

Beihefte zur Zeitschrift für  
Altorientalische und  
Biblische Rechtsgeschichte (BZAR)

Herausgegeben von  
Eckart Otto und Dominik Markl

Band 22

2019

Harrassowitz Verlag · Wiesbaden

# Paradigm Change in Pentateuchal Research

Tagung vom 16.–18. März 2017 an der STH Basel

Edited by Matthias Armgardt,  
Benjamin Kilchör, Markus Zehnder

2019

Harrassowitz Verlag · Wiesbaden

Bibliografische Information der Deutschen Nationalbibliothek  
Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen  
Nationalbibliografie; detaillierte bibliografische Daten sind im Internet  
über <http://dnb.dnb.de> abrufbar.

Bibliographic information published by the Deutsche Nationalbibliothek  
The Deutsche Nationalbibliothek lists this publication in the Deutsche  
Nationalbibliografie; detailed bibliographic data are available in the internet  
at <http://dnb.dnb.de>.

For further information about our publishing program consult our  
website <http://www.harrassowitz-verlag.de>

© Otto Harrassowitz GmbH & Co. KG, Wiesbaden 2019  
This work, including all of its parts, is protected by copyright.  
Any use beyond the limits of copyright law without the permission  
of the publisher is forbidden and subject to penalty. This applies  
particularly to reproductions, translations, microfilms and storage  
and processing in electronic systems.  
Printed on permanent/durable paper.  
Printing and binding: Memminger MedienCentrum AG  
Printed in Germany

ISSN 1439-619X  
ISBN 978-3-447-11170-6

# Table of Contents

Preface .....	VII
---------------	-----

## **I Introductory and Methodological Contributions**

Georg Fischer Time for a Change! .....	3
Richard E. Averbeck Reading the Torah in a Better Way .....	21
Joshua Berman The Limits of Source Criticism .....	45
Koert van Bakkum The Divine Revelation of the Name .....	59

## **II. Legal History**

Matthias Armgardt Why a Paradigm Change in Pentateuch Research is Necessary .....	79
Guido Pfeifer The Pentateuch Paradigm and Ancient Near Eastern Legal History .....	93
Benjamin Kilchör Wellhausen's Five Pillars for the Priority of D over P/H: Can They Still Be Maintained? .....	101
Markus Zehnder Leviticus 26 and Deuteronomy 28 .....	115

## **III. Torah and Prophets**

Eckart Otto Deuteronomy as the Legal Completion and Prophetic Finale of the Pentateuch .....	179
--	-----

Kenneth Bergland Jeremiah 34 Originally Composed as a Legal Blend of Leviticus 25 and Deuteronomy 15. ....	189
Carsten Vang The Non-Prophetic Background for the King Law in Deut 17:14–20 .....	207
<b>IV. Dating Issues</b>	
Hendrik J. Koorevaar Steps for Dating the Books of the Pentateuch .....	227
Lina Petersson The Linguistic Profile of the Priestly Narrative of the Pentateuch .....	243
Jan Retsö The Tabernacle and the Dating of P .....	265
John S. Bergsma A ‘Samaritan’ Pentateuch? .....	287
Sandra Richter What’s Money Got to Do with It? .....	301
Pekka Pitkänen Reconstruction the Social Contexts of the Priestly and Deuteronomic Materials in a Non-Wellhausenian Setting .....	323
Index of Ancient Sources .....	339
Index of Modern Authors .....	359

## Preface

This volume collects papers presented at an international meeting held 16-18 March 2017 in Riehen (Switzerland), together with one additional study that was submitted later (Koorevaar, “Steps for Dating the Books of the Pentateuch”). The title of the meeting was “Paradigm Change in Pentateuchal Research”. The implications of the title are twofold. First: It is generally recognised that the old paradigm, classically formulated in Julius Wellhausen’s influential *Prolegomena zur Geschichte Israels* can no longer command a dominant position in the scholarly debate about genesis and structure of the texts that in their fascinating complexity form the Pentateuch. The process that led to the erosion of Wellhausen’s model is in itself complex, and scholarly views on the identity of its shortcomings and weaknesses vary. Second: The title does not prescribe in any way in which direction the search for a new paradigm should proceed. During the conference, however, it became clear that an important element of the new paradigm is the use of empirical methods, in contradistinction to a dominance of subjective criteria and approaches developed in circumstances that are foreign to the cultural world of the ancient Near East.

The scholars who participated at the meeting represent very diverse backgrounds not only in terms of geography (nine countries, three continents), but also in terms of religion/denomination/theological position, and especially in terms of professional specialization: Besides Biblical Studies, also the fields of Assyriology, Legal History, and Linguistics were represented.

The papers read at the meeting had three major focuses, with some papers combining more than one of the respective themes:

1) Some studies address methodological questions. A number of these papers show that Wellhausen’s paradigm is marked, i.a., by the following deficits:

- circular reasoning;
- use of source and redaction criticism in ways that do not begin with observations made in a specific text, but impose preconceived models on the texts;
- neglect of attempts to understand the final text in its literary cohesion;
- lack of empirical backup through comparison with extra-biblical evidence.

All the papers deal with foundational methodological questions, but some do so more explicitly and in more detail than others, while other studies are more focused on the analysis of specific texts (or specific entities of various kinds reflected in texts or material remains).

2) Some studies engage with questions of dating. From about the seventies of the last century, the discussion was dominated by models that related the genesis of the Pentateuch to circles in Jerusalem who were active mostly in the 7<sup>th</sup> to 5<sup>th</sup> centuries

BCE. The studies presented at the meeting show, however, that this theory cannot be upheld without serious difficulties.

3) Several contributions deal with the role of P. Some of these studies address the question of the dating of possible P-texts and question the previously dominant model according to which P is exilic or postexilic. In other studies, the distinction between P and non-P as one of the fundamental elements of pentateuchal scholarship is investigated and questioned.

Here is a summary of the articles and their interconnections, arranged in the sequence in which they appear in the main body of this book.

### *Introductory and Methodological Studies*

*Georg Fischer's* study, "Time for a Change! – Why Pentateuchal Research is in Crisis," serves as the programmatic opening of the volume as a whole. The study pursues two goals: 1. To analyse the roots of the problems in the exegesis of the Torah. 2. To offer alternatives for looking at its texts. In Fischer's analysis, the main reasons for the ongoing problems of Pentateuchal research are rooted in the rationalist approach going back to the Age of Enlightenment; the use of vague terms, fragile and ambiguous criteria, and circular reasoning; the fact that literary genres found in the Torah in many cases do not square with the categories and expectations of modern readers. Furthermore, the fact that it is impossible to reconstruct the (known) sources of texts such as 4Q158 1–2, the Book of Jubilees, and the Temple Scroll – Genesis and Deuteronomy, respectively – shows that there are severe limits to the attempts to reconstruct the assumed sources of Pentateuchal compositions. There are also serious problems related to the priestly writing. Texts ascribed traditionally to P, such as Gen 1:1–2:3; 5:1–32; Exod 1:13–14; 2:23–25; 6:2–8.14–27, are necessary for the coherence of the narrative within their respective contexts and deepen it. In order to overcome the present impasse in pentateuchal studies, Fischer proposes to pursue new (and old) avenues, in a combination of critical research with stimuli from other areas of human expression and art. For example, ancient Egyptian art, as well as some Orthodox icons and modern paintings, are marked by multiperspectivity. Narrative analyses enable us to perceive Torah texts as being as precisely constructed as rockets or computers; Thomas L. Brodie speaks of "body-like complexity". In all of these texts, separate components come together to form a unity and, as a whole, serve specific purposes. Further comparisons / paradigms for such mixtures of different materials / objects may come from music, architecture, and a reflection on the root of textus, indicating a mesh, or web. Fischer posits that the call for a change in Pentateuchal research will meet with resistance. Yet there will be no progress unless we examine our methods, overcome their inherent weaknesses, and correct them. Pointing to Jeremiah 2:8, Fischer admonishes scholars to find ways to "allow" a biblical text "to be." As can be seen from this overview, Fischer's study is fully located on the level of methodological discussion, without treating a specific biblical text in detail.

This is different in *Richard Averbeck's* contribution, entitled "Reading the Torah in a Better Way: Unity amid Diversity in Text, Genre, and Compositional History." Here, general methodological considerations are combined with an attempt to find new ways in understanding the patriarchal stories. Averbeck begins with a review of the two dominant theories of the composition of the Pentateuch in the academy today: the (neo-)documentary and the non-documentary (redactional) approaches. It finds them lacking sound rationale and application to the text. What is needed, according to Averbeck, is a radical shift in the reading of the text for its compositional (pre)history. Two points are essential. First, a more generous approach must be taken to the reading of this ancient text, making more allowance for the literary conventions of its ancient authors as opposed to our own modern literary sensitivities. Second, the text needs to be read according to its various literary genres, taking into consideration the genre(s) of its underlying source materials. After addressing general methodological questions, Averbeck turns to the patriarchal narratives in Genesis 12-50. He identifies the pastoral "enclosed nomadism" of the ANE as the underlying cultural context of these chapters. In this context, the identity of the patriarchs can be defined in terms of "enclosed nomadic sheikhs." These kinds of cultures are prone to doing oral "genealogical history", not the kind of history done by (fully developed) nations in the ANE and up into our modern era. Fortunately, useful modern studies of such cultures by cultural anthropologists do exist, for example pertaining to the modern Jordanian Bedouins. Applying this kind of historical and cultural background to our reading of the patriarchal narratives yields important results for our understanding of the compositional (pre)history of Genesis. First, it is unlikely that the genealogies, stories, and promises would have circulated separately in the oral context. They grew and belonged together from the start in genealogical history. This speaks against, for example, separating the supposed P genealogies out from the supposed J, E, or P narratives. Such oral history was most naturally told within a genealogical framework that was supplied as part of the telling of the history. Second, in genealogical historical contexts like that reflected in Genesis, the stories are good and reliable vehicles for carrying true historical memories, even if the story can be told from different perspectives, depending on who was telling them and to whom he was doing the telling. At the core, these are received traditions with longstanding stature. They were carefully preserved and constantly retold. Third, tribal cultures naturally resist writing down their history because of the fluidity with which the traditions needed to be told in variable tribal oral contexts. With regard to the patriarchal traditions in Genesis, like among modern day Bedouins in Jordan, the most natural impetus for the eventual writing down of the oral traditions would have been the need to draw together the genealogical history of the oral patriarchal period in the service of the emerging nation. This speaks against the common historical critical notion of a redaction that did not link the previously independent traditions of the patriarchs and the exodus together until late in the post-exilic period. The oral prehistory was needed as the foundation for the establishment and growth of people as a nation.



The third study of this group is *Joshua Berman's* "The Limits of Source Criticism: The Flood Narrative in Genesis 6-9". This study focuses on one of the methodological pillars of the dominant paradigm, source criticism, as applied specifically to Genesis 6-9. He points out that for a long time, the source-critical division of the Genesis flood account has been celebrated as one of the most important achievements of modern biblical criticism. Berman's study takes a critical look at the source-critical paradigm and examines its hermeneutics. He argues that historical-critical scholarship applies a series of double standards that all work in concert to support the source-critical aims and results. All in all, nine methodological flaws are detected in the source-critical approach to the story: 1. The theory creates the text, rather than the text creating the theory. 2. False doublets are created. 3. The establishment of the putative sources leads to irrational non-sequiturs. 4. A double-standard for determining doublets is applied. 5. Redactional layers have to be invented to explain inconsistencies or redundancies in the putative sources. 6. The source-critical approach rests on the mistaken assumption that the biblical redactors faithfully preserved their sources. 7. Evidence adduced from cognate materials – particularly from the Mesopotamian version of the flood story contained in Tablet XI of the Gilgamesh epic – that threatens the model's validity is suppressed by simply ignoring it, or otherwise negating the validity of that evidence through unwarranted means. In this context, Berman points out that it is exactly the combined assumed sources of the Genesis account that provide a surprisingly coherent parallel with Tablet XI of the Gilgamesh epic, while none of the isolated sources lead to any such result. This in itself makes the source division highly problematic. 8. Internal evidence is, as a matter of principle and without any good reasons, given priority over external evidence. 9. It is presupposed, again as a matter of principle and without any good reasons, that it is possible to (at least partially) understand the pre-history of the text.

*Koert van Bakkum's* study is entitled "The Divine Revelation of the Name. Warranted and Unwarranted Confidence in the Literary-Critical Analysis of Exodus 3 and 6." Similar to the two previous articles, more general methodological reflections are combined with the study of a specific set of biblical texts. Van Bakkum notes that since the beginning of Pentateuchal criticism the linguistic and thematic transfer from Genesis to Exodus has been a contested issue. The two stories about the revelation of the divine name to Moses in Exodus 3 and 6 were used to address this problem. The literary tensions in and between both chapters played an important role in the construction of the Older Documentary Hypothesis, later in the definition of a Primary Document that would create a unity between the sources, and finally in the development of the Documentary Hypothesis. Two distinct concepts of how, when and where the divine name was revealed were identified. In this view, Exodus 3 was seen as part of a compilation of the so-called Jahwist and Elohist sources, while Exodus 6 was thought to be a segment of a Priestly source. A recent defence of this model is found in the so-called Neo-Documentarian approach. More recent scholarly work studies both accounts of the revelation of the divine name mostly from a

redaction-critical point of view. Exodus 6 is still viewed as “Priestly”, but Exodus 3 (and 4) is now defined in many different ways. According to van Bekkum, these new approaches, as well as synchronic readings made significant observations in analysing and interpreting the texts of Exodus 3 and 6 and detected important literary allusions to the book of Genesis. Van Bekkum argues that this situation calls for an evaluation of the criteria that have been used in the diachronic analysis of the texts. Unfortunately, the application of these criteria unnecessarily posits thematic tensions and textual inconsistencies in the stories, often resulting in the fragmentation of the material. Applied in this way, a diachronic approach is not able to do justice to the narrative flow in the transfer from the patriarchal narratives and the Joseph story to the story of the Exodus. The first account of the divine revelation of the name in Exodus 3 reflects explicitly on the discontinuity in the nature of Yhwh and his relation to the patriarchs and Israel, while the consequences of this revelation are highlighted in the second episode in Exodus 6. This clearly indicates that the formal aspects and the content of the texts should not be treated separately and that modern assumptions of what a story should look like should be avoided. The way the text itself reflects on the breaches and discontinuities in the overall narrative of Yhwh’s history with Israel might suggest that different types of language and stories in this narrative are not necessarily the result of different sources or editorial strands, but merely different views of realities tied to specific fields of interest and terminology. While they are quite diverse, they are not conceptually inconsistent. A model creating less distance between story and history and paying structural attention to the continuity between the diverse passages and traditions and to the literary configuration of thematic shifts, might be able to offer better answers and provide the opportunity to avoid the fragmentation that is threatening the historical understanding of the Pentateuch under the presuppositions of the old paradigm.

### *Legal History*

The first two studies in this section of the book are written from the viewpoint of ancient Near Eastern and Roman legal history, an adjacent field of research which has great potential in offering a reference or a counterpoint to the discussions on the Pentateuch.

In his essay “Why a Paradigm Change in Pentateuch Research is Necessary. The Perspective of Legal History,” *Matthias Armgardt* points out that after two hundred years of work on the basis of de Wette and the more or less modified Wellhausen-paradigm, Pentateuchal research has reached a dead-end. The methodological flaws, among them especially circular reasoning, are obvious. Interestingly, something similar happened to the discipline of the study of Roman Law. After decades of hunting for interpolations in the *Corpus Iuris Civilis*, about 30 years ago the legal historians became aware that there was something wrong in the methods and assumptions that formed the foundation of their research. Today almost every scholar of Roman Law assumes that the legal texts in the Digest have not been interpolated,