasis on Antiquity*. As we saw in Chapter 3, the author of *Jubilees* claims great antiquity for Israelite legal and cultic practices through a reference to the "Heavenly Tablets." In addition to law and ritual, the author also asserts the antiquity of various aspects of Israelite identity. Earlier, we saw how this ideology applied to the Israelites' claim to the promised land. The antiquating concern is also evident in the narratives describing the election of certain key individuals. On the surface, each of these "retrojections" (relative to the chronology established in the Penta- teuch) would appear to resolve some ambiguity in the biblical narrative. Upon a closer reading, however, it appears that the author of *Jubilees* reorients certain events in order to present a specific understanding of Israelite identity.

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211.   Translation from ibid., 194.
212.   Translation from ibid., 97.

The author employs a shift in chronology to defend the superiority of two tribes, Judah and Levi. More specifically, he depicts Judah and Levi having dominance over their brothers during their lifetimes, and so provides an etiology for the ascendance of their eponymous tribes. In a scene that parallels the blessing of Jacob, *Jubilees* includes a scene in which Isaac blesses Judah and Levi on this deathbed. For Judah, Isaac describes his future in unambiguous royal tones: "Be a prince—you and one of your sons—for Jacob's sons. May your name and the name of your sons be one that goes and travels around in the entire earth and regions… At the time when you sit on the honorable throne that is rightly yours, there will be great peace for all the descendants of the beloved's sons" (31:18, 20).[213] Levi, meanwhile, is blessed by Isaac to serve in the priestly office: "May the Lord give you and your descendants extremely great honor; may he make you and your descendants (alone) out of all humanity approach him to serve in his temple like the angels of the presence and like the holy ones" (31:14).[214]

In addition to blessings from the grandfather, the author of *Jubilees* includes etiological narratives for the superiority of Judah and Levi. *Jubilees* 34:1–9, an account of the battle between Jacob's sons and an Amorite coalition, has Judah and Levi along with Joseph take the lead in the campaign. And though the author of *Jubilees* does include the episode of Tamar, he protects the dignity of Judah by including a description of his repentance. In Gen 38, Judah only admits that Tamar is more righteous than he is, and pledges no longer to have relations with her (v. 26). The author of *Jubilees*, meanwhile, depicts Judah mourning his sin and making supplication before Yahweh. In response, the angelic messengers of Yahweh tell Judah, in a dream, that he has been forgiven (41:23–24). This forgiveness is only a one-time dispensation, however, since the author of *Jubilees* concludes the narrative with the warning that defilement of a daughter-in-law or mother-in-law will bring great punishment (41:25–26). Only Judah's *sin* serves as a paradigm; the forgiveness granted to him will not mitigate punishment for future violators.

There is an even greater concern for explaining the origins of the ascendance of the Levites, which is tied to the fact that Levi himself was chosen to serve as a priest. Through what James Kugel calls "duplication-of-means," *Jubilees* presents no fewer than three different explanations for Levi's election.[215] In *Jub.* 30:18–20, Levi is chosen to be a

213.   Translation from ibid., 206.
214.   Translation from ibid., 203–4.
215.   See James L. Kugel, "Levi's Elevation to the Priesthood in Second Temple Writings," *HTR* 86 (1993): 7, and idem, *In Potiphar's House: The Interpretive Life of Biblical Texts* (San Francisco: Harper Collins, 1990), 38, 134, 146, 256–57.

priest for Yahweh as a reward for avenging his sister Dinah. In 31:14, Isaac blesses Levi to serve Yahweh as priest. Finally, according to 32:1–9, Levi has a dream in which he is told that he and his sons will serve as priests. After this dream, while Jacob is fulfilling his tithe vow, he invests Levi with the garments of priesthood.

Let us consider the origins of the Levi-as-priest tradition in more detail. As with other examples of "rewritten Bible," much focus is placed on hermeneutics as the key authorial motive. Robert Kugler proposes that the election of Levi was based on a synoptic reading of four penta-teuchal texts—Gen 34; Exod 32:25–29; Num 25:6–13; Deut 33:8–11.[216] According to James Kugel, the crux of the issue lies in Gen 28:20–22, which describes the vow that Jacob makes at Bethel. As part of his vow, Jacob pledges to give one-tenth of all that he has to Yahweh. Kugel contends that this aspect of the vow troubled ancient interpreters, "[f]or nowhere in the rest of the story of Jacob's life is he ever said to have fulfilled this vow."[217] To solve this problem, the author of *Jubilees* included a vow-fulfillment scene, which in accordance with Num 18:21–28, would have required a priest. In this perspective, the author provides for the election of Levi in order to present a plausible narrative in which Jacob fulfills his vows.

There is, however, much evidence in *Jubilees* that an exegetical harmonization of Jacob's tithe vow was not the primary motivation in the formulation of the Levi-as-priest tradition. Within *Jubilees*, a number of patriarchs perform sacrificial actions that, according to the Pentateuch, require the presence of a priest. Adam offers a sacrifice after his expulsion from Eden (3:26). Noah makes an atonement sacrifice on behalf of humanity (6:1–3). Abraham offers sacrifices during Firstfruits (15:1–2) and Sukkoth (16:20–23). In none of these scenes does the author insert a priestly figure in an attempt to harmonize with pentateuchal regulations.

Further, it appears that the giving of a tithe to a cultic official is not the situation depicted in *Jub.* 32. Jacob's fulfillment of the vow is clearly described as a burnt offering, and not something given to Levi. Jacob is said to have brought to the altar the proper number of animals from his possession (32:4). This is followed by a two-fold description of the purpose of these animals: "a burnt offering on the altar and as a pleasing offering for a pleasant aroma before God. This was his gift because of the vow which he had made that he would give a tithe along with their

216.   Robert A. Kugler, *From Patriarch to Priest: The Levi-Priestly Tradition From Aramaic Levi to Testament of Levi* (Atlanta: Scholars Press, 1996), 9.
217.   Kugel, "Levi's Elevation," 3.

sacrifices and their libations" (32:4–5).[218] The fulfillment of Jacob's vow, then, is not achieved by what he gives to his son (a tithe of humans; 32:9), but through the offerings to Yahweh. In effect, he gives his "tithe" directly to God. In this light, the election of Levi does not solve an exegetical problem, since no such problem appears to exist.

What I would argue is that the narratives describing Levi's election are rooted in *Jubilees*'s portrayal of the priesthood as an extremely ancient institution. As noted above, Adam, Noah, and Abraham are depicted making sacrifices without priests. More precisely, it is not that the patriarchs did not need priests, but that they were themselves priests. The most important expression of this thought is the last testament of Abraham given to Isaac (*Jub.* 21:3–20).[219] Abraham gives his son a series of commandments, the majority of which concern strictly cultic matters. Here, I will include a brief excerpt:

> If you slaughter the victim for a peace offering that is acceptable, slaughter it and pour their blood onto the altar. All the fat of the sacrifice you will offer on the altar with the finest flour; and the offering kneaded with oil, with its libation—you will offer it all together on the altar as a sacrifice. (It is) an aroma that is pleasing before the Lord. As you place the fat of the peace offering on the fire which is on the altar, so also remove the fat which is on the stomach and all the fat which is on the internal organs and the two kidneys and all the fat which is on them and which is on the upper thighs and liver with the kidneys. All of this you will offer as a pleasant fragrance which is acceptable before the Lord, with its sacrifice and its libation as a pleasant sacrifice—the food of the offering to the Lord. (21:7–9)[220]

These commands, which are remarkably similar to Lev 3:7–11, clearly indicate that Abraham is passing on "priestly" requirements to his son, and presuppose that Isaac will be functioning in a priestly role.

To reinforce further the notion that the patriarchs were themselves priests, the author of *Jubilees* refers to an ancient source of divine knowledge. As Abraham tells his son, his knowledge of the sacrificial requirements comes directly from Enoch and Noah: "because this is the way I found (it) written in the book of my ancestors, in the words of Enoch and the words of Noah" (21:10).[221] It is within this chain, then, that Levi

218.   Translation from VanderKam, *The Book of Jubilees*, 209–10.
219.   A significant portion of this pericope is preserved in two Qumran texts. 4Q219 (4QJub^d) preserves two columns of text, encompassing parts of 21:1–22:1. 4Q220 (4QJub^e) preserves 21:5–10. Cf. VanderKam and Milik, "Jubilees," 39–53, 55–61.
220.   Translation from VanderKam, *The Book of Jubilees*, 121–22.
221.   Translation from ibid., 123.

serves as priest. Through such a portrayal, the author makes an unam-
biguous claim that the priesthood reaches back to antiquity, to the days
of the first man. Hence, Levi represents only one stage of an antediluvian
lineage, which the author of *Jubilees* uses in order to establish the
purported historical foundation for privileged cultic and political role of
the Levites in Jewish society.

The antiquating concern of the author of *Jubilees* is central to his
portrayal of Abraham. In contrast to the Pentateuch, *Jub.* 11:14–12:21
recounts several episodes in the life of Abraham in Mesopotamia, each
one centered on the rejection of idolatry, which sets him apart not only
from the rest of his lineage, but from the rest of humanity as well. In
11:1–6, the author describes how the birth of Serug marked the rise of
war. Further, it was during this time that Ur, the son of Kesed, founded
the city of אור כשדים, a breeding ground for idolatry:

> They made molten images for themselves. Each one would worship the
> idol which he had made as his own molten image. They began to make
> statues, images, and unclean things; the spirits of the savage ones were
> helping and misleading (them) so that they would commit sins, impuri-
> ties, and transgression. Prince Mastema was exerting his power in
> effecting all these actions, and by means of the spirits, he was sending to
> those who were placed under his control (the ability) to commit every
> (kind of) error and sin and every (kind of) transgression; to corrupt, to
> destroy and to shed blood on the earth. For this reason Serug was named
> Serug; because everyone turned to commit every (kind of) sin. (11:4–6)[222]

After the birth of Terah, Mastema caused even more suffering on the
earth by sending crows that would destroy the harvest, such that it was
only with great effort that a person could get something to eat (11:9–13).
The author of *Jubilees* thus sets the birth of Abraham within an ominous
context, filled with sin, idolatry, war and suffering. That Abraham is
different from the rest of humanity, however, becomes clear from very
early on. After the birth of Reu, Serug's father, Reu's mother Ruth
prophesies "From him there will born in the fourth generation one who
will set his dwelling on high and will be called perfect and blameless…"
(4:11). Immediately after noting his birth and naming, the author describes
Abraham as perceiving the sins of humanity and the futility of their idol-
worship (11:16). At the age of fourteen, Abraham separates from his
father in order to avoid the worship of idols, and begins praying to "the
Creator of all" so that he would be saved from the rest of sinful humanity.

From here, the author of *Jubilees* describes Abraham's commitment
against idols, and hence his unique status in the world, through three

222.   Translation from ibid., 65.

narratives. The first episode, 11:18–24, shows that Abraham has the ability to defeat Mastema's schemes. By calling out to the crows that Mastema sent against humanity, Abraham was able to turn them back seventy times in one day, such that both Abraham and all those who were with him enjoyed a satiating harvest. In 12:1–8, 12–14, Abraham is described as taking a more direct stance against idolatry. Verses 12–14 recount how Abraham burned down the house of idols in Ur of the Chaldees. In vv. 1–8, Abraham challenges his father's idolatry, asking, "Why do you worship those things which have no spirit in them?" (12:5). Terah's response is extraordinary, and provides valuable insight into the author's portrayal of the election of Abraham. He responds to his son, "I, too, know (this) my son. What shall I do with the people who have ordered me to serve in their presence? If I tell them what is right, they will kill me because they themselves are attached to them so that they worship and praise them. Be quiet, my son, so that they do not kill you" (12:6–7).[223] The virtue of Abraham lies not only in the fact that he worships the right god (and does not worship the wrong ones), but in the fact that he has the conviction of character to resist peer pressure.

The third description of Abraham's rejection of idolatry is found in an account of a night vigil (12:16–24). Here, he denies all idols by confessing that Yahweh is the sole deity. He then prays that Yahweh would save him from the rest of evil humanity and establish his lineage for eternity (12:20). God responds to Abraham's prayer by commanding him to leave Mesopotamia for another land, and by promising an eternal blessing for his descendants (12:22–24). Within this narrative, the author places extraordinary emphasis on Abraham's active rejection of idolatry by highlighting his initiative. During the vigil, Abraham recognizes that Yahweh is the only true deity even without the benefit of special revelation. Further, Abraham asks God in prayer whether he should remain in Ur or head to a new land. In other words, the move to Canaan is not a divine reward for the rejection of idolatry, but rather Abraham's own plan for removing himself from a pagan environment, for which he seeks divine approval. And finally, Abraham approaches God with the request to make him and his seed an eternal lineage. This request, in turn, is closely linked with his plea to be rescued from the pervasiveness of humanity's evil. Through this portrayal, the author of *Jubilees* claims that the election of Abraham was no gratuitous gift, but rather Yahweh's response to Abraham's plea for salvation. Election is a reward given to Abraham for his boldness in rejecting idolatry and seeking Yahweh.[224]

223. Translation from ibid., 69–70.
224. Cf. Halpern-Amaru, *Rewriting the Bible*, 31–32.

This account fundamentally conflicts with Gen 12, which displays no sense of connection between Abraham's character and his calling from Ur. And while the *Jubilees* narrative supplies information that is missing from Gen 12, his primary motivation appears to be to remind the reader that the foundation of Jewish identity lies in the rejection of idolatry and strict separation from foreigners. The radical rejection of assimilation and the strict requirement for ethnic isolation is not a by-product of the notion that the Jews are an elected people. On the contrary, these elements are the very cause of election, and hence, the essence of their Jewish identity.

3. *Conclusion*

Throughout this chapter we have seen a plethora of evidence demonstrating a lack of adherence to the Pentateuch's portrayal of history. In accounts of Israelite history now found within the Bible, there is an absence of dependence upon the pentateuchal historical narratives. What is more, we have seen some evidence to suggest that the Pentateuch, far from being the literary basis for the composition of other texts, may have been among the latest of these historiographic accounts to be composed, as suggested by the fusion within it of motifs that are not connected in other texts (such as Sinai, the covenant and the golden calf). Though it is more comprehensive and more detailed than any other treatment of the history of Israel in the Bible, and would eventually come to be regarded as the authoritative description of the past, this literary status may be a secondary imposition based on a linear reading of the canon. The Pentateuch did not enjoy such a dominant status during the composition of other biblical texts.

As evidenced by texts from the Second Temple period, even after the completion of the Pentateuch it did not represent the standard account of history. While certain authors, such as those who produced *Jubilees*, the *Genesis Apocryphon*, and *L.A.B.*, did borrow narrative and structural elements from the Pentateuch and beyond, a close analysis of these texts shows that the Pentateuch was not a dominant literary force. Even with some influence from the biblical narratives, these authors created innovative narratives that have no biblical precedent. In these texts, the patriarchs are inventors and philosophers; Moses is the father of wisdom and the inventor of writing, a demigod who was capable of striking down Egypt by himself. These and other elements of contrast with the Pentateuch would not be possible in a world in which the Pentateuch dominated the cultural repertoire. For this reason, we cannot regard these texts

as clarifications, replications, or expansions of the biblical material. They are imaginative, creative innovations that stand at great odds with the Pentateuch. Though the five books were known, and though many authors regarded them as an important source of traditions (cf. Ben Sira), they did not present any form of necessary constraint on the historical accounts that Jewish authors would produce.

From this variety in the accounts of the history of Israel, we see that there was no one "canonical" or "standard" version of that history. There is no one text that looms over all others as an authoritative depiction, and there is no one account from which all others develop. To be sure, there are certain points of continuity among these texts. These similarities, however, are at a basic, motival level, which may originate not only from a reference to a single literary tradition, but also from access to the cultural repertoire. Consequently, there is no uniformity regarding the specific details, function, and significance of a given event within a narrative, or in the message that the historical account is supposed to communicate to the audience. While one author describes the wilderness sojourn as a time when Yahweh made known his intimate grace for Israel, another speaks of the same "event" as a time of unending sin and rebellion. A portrayal of the past is based primarily on the message that an author wishes to communicate to the reader. Be it a call to repentance, a reminder of the deity's faithfulness, or a claim that Jewish civilization is the most ancient and glorious in all the world, the author shapes a historical account into a specific form, so that it transmits a specific point of significance. It is in embracing this conceptualization of history that we are better able to appreciate the nature of biblical historiography, since it frees us from the mire of endless debates centering on factuality.

Chapter 5

THE PENTATEUCH AS TORAH

Thus far in the study, I have argued that, in spite of numerous lexical and thematic similarities, the Pentateuch did not exercise any significant constraint on the composition of certain non-pentateuchal texts. A potentially formidable objection against this argument is the frequency of citations of תורה outside of the Pentateuch. For example, the covenant stipulations of Neh 10 are introduced as a commitment to "to follow the תורה of God which was given by Moses, the servant of God and to keep and observe all of the מצות of Yahweh our lord, and his משפטים and חקים."

   To be precise, it is not merely the citations themselves, but how they are interpreted, that would appear to present a formidable corrective to what I have presented thus far. The prevailing opinion in biblical studies regards these citation as direct references to the Pentateuch, and hence, indications of authors' recognition of its authoritative status. This argument is based on two factors: (1) lexical and thematic similarities with pentateuchal texts; (2) an explicit reference to תורה, which, following modern parlance, is viewed as a reference to *the* Torah, that is, the Pentateuch.[1] The identification of תורה with the Pentateuch is of course not a modern idea, as it originates from rabbinic practice. The early sages "tended to assume that occurrences of the term *tora* elsewhere in biblical literature refer to the deposit of Mosaic revelation."[2] In addition to direct references to תורה, it is also held that other citation formulae, which use the terms ככתוב, כמשפט, or the like, also refer to the Pentateuch.

1. For a survey of ancient and modern statements in this regard, see Shaver, *Torah and the Chronicler's History Work*, 124 nn. 3–5.
2. Jon Levenson, "The Sources of Torah: Psalm 119 and the Modes of Revelation in Second Temple Judaism," in *Ancient Israelite Religions: Essays in Honor of Frank Moore Cross* (ed. P. Miller, P. Hanson, and S. D. McBride; Philadelphia: Fortress, 1987), 559.

Michael Fishbane writes that in many cases the ככתוב and כמשפט are "used as…short-hand to indicate conformity with the 'written' rules of the Torah (i.e., the Pentateuch)."[3]

As Theodore Mullen demonstrates, the linkage of תורה and the Pentateuch is not based strictly on content, but on presumptions of scriptural authority. As he describes it, the linkage of תורה and the Pentateuch is derived from a combination of the importance of the former within biblical accounts of religious reform and the importance of the latter in Jewish and Christian tradition:

> Since [the reforms of Josiah and Ezra] play such a crucial role in scholars' reconstructions of the origins of Judaism, and since this "Torah" played such a critical role in the restoration community, it is commonly asserted that it could not have been lost. It must therefore be identifiable with some part of the present canon.[4]

In this vein, Hugh Williamson argues that it is highly inconceivable, in light of the importance of the Pentateuch in the formation of Judaism, that there would have existed another, competing set of laws, cited as תורה.[5]

In spite of the wide-acceptance of the referent of the תורה citations as the Pentateuch, there have been a number of important criticisms. The majority of these are based on the observation that there are critical differences between תורה citation and the Pentateuch. Gerhard von Rad, noting a lack of connections between Ezra and pentateuchal narratives, cast doubt on the identification of Ezra's law-book and the Pentateuch as a whole.[6] Cornelis Houtman identified a series of content-related contrasts between the laws of Ezra and the Pentateuch, and concluded that Ezra's תורה was distinct from the Pentateuch.[7] Sara Japhet argues that the identification of תורה with the Pentateuch was the product of a long process, and that there is no evidence to assume that this relationship obtains within biblical texts.[8]

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3. Fishbane, *Biblical Interpretation*, 213. A full discussion of legal cases with citation formulae can be found on pp. 208–20.

4. Mullen, *Ethnic Myths*, 31.

5. Williamson, *Ezra, Nehemiah*, xxxviii.

6. Gerhard von Rad, *Das Geschichtsbild des chronistichen Werkes* (Stuttgart: W. Kohlhammer, 1930), 38–41. His views were subsequently expanded by Martin Noth, *The Laws in the Pentateuch and Other Essays* (trans. D. R. Ap-Thomas; Edinburgh: Oliver & Boyd, 1966), 76; W. Rudolph, *Esra und Nehemiah* (Tübingen: Mohr, 1949), 169.

7. Cornelis Houtman, "Ezra and the Law," *OtSt* 21 (1981): 91–115.

8. Sara Japhet, "Law and 'The Law' in Ezra–Nehemiah," in *Ninth World Congress of Jewish Studies: Panel Sessions, Bible Studies and Ancient Near East* (Jerusalem: Magnes, 1985), 100.

Theodore Mullen presents an extensive analysis of the identity תורה of in his study on the formation of the Pentateuch. He begins with the law-books of Josiah and Ezra, the former, which most identify as at least a portion of Deuteronomy, and the latter which most connect to at least a portion of the Pentateuch.[9] On the basis of the contents of the law-books, as revealed within the texts, Mullen argues that neither is to be identified with the Pentateuch (or portions of it).[10] Mullen reinforces this contention by exploring the identity of תורה in Second Temple period literature. Both the Samaritan Pentateuch and the Elephantine letters claim adherence to תורה but deviate from the Pentateuch in significant ways. Likewise, the Temple Scroll and 4QMMT contain sectarian interpretations, "which, by implication, means that there were competing concepts of Torah at that time." Both texts "suggest that the written Torah was not yet in a universally accepted form and that it was possible for portions of it to be rewritten."[11] On this and similar evidence, Mullen concludes that prior to 200 CE, though various Jewish movements shared the concept of תורה as divine instruction, they did not agree on which specific documents constituted תורה.

The central aim of the present chapter is to provide corroboration for these studies that call into question the identity of תורה. Whereas the works reviewed thus far focus primarily on תורה citations in post-exilic literature (Chronicles, Ezra and Nehemiah), I will make the argument more rigorous by incorporating evidence from a broader range of texts. And as in previous chapters, I will present a survey of תורה-related texts from the Second Temple period in order to supplement the data from the biblical texts. Through this consideration, my aim is to destabilize much of what is assumed about the origin of the Pentateuch's textual authority. I will show that there is much evidence from the Bible and Second Temple period literature that casts into doubt the widely held notion that the Pentateuch was received as תורה, as a dominant element of the cultural repertoire immediately after its compilation.

Before proceeding further, we should clarify two methodological issues. First is the determination of citations that are significant for gauging the reception of the Pentateuch. Because I will be focusing on how the legal content of a particular text relates to a provision known

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9. The identity of Josiah's book with Deuteronomy was first proposed by W. M. L. de Wette in his *Dissertatio critica-exegetica qua Deuteronomium a prioribus Pentateuchis libri diversum, alius cuiusdam recentioris auctoris opus esse monstratur* (University of Jena, 1805).

10. Mullen, *Ethnic Myths*, 25–31.

11. Ibid., 49.

from the Pentateuch, I will exclude a number of citations that provide little insight into content:

כבתוב:	2 Kgs 23:21; 2 Chr 30:5, 18; 35:26
כמשפט:	1 Chr 23:31[12]
תורה:	Josh 1:7; 22:5; 23:6; 1 Kgs 2:3; 2 Kgs 10:31; 17:13, 34, 37; 21:8; 23:25; Isa 5:23; 24:5; 30:9; 42:21, 24; 51:4, 7; Jer 2:8; 8:8; 9:12; 16:11; 26:4; 31:33; 32:23; 44:10, 23; Ezek 22:26; 44:24; Dan 9:10–13; Hos 4:6; 8:1, 12; Amos 2:4; Hab 1:4; Zeph 3:4; Mal 2:6–9; Pss 78:5, 10; 89:30; Ezra 3:2; 7:6, 10; 1 Chr 22:12; 2 Chr 6:16; 12:1; 14:4; 17:9; 23:18; 31:4, 21; 33:8; 35:26

Likewise, I will exclude a number of cases in which תורה refers only to the generic notion of teaching or instruction.[13] The same goes for prophetic texts that use תורה to describe a spontaneous message from Yahweh to the prophet.[14]

Within these guidelines, the reference to תורה from Zion in Isa 2:4/Mic 4:2 deserves special mention.[15] Though neither text provides any details regarding the contents of divine instruction, they do have a fascinating description of Zion as the source of תורה, which raises the issue of the relationship between Zion and Sinai. In his *Sinai and Zion*, Jon Levenson argues that the Sinai tradition stems from Israel's pre-exilic period, while the Zion tradition originates with the rise of the Davidic monarchy. As the "newer" tradition, Levenson contends that Zion inherited the various conceptual elements of Sinai and replaced it as the divine dwelling place and the source of revelation. Through this transfer, from a mountain of unknown location to a mountain in the heart of Israel, "God was no longer seen dwelling in an extraterritorial no man's land, but within the borders of the Israelite community."[16] In this perspective, the description of Zion as the source of תורה in Isa 2/Mic 4

12. כמשפט is used in a number of texts to refer to customary practice, rather than adherence to a text. Cf. 1 Kgs 18:28; 2 Kgs 11:14; 17:33, 34, 40; 1 Chr 6:32.

13. 2 Sam 7:19; 2 Chr 15:3; Job 22:22; Isa 2:3; 8:16, 19–20; 42:4; Jer 6:19; 18:18; Lam 2:9; Ezek 7:26; Mic 4:2; Pss 78:1; 94:12; Prov 1:8; 3:1; 4:2; 6:20; 7:2; 13:14; 28:9; 31:26.

14. Isa 1:10; 8:16; 30:9; Jer 44:24; Ezek 43:12; 44:5; Zech 7:12.

15. One of the most discussed issues concerning this prophetic vision of Zion, which occurs in both Isa 2:2–5 and Mic 4:1–5, is the nature of the intertextual relationship between the two. A proper discussion of the issue would take us far beyond the discussion at hand while providing little yield for our understanding of the identity of תורה. For concise discussions on the relationship between the two passages, see Ehud Ben Zvi, *Micah* (Grand Rapids, Mich.: Eerdmans, 2000), 102; Joseph Blenkinsopp, *Isaiah 1–39* (New York: Doubleday, 2000), 190.

16. Jon Levenson, *Sinai and Zion: An Entry into the Jewish Bible* (New York: Harper Collins, 1985), 91.

could be regarded as an adaptation and replacement of pentateuchal traditions concerning Sinai.

As David H. Aaron points out, however, it is not at all apparent that Zion replaces Sinai. He argues against Levenson's claim that "a quick reading of the Hebrew Bible leaves one with a larger awareness of Sinai than Zion."[17] In fact, there are only nine occurrences of Sinai/Horeb outside of the Pentateuch, and none support the notion "that a Horeb or Sinai mythology of the Torah functioned for the non-pentateuchal writers who used these appellatives."[18] Zion, meanwhile, is referenced over 150 times in the Bible, though not once in the Pentateuch. Any contention for the dominance of Sinai, then, is based only on a reading of the Pentateuch, since the rest of the Bible emphasizes Zion as the divine mountain. On this basis, Aaron argues that it was the mythology of Zion that came first: "Zion came out of the real political and military tribulations of historical circumstances." As for Sinai, it was an invention by the pentateuchal author(s) as a response to fall of Zion, so that "Sinai emerged as an ideological paradigm that would remain forever unaffected by the travails of time."[19] In this perspective, the identification of Zion as the locus of revelation in Isa 2:4/Mic 4:2 need not represent a transference of pentateuchal motifs, but rather a mountain-revelation tradition that is wholly distinct from, and possibly temporally prior to, those centered on Sinai.

The second issue meriting clarification is terminology. Because the terms תורה and "Pentateuch" are used interchangeably in academic and congregational settings, repeated references to תורה (or the transliterated *torah/Torah*) could lead to no small amount of confusion regarding its identity, which is the focal point of his chapter. Consequently, we need a term that is neutral with regards to potential links with the Pentateuch and which avoids connotations of *the Torah*. Therefore, throughout this chapter I will render תורה as "instruction," since this not only reflects one of the principal lexical usages of the Hebrew original, but also avoids any assumptions regarding potential connections with the Pentateuch.

1. *The Role of Literacy in the Ancient World*

A basic assumption in attempts to determine the function of inner-biblical citations of "instruction" is that the citation formulae point to an actual document. This is quite logical since the notion of writing, or

17. Ibid., 91.
18. Aaron, *Etched in Stone*, 107.
19. Ibid., 114.

written documents, is central to the formulae (e.g. כמשפט, ככתוב, or "the book of Moses"). Yet, there remains some difficulty, since the legal contents of some of the citations show no discernible connection to any known text. To resolve this difficulty, many follow Fishbane's proposal that the citation formulae are not only an indication of an author's source, but of an author's *interpretation* of that source.[20] However, this proposal still does not account for basic differences in legal provisions. Moreover, in many instances of such "interpretation," it is apparent that proper enforcement of the pentateuchal law would render the non-pentateuchal law unnecessary; the very fact that the non-pentateuchal law exists suggests that the pentateuchal law was viewed as incomplete or was unknown, both situations which call into question the "interpretive" origins.

Sara Japhet recognizes this difficulty in her work on Ezra 10:3 and Neh 13:1–3, laws against associating with foreigners.[21] The fact that it is necessary to institute provisions against mingling with foreigners suggests a fundamental ignorance of the relevant pentateuchal laws: "If this were all to be found in a written law-book, what would be the point of the whole scene?"[22] Thus, Japhet argues that references to the "Book of Moses" or "instruction of Moses" do not indicate literal adherence to a specific text. In her view, these provisions reflect the mores of the post-exilic community, as they function as a legitimating device rather than an indication of a specific textual precedent. Therefore, Japhet argues that though the Book of Moses was regarded as an authoritative text, "in the realm of actual legislation, which was to cope directly with life's changing conditions and demands…no strict adherence to the details of the law was attempted."[23]

Japhet's work is valuable in highlighting the rhetorical function of the citation formulae. At the same time, her argument is limited since she maintains that though the citation formulae do not indicate an author's literary sources, they still point to an actual, specific text. She contends that in the actual legislative developments of post-exilic Yehud, "no strict adherence to the law (i.e., the Mosaic law) was attempted," but that the "written 'Book of Moses' was still regarded as the embodiment of God's will in his laws."[24] In other words, it is not that there was no text

20. Fishbane, *Biblical Interpretation*, 117.
21. Japhet, "Law and 'The Law.'" For the discussion on Ezra 10:3 and Neh 13:1–3, see below, pp. 208–9.
22. Ibid., 108.
23. Ibid., 115.
24. Ibid.

called the "Book of Moses," only that its actual contents had negligible influence on the development of laws as depicted in post-exilic biblical literature. This is a difficult argument to support. If a text was regarded as an authoritative account of divine revelation, why would adherence to it not be a high priority? Conversely, if authors did not adhere to the text in question, then why should we insist that it was authoritative? By insisting that the citation formulae point to a specific text, Japhet creates a convoluted situation in which an authoritative text exercises little authority.

Though there are some impediments to identifying an actual document behind the citation formulae, the alternative would appear to be even more troublesome, since we would be faced with texts that only claim to adhere to some textual authority without actually doing so. Of course, there is the possibility that the references to "instruction" are nothing more than forgeries. Such an extreme conclusion, however, is neither ideal nor necessary, for a consideration of the function of literacy and textuality in the ancient world provides a coherent solution to the issue at hand.

In most contemporary societies, literacy is viewed as a skill necessary for full and meaningful participation in society. This is, however, a concept with decidedly North American/European roots that has no reflex in the ancient world. As David Carr agues, literacy in the ancient world was a means of incising culture on people's minds. Reading and writing were not means of integration, but rather, separation.[25] Through literacy, individuals gained access to a level of knowledge "that separated the members of an elite from contemporaries."[26] As the Hellenistic scholar Rosalind Thomas describes it, "written texts of poetry and literary prose had a reading audience confined to the highly educated and wealthy elite, and their secretaries."[27]

Reading and writing functioned in the ancient world as a means of establishing ethnic identity, so much so that the rhetorician Isocrates claimed that non-Greeks could become Greeks through extensive education in the proper (i.e. Greek) curriculum.[28] Conversely, non-Greek literary traditions became a method of resisting the oncoming tide of

25. David Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005), 8. Cf. Niditch, *Oral World*, 99.

26. Carr, *Writing on the Tablet of the Heart*, 13.

27. Rosalind Thomas, *Literacy and Orality in Ancient Greece* (Cambridge: Cambridge University Press, 1992), 110–11.

28. See Carr, *Writing on the Tablet of the Heart*, 88, where he cites Isocrates' *Antidosis* 296–97; *Evagoras* 47–51; and *Panegyricus* 51.

Hellenism. Catalog texts identifying works stored at Egyptian temples, such as the inscriptions at Ed-Tod and Edfu, as well as the proliferation of libraries at Tanis Tebtynus and Suchos, represented "a tightly bounded, cosmically whole series of secret writings in contradistinction to the ubiquitous Greek writings used by their Hellenistic overlords" which functioned specifically "to pose the superiority of their own culture to that of the Greeks."[29]

Because literacy functioned primarily to enculturate, the mere ability to read and write was considered far less important than proper indoctrination into the cultural values embodied in the text. Carr observes that in Greek texts, the ability to read a text was mocked as something that sausage-sellers or even dogs could do. "What was far more important was the ability to participate in the recitals of the ancient epic tradition that created pan-Hellenic culture and helped defines the elite classes within it."[30] Carr further demonstrates through an extensive survey of Mesopotamian, Egyptian, Israelite, and Greek literature that ancient education was not strictly text-based. Pedagogy in the ancient world was not based on the reading of new materials, but was instead "a cultural project of incising key cultural-religious traditions—word for word—*on people's minds*."[31] The primary goal of education, in other words, was to produce within students the ability to memorize and recite key elements of tradition. In this process, the text functioned not to introduce students to new knowledge, but as a point of reference by which a student could confirm and reinforce what was learned through recitation and memory, that is, oral means.[32]

The subsidiary role of literacy in the ancient world is based in large part on the accessibility of texts. Ancient texts did not present the reader with a user-friendly interface that allowed easy access to its contents, and they would not have been the initial form in which students encountered a given tradition.[33] This is most evident in cuneiform texts. Because of the multiple potential values for each sign, even proficient scribes would have needed some hint as to what the text was about before being able to read it rapidly. Even in alphabetic texts, however, difficulty persists. The lack of vowel markers and word-dividers, as evidenced in most

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29. Carr, *Writing on the Tablet of the Heart*, 88.

30. Ibid., 104.

31. Ibid., 8.

32. Ibid., 4. See also Doyne Dawson, *Cities of the Gods: Communist Utopias in Greek Thought* (Oxford: Oxford University Press, 1992), 89; van der Toorn, *Scribal Culture*, 11–12.

33. See Carr, *Writing on the Tablet of the Heart*, 4–5, for extensive references.

Levantine inscriptions, or, in the case of classical Greek texts, the exclusive use of capital letters, would not have led to easy sight-reading. For these reasons, Carr argues that an ancient reader would have needed a good amount of "textual pre-knowledge" in order to access its contents. In this light, ancient texts did not function to introduce cultural traditions, but to reinforce an oral process of enculturation that emphasized memorization and recitation.[34]

What Carr argues for, essentially, is a synergy between the oral and written dimensions.[35] To many, the two represent diametrical opposites of cultural transmission, in which the oral is viewed as a primitive form that is subsequently replaced by the written.[36] Carr demonstrates, however, that the availability of a text does not replace the need for mastery of the oral dimension (memorization and recitation) since the document functions as a companion to the oral processes, which in turn establish the "textual pre-knowledge" necessary for working through a text. Far from one replacing the other, orality and textuality functioned as complements within ancient education. We should note, of course, that this synergy is not limited to the ancient world. For example, many people speak of constitutional rights, such as the right to bear arms or the freedom of speech, without actually having read the Constitution or being able to quote from it with any precision.

The interaction between orality and textuality is a central point in Susan Niditch's *Oral World and Written Word*. Like Carr, she argues that there is no diachronic, evolutionary process in which the oral element precedes the written:

> [s]uch an approach ignores the possibility that written works in a traditional culture will often share the characteristics of orally composed works. It misrepresents ancient literacy as synonymous with literacy in the modern world of print, books, and computers and draws too artificial a line, chronological and cultural, between oral and written literatures.[37]

Unencumbered by the artificial separation between orality and textuality, Niditch argues for an "interplay" between the two, so that written texts exhibit features of an "oral register," that is, stylistic elements that are typical of oral-traditional material.[38] Within the biblical corpus, these elements include repetition, formulaic statements, epithets, quotation of

34. Ibid., 4.
35. For bibliography on the oral–written interface, see ibid., 7 n. 15.
36. For a survey of this topic as it relates to biblical studies, see Floyd, "'Write the Revelation' (Hab 2:2)," 103–43.
37. Niditch, *Oral World*, 3.
38. Ibid., 4.

other works, and patterns of content, such as the victory–enthronement pattern.[39]

According to Niditch, the interplay of orality and textuality also leads to a very specific view of texts within society. She argues that because reading and writing were viewed as skills confined to the elite, a text was viewed not simply as an object of communication, but as a monumental icon rich with symbolism. Though a certain class of texts, such as letters and business records, were intended to be read word-for-word to obtain or verify information, a separate class of texts functioned as symbols of power and authority within a cultural setting in which the ability to produce and access texts was privileged, if not closely guarded knowledge. In other words, these texts represented physical manifestations of the semiotic value of textuality and literacy within a predominantly oral society. As such, the primary import of these ancient texts was not their actual content, but their status as effective symbols of power, authority, and legitimacy.

To illustrate the point, Niditch refers to the Mesha Stela, a ninth-century B.C.E. Moabite text, which celebrates the victory of King Mesha over Judah and Israel.[40] Echoing Joel Drinkard, Niditch argues that the stone was not intended as an annal or a campaign diary.[41] Instead, the stela, destined for a high place built for the Moabite deity Kemosh, functioned as a memorial of the king's great deeds. It is the very sight of the stela, positioned in a highly conspicuous and sacred setting, which proves to be the effective factor in communicating to the audience. The production of this text "serves a sacred function and invests the stone with identity and referentiality for all time. It has such meaning whether or not passersby can read the words."[42]

39. See ibid., 8–24, for a full discussion of these elements, and 25–38 for an analysis of the elements of the oral register in Gen 1, 2, and Ezek 28.

40. For background on the stela, see Joseph Blenkinsopp, "Ahab of Israel and Jehoshaphat of Judah: The Syro-Palestinian Corridor in the Ninth Century," *CANE* 2:1316; Andrew Dearman, ed., *Studies in the Mesha Inscription and Moab* (Atlanta: Scholars Press, 1989); Herbert Donner and Wolfgang Röllig, *Kanaanäische und aramäische Inschriften* (3 vols.; Wiesbaden: Harrassowitz, 1962–64), 2:168–79; Andre Lemaire, "La stèle de Mesha: épigraphie et histoire," *Syria* 64 (1987): 205–14.

41. Joel Drinkard, "The Literary Genre of the Mesha Inscription," in Dearman, ed., *Studies in the Mesha Inscription*, 154.

42. Niditch, *Oral World*, 57. Niditch refers to similar proposals regarding the iconic function of texts: Peter Machinist, "Assyrians on Assyria in the First Millennium B.C," in *Anfänge politischen Denken in der Antike: Die nahöstlichen Kulturen und die Griechen* (ed. Kurt Raaflaub; Munich: R. Oldenburg, 1993), 101; Thomas, *Literacy and Orality*, 65–88; M. T. Clanchy, *From Memory to Written Record: England 1066–1307* (Cambridge, Mass.: Harvard University Press, 1979), 147.

As a modern example of this phenomenon, Niditch points to the Vietnam War Memorial in Washington, D.C. She suggests that the evocative power of these inscribed stones does not lie solely in their literal contents, but by the artistry of the physical arrangement and the symbolism of the structure as a record of the fallen. Even if an individual were not to read any of the names "the wall makes a cumulative statement to passersby, and to those who stop, a statement about loss and memory and about the acceptance of pieces of one's history and the history of one's people."[43]

The work of Carr and Niditch on the interplay between orality and textuality establish a cogent framework for interpreting inner-biblical references to a Mosaic (or divine) document that avoids the complications involved in searching for a specific text. In a social setting in which literacy was viewed as an elite skill, the mere physical object of the text represented power, authority and exclusive knowledge. This conceptual significance obtained whether the general populace could read it or not. The text conveyed a specific semiotic value that was a function of a specific societal conception of literacy, and not necessarily a function of the accessibility of its contents. Within the Bible, then, various authors' claims that a certain historical tradition or legislative development originated from a text need not be viewed simply as indications of source material, for they may represent an intentional evocation of the semiotic, iconic value of a text. In other words, the citation formulae can be seen as literary monuments, rhetorical devices that exploit the *gravitas* attributed to a written document in a society where the oral mentality remained a powerful influence. In this light, the claim that a legal development was derived from a text functions to impart upon that development a sense of authority and legitimacy. In the analysis of texts that follows, I will demonstrate that many of the citation formulae used in the Bible do not simply refer to "that document," but rely upon the semiotic value of a text to refer to broader cultural traditions and inherited values.

2. *"Direct" Citations of "Instruction"*

By "direct citations," I refer to references to "instruction" that presuppose a written element, that is, a specific text or document.

a. *"Instruction" in the Deuteronomistic History*
There is a relative paucity of references to "instruction" in the Deuteronomistic History, a fact made all the more evident by the frequency of

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43. Niditch, *Oral World*, 55.

such references in parallel texts of Chronicles.[44] For the most part, references to "instruction" in the Deuteronomistic History emphasize obedience, but provide little insight into content.[45] For example, 2 Kgs 23:21 describes Josiah's Pesach as ככתוב על ספר הברית הזה; it remains unclear which aspect of the ritual actually derives from the cited text.

In the Deuteronomistic History, there are two passages that are of particular value in evaluating the link between "instruction" and the Pentateuch: Josh 8:30–35 and 2 Kgs 14:6. We begin with the more detailed of the two, the altar-construction scene in Josh 8:30–35. This scene appears to be highly dependent on Deut 27:4–14, with much of the command discourse in the former echoed in narrative form in the latter:

Location of Altar	
והיה בעברכם את־הירדן תקימו את־האבנים האלה אשר אנכי מצוה היום בהר עיבל ושדת אותם בשיד ליהוה אלהיך ובנית שם מזבח אתכם (Deut 27:4–5a)	אז יבנה יהושע מזבח ליהוה אלהי ישראל בהר עיבל (Josh 8:30)
Form of the Altar	
מזבח אבנים לא־תניף עליהם ברזל אבנים שלמות תבנה את־מזבח יהוה אלהיך (Deut 27:5b–6a)	מזבח אבנים שלמות אשר לא־הניף עליהן ברזל (Josh 8:31a)
Sacrifices	
והעלית עליו עולת ליהוה אלהיך וזבחת שלמים (Deut 27:6b–7a)	ויעלו עליו עלות ליהוה ויזבחו שלמים (Josh 8:31b)
Writing on the Stones	
וכתבת על־האבנים את־כל־דבר התורה הזאת באר היטב (Deut 27:8)	ויכתב־שם על־האבנים את משנה תורת משה אשר כתב לפני בני ישראל (Josh 8:32)
Standing on Ebal and Gerizim	
אלה יעמדו לברך את־העם על־הר גרזים בעברכם את־הירדן שמעון ולוי ויהודה ויששכר ויוסף ובנימן ואלה יעמדו על־הקללה בהר עיבל ראובן גד ואשר וזבולן דן ונפתלי (Deut 27:12–13)	וכל־ישראל וזקניו ושטרים ושפטיו עמדים מזה ומזה לארון נגד הכהנים הלוים נשאי ארון ברית־יהוה כגר כאזרח חציו אל־מול־גרזים והחציו אל־מול הר הר־עיבל כאשר צוה משה עבד־יהוה לברך את־העם ישראל בראשנה (Josh 8:33)

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44. William Schniedewind, "The Chronicler as an Interpreter of Scripture," in *The Chronicler as Author: Studies in Text and Texture* (ed. M. Patrick Graham and Steven L. McKenzie; Sheffield: Sheffield Academic Press, 1999), 167.

45. Cf. Josh 1:7, 8; 1 Kgs 2:3; 2 Kgs 10:31; 17:34; 21:8.

Proclaiming Regulations	
וענו הלוים ואמרו אל־כל־איש ישראל קול רם (Deut 27:14)	ואחרי־כן קרא את־כל־דברי התורה הברכה והקללה ככל־הכתוב בספר התורה (Josh 8:34)

Because of these close affinities, many view Josh 8:30–35 as a narrative fulfillment of Deut 27:4–14.[46] David H. Aaron, however, shows that there are strong reasons to doubt this literary connection, for the lexical and thematic similarities between the texts may only be

> evidence of the urgency a later writer felt when it came to the absence of any reference in the earliest form of the book of Joshua to the Mosaic traditions that included a Sinai theophany. The repeated insistence (five mentions) that what Joshua was doing was in line with what Moses wrote constitutes an almost frantic attempt to reverse the embarrassing absence in Joshua of Moses' stone tablets and the predominance of the ancient treaty it ostensibly contained.[47]

The evidence that Aaron presents in defense is threefold. First is the nature of Josh 8:30–35 as a "floating pericope." The location of this short unit within Joshua was stabilized at a very late point in time; in Qumran manuscripts, the unit is found after Josh 5; in the LXX, the unit comes after Josh 9. Additionally, the location of the passage in the MT is a bit curious, since the events in the narrative take place near Shechem and involve a covenant commitment ceremony, but are radically displaced from the formation of a covenant at Shechem in ch. 24.[48] According to Aaron, the lack of stability in the placement of this unit "indicates that ideologically motivated emendations were still creeping into the text during the late Second Temple period."[49]

Second, the short passage contains multiple references to Moses as a source of authority.

v. 31   "just as Moses, the servant of Yahweh, commanded the people of Israel…"
v. 31   "as it is written in the book of the 'instruction' of Moses…"

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46. Cf. Butler, *Joshua*, 90–91; Jerome F. D. Creach, *Joshua* (Louisville, Ky.: Westminster John Knox, 2003), 78–79; Hawk, *Joshua*, 132; Hess, *Joshua*, 172; Miller and Tucker, *The Book of Joshua*, 72; Nelson, *Joshua*, 117–18; Soggin, *Joshua: A Commentary*, 242.

47. Aaron, *Etched in Stone*, 123.

48. Because of this affinity, Soggin (*Joshua: A Commentary*, 220–45) argues that 8:30–35 is actually the conclusion of ch. 24.

49. Aaron, *Etched in Stone*, 120.

v. 32   "a copy of the 'instruction' of Moses…"
v. 33   "just as Moses, the servant of Yahweh, commanded…"
v. 35   "there was not a word from all that Moses commanded that Joshua
         did not read."

In Aaron's assessment, such frequent repetition of one theme in a short passage may indicate editorial activity, a suspicion bolstered by a strange combination of phrases in vv. 30–31. I have put the statements of interest in italics:

> At that time Joshua built an altar to Yahweh, the God of Israel, on Mount Ebal, *just as Moses the servant of Yahweh had commanded the Israelites, just as it is written in the book of the Torah of Moses*—an altar of unhewn stones, upon which no instrument had been wielded. They offered up on that altar burnt offerings to Yahweh, and they made peace offerings.

The juxtaposition of "as is written in the book of the Torah of Moses" and "just as Moses the servant of Yahweh had commanded" is repetitive and awkward, and, according to Aaron, an instance in which "the second set of words appears to explain the meaning of the first set of words in an awkward syntactic arrangement…"[50] This additional phrase, claiming that Joshua's actions corresponded to a document written by Moses, may in fact be a secondary addition, intended to harmonize the building of the altar with Deut 27 and Exod 20. Without this addition, Aaron reconstructs the original verse as follows: "At that time, Joshua built an altar to the Lord, the God of Israel, on Mount Ebal."[51]

The final piece of evidence is the notion that Joshua produced משנה תורת משה. Aaron notes that in the rest of Joshua there is no awareness of either the Sinai theophany or the giving of the Decalogue. Further, he argues that the characterization of Moses in Joshua is "relatively shallow," since he is never associated with Sinai or the formation of a covenant. Additionally, Joshua upstages the figure of Moses throughout the narrative, which depicts the latter as repeating all of the significant miracles associated with the former.[52] Therefore, there is good reason to think that the reference to Moses was an addition to the text, the original form of which would have depicted Joshua producing a distinct covenant document.

When these three pieces of evidence are brought together, we are left with strong reasons to view the original form of this passage as a covenant ceremony, led by Joshua, which threatened to displace the

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50. Ibid., 121.
51. Ibid.
52. Ibid., 123–24.

Mosaic covenant through its ignorance of those themes. In this perspective, aspects of the text that conform to Deuteronomy can be viewed not as evidence of literary dependence, but as editorial additions intended to subordinate this scene to what is found in Deuteronomy. For this reason, Aaron argues that the idea that Joshua produced a reproduction of a Mosaic text derives from an editor "who wished to subordinate the literary content of the entire book of Joshua to the Deuteronomist's literary output."[53]

The second significant reference to "instruction" in the Deuteronomistic History is found in 2 Kgs 14:6, a description of a ban on inter-generational punishment introduced through the citation formula ככתוב בספר תורת־משה אשר־צוה יהוה. In Deut 24:16, we find a nearly identical formulation of a provision against inter-generational punishment. Here, I say "nearly identical," for a quick glance at the two texts reveals a number of minor discrepancies between the two:

Deuteronomy 24:16	*2 Kings 14:6*
לא־יומתו אבות על־בנים ובנים	לא־יומתו אבות על־בנים ובנים
לא־יומתו על־אבות איש בחטאו יומתו	על־אבות כי אם־איש בחטאו ימות (Kethib)

Along with the compound particle כי אם, 2 Kgs 14:6 uses the active voice verb ימות, rather than the passive יומתו, as in Deut 24:16. Though the Masoretes correct the latter variant through Kethib/Qere, calling for the reading יומת, this is clearly a secondary development.[54] In the Chronicler's parallel of 2 Kgs 14:6 (2 Chr 25:4), we see differences from both Deuteronomy and 2 Kings:

לא־יומתו אבות על־בנים ובנים
לא־יומתו על־אבות כי איש בחטאו ימותו

Here, in addition to the particle כי, the Chronicler has the verb ימותו, which differs from both Kings and Deuteronomy.[55] The Masoretes were apparently not troubled by either the active voice or the plural form of the verb, as indicated by the absence of any corrective notations.

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53. Ibid., 123.

54. See Emanuel Tov, *Textual Criticism of the Hebrew Bible* (2d ed.; Minneapolis: Fortress, 1992), 58–63.

55. The verse presents an odd construction, pairing a plural verb with the singular איש בחטאו. The meaning of the phrase is clearly a distributive—"each man is to die for his own sins." GKC (§145) identifies a number of instances in which the number of the subject does not correspond to the number of the predicate, though he does not include instances in which a singular subject is paired with a plural verb.

There are a number of other instances in which a text that appears to quote another displays minor variants.[56] Joshua 8:31, the requirement to build "an altar of unhewn stones, on which no iron tool has been used," is reminiscent of Deut 27:5–6, which states things in a bit more roundabout manner: "And you shall build there an altar to Yahweh your God—an altar of stones on which you have not used an iron tool. You shall build the altar of unhewn stones." Qoheleth 5:3a, a word of counsel concerning the fulfillment of vows, is nearly identical to Deut 23:22a, but again with some slight differences:[57]

Deuteronomy 23:22a	*Qoheleth 5:3a*
כִּי־תִדֹּר נֶדֶר לַיהוָה אֱלֹהֶיךָ לֹא תְאַחֵר לְשַׁלְּמוֹ	כַּאֲשֶׁר תִּדֹּר נֶדֶר לֵאלֹהִים אַל־תְּאַחֵר לְשַׁלְּמוֹ

Isaiah 2:2–4 contains a universalistic, eschatological vision centered on Zion, the mountain of Yahweh, that is found in nearly identical form in Mic 4:1–3:

Isaiah 2:2–4	*Micah 4:1–3*
וְהָיָה בְּאַחֲרִית הַיָּמִים נָכוֹן יִהְיֶה הַר בֵּית־יְהוָה בְּרֹאשׁ הֶהָרִים וְנִשָּׂא מִגְּבָעוֹת וְנָהֲרוּ אֵלָיו כָּל־הַגּוֹיִם	וְהָיָה בְּאַחֲרִית הַיָּמִים יִהְיֶה הַר בֵּית־יְהוָה נָכוֹן בְּרֹאשׁ הֶהָרִים וְנִשָּׂא הוּא מִגְּבָעוֹת וְנָהֲרוּ עָלָיו עַמִּים
וְהָלְכוּ עַמִּים רַבִּים וְאָמְרוּ לְכוּ וְנַעֲלֶה אֶל־הַר־יְהוָה אֶל־בֵּית אֱלֹהֵי יַעֲקֹב וְיֹרֵנוּ מִדְּרָכָיו וְנֵלְכָה בְּאֹרְחֹתָיו כִּי מִצִּיּוֹן תֵּצֵא תוֹרָה וּדְבַר־יְהוָה מִירוּשָׁלִָם	וְהָלְכוּ גּוֹיִם רַבִּים וְאָמְרוּ לְכוּ וְנַעֲלֶה אֶל־הַר־יְהוָה וְאֶל־בֵּית אֱלֹהֵי יַעֲקֹב וְיוֹרֵנוּ מִדְּרָכָיו וְנֵלְכָה בְּאֹרְחֹתָיו כִּי מִצִּיּוֹן תֵּצֵא תוֹרָה וּדְבַר־יְהוָה מִירוּשָׁלִָם
וְשָׁפַט בֵּין הַגּוֹיִם וְהוֹכִיחַ לְעַמִּים רַבִּים וְכִתְּתוּ חַרְבוֹתָם לְאִתִּים וַחֲנִיתוֹתֵיהֶם לְמַזְמֵרוֹת לֹא־יִשָּׂא גוֹי אֶל־גּוֹי חֶרֶב וְלֹא־יִלְמְדוּ עוֹד מִלְחָמָה	וְשָׁפַט בֵּין עַמִּים רַבִּים וְהוֹכִיחַ לְגוֹיִם עֲצֻמִים עַד־רָחוֹק וְכִתְּתוּ חַרְבֹתֵיהֶם לְאִתִּים וַחֲנִיתֹתֵיהֶם לְמַזְמֵרוֹת לֹא־יִשְׂאוּ גּוֹי אֶל־גּוֹי חֶרֶב וְלֹא־יִלְמְדוּן עוֹד מִלְחָמָה

These texts are generally regarded as direct quotations of the other, with the minor variations attributed to differences in the oral register, or to the vagaries of ancient authorial practice, in which authors operated with a mentality and methodology of citation that did not share modern concerns for precision in quotation or attribution.

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56. In addition to those cited above, see Ehud Ben Zvi, *A Historical-Critical Study of the Book of Zephaniah* (Berlin: de Gruyter, 1991), 190–205, and *A Historical Critical Study of the Book of Obadiah* (Berlin: de Gruyter, 1996), 99–114.

57. See Antoon Schoors, "(Mis)use of Intertextuality in Qoheleth Exegesis," in Lemaire and Sæbø, eds., *Congress Volume, Oslo 1998*, 49 n. 16, for sources. Schoors himself argues that the author of Qoheleth "does not so much quote the legal prescription as use it in a precise context" (p. 49).

While this resolution presents little difficulties, the subtle variations in what appear to be direct quotations can be attributed to another cause. In Chapter 1, I referenced David H. Aaron's warning against assuming that the similarity of two texts is due to the direct influence of one upon the other. In some cases, two texts treat the same idea, in nearly identical terminology, not because there is direct interaction, but because the authors access the idea from the cultural repertoire. This model of composition can then provide an alternate point of origin for "quotations" with minor variants. The three texts on inter-generational punishment, Deut 24:16; 2 Kgs 14:6, and 2 Chr 25:4, each of which differs from the other in subtle ways, may well represent three independent treatments of a ban on intergenerational punishment, described through the statement "Parents shall not be put to death for their children…" that existed within the cultural repertoire rather than a single text. In other words, each author could be "quoting" the proverb because it exists within the database of the culture.

This is not to deny that variants can come about because of the aesthetic of quotation of ancient authors. What we do need, however, is a high level of methodological precision in the analysis of intertextual relationships. The quotation of one text within another, with or without variants, is only one means by which two or more texts display similar, even nearly identical, content. Thus, we cannot simply assume that lexical similarity, even to the degree demonstrated in Deut 24:16; 2 Kgs 14:6, and 2 Chr 25:4, betrays either direct borrowing from an authoritative text or the identity of Deuteronomy as "instruction."

b. *"Instruction" in Prophetic Literature*
(1) *Jeremiah 7:21–26*. In the midst of what is often designated the "temple speech," we encounter an extremely disturbing disparagement of sacrifices, in which the prophet tells the people to consume the meat as secular meals, since Yahweh never commanded their ancestors to make animal offerings:

> Gather up your offerings and your sacrifices and eat the meat! For when I brought your fathers out from the land of Egypt, I did not speak with them, nor did I command them, regarding burnt offerings and sacrifices. But, I did give to them this command, "Obey my voice, so that I will be your God and you will be my people. Walk in all of the ways that I command you, so that it will go well for you." But they did not obey or incline their ear… From the day that your ancestors came out of the land of Egypt until today, I sent to you my servants, the prophets, persistently. But they did not listen and they did not incline their ear. They stiffened their necks. They were worse than their ancestors. (vv. 21–26)

Similar critiques against the sacrificial system are found in other pro-
phetic texts. In Isa 1:10–17, the prophet claims that Yahweh has had
enough of sacrifices and assemblies; he will no longer look favorably
upon them. What Yahweh desires instead is for his people to "learn to do
good, seek justice, relieve the oppressed, defend the orphan and contend
for the widow." In Amos 5:21–25, Yahweh states that he hates Israel's
festivals and will reject all offerings. What he truly desires from his peo-
ple is that "justice roll down like water, and righteousness like an ever
flowing stream" (v. 24).[58] What is distinctive about the critique in Jer
7:21–26 is the prophet's claim that Yahweh never commanded sacrifice
in the first place. In lucid, unambiguous language, the prophet contends
that sacrifices are meaningless and should be treated just like any other
foodstuff.

   The question in approaching this passage is: Does Jeremiah reject
priestly legislation? A literal reading of the text would lead one to con-
clude in the positive, since "[t]he words certainly press the hearer to the
conclusion that [the author] believed that the Sinaitic covenant had
nothing at all to do with 'burnt offerings and sacrifice.'"[59] Most interpre-
ters, however, reject this conclusion since it would necessarily involve
asserting a discontinuity between Jeremiah and the Pentateuch. As
William Holladay describes it, a literal interpretation produces a "stark
contrast to the presentation of the total Pentateuch."[60] For this reason,
most prefer a figurative interpretation—that Jeremiah's attack on the
sacrificial cult is intended only to highlight the importance of obedience.
According to Jack Lundbom, the author formulates this emphasis on
obedience through the use of a *distributio*, designated as either an "idiom
of exaggerated contrast" or a "relative negation." Lundbom identifies two
statements within this rhetorical structure. The first is framed as a
negative, but has no meaning of its own. It functions only to emphasize a
second, positive statement.[61] As a modern example, he quotes Larry
Bird—"I never put on a uniform to play a game; I put on a uniform to

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58. See also Mic 6:1–8 and Hos 6:6.
59. Holladay and Hanson, *Jeremiah 1*, 261.
60. Ibid. For analysis of the usage of Deuteronomic terminology in this passage,
see W. Thiel, *Die deuteronomische Redaktion von Jeremia 1–25* (Neukirchen–
Vluyn: Neukirchener Verlag, 1973), 121–28.
61. Lundbom, *Jeremiah 1–20*, 488–89. His work is based on a number of earlier
articles that discussed the distribution structure: James G. Carleton, "The Idiom of
Exaggerated Contrast," *The Expositor* 6 (1892): 365–72; Fritz Hommel, *The Ancient
Hebrew Tradition* (trans. Edmund McClure; London: SPCK, 1897); C. Lattey, "The
Prophets and Sacrifice: A Study in Biblical Relativity," *Journal of Theological
Studies* 42 (1941): 155–65.

win." The first statement is, of course, absurd on its own, since Bird played in many games wearing the uniform of his basketball team. The apparently non-sensical statement serves only to emphasize the second statement that Bird's goal was to win at all times.

Based on this rhetorical structure, Lundbom argues that v. 22 is only a set-up for v. 23. The claim that Yahweh never commanded sacrifices in the wilderness highlight the deity's true desire, his people's obedience.[62] Echoing other prophetic critiques of sacrifice, what Yahweh detests are sacrifices made without reverence and righteous conduct. The rituals of the cult have no efficacy if the people continue to steal, murder, commit adultery, and worship foreign gods (vv. 9–10).

Because it eliminates grounds to conclude that the author of Jeremiah rejected priestly legislation, a figurative interpretation of this passage maintains continuity between Jeremiah and the Pentateuch. When we consider other motival elements in this passage, however, it becomes apparent that the text is decisively free from any pentateuchal influence. The first such indication is found in v. 23—in the wilderness Yahweh gave the people a command to obey and walk in his ways. What is impressive about this statement is the complete lack of content; the only detail given is that the people were called to obey. The lack of specificity continues in v. 24, where the disobedience of the people is described without any specificities; the only indictment is that the people did not obey. The mere fact of silence, of course, is not enough to prove an absence of interaction with pentateuchal material. In this case, however, we find corroborating evidence in the absence of the Decalogue or Sinai in a text that is focused on the giving of laws and the importance of obedience—the author situates the scene in an unspecified wilderness location. This is, of course, highly reminiscent of what we saw in non-pentateuchal historical retrospectives, most of which were fundamentally unaware of a tradition of law-giving at Sinai. As with those texts, the generic reference to the locus of revelation within a context that emphasizes obedience to divine laws is a strong indication of the lack of pentateuchal influence on this passage.

Further evidence of independence from the Pentateuch is found in vv. 25–26. Here, the author notes that the people failed to obey the word of the prophets, whom Yahweh had sent since the day they left Egypt. Though there is little detail given regarding the nature of prophetic

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62.   Lundbom, *Jeremiah 1–20*, 482; Charles Lee Feinberg, *Jeremiah: A Commentary* (Grand Rapids, Mich.: Zondervan, 1982), 75; William McKane, *A Critical and Exegetical Commentary on Jeremiah* (2 vols.; Edinburgh: T. & T. Clark, 1986), 1:173; Thompson, *The Book of Jeremiah*, 288.

activity, the text does make clear that the prophet is the center of revelation. The conditions of obedience or disobedience are established by the message of the prophet (cf. Jer 25:5; 26:4–5; 35:15; 37:2), and it is the prophet alone who is the source of divine "instruction." This datum in itself has little relevance for the question of the reception of the Pentateuch. However, the short phrase "since the day they left Egypt" proves to be of tremendous import. According to the text, the people's disobedience of the prophetic word, and presumably the prophets' role as source of "instruction," began in the earliest days of the nation, in Egypt, and continued through the wilderness sojourn and life in the promised land. This represents a fundamental conflict with the Pentateuch, which identifies Sinai/Horeb as the locus of divine revelation, and Moses, not a series of unidentified prophets, as the human mediator. And though Moses is portrayed within Deuteronomy as the prophet *par excellence*, his access to the divine word is tied to a specific locus, Horeb. In essence, by emphasizing the prophet as the source of divine instruction, and by claiming that Yahweh sent prophets to Egypt, the author of Jeremiah presents the prophetic mission as a source of divine revelation alternative to the theophany at Sinai/Horeb. Indeed, neither Sinai nor Horeb, or for that matter Moses *qua* lawgiver, is mentioned anywhere else in Jeremiah.[63] The lone mention of Moses in Jeremiah (15:1) associates him with Samuel, a figure with no association with law-giving, in a strictly intercessional context. In light of this evidence, we have reason to challenge the notion that the portrayal of Jeremiah was informed by depictions of Moses.[64] It seems instead that it is the portrayal of Moses that borrowed motival and thematic elements from other accounts of prophetic figures. Returning to Jer 7:21–26, the primary issue of the passage with regard to the reception of the Pentateuch is not what command Yahweh gave to the people in the wilderness, but through whom he gave it. The notion that the prophet has been the source of divine instruction since the captivity in Egypt reveals the author's lack of reliance upon the Sinai/Horeb traditions.

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63. Cf. Aaron, *Etched in Stone*, 139.

64. Joseph Blenkinsopp, *A History of Prophecy in Israel* (rev. ed.; Louisville, Ky.: Westminster John Knox, 1996), 135; William Holladay, "Background of Jeremiah's Self-Understanding: Moses, Samuel and Psalm 22," *JBL* 83 (1964): 153–64; idem, "Jeremiah and Moses: Further Observations," *JBL* 85 (1966): 17–27; Christopher Seitz, "The Prophet Moses and the Canonical Shape of Jeremiah," *ZAW* 101 (1989): 3–27.

(2) *Ezekiel 20:25–26—Laws that Were Not Good.* In the historical retro-
spective of Ezek 20 we encounter a jarring description of divine com-
mandments. Because of the people's complete inability to obey, Yahweh
gave to them "חקים that were not good and משפטים by which they could
not live." This brief notice presents considerable theological difficulties:
How are we to understand the claim that Yahweh gave bad laws?[65]

This strange description of divine laws occurs in Ezekiel's depiction
of the second wilderness generation (vv. 18–26), whom Yahweh had
warned not to emulate their ancestors. Yet, this generation repeated the
sins of the past by disobeying his commandments and profaning the
Sabbath. Rather than destroy them in the wilderness, however, Yahweh
unleashes three punishments: (1) dispersal among the nations; (2) the
giving of the "not good" laws; and (3) the defilement of the people
through the offering of the firstborn.

As noted in Chapter 4, the first punishment, dispersal among the
nations, does not fit with any narrative known from the Pentateuch, and
is likely an invention intended to address the situation of the text's exilic
audience. There is near universal agreement that the second and third
punishments are linked, that is, the offering of the firstborn is the content
of the "not good" laws. In terms of the reception of the Pentateuch, the
primary issue is the identification of the laws that are "not good." Many
argue that the reference to the offering of the firstborn in v. 26 is linked
to pentateuchal regulations on the firstborn. Walther Eichrodt and
Walther Zimmerli identify the "not good" law as the ordinance in Exod
22:28, בכור בניך תתן־לי.[66] Leslie Allen argues that the terminology in v.
26, especially העביר and כל פטר רחם, recalls Exod 13:12, 13, another
law in which Yahweh claims possession of the firstborn.[67] Kevin Friebel
takes an even wider approach, arguing that פטר רחם echoes Exod 13:2,
12–13, 15; 34:19–20.[68]

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65.   For a history of interpretation of this passage, see Block, *Ezekiel Chapters
1–24*, 637–41; Kevin G. Friebel, "The Decrees of Yahweh that Are 'Not Good':
Ezekiel 20:25–26," in *Seeking Out the Wisdom of the Ancients: Essays Offered to
Honor Michael V. Fox on the Occasion of His Sixty-Fifth Birthday* (ed. Ronald L.
Troxel, Kevin G. Friebel, and Dennis Robert Magary; Winona Lake, Ind.: Eisen-
brauns, 2005), 22–24; Pieter W. van der Horst, "'Laws that Were Not Good':
Ezekiel 20:25 in Ancient Judaism and Early Christianity," in *Sacred History and
Sacred Texts in Early Judaism: A Symposium in Honor of A. S. Van Der Woude*
(ed. J. N. Bremmer and Fiorentino García Martínez; Kampen: Kok Pharos, 1992),
94–118.

66.   Eichrodt, *Ezekiel*, 270; Zimmerli, *Ezekiel 1*, 411.

67.   Allen, *Ezekiel 20–48*, 12.

68.   Friebel, "The Decrees of Yahweh," 26.

Does this mean that Ezekiel understands the Pentateuch's laws of the firstborn to be "not good," and destructive? As with Jer 7:21–26, for most interpreters such a negative stance towards scripture is inconceivable. Instead, they argue that though Ezekiel refers to various pentateuchal laws on the firstborn, what is "not good" is the *interpretation* of the laws. According to Allen, "v. 25 seems to represent Ezekiel's retort to popular claims that in the law of the firstborn Yahweh had authorized the child sacrifice offered in the syncretistic cult."[69] Similarly, Friebel writes: "[t]he people's actions, based on fabricated interpretations, were thus contrary to the original divine decrees and were what, in turn, resulted in divine judgment coming upon the people."[70] What would have spurred such a hermeneutic? On the basis of similar biblical texts and ancient Near Eastern parallels, scholars argue that child sacrifice was seen as a means of obtaining divine favor in particularly distressing moments (Jer 7:31; 19:5; 32:35; Deut 12:31; 2 Kgs 3:27; Mic 6:7).[71] On this basis, both Eichrodt and Zimmerli claim that in peaceful times Exod 22:28 would have been interpreted as calling for the redemption of humans. Yet, in troubled times, when the favor of the deity seemed to be on the wane, the absolute tone of the passage allowed for the interpretation of the law as a command for child sacrifice.[72]

While this emphasis on legal interpretation protects the authority of the Pentateuch, such an approach does violence to the plain sense of the text. Admittedly, it is theologically troubling to assert that Yahweh would give bad laws, but this is what the text says in unambiguous fashion:

> I also gave to them statutes that were not good, and ordinances, through which they could not live. I defiled them with their gifts when they offered up all of the firstborn, so that I might make them desolate, so that they might know that I am Yahweh.

69. Allen, *Ezekiel 20–48*, 12.
70. Friebel, "The Decrees of Yahweh," 24.
71. Eichrodt, *Ezekiel*, 270–71; Greenberg, *Ezekiel 1–20*, 369. See also Susanna Shelby Brown, *Late Carthaginian Child Sacrifice and Sacrificial Monuments in their Mediterranean Context* (Sheffield: JSOT Press, 1991); John Day, *Molech: A God of Human Sacrifice in the Old Testament* (Cambridge: Cambridge University Press, 1989); Alberto Ravinelli Whitney Green, *The Role of Human Sacrifice in the Ancient Near East* (Missoula, Mont.: Scholars Press, 1975); George C. Heider, *The Cult of Molek* (Sheffield: JSOT Press, 1985); Lawrence E. Stager, "The Rite of Child Sacrifice at Carthage," in *New Light on Ancient Carthage* (ed. John G. Pedley; Ann Arbor, Mich.: University of Michigan Press, 1980), 1–11.
72. Eichrodt, *Ezekiel*, 270–71; Zimmerli, *Ezekiel 1*, 411.

There is no mention in this passage of the people distorting what Yahweh gave them. There is, in fact, little concern with human actions, as the passage focuses on the action of Yahweh through a recurrence of first person forms. It is Yahweh who gives laws, it is Yahweh who defiles the people, and it is Yahweh who horrifies them. The only action attributed to humans is their reaction to what Yahweh does—they offer up their firstborn, and they acknowledge Yahweh after judgment. With the focus of the text squarely on Yahweh, the central issue cannot be interpretation. The text is abundantly clear—Yahweh gave bad laws.

Does this then mean that the author of Ezekiel has a fiercely negative view of the pentateuchal laws regarding the firstborn? And if so, which of the laws does he have in mind? Further, if the author feels that some of the laws were given with malicious intent, what is his opinion of the revelation at Sinai/Horeb or at Moab? As noted above, these are the types of questions upon which most studies of Ezek 20 have focused. As Daniel Block argues, however, attempts to identify the historical basis behind Ezek 20:25–26 are mistaken since they ignore the rhetorical purposes of the text.[73] Following this line of thought, a focus on the literary dimensions of this text will demonstrate that the "not good" laws have no essential connection to any of the pentateuchal legal material.

Within Ezek 20, the giving of laws is an oft-repeated theme. In two separate sub-units (vv. 11–13, 19–21), the author describes how Yahweh gave the people beneficial laws, the obedience of which leads to life and weal. The giving of the "not good" laws, which do not lead to life, is the deity's reaction to Israel's failure to obey the good laws. What Ezek 20 presents, in effect, is a three-fold occurrence of divine law-giving in which the last iteration presents an ironic reversal of the first two. Because the people of Israel refuse to obey the beneficial laws, Yahweh gives to them "not good" laws as a dramatic counter. The "not good" laws are anti-gifts, the antithesis of the first. The "[laws] by which Israel might live abundantly are replaced by laws leading to the deaths of Israelite children."[74]

The irony in this text is rich—Yahweh's punishment for failure to obey laws is the granting of more laws. Through such a maneuver, however, the author of Ezek 20 expresses the certainty of Israel's punishment. They are damned if they do; damned if they don't. If they continue in their rebellion against the law, they will be punished for their disobedience. But, if they now choose to obey the newly given law, they

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73. Block, *Ezekiel Chapters 1–24*, 640.
74. Darr, "Ezekiel's Justification of God," 99.

will be punished because of its inherent "not good" nature. Either way, Yahweh will punish. In this light, the "not good" laws function to prevent proper behavior by the people, justifying Yahweh's punishment of them. "By this anti-gift God only confirmed the people in their choice of laws countering God's."[75] Consequently, the law in Ezek 20 functions as a shorthand for the manner in which Yahweh seals the fate of Israel. In describing laws as "not good," the author's intent is not to disparage a certain legal text or an interpretation of a text, but rather, to portray law as a mechanistic historical agent. Thus the reference to the sacrifice of the firstborn may not point to any pentateuchal material. I would argue, on the contrary, that the similarity in this respect is coincidental. The author of Ezek 20 explicates the content of the "not good" law by referring to an abhorrent cultural practice, and, in doing so, provides a vivid illustration of the travesties that Yahweh brings upon Israel as punishment for its disobedience.

The notion that Yahweh ordains the behavior of Israel in order to justify its punishment presents a fascinating example of a floating motif—a thematic element that exists within the cultural repertoire and thus is accessible to all authors without reference to some original text. Within the Bible, there are a number of passages that utilize this same theme. A famous example is found in Exodus, portions of which indicate that it was Yahweh who hardened the heart of Pharaoh, leading him to deny liberation for the people, and thus providing Yahweh an opportunity to glorify himself.[76] In Ezek 14:9, the deity claims that he is the source of the message of a false prophet: "If a prophet is deceived, and he speaks a false word, it was I, Yahweh who deceived him." In Isa 6:9–10, Yahweh commissions the prophet to speak deception to his people so that they will not be given an opportunity to repent. The motif of the deceiving prophet is central also in 1 Kgs 22:19–22—Yahweh sends out a deceiving spirit upon the prophets of Ahab in order to entice him to go to war, where he will die. In all of these passages, there is one common theme—Yahweh compels human beings to act in a manner that leads to and justifies their destruction. To reiterate the point made earlier, the thematic similarity within these texts is not due to the direct influence of one text upon another, since each author independently engages the same motival element from the cultural repertoire.

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75.   Greenberg, *Ezekiel 1–20*, 369. See also Allen, *Ezekiel 20–48*, 12, and Block, *Ezekiel Chapters 1–24*, 639–40.

76.   Exod 4:21; 7:3; 14:4, 17.

c. *"Instruction" in Post-Exilic Historiographic Texts (Ezra, Nehemiah, Chronicles)*

In contrast to the texts studied thus far, Ezra, Nehemiah, and Chronicles contain numerous references to "instruction," and, moreover, exhibit an unparalleled level of detail. Most references to "instruction" in these texts describe a cultic or legal statute that was formulated on the basis of an authoritative text. In addition to linking the authoritative document with Moses, the authors also include, at times, a citation of the precedent that informed the development of new legislation. This level of detail is unparalleled in the Bible, and so, represents important evidence in gauging the reception of the Pentateuch as divine "instruction."

Let us begin with relevant references from the Chronicles. Second Chronicles 24:4–6 recounts a tax instituted during the reign of Joash. Initially, the Levites did not heed the king's command to collect money from the populace for temple maintenance. In reaction, Joash chastises Jeohiada, the ראש; within this speech, the author describes the temple tax as משאת משה. The reference to a tax instituted by Moses leads many to identify Joash's tax as an extension of the tabernacle levy (Exod 30:11–16).[77] There is, however, little correspondence between the two. Exodus 30 describes a one-time census tax charged to everyone aged twenty years and older. Joash's tax, meanwhile, is an annual obligation (שנה בשנה), presumably levied upon the entire population. The role of the Levites is yet another point of dissonance; while Joash appoints the Levites for collection, no such duty is envisioned in Exod 30. There is one more good reason to doubt that Exod 30:11–16 establishes a paradigm for future taxation policies. The first question we should ask in attempting to understand Exod 30:11–16 is this: How would recently freed slaves, who had spent all their time in the wilderness, have been able to pay this tax? The question of plausibility makes likely the conclusion that Exod 30:16 is not a description of historical practice at all, but rather a late attempt at legitimizing the practice of temple taxation by placing its roots in the early part of the history of Israel. This in turn suggests that there is little basis for the argument that Joash's tax is an extension of Exod 30:16.[78]

The second text of interest from Chronicles is 2 Chr 30:16, a description of the sacrificial role of the Levites during Hezekiah's Pesach. The duties assigned to the Levites are described as כמשפטם כתורת משה איש־לאלהים. We find a nearly identical description in 2 Chr 35. Here,

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77. See, for example, Dillard, *2 Chronicles*, 189; Japhet, *I & II Chronicles*, 844; Hicks, *1 & 2 Chronicles*, 411.

78. Cf. Schniedewind, "The Chronicler as an Interpreter of Scripture," 168.

Josiah issues a command that the Levites should slaughter the paschal sacrifice כדבר־יהוה ביד־משה (v. 6). In v. 12, the narrative recounts how the priests and Levites set aside the paschal offering in order to distribute it to the people, ככתוב בספר משה. In both 2 Chr 30 and 35, though the Chronicler claims that the Levitical duties are in accordance with a Mosaic text, there is no equivalent material in the Pentateuch. Certainly, the role of Levites as sacrificial attendants is "well in accord with the general functions of the levitical class."[79] But there are no specific provisions for the Levites' activity as described by the Chronicler. Whatever the precise referent of the formulae "the instruction of Moses," "book of Moses" and "the word of Yahweh given by Moses" might be, it appears not to be identical or limited to the Pentateuch. In citing a "document," then, the Chronicler may be utilizing the semiotic value of two elements, the text as a manifestation of power and the legendary mystique of the figure of Moses. In so doing, he bolsters the legitimacy of his text. The description of Josah's text as a משאת משה likely functions in the same manner. The claim that a certain practice is rooted from the days of Moses, or from a Mosaic document, appears to function not as an indication of specific legal precedents, but rather as a rhetorical marker intended to reinforce the propriety of that practice.

The legitimating function of the citation formulae is on full display in 2 Chr 30, wherein the Chronicler makes multiple attempts at justifying the participation of the Levites. In v. 16, the author claims that the Levites' activity was in accordance with standard practice (כמשפטם). This is immediately followed by citation of a Mosaic document (כתורת משה). The juxtaposition of the phrases כמשפטם and כתורת משה presents a repetitive and conflicting description of the authority behind the Levites' role in Pesach, and strongly suggests that the author is trying to rationalize their actions as much as possible. The repetitive statements are followed in v. 17 by yet another statement regarding the propriety and necessity of the Levites' actions. Here the author claims that the Levites were compelled to slaughter the paschal sacrifices because of the impurity of the people. This justification, however, is completely unnecessary in light of v. 16. What need is there to defend the Levites' participation if they were acting according to a written, binding legal document? We have, then, multiple attempts by the Chronicler to rationalize the participation of the Levites, in which the reference to תורת משה, the appeal to כמשפטם, as well as the impurity of the people, are included precisely because the author recognizes the unusual nature of the Levitical participation. In this light, תורת משה has the same literary function as the

79. Japhet, *I & II Chronicles*, 950.

people's impurity, to demonstrate that the *ad hoc* participation of the
Levites was necessary for the celebration of Pesach.

One of the core thematic elements in the books of Ezra and Nehemiah
is the importance of adherence to "instruction," which is presented in
both as the determinative factor for the cultic and legal activities of the
restoration community. What we see in these citations, however, is that
in spite of the frequent references to Mosaic "instruction," the content-
related details in the description of the community's practices do not
support a linkage between "instruction" and the Pentateuch. The citation
formulae often do not point to any specific text, and hence seem to be
reliant upon the semiotic power of textuality.

We begin with two texts that discuss relationship with foreigners, the
ban on intermarriage in Ezra 10:3, and a broader pledge to separate from
foreigners in Neh 13:1–3. In the former, the community pledges to expel
foreign wives and the offspring of mixed marriages "according to the
command of our God and the 'instruction.'" In the latter, it is discovered
from reading ספר משה that no Ammonite or Moabite is permitted to
enter the assembly of Yahweh. Consequently, the community pledges
not to associate with any foreigners. This move is supplied with two
historical rationales that are virtually identical with Deut 23:3–4: the
Ammonites and Moabites did not meet the Israelites with food during the
wilderness sojourn, and they hired Balaam to curse them.

In the first place, we should note that neither Ezra 10:3 nor Neh 13:1–
3 derive *directly* from the Pentateuch. Though the importance of endo-
gamous marriage and the danger of marrying foreigners is a recurrent
theme in the Pentateuch (cf. Exod 34:15–16 and Deut 7:1–4), it does not
contain any explicit legal provision calling for the *dissolution* of mixed
marriages, nor are there any narratives that could have served as a foun-
dation for the development of such a law. And though the author of Neh
13 appears to allude to Deut 23:3–4, the ban on Ammonites and Moab-
ites may just as likely derive from the cultural repertoire. In either case,
the proscription against the two groups is at best tangentially related to
the main purpose of Neh 13:1–3, which is to foster an active stance
against associating with foreigners. As Japhet notes, and as I quoted ear-
lier, in both texts the legal developments of the community "are referred
to as being based on the Law, while in fact they did not conform literally,
or fully, to any given commandment as found in the Pentateuch."[80]

As noted above, the absence of any deep-seated connection with
pentateuchal legal material in these two laws is often resolved by appeal-
ing to ancient hermeneutical practices. Michael Fishbane concedes that

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80. Japhet, "Law and 'The Law,'" 114.

the citation formula do not point to any pentateuchal text, but rather to "the *interpretation* of the Torah *as developed in this circle of exegetes* was to be followed."[81] Within this perspective, the segregation policy of Neh 13:1–3 is understood as an expansion of the religious ban on Ammonites and Moabites in Deut 23:3–4.[82] As for Ezra 10:3, Fishbane argues that the expulsion of foreign wives is an extension of the ban on intermarriage and other forms of association with the "seven nations" in Deut 7:1–5, with an interpolation of the ban on the Ammonites and Moabites in Deut 23:4–9.[83] Hugh Williamson proposes an alternative, suggesting that the "base" text of Ezra 10:3 is the law of divorce in Deut 24:1–4. He argues that the husbands of foreign women may have been compelled to view their marriage as ערות דבר, thus justifying their divorce according to the Deuteronomic regulation.[84]

These reconstructions, which focus on the interpretation of the Pentateuch, disregard an important element—the Pentateuch itself does not exhibit ideological uniformity with regard to intermarriage. There are, of course, a number of passages that warn strongly against intermarriage. However, there are also many portions that express no negativity towards the issue. Abraham marries Keturah, Joseph marries an Egyptian (and the daughter of a priestess, to boot), Moses marries a Midianite, and none are censured. This attitude towards intermarriage is not limited to narrative texts, as Deut 21:10–14 establishes a legal provision for marriage with a captive woman. The issue is, then, how can the Pentateuch function as the legislative base-text for anti-foreigner sentiments if it displays no homogeneity on the issue? Minimally, in order to maintain the notion of pentateuchal adherence, we would have to conclude that the authors of Ezra and Nehemiah ignored portions of the Pentateuch that support intermarriage. This concession itself is problematic for the linear model of composition, since it would entail a selective appropriation (and rejection) of authoritative literature. It would appear, therefore, that Ezra 10:3 and Neh 13:1–3 do not originate from an interpretation of pentateuchal material, but rather represent independent developments of cultural mores.

81. Fishbane, *Biblical Interpretation*, 117.
82. Clines, *Ezra, Nehemiah, Esther*, 237; Fishbane, *Biblical Interpretation*, 126–27; Van Wijk-Bos, *Ezra, Nehemiah, and Esther*, 93.
83. Fishbane, *Biblical Interpretation*, 117.
84. Williamson, *Ezra, Nehemiah*, 151; Clines, *Ezra, Nehemiah, Esther*, 127. For other proposals on the exegetical origins of this passage, see Blenkinsopp, *Ezra–Nehemiah*, 189; Mervin Breneman, *Ezra, Nehemiah, Esther* (Nashville: Broadman & Holman, 1993), 158; Van Wijk-Bos, *Ezra, Nehemiah, and Esther*, 44.

Perhaps the most important piece of evidence in our investigation of the identity of "instruction" is the description of the covenant of the restored community in Neh 10:29–39. The text presents a series of regulations adopted by the returnees in "a few matters where the community is particularly conscious of having lapsed…"[85] The author's desire to communicate the binding authority of these covenantal requirements is apparent in his description of the people as willing to adhere to "the instruction of God" (v. 28), and the designation of the covenant as "God's instruction, which was given by Moses, the servant of God" (v. 29).

Before examining each individual regulation, let us first consider a broader issue. As David H. Aaron points out, regardless of how we approach the issue of whether the author of Nehemiah used the Pentateuch as the exegetical base for his text, the fact is that in the narrative Nehemiah and the restoration community find it necessary to create a new covenant.[86] This is problematic. If the author recognizes the Pentateuch as a legally authoritative text, what need is there to create a new covenant? Why not simply rely on the validity of a pre-existent one? The fact that the narrative entails the creation of a covenant suggests the absence of an authoritative text, thus indicating against the linkage of the Pentateuch and divine "instructions." This then allows us to examine the individual regulations without the burden of having to maintain continuity between the Pentateuch and Neh 10.[87]

The first regulation of the covenant is a ban on intermarriage with the עמי הארץ (v. 31). In terms of thematic content, there are strong parallels with Deut 7:3, the proscription against marriage with any member of the "seven nations"—the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites and the Hivites—such that many regard the Nehemiah regulation as an expansive adaptation.[88] There is no necessity to this view, however. As discussed previously, two authors can produce texts treating the same idea without direct interaction because they each independently engage a motif from the cultural repertoire.

Let us concede for a moment, however, that Neh 10:31 is derived directly from Deut 7:3. In this line of thought, Neh 10:31 expands Deut

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85. Williamson, *Ezra, Nehemiah*, 333.

86. Aaron, *Etched in Stone*, 98.

87. For arguments for the literary dependence of Neh 10 on the Pentateuch, see D. J. A. Clines, "Nehemiah 10 as an Example of Early Jewish Biblical Exegesis," *JSOT* 21 (1981): 111. See also Blenkinsopp, *Ezra–Nehemiah*, 315–19; Williamson, *Ezra, Nehemiah*, 333.

88. Blenkinsopp, *Ezra–Nehemiah*, 315; Clines, "Nehemiah 10," 115–16; Williamson, *Ezra, Nehemiah*, 129–32, 334.

7:3 by replacing the reference to the seven nations with the generic phrase "the peoples of the land." This change strips away the specificity of the pentateuchal regulation and so eliminates a significant loophole, that marriage with foreigners not from the seven nations was permissible. Even with these concessions, it would still be inaccurate to argue that Neh 10:31 represents an adaptation of Deut 7:3, since the argument fails to account for the fact that the former would *replace* the latter. In this light, the revision of extant law in Neh 10:31 is not motivated by recognition of its authority, but rather by its perceived deficiency. The formulation of Neh 10:31 would have been intended to address the narrow limits of Deut 7:3. Therefore, even if we maintain that Neh 10:31 is a development of Deut 7:3, we must appreciate that the former should not be viewed as an *exegetical* development of the latter, but as its replacement. And given what is often assumed about the limiting force of pentateuchal material, the notion that it would need to be replaced is quite extraordinary. So here, even the contention that the two texts are directly related leads to the conclusion that the author of Nehemiah did not regard the Pentateuch as a legally constraining text.

Verse 32 contains two separate regulations. The first of these bans commerce on the Sabbath, more specifically, buying goods from foreign merchants. Because there is no such regulation in the Pentateuch, several scholars argue that we have evidence of a late biblical stage in the development and revision of the Pentateuch's Sabbath regulations.[89] I would contend, however, that the central issue of the passage is not to establish what is permissible on the Sabbath but to regulate interaction with foreigners. Following on the heels of the ban on intermarriage in v. 31, the regulation against commerce targets another potential point of contact with "peoples of the land." Moreover, the ban is in effect not only on the Sabbath but on other "holy days" as well, suggesting that the roots of the regulation do not lie in Sabbath concerns, but in the mores of the restoration community.

The second regulation in v. 32 concerns the sabbatical year; the community pledges to forego agricultural produce and to forgive debts every seven years. Joseph Blenkinsopp describes this enactment as an instance in which existing law established a base for the development of a more comprehensive law. In his view, the sabbatical of Neh 10:32 is a conflation of three pentateuchal texts, two of which describe a seven-year period of fallow land (Exod 23:10–11 and Lev 25:1–7), and one which ordains a seventh-year remission of debts and restitution of property

89. Blenkinsopp, *Ezra–Nehemiah*, 315–16; Clines, "Nehemiah 10," 114–15; Williamson, *Ezra, Nehemiah*, 334.

(Deut 15:1–18).[90] While it is evident that Neh 10:32 contains a combination of themes that occur separately in the Pentateuch, there is some reason to question its direct reliance upon the pentateuchal texts.

The various pentateuchal laws on fallow land and debt release share a striking feature—the complete absence of the king. While land release and debt forgiveness was an exclusively royal prerogative in other ancient Near Eastern cultures, the Pentateuch envisages no active role for the monarch. Instead, it establishes a fixed cycle (of seven or fifty years) that is completely independent of any governing body.[91] It appears, then, that the pentateuchal prescriptions were intended for an audience that had no monarchy. They may represent various authors' attempts to recontextualize an ancient practice for the post-exilic society.[92] The regulation in Neh 10:32b, and indeed Nehemiah as a whole, is also assuredly post-exilic. Therefore, it may not represent a derivative of pentateuchal materials, but rather a parallel post-exilic attempt at establishing a fixed pattern for debt-release and land-fallow practices in a society devoid of a monarchy.

Nehemiah 10:33 describes an annual tax of one-third of one shekel, intended to provide the goods necessary "for the service of our God" (לעבדת בית אלהינו). As with 2 Chr 24:4–6, this tax is often seen as a derivative of Exod 30:13. The two texts do share some phraseology:[93]

Exodus 30:13–16	Nehemiah 10:33
על־עבדת אהל מועד	לעבדת בית אלהינו
לכפר על־נפשתיכם	לכפר על־ישראל

There are, however, factors that speak against a literary relationship. First, as noted above, there is the issue of narrative plausibility. The description of a tax levied on former slaves who spent all their time in the wilderness does not appear to be a record of actual practice. Second, the two texts conflict on an important detail. While both refer to the concept of כפר, in Exod 30:15 it is the money itself that is the atoning offering, while in Neh 10:33 the money only serves to provide the atoning animal. Finally, there is the significance of lexical identity. The question is, to put it pedantically: How many ways are there to say something? Is the concept of עבדה so precise and technical that it can only be derived from Exod 30:13? Could an author not know this term and its conceptual field simply because it is available from the culture?

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90. Blenkinsopp, *Ezra–Nehemiah*, 316. Cf. Shaver, *Torah and the Chronicler's History Work*, 88–89.

91. See Weinfeld, *Social Justice*, 75–151.

92. Cf. David H. Aaron, "The Ruse of Zelophehad's Daughters" (forthcoming).

93. Williamson, *Ezra, Nehemiah*, 335–36.

On these bases, I would argue that the tax of Exod 30 is not a description of any historical practice, but an anachronism placed within a specific period intended to provide justification and rationalization of a temple tax. The most plausible time for such an anachronism would be the beginning of the temple reconstruction, since outside of such an imposing task a tax would be unnecessary. A more specific date, however, may prove difficult to establish given the nature of the source material on the post-exilic period. What is clear, however, is that we cannot continue to assume the temporal priority of Exod 30:13 simply because it narrates events from an early period of Israel's history.

The obligation of the first fruits and tithes is described in Neh 10:35–38. For the most part, these regulations follow rather closely pentateuchal requirements for the disposition of first fruits and tithes. The giving of tithes to the priests (Neh 10:35–37) reflects Num 18:13, while the treatment of Levites' tithes echoes Num 18:26. Such close resemblance to the Pentateuch in these elements makes the treatment of firstborn sons in v. 36 that much stranger. Along with the first produce of the fields, trees, and vines, the community also commits to give to the priests the firstborn cattle, livestock, and sons. While the dedication of the firstborn to Yahweh is prescribed in several pentateuchal texts (Exod 13:11–13; 34:20; Num 18:15), all make clear that the firstborn of humans is to be redeemed, with the money being given to the temple. This makes Neh 10:37, the description of the donation of the firstborn sons as ככתוב בתורה, utterly strange. To maintain continuity with the Pentateuch, some have argued that Neh 10:37 contains an implicit allusion to redemption.[94] This reading is, however, marked by inconsistency, since the text does not treat firstborn humans any differently than the first produce or firstborn animals. Why should the donation of produce and animals be understood in its plain sense, while the donation of humans is to be understood as an allusion? If there is no basis for such a bifurcation, then how are we to understand the donation of the firstborn sons? The key lies in Neh 10:39, which describes the disposition of all of the offerings: "For it is to the storerooms that the people of Israel and the Levites must bring the offerings of grain, wine and oil." The first portion of the produce, animals and humans are not sacrifices, but rather contributions towards temple upkeep. In other words, the firstborn sons, given to Yahweh, are sent to the temple in order to provide staffing. It is for this reason that the commitment of the people not to fail in their offerings is expressed as "We will not neglect the house of our God."

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94. Blenkinsopp, *Ezra–Nehemiah*, 318; Williamson, *Ezra, Nehemiah*, 337.

This analysis has provided ample evidence of the independence of Neh 10:29–39. The ban on commerce with foreigners (v. 32a), the annual temple tax (v. 33), and the "offering" of firstborn sons to the temple (v. 35)—none appear to have any deep literary connections with the Pentateuch. In this text, there is only one solid point of contact with the Pentateuch, the tithe requirements. But even here, the "offering" of the firstborn sons speaks against total adherence to the Pentateuch. Within this detailed text, this one link is not enough to establish that the Pentateuch functioned as the exegetical and legislative base. While we cannot doubt that the author knew of certain thematic elements that would also be incorporated into the Pentateuch, he exhibits a high degree of independence from it throughout the entire passage.

3. *"Instruction" in the Psalms and Wisdom Literature*

In the discussion of instances of "direct" citation of "instructions," we saw a clear lack of a uniform textual referent. There is no single text that can be identified as the source of "instruction." What is critical to these citations is not that they point to a definable text, but that they lend a sense of legitimacy and authority by evoking the iconic imagery of a document. In other words, the uniformity that exists within citations of "instruction" is functional, not referential. This fluidity in the conception of "instruction" is further evident in biblical poetry and wisdom literature. Within a number of psalms, and significant portions of Deuteronomy and Proverbs, there is intense emphasis on the benefits of "instruction" for the welfare of individual. However, these texts operate with a conception of "instruction" that has no relationship with literature whatsoever. Rather than adherence to a book, these texts envision the "instruction"-centered life as one that is guided by wisdom obtained from parents, elders, and, at times, directly from Yahweh.

Let us begin with the Psalms, which provide extensive ruminations on the nature and importance of "instruction." Though references to "instruction" occur in a number of poems, there are three that merit closer attention, Pss 1, 19, and 119. In each of these, the notion of "instruction" is the central thematic element, leading many scholars to identify the three poems as part of a unique genre, the "Torah psalm."[95] As Hermann Gunkel points out, however, the notion of a "Torah psalm" genre is fallacious, since the references to "instruction" are situated within a poetic unit that has its own distinct formal (i.e. genre) characteristics. What is clear, however, is that in spite of the generic variety of these

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95. Cf. Mays, "The Place of the Torah-Psalms in the Psalter," 3–12.

poems, the central element of each one is the utter necessity of obedience to "instruction."

There is perhaps no other biblical text, prose or poetic, in which the idea of "instruction" dominates as in Ps 119. All 176 verses of the poem are dedicated to one idea, the greatness of Yahweh's commandments. Indeed, the exclusive focus of the psalm is evident in the fact that not one verse omits a reference to Yahweh's instructions through the terms תורה, חקים, משפטים, and the like. The main question for this study is, of course, the nature of "instruction" as presented in the psalm. Jon Levenson presents perhaps the most thorough discussion of this question in his contribution to the Frank Moore Cross *Festschrift*.[96] In this essay, he argues that in spite of the obsessive repetition of "instruction" and its synonyms, there is no reason to assume that the psalmist ever refers to the Pentateuch. As evidence, he points to several elements that are missing from the poem. First, there is no book awareness; that is, there is no claim that "instruction" is localized within a text. Second, the psalmist makes no reference to Moses or the communal restoration activities of Ezra and Nehemiah that are, according to the post-exilic literature, founded on the importance of "instruction." Third, Levenson points to the absence of any specific instructional content. Though the psalmist refers to divine commandments *ad nauseam*, there is no mention of specific regulations, obligations, or requirements as detailed in a specific text.

On the basis of this evidence, Levenson concludes that the psalmist's notion of "instruction" does not include the Pentateuch. But if not the Pentateuch, then what? What is the psalmist referring to when he repeatedly speaks of Yahweh's "instruction?" Levenson argues that the psalmist's "instruction" lacks a constant identity, as it stems from a number of different sources—teachers and elders (vv. 99–100), cosmic and natural law (vv. 89–91), and especially "unmediated spiritual experience, including the charismatic gift of wisdom" (vv. 26–29). Thus, he argues that the "psalm was written to serve as an inducement for the kind of revelation and illumination for which it petitions."[97] To the psalmist, the divine "instruction" that lies at the heart of religious vitality is not limited to what is found in a book, since it is available through the instruction of elders and, more importantly, through an individual's direct communion with God.

The conceptualization of "instruction" as unmediated knowledge available through general revelation is also a central theme in Ps 19. Here we are clearly dealing with a poem of composite origin—the unit of

96. Levenson, "The Sources of Torah."
97. Ibid., 566.

vv. 2–7 is a pantheistic nature poem, while vv. 8–11 focus on the virtues of Yahweh's instructions.[98] Though the two sections of the psalm are of discrete origins, there is a strong level of thematic unity in the final product.[99] By far the most important link between vv. 2–7 and vv. 8–11 is the focus on speech, a theme that occurs in nearly every verse of the two units:

19:2	מספרים
	מגיד
19:3	יביע אמר
	יהוה־דעת
19:4	אין־אמר ואין דברים בלי נשמע קולם
19:5	קום
	מליהם
19:8	תורת יהוה
	עדות יהוה
19:9	פקודי יהוה
	מצות יהוה
19:10	משפטי־יהוה

The dominant theme of vv. 2–7 is general revelation—one gets to know the deity by seeing nature at work. In v. 2, the heavens and the firmament provide knowledge about the glory of God and his creative power. Similarly, v. 3 makes clear that what day and night reveal is knowledge. Through a parallelism with v. 2, the author establishes the subject of this knowledge as God. The profound insights that nature has of the deity is then expressed in vv. 4–5a: "There is no utterance, there are no words, whose sound goes unheard. Their call carries throughout the earth" (JPS).[100] These lines function as a generalizing summary of v. 2 and 3, which depict the revelatory nature of two particular polar pairs: heaven/firmament and day/night. In sum, the point of emphasis in vv. 2–7 is not the awesomeness of nature, but "the peculiar character of the revelation of God in nature."[101] Nature is not the object of admiration, as it is in Ps

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98. Georg Fohrer, *Introduction to the Old Testament* (trans. D. E. Green; Nashville: Abingdon, 1968), 286; Mowinckel, *The Psalms in Israel's Worship*, 1:90–91; Weiser, *The Psalms*, 197.

99. D. J. A. Clines, "The Tree of Knowledge and the Law of Yahweh (Psalm XIX)," *VT* 24 (1974): 8–14; Peter Craigie, *Psalms 1–50* (Waco, Tex.: Word, 1983), 180–83.

100. Here I follow Dahood in rejecting the BDB's proposed rendering of קו as "line, cord" (BDB, 876). Dahood identifies the root of קום as קוה, meaning "to call, to proclaim," as evidenced by Pss 40:2; 52:11, and Job 17:13 (Mitchell J. Dahood, *Psalms 1–50* [Garden City, N.Y.: Doubleday, 1965], 122).

101. Weiser, *The Psalms*, 197–98.

104 for example, but rather an entity that is in the service of the chief being as "a vehicle of his revelation."[102]

By juxtaposing the nature-as-revelation poem of vv. 2–7 with the "instruction" poem of vv. 8–11, the psalmist has skillfully produced an intricate work. In moving from the cosmic, macro-level of vv. 2–7, to the individual, micro-level of vv. 8–11, the author refocuses nature's general revelation as Yahweh's divine instruction. In the final form of the poem, all of the "sounds" of nature are, in fact, the commandments of Yahweh that result in a blessed life, as detailed in vv. 8–11. The individual gains access to Yahweh's instructions by beholding the wonder of nature. Much like Ps 119, then, the author does not envision the Pentateuch, or indeed, any book, as the "instruction" of Yahweh. According to the psalmist, the effective words of Yahweh are evident in the entire created order, implying unlimited, unencumbered, and unmediated access. Indeed, there is nothing in which Yahweh's "instruction" is not heard.

The notion of "instruction" takes center stage in Ps 1. In no uncertain terms, the psalmist makes clear that what separates the righteous from the wicked is adherence to "instruction." Happiness is guaranteed to those who do not behave as the wicked, but "his delight is in the instruction of Yahweh, and he meditates upon his instruction day and night" (vv. 1–2). The prosperity of those who follow it is then expressed through a beautiful arborial metaphor (v. 3; cf. Jer 17:8). Because of the centrality of "instruction," and the poem's position at the head of the Psalter, a number of scholars argue that Ps 1 establishes a formal equivalence between the five "books" of the Psalter and the five books of the Pentateuch.[103] In support, many cite a statement from *Midrash Tehillim* that equate the two: "As Moses gave five book of law to Israel, so David gave five Books of Psalms to Israel…"[104]

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102. Ibid., 198.

103. The most recent exposition of this argument is found in John Vassar, *Recalling a Story Once Told: An Intertextual Reading of the Psalter and the Pentateuch* (Macon, Ga.: Mercer University Press, 2007).

104. *Midrash Tehillim* on Ps 1:1. Translation from William G. Braude, *The Midrash on Psalms, Translated from the Hebrew and Aramaic* (2 vols.; New Haven, Conn.: Yale University Press, 1959), 1:5. As the rest of the midrash makes clear, the correspondence between the Pentateuch and the Psalter is based on an analogical linkage between Moses and David: "As Moses led Israel out of Egypt, so David led Israel out of servitude to Goliath. As Moses fought the battles of the Lord against Sihon and Og, so David fought the battles of the Lord in all the regions around him… As Moses divided the Red Sea for Israel, so David divided the rivers of Aram for Israel… As Moses built an altar, so David built an altar. As the one brought offerings, so the other brought offerings."

The fundamental assumption to the conception of Ps 1 as a Torah-orienting introduction to the Psalter is that the psalm's conception of "instruction" is identical to the Pentateuch, so that the psalm celebrates adherence to a specific text as the guarantor of a blessed life. As R. N. Whybray argues, however, this equivalence is not at all assured.[105] First, he challenges the notion that Ps 1 functions as a reinterpretive introduction to the Psalter. In his view, such an assessment is "no more than an inference and is not susceptible to demonstration"; it is not derived from empirical evidence, but from modern notions that the Psalter should have some type of organization.[106] Second, he argues that the content of the psalm does not indicate any awareness of the Pentateuch. Just like Pss 19 and 119, Ps 1 does not express any book-awareness, nor does it contain any reference to instructional content, nor does it reference Moses, Sinai, or any other motif even tangentially related to the pentateuchal conception of "instruction." In fact, though the psalm focuses quite specifically on the life of the righteous person, it provides no clear picture of what that life consists. The psalmist only discusses what the "instruction"-led life does not look like by speaking of what the righteous one does not do (follow the counsel of the wicked, stand in the path of sinners, sit in the seat of scoffers). The essence of the righteous life is defined only in negative terms, and the critical point of the psalm is a rather abstract warning to the righteous—do not behave like the wicked. There is no explication of what this entails, and no expectation that the identity of the righteous is determined by adherence to a specific text.

In pointed contrast, Ps 15 does provide an extensive description of the righteous life. Through its opening questions—"Who can reside in [Yahweh's] tent? Who can dwell on [his] holy mountain?"—the psalmist aims to define the nature of those who are acceptable before Yahweh, which comes in vv. 2–5:

> The one who lives blamelessly, who does what is right, who speaks truth in his heart; he does not slander with his tongue, he does not do evil against his fellow, he does not lift up a reproach against his neighbor; the wicked are despised in his eyes, but he honors those who fear Yahweh. He swore to do no wrong and did not waver.[107] He does not lend his money with interest; he does not accept a bribe against the innocent.

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105.   Whybray, *Reading the Psalms*, 39–41.
106.   Ibid., 41.
107.   The precise of נשבע להרע ולא ימר is uncertain, though some sort of commitment is clearly intended. The LXX reads ὁ ὀμνύων τῷ πλησίον αὐτοῦ καὶ οὐκ ἀθετῶν. Many modern exegetes and translations view להרע as a concessive. Thus Weiser reads "He keeps the oath even when it hurts him" (Weiser, *The Psalms*, 167). The JPS translates the phrase as "who stands by his oath even to his hurt," while the

Here we have a wonderfully detailed description of righteous behavior. What is significant about this description is the complete lack of religious content. There is no reference to making sacrifices, ritual purity, or adherence to certain regulations, and certainly not to any text. Instead, we get a list of acceptable behaviors dominated by interpersonal issues, with no discussion of how one relates to the deity. From this thematic focal point, we cannot conclusively conclude that the psalmist was unaware of the Pentateuch. However, the fact that an author can discuss propriety before Yahweh without including the notion of ritual purity or covenantal regulations shows that the Pentateuch's conception of the religious piety had little influence on the author of Ps 15.

Within the three so-called Torah psalms, as well as Ps 15, we see a complete absence of book-awareness. Though each poem focuses on the importance of adherence to "instruction," there is not one allusion or implicit reference to the notion that a text is the source for such knowledge. When we turn to Proverbs, we find a similar lack of book-awareness; though many of the individual aphorisms and larger sub-units focus on the value of "instruction," there is no suggestion that such knowledge is found in a text. And, unlike the psalms, there are no indications in Proverbs that "instruction" can be obtained from direct, unmediated spiritual experience. In fact, the portrayal of "instruction" within Proverbs is quite narrow, limited to the knowledge that an individual receives from parents and elders. Thus, in Prov 1:8 and 6:20, the anonymous speaker exhorts his protégé to listen to the instruction that comes from his father and mother. According to 13:14, the sage is the source of "instruction," which is "a fountain of life, enabling one to avoid the snares of death." In a number of passages, the recipient of "instruction" is identified as "my son" (3:1; 4:2; 7:2). Whether this use of "son" reflects a biological link or is simply a way of referring to a student is unclear; ultimately, however, it is irrelevant for our purposes here, since these statements make clear that "instruction" is not defined as a text.

Of course, no discussion of wisdom literature would be complete without a consideration of Deuteronomy, which is replete with the notion that wisdom leads to divine blessings and a long life.[108] Given Deuteronomy's placement within the Pentateuch, it would be reasonable to expect

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RSV reads "who swears to his own hurt and does not change." Not surprisingly, Mitchell Dahood presents a unique translation. He renders the lamed of להרע as expressing separation. Thus, he renders the phrase "He swore to do no wrong and did not waver" (Dahood, *Psalms 1–50*, 83; echoed by Craigie, *Psalms 1–50*, 49). See also his "Note on Psalm 15:4 (14:4)," *CBQ* 16 (1954): 302.

108.   For a detailed survey of the wisdom characteristics within Deuteronomy, see Weinfeld, *Deuteronomy and the Deuteronomic School*, 244–319.

within it a heavy emphasis on "instruction" as a defined text. What we
find, however, is quite the opposite, for the author of Deuteronomy por-
trays "instruction" in a manner similar to what we saw above in Psalms
and Proverbs. We begin with Moses' preface to the divine command-
ments in Deut 4. Here, vv. 5–6 are of particular interest, for the author
establishes an indelible link between divine instructions and wisdom:

> See, I have taught you statutes and ordinances for you to observe in the
> land into which you are about to enter in order to occupy, just as Yahweh
> my god commanded me to. You must observe them diligently, because
> this will demonstrate your wisdom and your discernment to the nations,
> who will hear of all these statutes and say, "Surely this great nation is a
> wise and discerning people."

The key point in this speech is the process by which the people's
wisdom, and by extension knowledge of divine instruction, is imparted.
Just as we saw in Proverbs, the Deuteronomic author envisions the
interaction between parent and child as the means of education and
enculturation. Thus, in v. 9, Moses warns the people of Israel not only to
remember all that they have seen and heard thus far, but further also to
"teach them to your children and your children's children" (cf. 11:19;
31:10–13). A similar conception of "instruction" as wisdom imparted by
elders can be found in Deut 6:6, in which the preservation of divine
instruction occurs through personal embodiment (על־כבבך) and through
interpersonal education. In v. 7, we find that every moment in life is to be
approached as an opportunity to impart knowledge of Yahweh's will.
Further along, in vv. 24–25, fathers are instructed to tell their children
how obedience to divine instructions preserved their lives and led to
prosperity. As Weinfeld points out, this statement rests on the same
conception of "instruction" as Ps 34:12–13, in which the sage proclaims
that the content of his instruction is the key to life:[109]

Deuteronomy 6:24–25	*Psalm 34:12–13*
Then Yahweh commanded us to observe all these statutes, to fear Yahweh our God, for our benefit all the days of our lives, as is now the case. It will be our merit if we carefully observe this entire com-mandment before Yahweh our God, just as he commanded us.	Come children, listen to me. I will teach you the fear of Yahweh. Which one of you desires life? Who desires many days to see goodness?

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109.   Ibid., 299.

In none of this, do we find a trace of the idea that "instruction" is bound up in a text. With remarkable clarity, the Deuteronomist elevates the interaction between parent and child as the primary locus of education, and hence, the source of "instruction." To echo Weinfeld, the Deuteronomist operates with a conception of wisdom that is unique within the Pentateuch. Because wisdom is not to be found in a particular text or obtained through the mastery of certain fields, the Deuteronomic author defines "wisdom" not as extreme cunning or superior intellect, but rather, the "knowledge and understanding of proper behavior with morality."[110]

The treatment of "instruction" in poetic and wisdom texts demonstrates a vibrant tradition in which "instruction" had no textual association whatsoever, for these authors envision numerous, non-textual sources of "instruction." This is in contrast to "direct" citations of "instruction," in which the evocative power of "instruction" depended upon societal notions of textuality. What we see, then, is that the conceptualization of "instruction" as a limited corpus of texts was neither a dominant nor exclusive concept for a significant period of time. Without a doubt, the text (i.e. the Pentateuch as "instruction") would eventually come to reach a place of prominence as not only the emblem, but also the direct account of divine instruction. The evidence presented here, however, forces us to rethink when the emphasis on text as the centerpiece of religion came to prominence, for it is apparent that a broad range of biblical authors operated with a conception of divine "instruction" that had little to do with any specific text at all.

4. *Competing Conceptions of "Instruction" in the Second Temple Period*

As we turn to conception of "instruction" in Second Temple period literature, there is much evidence to show that authors of this period regarded the Pentateuch as authoritative literature. Portions of Genesis, Numbers, and Deuteronomy are identified in *4 Macc* 18:10–19 as "the Law and Prophets," while 2 Macc 8:23 identifies the Pentateuch as a holy book. Likewise, texts from Qumran contain a series of pentateuchal quotations that are introduced with scriptural citation formulae (1QS 5:15; CD 5:1–2; 7:6, 8–9, 10–20; 9:2; 10:16–17; 11:18; 16:6–7, 10).[111]

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110. Ibid., 255.
111. Beckwith, "Formation of the Hebrew Bible," 45–46.

An important witness to the authority of the Pentateuch is the second-century B.C.E. text Ben Sira. Echoing Proverbs in both language and imagery, Ben Sira is replete with statements that extol the centrality of wisdom in the life of the pious. However, unlike Proverbs, Ben Sira is very much text-focused. Though placing high value on the pedagogy of parents and teachers, Ben Sira makes clear that the ultimate source of instruction is text. This idea is central to ch. 24, a unit that presents a highly personified paean to wisdom that is framed as first-person speech. Wisdom's self-description ends with an invitation to the reader that focuses on its benefits to the individual:

> Come to me, you who desire me, and eat your fill of my fruits. For the memory of me is sweeter than honey, and the possession of me sweeter than the honeycomb. Those who eat of me will hunger for more, and those who drink of me will thirst for more. Whoever obeys me will not be put to shame, and those who work with me will not sin. (24:19–22, NRSV)

Though the relational language here would seem to suggest some sort of revelatory or spiritual experience, the author makes clear that the source of this life-changing wisdom is a specific text: "All this is the book of the covenant of the Most High God, the law that Moses commanded us as an inheritance for the congregation of Jacob" (24:24, NRSV). When we combine this datum with the frequent references to the "law, prophets and other texts" in Ben Sira, we can appreciate the author's reception of the Pentateuch as authoritative scripture.

This hardly represents the full picture, however. While many Jewish authors recognized the authority of the Pentateuch, and often identified it as "instruction," this link was not exclusive, for a variety of other texts were regarded as authoritative, divinely appointed literature. What we see from literature of this period is that though "instruction" was understood as embodied in a text, there was no consensus on which text constituted "instruction." To some groups, "instruction" included what would later become the biblical canon, but the biblical canon was not the exclusive contents of "instruction."

Within the Dead Sea Scrolls, the Damascus Document (CD), an enigmatic document entitled ספר ההגי, is often cited as authoritative literature, critical to the life of the community.[112] According to the CD, knowledge of ספר ההגי is required of all judges:

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112.   The name of the text has also been read as ספר ההגו. A detailed list of secondary works on this text is available in Matthew J. Goff, *The Worldly and Heavenly Wisdom of 4QInstruction* (Leiden: Brill, 2003), 82 n. 8.

> And this is the rule for the judges of the congregation. Ten men shall be chosen from the congregation for a fixed term: four from the tribe of Levi and Aaron and from Israel six, learned in the ספר ההגי and the principles of the covenant… (CD [4Q266 8 III] 10:4–6)[113]

Knowledge of ספר ההגי is also required of the priests (cf. 4Q266 9 III 2–3; 10 I 6–8). In the document known as the *Rule of the Congregation*, all native Israelites are to be educated in ספר ההגי (1Q28ᵃ I 6–7).

Perhaps because of its elevated status within the Qumran texts, a number of scholars have argued that ספר ההגי is an alternative designation for the Pentateuch.[114] Regarding the origin of the name, David Carr argues that it derives from the command in Josh 1:8 to "meditate" (הגה) upon the book of the instruction.[115] Others, however, doubt this connection, arguing that ספר ההגי is entirely distinct from the Pentateuch.[116] Complicating efforts at identifying this document is a reference in 4QInstruction to חזון ההגוי (4Q417 II i 16). Matthew Goff renders this phrase "vision of Hagu" and argues that it originates from the same tradition as ספר ההגי.[117] This argument is somewhat problematic, however, since the vocalization of ההגוי as "Hagu" is unlikely, calling into question its connection with ספר ההגי. It may very well be the case that ההגוי should be rendered as a common noun, "meditation" or perhaps "contemplation." Indeed, in their translation of 4Q417 II i 16, Fiorentino García Martínez and Eibert Tigchelaar render the phrase חזון ההגוי as "the vision of meditation."[118] Along these same lines, it may be that ספר ההגי should also be translated as "the book of meditation," for there is no

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113.   Cf. Charlotte Hempel, *The Laws of the Damascus Document: Sources, Tradition, and Redaction* (Leiden: Brill, 1998), 100.

114.   Stephen C. Fraade, "Interpretive Authority in the Studying Community at Qumran," *JJS* 44 (1993): 56–58; J. Licht, *The Scroll of Regulations from the Desert of Judah, the Manual of Discipline* (Jerusalem: Bialik, 1965), 255–56; I. Rabinowitz, "The Qumran Author's *spr hhgw/y*," *JNES* 20 (1961): 109–14; Schiffman, *The Halakhah at Qumran*, 44 n. 144; Naphtali Wieder, *The Judean Scrolls and Karaism* (London: East and West Library, 1962), 215–36.

115.   Carr, *Writing on the Tablet of the Heart*, 218–19.

116.   Cf. A. Dupont-Sommer, *The Essene Writings from Qumran* (trans. Geza Vermes; Cleveland: Meridian, 1962), 70; Ginsberg, *An Unknown Jewish Sect*, 50; Hempel, *The Laws of the Damascus Document*, 101; Martin S. Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism, 200 BCE–400 CE* (New York: Oxford University Press, 2001), 31, 173–74; Armin Lange, *Weisheit und Prädestination: Weisheitliche Urordnung und Prädestination in den Textfunden von Qumran* (Leiden: Brill, 1995), 84–90.

117.   Goff, *The Worldly and Heavenly Wisdom*, 83.

118.   See Florentino García Martínez and Eibert J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition* (2 vols.; Leiden: Brill, 2000), 1:101, 567, 571, 2:859.

necessity to view this phrase as a specific name of a document. Because of the difficulties surrounding even the title of the book, as well as the complete lack of description of its contents, we are left with little evidence for the identity of ספר ההגי. Consequently, it appears that arguments for its identity with the Pentateuch are based more on assumptions regarding the authoritative status of the Pentateuch than any empirical data.

As noted in Chapter 4, the author of *Jubilees* attempts to replace outright the Pentateuch by framing his text as the authentic record of the Sinaitic revelation. The author reinforces this attitude towards the Pentateuch by claiming that it is not the first or most important source of law. Throughout *Jubilees*, various patriarchs are portrayed adhering to regulations that in the Bible are instituted by Mosaic law. For example, in *Jub.* 3:8, Eve's entry into the garden is delayed by seven days so that she can observe her time of impurity (Lev 12:2–5). In his testament (*Jub.* 21), Abraham gives Isaac a series of sacrificial regulations that echo Lev 3. The question is: How would pre-Mosaic generations have known of these legal requirements? According to the author of *Jubilees*, it is because they had access to a source of law more ancient, and hence superior to the Pentateuch—the Heavenly Tablets, which provide knowledge of laws that are framed within the Pentateuch as Mosaic in origin. Eve's waiting period due to birth impurity (3:9–11), punishment for murder (4:5), Noah's celebration of Weeks (6:17), Abraham's celebration of Sukkot (16:28–29), the punishment against Reuben for incest (33:10–12), and the celebration of Pesach (49:8)—all of these and more were ordained in the "Heavenly Tablets."

The author's attribution of superiority to the "Heavenly Tablets" is based not only upon their supposed antiquity, but on their completeness, as well. Or, to state it differently, he views the Pentateuch as incomplete.[119] This is evident in a number of laws that are said to have originated from the "Heavenly Tablets," but which have no connection with the Pentateuch.[120] Laban's wedding-day deception of Jacob is justified not only on the basis of local custom, but also on the fact that the "Heavenly Tablets" ban the giving away of a younger daughter before the older (28:6). In the aftermath of the Dinah–Shechem episode, any man who gives his daughter or sister to a foreigner for marriage is subject to the death penalty, as ordained in the "Heavenly Tablets." Most

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119.   Elliott, *The Survivors of Israel*, 124–25; Himmelfarb, "Torah, Testimony and the Heavenly Tablets," 28.

120.   Cf. Fiorentino García Martínez, "The Heavenly Tablets in the Book of Jubilees," in Albani, Frey, and Lange, eds., *Studies in the Book of Jubilees*, 255–58.

famously, the scheme of 52-weeks and 364 days per year, a key innovation of *Jubilees*, along with the rejection of the lunar calendar, is legitimized through a reference to the "Heavenly Tablets" (6:31).

The "Heavenly Tablets" thus function as a cosmic *prototype* of the Pentateuch. In this light, the Pentateuch is made "subordinate to the heavenly archive that apparently contains everything that appears in either [the Pentateuch or in *Jubilees*]."[121] There is no doubt, then, that the author of *Jubilees* regards the Pentateuch as limited. "*Jubilees* understands the heavenly tablets as an archive of divine knowledge. The Torah and *Jubilees* even in combination constitute only a limited publication of its contents."[122] The Pentateuch is relegated to a secondary status since it is only a partial reflection of what was cosmically ordained. The principle source of law, consequently, is not the Pentateuch. Rather, "the source of *everything* considered worthy as law in Israel is already to be found in an unambiguous and pristine form in the 'heavenly tablets.'"[123]

From the adoption of the basic chronological sequence of Genesis–Exodus, and the allusions to much of the legal material in Leviticus–Deuteronomy, it is clear that the author of *Jubilees* borrowed much from the Pentateuch. What is also clear, however, is that the author of *Jubilees* relies on the Pentateuch only to the extent necessary to replace it. It is his text, not the Pentateuch, that presents the authoritative record of Israel's history and the laws that are incumbent upon the people of Yahweh, for it is his text that records in pristine form the very words spoken by Yahweh to Moses upon Sinai. That this claim to authority was accepted by at least some Jewish groups during the Second Temple period is evident from Qumran. A number of calendrical texts from Qumran follow the 364-day, solar scheme presented in *Jubilees* (as well as *1 Enoch*). *Jubilees* 23:11, which discusses the diminishing of human intellect, provided the legal basis for priestly term limits in the Damascus Document.[124] The high esteem accorded to *Jubilees* is further evident in the fact that a number of scrolls from Qumran preserve the text in Hebrew.[125]

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121.   Martha Himmelfarb, "Torah, Testimony and the Heavenly Tablets: The Claim to Authority of the Book of Jubilees," in *A Multiform Heritage: Studies on Early Judaism and Christianity in Honor of Robert A. Kraft* (ed. Benjamin G. Wright; Atlanta: Scholars Press, 1999), 27.

122.   Ibid., 28.

123.   Elliott, *The Survivors of Israel*, 166.

124.   CD (4Q266 8 III) 10:7–10.

125.   See Dimant, "Old Testament Pseudepigrapha at Qumran," 2:447–67; Charlotte Hempel, "The Place of the Book of Jubilees in Qumran and Beyond," in Lim, ed., *The Dead Sea Scrolls in their Historical Context*, 187–96; James

The Temple Scroll (11Q19) is also notable for its relationship to the Pentateuch. As the text is primarily concerned with the presentation of *halakoth*, the appropriation of pentateuchal elements is limited to legal material. Above, we observed that the author 11Q19 often forms an aggregate of pentateuchal laws on the same subject into a complex statute.[126] This methodology produces one of the most distinctive aspects of the text, the application of purity laws to the entire city of Jerusalem. As stated in 47:3–6, the entire city, not just the temple district, is pure: "The city that I set aside to set my name, and my sanctuary [in its midst] will be holy and pure from any matter of impurity with which they might defile it with."[127] According to 57:14–15, purity is the essential condition of Jerusalem and sets it apart from all other cities. To safeguard this status, the author produces a number of statutes that broaden the scope of pentateuchal purity requirements that originally applied to the wilderness camp.[128] Examples include the restriction on entry into the city, for three days, against those with a nocturnal emission in 45:7–10, which is an extension of Deut 23:11. Likewise, the three-day waiting period for those who have engaged in sexual intercourse (45:11–12) is an extension of Lev 15:18–19. The ban on lepers entering the city is based on Lev 13:46, which calls for the leper to dwell outside of the camp for as long as he or she is diseased. The construction of latrines outside of the city (46:13) is an application of a similar commandment for the camp in Deut 23:13–14.

To insure the purity of Jerusalem, the author of 11Q19 also creates statutes that have no discernible connection with the Pentateuch. In 46:1–4, the author calls for the construction of some sort of device on the courtyard gates to insure that birds do not settle there. 11Q19 46:9–12 ordains the construction of a trench around the temple in order to separate it from the rest of the city so that people will not enter into it recklessly: 47:5b–8 requires that all objects brought into the city be pure, including food, wine, and animal hides. The hides, meanwhile, must not only come from pure animals, but pure animals that have been slaughtered

VanderKam, *Textual and Historical Studies in the Book of Jubilees* (Missoula, Mont.: Scholars Press, 1977), 19–95; idem, "The Apocrypha and Pseudepigrapha at Qumran," 2:469–91.

   126.   See Yadin, *The Temple Scroll*, 73–77.

   127.   Cf. 11Q19 45:13–14; 47:10–11.

   128.   P. R. Callaway, "Extending Divine Revelation: Micro-Compositional Strategies in the Temple Scroll," in *Temple Scroll Studies: Papers Presented at the International Symposium on the Temple Scroll Manchester, December 1987* (ed. George J. Brooke; Sheffield: Sheffield Academic Press, 1989), 152–56.

as sacrifices within the temple (47:7b–9, 11–12). In 52:19–21, the author bans slaughter for consumption within Jerusalem, lest an individual inadvertently defile an intended sacrifice. Likewise, according to 52:13–16, any animal that is routinely accepted as a sacrifice must be either offered up as a burnt offering in the temple-city, or slaughtered at a three-day distance from the city. As for animals that have a blemish, the text orders these to be slaughtered at a distance of three *stadia* from the temple, in order to protect the entire city from these unworthy sacrifices.[129] While these laws do not have specific roots in the Pentateuch, they do reflect awareness of the same cultural value—cultic propriety—as that which shaped its composition.

Thus far, we have seen aspects of the Temple Scroll that present an expansive interpretation of pentateuchal legal material.[130] We must also consider, however, the explicit framing of the text as the contents of Yahweh's revelation to Moses. Unfortunately, the entire first column of the text is missing, meaning that the exact circumstances of the revelation are not clear. Nonetheless, the mention of "Aaron your brother" in 44:5 assures that the recipient of the revelation is indeed Moses. The author further contends that the contents of his text are of divine origin by framing the entirety in first-person voice, presenting his work as the actual words of Yahweh. As with *Jubilees*, the importance of the first-person discourse should not be minimized. By presenting the legal statutes as the actual words of Yahweh spoken to Moses, "the Temple

129.   Lawrence Schiffman, "Some Laws Pertaining to Animals in Temple Scroll Column 52," in Bernstein, García Martínez, and Kampen, eds., *Legal Texts and Legal Issues*, 176.

130.   See Brooke, "Biblical Interpretation at Qumran," 1:287–319; Callaway, "Extending Divine Revelation"; C. D. Elledge, *The Statutes of the King: The Temple Scroll's Legislation on Kingship, 11Q19 LVI 12–LIX 21* (Paris: Gabalda, 2004); Fishbane, "Use, Authority and Interpretation of Mikra," 339–77; Jacob Milgrom, "The Qumran Cult: Its Exegetical Principles," in Brooke, ed., *Temple Scroll Studies*, 165–80, and, in the same volume, Lawrence Schiffman, "The Temple Scroll and the Systems of Jewish Law of the Second Temple Period," 239–56; idem, "Miqsat Ma'aseh Ha-Torah and the Temple Scroll," *Revue de Qumran* 14 (1990): 435–57; Dwight D. Swanson, *The Temple Scroll and the Bible: The Methodology of 11QT* (Leiden: Brill, 1995); Sidnie White Crawford, "The Use of the Pentateuch in the Temple Scroll and the Damascus Document in the Second Century B.C.E.," in *The Pentateuch as Torah: New Models for Understanding Its Acceptance and Promulgation* (ed. Gary Knoppers and Bernard Levinson; Winona Lake, Ind.: Eisenbrauns, 2007), 301–17; Michael Owen Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (Chicago: Oriental Institute of the University of Chicago, 1990); Yadin, *The Temple Scroll*.

Scroll is unambiguously claiming superiority to the 'Book of Moses.'"[131] As Donald Akeson observes, "[none] of this is exegesis… This is not a commentary on the 'Books of Moses.' It is a straight-out replacement of them."[132]

Within the framework of Yahweh's revelation to Moses, the author of 11Q19 includes statutes that have no connection with the Pentateuch. In doing so, the author attempts to elevate his text over the Pentateuch, since it reveals laws that are unknown from the biblical text. To illustrate, let us consider the Temple Scroll's treatment of Pesach (17:6–9). Here, we find no attempt to harmonize or clarify the differences between Exod 12 and Deut 16. There is no specification on what type of animal is to be slaughtered, nor are there guidelines on how to cook the animal. These two points alone show that the text has failed as an exegesis of biblical material. The details that we do have, however, display remarkable independence from the Pentateuch.[133] In 17:7, we find that the paschal sacrifice is to be performed *before* the evening sacrifice, clearly conflicting with pentateuchal regulations on the prescribed time of day for the ceremony. Additionally, the text restricts participation in Pesach to those who are twenty years old and older (17:8). Yigael Yadin argues that this age limit is based on the census of Num 11:1–3.[134] As others have pointed out, however, the connection between the two texts is not at all clear, and likely only coincidental.[135]

The innovative nature of the Temple Scroll is further evident in an extended passage, 56:12–59:21, often called "The Statutes of the King." This material not only has strong thematic parallels to Deut 17:14–20, but contains a number of similar, if not identical, provisions. And yet, there are a number of features that reveal the author's intention of displacing the pentateuchal material. This is evident, in the first instance, from 56:20–21: "When he sits upon the throne of his kingdom, they shall write *this law* for him on a scroll in the presence of the priests" (emphasis added). The use of the phrase "this law," of course, is identical to Deut 17:18. We must appreciate, however, that the object of the phrase is nothing other than the Temple Scroll. Perhaps in some limited sense, the

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131.　Akenson, *Surpassing Wonder*, 152.

132.　Ibid., 153.

133.　Contra Fishbane, "Use, Authority and Interpretation," 358; Yadin, *The Temple Scroll*, 97.

134.　Yadin, *The Temple Scroll*, 97.

135.　Moshe J. Bernstein and Shlomo A. Koyfman, "The Interpretation of Biblical Law in the Dead Sea Scrolls: Forms and Methods," in Henze, ed., *Biblical Interpretation at Qumran*, 85.

use of "this phrase" can be viewed as a borrowing from Deut 17:18. But even so, the author displaces the importance of Deuteronomy by using the phrase to refer to his own composition.[136]

A significant point of contact between the "Statutes of the King" and Deut 17 concerns the power of the king. In Deuteronomy, the primary duty of the king is to study the law. He is not to make war, nor is he to aggrandize himself over the rest of the populace. Further, throughout the legal material of Deuteronomy, the king is given no judicial or legislative role, certainly an oddity in the ancient Near East. Without a doubt, the Temple Scroll also presents the monarchy as a severely restricted office subordinate to the priests. In contrast to Deut 17, wherein the king is ultimately responsible for, and appoints others to deal with, the recording of the law in writing (וכתב לו את־משנה התורה הזאת), the Temple Scroll designates the king as a passive agent who only receives the law from the priests and the Levites (וכתבו לו את התורה הזואת).[137] Further, the Temple Scroll contains a number of regulations to insure that "the king will carry out his reign within the larger context of the priestly administration of the *Torah*."[138] In 57:12–15 we find instructions for a royal council composed of 36 people—twelve priests, twelve Levites, and twelve tribal heads, one from each tribe. The function and authority of the council, and its superiority relative to the king, is made clear in 57:14–15—"his heart shall not be exalted above them and he will not do anything apart from their counsel." The authority of the priests extends to military matters, as well. In 57:18–19, the king is prevented from conducting offensive military campaigns without first obtaining from the high priest an oracular decision via the Urim and the Thummim. Even in defensive maneuvers, the text limits the number of soldiers that the king can muster, depending on the size of the invading force (58:3–11).

But in spite of these restrictions, the Temple Scroll stands apart from the Pentateuch by portraying the king as a figure of great significance. According to 57:5–11, the king is to be protected at all times by a 12,000-man personal guard, consisting of 1000 men selected from each tribe. Their duties encompass both military and spiritual protection— "they shall guard from every sinful act, and from foreign nations so that he is not captured into their hands" (ll. 8–9). The supremacy of the king is also evident in statutes on the division of war booty (58:12–15a). After victory, the spoils are divided as follows: one-tenth to the king, one-thousandth to the priests, one-hundredth to the Levites, and the

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136. Cf. Elledge, *The Statutes of the King*, 85.
137. Ibid., 90.
138. Ibid., 114.

remainder to the army and those who stayed behind. For our purposes, what is important in this statute is that the king receives the largest single portion. It is the king, not the priests or the army, who profits most from military actions.

The importance of the king is further evident in the concluding section. As in Deut 17:20, the king is promised longevity for his obedience to the law (11Q19 59:16–21). The text also includes the converse—the punishment of extirpation for the disobedient king (59:13–15). What is remarkable here is that the people are explicitly included in the promise of blessings and curses. In 59:2–13a, the text states that the fate of the people, their destruction and restoration, is contingent on the obedience of the king. And while this is highly reminiscent of Deut 28, because the author of the Temple Scroll includes this material in a section detailing royal duties, he creates a new dimension to the royal covenant, one that fuses the monarchy and the covenant with Yahweh's people. The laws of the king are presented as normative for both the people and the king, and both parties suffer for the king's failures.[139] In other words, the monarch becomes the representative of the covenant between the nation and Yahweh, so that his personal obedience is the ultimate condition for the fate of the people.

It is in this issue, the pertinence of the king, that the Temple Scroll displays its independence from Deut 17. While the author of the Temple Scroll calls for a curtailment of royal power, he does not deny that the monarch plays a significant role in society, especially as it relates to the validity of the covenant. The author of Deuteronomy, meanwhile, portrays the monarchy as virtually powerless; the king has no duty other than to study the law. While the Temple Scroll does borrow much of Deut 17, it clearly operates with a vastly different conception of the role of the monarchy. This has important ramifications for our understanding of the cultural context of Deuteronomy. The Temple Scroll was likely written during an era when there actually was a king. Though the author may have viewed the reigning monarch (and the cultic leadership) with a high degree of suspicion, and sought to curtail royal prerogatives, he could not deny the basic importance of the office. What is more, the fact that the author of the Temple Scroll, in calling for a thorough reform of the nation, did not simply eliminate the office of the king, but attempted to formulate a balance of power with the priestly group, suggests a high level of pertinence for the monarchy. The complete absence of these elements in Deuteronomy, meanwhile, suggests that the author was writing in a time in which there was no king at all.

139. Ibid., 212.

Thus far, our discussion has focused on the literary means by which authors present their texts as the genuine contents of divine revelation. The authors of *Jubilees* and the Temple Scroll claim to provide direct access to the words of Yahweh by adopting the Sinaitic setting and reducing the role of Moses in the communication of the law. As we turn to various collections of *halakhot* from this period, we can appreciate a similar concern to assert the propriety, authenticity, and superiority of post-biblical legal developments. In these texts, however, there is a distinctive element, in that they do not base their legitimacy on structural elements (i.e. the framework of the Sinai theophany), but rather by appealing to the notion of proper exegesis.

In two important studies on *halakhot* in Qumran literature, Lawrence Schiffman presents a detailed analysis of how legal knowledge is employed as a sign of demarcation between the righteous and the wicked.[140] As Schiffman demonstrates, a central theme in a number of Qumran texts is the idea that there is a source of law distinct from, and superior to, the Pentateuch that is necessary for salvation. Before proceeding further, we should first clarify one issue. Schiffman follows the near-consensus view that the Dead Sea Scrolls originated from a single group, most often identified as the Essenes. As Norman Golb argues in his *Who Wrote the Dead Sea Scrolls*, however, this supposition is implausible.[141] The theory of common origin sufficed when the textual evidence consisted only of seven scrolls (all discovered in 1947). It became untenable, however, with subsequent discoveries, which revealed a theological diversity and a variety in scripts. Thus, Golb argues that the connections between various Qumran writings were never proved, but only assumed *a priori*.

For this reason, caution is needed in approaching the Qumran texts, since scholars often speak of "the sect" or a "sectarian corpus," under the assumption of a single origin for the documents. In the following discussion, I will present the core of Schiffman's arguments without assuming that one group is responsible for all of the material. To avoid such

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140.   Cf. Lawrence Schiffman, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony, and the Penal Code* (Chico, Calif.: Scholars Press, 1983), and *The Halakhah at Qumran*.

141.   See his "The Problem of the Origin and Identification of the Dead Sea Scrolls," *Proceedings of the American Philosophical Society* 124 (1980): 1–24, and *Who Wrote the Dead Sea Scrolls?*. See also Akenson, *Surpassing Wonder*, 202–7, and Philip Davies, "Was there Really a Qumran Community?," *Currents in Research (Biblical Studies)* 3 (1995): 9–35, and K. H. Rengstorf, *Hirbet Qumran and the Problem of the Library of the Dead Sea Scrolls* (Leiden: Brill, 1963).

connotations, I will avoid using the term "sect." When it becomes necessary to speak of the group responsible for a specific text, I will use the term "community," without assuming the origin of the text, or its relationship to other texts.

An extended passage in the *Rule of the Community* (1QS) provides important insights into how legal knowledge functioned as the primary demarcation between the wicked and the righteous:

> All who enter into the counsel of the community will enter into the covenant of God in the presence of all the volunteers. He will take upon himself a binding oath to return to the "instruction" of Moses, according to all that he commanded, with all his heart and all his soul, in accordance with all that has been revealed from it to the sons of Zadok, the priests, the guardians of the covenant, and those who seek his will, and to the multitude of the men of their covenant who volunteer together for his truth, and to walk according to this will. He shall take upon himself to separate from all evil men, those who walk the wicked path, for they are not reckoned in his covenant, for they have not sought nor studied his decrees to know the hidden things (*nistarot*) in which they have erred, thereby incurring guilt. As for the revealed things (*niglot*), they have acted defiantly… (1QS 5:7–12)

Three elements of this passage deserve special attention. First, though the members of the community are required to obey the "'instruction' of Moses, according to all that he commanded," there is an additional condition, "in accordance with all that has been revealed (*nigleh*) from it to the sons of Zadok." The principal legal requirements incumbent upon the community are not simply the Mosaic laws, but more specifically, the Mosaic laws as defined by the group. Second, the text draws a clear distinction between the community and the "men of iniquity" based on knowledge of laws. The "men of iniquity" are criticized for two things—their violation of the revealed laws (*nigleh*), which Schiffman identifies as the Pentateuch, and their ignorance of the hidden laws (*nistarot*).[142] Within this text, we thus find a two-fold definition of wickedness—disobedience of the regulations of the Pentateuch and ignorance of the *nistarot.* Adherence to the Pentateuch is insufficient to establish right-eousness, which only comes from knowledge of the *nistarot*, that is, the legal regulations of the community. Third, this passage emphasizes proper study as the key in obtaining knowledge of the *nistarot*. The men of iniquity are ignorant of the secret matters because they did not study God's laws. Only the exegetical practices of the community lead to knowledge of the *nistarot*, so that "other Jews are regarded as ignorant of

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142.   Schiffman, *The Halakhah at Qumran*, 24.

this interpretation."[143] Consequently, the community is strictly prohibited from sharing the knowledge of the *nistarot* with outsiders (1QS 9:17). Combined with the notion that ignorance of the *nistarot* leads to condemnation, this community takes a fatalistic approach to the fate of others, for they attack their opponents for the violation and ignorance of laws that, because they were developed solely within the sect and not shared, remained inaccessible.[144]

According to Schiffman, the salvific importance of study is apparent in a number of "exegetical" terms used in descriptions of legal requirements. I will present here a short summary of his analysis.[145]

נמצא: According to CD (4Q266 8 I) 15:9–10, the oath of enrollment into the community consists of "the covenant which Moses established with Israel, the covenant to [turn] to the *torah* of Moses with all [his] heart [and with all] his soul, to that which has been derived [נמצא] (for them) to do…" Here, נמצא refers to the derivation of the requirements that set the community apart from others (cf. CD [4Q266 3 II] 6:18–20; 1QS 8:11).

פרוש: According to CD (4Q266 3 II) 6:14, the behavior of the community during the age of wickedness is to be guided by their unique interpretation of the law—ישמרו לעשות לפרוש התורה. Through obedience to this law, the community is set apart from "the sons of the pit" (l. 15). In CD (4Q266 9 III) 13:4–7, we find instructions for a priest who does not know the proper manner in which to treat an individual with a נגע. In such cases, "the instructor (המבקר) shall instruct him in the interpretation (פרוש) of the 'instruction.'" According to Schiffman, in the perspective of the community, the פרוש "needs only to be discovered [within the text] by one who has the necessary inspiration. Thus, the *perush* must arise directly from a written text in which the *perush* is 'specified' (*meduqdaq*) or 'found' (*nimṣaʾ*)." All this indicates that the פרוש is the product of textual study.[146] "Through [פרוש] laws could be derived from verses without the use of proof-texts. In other words, *perush* afforded the Qumran sect the same escape from the literal word that the dual-Torah concept gave the Rabbinic Jews."[147]

מדרש: The use of this term to describe the community's unique laws as the product of study is evident throughout the Damascus Document. CD (4Q266 3 III) 20:6–7 establishes מדרש התורה as the standard of

143. Ibid., 25.
144. Ibid., 76.
145. Ibid., 22–76.
146. Ibid., 41.
147. Ibid.

conduct in cases where members of the community are expelled. Similarly, 1QS 6:24 heads a list of violations against the community with the phrase "And these are the regulations by which they shall judge them in the מדרש of the community depending on the matter." Schiffman provides ample evidence for similar referential functions of the terms סרך, יסורים, משפט, and.[148]

Because of the repeated emphases in these texts on the importance of exegesis for righteousness, scholars expend much energy in isolating the biblical roots of the legal provisions. However, there are reasons to doubt the adequacy of this approach. First, biblical materials are only one small portion of the plurality of texts that informed Qumran literature. As already noted, texts such as ספר ההגי and the book of *Jubilees* were regarded as authoritative scripture by various Jewish groups. Second, despite the repeated claims that interpretation distinguished the righteous and wicked within Israel, there is a host of *halakhot* that have no antecedents in extant documents, and hence, strictly speaking, are not products of exegesis. Nonetheless, these statutes are still described as פרוש, מדרש, or the like—that is, as the products of proper and inspired exegesis. 1QS 6:24 introduces a litany of violations and punishments with the term מדרש, even though the majority of the list has no biblical roots. The crimes include lying about wealth (6:24–25), insulting a fellow member of the sect (7:4), and exposing one's genitals (7:15). The Sabbath requirements in CD (4Q266 8 III; 4Q270 6 V) 10:14–11:18 contain a number of non-biblical halakhic developments that are framed as products of exegesis. These include a ban on eating or drinking outside of the camp (CD 10:23), hiring a foreigner or a slave to do work (CD 11:2, 12), and a proscription against spending the Sabbath in the company of gentiles (CD 1:14).[149]

4QMMT, the so-called *Halakhic Letter*, represents a significant collection of non-biblical *halakhot* that are described as products of exegesis. In epistolary form, the author presents the unique laws of his community by comparing them with what was done in the rest of Israel. He repeatedly uses phrases such as "we think," "we say," or "we reckon" in order to present a rationalization of the unique laws of the group. The purpose of the "letter" is found in C26–32: "Remember David, who was a man of the faithful ones. He, too, was freed from many afflictions and he was forgiven. Also, we have written to you some of the works of 'instruction' (התורה) that we think are beneficial to you and your people." The author then goes on to state in C28–32 that his hope is that

148. Ibid., 42–54, 60–68.
149. Ibid., 84–133.

the recipients of the letter will give due consideration to the "proper" laws of the community, so that they may be reckoned as righteous at the end of time.

Though many portions of 4QMMT contain allusions to biblical material, it also contains a number of statements that have no biblical origin.[150] For example, B49–52 (4Q396 II–III) prohibits the blind and the deaf from entering into the temple. On the basis of טבול יום, by which one who contracted ritual impurity was not considered clean until sunset of the last day of impurity, B71–72 (4Q397 6–13) forbids a cured leper from entering into the temple to eat the pure food until the sunset of the eighth day. This conflicts with Lev 14:10–32, which allows the leper to enter the temple anytime during the eighth day. In fact, the general idea that purity is not attained until sunset conflicts with a number of biblical texts, which hold that one becomes clean immediately after washing.[151] A striking innovation in 4QMMT deals with the purity of liquids (B55–58; 4Q396 II–III): "With regard to liquid streams, we say that there is no purity in these. And also, liquid streams cannot separate the impure from the pure, because the liquid of the stream and their containers is identical, the same liquid."[152] Most scholars understand this statement to mean that streams of liquid poured into an impure container transmit impurity to the source of the stream.[153]

As can be seen here, much of 4QMMT is not simply an expansion of biblical law, but a contradiction of it. For this reason, Moshe Bernstein concludes "much of MMT cannot be said to indicate the scriptural exegesis of its authors. Too many passages are too far removed from the biblical text to make such an assertion."[154] And yet, the unique *halakhot* are presented as products of inspired exegesis. There is no distinction in the text between regulations that derive from interpretation of biblical material scripture and regulations of independent origin; both are said to

150.   For citations of biblical texts in 4QMMT, see Moshe J. Bernstein, "The Employment and Interpretation of Scripture in 4QMMT: Preliminary Observations," in *Reading 4QMMT: New Perspectives on Qumran Law and History* (ed. John Kampen and Moshe J. Bernstein; Atlanta: Scholars Press, 1996), 29–51; George J. Brooke, "The Explicit Presentation of Scripture in 4QMMT," in Bernstein, García Martínez, and Kampen, eds., *Legal Texts and Legal Issues*, 67–88.

151.   Cf. Lev 13:6, 34; 14:8–9; 15:13.

152.   The translation is based on the reconstructed text provided by García Martínez and Tigchelaar, *Dead Sea Scrolls*, 2:797.

153.   Lester Grabbe, "4QMMT and Second Temple Jewish Society," in Bernstein, García Martínez, and Kampen, eds., *Legal Texts and Legal Issues*, 93, and, in the same volume, Hannah K. Harrington, "Holiness in the Laws of 4QMMT," 121.

154.   Bernstein, "The Employment and Interpretation of Scripture," 46.

derive from the same source, "the Book of Moses." As Bernstein points out, the author makes no clear distinction "between disputes which are scripturally-oriented and those which are not."[155] Thus we see yet more evidence of the fluidity of the referent of "instruction."

From this venture into *halakhot* from Qumran, we see that ancient claims of inspired exegesis actually entail two distinct phenomena. On the one hand, certain laws derive from exegesis in the modern sense, an interpretation of an authoritative text, a category that includes both biblical and non-biblical literature. In other instances, however, there is no "exegesis" in the strict sense of the word, for there is no text, biblical or otherwise, upon which a legal formulation is developed. What is significant is that the same terms are used to describe both phenomena. By designating their legal innovations as products of text study, the communities responsible for these texts claim that their unique laws are not innovative at all, but represent the true essence of Yahweh's divine will. In other words, the "exegetical" claim is a rhetorical device, much like the Mosaic framing of the Temple Scroll or the Heavenly Tablets of *Jubilees*, or the use of citations formulae such as "it is written," which allows for legal development above and beyond the literal words of a text. In this sense, these claims of text adherence are functionally equivalent to the concept of the Oral Torah in rabbinic Judaism. Within a system in which the demarcation of the righteous versus the wicked was based strictly on legal matters, the supposed derivation of laws from interpretation acts to reinforce the authenticity and validity of legal innovations.

5. *Conclusion*

With the evidence presented here, it becomes difficult to maintain a reception history of the Pentateuch that emphasizes its exclusive status as "instruction" relatively soon after its promulgation. The question is, then, how did the linkage between תורה and the Pentateuch reach such a status that it dominated the cultural consciousness and imposed itself upon the interpretation of both biblical and non-biblical literature. This is an extremely difficult question to answer, primarily because of the lack of evidence for the process by which the Pentateuch rose to dominance. Further, given the variety of Jewish groups within the Second Temple period, we have only scant evidence of how each group established literary authority. What I have aimed to do here, however, is to clarify a number of misconceptions regarding the emergence of the Pentateuch's

155.   Ibid., 32.

authority. As the evidence presented here shows, we must abandon the notion that the Pentateuch was accorded authoritative status immediately after its composition. There are simply too many indications that the Pentateuch did not have the literary force to curtail the production of innovative and independent literature.

Therefore, both our conception of the literary history of the Bible, as well as our approach to intertextuality, can no longer operate with a linear assumption regarding the status of texts. Furthermore, because of the diversity of conceptions of "instruction," any future study on the emergence of the Pentateuch's authority must begin with the recognition that its status came at the expense of competing conceptions of divine instruction. These competing claims to authority were of two orders. First, as indicated by the biblical evidence, there were alternative conceptions of the source of "instruction," that is, textual vs. non-textual. Second, the evidence from Second Temple period literature shows that there was no uniformity as to which text constituted "instruction." Future studies, then, must shed the assumption that the prominence of the Pentateuch, and its eventual exclusive status as "instruction," was informed primarily by its contents. Instead, we must focus on the socio-cultural mechanisms by which the various competing conceptions of "instruction" were resolved, ultimately leading to the elevation of the Pentateuch.

Chapter 6

Conclusions: A Look Ahead

I began this study with the observation that a number of biblical texts contain points of detail that are at odds with the Pentateuch. Informed by a linear model of composition, which asserts the temporal priority and dominance within the cultural repertoire of the Pentateuch, many understand these discrepancies as interpretive expansions or ideological adaptations of pentateuchal material. Still others propose that these points of conflict are only apparent, and that they present no fundamental difference with the Pentateuch at all. With either solution, the basic assumption is that the Pentateuch was accorded canonical status by biblical authors (i.e. authors of texts that would be included in the Bible). This assumption, in turn, safeguards the notion that the canonization of the Pentateuch (and subsequent texts) was informed by the inherently authoritative nature of its contents.

Through this study, I have aimed at destabilizing the presumed textual authority of the Pentateuch through an intertextual analysis of content-related discrepancies in three thematic areas: holidays and festivals, the early history of Israel, and references to a Mosaic or divine תורה, each of which is a critical component of the Pentateuch. By focusing on how a particular motif was incorporated into the ideological matrix of a text, I argued that though numerous non-pentateuchal texts have certain lexical and thematic similarities to the Pentateuch, there is no evidence of literary dependence. In some cases, though certain authors may have had access to a tradition that was also incorporated into the Pentateuch, there is evidence to suggest that they did not reference the Pentateuch itself. In other cases, it appeared that non-pentateuchal authors relied upon traditions that had no connections with the Pentateuch whatsoever.

This lack of adherence to the Pentateuch within biblical materials was corroborated by a consideration of literature from the Second Temple period. The reception of the Pentateuch in these texts refutes the supposed inevitability of the reception of the Pentateuch as scripture by later authors. In an era in which the Pentateuch was known, conformity to it was not a high priority among a large segment of Jewish authors. There is no doubt, of course, that the Pentateuch functioned as a source of some

type. Numerous texts display adoption of basic narratival or legal elements from the Pentateuch. However, it hardly represented an exclusive source, as the literary evidence shows that a number of other texts, often relegated to the status of "apocryphal" or "deutero-canonical" by modern readers, were regarded as authoritative. What is more, even as the Pentateuch served as source material, it did not present any constraint on the composition of texts. Jewish authors of the Second Temple period revised, updated, and even contradicted pentateuchal material with impunity, with no sense of deference to the verbatim form of the biblical text. Admittedly, at times, the presentation of data from both biblical and Second Temple period literature may have seemed repetitive. But such an approach was quite necessary in order to demonstrate the quantity of literature that was produced outside of the purview of the Pentateuch. It is not simply a matter of one or two idiosyncratic authors producing non-standard literature—a broad range of early Jewish authors felt no compulsion to conform to the Pentateuch.

This is not to argue, however, that there are no literary connections between the Pentateuch and non-pentateuchal texts. What I am arguing however, is for a deeper appreciation of the complexity of the reception of the Pentateuch. Some authors regarded the Pentateuch as exclusively authoritative, others utilized it as a source of data for their own innovative compositions, and still others paid no attention to it at all. There is, in other words, a wide range of potential responses that ancient authors had to the Pentateuch, and what we must appreciate is that there is no single model of literary influence or reception history that is expansive enough to cover this variety.

From these conclusions, we are able to derive a number of implications for future study. First, there is the issue of intertextual methodology. In most studies of biblical intertextuality, the primary pool of evidence is the occurrence of common lexical or motival elements. Based on similarities on either level, and armed with some scheme of relative chronology, scholars attempt to reconstruct the literary influence of one text upon another. Throughout this study, however, I have argued that the identification of lexical and thematic similarities is of limited value in intertextual studies. Without a doubt, these similarities can lead us to suspect some sort of relationship between texts. But such evidence alone is not enough to establish firm conclusions, since the use of identical lexemes may come about not from direct borrowing, but rather from the use of stock or technical language. Similarly, the use of common words or thematic elements may represent independent references to the cultural repertoire. Thus, whatever potential connections are indicated by lexical or thematic density must be verified by incorporating a broader

range of data. In this study, I utilized ideological content, and more specifically, an analysis of how a particular motif was integrated into the ideological framework of a text, as a criterion for elucidating the relationship between texts. As the field of biblical intertextuality continues to evolve, and as methodological approaches are continually refined, we must search for additional criteria by which to establish the nature of the literary relationship between texts. And in doing so, we must critically re-evaluate work on intertextuality that has already been done in light of this necessary methodological refinement.

Second, this study calls into question widely held assumptions regarding the process by which scriptural status was conferred upon the Pentateuch. We can no longer maintain that either the Pentateuch or its component source documents were regarded as dominant and authoritative literature immediately after their promulgation. As indicated throughout my study, multiple biblical authors exhibit either ignorance of or lack of regard for the Pentateuch. What is more, many authors of the Second Temple period regard the Pentateuch as only one among several authoritative texts, or else they reject the authority of the Pentateuch by offering up competing conceptions of divine instruction. The question then becomes: How was it that the Pentateuch, which was only one of several texts that claimed to be authentic divine revelation, rise to a state of exclusive prominence? For some time, the question of how biblical texts attained authority has been answered through a study of the formation of the canon as a whole. These studies are based on the notion that there was a sort of pre-determinative factor inherent to each text that assured its place within the final corpus.[1] As Philip Davies points out, these studies entailed two assumptions: (1) that the "scriptural canon provides clear and reliable evidence of its own history"; and (2) that "within the process of formation of a canon lie the seeds of the final canon itself." Thus, most studies of canon formation place an emphasis on the organic nature by which the canon was formed. Within this perspective, the individual biblical books are regarded as authoritative from the moment of their composition/promulgation, and it is this authoritative status that motivates the compilation of the canon.

What we have seen throughout this study does much damage to this model of textual elevation. The notion that a certain text was canonized because of its authoritative status is soundly refuted in light of the evidence presented here, which shows that conformity to the Pentateuch, and hence acceptance of its canonical status, was not a chief concern for

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1.   See the survey of research in Philip Davies, *Scribes and Schools*, 37–58; Karel van der Toorn, *Scribal Culture and the Making of the Hebrew Bible* (Cambridge, Mass.: Harvard University Press, 2007), 233–36.

the authors of the biblical and Second Temple period literature. What is more, we have seen that there were a multitude of texts that claimed to be of divine origin, and hence authoritative. For this reason, studies of textual reception, and more broadly canon formation, must move beyond a theoretical model centered on the innate quality of texts. Given the plurality of texts that claim to contain the authentic and pristine account of divine revelation, our focus must shift to an assessment of the social and cultural means by which the authoritative claims of some texts are validated, while the same claims of other texts are rejected. In other words, the methodological emphasis must be placed upon evaluation. As Wolfgang Iser writes, canonization is

> a process of choosing the texts that will become the object of interpretation, which simultaneously elevates them into a position of censorship over other texts, whose study and interpretation may even be forbidden, because the cancellation of their claims to validity helps to stabilize the authority of the texts that are chosen. Just as the canon does not exist for its own sake, the ascription of authority requires a negative foil to underpin its authenticity.[2]

What is needed, consequently, is a shift in perspective. Rather than the recognition of a text's inherent status, canonization must be viewed a socio-cultural means by which such status is conferred upon a text. Therefore, our attempts to understand the reception history of specific texts, and more broadly the formation of the canon, must focus on identifying the nature of the process that determines which text will be elevated and which text will be censored.[3] This shift in perspective entails not only an examination of literary criteria that informed the elevation or rejection of texts, but also the societal groups and structures that were responsible for making such evaluations, as well as an assessment of how canonization and censorship served their political, social and theological interests.

Two recent works, David Carr's *Writing on the Tablet of the Heart* and Karel van der Toorn's *Scribal Culture and the Making of the Hebrew Bible*, employ just such an approach to the study of canon formation. According to van der Toorn, the key factor to the formation of the canon was the political motives of the Persian empire, which sought to establish tranquility by supporting the promulgation of local law. Under their auspices, Ezra oversaw the compilation and elevation of the Pentateuch.[4]

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2. Wolfgang Iser, *The Range of Interpretation* (New York: Columbia University Press, 2001), 13.

3. Cf. Davies, *Scribes and Schools*, 11.

4. Van der Toorn, *Scribal Culture*, 251.

This set in motion a flurry of scribal activity, which ultimately led to the compilation of various additional prophetic, literary, and historiographic traditions. At a certain point, the scribes "enunciated the principle that the time of revelation had belonged to the past."[5] They did so by creating in Malachi a twelfth prophetic text, and by editing the twelve minor prophets into one scroll, thus making the claim that the era of revelation had come to pass, with the implication that "[s]upernatural authority attached only to writings by inspired men from the era of prophecy," that is, the past.[6] In this perspective, the primary criterion for establishing the authoritative nature of a text was its chronology. As van der Toorn argues, the canonical status of a book was based on its claim to originate from the era of revelation, which began with Moses on Sinai and came to an end with the closing of the prophetic "era."

Whereas van der Toorn emphasizes antiquity as the key factor in canonization, David Carr relies upon the social function of text as a means of establishing ethnic identity. He contends that formation of the biblical canon was a Hasmonean response to the incursion of Hellenistic culture, typified by two events: the establishment of a Greek gymnasium in Jerusalem during the reign of Jason, and the efforts of Antiochus IV to eradicate a sense of Jewish identity centered on adherence to the Pentateuch (cf. 1 Macc 1:49, 56–58; 2 Macc 6:1).[7] In order to reassert their identity against these maneuvers, the Hasmoneans sought to create a distinctively Jewish means of education and enculturation through a collection of texts. In effect, this movement was an adaptation of the Greek concept of *politeia*, the notion that an individual of another ethnicity could become Greek through the proper education. Thus, Carr contends that the Hasmonean period was marked by "the emergence and gradual diffusion of an emergent elite Jewish identity shaped by a sharply defined collection of Hebrew texts."[8]

As for the criteria for canonization, Carr identifies two specific anti-Hellenistic sentiments. The first, he argues, was the Hebrew language. Consistent with the emphasis on Hebrew during the Hasmonean period (cf. 2 Macc 7:8, 27; 12:37), the canon consists almost entirely of Hebrew texts. The second criterion is chronology. Carr claims that the texts selected for the canon were chosen because their purported authors, ranging from Moses to Ezra, all came from a period before the Greeks.[9] Thus, the establishment of the canon was informed first and foremost by

5. Ibid., 256.
6. Ibid.
7. Carr, *Writing on the Tablet of the Heart*, 257.
8. Ibid., 261.
9. Ibid., 263.

a reassertion of Jewish identity against the spread of Greek culture, and was intended to be an "indigenous response of Judean royal-temple elites to Greek textuality and education…a purportedly pre-Hellenistic deposit of sacred Hebrew texts, a deposit initially standing opposed to and distinguished from the corpus of Greek educational texts."[10]

The value of these works lies not necessarily in that they provide the "right" answer, but because they establish a methodological approach that takes seriously the sociological features of early Judaism. Rather than assuming some pre-canonical status, these works model an approach that focuses on both the group(s) responsible for the elevation of texts, as well as the ideology that motivated their evaluative choices. In this way, they establish a solid trajectory for further studies, which must strive for a better understanding of the social, political, and economic context of the process by which some texts are elevated while others are rejected.

Third, this inquiry into the intertextual relationship between texts provides important insights into dates of composition. As modeled by David H. Aaron in his study of the development of the Decalogue, an intertextual analysis is an effective means of establishing a relative chronology among texts. By comparing the occurrence and function of various motival elements related to Sinai, Aaron shows that the Pentateuch displays a fusion of elements that occur independently in other texts. Thus, he convincingly argues that the Pentateuch is not the earlier text, but rather a later treatment of themes that were treated earlier in other texts. The evidence culled in my study provides further evidence for the lateness of the composition of the Pentateuch. More importantly, the lack of awareness of the pentateuchal narrative in assuredly post-exilic texts, such as Ezekiel, Ezra, Nehemiah, and Chronicles, suggests that much of the source material behind the Pentateuch is, in fact, chronologically close to, if not contemporaneous with, the final form. While the establishment of a relative sequence of texts through intertextual analysis does not provide absolute dates, it does provide strong evidence for the lateness of the Pentateuch, which in turn questions the notion that the Pentateuch is an editorial combination of originally discrete, ancient documents that were preserved through many centuries of Israelite history.

What is needed, then, is an alternative to the Documentary Hypothesis that does not depend on the presumption of ancient source documents. While a number of scholars have offered proposals for a post-exilic date of composition for the Pentateuch, these are essentially modified versions of the Documentary Hypothesis that entail an adjustment of the date of one or two source documents. And while the tradition-critical

10. Ibid., 253.

approach pioneered by Hermann Gunkel refutes the core of the Documentary Hypothesis, it still adheres to the view that the Pentateuch is a compilation of material preserved and transmitted from antiquity. Neither model seems appropriate in light of the evidence presented here, which suggests a fundamental ignorance of the Pentateuch in the rest of the Bible. Thus, we must pursue a model of composition that recognizes the temporal proximity of the composition of the individual units of the Pentateuch, and its final compilation into a set of five books. In this regard, E. Theodore Mullen's recent study on the formation of the Pentateuch, in which he argues that the Pentateuch represents an anthology of material of varied origins, represents a solid platform for the formulation of alternative models.[11]

Finally, and perhaps most importantly, this study has shown the benefits of a focus on ideology. Studies in ideological criticism often focus on the cultural, political, and social context that informs the composition of texts. As I have shown here, however, an analysis of the ideological content of texts also provides key literary insights. By focusing on the ideological function of certain motifs, I was able to utilize an intertextual methodology that is more nuanced than the identification of common lexical and thematic elements. An emphasis on ideology and authorial intent also helps the modern reader understand why a certain text looks the way it does. A peculiar form of a ritual, a historical account that has no parallels, a legal prescription that has no precedents—each one of these features stems from the author's goals in writing, rather than the need to conform to an extant text. A deeper consideration of ideology provides us with an understanding of how the various features of a text, ranging from a particular depiction of a certain motif to the manner in which other literature is incorporated or rejected, stem from and function within the author's larger intent. Therefore, our study of biblical texts must include a greater emphasis on ideology, that is, the goals that an author has in producing a text. Further, we must do away with the troublesome, fallacious, and yet pervasive notion that ideology entails falsehood, deception, or some other departure from the "truth." As I have argued throughout this study, ideology is a necessary and critical factor in the composition, promulgation, and reception of the biblical texts. A particular author's ideological commitments are essential for the successful communication of truths between the author and the audience. After all, these ancient texts, which groups of diverse origins consider to be of divine origin, were intended not simply to describe the past, but to shape the present and future of their readers.

11. Mullen, *Ethnic Myths*.

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