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Parallel Narratives in Exodus, Numbers, and Deuteronomy
and the Identification of Pre-Priestly Material in the Pentateuch

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B.A., Oglethorpe University, 2008
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Abstract

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By Stephen M. Germany

The fundamental aim of this dissertation is to contribute to a more nuanced diachronic evaluation of the non-priestly narrative material in the Pentateuch through a critique of the presumed temporal priority of "D" texts over "P" texts in the classical Documentary Hypothesis and the related assumption that the narratives known by "D" are pre-priestly. To this end, it reconsiders the extent of pre-priestly and post-priestly material in four texts in Exodus and Numbers with parallels in the book of Deuteronomy: (1) the revelation of the law at Sinai (Exod 19–24 // Deut 5:1–6:3); (2) the incident of the golden calf and its aftermath (Exod 32–34 // Deut 9:7–10:11); (3) the episode of the spies (Num 13–14 // Deut 1:19-46); and (4) the people's journey from Kadesh to the plains of Moab (Num 20:1–22:1 // Deut 1–3* // Judg 11:12-28). Rather than using the "D" version as a benchmark for identifying pre-priestly material in these narratives, the present study begins with a literary-critical and macrocontextual (i.e., intertextual and conceptual) analysis of the main narratives in Exodus or Numbers, including an evaluation of the extent of potentially pre-priestly material in those narratives. This is followed by a separate literary-critical analysis of the parallel version in Deuteronomy (and in one case also in Judges) and finally by an evaluation of the literary relationship between the parallel texts. These analyses lead to the conclusion that the extent of potentially pre-priestly narrative material in Exod 19–24; 32–34 and Num 13–14; 20:1–22:1 (as well as in the parallels to these texts in the book of Deuteronomy) is more limited than most prior studies have acknowledged. Such a conclusion challenges the position of the classical Documentary Hypothesis that priestly literature stands substantially at the end of the formation of the Pentateuch as well as the assumption that the book of Deuteronomy developed largely in isolation from priestly literature.

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TABLE OF CONTENTS

TABLES

CHAPTER 1: INTRODUCTION

The identification of priestly literature within the Pentateuch is one of the few results of

earlier scholarship that has emerged relatively unscathed from the upheavals that have

taken place over the last four decades in Pentateuchal studies.[1] Despite the waning influ-

ence of the classical Documentary Hypothesis and the proliferation of new models for the

formation of the Pentateuch,[2] the notion that the Pentateuch contains a distinctive group

of texts that can be identified as "priestly" (whether as a source, as a redactional layer, or

as some combination of both) remains one of the few points on which almost all Penta-

teuchal scholars agree. This has led some commentators to distinguish broadly between

"P" (priestly) and "non-P" (non-priestly) literature in the Pentateuch.[3]

Within the framework of the classical Documentary Hypothesis (*die neuere*

Urkundenhypothese) developed in the late nineteenth century by Graf, Kuenen, and Well-

hausen,[4] priestly literature is generally regarded as the latest of the four major Penta-

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[1] Cf. Reinhard G. Kratz, *Die Komposition der erzählenden Bücher des Alten Testaments* (Göttingen: Vandenhoeck & Ruprecht, 2000), 229; English trans.: *The Composition of the Narrative Books of the Old Testament* (trans. John Bowden; London: T&T Clark, 2005), 228 and David Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (New York: Oxford University Press, 2011), 292.

[2] For a discussion of the changes in Pentateuchal studies since the 1970s see Ernest Nicholson, *The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen* (Oxford: Clarendon Press, 1998), 95–221. For two recent overviews of newer models employed in German-language research cf. Erich Zenger, "Theorien über die Entstehung des Pentateuch im Wandel der Forschung," in *Einleitung in das Alte Testament* (7th ed.; ed. Erich Zenger et al.; Stuttgart: Kohlhammer, 2008), 74–123 and Thomas Römer, "Zwischen Urkunden, Fragmenten und Ergänzungen: Zum Stand der Pentateuchforschung," *ZAW* 125 (2013): 2–24.

[3] See, e.g., Thomas B. Dozeman, *Commentary on Exodus* (Eerdmans Critical Commentary; Grand Rapids: Eerdmans, 2009), 48–50 and Carr, *Formation*, 215.

[4] Cf. Karl Heinrich Graf, *Die geschichtlichen Bücher des Alten Testaments: Zwei historisch-kritische Untersuchungen* (Leipzig: T. O. Weigel, 1866), 1–113; Abraham Kuenen, "Bijdragen tot de Critiek van Pentateuch en Jozua," *ThT* 11 (1877): 465–96, 545–66; 12 (1878): 139–62, 297–323; 14 (1880): 257–302; 15 (1881): 164–223; 18 (1884): 121–71, 497–540; idem, *Historisch-kritisch onderzoek naar het ontstaan en de verzameling van de boeken des Ouden Verbonds, Eerste deel: De thora en de historische boeken des Ouden Verbonds* (Leiden: Akademische Boekhandel van P. Engels, 1861; 2d ed. 1885), 176–99 (2d ed.); English translation: *A Historico-Critical Inquiry into the Origin and Composition of the Hexateuch (Pentateuch and Book of Joshua)* (trans. Philip H. Wicksteed; London: Macmillan, 1886); German

teuchal "sources," namely, J (Yahwist), E (Elohist), D (Deuteronomist), and P (Priestly source). Thus, if the classical order of the sources' composition is assumed (J–E–D–P), then it follows *ex hypothesi* that the non-priestly literature in the Pentateuch (apart from the so-called "Pentateuch redaction"[5]) is also *pre-priestly*. If the Documentary Hypothesis is abandoned, however, then the relative chronology of the priestly and non-priestly materials in the Pentateuch can no longer be taken for granted: strictly speaking, any non-priestly text can be pre-priestly or post-priestly.[6]

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translation: *Historisch-kritische Einleitung in die Bücher des alten Testaments hinsichtlich ihrer Entstehung und Sammlung. Erster Teil. Erstes Stück: Die Entstehung des Hexateuch* (trans. Jan Carel Matthes; Leipzig: Schulze, 1887); and Julius Wellhausen, *Geschichte Israels, 1. Bd* (Berlin: Reimer, 1878), later published as *Prolegomena zur Geschichte Israels* (Berlin: Reimer, 1883), 293–360. For further discussion of the development of the *neuere Urkundenhypothese* see Cees Houtman, *Der Pentateuch: Die Geschichte seiner Erforschung neben einer Auswertung* (CBET 9; Kampen: Kok Pharos, 1994), 98–114. Notably, the dating of P after D by Graf, Kuenen, and Wellhausen was based primarily on a comparison of the *legal* materials in P and D and not on the narrative materials.

[5] Since at least the time of Wellhausen (*Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments. Zweiter Druck. Mit Nachträgen* [Berlin: Reimer, 1889; repr., Berlin: de Gruyter, 1963], 89, 93), commentators have suggested that some texts are the work of a "Pentateuch redactor" (R[P]) who brought the various Pentateuchal sources together. In recent European scholarship, the stage of composition previously associated with the "Pentateuch redactor" has sometimes been expanded to include not only the addition of small-scale "stitches" joining the presumed pre-existing "sources" of the Pentateuch but rather large swathes of new material stemming from several different hands, leading to the ascription of an increasing amount of material as *endredaktionell* or *nachendredaktionell*. Examples of the systematic application of this approach include Christoph Levin, *Der Jahwist* (FRLANT 157; Göttingen: Vandenhoeck & Ruprecht, 1993) and Jan Christian Gertz, *Tradition und Redaktion in der Exoduserzählung: Untersuchungen zur Endredaktion des Pentateuch* (FRLANT 186; Göttingen: Vandenhoeck & Ruprecht, 2000). In my view, terms such as *endredaktionell* and *nachendrekaktionell* should be avoided for two reasons. First, they assume that the pre-priestly and priestly narratives in the Pentateuch once existed as separate documents and were joined in a zipper-like fashion, although this itself is a hypothesis that remains debated (see, e.g., Christoph Berner, *Die Exoduserzählung: Das literarische Werden einer Ursprungslegende Israels* [FAT 73; Tübingen: Mohr Siebeck, 2010], 435). Moreover, such terms perpetuate one of the corollaries of the *neuere Urkundenhypothese*, namely, that priestly literature represents the last major stage in the composition of the Pentateuch and that any texts that post-date such literature are somehow epiphenomenal. Thus, I prefer to use the term *post-priestly* to refer to texts that presuppose the integration of priestly literature within the Pentateuch. Although this term could itself be criticized for being too broad and undifferentiated, for the purposes of this study it is sufficient, since the primary goal here is not to differentiate systematically *within* the post-priestly material in the Pentateuch or indeed within the priestly material itself but rather to identify potentially *pre-priestly* narrative material through the process of bracketing out priestly and post-priestly material. For this approach cf. Reinhard G. Kratz, "The Pentateuch in Current Research: Consensus and Debate," in *The Pentateuch: International Perspectives on Current Research* (ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz; FAT 78; Tübingen: Mohr Siebeck, 2011), 31–61 (55 with n. 77).

[6] Cf. Kratz, *Komposition*, 251 (ET 250); idem; "The Pentateuch in Current Research," 47.

Although in theory the shift to speaking of "P" and "non-P" texts in the Penta-teuch signals a departure from the classical Documentary Hypothesis, in practice the Documentary Hypothesis still exerts considerable—even if unspoken—influence insofar as most "non-P" texts are assumed to reflect little or no knowledge of priestly literature. This is especially true of a series of narratives in Exodus and Numbers with detailed par-allels in Deuteronomy: the so-called Sinai pericope (Exod 19–24; 32–34 // Deut 5:1–6:3; 9:7–10:11), the story of the spies (Num 13–14 // Deut 1:19-46), and the journey from Kadesh to the plains of Moab (Num 20:1–22:1 // Deut 1–3*; cf. Judg 11:12-28). As long as "D"—even in all of its diachronic complexity[7]—is assumed not to know "P," then the Mosaic retrospectives in Deut 1–3; 5:1–6:3; and 9:7–10:11 must also be assumed to be based on *Vorlagen* that are either pre-priestly or otherwise uninfluenced by priestly litera-ture.[8] Indeed, the Mosaic retrospectives in Deuteronomy have sometimes been used as a benchmark for reconstructing the literary growth of Exod 19–24; 32–34; Num 13–14; and Num 20:1–22:1, including the separation of different "sources" in those chapters.[9]

The assumption that the Mosaic retrospectives in Deut 1–3; 5:1–6:3; and 9:7–10:11 reflect basically pre-priestly narrative materials in Exod 19–24; 32–34; Num 13–14; and Num 20:1–22:1 is further reinforced by the continuing influence of the Deuteron-omistic History hypothesis and its variants, which regard Deut 1–3 as the introduction to

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[7] Joel Baden concedes that the Mosaic retrospectives in Deuteronomy contain multiple literary layers, yet he argues that "all belong under the name 'D,' as all are creations of the same Deuteronomic (not Deuteronomistic) school" (Joel S. Baden, *J, E, and the Redaction of the Pentateuch* [FAT 68; Tübingen: Mohr Siebeck, 2009], 105).

[8] In this respect, Baden's statement that "[v]irtually no scholar argues that the author of D knew the P narratives of the Pentateuch" (Baden, *J, E*, 153) reflects the continuing influence of the J–E–D–P theory. Jeffrey Stackert (*A Prophet like Moses: Prophecy, Law, and Israelite Religion* [New York: Oxford University Press], 31–33) remains ambiguous on the relationship between D and P, arguing that both "sources" could date to the seventh century. Nevertheless, it is significant that Stackert claims that "D depends upon J and E" (ibid., 31) but says nothing about P, at least implying that D does *not* depend on P.

[9] Cf. Carr, *Formation*, 122 and esp. Baden, *J, E,* 153–71.

an independent—and implicitly pre-priestly[10]—Deuteronomistic literary work spanning from Deuteronomy to either Joshua or Kings.[11] If the assumptions of the Documentary Hypothesis (including its adaptation by the so-called Neo-Documentarians) as well as the Deuteronomistic History hypothesis are abandoned, however, then the extent of pre-priestly narrative material in Exod 19–24; 32–34; Num 13–14; and Num 20:1–22:1 must be fundamentally re-evaluated.

On a practical level, determining the extent of potentially pre-priestly material in these four textual units will be accomplished by means of subtraction, that is, by bracketing out texts that are agreed to be of priestly provenance as well as non-priestly texts that can be demonstrated to be *post-priestly*. Wherever possible, the identification of a non-priestly narrative text as post-priestly will be based upon the demonstration that it presupposes a narrative event, theological concept, or lexical item that is attested elsewhere exclusively in an indisputably priestly text. Nevertheless, not every post-priestly text should be expected to refer explicitly to priestly texts or concepts.[12] In such cases, the only recourse is to work at increasing degrees of separation from priestly literature itself, i.e., on the basis of other *non*-priestly texts whose *post*-priestly provenance is secure or at least highly likely.[13]

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[10] See, however, John E. Harvey, *Retelling the Torah: The Deuteronomistic Historian's Use of Tetrateuchal Narratives* (JSOTS 403; London: T&T Clark, 2004), who argues that "Dtr was dealing with a unified Tetrateuch" that already included priestly literature (98). A major problem in Harvey's theory is that a "unified Tetrateuch" cannot have formed an independent literary work, since it lacks an appropriate conclusion.

[11] For critiques of this understanding of Deut 1–3 cf. Jan Christian Gertz, "Kompositorische Funktion und literarhistorischer Ort von Deuteronomium 1–3," in *Die deuteronomistischen Geschichtswerke: Redaktions- und religionsgeschichtliche Perspektiven zur "Deuteronomismus"-Diskussion in Tora und Vorderen Propheten* (ed. Markus Witte, Konrad Schmid, Doris Prechel and Jan Christian Gertz; BZAW 365; Berlin: de Gruyter, 2006), 103–23 and Kratz, "The Pentateuch in Current Research," 41–45.

[12] If this were the case, then the notion that P is the latest of the Pentateuchal "sources" would hardly have become so deeply entrenched in the scholarly discussion, and the debate over the pre- or post-priestly nature of many non-priestly texts in the Pentateuch would not be so contentious.

In order to ensure the most methodological control, each textual unit will be investigated in several discrete steps. First, a literary-critical analysis (i.e., diachronic differentiation on the basis of internal narrative and syntactic observations) of the narrative in Exodus or Numbers will be conducted in order to identify the most basic narrative thread and any subsequent stages of composition *within the unit itself*. In a second step, each level of composition will be evaluated in terms of its broader narrative linkages and potential connections to priestly or post-priestly literature. This process will then be repeated for the corresponding retrospective in Deuteronomy. Only after this will the question of the literary relationship between the two versions of the narrative be taken up.

To anticipate the results of the study, such analyses suggest that Exod 19–24; 32–34; Num 13–14; and Num 20:1–22:1 contain significantly more post-priestly narrative material than has previously been acknowledged. By extension, the portions of the Mosaic retrospectives in Deut 1–3; 5:1–6:3; and 9:7–10:11 that presuppose post-priestly materials in their *Vorlagen* must also be evaluated as post-priestly. On the one hand, this identification of significant post-priestly compositional activity in Exod 19–24; 32–34; Num 13–14; and Num 20:1–22:1 as well as their parallels in Deuteronomy challenges the validity of the Documentary Hypothesis and Deuteronomistic History hypothesis. On the other hand, the fact that a coherent pre-priestly narrative thread remains in Exod 19–24 and above all in Num 20:1–22:1 supports the theory of a pre-priestly exodus-conquest narrative as a major literary precursor to the Pentateuch in its canonical shape.

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[13] Naturally, the increasing separation from priestly literature in the evaluation of a particular text as post-priestly creates an increasing margin of error and thus makes certain conclusions more tentative. This seems, however, to be the only alternative to surrendering at the outset and assuming that any text which does not show a clear knowledge of priestly literature is pre-priestly.

CHAPTER 2: THE REVELATION OF THE LAW AT SINAI
(EXOD 19–24 // DEUT 5:1–6:3)

2.1. LITERARY-CRITICAL ANALYSIS OF EXOD 19–24

Although much of Exod 19–24 consists of legal material that itself has a complex history of development, the present literary-critical analysis of Exod 19–24 will focus on the narrative passages in 19:1-24; 20:1, 18-22; and 24:1-18. These narrative passages contain a bewildering array of actors, actions, and settings, suggesting that they have a complex history of composition. This section will present a literary-critical analysis of each communicative unit in its own right, making note of narrative, thematic, and syntactic continuities and discontinuities.

Exod 19:1-2: The arrival in Sinai. Exodus 19 begins with a notice of the Israelites' arrival in the wilderness of Sinai exactly three months after their departure from Egypt (19:1). This arrival notice is followed by an additional itinerary notice stating that the people departed from Rephidim ($19:2a\alpha_1$), entered the wilderness of Sinai ($19:2a\alpha_2$), camped in the wilderness ($19:2a\beta$), and "camped there, opposite the mountain" (19:2b). Already within these verses there are three significant narrative tensions: the people's arrival in the wilderness of Sinai is reported twice (19:1 and $19:2a\alpha_2$), their encampment is also reported twice ($19:2a\beta$ and 19:2b), and the people's departure in $19:2a\alpha_1$ comes too late after 19:1. This suggests that at least three different compositional levels should be identified within these verses: 19:1, 19:2a, and 19:2b. The relative chronology of these levels cannot be determined on the basis of 19:1-2 alone and will be reconsidered below (2.2).

Exod 19:3-9: Moses' first interaction with God. In this unit, Moses goes up to God (אלהים) (19:3a), and Yhwh calls to him from the mountain, giving him a message to convey to the Israelites (19:3b-6). Following the divine speech, Moses summons the elders of the people and places "all these words that Yhwh commanded" before them, the people agree to the terms, and Moses brings their response back to Yhwh (19:7-8). Yhwh then tells Moses that he will come to Moses in a cloud so that the people can hear Yhwh speaking to Moses and thereby believe in Moses (19:9a). Finally, Moses (once again) tells Yhwh the people's words (19:9b).

Within these verses, narrative tensions appear primarily in 19:3 and 19:9. A slight tension is created by the juxtaposition of the divine name Elohim in 19:3a and Yhwh in 19:3b.[1] In any event, 19:3b cannot constitute an introduction independently of 19:3a, since the antecedent of אליו is only found in 19:3a. 19:3b-5 form a tight unit: 19:5 cannot stand without 19:4, since ועתה at the beginning of 19:5 requires the preceding historical retrospective. In contrast, the appearance of a second apodosis in 19:6a after the כי clause in 19:5bβ comes too late, suggesting that 19:6a may be secondary to 19:3b-5. This possibility receives further support from the use of the 2mp personal pronoun in 19:6a, which would not have been necessary if this half-verse had formed the continuation of the apodosis in 19:5aα from the outset. Based on comparison with other biblical texts, the statement "these are the words that you will speak to the Israelites" in 19:6b is slightly sur-

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[1] Although some manuscript witnesses read "God" instead of "Yhwh" in 19:3a and 19:8, there are no variant readings for "Yhwh" in 19:7, suggesting that it is not productive to seek a completely consistent use of divine names within 19:3-9. For a critique of the use of divine names as a literary-critical criterion throughout Exod 19–24 cf. Wolfgang Oswald, *Staatstheorie im Alten Israel: Der politische Diskurs im Pentateuch und in den Geschichtsbüchern des Alten Testaments* (Stuttgart: Kohlhammer, 2009), 89.

prising as a *conclusion* to the divine speech,[2] although when read in the context of 19:3b-5, (6a) it does not in fact create any clear narrative tension.

19:7-8 are conceptually connected to the divine speech in 19:4-5, (6a), (b), since the people's commitment fits with the fact that the divine speech *calls for* such a response.[3] On the other hand, there is a narrative tension within 19:7-8 themselves, since in 19:7aβ Moses summons the elders of the people and places Yhwh's words before them, while in 19:8 *the entire people* respond. Indeed, 19:6-8 read more smoothly if 19:7aβ is bracketed out.[4]

19:9 creates a narrative tension, since 19:9b states for a second time that Moses reported the people's words to Yhwh, despite the fact that the people have not spoken again since 19:8b. Thus, 19:9b can be interpreted as a *Wiederaufnahme* of 19:8b.[5] It is also noteworthy that in 19:8b, Moses *returns* the people's words to Yhwh, whereas in 19:9b Moses simply *tells* the people's words to Yhwh. 19:8b fits better with the pattern of Moses' movement established in the preceding verses, while 19:9b assumes that Moses is *already* in the presence of the deity, thus presupposing 19:9a. In this way, 19:9 as a whole can be identified as a secondary addition to 19:3b-8.[6]

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[2] Contrast with Deut 1:1 and 4:44-45, which use phrases such as אלה העדת והחקים and זאת התורה, אלה הדברים והמשפטים as *introductions* to material that follows.

[3] Cf. William H. C. Propp, *Exodus 19–40: A New Translation with Introduction and Commentary* (AB 2A; New York: Doubleday, 2006), 143.

[4] Cf. Wolfgang Oswald, *Israel am Gottesberg: Eine Untersuchung zur Literargeschichte der vorderen Sinaiperikope Ex 19–24 und deren historischem Hintergrund* (OBO 159; Fribourg: Universitätsverlag / Göttingen: Vandenhoeck & Ruprecht, 1997), 94, 167.

[5] So already Wellhausen, *Composition*, 91.

[6] Oswald (*Israel am Gottesberg*, 9–10) states that most commentators recognize this problem but are not in agreement whether 19:9 is secondary or primary in relation to 19:3-6. He further notes (ibid., 71) that 19:9 has a different epistemology from 19:3-6: while 19:5 assumes that the people can "hear the voice of Yhwh," 19:9 states that the people can (only) hear Yhwh speaking with Moses. On 19:9 as secondary to 19:3b-8 cf. idem, *Staatstheorie*, 80.

In sum, the major compositional seams in 19:3-9 occur (1) between 19:3a and 19:3b-8*, (2) between 19:3b-8* and 19:9, and (3) in 19:7aβ.

Exod 19:10-19: Moses' second and third interactions with God. In this unit, Yhwh speaks to Moses again, telling him to go[7] and sanctify the people in preparation for the third day, when Yhwh will descend onto Mount Sinai in the sight of all the people (19:10-11). In addition, Yhwh tells Moses to instruct the people not to go up the mountain upon pain of death (19:12-13a). In contrast, 19:13b states that when the ram's horn (יבל) sounds, the people *should* go up the mountain. After receiving these instructions, Moses descends from the mountain and sanctifies the people (19:14-15). On the third day there is thunder, lightning, and a loud shofar blast (19:16). Moses leads the people out of the camp towards God, and they stand at the bottom of the mountain (19:17). Mount Sinai is engulfed in smoke, since Yhwh has descended in fire, and the whole mountain shakes (19:18). Moses speaks with God, who answers him in thunder (19:19).

The announcement that Yhwh will *descend* onto the mountain on the third day in 19:11b stands in tension with 19:3a, which implies that Yhwh is *already* on the mountain, and Yhwh's reference to himself in the third person in 19:11b is hardly what one would expect from a divine speech (cf. the use of the first person in 19:4-6, 9).[8] Considering that 19:10-19* presupposes that Moses has "gone up to God" in 19:3a (see the notice of his descent in 19:14a),[9] then the reference to Yhwh's descent in 19:11b must be secondary to the notion of Yhwh's *presence* on the mountain and thus does not belong to the most basic material in 19:10-19.

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[7] 𝕲: to go down.

[8] Cf. Oswald, *Israel am Gottesberg*, 81.

[9] Since Moses returns to the same location in 19:8b that he reached in 19:3a, it cannot be ruled out that 19:3b-8 (9) is a later insertion that interrupted an earlier connection between 19:3a and 19:10-19*.

19:12-13a and 19:13b stand in direct contradiction to each other: whereas 19:13b assumes that the people *should* ascend the mountain, 19:12-13a rule this out with the strongest of threats. In 19:13b the instrument associated with the theophany on the third day is called a יבל, while in 19:16 and 19:19 it is called a שפר, suggesting that these verses belong to different compositional levels.[10] Since 19:19a (קול הַשׁפר) seems to presuppose 19:16aβ (קל שפר), the relative chronology must be determined by a comparison of 19:13b and 19:16aβ. There is some indication that the phrase וקל שפר חזק מאד is secondary to 19:16, since it seems to come too late within the sequence of theophanic signs. It would make more sense immediately after קלת וברקים, which are auditory signs, rather than after וענן בכד על ההר, a more visual sign. Moreover, unlike the thunder, lightning, and cloud, קל שפר is not a natural phenomenon, further suggesting that it is somewhat out of place. This suggests that the references to the shofar blast in 19:16aβ and 19:19 do not belong to the most basic narrative thread in 19:10-19. It does not necessarily follow from this, however, that 19:13b is earlier than 19:16aβ, 19. Indeed, there is some indication that 19:13b is *later* than 19:12-13a, since Yhwh's instructions that the people should ascend the mountain are nowhere fulfilled within Exod 19–24.[11]

The description of the smoking mountain in 19:18 shares the concept of Yhwh's descent with the secondary texts of 19:11b and 19:20-25 (the latter of which also uses the proper name "Mount Sinai"). Moreover, the statement that "the entire mountain trembled

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[10] Even if it is assumed that 19:13b states the condition under which the people are allowed to ascend, from a syntactic point of view it remains difficult to assign 19:13b to the same compositional level as 19:12-13a, since 19:13b lacks an adversative *waw.* If 19:13b is older, then its original point of attachment must have been 19:10abα₁ (up to כי ביום השלשי), since there is no other phrase to which 19:13b can connect syntactically.

[11] Cf. Oswald, *Israel am Gottesberg*, 81–82. For further arguments in favor of regarding 19:13b as a late insertion see 2.4 below. I am indebted to Prof. Reinhard G. Kratz as well as to Dr. Christoph Berner for their detailed discussions with me over the compositional place of this verse.

greatly" (ויחרד כל ההר מאד) is suspiciously similar in diction to the statement that "all the people in the camp trembled" (ויחרד כל העם אשר במחנה) in 19:16b. When combined, these observations strongly suggest that 19:18 is a later addition that draws on materials from other parts of 19:10-19 (including secondary material) as well as from 19:20-25.[12]

Finally, 19:19 also poses problems. The fact that the contents of Moses' and God's interaction in 19:19b are not reported is strange, as is the fact that unlike in 19:10-13 and 19:20-25, now Moses speaks with God without having to ascend the mountain. Thematically, the dialogue connects closely with 19:9, which suggests that 19:19 belongs to a later stage of composition within 19:10-19.[13]

In sum, based on an internal literary-critical analysis alone, 19:11b, 13b, 16aβ, 18, and 19 emerge as likely later additions to a more basic narrative thread in 19:10-18*.

Exod 19:20-25: Moses' fourth interaction with God. In this unit, Yhwh descends upon the summit of Mount Sinai and summons Moses to the top of the mountain, telling him to go down and warn the people not to "break through" to see Yhwh (19:20-21). Yhwh adds that the priests who approach Yhwh should sanctify themselves (19:22). Moses then reminds Yhwh that the people cannot ascend Mount Sinai (19:23, cf. 19:12-13a), whereupon Yhwh tells Moses to go down and to bring Aaron back up with him, while the priests and the people must remain below (19:24). Moses goes down to the people and "says to them…" (ויאמר אלהם), although no speech is reported (19:25).

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[12] Cf. Thomas B. Dozeman, *God on the Mountain*: *A Study of Redaction, Theology and Canon in Exodus 19–24* (SBLMS 37; Atlanta: Scholars Press, 1989), 101–2.

[13] As Oswald (*Israel am Gottesberg*, 98) has observed, "Das 'inhaltsfreie' Gespräch hat keinen anderen erzählerisch vermittelten Anlass als die Ankündigung von 19,9. […] Umgekehrt bliebe ohne 19,19 das Programm von 19,9 unerfüllt, denn eine andere Textstelle, wo Mose in Hörweite des Volkes mit Jhwh spricht, gibt es in der Sinaiperikope nicht." I disagree, however, with Oswald's view that 19:19 only relates to 19:9; on this see 2.4 below.

Here, 19:20 stands in tension with 19:19, which implies that Moses can speak with Yhwh without the need to go up the mountain.[14] More significantly, the report of Yhwh's descent in 19:20a stands in tension with the most basic narrative thread in 19:3a, (3b-9), 10-18*, which assumes that Yhwh is already on the mountian and interacts with Moses there. Thus, 19:20a cannot belong to the most basic narrative thread in Exod 19.

Furthermore, it is unlikely that 19:20b-25 once stood independently of 19:20a. 19:21 is redundant in light of 19:12-13a (where Yhwh has already instructed Moses to warn the people of the fatal consequences of coming too close) and is thus likely later than these verses.[15] Yhwh's instructions that the priests should sanctify themselves before approaching Yhwh in 19:22 presupposes 19:21 and indicates that the priests can approach but must meet certain criteria in order to do so safely. 19:23-24, however, contradict this view: Moses reminds Yhwh about the divine warning in 19:12-13a, which causes Yhwh to issue revised instructions permitting only Aaron to go up with Moses and restricting both the priests and the people from ascending. Notably, 19:24 repeats the phrase פן יפרץ ב[ה]ם from 19:22b. The phrase ויאמר אלהם in 19:25b is problematic from a grammatical perspective, since it does not connect smoothly to 20:1 and is equally unusual if interpreted simply as "and he told them [Yhwh's words]."

When combined, these observations suggest that the most basic material in 19:20-25 consisted of 19:20-22, 25 and was later expended in 19:23-24. Yet even 19:20-22, 25 cannot belong to the earliest material in Exod 19–24 for several reasons: (1) the concept of Yhwh's descent in 19:20a is later than the concept of Yhwh's presence on

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[14] Cf. Oswald, *Israel am Gottesberg*, 72.
[15] Notably, in 19:21 Yhwh refers to himself in the third person, just as in 19:11b; cf. ibid., 82.

the mountain; (2) 19:21 is secondary to 19:12-13a; and (3) 19:25 is an ill-suited transition to the revelation of the Decalogue in 20:1-17.[16]

Exod 20:1-17: The Decalogue. Following that statement in 19:25 that "Moses said to them…," 20:1 states that God (𝕲: Yhwh) spoke "all these words" and proceeds to set forth the Decalogue. There is a strong narrative discontinuity between 19:25 and 20:1, since 20:1 contains divine speech, while 19:25 leads the reader to expect Mosaic speech in what follows (unless ויאמר אלהם is to be interpreted as referring back to the contents of Moses' dialogue with Yhwh in 19:21-24).[17]

Exod 20:18-21: The people's interaction with Moses. Following the divine proclamation of the Decalogue, the people see (*sic*) the thunder, the lightning, the sound of the shofar, and the mountain smoking, and they are afraid and keep their distance (20:18). This leads them to voluntarily appoint Moses as an intermediary, for they fear that if God speaks to them directly they will die (20:19). Moses tells the people not to fear, since God has come to test them (20:20). While the people remain at a distance, Moses approaches God in the "dark cloud" (ערפל) (20:21).

This passage is not a compositional unity. The phrase ויעמד העם מרחק in 20:21a is a *Wiederaufnahme* of 20:18b, indicating that 20:19-21a is a secondary insertion into a more original connection between 20:18 and 20:21b.[18] This insertion may itself be composite: the people's request in 20:19 that Moses serve as an intermediary between them and God reflects the same concerns that are found in 19:12-13a, (23-24), while Moses' response to

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[16] On 19:20-25 as a later addition cf. Mittmann, *Deuteronomium 1,1–6,3*, 149–50 and Bernard Renaud, *La théophanie du Sinaï: Ex 19–24: exégèse et théologie* (CRB 30; Paris: Gabalda, 1991), 95.

[17] Cf. Kratz, *Komposition*, 144 (ET 139).

[18] Cf. Christoph Berner, "The Redaction History of the Sinai Pericope (Exod 19–24) and its Continuation in 4Q158," *DSD* 20 (2013): 376–407 (382).

the people in 20:20 completely ignores their request and focuses instead on their fear mentioned in 20:18.[19] Yet even 20:18, 21b cannot belong to the most basic narrative thread in Exod 19–24, since 20:18 already presupposes secondary materials within the description of the theophany in 19:16-18:[20]

19:16   ויהי ביום השלישי בהית הבקר ויהי _קלת וברקים_ וענן כבד על ההר _וקל שפר חזק מאד ויחרד כל העם_ אשר במחנה 17 ויוצא משה את העם לקראת האלהים מן המחנה ויתיצבו בתחתית ההר 18 _והר סיני עשן כלו מפני אשר ירד עליו ה׳ באש ויעל עשנו כעשן הכבשן ויחרד כל ההר מאד_

20:18   וכל העם ראים _את הקולת ואת_ הלפידם _ואת קול השפר ואת ההר עשן_ וירא העם ויעמדו מרחק

It is also notable that in contrast to 19:17, which depicts the people as relatively close to the deity (as is suggested by the phrases לקראת האלהים and בתחתית ההר), 20:18 situates the people further away from the deity during the events that follow.

Exod 20:22-26; (21:1–23:33): Moses' fifth interaction with God. In the next scene, which has no explicit setting, Yhwh gives Moses two distinct instructions. First, since the people saw that Yhwh spoke to them from heaven, they are not to make any gods of silver or gold "with" Yhwh (20:22-23). Second, Yhwh provides instructions to make an earthen altar and to offer on it whole burnt offerings and well-being offerings (20:24-26). The divine speech continues directly into the laws in 21:1–23:33 without any change in narrative setting and only a new heading in 21:1 that subdivides the divine speech begun in 20:22aα (ויאמר ה׳ אל משה).

This unit poses several narrative and stylistic inconsistencies. First, the form of address shifts from 2mp in 20:22b-23 to 2ms in 20:24-25. Although the divine speech addressing a 2mp audience is embedded within divine speech to Moses (20:22aβ), the tran-

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[19] Cf. ibid., 381.
[20] Cf. Oswald, *Israel am Gottesberg*, 213, who assigns 20:18a to the "Pentateuch Redaction."

sition from 20:22b-23 to 20:24-25 is still quite rough on a thematic level, since no clear connection is made between the prohibition against making "gods of silver and gods of gold" and the instructions for building an altar. Regarding the motif of Yhwh speaking from heaven (20:22-23),[21] it is difficult to identify exactly what moment is in view here. In any event, these verses' understanding of the people's encounter with the divine differs sharply from that in 19:11 and 20:18, where the encounter is sensory rather than verbal.[22] The only other possibility is that 20:22b interprets the Decalogue as divine speech from heaven.[23] Indeed, the possibility for such an interpretation is left open by the lack of a concrete narrative context in 20:1, which simply states that "God spoke all these words" but does not state *from where* or *to whom*. The likelihood that 20:22b-23 presuppose the Decalogue receives further support from the thematic connection between making "gods of silver and gods of gold" in 20:23 and the Decalogue's prohibitions against having oth-er gods besides Yhwh (20:3) and making graven images (20:4-6).

Exod 24:1-2: Moses and others worship Yhwh on the mountain. The narrative resumes in 24:1, where Yhwh tells Moses to "go up to Yhwh" (thus referring to himself in the third person as in 19:11b, 21)[24] along with Aaron, Nadab, Abihu, and 70 of the el-ders of Israel and to prostrate themselves from afar.[25] Within these verses, there is a ten-sion between the second-person form of address used in 24:1 and the third-person de-scription in 24:2. Since the third-person verbs in 24:2 are prescriptive rather than a report

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[21] In Exod 19:3, one 𝔊 manuscript reads "from heaven" rather than "from the mountain," although even here it is difficult to interpret this as Yhwh speaking directly to the people, since the divine message in 19:3b-6a(b), as elsewhere in Exod 19, is clearly mediated through Moses.

[22] Oswald, *Israel am Gottesberg*, 73.

[23] So also ibid., 68.

[24] Cf. ibid., 83.

[25] The 2mp verb והשתחויתם in 𝔐 implies that even Moses is to keep his distance with the rest of the group, while the 3mp verb προσκυνήσουσιν in 𝔊 implies that Moses is not included in the larger group.

of completed actions, it must be assumed that they reflect a continuation of the divine speech in 24:1 and not a shift to the voice of the narrator.[26] Thus, since both 24:1 and 24:2 report divine speech but from different perspectives, it seems likely that these two verses do not belong to the same compositional level.[27] Since 24:1 can stand without 24:2 but the opposite is not the case, then 24:2 must be secondary to 24:1.[28]

Exod 24:3-8: The people twice affirm their obedience to the law. Following Moses' mysterious encounter with Yhwh in 24:1-2, Moses comes and tells the people "all the words of Yhwh" (כל דברי ה׳) and "all of the statutes" (כל המשפטים) (24:3a), and the people respond that they will do all the words that Yhwh spoke (24:3b). Moses writes the words of Yhwh, arises the next morning, builds an altar at the foot of the mountain (as well as twelve *maṣṣebot* for the twelve tribes of Israel), and instructs Israelite "youths" to offer sacrifices (24:4-5). Moses sets aside half of the blood from the sacrifices in bowls and performs a blood manipulation ritual on the altar with the other half (24:6). He then takes the "Book of the Covenant" and reads it to the people, and they say that they will do and "hear" (i.e., obey) all that Yhwh has spoken (24:6-7). Finally, Moses takes the re-

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[26] Cf. E. Ruprecht, "Exodus 24:9-11 als Beispiel lebendiger Erzähltradition aus der Zeit des babylonischen Exils," in *Werden und Wirken des Alten Testaments: FS C. Westermann*, (ed. R. Albertz et al.; Göttingen: Vandenhoeck & Ruprecht / Neukirchen-Vluyn: Neukirchener Verlag, 1980), 138–73 (138). Dozeman (*God on the Mountain*, 108) also notes this shift but nevertheless groups 24:1b with 24:2 despite the fact that 24:1b, like 24:1a, uses a second-person form of address.

[27] Martin Noth (*Das zweite Buch Mose: Exodus* [4th ed.; ATD 5; Göttingen: Vandenhoeck & Ruprecht, 1968], 159–60; trans.: *Exodus* [trans. John Bowden; OTL; Philadelphia: Westminster, 1962], 196–97) also noted the problem that this unit "has not been appropriately formulated" but concluded that it "has largely been worked over in a redactional way" (ET 197).

[28] So also Siegfried Mittmann, *Deuteronomium 1,1-6,3 literarkritisch und traditionsgeschichtlich untersucht* (BZAW 139; Berlin: de Gruyter, 1975), 152. In this respect I disagree with Oswald, *Israel am Gottesberg*, 84, who regards 24:1-2 as "in sich homogen und problemlos lesbar," as well as with Dozeman, *God on the Mountain*, 108, who makes a literary-critical division between 24:1a and 24:1b-2 rather than between 24:1 and 24:2.

served blood and flings it on the people, designating the blood as a sign of the covenant that Yhwh has made with the people (24:8).

In this episode, several aspects are slightly disturbing in terms of narrative continuity. First, 24:3 states that Moses "came" to the people but does not state that he went down from the mountain, thus creating narrative tension with 24:1-2.[29] Second, the people state twice that they will do everything that Yhwh has spoken—once in 24:3 and again in 24:7. This raises the question of whether one of these two affirmations of obedience might be secondary.[30] In its present form, 24:3 clearly presupposes both the Decalogue and the Covenant Code in the preceding chapters, since כל דברי ה׳ clearly corresponds to כל הדברים האלה in 20:1 and כל המשפטים corresponds to ואלה המשפטים in 21:1.[31] Notably, 24:3 forms a coherent conclusion from a narrative point of view and does not require 24:4-8 in order to make sense.[32] The latter verses, in turn, form a tight narrative unit.[33] The fact that Moses sets aside half of the blood from the sacrifices in 24:6 indicates that this verse already presupposes the people's commitment to obey Yhwh's com-

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[29] Cf. Christoph Levin, "Der Dekalog am Sinai," *VT* 35 (1985): 165–91 (178) and Oswald, *Israel am Gottesberg*, 68.

[30] Cf. Levin, "Dekalog," 182; Erhard Blum, *Studien zur Komposition des Pentateuch* (BZAW 189; Berlin: de Gruyter, 1990), 91 n. 204; Oswald, *Israel am Gottesberg*, 91–92; and Michael Konkel, *Sünde und Vergebung: Eine Rekonstruktion der Redaktionsgeschichte der hinteren Sinaiperikope (Exodus 32–34) vor dem Hintergrund aktueller Pentateuchmodelle* (FAT 58; Tübingen: Mohr Siebeck, 2008), 261. Blum argues that 24:3-8 is a literary unity and explains the duplication as a narrative device, while Levin and Oswald argue that 24:3 once stood independently of 24:4-8. Oswald notes that 24:3 does not use the key word ברית.

[31] Cf. Kratz, *Komposition*, 143–44 (ET 138).

[32] In contrast, since 24:4 does not report any further movement on the part of Moses, the only way to imagine these verses without 24:3 is to assume that Moses has never left the presence of the people at the foot of the mountain, since that is clearly the setting of 24:4-8.

[33] Against Lothar Perlitt, *Bundestheologie im Alten Testament* (WMANT 36; Neukirchen-Vluyn: Neukirchener Verlag, 1969), 195–202; Mittmann, *Deuteronomium 1,1–6,3*, 152; Erik Aurelius, *Der Fürbitter Israels: Eine Studie zum Mosebild im Alten Testament* (Coniectania Biblica Old Testament Series 27; Stockholm: Almquist & Wiksell, 1988), 71; Erich Zenger, *Die Sinaitheophanie: Untersuchungen zum jahwistischen und elohistischen Geschichtswerk* (FzB 3; Würzburg: Echter-Verlag, 1971), 177; Dozeman, *God on the Mountain*, 28, 53, 110–13; idem, *Exodus*, 425; and Konkel, *Sünde und Vergebung*, 261, all of whom divide 24:4-8 into multiple compositional layers.

mands in 24:7 and the blood ritual over the people in 24:8, since otherwise such an action would lack a clear purpose.[34] This strongly suggests that 24:4-8 (with the possible exception of 24:4b) are a compositional unity that is likely secondary to 24:3, as is suggested by the duplication of the people's commitment in 24:3 and 7.[35]

Exod 24:9-11: Moses and others behold God. Following the people's double affirmation of their obedience to the law in 24:3-8, the narrative action in 24:9-11 picks up thematically where 24:1-2 left off. Moses, Aaron, Nadab, Abihu, and 70 of the elders of Israel "go up" and behold the God of Israel, who stands upon a slab made of flawless sapphires (24:9-10). God does not "stretch out his hand against [literally: to] the eminent ones of the Israelites," who gaze upon God, eating and drinking (24:11).[36]

Although this passage has most of the same actors as 24:1-2, the two passages are in tension regarding who has access to the encounter with God. Whereas 24:9-10 imply that Aaron, Nadab, Abihu, and the 70 elders are evidently close enough to see the place where the deity stands in detail, 24:1 states that they should "bow down from afar," which may reflect a revision of 24:9-10. 24:2 carries this revision further, stating that only Moses may approach Yhwh. Finally, 24:11 may be a reaction against the notion of Moses' exclusive access to the deity in 24:2, stating that God did not restrict the other

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[34] Cf. Ernest W. Nicholson, "The Covenant Ritual in Exodus XXIV 3-8," *VT* 32 (1982): 74–86 (80); Levin, "Der Dekalog am Sinai," 182 n. 32; Eckart Otto, "Die nachpriesterschriftliche Pentateuchredaktion im Buch Exodus," in *Studies in the Book of Exodus: Redaction – Reception – Interpretation* (ed. Marc Vervenne; BETL 126; Leuven: Peeters, 1996), 61–112 (79); and Oswald, *Israel am Gottesberg*, 93–94.

[35] So also Levin, "Der Dekalog am Sinai," 181–82. Konkel (*Sünde und Vergebung*, 263–64) assumes that if Exod 24:3-5 is to be differentiated diachronically at all, then 24:3-4a would be later than 24:4b-5. Such an interpretation is only possible, however, if one assumes that the *Grundbestand* of Exod 19–24 only contained a theophany, which is unlikely (on this see below).

[36] Based on comparison with Gen 22:12, the phrase שלח יד אל seems to have a negative valence, so the fact that God did not stretch out his hand here likely means that God did not prohibit the eminent ones from the events taking place. Cf. 𝔊, which gives a similar sense: καὶ τῶν ἐπιλέκτων τοῦ Ισραηλ οὐ διεφώνησεν οὐδὲ εἷς "and of the chosen ones of Israel there was not even one missing."

elites from taking part in the theophany. In sum, not only are 24:1-2 secondary in relation to 24:9-10,[37] but 24:11 is also secondary in relation to 24:1-2, thus reflecting a dialectical process of composition within 24:1-2, 9-11 as a whole.

Exod 24:12-15a: Moses (and Joshua) ascend the mountain. In this unit, Yhwh instructs Moses to "go up" to Yhwh on the mountain so that Yhwh can give him the stone tablets as well as the "instruction" (תורה) and the "commandment" (מצוה) that Yhwh wrote to instruct the people. (24:12). Moses and Joshua his servant arise, and Moses goes up to the mountain of God (24:13).[38] 24:14 reports parenthetically that Moses had told the elders to wait below,[39] then 24:15a brings the reader back to the main action in 24:13, repeating the report of Moses' ascent[40] up the mountain.

These verses stand in narrative tension with 24:9-11. Whereas the latter state that Moses, Aaron, Nadab, Abihu, and the elders "went up" and then beheld the deity, in 24:12 Yhwh tells Moses to go up (*again!*)—and what is more, to go up *to Yhwh*. Even if one were to suppose that Moses, Aaron and the others had only gone part of the way up the mountain, the problem still remains that 24:10-11 and 24:12 locate the deity in two different places: in 24:10-11 Moses and the others are already in the presence of the God of Israel, while in 24:12 Moses has to ascend in order to reach Yhwh (unless one is to assume that everyone has come down from the mountain in the meantime).[41]

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[37] So already Gustav Hölscher, *Geschichtsschreibung in Israel: Untersuchungen zum Jahvisten und Elohisten* (Acta reg. societatis humaniorum litterarum lundensis 50; Lund: Gleerup, 1952), 315 and more recently Oswald, *Israel am Gottesberg*, 85, both of whom, however, regard 24:9-11 as a unity.

[38] 𝔊 states that Joshua not only arose with Moses but also went up with him to the mountain of God.

[39] The syntax of ואל הזקנים אמר indicates that this verse is reporting an action temporally prior to that of 24:13; cf. Christoph Dohmen, *Exodus 19–40* (HThKAT; Freiburg: Herder, 2004), 198.

[40] 𝔊: Moses and Joshua.

[41] This tension is also noted by Mittmann, *Deuteronomium 1,1–6,3*, 154; Levin, "Der Dekalog am Sinai," 179; and Oswald, *Israel am Gottesberg*, 69.

24:12-15a also contain internal narrative tensions that suggest that they are not a compositional unity. The first indication of this is the double reference to Moses' (and in some 𝕲 manuscripts also Joshua's) ascent in 24:13b (𝔐: ויעל משה; 𝕲: *ויעלו) and 24:15a (𝔐: ויעל משה; 𝕲*: *ויעל משה ויהושע). The second indication is the sudden appearance and disappearance of Joshua in 24:13-15, who is mentioned nowhere else in Exod 19–24, including in Yhwh's instruction to Moses to ascend the mountain in 24:12.[42] When these observations are combined, it can be concluded that 24:13-14 are a later insertion between 24:12 and 24:15a that aimed to depict Joshua as ascending the mountain with Moses.

It is possible that 24:13 𝕲 (καὶ ἀναστὰς Μωυσῆς καὶ Ἰησοῦς ὁ παρεστηκὼς αὐτῷ ἀνέβησαν εἰς τὸ ὄρος τοῦ θεου) reflects a more "original" phrasing of this insertion, especially considering that in 24:14 Moses' statement to the elders implies that Joshua will accompany him (עד אשר נשוב אליכם).[43] If this is the case, then 24:13b 𝔐 can be interpreted as a later revision that seeks to emphasize Moses' unique access to the deity. Conversely, 𝔐 likely reflects a more original phrasing in 24:15a (ויעל משה אל ההר), which would have once connected directly to 24:12. The reading of 𝕲* in 24:15a (καὶ ἀνέβη Μωυσῆς καὶ Ἰησοῦς εἰς τὸ ὄρος) thus seems to be a secondary coordination with the insertion in 24:13-14.

Exod 24:15b-18: The arrival of Yhwh's כבוד *and Moses' ascent.* Following Moses' ascent, 24:15b-18 state that the cloud covered the mountain, the בכוד of Yhwh dwelled on Mount Sinai, and the cloud covered the mountain for six days (*sic*). On the

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[42] Cf. Oswald, *Israel am Gottesberg*, 169 and Dohmen, *Exodus 19–40*, 207.

[43] Moses' statement to the elders is possibly modeled on the binding of Isaac in Gen 22, in which Abraham tells his servants to wait at a particular place while he and Isaac go up the mountain (cf. esp. Gen 22:3-5).

seventh day, Moses enters the cloud and goes up the mountain, staying there 40 days and 40 nights. This unit displays a slight internal tension insofar as it contains two reports of the cloud's covering the mountain (24:15b, 16a). More significantly, however, it stands in tension with 24:12-15a insofar as 24:18a reports that Moses ascends the mountain, despite the fact that 24:15a had already reported Moses' ascent.[44] It is possible that the phrase ויעל אל ההר in 24:18a* is a *Wiederaufnahme* of 24:15a, in which case 24:15b-18a would be a later insertion between 24:15a and 24:18b.

Interim Result. The foregoing literary-critical analysis of Exod 19–24 has identified the following materials as likely secondary additions to an earlier narrative thread: 19:7aβ, 9, 11b, 13b, 16aβ, 18, 19, 20-25; 20:18-21; 24:1-2, 4-8, 11, 13-14, 15b-18a. Some of these additions themselves underwent further expansion, namely in 19:23-24; 20:19-21a; and 24:4b. When these materials are bracketed out, the following materials remain as *possibly* belonging to the most basic narrative thread in Exod 19–24: 19:1/2, 3a, 3b-8*, 10-11a, 12-13a, 14-16aα, 16b-17, 20:1-17*, 22-26; 21–23*; 24:3, 9-10, 12, 15a, 18b. Considering that the "vision of God" in 24:9-10 is thematically quite distinct from— and in topological tension with—this group of texts, it is likely that this episode does not belong to the most basic narrative thread. Further differentiation is not possible on the basis of a literary-critical analysis alone and requires comparison with materials outside of Exod 19–24.

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[44] According to the classical Documentary Hypothesis, this repetition is explained by the assumption that the two reports originally belonged to two separate documents. See, for example, Noth, *Das zweite Buch Mose*, 162–63 (ET 200–201); John Van Seters, *The Life of Moses: The Yahwist as Historian in Exodus– Numbers* (Louisville, Ky.: Westminster/John Knox, 1994), 292–93; and Dozeman, *Exodus*, 577.

2.2. MACROCONTEXTUAL ANALYSIS OF EXOD 19–24

Broadly speaking, two different types of narrative materials can be identified in Exod

19–24: those associated with theophany (19:3a, 10-19, 20-25; 20:18-21; 24:1-2, 9-11)

and those associated with the giving of the law (Exod 19:3b-9, 20:22; 24:3-8, 12-14).

These two groups of materials must now be investigated in further detail, including an

evaluation of whether the most basic narrative thread in Exod 19–24 contained (1) only

texts relating to the theophany, (2) only texts associated with law and covenant, or (3) a

combination of both from the beginning.[45] The extent of potentially pre-priestly composi-

tional activity within Exod 19–24 also remains to be determined.

The theophany texts

The theophany texts in Exod 19–24 can be subdivided into two major groups: a series of

"nature-theophany" materials in 19:3a, 10-19, 20-25; 20:18-21 and a group of "vision of

God" texts in 24:1-2, 9-11.

   Exod 24:1-2, 9-11. Although the "vision of God" texts—which are themselves not

a unity (see above)—have long been assigned to one of the "old sources" of the Penta-

teuch,[46] a growing number of scholars have acknowledged that these verses form links

with (post-)priestly texts elsewhere in Exod 19–24[47] as well as with priestly literature

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[45] This question has formed the starting point for numerous analyses of the Sinai pericope. For discussions of the main approaches taken in German-language scholarship, particularly during the last third of the twentieth century, see Oswald, *Israel am Gottesberg*, 102–12 and Matthias Köckert, "Wie kam das Gesetz an den Sinai?" in *Vergegenwärtigung des Alten Testaments: Beiträge zur biblischen Hermeneutik – Festschrift für Rudolf Smend zum 70. Geburtstag* (ed. Christoph Bultmann, Walter Dietrich, and Christoph Levin; Göttingen: Vandenhoeck & Ruprecht, 2002), 13–27, esp. 15–19.

[46] Cf., e.g., Wellhausen, *Composition*, 89; Noth, *Das zweite Buch Mose*, 159–60 (ET 196–97); Propp, *Exodus 19–40*, 148; and Baden, *J, E*, 160 n. 153.

[47] For example, Dohmen (*Exodus 19–40*, 205–6) argues that these verses presuppose the notion of the "priestly kingdom" expressed in Exod 19:6a.

more broadly. Dozeman, for example, has argued that Exod 24:9-11 forms a frame with Lev 9 around the priestly legislation in Exod 25–Lev 9,[48] while Blum has argued that the appearance of Aaron's sons Nadab and Abihu points to priestly compositional activity.[49] A further argument for the (post-)priestly provenance of Exod 24:1-2, 9-11 has been made by Oswald, who has observed that Exod 24:9-11 reacts to the demotion of Nadab and Abihu in Lev 10:1-5 and argues for their rehabilitation.[50] Based on these observations, it can be concluded that the "vision of God" texts in Exod 24:1-2, 9-11 do not belong to a pre-priestly stage in the formation of Exod 19–24. This leaves the "nature-theophany" texts in 19:3a, 10-19, 20-25; 20:18-21 to be considered.

Exod 19:10-19. The cultic overtones present in this unit have long been noted, although surprisingly little attention has been given to their possible relationship to priestly literature in the Pentateuch, and most commentators assume that at least some of the cultic elements within the texts outlined above are part of a pre-priestly narrative.[51] Several of these elements, however, deserve further investigation: the use of the verb קדשׁ D (19:10a, 14bα); the motif of washing one's garments (19:10b, 14bβ); the description of the mountain as covered in cloud (19:16); and the shofar blast (19:16).

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[48] Dozeman, *God on the Mountain*, 107–10, 113–16, who nevertheless regards 24:1a, 9-11 as "an independent tradition of theophany" that has been incorporated here by priestly redactors); cf. idem, *Exodus*, 425.

[49] Blum, *Studien*, 89 n. 196.

[50] Oswald, *Israel am Gottesberg*, 192–95. I disagree, however, with Oswald's argument that although Exod 24:9-11 presupposes priestly literature, it was composed as part of a "great Deuteronomistic History" *prior* to the integration of priestly literature within the Pentateuch (ibid., 190).

[51] Cf. Wellhausen, *Composition*, 88 (E); Renaud, *La théophanie du Sinaï*, 101–2 (19:10-11a, 13b-17, 19 = pre-exilic narrative; 19:11b, 18 = Dtr; 19:12-13a = P); Joseph Blenkinsopp, *The Pentateuch: An Introduction to the First Five Books of the Bible* (New York: Doubleday, 1992), 183–97 (Dtr); Van Seters, *Life*, 251 (J); Oswald, *Israel am Gottesberg*, 113 ("Exodus-Mountain of God Narrative"); Propp, *Exodus 19–40*, 101–2 (J); and Dozeman, *God on the Mountain*, 19 ("Mountain of God tradition"); idem, *Exodus*, 425 ("Non-P History"). Blum (*Studien*, 43–57) does not discuss Exod 19:10-19 in detail. Mittmann (*Deuteronomium 1,1–6,3*, 148) suggests that the fulfillment report in 19:14b could be secondary to the (pre-priestly) *Grundschicht*, to which he nevertheless assigns Yhwh's instructions to sanctify the people in 19:10.

Yhwh's instructions to Moses to consecrate the people (לך אל העם וקדשתם היום) in 19:10a and Moses' fulfillment of those instructions in 19:14bα have close connections to a number of other priestly and post-priestly texts. The verb קדש D occurs 75 times in the Hebrew Bible, with approximately half of the attestations occurring in Exodus (22x) and Leviticus (15x) alone.[52] Within the book of Exodus, all other attestations of קדש D apart from the two verses currently under investigation (with the possible exception of Exod 20:8)[53] occur within indisputably priestly or post-priestly contexts.[54] Moreover, every other case in the Hebrew Bible in which the verb קדש D has Moses as its subject and a human direct object occurs within priestly or post-priestly literature.[55] Finally, every other text using the verb קדש D with reference to the entire people occurs within the Holiness Code.[56] When one adds to this the consideration that the next-closest reference to the holiness of the people in the Sinai Pericope (Exod 19:3b-8) is a post-priestly text (see below), it becomes difficult to avoid the conclusion that Yhwh's instructions to Moses to consecrate the people in 19:10a and their fulfillment in 19:14bα belong to a post-priestly stage of composition.

This conclusion receives further support from the instructions for the people to wash (כבס D) their garments in 19:10b and 14bβ, which also occurs with particular frequency in priestly literature,[57] usually in combination with the term בגד and in the context

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[52] Other occurrences: Numbers: 3x; Deuteronomy: 2x; Joshua: 1x; Samuel: 2x; Kings: 2x; Jeremiah: 7x; Ezekiel: 7x; Joel: 4x; Micah: 1x; Job: 1x; Nehemiah: 3x; Chronicles: 4x.

[53] Oswald (*Staatstheorie*, 89), however, regards Exod 20:8-11 as (post-)priestly.

[54] Exod 13:2; 19:23; 20:(8), 11; 28:3, 41; 29:1, 27, 33, 36-37, 44; 30:29-30; 31:13; 40:9-11, 13.

[55] Exod 28:41; 29:1, 36-37; 30:29-30; 40:13; Lev 8:12, 30; cf. Josh 7:13 (with Joshua as the subject). Dozeman (*Exodus*, 453) acknowledges this, noting that "[t]he form of the verb 'to consecrate' means that the people must be in a holy state requiring purification. […] Such language is usually reserved for the priests (Exodus 28–29; Leviticus 8)."

[56] Lev 20:8; 21:8; 21:15, 21:23; 22:9, 16, 32.

[57] Leviticus: 27x (esp. Lev 11; 13–17); Numbers: 8x (all in ritual contexts); other occurrences: Genesis: 1x; Exodus: 2x (19:10, 14); Samuel: 1x; Jeremiah: 2x; Malachi: 1x; Psalms: 2x.

of reattaining ritual purity after coming into contact with an impure object.[58] In Exod 19:10b and 14bβ, in contrast, the direct object of the verb כבס D is שמלה (cloak). While at first glance this seems to be an argument against the priestly nature of these verses,[59] there are other considerations that may explain why a post-priestly author would have used the word שמלה instead of בגד here. First, the term שמלה appears within the Covenant Code (Exod 22:26), which a post-priestly author of Exod 19:10b and 14bβ would have likely presupposed. Moreover, this term connects to the theme of despoiling the Egyptians in Exod 3:22 and 12:34-35, which themselves likely belong to post-priestly levels of composition.[60] Thus, it is possible to explain why an author who presupposed the priestly laws for washing one's clothes would have used the term שמלה here rather than בגד.

An additional argument in favor of the post-priestly composition of Exod 19:10 and 14b as a whole is the fact that the combination of the theme of consecration (קדש D) and the concept of washing one's clothes (כבס D) brings together two concepts that are not directly connected within priestly ritual texts—the consecration of the priests (Exod 28–30; Lev 8) and the prescriptions for restoring ritual purity (Lev 11; 13–17). The alternative—namely, that Exod 19:10 and 14b are pre-priestly—seems much less likely not only insofar as one would then have to reckon with a priestly bifurcation of two concepts that were once connected but also with a shift from the holiness of the people to the holi-

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[58] The connection is also noted by Dozeman, *Exodus*, 453.

[59] This appears to be the unstated assumption of Dozeman, *Exodus*, 453 and is argued more explicitly in Oswald, *Israel am Gottesberg*, 113 n. 95.

[60] Cf. Berner, *Exoduserzählung*, 99–102, 105, 297–301, 341 and Oswald, *Staatstheorie*, 79. Notably, Oswald's argument that this motif is late (post-priestly) poses a challenge to his own attribution of 19:10b, 14bβ to the most basic narrative thread. For a contrasting view, however, see Gertz, *Tradition*, 396, who assigns Exod 3:22 and 12:34-35 to the non-priestly exodus narrative and to pre-priestly additions to that narrative. Dozeman (*Exodus*, 453) notes these connections but does not see them as problematic for assigning Exod 19:10b and 14bβ to a "Non-P History" since he assigns Exod 3:22 and 12:34-35 themselves to the "Non-P History" (ibid., 137–38, 281).

ness of (only) the priests, which would stand in significant tension with the religio-histor-ical development attested by the so-called "Holiness" texts.

After Moses instructs the people to be prepared for the third day, Exod 19:16 re-ports that on the third day there was thunder and lightning, and a heavy cloud (עָנָן) covered the mountain. Apart from its use at the end of the priestly flood narrative (Gen 9:13-14, 16) and its function in guiding the Israelites through the wilderness (Exod 13:21; 14:19-20, 24; Num 10:12, 34; Num 14:14; Deut 1:33), most of the remaining occurrences of the term עָנָן in the Pentateuch[61] relate to Yhwh's presence in the desert sanctuary[62] and, by extension, to the temple cult insofar as the desert sanctuary is a prefiguration of the temple in Jerusalem. Likewise, in light of the other temple-related concepts in Exod 19:10-19, the appearance of the cloud in Exod 19:16 may also have been intended to form a link with the temple cult in Jerusalem (perhaps alluding to the smoke from the sacrificial offerings that would have hung over the temple precinct).[63]

Following the reference to the thunder, lightning, and cloud on the mountain, Exod 19:16 continues by stating that there was a "very loud shofar blast." Although the text does not explicitly state where the shofar blast came from, it is unlikely that it came from amidst the people, since 19:16b describes the people's fear in response to the blast. Thus, it seems most logical to assume that the blast came from the mountain itself. Al-though the term שׁ(ו)פר is used in diverse contexts in the Hebrew Bible and is hardly lim-

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[61] With the exception of Exod 19:9; Deut 4:11; and Deut 5:22, all of which presuppose Exod 19:16 and cannot be earlier than this verse.

[62] Exod 24:15-16, 18 (which serve as a transition to Exod 25); 33:9-10; 34:5; 40:34-38; Lev 16:2, 13; Num 9:15-22; 10:11-12, 34; 11:25; 12:10; 17:7.

[63] Cf. Mark Smith (with contributions by Elizabeth Bloch-Smith), *The Pilgrimage Pattern in Exodus* (JSOTSup 239; Sheffield: Sheffield Academic Press, 1997), 240: "Out of prior material the priestly redaction creates a narrative experience of the divine mountain as sanctuary." Unfortunately, Smith does not clearly identify the extent of this redaction within Exod 19:10-19.

ited to priestly literature, in certain passages it is used in connection to events at the temple (Lev 25:9; Joel 2:1, 15; Ps 81:3), thus strengthening the allusion to the temple created by Exod 19:10-19 more broadly. Also interesting in this regard is the fact that the next reference to the shofar in a narrative context is in the conquest of Jericho in Josh 6, where the term is repeatedly associated with priests and belongs to a priestly- and Chronistic-style redaction of that chapter.[64] Nevertheless, since it cannot be demonstrated whether Exod 19:16 presupposes this late redaction of Josh 6, this observation cannot be used as a decisive criterion for evaluating the reference to the shofar blast in Exod 19:16 as post-priestly. In any event, this reference seems to be secondary on literary-critical grounds (see 2.1), which at least raises the possibility that the shofar blast was added at the same time as other priestly additions such as the washing of one's garments.

The foregoing lexical investigation of several key concepts within Exod 19:10-19 suggests that certain materials in this unit presuppose priestly literature, with the two most compelling cases being the use of the verbs קדש D and כבס D in 19:10aβb, 14b. The conclusion that these verses are (post-)priestly has significant implications for the identification of a potentially pre-priestly narrative thread in 19:10-19. Without 19:10aβb (or 19:11b, which was evaluated as secondary on literary-critical grounds) Yhwh's instructions for the people to prepare for the third day in 19:11a are left without any concrete motive. This suggests that 19:10aβb is a fundamental element within 19:10-15* and, by extension, that 19:10-15* must be (post-)priestly from the outset. Thus, if a pre-priestly narrative thread is to be found in 19:10-19, it is likely limited to 19:16aα, 16b-17.[65]

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[64] Cf. Ludger Schwienhorst, *Die Eroberung Jerichos: Exegetische Untersuchung zu Josua 6* (SBS 122; Stuttgart: Verlag Katholisches Bibelwerk, 1986), 127–29.

[65] This conclusion differs significantly from earlier analyses, which identify less material in 19:10-19 as (post-)priestly; cf., e.g., Dozeman, *God on the Mountain*, 98 (Exod 19:11b, 12aβ-13, 15b, 16aα, 18 =

Exod 19:20-25. A number of considerations indicate that already the most basic material in this unit (19:20-22, 25) presupposes priestly literature. First, Yhwh's instructions to Moses in 19:21 to warn the people lest they "break through" to *see* Yhwh is closely related to the (post-)priestly "vision of God" texts in 24:1-2, 9-11. Moreover, Yhwh's instructions in 19:22 that the priests consecrate themselves (קדש Dt) clearly reflect priestly concerns (cf. the use of קדש D in 19:10a, 14bα).[66]

Interim result. The literary-critical analysis in 2.1 concluded that the most basic nature-theophany materials must be sought within Exod 19:10-11a, 12-13a, 14-16aα, 16b-17. When combined with the macrocontextual analysis above, the potentially prepriestly nature theophany materials must be even more limited, found only in 19:16aα, 16b-17. This, in turn, implies two possibilities for the relative dating of the nature-theophany materials in Exod 19–20: either the priestly elements are later additions to a prepriestly description of the theophany, or they are integral to the most basic narrative, which would imply that the nature-theophany texts in Exod 19–20 are post-priestly from the outset. This question can only be answered fully once the other materials in Exod 19–24 have been evaluated, but for now it should be noted that a coherent description of the theophany in Exod 19–20 remains even after these priestly-like elements are removed.

Priestly redaction) and Oswald, *Israel am Gottesberg*, 256–57 (Exod 19:11b-13a, 15b, 18abα = R[P]; 19:19b = later than R[P]).

[66] On the evaluation of 19:20-25 as (post-)priestly cf. Wilhelm Rudolph, *Der "Elohist" von Exodus bis Josua* (BZAW 68; Berlin: Töpelmann, 1938), 44; Dozeman, *God on the Mountain*, 103–6; and Oswald, *Israel am Gottesberg*, 212; idem, *Staatstheorie*, 89. Zenger (*Sinaitheophanie*, 171) limits the (post-)priestly material to 19:21, while Frank-Lothar Hossfeld (*Der Dekalog: Seine späten Fassungen, die originale Komposition und seine Vorstufen* [OBO 45; Fribourg: Universitätsverlag / Göttingen: Vandenhoeck & Ruprecht, 1982], 164–71) limits it to 19:22, 24.

The narratives relating to the law

In its present literary shape, Exodus 19–24 is framed by two scenes in which the people commit to obeying Yhwh's covenant, the first in 19:3b-8 and the second in 24:3-8. Since the people's commitment to Yhwh's covenant in 19:3b-8 is a proleptic anticipation of their commitment in 24:3-8 and cannot exist independently without the latter,[67] the discussion here will begin with 24:3-8 and will then turn to 19:3b-8.

Exod 24:3-8. In the narrative analysis presented above it was noted that Exod 24:3-8 contains two reports of the people's commitment to obey the law, once in 24:3 and again in 24:7. This observation, combined with the observation that 24:4-8 form a largely unified narrative episode (except 24:4b), strongly suggests that the covenant ceremony in Exod 24:4-8 belongs to a later stage of composition than 24:3, in which the people already commit to do all that Yhwh has spoken. The question thus arises: at what stage of composition was the covenant ceremony in 24:4-8 added to the earlier version in 24:3? The sacrificial aspects of 24:4-8 are striking, and the specific language that is used is particularly illuminating when read in light of the instructions for the ordination of the priests in Exod 29 and Lev 8. These priestly-like elements have not been lost on commentators,[68] although critical scholarship has generally been hesitant to draw the corresponding diachronic conclusions from them. Since the covenant ceremony in Exod 24:4-8 has traditionally been assumed to belong to one of the "old sources"[69] (or at least

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[67] Cf. Noth, *Das zweite Buch Mose*, 124 (ET 154); Perlitt, *Bundestheologie*, 168; Blum, *Studien*, 88–89; 169–72; and Oswald, *Israel am Gottesberg*, 154; idem, *Staatstheorie*, 126.

[68] Cf. Ruprecht, "Exodus 24:9-11," 167; Blum, *Studien*, 52; Jean-Louis Ska, "Exode 19,3b-6 et l'identité de l'Israël postexilique," in *Studies in the Book of Exodus* (ed. Marc Vervenne; BETL 126; Leuven: Peeters, 1996), 289–317 (307 n. 69); Oswald, *Israel am Gottesberg*, 198; Propp, *Exodus 19–40*, 309 (noting connections with Exod 29:20-21); and Konkel, *Sünde und Vergebung*, 272–73.

[69] See, for example, Wellhausen, *Composition*, 88, who attributes the passage to J. Noth (*Das zweite Buch Mose*, 161 [ET 198–99]) concedes that the source attribution here is very difficult and rules out assigning the unit to J but still assumes that "the narrative is evidently quite old." For more recent views along these

to a pre-priestly level of composition within Exod 19–24[70]), it has generally been exclud-

ed that it may presuppose priestly texts.[71]

More recently, several commentators have reckoned with post-priestly composi-

tional activity in this unit, although it is not always clear whether they regard 24:4-8 as

post-priestly in their entirety or whether they maintain that these verses contain a pre-

priestly core that underwent reworking in light of priestly literature.[72] Two possibilities

have been proposed in the recent scholarly discussion: either Exod 24:4-8 is regarded as

basically a compositional unity and the priestly-like elements are explained away,[73] or the

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lines see William K. Gilders, *Blood Ritual in the Hebrew Bible: Meaning and Power* (Baltimore: Johns Hopkins University Press, 2004), 37 n. 18, 39, who notes that Exod 24:4-8 and Exod 29; Lev 8 "appear in different pentateuchal sources"; Dohmen, *Exodus 19–40*, 201–5, who does not make a clear source attribution but denies priestly influence; and Stackert, *A Prophet like Moses*, 75, who assigns Exod 24:3-8 as a whole to E.

[70] So Oswald, *Israel am Gottesberg*, 154–57; idem, *Staatstheorie*, 126.

[71] An exception is Otto, "Pentateuchredaktion," 79, who argues that Exod 24:8 presupposes the blood ritual in the ordination of the priests in Exod 29:20-21; Lev 8:23-24, 30.

[72] Most references to (post-)priestly compositional activity in Exod 24:4-8 are rather vague; cf. Frank Crüsemann, *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetzes* (Munich: Kaiser, 1992), 63–65; trans.: *The Torah: Theology and Social History of Old Testament Law* (Minneapolis: Fortress, 1996), 47–49; Ska, "Exode 19,3b-6," 307 n. 69; Otto, "Pentateuchredaktion," 78–79, 83; and Achenbach, "Grundlinien," 59–60. An exception is Dozeman, who assigns 24:4aβ-5a to the most basic narrative of Exod 19–24; 24:3-4aα, 7 to a Dtr redaction; and 24:5b, 6, and 8 to a priestly redaction (*God on the Mountain*, 28, 53, 110–13; cf. idem, *Exodus*, 425). This relative stratification, however, poses problems in terms of its relationship to Dozeman's proposed *Grundbestand* in 24:4aβ-5a: without the blood manipulation ritual in 24:6 and 8, the reference to the sacrifice in 24:5a is left hanging in the air (this problem is also overlooked by Konkel, *Sünde und Vergebung*, 272). Moreover, 24:3 and 24:4aα, 7 cannot belong to the same compositional level (as Dozeman proposes), since these verses *twice* report the people's commitment to obey Yhwh's words. Thus, Dozeman's reconstruction takes the text apart according to *conceptual* or *traditio-historical* criteria without regard to whether the text that remains is plausible from a *narrative* perspective. Moreover, Dozeman's relative dating of the text's layers is not based on internal literary-critical observations but rather on the assumption that the earliest Sinai narrative contained a theophany that concluded with sacrificial offerings as well as the assumption that a Deuteronomistic and a Priestly redaction must have occurred in distinct stages (and in that order).

[73] Konkel (*Sünde und Vergebung*, 273) notes that the verbs used for the application of blood on the priests in Exod 29 and Lev 8 (נתן and נזה) differ from the verb used in Exod 24:8 (זרק) and concludes from this that the blood ritual in 24:8 cannot be a reference to the consecration of the priests in Exod 29 and Lev 8. In doing so, however, he is forced to downplay the fact that the verb זרק still appears in Exod 29 and Lev 8, only in connection to the altar and not to human actors. As Gilders (*Blood Ritual*, 41) has demonstrated, however, the repetition of the same blood manipulation (and thereby the repetition of the verb זרק) on both the altar and the people creates an indexical relationship between the two and thus can be interpreted as an intentional choice, even if the author of Exod 24:8 knew that different verbs are used in Exod 29 and Lev 8. Moreover, from a practical point of view, the verb זרק fits the scene much better than נתן or נזה, since the latter two verbs are not suitable for an application of blood on the people as a collective entity.

text is assumed to have priestly-like additions but its basic unity is not taken seriously. However, if the internal narrative analysis of Exod 24:4-8 is taken as the starting point instead of traditio-historical criteria, then a different picture emerges. If one combines the observation that 24:4-8 form a compositional unity (with the possible exception of 24:4b) with the observation that these verses also seem to presuppose the priestly ritual of the ordination of the priests in Exod 29 and/or Lev 8 and to apply this ritual to the entire people, then it is difficult to avoid the conclusion that 24:4-8 *in their entirety* are post-priestly.[74]

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[74] Cf. Thomas Römer, "Provisorische Überlegungen zur Entstehung von Exodus 18–24," in *"Gerechtigkeit und Recht zu üben" (Gen 18,19): Studien zur altorientalischen und biblischen Rechtsgeschichte, zur Religionsgeschichte Israels und zur Religionssoziologie, Festschrift für Eckart Otto zum 65. Geburtstag* (ed. Reinhard Achenbach et al.; Wiesbaden: Harrassowitz, 2009), 128–54; Hans-Christoph Schmitt, "Das Gesetz aber ist neben eingekommen: Spätdeuteronomistische nachpriesterschriftliche Redaktion und ihre vorexilische Vorlage in Ex 19–20*," in *"Gerechtigkeit und Recht zu üben" (Gen 18,19): Studien zur altorientalischen und biblischen Rechtsgeschichte, zur Religionsgeschichte Israels und zur Religionssoziologie, Festschrift für Eckart Otto zum 65. Geburtstag* (ed. Reinhard Achenbach et al.; Wiesbaden: Harrassowitz, 2009), 155–70; and Berner, "Redaction History," 400. Several other scholars have also moved in this direction of interpretation, although they all express reticence in one way or another in concluding that Exod 24:4-8 were composed *after* the joining of priestly and non-priestly materials in the Pentateuch. For example, both Otto ("Pentateuchredaktion," 83) and Ska ("Exode 19,3b-6," 307 n. 69) speak of post-priestly compositional activity in these verses, although unfortunately neither takes a clear stance on whether 24:4-8 are post-priestly in their entirety or whether they simply underwent a reworking in light of priestly literature. Somewhat differently, in 1998 Oswald implicitly concluded that 24:4-8 (which he regards as a unity) are *compositionally* pre-priestly but *traditio-historically* post-priestly. In other words, Oswald conceded that Exod 24:4-8 presupposed priestly texts such as Lev 8, but only as part of a separate document and not yet in combination with the non-priestly material in the Pentateuch (*Israel am Gottesberg*, 163, 198). Oswald's overall reticence to regard Exod 24:4-8 as post-priestly is reflected in his more recent work, in which he identifies these verses simply as a Deuteronomistic insertion and makes no reference at all to their links with priestly texts (*Staatstheorie*, 126; idem, "Lawgiving at the Mountain of God (Exodus 19–24)," in *The Book of Exodus: Composition, Reception, and Interpretation* [ed. Thomas B. Dozeman, Craig A. Evans, and Joel N. Lohr; VTSup 164; Leiden: Brill, 2014], 169–92 [181]). The notion that Exod 24:4-8 presupposes priestly texts prior to their combination with the non-priestly material in the Pentateuch is certainly one possible explanation, although the possibility that Exod 24:4-8 was written *after* the combination of P and non-P materials should not be ruled out in principle. Indeed, one element that may indicate that Exod 24:4-8 presupposes the presence of the priestly ritual materials *within the same literary work* and not as an independent source is the fact that in these verses Moses sends "youths" (נערים) to carry out the sacrifices (24:5). This fits well with the fact that in terms of narrated time, this event precedes the ordination of the priests in Lev 8 and thus depicts a fictive scenario of how sacrifices would have been made prior to the installation of the priests (similarly Dohmen, *Exodus 19–40*, 202; against Oswald, *Israel am Gottesberg*, 197, who implicitly interprets this as evidence that 24:4-8 is pre-priestly).

Exod 19:3b-8. The main obstacle to the attribution of Exod 19:3b-8 as a whole to one of the "old sources" or some other ancient tradition[75] or even to a wholly Deuteronomistic composition[76] is the reference to the people becoming a "priestly kingdom/kingdom of priests" (ממלכת כהנים)[77] and a "holy people" (גוי קדוש) if they observe Yhwh's covenant (19:5-6), which has clear links to priestly literature,[78] including the Holiness Code and related texts (cf. Lev. 19:2; 20:7; 20:24, 26; Num 16:3).[79] Particularly signifi-

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[75] So, e.g., Noth, *Das zweite Buch Mose*, 126 (ET 157–58); Gerhard von Rad, *Das formgeschichtliche Problem des Hexateuchs* (Stuttgart: Kohlhammer, 1938), 36–37 with n. 47; trans.: *The Problem of the Hexateuch and Other Essays* (New York: McGraw-Hill, 1966), 39–40 with n. 53; Alan W. Jenks, *The Elohist and North Israelite Traditions* (Missoula, Mont.: Scholars, 1977), 48; Frank Moore Cross, "The Epic Traditions of Early Israel: Epic Narrative and the Reconstruction of Early Israelite Institutions," in *The Poet and the Historian: Essays in Literary and Historical Biblical Criticism* (ed. Richard Elliott Friedman; Chico, Ca.: Scholars, 1983), 13–39 (21–22); Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (2d ed.; AnBib 21A; Rome: Biblical Institute Press, 1978), 270–72; Moshe Weinfeld, *Deuteronomy 1–11* (AB 5; New York: Doubleday, 1991), 367; and Stackert, *A Prophet Like Moses*, 75.

[76] So, e.g., Walther Zimmerli, "Erwägungen zum 'Bund': Die Aussagen über die Jahwe-bᵉrît in Ex 19–34," in *Wort – Gebot – Glaube: Beiträge zur Theologie des Alten Testaments* (ATANT 59; Zürich, Zwingli Verlag, 1970), 171–90 (176); Brevard S. Childs, *Exodus: A Commentary* (OTL; London: SCM Press, 1974), 361; Hossfeld, *Dekalog*, 190; G. Barbiero, "MAMLEKET KOHᴬNÎM (Es 19,6a): i sacerdoti al potere?" *RivBib* 37 (1989): 427–46 (437); Erhard Blum, "Israel à la montagne de Dieu: Remarques sur Ex 19–24; 32–34 et sur le contexte littéraire et historique de sa composition," in *Le Pentateuque en question* (ed. Albert de Pury; Geneva: Labor et Fides, 1989), 271–95 (281); idem, *Studien*, 51–52, 88–99; Renaud, *La théophanie du Sinaï*, 48–51, 154–55; and Oswald, "Lawgiving at the Mountain of God," 181.

[77] For a concise discussion of the possible interpretations of this phrase and references to further literature see Ska, "Exode 19,3b-6," 298–304.

[78] Although the phrase גוי קדוש has connections with several texts in Deuteronomy (cf. Deut 7:6; 14:2, 21; 26:19; 28:9), the language in 19:5-6 is rather atypical: while the passages in Deuteronomy use the phrases עם סגלה (Deut 7:6; 14:2; 26:18) and עם קדוש (Deut 7:6; 14:2, 21; 26:19), Exod 19:5-6 use סגלה alone and גוי קדוש. Earlier commentators took this distinctive language in Exod 19:5-6 as an indication that 19:3b-8 is a *pre*-Deuteronomic text (so von Rad, *Problem des Hexateuchs*, 36 n. 47 [ET 40 n. 53] and Weinfeld, *Deuteronomy 1–11*, 367). Yet as Smith has argued, "it may be suspected that the expression גוי קדוש represents a priestly conflation of the two expressions, עם קדוש and גוי גדול" (*Pilgrimage Pattern*, 238–39).

[79] On the notion of the entire people as holy in "H" texts cf. Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995; repr., Winona Lake, Ind.: Eisenbrauns, 2007), 180–86. For the theory that Exod 19:3b-8 has connections to "H" texts see already Willy Staerk, "Zum alttestamentlichen Erwählungsglauben," *ZAW* 55 (1937): 1–36 (8–10) and more recently Ska, "Exode 19,3b-6," 295, 307–10; Otto "Pentateuchredaktion," 75ff.; and Reinhard Achenbach, *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch* (BZABR 3; Wiesbaden: Harrassowitz, 2003), 56; idem, "Grundlinien redaktioneller Arbeit in der Sinai-Perikope," in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischem Geschichtswerk* (ed. Eckart Otto and Reinhard Achenbach; FRLANT 206; Göttingen: Vandenhoeck & Ruprecht, 2004), 56–80 (63). Oswald (*Israel am Gottesberg*, 165 n. 163), however, disputes such connections.

cant in this regard is the connection between divine election and the requirement to be holy (cf. Lev 20:24-26 and 22:33; see also 11:45) as well as the association of the exodus with divine election (cf. Lev 19:26; 23:43; 25:38, 45, 55; 26:13, 46).[80] In short, the notion that Exod 19:3b-8 as a whole contains no priestly influence is highly questionable.

This raises another possibility, namely, that Exod 19:3b-8 contains a pre-priestly core that was later supplemented by a priestly redaction. Several commentators have rightly noted that 19:3b-8 is not a compositional unity and that the later addition in (at least) 19:6a bears connections with priestly concepts.[81] However, it does not necessarily follow from the fact that 19:6a is an addition reflecting priestly concepts that the core of the unit is pre-priestly. Indeed, it is difficult to avoid the conclusion that already the most basic material in this unit is post-priestly, since it presupposes and anticipates the covenant ceremony in 24:4-8 (cf. the use of the term ברית in 19:5a and in 24:7).[82]

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[80] Ska, "Exode 19,3b-6," 308. On the association between the exodus and divine election in Holiness texts cf. Frank Crüsemann, "Der Exodus als Heiligung: Zur rechtsgeschichtlichen Bedeutung des Heiligkeitsgesetzes," in *Die Hebräische Bibel und ihre zweifache Nachgeschichte – Festschrift R. Rendtorff* (ed. E. Blum, C. Macholz, and E. W. Stegemann; Neukirchen-Vluyn: Neukirchener Verlag, 1990), 117–29 (120, 129).

[81] Cf. Dozeman, *God on the Mountain*, 39–45, who assigns 19:5b-6a to a priestly redaction of the unit; Smith, *Pilgrimage Pattern*, 236–39, who proposes a priestly redaction in 19:3-6; and Christoph Berner, *Exodus* (ATD; Göttingen: Vandenhoeck & Ruprecht, forthcoming), who assigns 19:6 to a "P2" redaction that is later than the rest of the unit.

[82] For the notion that Exod 19:3b-8 is an anticipation of 24:4-8 cf. Blum, "Israel à la montagne de Dieu," 273–74, 281; idem, *Studien*, 92, 98; Christoph Dohmen, "Der Sinaibund als Neuer Bund nach Ex 19–34," in *Der Neue Bund im Alten: Studien zur Bundestheologie der beiden Testamente* (ed. Christoph Dohmen and Erich Zenger; QD 146; Freiburg im Breisgau: Herder, 1993) 51–83 (57–58, 69–73); Adrian Schenker, "Les sacrifices d'alliance: Ex XXIV,3-8 dans leur portée narrative et religieuse – Contribution à l'étude de la bᵉrît dans l'Ancien Testament," *RB* 101 (1994): 481–94 (488); Ska, "Exode 19,3b-6," 291, 307; Konkel, *Sünde und Vergebung*, 262, 272 (Konkel considers it possible that 19:8 and 24:7 could belong to the same compositional level). On the evaluation of 19:3b-8 as a whole as post-priestly cf. Henri Cazelles, "'Royaume de prêtres et nation consacrée' (Ex XIX,6)," in *Humanisme et foi chrétienne: Mélanges scientifiques du centenaire de l'Institut Catholique de Paris* (ed. C. Kannengiesser and Y. Marchasson; Paris: Beauchesne, 1976), 541–45; repr. in *Autour de l'Exode (Études) (SB)* (Paris: Gabalda, 1987), 289–94; idem, "Alliance du Sinaï, alliance de l'Horeb et renouvellement de l'alliance," in *Beiträge zur alttestamentlichen Theologie: Festschrift W. Zimmerli* (Göttingen: Vandenhoeck & Ruprecht, 1977), 69–79; repr. in *Autour de l'Exode*, 299–309; Georg Fohrer, "'Priesterliches Königtum': Ex. 19,6," *TZ* 19 (1963): 359–62 (362); Hans-Joachim Kraus, "Das Heilige Volk: Zur alttestamentlichen Bezeichnung *'am qādōš*," in *Freude am Evangelium: Festschrift A. de Quervain* (BEvT 44; Munich: Chr. Kaiser, 1966), 50–61 (59); Perlitt, *Bundestheologie*, 175; Ska, "Exode 19,3b-6, 291; Otto, "Pentateuchredaktion," 76–77; Achenbach,

Now that the theophany texts and the covenant texts have been analyzed in further detail, it is possible to return to the questions posed above regarding the compositional growth of Exod 19–24. In what follows, the various scenarios for the relationship between theophany and law will be reevaluated in light of the observations made above.

Scenario 1: The theophany without the law

A number of commentators have attempted to isolate a theophany narrative without any reference to the law as the *Grundbestand* of Exod 19–24.[83] Nevertheless, their reconstructions of such a narrative often create more problems than they resolve and are not supported by the literary-critical analysis of the theophany materials in Exod 19–20.[84] More-

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"Grundlinien," 62–63; and Walter Gross, *Zukunft für Israel: alttestamentliche Bundeskonzepte und die aktuelle Debatte um den Neuen Bund* (Stuttgarter Bibelstudien 176; Stuttgart: Verlag Katholisches Bibelwerk, 1998), 131–32; see also Oswald, *Israel am Gottesberg*, 163; idem, *Staatstheorie*, 126.

[83] Cf. Erich Zenger, *Israel am Sinai: Analysen und Interpretationen zu Exodus 17–34* (2d ed.; QD 146; Altenberge: CIS-Verlag, 1985), 156–57; Perlitt, *Bundestheologie*, 237; Mittmann; *Deuteronomium 1,1–6,3*, 154; Jörg Jeremias, *Theophanie: Die Geschichte einer alttestamentlichen Gattung* (2d. ed.; WMANT 10; Neukirchen-Vluyn: Neukirchener Verlag, 1977), 205; Rudolf Smend, *Die Entstehung des Alten Testaments* (ThW 1; Stuttgart: Kohlhammer, 1978), 68; Dozeman, *God on the Mountain*, 19; and Köckert, "Wie kam das Gesetz an den Sinai?" 14–15.

[84] For example, Mittmann (*Deuteronomium 1,1–6,3*, 154) identified the *Grundschicht* of Exod 19–24 in 19:2b-3a, 14a, 15, 16*, 17, 19; 20:18bα, 19-20a, 21; 24:4aβ-6, 9, but this reconstruction produces an incoherent narrative. 19:14a can hardly form the direct continuation of 19:3a, since this would depict Moses as ascending and descending the mountain without any apparent purpose (for this critique see also Oswald, *Israel am Gottesberg*, 5). Moreover, the people's request for Moses to speak with God on their behalf and Moses' approaching the "dark cloud" in 20:18-21 hardly make sense within the context of a theophany without the communication of the law, since otherwise the reason for Moses' speaking with God remains unexplained. Mittmann also breaks apart the ritual in 24:4-8, leaving Moses' act of setting aside half of the blood of the sacrifice without any narrative function, thus creating narrative incoherence out of an already coherent text.

Similarly, Dozeman (*God on the Mountain*, 19) identified an independent "Mountain of God Tradition" in 19:2b-3a; 19:10aβ-11a, 12aα, 13b-15a, 16aβ-17; 24:4aβ-5 centering on a theophany on the mountain of God and a subsequent sacrificial ritual. Yet from a narrative perspective there are several weaknesses in Dozeman's proposed *Grundbestand*. (1) The identification of 19:10aβ (from וקדשתם) as the beginning of the earliest material in 19:10-19 creates a narrative fragment, since 19:10aβb cannot stand alone without the report of Yhwh's speech to return to the people in 19:10aα, nor can it connect directly to 19:3a (ומשה עלה אל האלהים). (2) Dozeman retains the divine command to Moses to give instructions to the people in 19:12aα (והגבלת את העם סביב לאמר) as original to the earliest material but eliminates the instructions themselves in the remainder of the verse. Seeking an original continuation of 19:12aα in 19:13b hardly resolves the problem, since 19:13b does not report what Moses should *say* to the people, as לאמר in 19:12aα requires. (3) Dozeman includes 19:15a (in which Moses tells the people to be prepared for the third day) in his

over, from a rhetorical point of view it must be asked what function a theophany and sacrifice would have served without the giving of the law.[85] In light of these problems, the possibility that the theophany materials alone constituted the most basic narrative in Exod 19–24 must be ruled out.[86] Rather, the theophany texts formed an introduction to the giving of the law from the outset. This conclusion leads to two further questions: (1) did the earliest narrative in Exod 19–24 combine the theophany motif with the giving of the law from the beginning, or was the giving of the law originally narrated without any connection to the theophany motif? and (2) which set of laws—the Decalogue, the Covenant Code, or both—did the theophany materials originally introduce?

Scenario 2: The law without the theophany

If a basic narrative in Exod 19–24 containing only the law/covenant materials and with-out the theophany were to exist, then the exposition of such a narrative would have to be sought in 19:2 followed directly by either 19:3a or 19:20b (Moses' ascent) and then 20:1 or 20:22aα (the beginning of the divine communication of the law).[87] This immediately raises the question of whether the Decalogue and the Covenant Code were *both* part of the most basic material in Exod 19–24 or whether only *one* of these units was initially present.

Grundbestand but removes the report of the third day's arrival in 19:16aα, thus creating narrative incoherence where none existed to begin with. (4) 19:17 is an unlikely end to an early tradition "culminating in a theophany on the mountain" (ibid.) but rather seems to set the scene for some event to follow (ויתצבו בתחתית ההר). Dozeman's thesis that 24:4aβ-5 formed the original continuation of 19:17 does not make the situation any better, since 24:4aβ-5 do not mention the people explicitly at all. Moreover, 24:4aβ-5 cannot stand alone without the remainder of 24:4-8, which in turn presupposes the giving of the law in Exod 20–23* as well as the ritual for the consecration of priests described in Exod 29 and/or Lev 8.

[85] Cf. Levin, "Der Dekalog am Sinai," 185; Oswald, *Israel am Gottesberg*, 94, 104–9, esp. 109; and Kratz, *Komposition*, 145 (ET 139).

[86] So also Levin, "Der Dekalog am Sinai," 177–78, 180 and Oswald, *Israel am Gottesberg*, 112.

[87] So also Kratz, *Komposition*, 150 (ET 144).

(2a) Decalogue and Covenant Code. The first possibility to consider is whether both the Decalogue *and* the Covenant Code belonged to the most basic narrative in Exod 19–24. In this scenario, the most basic material would have consisted of 19:2*, 3a; 20:1, 2-17*; 20:22aα, 24; 21–23*; 24:3 or 24:18b.[88] Here, 20:22aβb-23 would need to be excluded, since Yhwh's statement that the people saw that Yhwh spoke with them from heaven would have no precedent in the narrative. Likewise, since 20:18-21 cannot stand alone without the preceding theophany materials in 19:10-19, according to this scenario the altar law in 20:22aα, 24-26 and the remaining laws in Exod 21–23* would have followed directly upon the Decalogue in 20:1-17*, with a narrative conclusion in either 24:3 or 24:18b.

If 24:18b is indeed the original conclusion to the giving of the law in Exod 19–24, then the question of whether the Decalogue and the Covenant Code entered the narrative at the same time or in succession cannot be answered on the basis of the narrative framework, since 19:3a and 24:18b alone provide no clues in this regard. Rather, their relative order of insertion into Exod 19–24 would have to be evaluated on other grounds, such as the observation that the Covenant Code served as a literary *Vorlage* to the Decalogue.[89] Although this *may* point to the priority of the Covenant Code *within Exod 19–24*,[90] it hardly rules out the possibility that the Decalogue and the Covenant Code entered the narrative framework at the same time or even that the Decalogue originally stood in the narrative framework of Exod 19–24 without the Covenant Code.

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[88] Kratz (personal communication) regards Exod 24:18b as the earliest conclusion to Exod 19–24.

[89] On this see esp. Reinhard G. Kratz, "Der Dekalog im Exodusbuch," *VT* 44 (1994): 205–38 (222–30).

[90] So Kratz, *Komposition*, 145 (ET 140).

In my view, however, there are reasons to doubt that Exod 24:18b once formed the earliest conclusion to Exod 19–24. According to Kratz, Exod 19–24 may have originally consisted of a direct connection between Exod 19:3a and 24:18b, which would have simply reported on Moses' forty-day stint on the "mountain of God" without providing any details about what happened there.[91] An argument against this view, however, is the fact that in the received form of the text, Moses' forty-day stint on the mountain is closely connected to the episode of the golden calf (see Exod 32:1), which already presupposes the presence of the Decalogue in Exod 19–24.[92] Thus, it seems unlikely that Moses' forty-day stay on the mountain belonged to the earliest stage in the development of Exod 19–24. For these reasons, I am more inclined to regard Exod 24:3 as the earliest narrative conclusion to Exod 19–24.[93]

(2b) The Covenant Code alone. Assuming that Exod 24:3 formed the original conclusion to Exod 19–24, the only way that this verse can be understood as *not* presupposing both the Decalogue and the Covenant Code is to interpret כל דברי ה׳ as the Covenant Code alone.[94] This would also likely require removing the phrase ואת כל המשפטים from this verse[95] as well as the corresponding reference to the משפטים in 21:1; otherwise, כל דברי ה׳ ואת כל המשפטים would have to be understood as the altar law alone or כל דברי ה׳

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[91] Kratz, personal communication.

[92] On this see Chapter 3.

[93] On Exod 24:3(4-8) as the earliest conclusion to Exod 19–24, see also Levin, "Der Dekalog am Sinai," 177–78, 180 and Oswald, *Staatstheorie*, 86 (in contrast to idem, *Israel am Gottesberg*, 262, where Oswald identifies 24:12-13a*, 18aβb as part of his "Exodus-Mountain of God-Narrative").

[94] So Mittmann, *Deuteronomium 1,1–6,3*, 156. Levin ("Der Dekalog am Sinai," 181) critiques Mittmann's interpretation, noting that the beginning of the Covenant Code has a redactional connection to the Decalogue in Exod 20:22b. Levin's objection is not completely decisive, however, since it is possible to regard 20:22(aβ)b-23 as a secondary addition.

[95] For this line of reasoning cf. Noth, *Das zweite Buch Mose*, 160 (ET 198); Perlitt, *Bundestheologie*, 194; Zenger, *Sinaitheophanie*, 74; Hossfeld, *Dekalog*, 190; Konkel, *Sünde und Vergebung*, 262–63; and Smith, *Pilgrimage Pattern*, 234.

would have to be taken as a hendiadys. In this scenario, the original introduction to the Covenant Code would have consisted of 20:22aα.[96] Thus, in a "Covenant Code alone" scenario, the most basic narrative would have consisted of roughly the following material: 19:2*, 3a; 20:22aα; 20:24-26; 21–23*; 24:3* (or less likely 24:18b).

(2c) The Decalogue alone. Similar considerations apply to a hypothetical situation in which the Decalogue alone belonged to the most basic version of Exod 19–24. Considering that (1) the giving of the law must have been followed by some sort of concluding narrative frame, which at its minimum would have consisted of 24:3* (without ואת כל המשפטים)[97] (or less likely 24:18b) and that (2) this verse presupposes Moses' separation from the people when he received Yhwh's words, a "Decalogue-alone" scenario would also require Moses' ascent in 19:3a. Thus, in this scenario, the *Grundbestand* would have consisted of the following material: 19:2*, 3a; 20:1, 2-17*; 24:3*.[98]

Interim Result. As far as the narrative framework of the giving of the law is concerned, all three of the scenarios discussed above are possible; thus, a different criterion is required in order to evaluate the compositional priority of one unit over the other within Exod 19–24. One such criterion is the Decalogue's literary dependence on some version of the Covenant Code.[99] Although such a view is *prima facie* simpler than its alternative—namely, that the Decalogue is literarily dependent on the Covenant Code but has

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[96] Exod 20:22(aβ)b-23 clearly presuppose the presence of the Decalogue in 20:1-17 and thus would have to be bracketed out of a *Grundbestand* containing only the Covenant Code. Similarly Kratz, *Komposition*, 150 (ET 144), who considers it possible that either Exod 20:1 or 20:22a could have been the original introduction to the Covenant Code. Regarding 20:22aα as the original introduction is certainly the more economical solution, since otherwise one would have to assume that 20:1 was secondarily applied to the Decalogue and that 20:22aα was secondarily added as a new introduction to the Covenant Code following the insertion of the Decalogue.

[97] Cf. Levin, "Der Dekalog am Sinai," 180.

[98] This is very similar to the *Grundbestand* proposed by Levin ("Der Dekalog am Sinai," 187).

[99] On this see Kratz, "Der Dekalog im Exodusbuch," 222–30; cf. idem, *Komposition*, 148–49 (ET 142–43); see also Oswald, *Israel am Gottesberg*, 111.

compositional priority *within Exod 19–24*—it cannot be taken for granted from the outset and must be checked against the evidence of the remaining narrative materials in Exod 19–24.[100]

Scenario 3: Law and theophany together

So far, it has been ruled out that the theophany alone could have constituted the most basic narrative in Exod 19–24 (Scenario 1). In contrast, the notion that the giving of the law alone (whether the Covenant Code, the Decalogue, or both) constituted the most basic narrative in Exod 19–24 (Scenario 2) seems *possible* but can neither be demonstrated positively nor falsified in any of its iterations. Thus, it remains to be seen whether Scenario 3 might provide a more compelling model than Scenario 2. Like Scenario 2, Scenario 3 has three variations that must be explored in turn.

(3a) Theophany + Decalogue + Covenant Code. According to the above analysis of the theophany texts and the covenant texts, the scope of a pre-priestly form of Exod 19–24 that included the most basic theophany materials as well as the communication of both the Decalogue and the Covenant Code would have consisted of roughly the following materials: Exod 19:2*, 16aα, 17a(b?), 18bβ; 20:1-17*, (18b?), 21(a?)b, 22aα, 24-26; 21–23*; 24:3. If it is assumed that the report of the people's standing at a distance in 20:18b (or 20:21a) belongs to the most basic theophany materials, then the possibility that the theophany, Decalogue, and Covenant Code all belong to a single stage of compo-

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[100] Another possibility would be to seek the *Grundbestand* of Exod 19–24 in a completely different constellation of texts. This is the approach of Otto ("Pentateuchredaktion," 98–99), who finds the earliest core of Exod 19–24, 32–34 in 19:2b-3a, 10-20*; and 34:(11a), 18-23, 25-27, which he assigns to a pre-priestly and pre-Dtr narrative work. Otto's reconstructed *Grundbestand*, however, has several problems, not least of which is the fact that Exod 34 cannot stand independently of Exod 32 (cf. 3.1 below).

sition can be ruled out rather easily, since the *Wiederaufnahme* in 20:18a of the theophan-

ic phenomena from 19:16-18 either implies that everything that comes between 19:16-18

and 20:18b is secondary to the most basic narrative or that 20:18a introduces supplemen-

tary materials following the revelation of the Decalogue in 20:1-17.

(3b) Theophany + Covenant Code alone. If one were to imagine an earlier, pre-

priestly form of Exod 19–24 that included the most basic theophany materials as well as

the communication of the Covenant Code alone, such a unit would have consisted of

roughly the following materials: Exod 19:2*, 16aα, 17a(b?), (18bβ); 20:18b/21a, 21b,

22aα, 24-26; 21–23*; 24:3* (without ואת כל המשפטים). This reconstruction of the earliest

form of Exod 19–24, however, encounters several problems in 24:3, the necessary con-

clusion to the narrative.[101] In fact, the only way to interpret the narrative transition follow-

ing the giving of the law in 24:3 as referring *solely* to the Covenant Code and not to the

Decalogue is to read against the grain of the verse's specific vocabulary and/or to excise

24:3b from the most basic form of the verse.

Regarding the verse's vocabulary, it is noteworthy that Moses is said to have

"enumerated" Yhwh's words to the people (ויספר לעם את כל דברי ה׳). Although this verb

could theoretically refer to Moses' repetition of the contents of the Covenant Code, the

use of this particular verb, which can be associated with the notion of counting, is more

understandable with regard to the Decalogue, which consists of a limited number of di-

vine commands.[102] Moreover, if one assumes a "Covenant Code alone" scenario—and as-

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[101] Even if one were to assume that Exod 19–24 originally consisted of only a very brief report of Moses'
forty-day stint on the mountain of God (i.e., Exod 19:2-3a + 24:18b; so Kratz, personal communication),
24:18b no longer works as a viable conclusion to a narrative including both the theophany materials and the
giving of the law. Since the theophany texts clearly emphasize the people's involvement in the scene, it is
hardly conceivable that a narrative including both theophany and law could have concluded without any
reference to the people.

suming that את כל דברי ה׳ ואת כל המשפטים is not a hendiadys—, then the phrase כל המשפטים must be regarded as secondary[103] and כל דברי ה׳ must be interpreted as the Covenant Code. Such an assumption is hardly straightforward, however, since the narrative framing of the Covenant Code does not use the root דב״ר but rather the root אמ״ר (20:22aα), while the present narrative framing of the Decalogue *does* use the root דב״ר (20:1). Thus, the use of the verb דבר D in 20:1 provides an additional argument in favor of regarding the Decalogue as the text presupposed by the phrase את כל דברי ה׳ in 24:3.

In addition to these lexical considerations, there is an even more decisive indication that the earliest form of 24:3 makes reference to the Decalogue—namely, the people's commitment to obey Yhwh's words (כל הדברים אשר דבר ה׳ נעשה). From a rhetorical point of view, this commitment makes little sense as a response to the promulgation of the Covenant Code, which in its core consists of *case law*. In contrast, it makes perfect sense as a response to the Decalogue, which stipulates actions that can either be carried out or violated in a binary fashion. In other words, the commandments in the Decalogue *call for obedience*, while the laws in the Covenant Code are—at least in terms of their most basic legal content—not framed in terms of obedience versus disobedience.

The cumulative weight of these observations on Exod 24:3 poses a major challenge to the "Theophany + Covenant Code alone" model for the composition of Exod 19–24. Rather, the most basic theophany materials and the Decalogue are intrinsically connected. This leaves two remaining possibilities: (1) both legal corpora accompanied the theophany from the very beginning, or (2) the Decalogue alone belonged to the most

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[102] Cf. Levin, "Der Dekalog am Sinai," 182–83.

[103] The phrase כל המשפטים can hardly be more original than כל דברי ה׳, since in 24:3b the people refer only to כל הדברים אשר דבר ה׳ and make no reference to the משפטים.

basic narrative in Exod 19–24 and its *Vorlage*—the Covenant Code—was only incorporated secondarily. Unfortunately, both of these alternatives also present certain problems. Above, a tension was noted in the "Theophany + Decalogue + Covenant Code" model (Scenario 3a), since in the received form of the text the Decalogue interrupts the narrative connection between the theophanic phenomena in 19:16-17* and Moses' spatial separation from the people in 20:18b/21a. Moreover, the present narrative setting of the Decalogue does not fit well with 24:3, since the latter verse implies that the people *did not hear* the contents of the law. Likewise, the "Theophany + Decalogue alone" scenario has its own problems, which will be discussed below.

(3c) Theophany + Decalogue alone. The possibility that the most basic narrative in Exod 19–24 combining theophany and law contained *only* the Decalogue finds some support in the relative chronology of Exod 24:3-8.[104] Several striking observations emerge regarding the connections that 24:3* and 24:4-8 bear to the Decalogue and the Covenant Code, respectively:

(1) Whereas the people's commitment to obey Yhwh's "words" in 24:3 occurs completely at the level of *speech*, 24:4-8 emphasize the *written* aspects of the law: in 24:4 Moses *writes* Yhwh's words, and in 24:7 Moses takes the "*book/scroll* of the covenant" and reads it to the people. The emphasis on writing fits well with the Covenant Code, with clearly belongs to a *textual* legal tradition.[105]

(2) The people's response in 24:7 that they will "do and obey" (נעשה ונשמע) represents an amplification of 24:3, where the people merely state that they will "obey" (נשמע).

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[104] Cf. Levin, "Der Dekalog am Sinai," 182–83.
[105] On this see David P. Wright, *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi* (New York: Oxford University Press, 2009).

Combined with the basic observation that 24:3-8 contain two distinct stages of composition, this shift in the people's use of a single verb in their commitment in 24:3 to *two* verbs in their commitment in 24:7 may be a further reflection of a literary development from a single revelation of the law to a double revelation.

(3) The correspondence between the altar law in Exod 20:24-26 and Moses' construction of an altar in preparation for the blood manipulation ritual in Exod 24:4-8 is striking. Regardless of whether the altar law was once part of an independent "Covenant Code" prior to its incorporation into its present narrative context or whether it is a redactional *pendant* to the ritual in 24:4-8, the motif of the altar in 24:4-8 constitutes a further specific connection between 24:4-8 and the Covenant Code rather than with the Decalogue.

In light of the basic observation that Exod 24:4-8 is literarily secondary to Exod 24:3, the particular connections between 24:3 and the Decalogue on the one hand and between 24:4-8 and the Covenant Code on the other fit well with the possibility that the Covenant Code—albeit undoubtedly the literary *Vorlage* to the Decalogue—is secondary to the Decalogue *within its present literary framework.*[106]

Synthesis: The literary growth of Exod 19–24

Now that a case has been made that the most basic narrative in Exod 19–24 most likely contained a theophany scene that introduced the Decalogue alone, it is possible to attempt to reconstruct the major stages of these chapters' growth:

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[106] So already Levin, "Dekalog," 181 as well as Otto, "Pentateuchredaktion," 70–101 (albeit with a very different reconstruction of the *Grundbestand* of Exod 19–24; 32–34 than the one proposed here).

I   The most basic prerequisite for the narratives in Exod 19–24 is the itinerary notice in Exod 19:2aα(β): [ויחנו במדבר] ויסעו מרפידים ויבאו מדבר סיני. This itinerary notice may have once connected directly to Num 10:12a* + 20:1a* (ויסעו ממדבר סיני...ויבאו מדבר צן...וישב העם בקדש), forming part of an early itinerary that served as a literary bridge between the exodus narrative and the conquest narratives in the book of Joshua. In other words, it is possible that the earliest continuation of the exodus narrative only contained a report of the people's journey through the wilderness of Sinai without any reference to the giving of the law.

II   The next stage in the development of Exod 19–24 (if it was indeed distinct from Level I) was decisive, introducing the mountain of God as the setting for a theophany that culminated in the revelation of the Decalogue and the people's commitment to obey the law. This narrative possibly consisted of Exod 19:2b, 16aα, 16b, 17; 20:1-17*; 24:3a* (without ואת כל המשפטים) and could have been inserted at a pre-priestly stage of composition. A notable narrative tension that remains within these verses is the fact that in 24:3* Moses is depicted as *returning* to the people, implying that the people did not hear the revelation of the Decalogue directly, despite the fact that 19:16-17* do not describe Moses' separation from the people prior to the revelation of the Decalogue. This leaves several interpretive possibilities. (1) Perhaps the people *did* hear, and the reference to Moses' repetition of the words serves rather to emphasize Moses' role as the leader of the people (cf. 19:17).[107] (2) Perhaps the people were present at the revelation of the Decalogue but only Moses was able to understand the divine speech and had to

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[107] This is the interpretation of Deut 5:4, which makes the notion that the people heard the Decalogue directly even more explicit by stating that Yhwh spoke with them "face to face" (פנים בפנים).

relate it to the people.[108] (3) Perhaps the people's response to the Decalogue origi-

nally consisted only of 24:3b. These possibilities will be revisited in 2.4 below.

III   Following the composition of the basic theophany-Decalogue narrative, the rela-

tive chronology of the subsequent stages in the formation of Exod 19–24 becomes

more difficult to determine. The insertion of the laws in Exod 21–23* was proba-

bly the next *major* stage in the growth of Exod 19–24. At the very least, this

would have consisted of Exod 20:22aα, 24-26; 21–23* and the addition of the

phrase ואת כל המשפטים in Exod 24:3, in which case the insertion of the laws in

Exod 21–23*[109] could have occurred at a pre-priestly stage of composition. It is

also possible, however, that the insertion of these laws was accompanied from the

beginning by the covenant ceremony in Exod 24:4-8.[110] If the latter is the case,

then the insertion of the laws in Exod 21–23* would have taken place at a stage of

composition in which priestly literature is already presupposed. Indeed, the possi-

bility that the Covenant Code was inserted into the Sinai narrative at a post-priest-

ly stage of composition is strongly supported by the analysis of the narrative tran-

sition from the Decalogue to the Covenant Code in Exod 20:18, 21b, which

constitutes a paraphrastic *Wiederaufnahme* of 19:16-17 that already presupposes

(post-)priestly elements in 19:16 (the shofar blast) and 19:18 (the smoking

mountain).

III+   Sometime after the addition of Exod 24:4-8, the people's commitment to obey

Yhwh's covenant in Exod 19:3b-8* (perhaps without 19:6a) was added as a pro-

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[108] This is similar to the interpretation of Deut 5:5, although that verse implies that the people were not even present at the revelation, since they "were afraid because of the fire and did not go up the mountain."
[109] Strictly speaking, the term "Covenant Code" is a misnomer prior to the insertion of Exod 24:4-8.
[110] Perhaps originally without 24:4b.

leptic frame. The most basic materials in the narrative transition to Exod 25–31—namely, 24:12, 13b—also likely belong to this stage, as these verses can hardly have been composed later than 24:9-11 in light of the problem regarding Moses' location on the mountain (cf. the discussion above).

IV   Exod 19–24 was supplemented with a number of texts that strengthened the parallelism between the mountain of God and the temple and which presuppose priestly literature. This group of texts includes the priestly itinerary notice (19:1), supplementary ritual details associated with the nature theophany involving the entire people (Exod 19:10aβb, 11aβb-13a, 14b, 15b, 16aβb, 18abα, 19-21, 25, 20:18) as well as the description of a "cultic theophany" reserved for Moses, the priests, and the elite laity (24:1, 9-10).

IV+   This group of "temple" texts underwent ongoing revisions, as is indicated by the insertion of Exod 19:23-24 between 19:21-22 and 19:25, the addition of 24:2 as a revision of 24:1 emphasizing the unique role of Moses, and the addition of 24:11 as a further correction to 24:1. Perhaps around the same time, the end of Exod 24 was supplemented with several elements that anticipate the episode of the golden calf and its aftermath in Exod 32–34. These include Exod 24:13a, 14-15a, which serve to distance the figure of Joshua from any involvement in the sin of the golden calf and the reference to Moses' 40-day stint on the mountain in 24:18b, which serves as a pretext for the people's decision to make the calf in Exod 32.[111]

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[111] For a discussion of earlier literary-critical analyses of Exod 24:12-18 cf. Suzanne Boorer, *The Promise of the Land as Oath: A Key to the Formation of the Pentateuch* (BZAW 205; Berlin: de Gruyter, 1992), 232–35.

V   Probably at a late stage in the composition of Exod 19–24, a series of additions were made—most likely not all by the same hand—which emphasize Moses' special role as the mediator of the law as well as the people's ability to *perceive* Yhwh's revelation of the law (i.e., the Decalogue) to Moses but their inability to *discern the contents* of that revelation (Exod 19:9; 20:19-20, 22aβb-23). These texts seem to be part of a larger attempt to work out the implications of the dual revelation at the law at Sinai and on the plains of Moab—in other words, to explain the presence of overlapping legal corpora within the same literary work.

V   IV   III   II   I

19:1 בחדש השלישי לצאת בני ישראל מארץ מצרים ביום הזה באו מדבר סיני

2 ויסעו מרפידים ויבאו מדבר סיני ויחנו במדבר

ויחן שם ישראל נגד ההר

3 ומשה עלה אל האלהים

[ויקרא אליו ה׳ מן ההר לאמר כה תאמר לבית יעקב ותגיד לבני ישראל 4 אתם ראיתם אשר עשיתי למצרים ואשא אתכם על כנפי נשרים ואבא אתכם אלי 5 ועתה אם שמוע תשמעו בקלי ושמרתם את בריתי והייתם לי סגלה מכל העמים כי לי כל הארץ 6 ואתם תהיו לי ממלכת כהנים וגוי קדוש אלה הדברים אשר תדבר אל בני ישראל 7 ויבא משה ויקרא לזקני העם וישם לפניהם את כל הדברים האלה אשר צוהו ה׳ 8 ויענו כל העם יחדו ויאמרו כל אשר דבר ה׳ נעשה וישב משה את דברי העם אל ה׳]

9 ויאמר ה׳ אל משה הנה אנכי בא אליך בעב הענן בעבור ישמע העם בדברי עמך וגם בך יאמינו לעולם ויגד משה את דברי העם אל ה׳

10 ויאמר ה׳ אל משה לך אל העם וקדשתם היום ומחר וכבסו שמלתם 11 והיו נכנים ליום השלישי

[כי ביום השלישי ירד ה׳ לעיני כל העם על הר סיני 12 והגבלת את העם סביב לאמר השמרו לכם עלות בהר ונגע בקצהו כל הנגע בהר מות יומת 13 לא תגע בו יד כי סקול יסקל או ירה יירה אם בהמה אם איש לא יחיה]

במשך היבל המה יעלו בהר

14 וירד משה מן ההר אל העם ויקדש את העם ויכבסו שמלתם 15 ויאמר אל העם היו נכנים לשלשת ימים [אל תגשו אל אשה]

16 ויהי ביום השלישי בהית הבקר ויהי קלת וברקים וענן כבד על ההר

וקל שפר חזק מאד

ויחרד כל העם אשר במחנה 17 ויוצא משה את העם לקראת האלהים מן המחנה ויתיצבו בתחתית ההר

18 והר סיני עשן כלו מפני אשר ירד עליו ה׳ באש ויעל עשנו כעשן הכבשן ויחרד כל ההר מאד 19 ויהי קול השפר הולך וחזק מאד משה ידבר והאלהים יעננו בקול 20 וירד ה׳ על הר סיני אל ראש ההר ויקרא ה׳ למשה אל ראש ההר ויעל משה 21 יאמר ה׳ אל משה רד העד בעם פן יהרסו אל ה׳ לראות ונפל ממנו רב 22 וגם הכהנים הנגשים אל ה׳ יתקדשו פן יפרץ בהם ה׳ [23 ויאמר משה אל ה׳ לא יוכל העם לעלת אל הר סיני כי אתה העדתה בנו לאמר הגבל את ההר וקדשתו 24 ויאמר אליו ה׳ לך רד ועלית אתה ואהרן עמך והכהנים והעם אל יהרסו לעלת אל ה׳ פן יפרץ בם] 25 וירד משה אל העם ויאמר אלהם

V   IV   III   II   I

20:1 וידבר אלהים את כל הדברים האלה לאמר... [*DECALOGUE]

18 וכל העם ראים את הקולת ואת הלפידם ואת קול השפר ואת ההר עשן וירא העם וינעו ויעמדו מרחק

19 ויאמרו אל משה דבר אתה עמנו ונשמעה ואל ידבר עמנו אלהים פן נמות 20 ויאמר משה אל העם אל תיראו כי לבעבור נסות אתכם בא האלהים ובעבור תהיה יראתו על פניכם לבלתי תחטאו 21 ויעמד העם מרחק

ומשה נגש אל הערפל אשר שם האלהים 22 ויאמר ה׳ אל משה

כה תאמר אל בני ישראל אתם ראיתם כי מן השמים דברתי עמכם 23 לא תעשון אתי אלהי כסף ואלהי זהב לא תעשו לכם

24 מזבח אדמה תעשה לי וזבחת עליו את עלתיך ואת שלמיך את צאנך ואת בקרך בכל המקום אשר אזכיר את שמי אבוא אליך וברכתיך 25 ואם מזבח אבנים תעשה לי לא תבנה אתהן גזית כי חרבך הנפת עליה ותחללה 26 ולא תעלה במעלת על מזבחי אשר לא תגלה ערותך עליו 21:1 ואלה המשפטים אשר תשים לפניהם... [COVENANT CODE]

24:1 ואל משה אמר עלה אל ה׳ אתה ואהרן נדב ואביהוא ושבעים מזקני ישראל והשתחויתם מרחק 2 *ונגש משה לבדו אל ה׳ והם לא יגשו והעם לא יעלו עמו*

3 *ויבא משה ויספר לעם את כל דברי ה׳ ואת כל המשפטים* ויען כל העם קול אחד ויאמרו כל הדברים אשר דבר ה׳ נעשה

4 ויכתב משה את כל דברי ה׳ וישכם בבקר ויבן מזבח תחת ההר *ושתים עשרה מצבה לשנים עשר שבטי ישראל* 5 וישלח את נערי בני ישראל ויעלו עלת ויזבחו זבחים שלמים לה׳ פרים 6 ויקח משה חצי הדם וישם באגנת וחצי הדם זרק על המזבח 7 ויקח ספר הברית ויקרא באזני העם ויאמרו כל אשר דבר ה׳ נעשה ונשמע 8 ויקח משה את הדם ויזרק על העם ויאמר הנה דם הברית אשר כרת ה׳ עמכם על כל הדברים האלה

9 ויעל משה ואהרן נדב ואביהוא ושבעים מזקני ישראל 10 ויראו את אלהי ישראל ותחת רגליו כמעשה לבנת הספיר וכעצם השמים לטהר 11 *ואל אצילי בני ישראל לא שלח ידו ויחזו את האלהים ויאכלו וישתו*

12 *ויאמר ה׳ אל משה עלה אלי ההרה והיה שם ואתנה לך את לחת האבן והתורה והמצוה אשר כתבתי להורתם*

13 *ויקם משה ויהושע משרתו*

ויעל משה אל הר האלהים

14 *ואל הזקנים אמר שבו לנו בזה עד אשר נשוב אליכם והנה אהרן וחור עמכם מי בעל דברים יגש אלהם 15 ויעל משה אל ההר*

ויכס הענן את ההר 16 וישכן כבוד ה׳ על הר סיני ויכסהו הענן ששת ימים ויקרא אל משה ביום השביעי מתוך הענן 17 ומראה כבוד ה׳ כאש אכלת בראש ההר לעיני בני ישראל 18 ויבא משה בתוך הענן ויעל אל ההר

ויהי משה בהר ארבעים יום וארבעים לילה

2.3. Literary-critical analysis of Deut 5:1–6:3

Before the narratives in Deut 5:1–6:3 and Exod 19–24 can be compared, the literary growth of the narrative material in Deut 5:1-5, 22-33; 6:1-3 should first be investigated independently as far as this is possible. This material contains a Mosaic retrospective of the events surrounding the revelation of the law at the mountain of God and forms a frame around the text of the Decalogue (5:6-21).

The opening frame (Deut 5:1-5). There are several indications of compositional growth within Deut 5:1-5. Between 5:1 and 5:2, there is a shift in both implied audience as well as in subject matter, suggesting that these verses are not a compositional unity. When Moses begins speaking to the people in 5:1aα$_2$βb, he addresses them using 2mp grammatical forms; in contrast, 5:2 switches to 1cp grammatical forms, thereby including Moses as part of the implied audience. Moreover, Moses' exhortation in 5:1aα$_2$βb to hear the חקים and משפטים is rather out of place in this opening framework to the Decalogue, since elsewhere these terms point to the Deuteronomic law (cf. 4:45; 6:1). Thus, it is likely that 5:1aα$_2$βb does not belong to the most basic compositional layer within 5:1-5*.[112]

It is also likely that 5:2 and 5:3 are not the product of a single hand, since 5:2 uses the preposition עם whereas 5:3 twice uses the preposition את to describe the party with whom Yhwh made a covenant. Considering that 5:3 cannot stand alone without 5:2 (since

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[112] Cf. A. D. H. Mayes, *Deuteronomy* (NCBC 5; London: Oliphants, 1979), 165 (who, however, seems to assign 5:1 *in its entirety* to a later compositional level, which is problematic for other reasons); Timo Veijola, *Das fünfte Buch Mose: Deuteronomium Kapitel 1,1–16,17* (ATD 8/1; Göttingen: Vandenhoeck & Ruprecht, 2004), 141; and Lothar Perlitt, *Deuteronomium, 1. Teilband: Deuteronomium 1–6** (BKAT V/I; Neukirchen-Vluyn: Neukirchener Verlag, 2013), 414; against Otto, *Deuteronomium 4,44–11,32* (HThKAT; Freiburg: Herder, 2012), 674, 676, who regards 5:1aβb as part of the most basic compositional level in Deut 5 and argues that "[d]ie Autoren der Horebredaktion nehmen die Inkonsistenz, dass Dtn 5,1* vor Dtn 5,31 zu früh kommt, in Kauf, um Dtn 5,1-31 zu rahmen."

the reference to הברית הזאת in 5:3 presupposes the reference to the ברית in 5:2), 5:3 would thus be later than 5:2.[113]

Provided that 5:3 is a later addition, then 5:2 would have once been followed directly by 5:4. Yet there is some reason to suspect that 5:2 and 5:4 also do not go back to the same compositional level, since 5:2 uses 1cp grammatical forms while 5:4 uses 2mp forms and since it would be somewhat unusual for a single author to have named Yhwh explicitly as the subject in both 5:2 and 5:4. These observations, however, are not decisive; thus, whether 5:2 and 5:4 belong to the same or different compositional levels cannot be determined with certainty.[114] What does seem certain is that 5:4 cannot be *earlier* than 5:2: whereas 5:2 is concerned with *what* happened at Horeb (namely, Yhwh's making a covenant with the people), 5:4 is primarily concerned with *how* Yhwh communicated with the people and thus seems to presuppose the general setting of the events described in 5:2.[115]

Finally, 5:4 and 5:5 are not a compositional unity. Syntactically, 5:5* interrupts the connection between the introduction of divine speech in 5:4 and the word לאמר at the end of 5:5, suggesting that 5:5* (except לאמר) is later than 5:4. This conclusion is further

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[113] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 133; Hossfeld, *Dekalog*, 224; Richard D. Nelson, *Deuteronomy* (OTL; Louisville: Westminster/John Knox, 2002), 77 n. 1; and Veijola, *Deuteronomium 1,1–16,17*, 141; against Weinfeld, *Deuteronomy 1–11*, 237 (who treats 5:2-3 together as "an explanatory gloss") as well as against Eckart Otto, *Das Deuteronomium im Pentateuch und Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* (FAT 30: Tübingen: Mohr Siebeck, 2000), 121 n. 56; idem, *Deuteronomium 1–11, Zweiter Teilband: Deuteronomium 4,44–11,32*, 674; and Perlitt, *Bundestheologie*, 81; idem, *Deuteronomium 1–6**, 416, both of whom assign 5:3 to the most basic compositional level.

[114] For the view that 5:4 is later than 5:2 cf. Perlitt, *Bundestheologie*, 81 n. 1; idem, *Deuteronomium 1–6**, 415; and Mayes, *Deuteronomy*, 166. For the view that 5:2 and 5:4 belong to the same compositional level cf. Mittmann, *Deuteronomium 1,1–6,3*, 132–33; Hossfeld, *Dekalog*, 224; and Veijola, *Deuteronomium 1,1–16,17*, 134.

[115] In this respect, Veijola (*Deuteronomium 1,1–16,17*, 133 n. 56) is certainly correct in concluding that "Vers 2 kann auf keinen Fall eine sekundäre Zutat sein."

supported by the fact that 5:5* contradicts the perspective of 5:4. Whereas in 5:4 Moses states that Yhwh spoke with the people face to face (פנים בפנים) at/on the mountain, in 5:5* Moses states that he stood between the people and Yhwh, relaying Yhwh's message to the people, since they were afraid on account of the fire and did not ascend the mountain.[116]

When the above observations are combined, the most basic material in the opening framework to the Decalogue can be identified in 5:1aα$_1$, 2, (4?), 5* (only לאמר). This framework was later supplemented by 5:1aα$_2$βb, 3, and 5*, although it is unclear in which order these additions entered the text. Whether this introduction to the Decalogue formed the earliest continuation of Moses' summoning of the people in 5:1aα$_1$ is another question. Indeed, it is possible that 5:1aα$_1$ was once followed not by the שמע ישראל in 5:1aα$_2$ but rather by the שמע ישראל in 6:4.[117] If this is the case, then even the most basic text of Moses' retrospective in 5:1–6:3* would post-date the earliest narrative integration of Deuteronomy's promulgation on the plains of Moab effected by 5:1aα$_1$.

The closing frame (Deut 5:22–6:3). Following the citation of the Decalogue in 5:6-21, the remainder of Moses' retrospective in 5:22–6:3 is concerned primarily with the question of what the people heard and did not hear during the revelation of the law at the

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[116] That 5:5* is later than 5:4 constitutes a consensus among commentators; cf. Perlitt, *Bundestheologie*, 81 n. 1; Mittmann, *Deuteronomium 1,1–6,3*, 132; Mayes, *Deuteronomy*, 166; Hossfeld, *Dekalog*, 225–26; Weinfeld, *Deuteronomy 1–11*, 240–41; Otto, *Das Deuteronomium im Pentateuch*, 116; idem, *Deuteronomium 4,44–11,32*, 674; Nelson, *Deuteronomy*, 77 n. 1; Veijola, *Deuteronomium 1,1–16,17*, 135, 146; and Karin Finsterbusch, *Deuteronomium: Eine Einführung* (UTB 3626; Göttingen: Vandenhoeck & Ruprecht, 2012), 79.

[117] Cf. Reinhard G. Kratz, "Der literarische Ort des Deuteronomiums," in *Liebe und Gebot: Studien zum Deuteronomium: FS Lothar Perlitt* (ed. Reinhard G. Kratz and Hermann Spieckermann; FRLANT 190; Göttingen: Vandenhoeck & Ruprecht, 2000), 101–20 (118); idem, *Komposition*, 129 (ET 124–25); idem, "The Headings of the Book of Deuteronomy," in *Deuteronomy in the Pentateuch, Hexateuch, and the Deuteronomistic History* (ed. Konrad Schmid and Raymond F. Person, Jr.; FAT II/56; Tübingen: Mohr Siebeck, 2012), 31–46 (44).

mountain of God. Since the *Shema* (6:4) can hardly have followed directly upon the text of the Decalogue in 5:6-21 without a narrative transition, some version of the etiology of the two-tiered revelation of the law in 5:22–6:3 must have accompanied the insertion of the Decalogue from the outset.[118] Like the opening frame, the closing frame is not a compositional unity.

5:22 clearly depicts Yhwh as revealing the specific *content* of the Decalogue to the people (את הדברים האלה דבר ה׳ אל כל קהלכם). At the same time, this verse emphasizes that this is *all* that Yhwh revealed to the people (ולא יסף). Although some commentators have argued that the phrase ולא יסף at the end of 5:22a as well as 5:22b are later additions,[119] this is questionable, particularly for the phrase ולא יסף in 5:22a, which goes hand in hand with the etiology of the two-tiered revelation of the law developed in the remainder of the closing frame to the Decalogue in 5:23-31*. Thus, it seems quite possible that 5:22 as a whole belongs to the most basic material in 5:22–6:3.

In terms of implied audience, most of 5:23 connects smoothly to 5:22. An exception is 5:23bβ, where the reference to the tribal leaders and elders stands in tension with the 2mp implied audience in the surrounding verses and which is widely agreed to be a later addition.[120]

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[118] These considerations lend some weight to the possibility that 5:4 belongs to most basic compositional level in the opening narrative frame to the Decalogue in 5:1-5* (see the discussion above). As Veijola (*Deuteronomium 1,1–16,17*, 134) has remarked, "Dass Jahwe mit dem Volk ('euch') am Horeb direkt redete, sollte bald Furch auslösen und die Bitte hervorrufen, Mose möge als Mittler bei der weiteren Offenbarung tätig sein (V. 23-31)."

[119] So Mittmann, *Deuteronomium 1,1–6,3*, 137; Hossfeld, *Dekalog*, 228; and Veijola, *Deuteronomium 1,1–16,17*, 140; see also Otto, *Deuteronomium 4,44–11,32*, 668, 677, who regards only the phrase ויתנם אלי in 5:22bβ as a later addition.

[120] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 137–38; Mayes, *Deuteronomy*, 172; and Perlitt, *Deuteronomium 1–6**, 425.

In 5:24, there is a slight syntactic tension between 5:24a and 5:24b, as the phrase היום הזה in 5:24b appears quite abruptly. In terms of content, 5:24b also stands in tension with the people's subsequent request in 5:25b, 27 that Moses act as an intermediary on account of their fear of dying if they continue to hear Yhwh's voice. In light of these observations, it seems possible that 5:24b is a later addition.[121]

The fact that 5:25 contains two different reasons for the people's fear of death suggests that this verse underwent compositional growth. Considering that the reason given in 5:25b—namely, that the people will die if they continue to hear Yhwh's voice—is integrally connected to the people's subsequent request that Moses act as an intermediary, this half-verse must belong to the most basic material in 5:22–6:3. This suggests that 5:25a* (with the exception of ועתה) is a later addition.[122] Such an addition was perhaps motivated by the insertion of 5:24b (which states that humans can hear divine speech and live), thus providing an alternative reason for the people's fear of death.[123]

5:26 provides a parenthetical theological rumination that interrupts the people's statement of their fear of death in 5:25* and their resulting request that Moses act as intermediator between Yhwh and the people in 5:27. Considering that this verse constitutes a digression from the main etiological purpose of 5:22–6:3, it is quite possibly a later addition.[124] The same can be said of 5:29, which provides parenthetical information that in-

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[121] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 138; Hossfeld, *Dekalog*, 229; and Veijola, *Deuteronomium 1,1–16,17*, 146. Mayes (*Deuteronomy*, 172–73) argues that 5:24 as a whole is a later addition, although this cannot be the case, since without 5:24a the people's discourse to Moses in 5:25 would lack a preceding marker of direct speech, and their reference to the fatal consequences of hearing the deity's voice would lack a motivation. In contrast, Perlitt (*Deuteronomium 1–6**, 428–29) tends toward regarding 5:24 as a whole as belonging to the most basic material in 5:22-31.

[122] Cf. Hossfeld, *Dekalog*, 230.

[123] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 138–39.

[124] Cf. Mayes, *Deuteronomy*, 173; Hossfeld, *Dekalog*, 231; Otto, *Das Deuteronomium im Pentateuch*, 116; idem, *Deuteronomium 4,44–11,32*, 675; Nelson, *Deuteronomy*, 77 n. 1; Veijola, *Deuteronomium 1,1–16,17*, 146; and Perlitt, *Deuteronomium 1–6**, 430–31; against Mittmann, *Deuteronomium 1,1–6,3*, 138–39, who

terrupts Yhwh's approval of the people's proposal in 5:28 and the resulting instructions to Moses in 5:30-31.[125]

There are several indications that 5:32-33 do not belong to the same composition-al level as 5:31. From a literary-critical perspective, the 2mp form of address in 5:32-33 does not connect smoothly with 5:31, in which Yhwh addresses Moses and refers to the people in the third person.[126] That 5:32-33 are *later* than 5:31 is confirmed by the absence of these verses in the text of Deut 5 from three Qumran phylacteries (4QPhyl A, B, J).[127]

In contrast to the Decalogue, which 5:1-5, 22-31* (with the exception of 5:5*) overwhelmingly regard as having been heard directly by the people, 6:1 assumes that the "commandment and the statutes and the ordinances" were *not* revealed to the people and that Moses must *teach* these laws to the people. In other words, 6:1 presupposes the etiol-ogy of the two levels of revelation developed in 5:1-5, 22-31*. Thus, it is reasonable to assume that 6:1 was formulated specifically as a fulfillment of 5:31, since both verses use the same phrase המצוה והחקים והמשפטים as well as the verb למד D. Considering that 6:1 can-not stand alone without 5:1-5, 23-31* and that 5:31 does not connect smoothly to the *She-ma* in 6:4, it seems likely that 6:1 once connected directly to 5:31.[128] In contrast, 6:2-3 shift to a 2ms form of address and are widely regarded as later than 6:1.[129]

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seems to regard 5:26 as part of the most basic compositional layer.

[125] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 139; Mayes, *Deuteronomy*, 173; Hossfeld, *Dekalog*, 231; Veijola, *Deuteronomium 1,1–16,17*, 144; and Berner, "Redaction History," 387; differently Perlitt, *Deuteronomium 1–6*, 434.

[126] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 139; Hossfeld, *Dekalog*, 234–36; Otto, *Das Deuteronomium im Pentateuch*, 141; Veijola, *Deuteronomium 1,1–16,17*, 145; and Perlitt, *Deuteronomium 1–6*, 438.

[127] On this see Alexander Rofé, "Deuteronomy 5:28–6:1: Composition and Text in the Light of Deuteronomic Style and Three *Tefillin* from Qumran (4Q 128, 129, 137)," *Henoch* 7 (1985): 1–14 and Emanuel Tov, *Textual Criticism of the Hebrew Bible* (2d ed.; Minneapolis: Fortress, 2001), 345.

[128] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 139; Mayes, *Deuteronomy*, 174; and Veijola, *Deuteronomium 1,1–16,17*, 138.

[129] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 140; Mayes, *Deuteronomy*, 174; Veijola, *Deuteronomium 1,1–16,17*, 145–46; and Perlitt, *Deuteronomium 1–6*, 441–44.

Synthesis: The literary growth of Deut 5:1–6:3

I It is possible that 5:1aα$_1$ originally connected directly to the beginning of the *Shema* in 6:4 and to the Deuteronomic law prior to the insertion of the Mosaic retrospective in Deut 5:1–6:3*. If this is indeed the case, then it indicates that the earliest embedding of the Deuteronomic law within its present narrative context did not originally claim that the latter was revealed at the mountain of God.

II In the next stage of composition, a large amount of material was inserted between 5:1aα$_1$ and 6:4—perhaps consisting in its most basic form of 5:2, (4?), 5* (only לאמר), 6-21*, 22-23abα, 24a, 25a* (only ועתה), 25b, 27-28, 30-31; 6:1[130]—and served to situate the original revelation of the Deuteronomic law to Moses at the mountain of God. In order to explain why this law—unlike the Decalogue—was not revealed to the people at that time, an etiology was developed whereby the people request that Moses serve as their intermediary.[131]

III In a subsequent stage of composition, a variety of smaller additions were made in 5:1–6:3, including 5:1aα$_2$βb, 3, 5, 29, 32-33; and 6:2-3. Whereas the additions in 5:29, 32-33; and 6:2-3 primarily reinforce the call to obey the Deuteronomic law that is already implicit in 5:31 and 6:1, the additions in 5:3 and 5:5 are more radical, as they seek to revise two fundamental notions about the nature of the revelation at the mountain of God itself, namely, who was party to the covenant there (5:3) and whether the people even heard the Decalogue (5:5).

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[130] Here I agree in large part with Veijola's reconstruction (*Deuteronomium 1,1–16,17*, 131) of the *Grundschicht* in 5:1–6:3*, although I regard 5:1aα$_1$ as earlier than the rest of the unit.

[131] This etiological function of Deut 5:1–6:3* is widely acknowledged; cf., e.g., Nelson, *Deuteronomy*, 77 and Reinhard G. Kratz, "'Höre Israel' und Dekalog," in *Die Zehn Worte: Der Dekalog als Testfall der Pentateuchkritik* (ed. Christian Frevel, Michael Konkel, and Johannes Schnocks; Freiburg im Breisgau: Herder, 2005), 77–86 (80).

5:1 ויקרא משה אל כל ישראל ויאמר אלהם

שמע ישראל

את החקים ואת המשפטים אשר אנכי דבר באזניכם היום ולמדתם אתם ושמרתם לעשתם

2 ה׳ אלהינו כרת עמנו ברית בחרב

3 לא את אבתינו כרת ה׳ את הברית הזאת כי אתנו אנחנו אלה פה היום כלנו חיים

4 *פנים בפנים דבר ה׳ עמכם בהר מתוך האש*

5 אנכי עמד בין ה׳ וביניכם בעת ההוא להגיד לכם את דבר ה׳ כי יראתם מפני האש ולא עליתם בהר

לאמר [Decalogue: 6-21]

22 את הדברים האלה דבר ה׳ אל כל קהלכם בהר מתוך האש הענן והערפל קול גדול ולא יסף ויכתבם על שני לחת אבנים ויתנם אלי 23 ויהי כשמעכם את הקול מתוך החשך וההר בער באש ותקרבון אלי [^{III} *כל ראשי שבטיכם וזקניכם*] 24 ותאמרו הן הראנו ה׳ אלהינו את כבדו ואת גדלו ואת קלו שמענו מתוך האש [^{III} *היום הזה ראינו כי ידבר אלהים את האדם וחי*] 25 ועתה [^{III} *למה נמות כי תאכלנו האש הגדלה הזאת*] אם יספים אנחנו לשמע את קול ה׳ אלהינו עוד ומתנו

26 כי מי כל בשר אשר שמע קול אלהים חיים מדבר מתוך האש כמנו ויחי

27 קרב אתה ושמע את כל אשר יאמר ה׳ אלהינו ואת תדבר אלינו את כל אשר ידבר ה׳ אלהינו אליך ושמענו ועשינו 28 וישמע ה׳ את קול דבריכם בדברכם אלי ויאמר ה׳ אלי שמעתי את קול דברי העם הזה אשר דברו אליך היטיבו כל אשר דברו

29 מי יתן והיה לבבם זה להם ליראה אתי ולשמר את כל מצותי כל הימים למען ייטב להם ולבניהם לעלם

30 לך אמר להם שובו לכם לאהליכם 31 ואתה פה עמד עמדי ואדברה אליך את כל המצוה והחקים והמשפטים אשר תלמדם ועשו בארץ אשר אנכי נתן להם לרשתה

32 ושמרתם לעשות כאשר צוה ה׳ אלהיכם אתכם לא תסרו ימין ושמאל 33 בכל הדרך אשר צוה ה׳ אלהיכם אתכם תלכו למען תחיון וטוב לכם והארכתם ימים בארץ אשר תירשון

6:1 וזאת המצוה החקים והמשפטים אשר צוה ה׳ אלהיכם ללמד אתכם לעשות בארץ אשר אתם עברים שמה לרשתה

2 למען תירא את ה׳ אלהיך לשמר את כל חקתיו ומצותיו אשר אנכי מצוך אתה ובנך ובן בנך כל ימי חייך ולמען יארכן ימיך 3 ושמעת ישראל ושמרת לעשות אשר ייטב לך ואשר תרבון מאד כאשר דבר ה׳ אלהי אבתיך לך ארץ זבת חלב ודבש

4 שמע ישראל ה׳ אלהינו ה׳ אחד...

2.4. Comparison of Exod 19–24 and Deut 5:1–6:3

Comparison of Deut 5:1–6:3 with Exod 19–24 (as well as with other Pentateuchal texts) strongly suggests that the insertion of the Decalogue in 5:6-21* and its most basic narrative frame in Deut 5:2, (4?), 5* (only לאמר), 22-23abα, 24a, 25a* (only ועתה), 25b, 27-28, 30-31; 6:1 presuppose a version of Exod 19–24 that had already reached a post-priestly stage of composition. Three examples demonstrate this particularly well. (1) The reference to the ברית in Deut 5:2 indicates that this verse presupposes the covenant ceremony in Exod 24:4-8,[132] which belongs to a post-priestly stage of composition (see 2.2). (2) The statement in Deut 5:22 that Yhwh spoke to "your entire congregation" (אל כל קהלכם) employs the term קהל, which occurs in (post-)priestly texts in the books of Genesis through Numbers[133] and in other late contexts elsewhere in the book of Deuteronomy.[134] (3) Deuteronomy 5:4, 22a seem to presuppose the description of the burning mountain in Exod 19:18. (4) The people's statement in Deut 5:24a that Yhwh revealed his glory (כבוד) to them has its only parallel in Exod 24:17 (ומראה כבוד ה' כאש אכלת בראש ההר לעיני בני ישראל), which occurs in the middle of a unit (Exod 24:15b-18a) that is widely attributed to priestly authorship.[135]

Although Deut 5:1–6:3—including the text of the Decalogue[136]—originally drew upon some form of Exod 19–24 as a literary *Vorlage*, Exod 19–24 also shows signs of later compositional activity that reacts to Deut 5:1–6:3. For example, it may be the case that

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[132] Cf. Veijola, *Deuteronomium 1,1–16,17*, 133; against Erik Aurelius, "Der Ursprung des Ersten Gebots," *ZTK* 100 (2003): 1–21 (17), who argues that Deut 5:2 has literary priority over Exod 24:4-8.

[133] Gen 28:3; 35:11; 48:4; 49:6; Exod 12:6; 16:3; Lev 4:13, 21; 16:17, 33; Num 10:7; 14:5; 15:15; 16:3, 33, 47; 19:20; 20:4, 6, 10, 12; 22:4.

[134] Deut 9:10; 10:4; 18:16; 23:1-3, 8; 31:30. On the post-priestly nature of Deut 9:10 and 10:4 cf. 3.4.

[135] Cf. Perlitt, *Deuteronomium 1–6**, 427.

[136] Here I cannot agree with the view of Hossfeld (*Dekalog*) that the Decalogue has its original literary setting in Deut 5 rather than in Exod 20.

texts in Exod 19 that explicitly prohibit the people from ascending the mountain (e.g., Exod 19:12-13a, 23-24) represent a reaction against the notion that the people are "on" or "at" the mountain (בהר) in Deut 5:4 and 5:22.[137] Yhwh's statement in Exod 19:13b that the people should ascend the mountain at the sound of the יבל also seems to presuppose the notion of the people "on" or "at" the mountain in Deut 5:4 and 5:22, although this half-verse seems to *support* the view of Deut 5:4 and 5:22 rather than challenge it.[138] Considering that Exod 19:13b is likely later than 19:12-13a,[139] this "revision of a revision" suggests that the author of Exod 19:13b was primarily concerned with coordinating Exod 19–24 with Deut 5:1–6:3, even at the expense of contradicting Exod 19:12-13a.

Another significant case in which Exod 19–24 was likely revised in light of Deut 5:1–6:3 is found in Exod 20:19-21a. In Exod 20:18, the people are frightened by the theophanic phenomena, causing them to stand "from afar" (ויעמדו מרחק), and in 20:19 they ask Moses to speak to them rather than God lest they die. Moses responds by telling the people not to fear, since this is only a test by God. This unit has close conceptual and lexical connections with Deut 5:23-27*:

Exod 20:19-21a 19 ויאמרו אל משה דבר אתה עמנו ונשמעה ואל ידבר עמנו אלהים פן נמות 20 ויאמר משה אל העם אל תיראו כי לבעבור נסות אתכם בא האלהים ובעבור תהיה יראתו על פניכם לבלתי תחטאו 21 ויעמד העם מרחק

Deut 5:23-27* 23 ויהי כשמעכם את הקול מתוך החשך וההר בער באש ותקרבון אלי [...] 24 ותאמרו הן הראנו ה׳ אלהינו את כבדו ואת גדלו ואת קלו שמענו מתוך האש [...] 25 ועתה [...] אם יספים אנחנו לשמע את קול ה׳ אלהינו עוד ומתנו [...] 27 קרב אתה ושמע את כל אשר יאמר ה׳ אלהינו ואת תדבר אלינו את כל אשר ידבר ה׳ אלהינו אליך ושמענו ועשינו

[137] Cf. Oswald, *Staatstheorie*, 89, who regards Exod 19:11b-13a, 20-25 as later than Deut 5:4, 22-23.

[138] Cf. idem, *Israel am Gottesberg*, 170, who regards Exod 19:13b as an alignment with Deut 5:4.

[139] Against idem, *Staatstheorie*, 89, who regards Exod 19:11b-13a ("P") as later than Exod 19:13b ("DtrG"). Here, Oswald seems forced into this conclusion out of *Systemzwang*, since he does not consider the possibility that Deut 5:1–6:3* ("DtrG") is already a post-priestly text.

Significantly, whereas the people's request in Deut 5:24-27* that Moses act as intermediary is fundamental to the etiology of the two-tiered revelation in Deut 5:1–6:3, in Exod 20:19 this request is not fundamental to the communication of the Covenant Code that follows;[140] indeed, it is part of an insertion that was assigned on literary-critical grounds to one of the latest stages in the formation of Exod 19–24 (see 2.2). This suggests that Deut 5:23-27* was the *Vorlage* of Exod 20:19-21a and not *vice versa*. This direction of dependence finds further support in Moses' response in Exod 20:20, in which Moses states that God has come "in order that his fear may be upon your face(s) so that you do not go astray" (בעבור תהיה יראתו על פניכם לבלתי תחטאו). This phrase may be an idiosyncratic rephrasing of Deut 6:2 (למען תירא את ה׳ אלהיך לשמר את כל חקתיו ומצותיו...ולמען יארכן ימיך), part of a later, parenetic addition to Deut 5:1–6:3.[141]

Whether Exod 20:18, 21b-22a also already presuppose Deut 5 is more difficult to determine. What *is* clear is that these verses form a necessary narrative transition to the laws in Exod 20:24-26; 21–23* *and* that they, like Deut 5, have a conception of a two-tiered revelation at the mountain of God. If Exod 20:18, 21b-22a have literary priority over Deut 5, then this would indicate that the etiology of the two-tiered revelation was not originally conceived in order to retroject the Deuteronomic law back to the mountain of God but rather to differentiate the modes by which the Decalogue and the Covenant Code were revealed. Yet, as discussed above, this differentiation serves a clear purpose in Deut 5, whereas in Exod 19–24* its purpose is not so clear, particularly since Moses ulti-

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[140] Cf. Berner, "Redaction History," 383: "[O]ne cannot avoid the impression that the people's request is only loosely integrated into its immediate context."

[141] For the view that at least some of the material within Exod 20:18-21a is dependent on Deut 5:1–6:3 cf. Hossfeld, *Dekalog*, 173; Perlitt, *Deuteronomium 1–6**, 426; and Berner, "Redaction History," 386–87. See also Otto, *Deuteronomium 4,44–11,32*, 674–75, who argues that Exod 20:18-21 as a whole are later than Deut 5.

mately communicates the contents of the Covenant Code to the people in 24:3. This suggests that even Exod 20:18, 21b-22a may already presuppose Deut 5 and its historical claims.[142] If this is the case, it has far-reaching consequences for the insertion of the Covenant Code into its present narrative framework, suggesting that this only occurred *after* the integration of the Deuteronomic law within an exodus-conquest narrative *and* at a post-priestly stage of composition.

2.5. RESULT

The foregoing analysis has concluded that the most basic material within Exod 19–24 may have consisted solely of the arrival in the wilderness of Sinai in 19:2aα$_2$ (ויבאו מדבר סיני), which would have connected backwards to the departure from Elim in 16:1aα and forwards to Num 10:12a* + 20:1a*. The next stage in the formation of the Sinai pericope—if it is indeed to be separated from the itinerary notice in 19:2aα$_2$—introduced the mountain of God as the setting for the revelation of the Decalogue and the people's commitment to obey the law (19:2b, 16aα, 16b-17; 20:1-17*; 24:3b). While there is no evidence that these initial stages of composition presuppose priestly literature, all subsequent stages are likely (post-)priestly.

The first stage of post-priestly composition likely consisted of a basic version of Moses' interaction with Yhwh in 19:3a, 10-11, 14-15, 18-19a as well as the covenant ceremony in 24:4-8. These materials are already presupposed by the most basic narrative thread in Deut 5:1–6:3, indicating that the latter unit—apart from possibly 5:1aα$_1$—is a

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[142] Cf. Berner, "Redaction History," 385, who observes that 20:18a assumes that the Decalogue was revealed to Moses alone. I disagree, however, with Berner's conclusion that 20:18b is earlier than 20:18a, since the people's fear in 20:18b only makes sense in light of 20:18a.

post-priestly composition from the outset. Considering that the etiology of the two-tiered revelation of the law is most likely more original to Deut 5:1–6:3 than to Exod 20:18, 21b-22aα, this suggests that the integration of the laws in Exod 20:24-26; 21–23* cannot have occurred prior to the composition of Deut 5:1–6:3 and, by extension, cannot have occurred at a pre-priestly stage of composition. The post-priestly insertion of Exod 20:24-26; 21–23* is further supported by the analysis of 20:18, 21b, which already pre-suppose priestly elements in the theophany narrative in Exod 19.

A number of other texts in Exod 19–24 also likely presuppose Deut 5:1–6:3 and therefore the integration of the Deuteronomic law within the exodus-conquest narrative. These include Yhwh's instructions to Moses in Exod 19:12-13a and 19:23-24, both of which react to the notion that the people were "on" or "at" the mountain found in Deut 5:4, 22.[143] At a later stage of composition, Exod 19:13b was added as a coordination with Deut 5:1–6:3, despite the tension that this created with Exod 19:12-13a.

Finally, at perhaps one of the latest stages in the growth of Exod 19–24 and Deut 5:1–6:3, Deut 5:5 was inserted in order to imply that even the *Decalogue* was mediated to the people via Moses, a notion which is at odds with the most basic material in both Exod 19–24 and Deut 5:1–6:3. This notion may have its origin in the insertion of the laws in Exod 20:18, 21b-22aα, 24-26; 21–23*; 24:3a, which, notably, never state that the people heard the contents of the Decalogue. Indeed, 24:3a implies that Moses reported *both* the Decalogue *and* the משפטים to the people. In this respect, Deut 5:5 represents a coordination with a later stratum in Exod 19–24 that is itself reinterpreting Deut 5:4.[144]

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[143] The warning in Exod 19:21 against the people "breaking through" to "see" (פן יהרסו לראות) may also be reacting to Deut 5:24, where the people state that Yhwh showed them his glory.

[144] Cf. Berner, "Redaction History," 384–85, who, however, argues that Exod 20:18a, 19 presuppose Deut 5:5 and not vice versa. Berner (ibid., 386) also assigns Exod 19:9, 19b to this late stage of reworking.

CHAPTER 3: THE GOLDEN CALF AND ITS AFTERMATH

(EXOD 32–34 // DEUT 9:7–10:11)

According to the classical Documentary Hypothesis as well as most recent non-documentary models for the formation of the Pentateuch, the most basic narrative materials in Exod 32–34 are typically regarded as the continuation of a pre-priestly narrative thread (or threads) in Exod 19–24.[1] While commentators since the 1970s have increasingly noted post-priestly compositional activity in Exod 32–34 (beyond Exod 34:29-35, which has

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[1] Wellhausen, *Composition*, 83–86, 91–98 (J and E); Martin Noth, *Überlieferungsgeschichte des Pentateuch* (Stuttgart: Kohlhammer, 1948), 14, 33; translated as *A History of Pentateuchal Traditions* (trans. Bernhard W. Anderson; Englewood Cliffs, N.J.: Prentice-Hall, 1972), 15, 31 (J); idem, *Das zweite Buch Mose*, 202, 214 (ET 245–46, 260) (J); Sigo Lehming, "Versuch zu Ex. xxxii," *VT* 19 (1960): 16–50 (JE); Perlitt; *Bundestheologie*, 211 (who regards Exod 32–34* as a *Fortschreibung* of Exod 19–24* from the time of Josiah); Zenger, *Sinaitheophanie*, 119–163 with a summary on 164–65 (Exod 32* = JE; Exod 33–34 = J + E); idem, *Israel am Sinai*, 155 (J + JE); José Loza, "Exode xxxii et la rédaction JE," *VT* 23 (1973): 31–55 (Exod 32 = JE); Childs, *Exodus*, 558–61, 584, 607–9 (Exod 32 = J; Exod 33 cannot be easily assigned to a source; and Exod 34 = JE); Walter Moberly, *At the Mountain of God: Story and Theology in Exodus 32–34* (JSOTSup 22; Sheffield: JSOT Press, 1983), 185–86 (Exod 32–34 were redacted during the 10th or 9th c.); Van Seters, *Life*, 290–360 (a "late Yahwist"); Joachim Hahn, *Das "Goldene Kalb": Die Jahwe-Verehrung bei Stierbildern in Geschichte Israels* (EHS 154; Frankfurt a.M.: Peter Lang, 1981), 101–43, esp. 140 (Exod 32 cannot be assigned to either J or E but is in any case pre-Dtr); Jacques Vermeylen, "L'affaire du veau d'or (Ex 32–34): Une clé pour la 'question deutéronomiste'," *ZAW* 97 (1985): 1–23 (Exod 32–34 have a Dtr *Grundschicht*); William Johnstone, "Reactivating the Chronicles Analogy in Pentateuchal Studies, with Special Reference to the Sinai Pericope in Exodus," *ZAW* 99 (1987): 16–37; Peter Weimar, "Das Goldene Kalb: Redaktionskritische Erwägungen zu Ex 32," *BN* 38/39 (1987): 117–60, esp. 146–48 (Exod 32–34* = JE); Aurelius, *Fürbitter*, 74–77, 126 (Exod 32 cannot be assigned to J or E but likely dates to the 7th c.; Exod 34 is not earlier than the 6th c.); Christoph Dohmen, *Das Bilderverbot: Seine Entstehung und seine Entwicklung im Alten Testament* (BBB 62; Bonn: Hanstein, 1985), 126–27 (Exod 32 represents an independent narrative incorporated by JE); Crüsemann, *Die Tora*, 67 (Exod 32–34* are pre-Deuteronomistic); Smith, *Pilgrimage Pattern*, 256–57 (Exod 32–34* are "pre-priestly"); Hans-Christoph Schmitt, "Die Erzählung vom Goldenen Kalb Ex 32* und das Deuteronomistische Geschichtswerk," in idem, *Theologie in Prophetie und Pentateuch: Gesammelte Schriften* (BZAW 310; Berlin: de Gruyter, 2001), 311–25, esp. 314 (the *Grundschicht* of Exod 32 is post-Dtr but pre-priestly); Propp, *Exodus 19–40*, 148–53 (J and E); Youn Ho Chung, *The Sin of the Calf: The Rise of the Bible's Negative Attitude Toward the Golden Calf* (LHBOTS 523; London: T&T Clark, 2010), 30–46 (Exod 32 = primarily E); Baden, *J, E*, 160–72 (Exod 32–34 = primarily J and E); Blum, *Studien*, 73–75 (Exod 32–34* = KD); Konkel, *Sünde und Vergebung*, 254 (Exod 32–34 contain several pre-Dtr compositional layers); Dozeman, *Exodus*, 577 (Exod 32–34* belong to a "Non-P History"); Oswald, *Staatstheorie*, 126–29 (Exod 32–34* are Deuteronomistic); Stackert, *A Prophet Like Moses*, 82–92 (parts of Exod 32–34 = E). For a history of research on Exod 32–34 up to the turn of the millennium, see Konrad Schmid, "Israel am Sinai: Etappen der Forschungsgeschichte zu Ex 32–34 in seinen Kontexten," in *Gottes Volk am Sinai: Untersuchungen zu Ex 32–34 und Dtn 9–10* (ed. Matthias Köckert and Erhard Blum; VWGTh 18; Gütersloh: Gütersloher Verlagshaus, 2001), 9–40.

long been regarded as priestly[2]),[3] only a handful of scholars have argued that (at least

parts of) these chapters presuppose priestly literature from the beginning.[4] Some of the

events in this unit are taken up in the historical retrospective in Deut 9:7–10:11, which

has often been used in reconstructing the literary prehistory of Exod 32–34. Although

such comparison *may* be relevant for diachronic analysis, it is methodologically unsound

to take the retrospective in Deuteronomy as the *starting point* for the literary criticism of

Exod 32–34.[5] Rather, Exod 32–34 should first be analyzed in terms of its narrative conti-

nuities and discontinuities as well as its more immediate intertextual and conceptual link-

ages before being compared with the Mosaic retrospective in Deuteronomy.[6]

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[2] Cf. the table in Zenger, *Sinaitheophanie*, 230–31.

[3] For example, Dohmen (*Bilderverbot*, 90–100) attributes a fair amount of material in Exod 32 to the "Pentateuch redactor" (R[P]): 32:1bα, 5aα, 5b, 6bα, 15aβb, 16-18, 22bβ, 25aβ, 25bβ, 26-29, 32, 33b, 34aα*β, 35bα; similarly Weimar, "Das Goldene Kalb," 155–56, who attributes vv. 1a, 2aγ, 3aβ*, 15aβ, 16-18a*, 21-29, 31bβ, and 34aβ to the "Pentateuch redactor"; cf. also Bernard Renaud, "La formation de Ex 19–40: Quelques points de repère," in *Le Pentateuque: Débats et recherches – XIVe congrès de l'ACFEB, Angers (1991)* (ed. Pierre Haudebert; Lectio Divina 151; Paris: Editions du Cerf, 1992), 101–33 (130). More recently, Schmitt ("Die Erzählung vom Goldenen Kalb," 323–24) has argued that apart from a relatively small core in Exod 32:1-6, 15a*, 19-24, 30-34*, the remainder of Exod 32–34 goes back to a late-Dtr redaction that combined the pre-priestly Tetrateuch, P, and DtrH. Similarly, Konkel (*Sünde und Vergebung*, 266) attributes the following materials to a post-Dtr and post-priestly stage of composition: Exod 32:4b-5aα, 7-18 (except וירד משה מן ההר in v. 15), 19a* (only ומחלת), 19b* (except ויחר אף משה), 21-29b, 34, 35*; 33:1-6, 10-11, 18-23; 34:1*, 4*, 5*, 6*, 8-9, 10*-11, 28-35.

[4] Cf. Victor A. Hurowitz, "The Golden Calf and the Tabernacle," *Shnaton* 7–8 (1983/1984): 51–59 [Hebrew], esp. 53–55, who argues that the author of the golden calf narrative knows the priestly narrative of the tabernacle; Otto, "Pentateuchredaktion," 84–101 (who attributes the basic shaping of Exod 32–34 to a post-priestly "Pentateuch redactor" but also considers that this redactor made use of a non-priestly narrative in Exod 34); and Angelika Berlejung, *Die Theologie der Bilder: Herstellung und Einweihung von Kultbildern in Mesopotamien und die alttestamentliche Bilderpolemik* (OBO 162; Fribourg: Academic Press / Göttingen: Vandenhoeck & Ruprecht, 1998), 355–56 with n. 1761. This possibility is also intimated by Schmitt, "Die Erzählung vom Goldenen Kalb," 314.

[5] Against the method employed in Reinhard Achenbach, *Israel zwischen Verheißung und Gebot: Literarkritische Untersuchungen zu Deuteronomium 5–11* (EHS.T 422; Frankfurt a.M.: Peter Lang, 1991), 346–78; idem, "Grundlinien," 60; Renaud, "La formation de Ex 19–40," 111–33; and Baden, *J, E*, 160–72. Konkel (*Sünde und Vergebung*, 9) likewise critiques the use of Deut 9–10 as a starting point for the diachronic analysis of Exod 32–34.

[6] For a similar procedure see Boorer, *Promise*, 203 (although in practice Boorer does not follow this procedure, using the evaluation of texts in Exod 32 as "Dtr" as a literary-critical criterion from the outset); Schmitt, "Die Erzählung vom Goldenen Kalb," 312; and Konkel, *Sünde und Vergebung*, 10.

3.1. LITERARY-CRITICAL ANALYSIS OF EXOD 32–34

Exod 32:1-8: The making of the golden calf and Yhwh's first speech to Moses. The people see that Moses was taking a long time to come down from the mountain, and they gather (ויקהל) around Aaron and tell him to make gods (אלהים) for them. Thereupon Aaron tells the people to collect gold earrings; the people do so; and Aaron makes a molten calf from them. Aaron then builds an altar and declares a festival for the following day. The next morning, the people offer sacrifices and perform other festive activities (32:1-6). The scene then shifts back to the mountain, where Yhwh tells Moses to go down, because the people are "acting destructively" (שחת) (32:7-8).

From a narrative perspective, there are several indications of possible compositional growth within Exod 32:1-8. In 32:1, העם is named explicitly as the subject of both 32:1a and 32:1b, which creates a slight redundancy.[7] The people's observation that Moses was delayed in coming down from the mountain in 32:1a serves as the motivation for their request that Aaron make אלהים for them in 32:1b. This motivation is expressed again in 32:1bβ, which suggests that 32:1b may have once stood alone without 32:1a.[8] In any event, it is impossible to remove Aaron from the received narrative in 32:1-6, since there is no report in these verses that the *people* made the calf.[9]

32:4-5 contain a series of interconnected narrative tensions. In 32:4a, Aaron is clearly the implied subject of the verbs ויצר, ויקח, and ויעשהו, while 32:4b shifts to a plural verb but does not name the subject explicitly.[10] Although it can be inferred from the con-

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[7] Cf. Dohmen, *Bilderverbot*, 67 and Weimar, "Das Goldene Kalb," 118.

[8] Cf. Weimar, "Das Goldene Kalb," 118–19.

[9] Cf. Boorer, *Promise*, 246 and Konkel, *Sünde und Vergebung*, 106; against Noth, *Das zweite Buch Mose*, 203 (ET 247); Lehming, "Versuch zu Ex XXXII," 50; and Achenbach, "Grundlinien," 69–71, who argue that Aaron was not originally part of this narrative.

[10] Cf. Dohmen, *Bilderverbot*, 74; Konkel, *Sünde und Vergebung*, 107.

text that the verb ויאמרו has the people as its implied subject, the lack of an explicit reference to the people is noteworthy, since elsewhere in this unit the shift in subject is marked explicitly.[11] In 32:5, Aaron is named twice as the subject, which is surprising in light of the fact that there is no shift in subject between the phrases וירא אהרן in 32:5a and ויקרא אהרן in 32:5b.[12] Moreover, the pronominal suffix in the phrase ויבן מזבח לפניו in 32:5aβ is separated from its antecedent in 32:4a (ויעשהו עגל מסכה) by two intervening actions—the people's declaration in 32:4b and the rather cryptic statement that Aaron "saw" in 32:5aα.

When these tensions within 32:4-5 are related to each other, they strongly suggest that a more basic narrative thread within these verses underwent expansion and revision.[13] A good starting point for reconstructing this development is the fact that the 3ms pronominal suffix in 32:5aβ (ויבן מזבח לפניו) is found at quite a distance from its antecedent (עגל מסכה) in the received form of the text. This raises the possibility that an earlier, direct connection between Aaron's making the calf and building of an altar in front of it (ויעשהו עגל מסכה...ויבן מזבח לפניו) has been interrupted by the insertion of additional material in 32:4b-5aα (ויאמרו אלה אלהיך ישראל אשר העלוך מארץ מצרים: וירא אהרן).[14] This reconstruction also provides a solution to the other narrative tensions observed above. If 32:4b is an insertion, then this helps to explain the shift in subject between 32:4a and 32:4b without any explicit reference to people in 32:4b. Moreover, it explains the double reference to Aaron in 32:5 and the enigmatic use of the verb ראה in 32:5aα. Assuming that 32:4b is an

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[11] Cf. the transitions between 32:1-2 and 32:2-3; on the transition between 32:5 and 32:6 see below.

[12] Cf. Dohmen, *Bilderverbot*, 75.

[13] Against Childs, *Exodus*, 558–59 and Chung, *The Sin of the Calf*, who regard Exod 32:1-6 as a unity.

[14] Cf. Zenger, *Sinaitheophanie*, 81; Dohmen, *Bilderverbot*, 74; Weimar, "Das Goldene Kalb," 120; and Konkel, *Sünde und Vergebung*, 107.

insertion that changes the subject from Aaron to the people, then 32:5aα can be explained as a "dummy notice" that facilitates the resumption of the earlier narrative thread (ויבן מזבח לפניו) by shifting the subject back to Aaron.[15]

There is a slight stylistic tension within 32:6, where העם is named explicitly as the subject in 32:6b despite the fact that the people is already the implied subject in 32:6a. There is also a text-critical problem in 32:6a: 𝔐 uses plural verbs, while 𝔊 consistently uses singular verbs. The reading of 𝔊 is certainly smoother from a narrative perspective, as it resolves the tension created by the lack of an explicit reference to the people in 32:6a as well as the redundancy created by the reference to the people in 32:6b following the plural verbs in 32:6a 𝔐.[16] The notion that Aaron may have originally been the subject of the verbs שכם C, עלה, and נגש D in 32:6a is also quite conceivable in light of Aaron's leading role in the preceding verses as well as in light of his priestly status. Although the plural verbs in 𝔐 constitute the *lectio difficilior*, 𝔊 may nevertheless reflect a more original phrasing, since the shift from singular to plural verbs (i.e., from Aaron to the people) can be explained as a later harmonization with the divine speech in 32:7-8, in which Yhwh places all of the responsibility on the people despite Aaron's clear involvement in the events of 32:1-6 (see below).[17]

Within the divine speech to Moses in 32:7-8, the phrase סרו מהר מן הדרך אשר צויתם creates a slight delay in the argumentation, since the precise way in which the people

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[15] Cf. Dohmen, *Bilderverbot*, 75, 104 and Weimar, "Das Goldene Kalb," 122. Similarly, Konkel (*Sünde und Vergebung*, 107) argues that 32:4b-5aα are an insertion in light of the double reference to Aaron in 32:5.

[16] The use of the singular verb וישב in 32:6bα and the plural verb ויקמו in 32:6bβ may also point to different compositional levels, although from a narrative perspective such a shift does not create as much tension as between 32:6a and 32:6bα. On 32:6bβ as a later addition cf. Dohmen, *Bilderverbot*, 107 and Weimar, "Das Goldene Kalb," 123–24.

[17] For a different solution to this problem cf. Dohmen, *Bilderverbot*, 76–77 and Weimar, "Das Goldene Kalb," 122–23, who propose that the implied subject of 32:6a is the people together with Aaron while in 32:6b it is the people alone.

have "acted corruptly" (שחת D, 32:7b) is only specified in 32:8aβγ (עשו להם עגל מסכה),
while 32:8aα represents a more general comment. The fact that 32:8aα is not essential to
the divine speech thus at least raises the possibility that it is a later insertion. It is also
striking that the events reported in 32:8 appear in a different order than that in which they
actually occur in 32:4-6. In 32:4-6, the people's declaration, "These are your gods, Is-
rael…" occurs prior to the offering of sacrifices, while in 32:8 this is the last event report-
ed, coming *after* the report that the people bowed down to the calf and offered sacrifices
to it. Although the different order of events might simply be explained as a stylistic de-
vice (i.e., chiasm), the conclusion reached above that 32:4b-5aα are secondary to the most
basic narrative in 32:1-6 points to a different explanation for this divergence: 32:8bβγ
(from ויאמרו) is a supplement that was added to the end of the verse following the inser-
tion of 32:4b-5aα into 32:1-6.

In sum, the preceding analysis suggests that the most basic narrative thread in
Exod 32:1-8 likely consists of 32:1-4a, 5aβ-7, (8aα?), 8aβbα.[18]

Exod 32:9-14: Moses' first intercession with Yhwh. Following the brief divine
speech in 32:7-8 recapitulating the events from 32:1-6, 32:9-14 contains a longer divine
speech to Moses. Yhwh describes the people as "stiff-necked" (עם קשה ערף) and tells

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[18] Many commentators regard 32:7-14 as a unit, assigning 32:7-8 to the same compositional level as 32:9-14. For a summary of older literature see Hahn, *Das "Goldene Kalb,"* 107 n. 39; for more recent proponents see Zenger, *Sinaitheophanie,* 82–83; Weimar, "Das Goldene Kalb," 124; Aurelius, *Fürbitter,* 68 (notably with very little discussion of 32:7-8); Boorer, *Promise,* 203–20 (with a detailed discussion of arguments both for and against such an evaluation and with a rather ambivalent stance of her own); and Schmitt, "Die Erzählung vom Goldenen Kalb," 313. Whereas 32:9-14 undoubtedly build upon elements found in 32:7-8, I find no textual support for Boorer's conclusion (*Promise,* 216) that 32:7-8 "foreshadow" (and thus are of a piece with) the intercession scene in 32:9-14. On 32:7-8 as compositionally distinct from 32:9-14 cf. Wellhausen, *Composition,* 94; Noth, *Das zweite Buch Mose,* 200, 204 (ET 244, 248); Lehming, "Versuch zu Ex XXXII," 24–25; Childs, *Exodus,* 559 (with some ambivalence); Van Seters, *Life,* 293; Kratz, *Komposition,* 140 with n. 42 (ET 135 with n. 43); and Harald Samuel, *Von Priestern zum Patriarchen: Levi und die Leviten im Alten Testament* (BZAW 448; Berlin: de Gruyter, 2014), 273; cf. also Carr, *Formation,* 260–61.

Moses that he wishes to destroy the people but to make Moses into a "great nation" (גוי גדול). Moses attempts to avert Yhwh's wrath first by raising the problem of how the divine punishment would be perceived by the Egyptians, then by invoking Yhwh's promise to Abraham, Isaac, and Israel to multiply them and to give them the land as a lasting inheritance. Following Moses' intercession, Yhwh relents from his plans.

Several observations suggest that this unit is later than 32:7-8 and is itself not a compositional unity. When compared to 32:7-8, 32:9 is redundant, presenting a second divine speech that follows directly upon the one in 32:7-8 without any intervening narrative or response on the part of Moses.[19] The absence of 32:9 in 𝔊 further supports the possibility that this verse is secondary.[20] Although 32:10-14 could connect directly to 32:7-8, Yhwh's speech is rather surprising immediately *following* the command to Moses to descend.[21] Moreover, Moses' intercession has no further effect on the subsequent narrative action in the remainder of the chapter. These observations suggest that 32:10-14 are also an addition. Within these verses, 32:13 may be even later, as it comes too late following Moses' request that Yhwh turn away from his wrath in 32:12b and interrupts the lexical links between 32:12b (והנחם על הרעה לעמך) and 32:14 (וינחם ה׳ על הרעה אשר דבר לעשות)

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[19] Dohmen (*Bilderverbot*, 77, 90) and Boorer (*Promise*, 207–8) note this redundancy but nevertheless conclude that 32:7-14 belong to a single compositional level. Boorer (*Promise*, 207–8) argues that "[i]ndications of a unity and coherence of argument in 32:7-14 are found in the subtle play on the exodus motif," yet 32:7 and 32:11 in fact deploy the exodus motif very differently: in 32:7, Yhwh states that it is *Moses* who has brought the people *up* (העלית) from Egypt, while in 32:11 Moses states that *Yhwh* has brought the people *out* (הוצאת) of Egypt (a fact also noted by Boorer herself; ibid, 208 as well as by Samuel, *Von Priestern zum Patriarchen*, 274).

[20] Based on the fact that Exod 32:9 is lacking in 𝔊 it has long been suggested that this verse is a later addition that was likely derived from Deut 9:13; see already Heinrich Holzinger, *Exodus* (KHC 2; Tübingen: Mohr, 1900), 108 and more recently Aurelius, *Fürbitter*, 94 n. 14; Jan Christian Gertz, "Beobachtungen zu Komposition und Redaktion in Exodus 32–34," in *Gottes Volk am Sinai: Untersuchungen zu Ex 32–34 und Dtn 9–10* (ed. Matthias Köckert and Erhard Blum; VWGTh 18; Gütersloh: Gütersloher Verlagshaus, 2001), 88–106 (96); and Konkel, *Sünde und Vergebung*, 109. On the relationship between Exod 32:9 and Deut 9:13 see below.

[21] Cf. Samuel, *Von Priestern zum Patriarchen*, 273.

לעמו).[22] In sum, Moses' intercession with Yhwh in 32:9-14* cannot belong to the most basic narrative thread in Exod 32,[23] and it is possible that 32:9 and 13 are even later additions within this unit.

Exod 32:15-20: Moses' descent and reaction. Following the two divine speeches to Moses in 32:7-8 and 32:9-14, Moses descends the mountain with the "two tablets of the testimony" (שני לחת העדת) (32:15-16). Then, at an unspecified location, Joshua hears the sound of the people and tells Moses that he hears the sound of war in the camp, and Moses replies that the sound is not that of warriors (32:17-18).[24] When Moses enters the camp and sees the calf and the dancing (מחלת), he throws down the tablets, breaking them (32:19). He then takes the calf, burns it in fire, grinds it down, strews it over the water, and makes the Israelites drink the water (32:20).

Within this unit, the verb ויפן in 32:15 serves as a transition from the intercession scene in 32:9-14 back to the main action of the narrative and thus may have been added to 32:15 at the same time that 32:9-14 were inserted into the narrative.[25] More significantly, the lack of a subject in 32:19 stands in some tension with 32:17-18, which introduce the figure of Joshua into the narrative. Thus, the fact that Moses is not explicitly rein-

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[22] Cf. Weimar, "Das Goldene Kalb," 125 and Gertz, "Beobachtungen," 96.

[23] This has long been a general consensus of scholarship; for the older literature see the references in Hahn, *Das "Goldene Kalb,"* 107–8 nn. 39–40; see also Weimar, "Das Goldene Kalb," 124; Aurelius, *Fürbitter*, 68; Blum, *Studien*, 73; Boorer, *Promise*, 203–20; Schmitt, "Die Erzählung vom Goldenen Kalb," 313; and Gertz, "Beobachtungen," 96. The arguments by Christine E. Hayes ("Golden Calf Stories: The Relationship of Exodus 32 and Deuteronomy 9–10," in *The Idea of Biblical Interpretation: Essays in Honor of James L. Kugel* [ed. Hindy Najman and Judith H. Newman; JSJSup 83; Leiden: Brill, 2004], 45–94 [55–56]) that 32:9-14 are an integral part of Exod 32 are not convincing from a diachronic perspective.

[24] The subject is unstated in 𝔐 (some 𝔊 manuscripts specify Moses as the subject). Since 32:18 is a correction of Joshua's statement in 32:17 that the noise is the "sound of war," it is improbable that the subject of 32:18 is Joshua. In 𝔐, the construct chain קול ענות in 32:18b is lacking a *nomen rectum* comparable to those in 32:18a, and here 𝔊 reads "wine," suggesting that the phrase might be reconstructed as כל ענות יין* or, in light of the reference to מחלת in 32:19, perhaps *כל ענות מחלה.

[25] Cf. Dohmen, *Bilderverbot*, 78; Weimar, "Das Goldene Kalb," 125 (with reservations); and Konkel, *Sünde und Vergebung*, 110. I am grateful to Christoph Berner for bringing this observation to my attention.

troduced in 32:19 may suggest that 32:17-18 are a later insertion into the report of Moses'

descent from the mountain.[26] A similar consideration can be made regarding the detailed

description of the tablets in 32:15b-16, which also interrupts the flow of the narrative.[27]

Finally, the use of the phrase בני ישראל in 32:20bβ is inconsistent with the preceding mate-

rial in the chapter, which refers to the people as העם.[28] Since the reference to Moses

strewing the calf-dust on the water in 32:20bα only makes sense as preparation for his

making the Israelites drink in 32:20bβ, 32:20b must be regarded as a coherent unit that is

likely later than the most basic narrative. In sum, on the basis of a literary-critical analy-

sis, the most basic material in Exod 32:15-20 consists of 32:15a*, 19-20a.[29]

Exod 32:21-24: Moses' dialogue with Aaron. Following Moses' destruction of the

calf, Moses asks Aaron what the people have done to him that would cause him to bring

such a great sin upon the people. Aaron pleads with Moses, blaming the people and reca-

pitulating the preceding events.

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[26] Cf. Dohmen, *Bilderverbot*, 78–79 and Samuel, *Von Priestern zum Patriarchen*, 275. Weimar ("Das Goldena Kalb," 127) argues that 32:18b (plus ויאמר in 18aα) belong to the *Grundbestand* and connect directly to 32:15aα, but this requires the unlikely assumption that the short poem originally consisted of only one stich and was reworked from Moses' speech to Joshua's speech by a later author. Aurelius (*Fürbitter*, 64) considers the possibility that the appearance of Joshua is secondary but ultimately leaves the question open. Gertz ("Beobachtungen," 97) and Konkel (*Sünde und Vergebung*, 111) argue for the secondary nature of the Joshua scene in 32:17-18 based on the claim that 32:17-18 presuppose 32:7-14, pointing particularly to the correspondence between ברעה in 32:12 and 32:17. Based on the Masoretic pointing as well as the sense required by the larger context, however, such correspondence is only graphic and not lexical: in 32:12 ברעה means "with evil intent," while in 32:17 it means "in their [i.e., the people's] shouting." Although I find it likely that 32:17-18 are a later addition, the appearance of ברעה in 32:12 and 32:17 is not strong evidence for such a view.

[27] Cf. Perlitt, *Bundestheologie*, 209–10; Hossfeld, *Dekalog*, 146–47 with n. 523; Dohmen, *Bilderverbot*, 78; idem; "Was stand auf den Tafeln von Sinai und was auf denen vom Horeb?" in *Vom Sinai zum Horeb: Stationen alttestamentlicher Glaubensgeschichte* (ed. Frank-Lothar Hossfeld; Würzburg: Echter Verlag, 1989), 9–50 (19–20); and Weimar, "Das Goldene Kalb," 126, who makes a distinction between 32:15aβb and 32:16. For further discussion of the reference to the tablets see 3.2 below.

[28] Cf. Samuel, *Von Priestern zum Patriarchen*, 276.

[29] Similarly Perlitt, *Bundestheologie*, 207; Konkel, *Sünde und Vergebung*, 111; and Samuel, *Von Priestern zum Patriarchen*, 276.

Within this unit, there is little to suggest that the text is composite.[30] On the other hand, there are several indications that it does not belong to the earliest compositional level in Exod 32. The most compelling indication of this is found in Aaron's statement to Moses in 32:22: "You know the people, that they are bent on evil" (אתה ידעת את העם כי ברע הוא). This statement almost certainly presupposes Yhwh's statement to Moses in 32:9 regarding the people's stubbornness (ראיתי את העם הזה והנה עם קשה ערף הוא), as is indicated by the fact that the remainder of Aaron's speech to Moses in 32:23-24 is a recapitulation of prior material within the immediate context of Exod 32.[31] Thus, 32:21-24 presuppose the intercession scene in 32:9-14 and cannot be earlier than that unit.[32]

Exod 32:25-29: The ordination of the Levites. Moses sees that the people are "running wild" (פרע), so he stands at the entrance of the camp and declares that whoever is for Yhwh should come forward. All of the Levites gather around him; he tells them to go throughout the camp and kill brother, friend, and neighbor; and 3,000 people fall slain. As a result of the Levites' actions, Moses declares them to be ordained (מלאו ידכם) before Yhwh.

Within this unit, the first indication of a possibly composite text is the use of two כי clauses within 32:25, which is stylistically redundant. Of the two clauses, the second

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[30] Cf. Weimar, "Das Goldene Kalb," 131–32. Dohmen (*Bilderverbot*, 81) argues that כי ברע הוא in 32:22 is a later gloss, yet if this phrase is removed, then the preceding phrase אתה ידעת את העם seems overly vague.

[31] Cf. Konkel, *Sünde und Vergebung*, 113.

[32] Cf. Holzinger, *Exodus*, 108; Noth, *Das zweite Buch Mose*, 200–201 (ET 244–45); Walter Beyerlin, *Origins and History of the Oldest Sinaitic Traditions* (Oxford: Blackwell, 1965), 20; Zenger, *Sinaitheophanie*, 85; Weimar, "Das Goldene Kalb," 131–32; and Gertz, "Beobachtungen," 95. Samuel (*Von Priestern zum Patriarchen*, 277) argues for the secondary nature of this unit based on the fact that it interrupts the logical connection between 32:20a and 32:25: "Zuerst sieht Mose das Kalb und beseitigt dieses Übel, danach sieht er den Zustand des Volkes – und reagiert entsprechend." Here I cannot agree with Childs, *Exodus*, 561–62; Aurelius, *Fürbitter*, 65–66; Boorer, *Promise*, 246; Schmitt, "Die Erzählung vom Goldenen Kalb," 312; and Chung, *The Sin of the Calf*, 43, who consider it possible that this unit belongs to the *Grundbestand* but overlook the connection with Exod 32:9.

(32:25b) is a further specification of the first (32:25aβ) and has a particular interest in implicating Aaron in the people's wrongdoing. Thus, if one of the two כי clauses is secondary, it is much more likely that 32:25b is the secondary text, since 32:25aβ hardly makes sense as a later insertion between 32:25aα and 32:25b.[33] A further tension is found in 32:29aβ, which does not present a complete thought, interrupts the immediate syntactic context, and seems to add to Moses' command to kill "brother, friend, and neighbor" the notion that even the Levites' sons were not exempt from the slaughter. Thus, 32:29aβ should be regarded as a later insertion.[34] As for the relative chronology of 32:25-29 within Exod 32 as a whole, there are several indications that this unit does not belong to the most basic narrative thread. In terms of narrative logic, the slaying of the people is redundant as a punishment for the making of the calf, since Moses' response to the making of the calf was already reported in 32:20,[35] although this observation would admittedly not apply if 32:20b, which is likely an addition (see above), were later than 32:25-29.[36] In terms of its rhetorical aims, this unit is clearly more concerned with the legitimization of the Levites than with the punishment of the people *per se*, as is indicated by the fact that the climax of the episode is Moses' ordination of the Levites (32:25) and not the punishment of the people. Thus, I am inclined to conclude that 32:25-29 do not belong to the earliest narrative thread in Exod 32 but are instead a later, self-contained addition with a distinct etiological intent.[37]

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[33] For older literature in favor of this view see Hahn, *Das "Goldene Kalb,"* 128 n. 196; against Dohmen, *Bilderverbot*, 83–84, who argues that 32:25b connects more easily to the main clause in 32:25aα and that כי פרע הוא in 32:25aβ is secondary, as well as against Weimar, "Das Goldene Kalb," 132, who argues that 32:25 is a compositional unity.

[34] Cf. Weimar, "Das Goldene Kalb," 133; differently Konkel, *Sünde und Vergebung*, 114, who does not find narrative grounds for isolating 32:29aβ as a later addition.

[35] Cf. Noth, *Das zweite Buch Mose*, 201 (ET 245).

[36] Cf. Samuel, *Von Priestern zum Patriarchen*, 278–79.

[37] Cf. Noth, *Das zweite Buch Mose*, 201 (ET 245); Weimar, "Das Goldene Kalb," 133; and Konkel, *Sünde*

Exod 32:30-35: Moses' second intercession with Yhwh. Moses tells Yhwh that the people have sinned and asks Yhwh to forgive them or else to wipe Moses out from Yhwh's "book." Yhwh responds that he will (only) wipe out from his book those who have sinned against him (32:30-33). Yhwh then tells Moses to lead the people to "the place that I spoke to you" and that his מלאך will go before Moses, and Yhwh will bring the people's sins upon them in the future (32:34). 32:35 then reports that Yhwh struck the people "since they made the calf that Aaron made" (על עשר עשה את העגל אשר עשה אהרן).

Within this unit, the primary signs of a composite text are found in 32:34-35, which have very different conceptions about the punishment of the people. While 32:34 indicates that Yhwh will only bring retribution upon the people for their sins at some point in the future, 32:35 indicates that the people were punished immediately for making the golden calf. Thus, 32:34 and 32:35 cannot belong to the same compositional level.[38] From a lexical perspective, 32:34 fits well with 32:30-33, all of which deal with the issue of the people's sin (הט״א). In contrast, the notion of the people's sin does not appear in 32:35, making an original connection between 32:33 and 32:35 unlikely. This suggests that 32:30-34 are a compositional unity[39] that was written either before or after 32:35.

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und Vergebung, 114. Aurelius (*Fürbitter*, 66–67) notes that this unit has a particular aim that is found nowhere else in the chapter but ultimately remains undecided about whether it belongs to the *Grundbestand* or is a later addition. Similarly, Samuel (*Von Priestern vom Patriarchen*, 278–79) concludes that there are no strong literary-critical grounds for regarding 32:25-29 as a later insertion and thus proposes to retain this unit within the *Grundbestand* of the chapter. Chung (*The Sin of the Calf*, 43–45) argues that 32:26-29 "are an independent portion, which is unrelated to the calf narrative" and attributes this passage to J (rather than to E, which he regards as the main narrative thread in Exod 32).

[38] For the older literature expressing this view see Hahn, *Das "Goldene Kalb,"* 134; see also Dohmen, *Bilderverbot*, 125; Weimar, "Das Goldene Kalb," Boorer, *Promise*, 247; and Samuel, *Von Priestern zum Patriarchen*, 279–80; against Moberly, *At the Mountain of God*, 57–59; Childs, *Exodus*, 559; and Hayes, "Golden Calf Stories," 67, who regard 32:30-35 as a unity.

[39] Differently Heinrich Valentin, *Aaron: Eine Studie zur vorpriesterlichen Aaron-Überlieferung* (OBO 18; Fribourg: Universitätsverlag / Göttingen: Vandenhoeck & Ruprecht, 1978), 258–63 and Dohmen, *Bilderverbot*, 86–90, who regard 32:30-34 as composite as well.

32:35 itself is likely composite, since it attributes the making of the calf to both the people and Aaron. On the one hand, if the verse originally intended to portray the people as making the calf, then the phrase אשר עשה אהרן in 32:35bβ would be secondary;[40] on the other hand, if the reference to Aaron is original to the verse, then the phrase אשר אשו את העגל must be removed from 32:35bα. In my view, the attribution of the making of the calf to the people is likely more original, since this fits more easily with the verse's concern with Yhwh's punishment of the *people*, not Aaron.

There is some indication that 32:35 is later than 32:30-34,[41] since it is difficult to connect 32:35 directly to any other verse in Exod 32 besides 32:34. The best alternative would be to connect 32:35 directly to 32:20,[42] although this is also problematic, since in 32:20 Moses enacts the punishment while in 32:35 it is Yhwh who does so.[43] Moreover, the verb נגף in 32:35 implies that the divine punishment resulted in the death of a portion of the people, which is in line with the motif of Yhwh wiping people out of his book in 32:33. In light of these considerations, it seems most likely that 32:35 is a secondary addition to 32:30-34[44] that modifies the notion of delayed retribution by stating that Yhwh also enacted *immediate* retribution for the sin of the golden calf.[45]

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[40] Cf. the earlier literature in Hahn, *Das "Goldene Kalb,"* 138 n. 283 and Weimar, "Das Goldene Kalb," 135.

[41] So also Wilhelm Rudolph, "Der Aufbau von Exod 19–34," in *Werden und Wesen des Alten Testaments* (BZAW 66; Berlin: Töpelmann, 1936), 41–48 (45).

[42] This is the solution of Wellhausen, *Composition*, 91–92; Noth, *Das zweite Buch Mose*, 206–7 (ET 251–52); and J. Philip Hyatt, *Commentary on Exodus* (NCB; London: Oliphants, 1971; repr., Grand Rapids: Eerdmans, 1980), 300.

[43] Another alternative would be to connect 32:35 directly to the end of the Levites episode, but this connection is also rather rough; cf. Samuel, *Von Priestern zum Patriarchen*, 279.

[44] Cf. Rudolf Smend (Sr.), *Die Erzählung des Hexateuch auf ihre Quellen untersucht* (Berlin: Reimer, 1912), 169–70; the earlier view of Noth in *Überlieferungsgeschichte des Pentateuch*, 33, 159 n. 415 (ET 144 n. 415); Aurelius, *Fürbitter*, 67; and Schmitt, "Die Erzählung vom Goldenen Kalb," 312. For a review of other positions see Hahn, *Das "Goldene Kalb,"* 137–40.

[45] Cf. Noth, *Überlieferungsgeschichte des Pentateuch*, 159 n. 415 (ET 144 n. 415).

Whether 32:30-34 belong to the most basic narrative thread in Exod 32 cannot be determined by the literary-critical analysis of Exod 32 alone.[46] Comparison with the beginning of Exod 33 suggests that Exod 32:30-34 cannot be earlier than 33:1-6.[47] The clearest indication of this is the fact that in 32:34 Yhwh tells Moses to "lead the people to [the place] that I spoke to you" (לך נחה את העם אל אשר דברתי לך). Strikingly, the only point at which Yhwh tells Moses where to lead the people in the immediate narrative context is found in 33:1. Moreover, it is difficult to imagine 33:1 being composed as the immediate continuation of 32:34, since 33:1 seems to be unaware of the fact that Yhwh has already told Moses to lead the people, and the juxtaposition of the two verses results in a striking redundancy.[48] Thus, it seems likely that 32:30-34 (and thus also 32:35) were composed after 33:1-6 (for an analysis of the latter unit see below).[49] This conclusion is reinforced by the fact that 32:30-34 cannot connect directly to Exod 34, since 32:30-34 concludes with Moses on the mountain, while Exod 34 begins with Moses at the foot of the mountain.

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[46] Cf. Samuel, *Von Priestern zum Patriarchen*, 279–80, who argues for the secondary nature of these verses based on their intertextual connections and not on narrative or syntactic grounds.

[47] Against Noth, *Das zweite Buch Mose*, 208 (ET 253); Moberly, *At the Mountain of God*, 57; and Boorer, *Promise*, 248.

[48] Cf. Kratz, *Komposition*, 141 (ET 136), who likewise argues that "the command to set out and the postponement of the punishment to later (2 Kgs 17) is more easily understood in Exod. 32.34 in the framework of Moses' intercession in 32.30-34 as an anticipation of 33.1a than vice versa." In contrast, Boorer (*Promise*, 266–69) and Konkel (*Sünde und Vergebung*, 117) conclude that Exod 33:1-6 are secondary to their doublet in 32:34. Boorer justifies this claim by arguing that Exod 33:1-3 uses Dtr language that resembles that found in Exod 32:7-14, while Konkel does so by arguing that 32:34 belongs to the *Grundbestand* of Exod 32. Their conclusions, however, do not convincingly account for the fact that 34:34 presupposes a divine command to lead the people found elsewhere—most likely in 33:1.

[49] For the view that Exod 32:30-34 do not belong to the most basic material in Exod 32 cf. Noth, *Das zweite Buch Mose*, 206–7 (ET 251–52); Weimar, "Das Goldene Kalb," 138–39 and Kratz, *Komposition*, 141 (ET 135–36); against the view that at least parts of Exod 32:30-34 belong to the *Grundschicht* of Exod 32; so Childs, *Exodus*, 559; Aurelius, *Fürbitter*, 68; Schmitt, "Die Erzählung vom Goldenen Kalb," 312; and Konkel, *Sünde und Vergebung*, 115.

Exod 33:1-6: Two messages concerning divine presence. Here the scene shifts away from the episode of the golden calf, and Yhwh conveys two messages to Moses. In the first speech, Yhwh tells Moses to take the people away to the land that Yhwh swore to Abraham, Isaac, and Jacob. Yhwh promises to send his מלאך but states that he will not go up with the people lest he destroy them along the way. The people hear of Yhwh's decision and go into mourning, refraining to put on any jewelry (33:1-4). In the second speech, Yhwh reiterates the people's stubbornness and the danger of divine presence and commands that the people should take off their ornaments while Yhwh considers what he will do with him (33:5-6).

There are several indications that these verses are not a compositional unity.[50] The first major narrative problem is found in the phrase אל ארץ זבת חלב ודבש in 33:3a. This phrase does not connect smoothly to the immediately preceding statement in 33:2b that Yhwh will drive out the nations of the land or to the statement in 33:2a that Yhwh will send his מלאך. On the other hand, it connects quite well to 33:1, in which Yhwh tells Moses to go with the people to the land promised to the ancestors. This may suggest that 33:2 as a whole is an insertion into a more original connection between 33:1 and 33:3. This possibility, however, leads to another narrative problem: without the reference to Yhwh's מלאך in 33:2, the statement in 33:3b that Yhwh will not go in the midst of the people is difficult to understand,[51] and the כי in 33:3b would have to be taken as an adver-

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[50] For a review of older source-critical analyses of these verses see Boorer, *Promise*, 220–21 n. 30.

[51] Here I agree with Noth's view (*Das zweite Buch Mose*, 208–9 [ET 253]) that the reference to the מלאך here was originally negative (i.e., as a substitute for direct divine accompaniment, which would have endangered the people) and disagree with the view that 33:1-3a were originally positive (Wellhausen, *Composition*, 96; Rudolph, "Der Aufbau von Exod 19–34," 45–46; and Zenger, *Sinaitheophanie*, 87–88; cf. the discussion in Boorer, *Promise*, 223–28, who concludes that it is not possible to decide with certainty between these two interpretive possibilities). The latter view is quite implausible, since the people's response to the divine report is to go into mourning.

sative כי: "go up from here…*but* I will not go up in your midst." Although this reading is possible from a narrative point of view, the thematic connection between the sending of the מלאך and Yhwh's absence is so strong that it seems unlikely that 33:3b once stood without 33:2a, in which case 33:3a would have to be interpreted as an ill-placed gloss.[52] The statement about Yhwh's absence in 33:3bα$_1$ is essential to 33:1-4 as a whole, which reach their climax in the people's mourning upon hearing this news in 33:4. In contrast, the phrase כי עם קשה ערף אתה in 33:3bα$_2$ interrupts the main idea of the motive clause and is possibly an insertion.[53] When all of the foregoing considerations are combined, it seems that the most basic material in 33:1-4 is found in 33:1-2a, 3abα$_1$, 3bβ, 4.

There are several further signs that 33:5-6 do not belong to the same compositional level as the most basic material in 33:1-4. These verses are essentially a doublet of 33:3-4, repeating the motifs of the "stiff-necked people," the threat that Yhwh would destroy the people if he went in their midst, and the people's refraining from wearing ornaments.[54] 33:6, however, contains an element not found in 33:1-4: the reference to the mountain as הר חרב. Regarding the relative chronology of the two units, one narrative observation that may indicate the priority of 33:1-4* is the fact that in 33:4 the people's removal of their ornaments is a logical consequence of their hearing the news that Yhwh will not go with them, while in 33:5-6 the two motifs are disconnected, and Yhwh has to instruct the people to take off their ornaments, albeit for no apparent reason when 33:5-6 are read on their own.

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[52] So Noth, *Das zweite Buch Mose*, 208–9 (ET 253–54), who regards 33:3a as a later insertion.

[53] The possibility that 33:3bα$_2$ is an insertion raises some problems for Aurelius' argument (*Fürbitter*, 59 with n. 11) that Exod 33 as a whole already presupposes Exod 32:7-14 (or better: 32:9-14).

[54] Cf. Childs, *Exodus*, 589 and Aurelius, *Fürbitter*, 101.

Exod 33:7-11: The Tent of Meeting. This unit describes how Moses had taken the tent and set it up outside the camp, calling it the Tent of Meeting (אהל מועד). Whenever Moses would go out to the tent, the pillar of cloud would descend and stand before the tent and speak with Moses. When the people saw the cloud, they would bow down in front of their own tents. Moses would speak with Yhwh face to face and then return to the camp, while Joshua his servant remained in the tent.

Within these verses, there are few signs that the text is composite.[55] More difficult to evaluate is the compositional place of this unit within Exod 33 as a whole. In terms of its content the unit is quite isolated within its immediate narrative context. In terms of its theology, however, it connects to the notion of divine absence in 33:5-6. Whereas in 33:3 the notion of divine presence/absence focuses on Yhwh's *potential* for destroying the people during their journey, in 33:5 the same notion is expressed in absolute terms: "if for a single moment I should go up in your midst, I would consume you" (רגע אחד אעלה בקרבך וכליתיך). Moses' placement of the tent outside the camp in 33:7-11 provides a solution to the conception of divine presence/absence in 33:5: Moses pitches the tent—i.e., the site of Yhwh's presence—"outside the camp, far off from the camp" (מחוץ למחנה הרחק מן המחנה). Thus, despite the sudden appearance of the motif of the tent in 33:7, there are the-matic grounds for considering that 33:7-11 may belong to the same compositional level as 33:5-6. This possibility also finds support on narrative grounds, since the phrase ואדעה

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[55] A possible exception is the reference to Joshua remaining in the tent in 33:11bβγ, although even this statement does not present any major syntactic problems. In this respect I disagree with Konkel, *Sünde und Vergebung*, 120, 173, who assigns 33:8-9 and 33:10-11 to two different compositional levels; for a critique of Konkel's literary-critical arguments cf. Rainer Albertz, "Ex 33,7-11, ein Schlüsseltext für die Rekonstruktion der Redaktionsgeschichte des Pentateuch," *BN [NF]* 149 (2011): 13–43 (16–17).

מה אעשה לך in 33:5 seems to anticipate some sort of solution to the danger of Yhwh's presence in the midst of the people, and such a solution is given in 33:7-11.[56]

Exod 33:12-17: Moses' third intercession with Yhwh. This unit builds upon the theme of divine accompaniment in 33:1-4* in various ways. Moses paraphrases Yhwh's instructions to go up with the people from 33:1[57] and then asks Yhwh to make his ways[58] known (33:13). Yhwh responds that his "face" will go[59] and that he will give Moses rest (33:14). Moses then replies that if Yhwh's "face" does not go,[60] then Yhwh should not bring Moses and the people[61] up (33:15). Moses asks how it will be known that he and the people have found favor in Yhwh's sight if Yhwh does not go with them (33:16). Yhwh then declares that he will grant Moses' request, since Moses has found favor in his sight and since Yhwh has known him by name (33:17).

This unit bristles with a variety of narrative problems. In 33:12, Moses' statement contradicts Yhwh's explicit provision of a מלאך in 33:2,[62] and Moses' reminder of Yhwh's statements that Yhwh knows Moses by name and that Moses has found favor in Yhwh's

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[56] Cf. Aurelius, *Fürbitter*, 101, who notes that 33:5-6 connect rhetorically to 33:7-11: "Das Volk legt in v5f als eine Art Buße seinen Schmuck ab, damit Gott zusehe, 'was ich für dich tun kann' (v5), und diese Andeutung bezieht sich jetzt und wohl auch ursprünglich auf das in v7-11 eingeführte Zelt, den Ort der nach der Buße gewährten göttlichen Gegenwart, wenn auch nicht 'in deiner Mitte' (v3, 5), sondern 'außerhalb des Lagers, entfernt vom Lager' (v7)." Here I disagree with Childs' conclusion that this unit "has no obvious connection with either what precedes or follows" (*Exodus*, 589–90).

[57] In light of the common use of the verb עלה in 33:1 and 33:12, it is difficult to accept Aurelius' thesis (*Fürbitter*, 102) that Moses' recapitulation of Yhwh's words in 33:12 has 32:34 in view rather than 33:1, since 32:34 does not use the verb עלה but rather נחה. For the view that 33:12 presupposes 33:1 cf. Blum, *Studien*, 60; Van Seters, *Life*, 322 n. 9; and Albertz, "Ex 33,7-11," 22.

[58] 𝕲: "Reveal yourself to me."

[59] 𝕲: "I myself will go before you."

[60] 𝕲: "If you yourself do not go."

[61] 𝕲: Moses.

[62] Aurelius (*Fürbitter*, 102), Gertz ("Beobachtungen," 102), and Konkel (*Sünde und Vergebung*, 121) use this as an argument that 33:2 is later than 33:12. Although it is true that the combination of 33:2 and 33:12 makes Moses seem very forgetful, 33:12 is somewhat suspicious as a new beginning inasmuch as Moses already assumes that Yhwh will send *something* or *someone* with him. Moreover, Moses casts his request that Yhwh's "face" go with the people as an *additional* condition for continuing the journey, and Yhwh also acknowledges it as such: גם את הדבר הזה אשר דברת אעשה.

sight is out of place in terms of narrative sequence, since Yhwh only makes these statements in 33:17. Within 33:13, the repeated use of the phrase "to find favor in your sight" creates a rather overloaded text, particularly after 33:12, which also uses the phrase. Within 33:14-15, the introductions to the direct speech are somewhat exceptional, using ויאמר without naming the subject explicitly.[63]

When considered together, these narrative problems can be partially resolved as follows: (1) the phrase ואתה אמרת ידעתיך בשם וגם מצאת חן בעיני in 33:12b is likely secondary, as it uses 33:17b as a "proof text" before the reader has even encountered the latter. (2) It is possible that the phrase למען אמצא חן בעיניך in 33:13aγ is also secondary, as it is hardly fitting as a result of Moses' request to see Yhwh's "ways" in 33:13aαβ. (3) Moses' question in 33:16aα is out of place, as Moses seems to know that he has found favor in Yhwh's sight even before Yhwh states this in 33:17b. This suggests that 33:16aα is a secondary addition, which also explains the redundancy of the phrase אני ועמך in 33:16aα and 16bα.

All of these elements that disturb the logic of the dialogue revolve around the notion of Moses finding favor in Yhwh's sight. If they are removed, a coherent dialogue remains that focuses on the question of divine accompaniment. This fits well with the fact that Moses' initial request is a reaction to Yhwh's statement that he will not go up with the people in 33:1-3. In sum, it seems likely that an earlier core to the dialogue in 33:12a, 13aα(β?), 14-15, 16aβb, 17 was later expanded with a series of additions that brought the theme of Moses' favor in Yhwh's sight further into the foreground.

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[63] These observations pose a challenge to the view that 33:12-17 are a compositional unity (so Aurelius, *Fürbitter*, 102–3; Van Seters, *Life*, 322; Konkel, *Sünde und Vergebung*, 121; and Dozeman, *Exodus*, 719).

Exod 33:18-23: The cleft of the rock. Here Moses makes an even bolder request, asking Yhwh to show him his "glory" (הראני נא את כבדך). Yhwh replies that he will do many things for Moses, but Moses cannot see his face, since no one can see Yhwh and live. Then, Yhwh tells Moses to stand by the rock, and when his "glory" passes, he will put Moses in the cleft of the rock and will place his hand over Moses until he passes by, so that Moses can see Yhwh's back but not his face.

The composite nature of this unit is indicated by the triple introduction of divine speech using ויאמר in 33:19, 33:20, and 33:21.[64] Considering that it is only in 33:21-23 that Yhwh directly addresses Moses' request in 33:18 to see Yhwh's "glory," it seems most plausible that 33:18 originally connected directly to 33:21-23 and was later supplemented first by 33:20 and then by 33:19 (since 33:19 connects even more poorly to 33:21 than it does to 33:20).[65]

In terms of its broader narrative connections, this unit presupposes the intercession scene in 33:12-17*. There is no shift in setting between 33:17 and 18, and Moses' request that Yhwh show Moses his "glory" in 33:18 (הראני נא את כבדך) clearly mirrors his request that Yhwh make known his "ways" in 33:13. Thus, 33:18-23* cannot be earlier than 33:12-17*, and the fact that Moses' request comes after Yhwh's response in 33:17 suggests that 33:18-23* were also composed after 33:12-17*.[66] These verses contradict the view expressed in 33:11 that Moses spoke with Yhwh face-to-face in the Tent of Meeting and can be interpreted as a reaction against that verse, indicating that not even

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[64] Cf. Childs, *Exodus*, 595.

[65] This is a widely-adopted reconstruction; cf. Noth, *Das zweite Buch Mose*, 212 (ET 257–58); Zenger, *Sinaitheophanie*, 93; Jeremias, *Theophanie*, 200–204; and Aurelius, *Fürbitter*, 103; see also Konkel, *Sünde und Vergebung*, 122–23, who concludes that the question of whether 33:18-23 are a compositional unity cannot be answered definitively.

[66] Cf. Aurelius, *Fürbitter*, 103–4 and Van Seters, *Life*, 323.

Moses is permitted to see Yhwh directly.[67] To anticipate the analysis of Exod 34, 33:18-23 also presuppose and reinterpret (in advance) Moses' encounter with Yhwh in 34:5-7 and thus cannot be earlier than those verses either.[68]

Exod 34:1-4: Preparations for another divine encounter on Mount Sinai. Yhwh tells Moses to make two tablets like the first ones and to prepare to go up to Mount Sinai the next day; no one is to accompany Moses or even be seen anywhere on the mountain. Moses makes the two tablets like the first ones[69] and goes up.

There are several narrative tensions within this unit that indicate that it is not a compositional unity.[70] The first is the placement of Yhwh's statement that he will write on the tablets in 34:1b. This statement comes too early and would make better sense after 34:2, since it is only after Moses' ascent that Yhwh will write on the tablets.[71] The odd placement of this statement, as well as the fact that it interrupts the chain of imperative verbs in 34:1a and 34:2 (פסל לך...והיה נכון), suggests that 34:1b does not belong to the most basic narrative material in this unit.[72] Another narrative tension is found in 34:4b, which speaks of "two stone tablets" without the definite article. This is somewhat surprising, since 34:4aα_1 describes Moses' carving of two stone tablets, making it seem as if 34:4a$\alpha_2\beta$b is not aware of the reference to the tablets in 34:4aα_1. Assuming that the phrase לחת אבנים in 34:4b has not lost a definite article in the process of textual transmission (for

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[67] Cf. Konkel, *Sünde und Vergebung*, 123.

[68] At issue in 33:18-23 is the question of whether Moses is able to see Yhwh's face. Whereas 34:6 suggests that Yhwh was fully visible to Moses, 33:18-23 correct this depiction by introducing the "cleft of the rock"; on this cf. Rudolph, *"Elohist,"* 57–58; Aurelius, *Fürbitter*, 103–4; Blum, *Studien*, 64–65; Boorer, *Promise*, 239; and Konkel, *Sünde und Vergebung*, 122.

[69] According to 24:12, however, *Yhwh* made the first tablets.

[70] Against Perlitt, *Bundestheologie*, 209–13, Aurelius, *Fürbitter*, 116–17; Blum, *Studien*, 68; Crüsemann, *Die Tora*, 68–69; and Van Seters, *Life*, 324–25, all of whom regard these verses as a unity.

[71] Cf. Konkel, *Sünde und Vergebung*, 124.

[72] Cf. Dohmen, "Was stand auf den Tafeln?" 28–29.

which there is no manuscript evidence), then it is likely that the reference to the tablets in 34:4aα₂βb does not know 34:4aα₁ (or 34:1aβb, which is closely connected to 34:4aα₁) and was composed prior to those references to the tablets. The fact that Moses is first named as the subject in 34:4aα₂βb lends further support to the notion that 34:1aβb and 4aα₁ do not belong to the most basic material in the unit.[73] Thus, the most basic material in 34:1-4 can be reconstructed as follows: 34:1aα, 2-3,[74] 4aα₂βb.[75]

Exod 34:5-28: Moses' encounter with Yhwh. Once Moses has ascended the mountain, Yhwh descends in the cloud, and (presumably) Moses "stands" with Yhwh and calls Yhwh by name (ויתיצב עמו שם ויקרא בשם ה׳). Yhwh passes before Moses and declares his attributes, whereupon Moses bows down to the ground and then asks Yhwh to be with the people and to forgive them (34:5-9). Then Yhwh begins a new speech, stating that he will enact a covenant with all the people and will perform wonders that have never been "created" (אשר לא נבראו) in all the land and among all the nations (34:10). This is followed by a set of instructions regarding how to deal with the inhabitants of the land (34:11-16) as well as by a series of ritual laws (34:17-26). Finally, Yhwh tells Moses to write the words of Yhwh's covenant with Moses and with Israel (34:27-28).

There are several significant narrative discontinuities within this unit. Between 34:9 and 34:10, a problem arises from the fact that Yhwh's statement regarding the covenant with the people does not address Moses' request for divine accompaniment in

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[73] Cf. Konkel, *Sünde und Vergebung*, 124.

[74] Without the *waw* at the beginning of 34:2.

[75] On the tablets as secondary to the most basic narrative in Exod 34 cf. Zenger, *Sinaitheophanie*, 94–95; Jeremias, *Theophanie*, 197 n. 11; Hossfeld, *Dekalog*, 204; Levin, *Jahwist*, 369; and Konkel, *Sünde und Vergebung*, 124–25. Most of these analyses regard the motif of the tablets *as a whole* to be secondary and take a traditio-historical rather than literary-critical approach. The analysis presented here suggests, however, that the reference to the tablets in 34:4b belongs to an earlier compositional level than those in 34:1aβb and 34:4aα₁ and need not be removed from the *Grundbestand*.

34:9 at all, suggesting that these verses do not belong to the same compositional level. In light of the fact that Moses' request for divine accompaniment is not addressed anywhere within 34:10-28, it seems likely that 34:9 is a later insertion into an earlier composition already containing 34:10.[76]

Further narrative tension is created by 34:11b. When read in light of 34:11a, which serves as an introduction to divine *commands* (שמר לך את אשר אנכי מצוך היום), 34:11b is quite surprising, since it does not contain any commands. 34:11b also stands in tension with 34:12, since in the former Yhwh states that he will drive out the previous in-habitants of the land, while the latter (and indeed 34:12-16 as a whole) warns against making a covenant with the inhabitants of the land, thereby assuming a scenario in which other nations still live in the land. Thus, in light of the narrative tensions on both sides of 34:11b, it seems likely that this half-verse is a later addition between 34:11a and 34:12.[77]

34:12-16 show signs of possibly being composite.[78] While 34:12 and 14-16 have a 2ms implied addressee, 34:13 uses 2mp verbs. Moreover, the phrase פן תכרת ברית ליושב הארץ in 34:15 is a strange continuation of 34:14, since the juxtaposition of these two vers-es implies that making a covenant with the inhabitants of the land (34:15) *results from* bowing down to other gods (34:14). Although such a reading is possible, it diverges sig-nificantly from 34:12, where the making of a covenant with the inhabitants of the land is a *cause* of transgression, not its *outcome*. Indeed, the verbatim repetition of the phrase פן תכרת ברית ליושב הארץ in 34:15 may be a *Wiederaufnahme* of 34:12aα, serving as the point

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[76] On Exod 34:9 as a later insertion cf. Noth, *Das zweite Buch Mose*, 215 (ET 261) and Boorer, *Promise*, 240.

[77] Cf. Konkel, *Sünde und Vergebung*, 130, who, however, regards 34:11 as a whole as later than 34:12.

[78] Against Jörn Halbe, *Das Privilegrecht Jahwes: Ex 34,10-26: Gestalt und Wesen, Herkunft und Wirken in vordeuteronomistischer Zeit* (FRLANT 114; Göttingen: Vandenhoeck & Ruprecht, 1975), 97, who regards 34:12-15 as a compositional unity.

of attachment for the more detailed warnings in 34:15-16, which may be regarded as an elaboration of the phrase פן יהיה למוקש בקרבך in 34:12b.[79] Thus, the most basic material within 34:12-16 likely consists of 34:12a(b) and 34:14.[80]

The collection of ritual laws in 34:17-26 is largely coherent in terms of its style and content, with the exception of 34:24, which interrupts the series of commandments with a statement that Yhwh will dispossess (ירש C) nations from before the people. 34:24b partially alleviates the interruption by making a connection between Yhwh's dispossession of the nations and the preceding commandment to appear before Yhwh three times a year, although this is achieved at the expense of creating a repetitive text through the chiastic *Wiederaufnahme* of 34:23:

34:23 שלש פעמים בשנה
יראה כל זכורך את פני האדן ה׳ אלהי ישראל
24 כי אוריש גוים מפניך והרחבתי את גבלך ולא יחמד איש את ארצך
בעלתך לראות את פני ה׳ אלהיך
שלש פעמים בשנה

The significant shift in subject matter as well as the repetition created by the transition back to the cultic commandments strongly suggests that 34:24 is a later insertion into 34:17-23, 25-26.[81]

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[79] Cf. Christoph Dohmen, "'Eifersüchtiger ist sein Name' (Ex 34,14): Ursprung und Bedeutung der alttestamentliche Rede von Gottes Eifersucht," *ThZ* 46 (1990): 289–304 (294 n. 18) and Konkel, *Sünde und Vergebung*, 190.

[80] Cf. Götz Schmitt, *Du sollst keinen Frieden schließen mit den Bewohnern des Landes: Die Weisungen gegen die Kanaanäer in Israels Geschichte und Geschichtsschreibung* (BWANT 91; Stuttgart: Kohlhammer, 1970), 24–30; Dohmen, "Eifersüchtiger ist sein Name," 294; idem, "Sinaibund," 65–67; Christian Frevel, *Aschera und der Ausschließlichkeitsanspruch YHWHs: Beiträge zu literarischen, religionsgeschichtlichen und ikonographischen Aspekten der Ascheradiskussion* (2 vols.; BBB 94; Weinheim: Beltz Athenäum, 1995) 1:223; and Konkel, *Sünde und Vergebung*, 188–90, all of whom identify 34:12a, 14 as the most basic material within these verses.

[81] This conclusion fits well with the arguments made above for the secondary nature of 34:11b, which shares the theme of Yhwh's dispossession of the previous inhabitants of the land.

The narrative conclusion to Moses' encounter with Yhwh (34:27-28) also contains a narrative tension: Yhwh's instructions to Moses to write down the divine words in 34:27 and the fulfillment report in 34:28b are separated by a statement that Moses was on the mountain for forty days and forty nights and did not eat or drink anything during his time on the mountain. This clause has an abrupt shift in its subject,[82] and its rhetorical aims are distinct from the rest of 34:27-28, thus raising the possibility that this half verse is an insertion. In contrast, I find no grounds for assigning 34:27 and 34:28bα[83] to two different compositional levels, particularly since Yhwh's command to Moses to write "these words" is only fulfilled in 34:28bα.[84]

Exod 34:29-32: Moses' descent from the mountain. After the divine encounter, Moses descends from Mount Sinai, and Aaron and all the Israelites see that his face is radiant. Aaron and all the princes in the congregation come to Moses and he speaks with them, then all of the Israelites approach, and Moses communicates to them everything that Yhwh spoke with him on Mount Sinai.

Within this unit, 34:29 poses several narrative problems. The fact that Moses is named explicitly as the subject three times within this verse raises suspicion that it is not a unity. While the clause in 34:29aα (ויהי ברדת משה מהר סיני) is essential to the logic of the narrative, the statement that Moses was carrying the two "tablets of the testimony" when

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[82] Cf. Hans-Christoph Schmitt, "Das sogenannte jahwistische Privilegrecht in Ex 34,10-28 als Komposition der spätdeuteronomistischen Endredaktion des Pentateuch," in *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. Jan Christian Gertz, Konrad Schmid, and Markus Witte; BZAW 315; Berlin: de Gruyter, 2002) 157–71 (159 n. 11).

[83] The phrase עשרת הדברים in 34:28bβ is possibly a later addition; cf. Wellhausen, *Composition*, 332–33 n. 3 and Crüsemann, *Die Tora*, 68.

[84] Against Zenger, *Sinaitheophanie*, 199–203; Hossfeld, *Dekalog*, 210; and Konkel, *Sünde und Vergebung*, 131–32, all of whom regard 34:28 as a whole as secondary to 34:27 based on the appearance of the tablets in 34:28b. This is unnecessary, however, if the reference to the tablets in Exod 34:4b is retained (see above).

he came down from the mountain (ושני לחת העדת ביד משה ברדתו מן ההר) is doubly redundant, repeating Moses' name as well as the report of his descent. The use of the phrase שני לחת העדת is also surprising here, as this term for the tablets is used nowhere else in the immediate narrative context of Exod 34.[85] Thus, it seems likely that 34:29aβγ is a later insertion that was perhaps made in order to include the concept of the לחת העדת at this point in the narrative.

The statement in 34:29b that Moses did not know that his face was shining also creates a certain degree of narrative tension. Here too Moses is named explicitly, although this can be explained by the *x-qatal* circumstantial clause used here to mark off parenthetical information. More troublesome is the reference to the deity using a pronominal suffix with no clear antecedent in the text. Most significantly, the placement of this parenthetical information *before* the statement in 34:30 that Moses' face was radiant takes away the element of surprise created by the הנה in 34:30. All of these considerations suggest that 34:29b is also a secondary insertion into a more original connection between 34:29aα and 34:30.[86]

Exod 34:33-35 Moses' veil. After Moses finishes speaking with the people, he puts a veil over his face. Whenever Moses would enter before Yhwh to speak with him, he would remove the veil until exiting; then he would tell the Israelites that which he was commanded.[87] The Israelites would see that Moses' face was radiant, then Moses would place the veil over his face again until entering again to speak with Yhwh.

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[85] The phrase שני לחת העדת occurs one other time in Exod 32–34 as a whole (32:15).

[86] Against Konkel, *Sünde und Vergebung,* 133, who regards 34:29-35 as a compositional unity.

[87] ᴍ: "that which he [Yhwh] would command him"; ᴳ: "that which Yhwh would command him."

Apart from the duplicate occurrence of the phrase פני משה in 34:35, which creates a slight redundancy, these three verses form a coherent whole. In terms of its relative chronology within Exod 32–34 as a whole, this unit presupposes both the episode involving the tent of meeting in 33:7-11 (cf. esp. 33:9 and 34:34)[88] and the phenomenon of Moses' radiant face from 34:29-32 and must therefore belong to a stage of composition at which both of these units were present in Exod 32–34.

Interim result. The foregoing analysis of Exod 32–34 has produced the following results:

- *32:1-8:* 32:4b-5aα and 8bβ are likely later additions.
- *32:9-14:* This unit is later than 32:1-8*, and 32:13 may be an even later addition.
- *32:15-20:* 32:15b-16, 17-18, and 20b are likely later insertions.
- *32:21-24:* These verses are a compositional unity and presuppose 32:9-14.
- *32:25-29:* This unit is not part of the most basic narrative; 32:25b is even later.
- *32:30-35:* 32:30-34 are secondary to 33:1-6*, and 32:35 is later than 32:30-34.
- *33:1-6:* 33:(2b?), 3a, 3bα$_2$, and 5-6 are secondary within this unit.
- *33:7-11:* This unit may belong with 33:5-6; 33:11bβγ is a later addition.
- *33:12-17:* This unit presupposes 33:1-4*. 33:12b, 13(aβ?)b, 16aα are additions.
- *33:18-23:* These verses are secondary to 33:12-17* and also presuppose 34:6-7.
- *34:1-4:* 34:1aβb and 4aα$_1$ are secondary.
- *34:5-28:* 34:9, 11b, 13, 15-16, 24, and 28a are likely secondary insertions.
- *34:29-32:* 34:29aβγ is likely a later insertion, and 34:29b may also be secondary.
- *34:33-35:* These verses are a unity and presuppose both 33:7-11 and 34:29-32.

When all of these observations are brought into relation with each other, the following material emerges as *possibly* belonging to the most basic narrative thread in Exod 32–34: 32:1-4a, 5aβ-7βα, 15a, 19-20a;[89] 33:1-2a, (2b?), 3bα$_1$, 3bβ, 4; 34:1aα, 2-3, 4aα$_2$βb, 5-8, 10-11a, 12, 14, 17-23, 25-27, 28b, 29aα(b?), 30-32. Although this narrative sequence is largely coherent, it still poses several narrative problems. First, even the smallest extent

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[88] Cf. Otto, "Pentateuchredaktion," 97.
[89] Cf. Kratz, *Komposition*, 140 (ET 135).

of material in Exod 33 seems out of place when compared to the most basic narrative material in chapters 32 and 34.[90] The divine command to Moses to lead the people up seems strange in the middle of a narrative; it would make much more sense as a transition to the people's departure from the mountain, although such a departure only comes much later—in Num 10—in the received shape of the text. Moreover, the warning not to make a covenant with the inhabitants of the land in Exod 34:12 stands out as rather distinct from the other commandments in 34:14, 17-23, 25-26, which are more explicitly connected to cultic practice. Finally, one of the most difficult aspects of Exod 32–34 is the place of the stone tablets, which seem essential to some passages but appear to be secondary in others and which are described in often conflicting ways. These issues require comparison with texts beyond Exod 32–34 themselves and will be taken up in the following section.

3.2. MACROCONTEXTUAL ANALYSIS OF EXOD 32–34

Now that a variety of secondary materials have been identified in Exod 32–34, the more basic materials can be evaluated in terms of their place within a broader narrative framework. Here, particular attention will be given to to determining (1) their relationship with Exod 19–24, (2) whether they are pre-priestly or post-priestly, and (3) whether they could have belonged to an independent exodus-conquest narrative.

Exod 32:1-8. The making of the golden calf in Exod 32 represents a violation of the first (and likely also the second) commandment of the Decalogue and thus presupposes some form of Exod 19–24 that includes the Decalogue.[91] While it is possible that the

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[90] Cf. Noth, *Das zweite Buch Mose*, 200 (ET 243) and Boorer, *Promise*, 243–44.

[91] Cf. Kratz, *Komposition*, 141–42 (ET 136). Hossfeld (*Dekalog*, 159–62), Dohmen (*Bilderverbot*, 141–47; idem, "Was stand auf den Tafeln?" 47), and Weimar ("Das Goldene Kalb," 156–57) argue that Exod 32 did not originally presuppose the prohibition on images in the Decalogue, but it is difficult to imagine what purpose this narrative would have served if not as a commentary on the people's failure to observe the law

Decalogue belongs to a pre-priestly stage in the formation of Exod 19–24 (see Chapter 2), even the earliest reconstructible narrative in Exod 32:1-8 shows signs of post-priestly composition. As discussed above, the figure of Aaron—who is explicitly portrayed here in his role as priest (cf. esp. 32:5aβb[92])—cannot be removed from the most basic narrative thread. Even if one disputes the notion that Aaron's appearance in the scene indicates post-priestly composition, other evidence also suggests that Exod 32:1-8 presupposes priestly literature. For example, the combination קהל + על is only attested elsewhere in the Pentateuch in Num 16:3, 19; 17:7; and 20:2, all of which are (post-)priestly texts.[93] More-over, the motif of the gold earrings in Exod 32:2-3 can be interpreted as a misuse of the gold for the tabernacle (cf. Exod 35:22), while it is much more difficult to see how Exod 35:22 could presuppose Exod 32:2-3.[94] Finally, Exod 32:6 forms links with post-priestly material in Exod 24, casting the worship of the calf as a perversion of the sacrifices in 24:5 and the theophany in 24:11.[95]

Regarding the wider literary horizon of the making of the calf in Exod 32:1-6*, the allusion in Exod 32:4b to Jeroboam's initiation of the cult of golden calves at Dan and Bethel in 1 Kgs 12:28-33 lies at the heart of a major discussion over the extent of

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that they had just received in Exod 20.

[92] The combination of the terms קרא + חג לה׳ in Exod 32:5bβ has parallels elsewhere in Exod 12:14; Lev 23:6; and Num 29:12 (cf. Dohmen, *Bilderverbot*, 105–6 and Gertz, "Beobachtungen," 91–92 with additional biblical references). Konkel's argument (*Sünde und Vergebung*, 137) that the use of the phrase חג...לה׳ in Deut 16:10 indicates that this phrase cannot be regarded as specifically priestly overlooks the additional connection with the verb קרא in Exod 32:5.

[93] Cf. Otto, "Pentateuchredaktion," 85.

[94] Cf. ibid., 86; idem, "Deuteronomiumstudien II: Deuteronomistische und postdeuteronomistische Perspektiven in der Literaturgeschichte von Deuteronomium 5–11," *ZABR* 15 (2009): 65–215 (152); idem, *Deuteronomium 4,44–11,32*, 956.

[95] Cf. Blum, *Studien*, 54, who points to these links but does not evaluate the texts in Exod 24 as post-priestly, and Otto, "Deuteronomiumstudien II," 153; idem, *Deuteronomium 4,44–11,32*, 957, who argues that the intertext in Exod 24 is post-priestly. See also Aurelius, *Fürbitter*, 71, who argues that Exod 32* only knows the offering scene in Exod 24:4-5 but nothing else in 24:1-11.

Deuteronomistic compositional activity within the Sinai pericope. There is a broad con-

sensus that the phrase אלה אלהיך ישראל אשר העלוך מארץ מצרים in Exod 32:4b draws on 1

Kgs 12:28 and not vice versa.[96] However, since this verse is an addition, the question of

whether the most basic material in Exod 32:1-8 also presupposes the Jeroboam narrative

in 1 Kgs 12 must be answered on the basis of other evidence.[97] Further parallels between

Exod 32:1-6 and 1 Kgs 12:28-33 include the use of gold to make the calf (Exod 32:2 // 1

Kgs 12:28), the construction of an altar (Exod 32:5aβ // 1 Kgs 12:32), and the declaration

of a festival to Yhwh (Exod 32:5bβ // 1 Kgs 12:32).[98] Yet 1 Kgs 12:28-33 also shows

signs of being a composite text: Jeroboam's speech to the people in 12:28b is not neces-

sary from a narrative point of view, and the cultic details described in 12:31-33 come too

late after 12:30, suggesting that they are also secondary.[99] Thus, it may be necessary to

reckon with a back-and-forth process of composition, whereby Exod 32:1-6* likely pre-

supposed a basic report of Jeroboam's installation of golden calves at Dan and Bethel in 1

Kgs 12:28a, 29-30 but possibly served as the *Vorlage* to 1 Kgs 12:31-33.

In sum, it can be concluded that already the most basic narrative thread in Exod

32:1-8 is post-priestly and likely has an "Enneateuch" as its literary horizon.[100] The only

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[96] Cf. Van Seters, *Life*, 295–301; Kratz, *Komposition*, 139 (ET 134); Schmitt, "Die Erzählung vom Goldenen Kalb," 314; and Achenbach, "Grundlinien," 70. Some earlier commentators sought to maintain that Exod 32 was pre-Deuteronomistic by arguing that Exod 32 and 1 Kgs 12 drew independently on an old tradition from Bethel; see, e.g., Noth, *Das zweite Buch Mose*, 202 (ET 246).

[97] Against Otto, "Deuteronomiumstudien II," 151; idem, *Deuteronomium 4,44–11,32*, 956, who argues that the most basic narrative in Exod 32* is dependent on 1 Kgs 12:26-30 based on the citation of 1 Kgs 12:28 in Exod 32:4.

[98] These connections are noted by Schmitt, "Die Erzählung vom Goldenen Kalb," 314. In this regard I disagree with Konkel (*Sünde und Vergebung*, 146), who uses the evaluation of Exod 32:4b as secondary as an argument that the *Grundbestand* of Exod 32 was pre-Deuteronomistic but downplays the other thematic connections that remain between the two narratives.

[99] Cf. Volkmar Fritz, *Das erste Buch der Könige* (ZBKAT 10.1; Zurich: Theologischer Verlag, 1996), 137–38, who argues that 12:30b is later than 12:26-30a and that 12:31-32 are also later additions, with 12:33 serving as a redactional transition. Fritz says nothing, however, of these texts' relationship to Exod 32.

[100] Cf. Schmitt, "Die Erzählung vom Goldenen Kalb," 314, who admits that the *Grundbestand* of Exod 32 exhibits "Berührungen mit der Priesterschrift" but does not emphasize this point in his overall discussion.

way to posit the existence of a pre-priestly golden calf narrative is to assume that an earli-

er, pre-priestly version of the making of the calf has been overwritten and significantly

recast in light of priestly literature.[101] If a pre-priestly narrative were to be identified with-

in the *received* text of Exod 32:1-8, it would have to begin in 32:7-8. This seems unlikely,

however, since in 32:8 Yhwh summarizes events from 32:4-6. As the remainder of Exod

32–34 is dependent on the making of the calf in 32:1-6, it is difficult to avoid the conclu-

sion that these chapters are post-priestly in their entirety. Yet this conclusion need not

rest solely on the evaluation of 32:1-8; it is also borne out at many other points in these

chapters.

Exod 32:9-14. In the literary-critical analysis it was concluded that this scene is a

later addition to the most basic narrative thread in Exod 32. Through its multiple allu-

sions to the ancestral narratives (see esp. Yhwh's plan to make Moses into a "great na-

tion" in 32:10 and Moses' invocation of Yhwh's promise of descendants and land to the

ancestors in 32:13), the scene clearly presupposes a literary horizon that includes priestly

and post-priestly material in the book of Genesis.[102]

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[101] So Achenbach, "Grundlinien," 71; cf. Noth, *Das zweite Buch Mose*, 203 (ET 247), who, however, did not consider the figure of Aaron to be an indication of post-priestly compositional activity. Although it cannot be completely ruled out that a pre-priestly version of Exod 32:1-6 was later reworked, this should not be assumed in making other literary-critical judgments within Exod 32–34.

[102] Cf. Thomas Römer, *Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* (OBO 99; Fribourg: Academic Press, 1990), 258–65, 563–65; Konrad Schmid, *Erzväter und Exodus: Untersuchungen zur doppelten Begründung der Ursprünge Israels innerhalb der Geschichtsbücher des Alten Testaments* (WMANT 81; Neukirchen-Vluyn: Neukirchener Verlag, 1999), 296–99; translated as *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible* (trans. James D. Nogalski; Siphrut 3; Winona Lake, Ind.: Eisenbrauns, 2010); Gertz, "Beobachtungen," 100–101; Erhard Blum, "Die literarische Verbindung von Erzvätern und Exodus: Ein Gespräch mit neueren Forschungshypothesen," in *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. Jan Christian Gertz, Konrad Schmid, and Markus Witte; BZAW 315; Berlin: de Gruyter, 2002), 119–56 (153–54); with further arguments made by Konkel, *Sünde und Vergebung*, 149–50. For a detailed discussion of the other intertextual connections made in Exod 32:9-14, particularly with the book of Kings, see Aurelius, *Fürbitter*, 91–100, who, however, does not address the question of whether this unit presupposes priestly texts. Against Dozeman, *Exodus*, 577, who assigns Exod 32 in its entirety (apart from 32:15) to a "Non-P History."

Exod 32:15-20. The literary-critical analysis of this unit concluded that 32:15b-16, 17-18, and 20b are likely later additions to a basic narrative thread in 32:15a*, 19-20a. Intertextual comparison indicates that 32:15aβ presupposes priestly literature in its description of the tablets as לחת העדת,[103] and since 32:15b-16 cannot stand alone without 32:15aβ, then 32:15aβb-16 as a whole must be evaluated as post-priestly.[104] Moreover, the appearance of Joshua in 32:17-18 cannot be earlier than his appearance in Exod 24:13-14, which does not connect directly to the pre-priestly narrative thread in Exod 19–24*.[105] 32:17-18 also likely presuppose the battle with the Amalekites in Exod 17:8-16 (cf. the use of the root חל״ש in 17:13 and 32:18).[106] Finally, the reference to Moses' strewing the calf-dust over the water and making the people drink in 32:20b may

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[103] The post-priestly nature of the references to the לחת העדת has long been recognized based on the appearance of the term עדת in Exod 25:16, 21; 31:7; and 40:20. Several commentators have attempted to resolve this problem by postulating an earlier version of 32:15 that only referred to Moses carrying "two tablets" but did not use the term עדת; cf. Wellhausen, *Composition*, 97; Noth, *Das zweite Buch Mose*, 204–5 (ET 248–49); Perlitt, *Bundestheologie*, 209; Hyatt, *Exodus*, 307; Van Seters, *Life*, 294; Achenbach, "Grundlinien," 65; and Propp, *Exodus 19–40*, 149. Other commentators, however, argue that the reference to the tablets in Exod 32:15aβb is (post-)priestly from the outset and do not attempt to postulate an earlier, pre-priestly version of the report; cf. Perlitt, *Bundestheologie*, 209; Zenger, *Sinaitheophanie*, 83–84; Hahn, *Das "Goldene Kalb,"* 116–19; Hossfeld, *Dekalog*, 146–47; Dohmen, *Bilderverbot*, 78; Weimar, "Das Goldene Kalb," 126–27; Aurelius, *Fürbitter*, 58; Smith, *Pilgrimage Pattern*, 187, 246–47; Otto, "Pentateuchredaktion," 88; idem, "Deuteronomiumstudien II," 154; idem, *Deuteronomium 4,44–11,32*, 958; Gertz, "Beobachtungen," 91; and Schmitt, "Die Erzählung vom Goldenen Kalb," 313, 323.

[104] For the evaluation of Exod 32:15aβb-16 as a whole as post-priestly cf. Perlitt, *Bundestheologie*, 209; Zenger, *Sinaitheophanie*, 84; Hossfeld, *Dekalog*, 146–47; Dohmen, *Bilderverbot*, 108; Weimar, *Das Goldene Kalb*, 126–27; Aurelius, *Fürbitter*, 58; Gertz, "Beobachtungen," 96–97; Konkel, *Sünde und Vergebung*, 110; and Samuel, *Von Priestern zum Patriarchen*, 274.

[105] On the post-priestly evaluation of the reference to Joshua here cf. Dohmen, *Bilderverbot*, 109 and Otto, "Pentateuchredaktion," 81; idem, "Deuteronomiumstudien II," 154; idem, *Deuteronomium 4,44–11,32*, 958.

[106] Konkel (*Sünde und Vergebung*, 162) also notes the connection with Exod 17:8-16 but concludes that the latter narrative is both pre-priestly and pre-Deuteronomistic in its most basic form. Nevertheless, Konkel concedes that a post-priestly origin for Exod 32:17-18 cannot be excluded (ibid., 168). On the evaluation of Exod 17:8-16 as post-priestly cf. Ed Noort, "Josua und Amalek: Exodus 17:8-16," in *The Interpretation of Exodus: Studies in Honour of Cornelis Houtman* (ed. Riemer Roukema; CBET 44; Leuven: Peeters, 2006), 155–70, esp. 170.

be an allusion to the "water of cursing" in Num 5:11-31.[107] In sum, the only *potentially* pre-priestly material in 32:15-20 consists of 32:15aα* and 19.[108]

Exod 32:21-24. This unit was evaluated above as a secondary addition that presupposes 32:9-14. Since the latter can be confidently evaluated as post-priestly, 32:21-24 must also be evaluated as a post-priestly addition that seeks to cast Aaron in an even more negative light than in 32:1-6.[109]

Exod 32:25-29. Although the etiology of the Levites' ordination in 32:25-29 has typically been regarded as pre-priestly,[110] a number of commentators have also argued in favor of its post-priestly compositional place.[111] The most extensive arguments for this evaluation have been collected by Konkel; the following points are, in my view, the strongest of these: (1) the reference to the "sons of Levi" in 32:26 presupposes the (post-)priestly genealogy in Exod 6:16. (2) although the phrase מלא יד occurs in both priestly and non-priestly texts, its closest parallels are found in 1 Chr 29:5 and 2 Chr

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[107] Cf. Noth, *Das zweite Buch Mose*, 205 (ET 249–50) and Samuel, *Von Priestern zum Patriarchen*, 276.

[108] The question of (post-)priestly material in 32:19 will be taken up in the discussion of the tablets below.

[109] Cf. Weimar, *Das Goldene Kalb*, 131–32, 155–56 (R^P); Achenbach, "Grundlinien," 77 (post-Dtr and post-P); and Konkel, *Sünde und Vergebung*, 168. Although Aaron's own rhetorical aim *in the world of the narrative* is to save face by blaming the people, the ultimate rhetorical effect *on the reader* is to cast Aaron in an even more negative light than in 32:1-6 through his feeble attempt to exonerate himself. For this interpretation cf. Noth, *Das zweite Buch Mose*, 201 (ET 244); Moberly, *At the Mountain of God*, 54; Childs, *Exodus*, 562; and Boorer, *Promise*, 245; against Umberto Cassuto, *A Commentary on the Book of Exodus* (Jerusalem: Magnes Press, 1967 [1953]), 420; Samuel E. Loewenstamm, "The Making and Destruction of the Golden Calf – A Rejoinder," *Biblica* 56 (1975), 330–43 (337); Hyatt, *Exodus*, 309; and Herbert C. Brichto, "The Worship of the Golden Calf: A Literary Analysis of a Fable on Idolatry," *HUCA* 54 (1983): 1–44 (11–15), who regard 32:21-24 as casting Aaron in a positive light.

[110] Cf. Noth, *Überlieferungsgeschichte des Pentateuch*, 219–20 n. 545 (ET 201 n. 545); Blum, *Studien*, 55–56; and Dozeman, *Exodus*, 577; cf. Samuel, *Von Priestern zum Patriarchen*, 276, 278–79, who assigns 32:25-29 to a "*neben*priesterschriftlichen Erzählfaden" (emphasis original).

[111] Zenger, *Sinaitheophanie*, 189; Dohmen, *Bilderverbot*, 93–94; Weimar, *Das goldene Kalb*, 131–32, 155–58; Ulrich Dahmen, *Leviten und Priester im Deuteronomium: Literarkritische und redaktionsgeschichtliche Studien* (BBB 110; Bodenheim: Philo, 1996), 80–85; Otto, "Pentateuchredaktion," 90; idem, "Deuteronomiumstudien II," 156; idem, *Deuteronomium 4,44–11,32*, 959; Schmitt, "Die Erzählung vom Goldenen Kalb," 323; and Achenbach, "Grundlinien," 76–78.

29:31, both of which have cultic resonances. (3) This unit has structural parallels with Num 25:1-13 in its post-priestly compositional form.[112]

Exod 33:1-6. 33:1-2a, (2b?), 3bα$_1$, 3bβ, and 4, which constitute the most basic material in Exod 33 but are secondary to the most basic narrative thread in Exod 32 and 34, show signs of post-priestly provenance. 33:1 combines the notion of Yhwh's oath-promise of the land with an explicit reference to Abraham, Isaac, and Jacob and as such is one of a handful of texts that serve to demarcate the (post-priestly) Pentateuch as a canonical unit.[113] Moreover, the problem of Yhwh's presence in the midst of the people expressed in Exod 33:1-6—particularly in light of the divine command that the people take off their ornaments—seems to undo the notion that Yhwh's presence traveled with the people via the (priestly) tabernacle constructed from the people's jewelry.[114]

Exod 33:7-11. The description of the Tent of Meeting in Exod 33:7-11 has traditionally been regarded as part of an older, pre-priestly narrative.[115] Not only does such an evaluation rely on questionable *Hilfskonstruktionen*;[116] it is also forced to downplay the

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[112] Konkel, *Sünde und Vergebung*, 163–68; on the third observation cf. Dohmen, *Bilderverbot*, 109–11; Dahmen, *Leviten und Priester*, 87–90; and Schmitt, "Die Erzählung vom Goldenen Kalb," 323. For a critique of Konkel's arguments, see, however, Samuel, *Von Priestern zum Patriarchen*, 278 n. 1253.

[113] On the combination of the oath-promise with the reference to Abraham, Isaac, and Jacob as post-priestly see Römer, *Israels Väter*, 554–68 and Hans-Christoph Schmitt, "Die Josephsgeschichte und das deuteronomistische Geschichtswerk: Genesis 38 und 48–50," in *Deuteronomy and Deuteronomic Literature: FS C. H. W. Brekelmans* (ed. Marc Vervenne and J. Lust; BETL 133; Leuven: Peeters, 1997)*, 391–405 (394). For an extended discussion of these texts' place in demarcating the Pentateuch as a canonical unit see Schmid, *Erzväter und Exodus*, 296–99 (with an evaluation of Exod 33:1 as post-priestly on p. 298).

[114] On Exod 33:1-6 as a whole as post-priestly cf. William Johnstone, "From the Mountain to Kadesh with Special Reference to Exodus 32.30–34.29*," in idem, *Chronicles and Exodus: An Analogy and its Application* (JSOTSup 275; Sheffield: Sheffield Academic Press, 1998), 262–80 (276) and Konkel, *Sünde und Vergebung*, 122; cf. also the observations of Gertz, "Beobachtungen," 102, who implies, but does not state explicitly, that Exod 33:1-6 are post-priestly.

[115] For earlier studies see Manfred Görg, *Das Zelt der Begegnung: Untersuchung zur Gestalt der sakralen Zelttraditionen Altisraels* (BBB 27; Bonn: Hanstein, 1967), 151–65; Volkmar Fritz, *Tempel und Zelt: Studien zum Tempelbau in Israel und zu dem Zeltheiligtum der Priesterschrift* (WMANT 47; Neukirchen-Vluyn: Neukirchener Verlag, 1977), 100–109; and Blum, *Studien*, 76–88.

[116] For example, Konkel argues for the pre-priestly provenance of this passage based on the assumption that the motif of the pillar of cloud "gehört sicher zum Grundbestand der vorpriesterlichen und vermutlich auch

fact that Exod 33:7-11 builds upon the issue of divine absence raised in 33:1-6. As A. H. J. Gunneweg observed in a groundbreaking study from 1990, the location of the Tent of Meeting *outside* the camp can be regarded as a revision of the priestly notion of the tabernacle *in the midst of* the camp.[117] A number of commentators have followed Gunneweg in evaluating this passage as post-priestly,[118] and this perspective has recently been strengthened by Rainer Albertz, who has shown in detail that the reference to the אהל מועד in Exod 33:7-11 presupposes the priestly אהל מועד (cf. esp. Exod 33:10 with Lev 9:23-24).[119]

In fact, Exod 33:7-11 can be understood as a dialectical reinterpretation of the priestly concept of divine presence in the tabernacle and the more radical notion of divine absence presented in 33:1-6. Although Yhwh is not *directly* present in the tabernacle, access to the divine can still be mediated verbally through the figure of Moses.[120] As Gunneweg observed, this synthesis of two conceptions of divine presence/absence in the figure of Moses reflects a concrete theological reality, namely, the notion that Yhwh's communication with Moses—that is, the Torah—is the site of Yhwh's presence in the midst of the people, even in the absence of the tabernacle—that is, the temple and its

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vordeuteronomistischen Exoduserzählung" (*Sünde und Vergebung*, 171–73); Dozeman postulates that the "Non-P author…is incorporating an independent tradition of the tent of meeting" (*Exodus*, 719); and Stackert is forced to postulate that this "E" passage was moved from its original location within the Elohistic source and that "the pentateuchal compiler here did not follow his regular practice of retaining the sequence of the text in his source" (*A Prophet Like Moses*, 82–91, quote from p. 85).

[117] A. H. J. Gunneweg, "Das Gesetz und die Propheten: Eine Auslegung von Ex 33,7-11; Num 11,4–12,8; Dtn 31,14f.; 34,10," *ZAW* 102 (1990): 169–80 (174).

[118] Levin, *Jahwist*, 368; Otto, "Pentateuchredaktion," 91–92; Hans-Christoph Schmitt, "Die Suche nach der Identität des Jahweglaubens im nachexilischen Israel," in *Pluralismus und Identität* (ed. J. Mehlhausen; Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 8; Gütersloh: Gütersloher Verlagshaus, 1995), 259–78 (274), repr. in idem, *Theologie in Prophetie und Pentateuch: Gesammelte Studien* (ed. Ulrike Schorn; BZAW 310; Berlin: de Gruyter, 2001), 255–76 (271); Oswald, *Israel am Gottesberg*, 216–17; Kratz, *Komposition*, 140 (ET 135); Friedhelm Harteinstein, "Das 'Angesicht Gottes' in Exodus 32–34," in *Gottes Volk am Sinai: Untersuchungen zu Ex 32–34 und Dtn 9–10* (ed. Matthias Köckert and Erhard Blum; VWGTh 18; Gütersloh: Gütersloher Verlagshaus, 2001), 157–83 (158–59); Gertz, "Beobachtungen," 103; and Achenbach, "Grundlinien," 79–80.

[119] Albertz, "Ex 33,7-11," 26–34, esp. 31–33.

[120] Cf. ibid., 35.

priests.[121] The Torah-orientation of this text is further suggested by the reference to

Joshua remaining in the Tent of Meeting in 33:11bβ (ומשרתו יהושע בן נון נער לא ימיש מתוך

האהל), which forms a lexical link with Yhwh's command to Joshua in Josh 1:8 not to let

the "book of the Torah" depart from his mouth (לא ימוש ספר התורה הזה מפיך).

Exod 33:12-17. In the literary-critical analysis it was argued that Moses' third in-

tercession with Yhwh in 33:12-17 presupposes at least 33:1-6*,[122] which were evaluated

above as post-priestly. Although several commentators have proposed that 33:12-17 once

connected directly to 32:30-34,[123] this is not possible, since the latter verses are a *Vorweg-

nahme* of 33:1. It is also difficult to imagine that 33:1-6*, 12-17 could have stood alone

without Exod 32, since "the circumstantial negotiations in 33.12ff. need an occasion

which makes Yhwh's going with the people a problem"[124]—namely, the sin of the golden

calf.

Exod 33:18-23. The literary-critical analysis showed that these verses are not a

compositional unity, that their most basic material presupposes the intercession scene in

33:12-17, and that they present a correction of the view in 33:11 that Moses spoke with

Yhwh face to face. Since 33:7-11 and 33:12-17 are post-priestly texts, 33:18-23 must also

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[121] Gunneweg, "Das Gesetz und die Propheten," 174–75; cf. Albertz, "Ex 33,7-11," 36.

[122] For the notion that 33:12-17 presupposes some amount of preceding material in Exod 33 cf. Wellhausen, *Composition*, 94; Van Seters, *Life*, 320, who argues that "the argument of the dialogue is misunderstood if this connection [i.e., between Exod 33:1-3 and 33:12-17 – S.G.] is not maintained"; Kratz, *Komposition*, 141 (ET 136), who regards Exod 33:1a, 3a, and 12-17 as a unit; and Dozeman, *Exodus*, 727.

[123] For the view that 33:12-17 are earlier than 33:1-11 see Noth, *Das zweite Buch Mose*, 211 (ET 256); Aurelius, *Fürbitter*, 102; Gertz, "Beobachtungen," 102; and Konkel, *Sünde und Vergebung*, 177.

[124] Kratz, *Komposition*, 141 (quote from ET 136). Kratz leaves open the question of whether Exod 32 + 34* or Exod 33* constituted the earliest material in Exod 32–34.

be evaluated as post-priestly.[125] This evaluation is reinforced by the conceptual and inter-textual analysis of 34:5-7, upon which 33:18-23 also depends (see below).

Exod 34:1-4. The literary-critical analysis above led to the conclusion that the most basic material in 34:1-4 consists of 34:1aα, 2-3[126], and 4aα₂βb. Within these verses, Yhwh's instructions to Moses to prepare for another ascent of the mountain has reso-nances with the theophany texts in Exod 19–24:

19:11 <u>והיו נכנים</u> ליום השלישי 19:20 וירד ה׳ על <u>הר סיני</u> אל <u>ראש ההר</u>	34:2 <u>והיה נכון</u> לבקר ועלית בבקר אל <u>הר סיני</u> ונצבת לי שם על <u>ראש ההר</u>
19:12 <u>והגבלת</u> את העם סביב לאמר <u>השמרו לכם</u> <u>עלות</u> בהר <u>ונגע בקצהו</u> כל הנגע בהר מות יומת[127] 13 לא תגע בו יד כי סקול יסקל או ירה יירה <u>אם בהמה</u> אם איש לא יחיה	34:3 <u>ואיש לא יעלה</u> עמך וגם <u>איש אל ירא</u> בכל <u>ההר</u> גם <u>הצאן והבקר</u> אל ירעו אל מול ההר ההוא

This comparison reveals that even the most basic material in 34:1-4 presupposes the theo-phany materials in Exod 19 at a post-priestly (and post-Dtn) stage of composition. The term הר סיני and the phrase ראש ההר in 34:2 draw on language from Exod 19:20. Likewise, 34:3 has thematic connections to 19:12-13.[128] The likelihood that 34:3 draws on 19:12-13 and not vice versa is strengthened by the statement ואיש לא יעלה עמך, which may be a reac-tion against Joshua's accompanying Moses (at least part of the way) up the mountain in

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[125] On Exod 33:18-23 as (post-)priestly cf. Johnstone, "Reactivating," 30. Konkel (*Sünde und Vergebung*, 177) argues that the unit is late but that its traditio-historical place cannot be determined precisely. Although many commentators have rightly notes that the concept of Yhwh's "glory" (כבוד) differs from that found in priestly texts (see, e.g., Dozeman, *Exodus*, 729–30), this is hardly a reason to assume that the passage is *pre*-priestly.

[126] Without the *waw* at the beginning of 34:2.

[127] This perhaps presupposes 19:21 but not 19:22-25.

[128] For the view that 34:2-3 is a *Wiederaufnahme* of materials in 19:10-19 (albeit with a different relative dating of the latter unit) cf. Erhard Blum, "Das sog. 'Privilegrecht' in Exodus 34,11-26: ein Fixpunkt der Komposition des Exodusbuches?" in *Studies in the Book of Exodus: Redaction, Reception, Interpretation* (ed. Marc Vervenne; BETL 126; Leuven: Peeters, 1996), 347–66 (355).

Exod 24:13-14. The insertion of the motif of the tablets within 34:1-4 is a special problem that will be discussed in further detail below.

Exod 34:5-28. Above it was concluded that 34:9, 11b, 13, 15-16, 24, and 28a are likely secondary to the most basic material in 34:5-28. Yet even apart from these additions and apart from the complicated issue of the direction of dependence among the legal materials in Exod 13; 20; 21–23; and 34:11-26,[129] a comparison of the narrative framework of Exod 34:5-28 with Exod 19–24 reveals that this narrative frame presupposes Exod 19–24 at a post-priestly stage of composition:

19:18 והר סיני עשן כלו מפני אשר <u>ירד</u> עליו ה' <u>באש</u> 19:16 ויהי קלת וברקים <u>וענן</u> כבד על ההר	34:5 <u>וירד ה' בענן</u>
24:8 ויקח משה את הדם ויזרק על העם ויאמר <u>הנה</u> דם <u>הברית</u> אשר <u>כרת</u> ה' עמכם על כל הדברים האלה (cf. 19:5; 24:7)	34:10 ויאמר <u>הנה</u> אנכי <u>כרת ברית</u> נגד כל עמך

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[129] The following verbal parallels exist between the legal material in 34:11-26 and other legal corpora in the book of Exodus: 34:14 // 20:3; 34:17 // 20:4; 34:18 // 23:15; 34:19 // 13:12-13; 34:20 // 23:15; 34:21 // 20:9-10; 34:22 // 23:16; 34:23 // 23:17; 34:25 // 23:18; and 34:26 // 23:19. Although it is beyond the scope of the present study to discuss the possible directions of dependence among all of these texts, it should be noted here that an increasing number of commentators have concluded that the legal materials in 34:11-26 represent a late compilation of materials from elsewhere in the book of Exodus. See already Albrecht Alt, *Die Ursprünge des israelitischen Rechts* (Berichte über die Verhandlungen der Sächsischen Akademie der Wissenschaften zu Leipzig, Philologisch-historische Klasse 86; Leipzig: S. Hirzel, 1934); repr. in *Kleine Schriften zur Geschichte des Volkes Israel* (3 vols.; Munich: C. H. Beck, 1953–1959), 1:278–332 (317 n. 1); see also Perlitt, *Bundestheologie*, 216–38; Ernst Kutsch, "Erwägungen zur Geschichte der Passafeier und des Massotfestes," in idem, *Kleine Schriften zum Alten Testament* (BZAW 168; Berlin: de Gruyter, 1986), 29–63, esp. 33–36 (late-Dtr); Aurelius, *Fürbitter*, 116–26; Johnstone, "Reactivating," 27–28; Blum, *Studien*, 69–70, 369–70; idem, "Israël à la montagne de Dieu," 278 n. 21; idem, "Privilegrecht," 357–58 (KD: post-exilic but not post-priestly); Shimon Bar-On (Gesundheit), "The Festival Calendars in Exodus xxii 14-19 and xxxiv 18-26," *VT* 48 (1998): 161–95 (post-priestly); David Carr, "Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34,11-26 and its Parallels," in *Gottes Volk am Sinai: Untersuchungen zu Ex 32–34 und Dtn 9–10* (ed. Matthias Köckert and Erhard Blum; VWGTh 18; Gütersloh: Gütersloher Verlagshaus, 2001), 107–40 (post-priestly); Schmitt, "Das sogenannte jahwistische Privilegrecht," 169. The direction of dependence between Exod 34:11-26 and the Covenant Code is particularly problematic. Even if the festival laws in the Covenant Code are dependent on Exod 34:11-26 and not vice versa, this is not a strong argument for an early dating of the core of Exod 34:11-26 (against Otto, "Pentateuchredaktion," 93–99), since the Covenant Code could have taken on additions at a late stage of composition (cf. Schmitt, "Das sogenannte jahwistische Privilegrecht," 168).

ויכתב משה את כל דברי ה׳...	24:4	34:27 ויאמר ה׳ אל משה כתב לך את הדברים האלה כי על פי הדברים האלה כרתי אתך ברית ואת ישראל
ויקח ספר הברית...	24:7	34:28b ויכתב על הלחת את דברי הברית עשרת הדברים

Exodus 34:5 blends the concept of Yhwh's descent from 19:18 (a post-priestly text) with the motif of the cloud from 19:16.[130] The description of Yhwh "cutting" a covenant in 34:10 finds its counterpoint in 24:7-8. In 34:27-28, following the giving of the law, Yhwh tells Moses to "write down these words" (כתב לך את הדברים האלה), which has resonances with 24:4-8[131] as well as with the introduction to the Decalogue in 20:1 (וידבר אלהים את כל הדברים האלה). Thus, in addition to the arguments made by other commentators for the post-priestly shaping of the legal materials in 34:11-26 themselves, the analysis of the narrative frame in 34:5-9*, 27-28* provides further evidence that the basic shaping of 34:5-28 occurred at a post-priestly stage of composition.[132]

Exod 34:29-32. In the literary-critical analysis of this unit it was concluded that 34:29aβγ is likely a later insertion and that 34:29b may also be secondary. In contrast, the figure of Aaron cannot be removed from the remaining material, which points to its post-priestly provenance.[133] Any attempt to argue that part of this unit formed the conclusion to a pre-priestly narrative must assume that only fragments of such a narrative have been

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[130] Cf. Konkel, *Sünde und Vergebung*, 235.

[131] Cf. Blum, "Privilegrecht," 355. Konkel (*Sünde und Vergebung*, 265) argues that "Ex 34,27 nimmt auf die Berit von Ex 24,6-8 keinen Bezug, weil auf dieser redaktionellen Stufe nur die Verpflichtung von 24,3 vorausgesetzt wird." This is difficult to imagine, however, since the motif of writing as well as that of ברית are only found in Exod 24:4-8, not in 24:3.

[132] Against Konkel, *Sünde und Vergebung*, 249, who assigns the most basic material in Exod 34 to a pre-Dtr and pre-priestly stage of composition, and Dozeman, *Exodus*, 744, who assigns Exod 34:10-27 to his "Non-P Historian."

[133] The (post-)priestly provenance of this unit is widely acknowledged; see already Wellhausen, *Composition*, 97; see also Rudolph, *"Elohist,"* 60; Zenger, *Exodus*, 244–45, 307–8; Blum, *Studien*, 70 (albeit with the assumption that a pre-priestly version underlies the present text); Konkel, *Sünde und Vergebung*, 132; and Otto, "Pentateuchredaktion," 97–98.

preserved[134] or that such a narrative lacked a report of Moses' descent altogether. Such assumptions are unnecessary, however, once the post-priestly nature of Exod 32–34 as a whole is acknowledged.

Exod 34:33-35. Above it was concluded that 34:33-35 presuppose both 33:7-11 and 34:29-32. Based on the identification of both of these passages as post-priestly, 34:33-35 must also be evaluated as post-priestly.[135]

The place of the stone tablets within Exod 32 and 34. While the foregoing discussion has shown that the most basic materials in Exod 32–34 should be evaluated as post-priestly, the precise place of the stone tablets within these materials remains to be clarified. Within the book of Exodus as a whole, the tablets appear in 24:12; 31:18; 32:15-16, 19; and 34:1, 4, 28-29,[136] which reflect a number of different conceptions about the tablets. Some passages describe the tablets as לחת העדת, "tablets of the testimony" (31:18; 32:15; 34:29), while elsewhere they are referred to as "tablets of stone" (24:12) or "tablets of stones" (31:18; 34:1, 4). The majority of these verses depict the *text of the tablets* as having been written by God (24:12; 31:18; 32:16; 34:1), although one verse almost certainly indicates that *Moses* wrote on the tablets (34:28b).[137] There is also some

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[134] So Noth, *Das zweite Buch Mose*, 220 (ET 267) and hesitantly Boorer, *Promise*, 240. Renaud ("La formation de Ex 19–40," 130) argues that Exod 34:29a belongs to a pre-priestly *Grundschrift* on the basis of the parallel in Deut 10:5 but ignores the fact that Exod 34:29a cannot be separated literarily from the material that follows.

[135] This is a point on which the so-called Neo-Documentarians also agree; cf. Baruch Schwartz, "The Priestly Account of the Theophany and Lawgiving at Sinai," in *Texts, Temples, and Traditions: A Tribute to Menahem Haran* (ed. Michael V. Fox et al.; Winona Lake, Ind.: Eisenbrauns, 1996), 103–34 (114–17) and Stackert, *A Prophet Like Moses*, 65.

[136] For previous discussions of the tablets see Dohmen, *Bilderverbot*, 132–38; idem, "Was stand auf den Tafeln?" 9–50 with further references on pp. 10–12 n. 6; and Boorer, *Promise*, 231–36.

[137] Although Moses is not explicitly specified as the subject of the verb ויכתב, this can be assumed based on the immediate narrative context: (1) in Exod 34:27 Yhwh tells Moses to write "these words," (2) Moses is clearly the subject of all three verbs in 34:28a, and (3) there is nothing to indicate a change in subject between 34:28a and 34:28b. The view that Yhwh is the subject of the verb ויכתב in 34:28b (so Childs, *Exodus*, 615; Moberly, *At the Mountain of God*, 103; John I. Durham, *Exodus* [WBC; Waco: Word, 1987], 462–63; and Boorer, *Promise*, 236) can only be justified in light of Exod 34:1b rather than the immediate

tension regarding who made the tablets themselves: while 34:1 and 34:4 explicitly state that Moses is to make the tablets, 32:16 indicates that not only the *writing* on the tablets but also *tablets themselves* were the work of God. Finally, these verses disagree over whether Moses only receives the tablets once he has gone up the mountain (24:12; 31:18; 32:16) or whether he brings the tablets up with him (34:1, 4). In short, there is good reason to suspect that the various references to the tablets belong to several different compositional levels.

In order to evaluate the relative chronology of these references, it is necessary to recall the observations made in the literary-critical analysis above, which concluded that 32:15b (the description of the tablets as being inscribed on both sides); 32:16 (the description of both the tablets and their writing as divinely created); 34:1aβb, 4aα₁ (Yhwh's command to Moses to carve two tablets like the first ones); and 34:29aβγ (a reference to the two tablets of the testimony) create tension within their immediate narrative contexts and are likely secondary. This leaves 32:15aβ, 19bα₂β; 34:4aα₂βb, and 28 as candidates for the earliest references to the tablets in Exod 32–34.

Both 32:15aβ and 32:19bα₂β presuppose 31:18, since it is only in this verse that the reader is informed that Moses received the tablets. This connection is further strengthened by the use of the phrase "tablets of the testimony" in 32:15aβ. As for 31:18 itself, the fact that the phrase ככלתו לדבר אתו forms a closing bracket with 25:1 (וידבר ה׳ אל משה לאמר) suggests that the phrase שני לחת העדת refers to the priestly instructions in Exod 25–31* and not to the law that was revealed in Exod 20–23.[138] This interpretation receives

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narrative context and in any event still requires the assumption that "an earlier level of tradition of a covenant made with Moses in which Moses wrote on the tables…was reworked rather unevenly…into an account of covenant renewal in which Yahweh wrote on the renewed tables" (so Boorer, *Promise*, 236).

[138] Several commentators have argued that the references to the tablets in Exod 24:12* and 31:18b were not

further support from the fact that Moses has already written down "all the words of Yhwh" in 24:4 (cf. the reference to ספר הברית in 24:7), making it difficult to imagine why Moses would need to be given the same "words" again in the form of stone tablets.[139] Yet the notion that the tablets contained priestly instructions does not fit very well with the golden calf episode in Exod 32, since the making of the calf is to be understood primarily as a violation of the first (and possibly also second) commandment in the Decalogue. This suggests that Moses' breaking of the tablets is not integral to the most basic narrative of the golden calf in Exod 32, indicating that 32:15aβ and 19:19b(α_1?)α_2β should be removed from the most basic narrative material in Exod 32–34 isolated above.[140]

Turning to Exod 34, a different picture emerges. Here, in contrast to all of the prior references to the tablets, which depict the contents of the tablets as having been written by God or presuppose other texts that do so (24:12; 31:18; 32:15aβb-16, 19bα_2β), 34:27-28 depict *Moses* as writing on the tablets. The reference to "the tablets" using the definite article (הלחת) in 34:28 must connect to a preceding reference to the tablets. This can be found in 34:4aα_2βb which, unlike 34:28, does *not* seem to be aware of any prior reference to the tablets, as is suggested by the lack of the definite article. Since it is un-

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originally connected to the priestly instructions in Exod 25–31*; cf. Zenger, *Sinaitheophanie*, 79; Aurelius, *Fürbitter*, 58; Dohmen, "Was stand auf den Tafeln?" 19–20; and Achenbach, *Israel*, 353. Here I agree with Samuel, *Von Priestern zum Patriarchen*, 274, who likewise concludes that the references to the tablets in Exod 31:18 and in Exod 32 presuppose the preceding priestly instructions from the outset.

[139] This fact is overlooked by most commentators who seek to identify a pre-priestly tablets motif in Exod 24:12-18*; 31:18* (see, e.g., Boorer, *Promise*, 235). Dohmen (*Bilderverbot*, 132–38; idem, "Was stand auf den Tafeln?" 19–27) recognizes this problem and attempts to resolve it by arguing that the purportedly oldest (JE) references to the tablets in Exod 24:12*; 31:18*; and 32:19 are only a "symbol" of the prior revelation of the law and contained no text (!).

[140] For the view that the motif of the tablets is secondary in Exod 32 cf. Perlitt, *Bundestheologie*, 209–10; Oswald Loretz, "Die steinernen Gesetzestafeln in der Lade: Probleme der Deuteronomiumforschung zwischen Geschichte und Utopie," *UF* 9 (1977): 159–61 (160); Levin, *Jahwist*, 369; Konkel, *Sünde und Vergebung*, 112; and Samuel, *Von Priestern zum Patriarchen*, 274. I cannot agree with Dohmen's view that the motif of the tablets "untrennbar mit der Erzählung von Ex 32 in der Sinaitheophanie verbunden ist" ("Was stand auf den Tafeln?" 20).

likely that the reference to *Moses* writing on the tablets in 34:27-28 is later than the references to *Yhwh* writing on the tablets, it seems that 34:4aα₂βb, 27-28 constitute the earliest references to the tablets in Exod 19–24; 32–34 as a whole.[141] This fits well with the conclusion that 34:1aβb and 4aα₁ should be excluded from the most basic material in Exod 34:1-4 on literary-critical grounds.

Taking all of these observations together, the development of the motif of the stone tablets within the Sinai Pericope can be divided into two primary stages. In the first stage, the motif of the stone tablets only appeared in 34:4aα₂βb and 34:27-28.[142] Here, Moses' use of stone tablets to write down the words of the "new Decalogue" is a fitting response to the violation of the first Decalogue, which Moses had also written down, albeit not in stone (cf. 24:3-8). In the second stage, the motif was added in 24:12; 31:18; 32:15aβb-16, 19bα₂β; and 34:1aβb, 4aα₁ (although not necessarily by a single hand). In 31:18a(b) the reference to the tablets indicates that their contents consist of the priestly instructions in Exod 25–31*, and the remaining references all ultimately depend on this verse.

It thus seems that Yhwh's command to Moses to ascend the mountain in 24:12* originally made no reference to the tablets and only had in view Yhwh's verbal communication of the priestly instructions in Exod 25–31*. At a later stage, these instructions were placed on similar footing with the laws in Exod 34 through the insertion of Exod

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[141] Against Boorer, *Promise*, 235–36, who concludes that "the description of the tables as written by God…should be seen as an original element of the basic narrative."

[142] Here I differ from the view that the tablets are secondary *throughout* Exod 34 (so Zenger, *Sinaitheophanie*, 94–95; Jeremias, *Theophanie*, 197 n. 11; Levin, *Jahwist*, 369; and Konkel, *Sünde und Vergebung*, 124) as well as from Dohmen's view ("Was stand auf den Tafeln?" 46–47) that the tablets first appeared in Exod 24:12; 31:18*; 32:19 and were only later added to Exod 34, where—according to Dohmen—Yhwh's command to Moses to write down the "new Decalogue" in 34:27 was originally unrelated to the motif of the tablets.

24:12b*; 31:18; 32:15aβb-16, 19bα₂β; and 34:1aβb, 4aα₁. Furthermore, the insertion of the references to the "first" stone tablets prior to Exod 34 effects a reinterpretation of the legal materials in the latter chapter: now, the "new Decalogue" is not only a response to the violation of the first Decalogue but is also a rewriting of the לחת העדת (i.e., the priestly instructions in Exod 25–31*) that Moses broke in Exod 32:19bα₂β. In this respect, the (already post-priestly) collection of laws in Exod 34 is cast even more strongly as an *epitome* of the legal materials in the book of Exodus.[143]

Synthesis: The literary growth of Exod 32–34

I   The most basic narrative that can be isolated in Exod 32–34 perhaps consisted of Exod 32:1(a?)b-4a, 5aβ, 6-8bα, 15aα, 19a(bα₁?), 20a; 34:1aα, 2 (without the ו), (3?), 4aα₂βb, 5a, 10aα* (up to כל עמך), 11a, 14a (without the כי), 17-23, 25-27, 28b, 29aα(b?), 30-32. This material tells of the fabrication of the golden calf, Moses' destruction of the calf, and Yhwh's provision of a new "Decalogue"—dictated by Yhwh but written by Moses—in response to the violation of the first Decalogue. There are multiple indications that this narrative should be regarded as post-priestly from its inception: (1) 32:1 presupposes that Moses has been on the mountain for a long time, and since Moses had already written down the Decalogue and the Covenant Code in 24:7, it is only reasonable to assume that the original reason for Moses' additional ascent was to receive a *different* set of instructions, namely, the priestly instructions in Exod 25–31*. (2) There are no literary-critical grounds for removing the figure of Aaron from the opening of the narrative in 32:1-6 or from its conclusion in 34:30-31, and arguments that Aaron is

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[143] On Exod 34:11-26 as *epitome* cf. Blum, "Privilegrecht," 358 and further references therein.

not a priestly figure in this passage are not convincing. (3) The use of the expressions הר סיני, על ראש ההר, וירד ה׳ בענן, and ברית (34:2, 4, 5a, 10aα, 29, 32) presuppose Exod 19–24 at a post-priestly stage of composition. (4) The laws in the "new Decalogue" (34:14a*, 17-23, 25-27) reflect priestly concerns.[144]

I+   This narrative was supplemented with a variety of small-scale additions in Exod 32:4b, 5aα, 5b, 8bβ, 15aβb, 16, 19b* (from וישלך), 20b; 34:1aβb, 3, 4aα₁, 28a. Although it is difficult to determine precisely when these additions were made, it seems reasonable to assume that at least the references to the "first" tablets in 32:15aβb, 19b*, 34:1aβb, and 4aα₁ (as well as in 24:12* and 31:18) were made relatively early.

II   The most basic material in Exod 33 (probably to be found in 33:1-4*, 12-17*) was inserted between Exod 32 and 34.

II+ Sometime after the composition of Exod 33:1-4*, 12-17*, Exod 33 was further expanded in 33:5-11, 18-23 as well as within 33:1-4, 12-17 themselves. It is also possible that 34:6-9 and 34:33-35 were added at this stage, since 34:9 seems to presuppose 33:12-17*, while 34:33-35 presupposes the description of the Tent of Meeting in 33:5-11.

III Following the composition of the most basic narrative in Exod 32 and 34 as well as the most basic material in Exod 33, two longer "intercession texts" were added in 32:9-14*, 30-34. 32:30-34 is likely the earlier of these, since 32:9-14 comes too

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[144] The only possibility for identifying a pre-priestly narrative in Exod 32–34 is to assume that Exod 32:1-6 has been reworked to include the figure of Aaron, which would produce a pre-priestly narrative in Exod 32:1-4a, 5aβ-7βα, 15aα, 19* (up to וישלח), 20 alone (cf. the reconstruction in Aurelius, *Fürbitter*, 60, who regards the narrative of the golden calf in Exod 32* as an independent unit that originally connected directly to Exod 19–24*). Yet from a rhetorical perspective, the sin of the calf raises a theological problem that is only partially resolved in Moses' destruction of the calf and is not truly resolved until the giving of the new Decalogue in Exod 34 (cf. Crüsemann, *Die Tora*, 67).

soon in the course of the narrative and seems to anticipate 32:30-34.[145] Yet 32:30-34 also presupposes Exod 33:1-4* and cannot have connected directly to Exod 34.

III+ Exod 32:21-24 and 34:5b-9 seem to presuppose the intercession scenes in 32:9-14 and 32:30-34. 32:9 and 32:13 may also be later additions to Moses' intercession in 32:9-14.

IV At an unknown stage of composition, a variety of other isolated additions were made within Exod 32–34. These include the appearance of Joshua in 32:17-18 (cf. 24:13-14), the etiology of the Levites' ordination in 32:25-29, Yhwh's punishment of the people in 32:35, the reference to Yhwh's wonders in 34:10* (from אעשה נפלאת), as well as the Dtr-style formulations in 33:2b-3a and 34:11b-13, 15-16, 24.

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[145] Cf. Weimar, "Das Goldene Kalb," 137–38.

32:1 וירא העם כי בשש משה לרדת מן ההר ויקהל העם על אהרן ויאמרו אליו קום עשה לנו אלהים אשר ילכו לפנינו כי זה משה האיש אשר העלנו מארץ מצרים לא ידענו מה היה לו 2 ויאמר אלהם אהרן פרקו נזמי הזהב אשר באזני נשיכם בניכם ובנתיכם והביאו אלי 3 ויתפרקו כל העם את נזמי הזהב אשר באזניהם ויביאו אל אהרן 4 ויקח מידם ויצר אתו בחרט ויעשהו עגל מסכה [*ויאמרו אלה אלהיך ישראל אשר העלוך מארץ מצרים* 5 *וירא אהרן*] ויבן מזבח לפניו [*ויקרא אהרן ויאמר חג לה׳ מחר*] 6 וישכימו ממחרת ויעלו עלת ויגשו שלמים וישב העם לאכל ושתו ויקמו לצחק 7 וידבר ה׳ אל משה לך רד כי שחת עמך אשר העלית מארץ מצרים 8 סרו מהר מן הדרך אשר צויתם עשו להם עגל מסכה וישתחוו לו ויזבחו לו [*ויאמרו אלה אלהיך ישראל אשר העלוך מארץ מצרים*]

9 [*ויאמר ה׳ אל משה ראיתי את העם הזה והנה עם קשה ערף הוא*] 10 ועתה הניחה לי ויחר אפי בהם ואכלם ואעשה אותך לגוי גדול 11 ויחל משה את פני ה׳ אלהיו ויאמר למה ה׳ יחרה אפך בעמך אשר הוצאת מארץ מצרים בכח גדול וביד חזקה 12 למה יאמרו מצרים לאמר ברעה הוציאם להרג אתם בהרים ולכלתם מעל פני האדמה שוב מחרון אפך והנחם על הרעה לעמך 13 [*זכר לאברהם ליצחק ולישראל עבדיך אשר נשבעת להם בך ותדבר אלהם ארבה את זרעכם ככוכבי השמים וכל הארץ הזאת אשר אמרתי אתן לזרעכם ונחלו לעלם*] 14 וינחם ה׳ על הרעה אשר דבר לעשות לעמו

15 ויפן וירד משה מן ההר [*ושני לחת העדת בידו לחת כתבים משני עבריהם מזה ומזה הם כתבים* 16 *והלחת מעשה אלהים המה והמכתב מכתב אלהים הוא חרות על הלחת*]

17 וישמע יהושע את קול העם ברעה ויאמר אל משה קול מלחמה במחנה 18 ויאמר אין קול ענות גבורה ואין קול ענות חלושה קול ענות אנכי שמע

19 ויהי כאשר קרב אל המחנה וירא את העגל [*ומחלת*] ויחר אף משה [*וישלך מידו את הלחת וישבר אתם תחת ההר*] 20 ויקח את העגל אשר עשו וישרף באש ויטחן עד אשר דק [*ויזר על פני המים וישק את בני ישראל*]

21 *ויאמר משה אל אהרן מה עשה לך העם הזה כי הבאת עליו חטאה גדלה* 22 *ויאמר אהרן אל יחר אף אדני אתה ידעת את העם כי ברע הוא* 23 *ויאמרו לי עשה לנו אלהים אשר ילכו לפנינו כי זה משה האיש אשר העלנו מארץ מצרים לא ידענו מה היה לו* 24 *ואמר להם למי זהב התפרקו ויתנו לי ואשלכהו באש ויצא העגל הזה*

25 וירא משה את העם כי פרע הוא כי פרעה אהרן לשמצה בקמיהם 26 ויעמד משה בשער המחנה ויאמר מי לה׳ אלי ויאספו אליו כל בני לוי 27 ויאמר להם כה אמר ה׳ אלהי ישראל שימו איש חרבו על ירכו עברו ושובו משער לשער במחנה והרגו איש את אחיו ואיש את רעהו ואיש את קרבו 28 ויעשו בני לוי כדבר משה ויפל מן העם ביום ההוא כשלשת אלפי איש 29 ויאמר משה מלאו ידכם היום לה׳ כי איש בבנו ובאחיו ולתת עליכם היום ברכה

30 ויהי ממחרת ויאמר משה אל העם אתם חטאתם חטאה גדלה ועתה אעלה אל ה׳ אולי אכפרה בעד חטאתכם 31 וישב משה אל ה׳ ויאמר אנא חטא העם הזה חטאה גדלה ויעשו להם אלהי זהב 32 ועתה אם תשא חטאתם ואם אין מחני נא מספרך אשר כתבת 33 ויאמר ה׳ אל משה מי אשר חטא לי אמחנו מספרי 34 ועתה לך נחה את העם אל אשר דברתי לך הנה מלאכי ילך לפניך וביום פקדי ופקדתי עלהם חטאתם

35 ויגף ה׳ את העם על אשר עשו את העגל אשר עשה אהרן

33:1 וידבר ה׳ אל משה לך עלה מזה אתה והעם אשר העלית מארץ מצרים אל הארץ אשר נשבעתי
לאברהם ליצחק וליעקב לאמר לזרעך אתננה 2 ושלחתי לפניך מלאך [*וגרשתי את הכנעני האמרי*
והחתי והפרזי החוי והיבוסי 3 *אל ארץ זבת חלב ודבש*] כי לא אעלה בקרבך כי עם קשה ערף אתה פן
אכלך בדרך 4 וישמע העם את הדבר הרע הזה ויתאבלו ולא שתו איש עדיו עליו

5 [*ויאמר ה׳ אל משה אמר אל בני ישראל אתם עם קשה ערף רגע אחד אעלה בקרבך וכליתיך*
ועתה הורד עדיך מעליך ואדעה מה אעשה לך 6 *ויתנצלו בני ישראל את עדים מהר חורב* 7 *ומשה*
יקח את האהל ונטה לו מחוץ למחנה הרחק מן המחנה וקרא לו אהל מועד והיה כל מבקש ה׳ יצא
אל אהל מועד אשר מחוץ למחנה 8 *והיה כצאת משה אל האהל יקומו כל העם ונצבו איש פתח*
אהלו והביטו אחרי משה עד באו האהלה 9 *והיה כבא משה האהלה ירד עמוד הענן ועמד פתח*
האהל ודבר עם משה 10 *וראה כל העם את עמוד הענן עמד פתח האהל וקם כל העם והשתחוו איש*
פתח אהלו 11 *ודבר ה׳ אל משה פנים אל פנים כאשר ידבר איש אל רעהו ושב אל המחנה ומשרתו*
יהושע בן נון נער לא ימיש מתוך האהל]

12 ויאמר משה אל ה׳ ראה אתה אמר אלי העל את העם הזה ואתה לא הודעתני את אשר תשלח עמי
[*ואתה אמרת ידעתיך בשם וגם מצאת חן בעיני*] 13 ועתה אם נא מצאתי חן בעיניך הודעני נא את דרכך
ואדעך [*למען אמצא חן בעיניך וראה כי עמך הגוי הזה*] 14 ויאמר פני ילכו והנחתי לך 15 ויאמר אליו
אם אין פניך הלכים אל תעלנו מזה 16 [*ובמה יודע אפוא כי מצאתי חן בעיניך אני ועמך*] הלוא בלכתך
עמנו ונפלינו אני ועמך מכל העם אשר על פני האדמה 17 ויאמר ה׳ אל משה גם את הדבר הזה אשר
דברת אעשה כי מצאת חן בעיני ואדעך בשם

18 [*ויאמר הראני נא את כבדך* 19 *ויאמר אני אעביר כל טובי על פניך וקראתי בשם ה׳ לפניך וחנתי*
את אשר אחן ורחמתי את אשר ארחם 20 *ויאמר לא תוכל לראת את פני כי לא יראני האדם וחי* 21
ויאמר ה׳ הנה מקום אתי ונצבת על הצור 22 *והיה בעבר כבדי ושמתיך בנקרת הצור ושכתי כפי*
עליך עד עברי 23 *והסרתי את כפי וראית את אחרי ופני לא יראו*]

111

IV   III   II   I

34:1 ויאמר ה׳ אל משה [פסל לך שני לחת אבנים כראשנים וכתבתי על הלחת את הדברים אשר היו על הלחת הראשנים אשר שברת] 2 [ו]היה נכון לבקר ועלית בבקר אל הר סיני ונצבת לי שם על ראש ההר 3 [ואיש לא יעלה עמך וגם איש אל ירא בכל ההר גם הצאן והבקר אל ירעו אל מול ההר ההוא 4 ויפסל שני לחת אבנים כראשנים] וישכם משה בבקר ויעל אל הר סיני כאשר צוה ה׳ אתו ויקח בידו שני לחת אבנים 5 וירד ה׳ בענן ויתיצב עמו שם

ויקרא בשם ה׳ 6 ויעבר ה׳ על פניו ויקרא ה׳ ה׳ אל רחום וחנון ארך אפים ורב חסד ואמת 7 נצר חסד לאלפים נשא עון ופשע וחטאה ונקה לא ינקה פקד עון אבת על בנים ועל בני בנים על שלשים ועל רבעים 8 וימהר משה ויקד ארצה וישתחו 9 ויאמר אם נא מצאתי חן בעיניך אדני ילך נא אדני בקרבנו כי עם קשה ערף הוא וסלחת לעוננו ולחטאתנו ונחלתנו

10 ויאמר הנה אנכי כרת ברית נגד כל עמך

אעשה נפלאת אשר לא נבראו בכל הארץ ובכל הגוים וראה כל העם אשר אתה בקרבו את מעשה ה׳ כי נורא הוא אשר אני עשה עמך

11 שמר לך את אשר אנכי מצוך היום

הנני גרש מפניך את האמרי והכנעני והחתי והפרזי והחוי והיבוסי 12 השמר לך פן תכרת ברית ליושב הארץ אשר אתה בא עליה פן יהיה למוקש בקרב 13 כי את מזבחתם תתצון ואת מצבתם תשברון ואת אשריו תכרתון

14 [כי] לא תשתחוה לאל אחר כי ה׳ קנא שמו אל קנא הוא

15 פן תכרת ברית ליושב הארץ וזנו אחרי אלהיהם וזבחו לאלהיהם וקרא לך ואכלת מזבחו 16 ולקחת מבנתיו לבניך וזנו בנתיו אחרי אלהיהן והזנו את בניך אחרי אלהיהן

17 אלהי מסכה לא תעשה לך 18 את חג המצות תשמר שבעת ימים תאכל מצות אשר צויתך למועד חדש האביב כי בחדש האביב יצאת ממצרים 19 כל פטר רחם לי וכל מקנך תזכר פטר שור ושה 20 ופטר חמור תפדה בשה ואם לא תפדה וערפתו כל בכור בניך תפדה ולא יראו פני ריקם 21 ששת ימים תעבד וביום השביעי תשבת בחריש ובקציר תשבת 22 וחג שבעת תעשה לך בכורי קציר חטים וחג האסיף תקופת השנה 23 שלש פעמים בשנה יראה כל זכורך את פני האדן ה׳ אלהי ישראל

24 כי אוריש גוים מפניך והרחבתי את גבלך ולא יחמד איש את ארצך בעלתך לראות את פני ה׳ אלהיך שלש פעמים בשנה

25 לא תשחט על חמץ דם זבחי ולא ילין לבקר זבח חג הפסח 26 ראשית בכורי אדמתך תביא בית ה׳ אלהיך לא תבשל גדי בחלב אמו 27 ויאמר ה׳ אל משה כתב לך את הדברים האלה כי על פי הדברים האלה כרתי אתך ברית ואת ישראל 28 [ויהי שם עם ה׳ ארבעים יום וארבעים לילה לחם לא אכל ומים לא שתה] ויכתב על הלחת את דברי הברית עשרת הדברים 29 ויהי ברדת משה מהר סיני ושני לחת העדת ביד משה ברדתו מן ההר ומשה לא ידע כי קרן עור פניו בדברו אתו 30 וירא אהרן וכל בני ישראל את משה והנה קרן עור פניו וייראו מגשת אליו 31 ויקרא אלהם משה וישבו אליו אהרן וכל הנשאים בעדה וידבר משה אלהם 32 ואחרי כן נגשו כל בני ישראל ויצום את כל אשר דבר ה׳ אתו בהר סיני

33 [ויכל משה מדבר אתם ויתן על פניו מסוה 34 ובבא משה לפני ה׳ לדבר אתו יסיר את המסוה עד צאתו ויצא ודבר אל בני ישראל את אשר יצוה 35 וראו בני ישראל את פני משה כי קרן עור פני משה והשיב משה את המסוה על פניו עד באו לדבר אתו]

3.3. Literary-critical analysis of Deut 9:7–10:11

Although the analysis of Exod 32–34 has already led to the conclusion that Exod 32–34 as a whole are likely post-priestly in their entirety, a comparison of these chapters with their Mosaic retrospective in Deuteronomy may shed further light on their internal literary growth. In this section, an internal analysis of Deut 9–10 will be conducted,[146] then in 3.4 the literary strata of Exod 32–34 and Deut 9–10 will be compared.

Deuteronomy 9–10 contains two different types of material: exhortations in 9:1-6 and 10:12-22 and a historical retrospective in 9:7–10:11. In the latter, Moses reminds the fictive audience of Deuteronomy not to forget how they angered Yhwh in the wilderness and at Horeb, causing Yhwh to want to destroy them. When viewed within its immediate textual context, Moses' retrospective of events from the wilderness journey in 9:7–10:11 constitutes a digression from the exhortations in 9:1-6 and 10:12-22. Significantly, the theme of possessing the land in 9:1-6 only resumes in 10:11, which serves as a *Wiederaufnahme* of 9:5. This may suggest that 9:7–10:11 as a whole is a later insertion that in-

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[146] For other diachronic analyses of Deut 9:7–10:11 cf. Gottfried Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: Kohlhammer, 1971), 51–69; Brian Peckham, "The Composition of Dt 9:1–10:11," in *Word and Spirit: Essays in Honor of David Michael Stanley SJ on his 60th Birthday* (Willowdale, Ont.: Regis College Press, 1975), 3–59; Félix García-López, "Analyse littéraire de Deutéronome V–XI," *RB* 84 (1977): 481–522; *RB* 85 (1978): 5–49; Hossfeld, *Dekalog*, 147–61; Jacques Vermeylen, "Les sections narratives de Deut 5–11 et leur relation à Ex 19–34," in *Das Deuteronomium: Entstehung, Gestalt und Botschaft* (ed. Norbert Lohfink, BETL 68; Leuven: Peeters, 1985), 174–207 (197–203); Hahn, *Das "Goldene Kalb,"* 245–65; Achenbach, *Israel zwischen Verheißung und Gebot*, 346–78; Boorer, *Promise*, 272–97; Van Seters, *Life*, 301–310; Eep Talstra, "Deuteronomy 9 and 10: Synchronic and Diachronic Observations," in *Synchronic or Diachronic? A Debate on Method in Old Testament Exegesis – Papers read at the Ninth Joint Meeting of het Oudtestamentisch Werkgezelschap in Nederland en Belgie and the Society for Old Testament Study* (ed. Johannes C. de Moor; OTS 34; Leiden: Brill, 1995), 187–220 (201–7); Norbert Lohfink, "Deuteronomium 9,1–10,11 und Exodus 32–34: Zu Endgestalt, Intertextualität, Schichtung und Abhängigkeiten," in *Gottes Volk am Sinai: Untersuchungen zu Ex 32–34 und Dtn 9–10* (ed. Matthias Köckert and Erhard Blum; VWGTh 18; Gütersloh: Gütersloher Verlagshaus, 2001), 41–87 (66–77); Nelson, *Deuteronomy*, 118–28; Peter Porzig, *Die Lade Jahwes im Alten Testament und in den Texten vom Toten Meer* (BZAW 397; Berlin: de Gruyter, 2009), 42–46; and Eckart Otto, "Deuteronomiumstudien II," 122–75; idem, *Deuteronomium 4,44–11,32*, 943–54. Cf. Chung, *The Sin of the Calf*, 58–70, who closely follows Boorer's presentation of the analyses of Seitz, Mayes, and Lohfink (cf. Boorer, *Promise*, 273–77).

terrupts an original connection between the exhortations in 9:1-6 and 10:12-22.[147] While it cannot be denied that the historical retrospective in 9:7–10:11 serves to reinforce the arguments of the exhortations, the inverse—namely, that 9:1-6 have the Mosaic retrospective in view from the outset[148]—is not completely clear, particularly in light of the repetition of the phrase לא בצדקתך in 9:5 and 9:6, which may indicate that 9:6 is the beginning of a *Fortschreibung* that continues in the historical retrospective,[149] which itself has a complex history of composition.[150]

Deut 9:7-8: The introduction to Moses' retrospective. Deuteronomy 9:7 contains both 2ms and 2mp grammatical forms. Notably, 9:7a contains the only clear attestation of a 2ms form of address *to the people* within the entire unit of 9:7–10:11 (the quotation of divine speech to Moses in the second-person singular is not relevant here).[151] Thus, it may be that 9:7 contained both singular and plural forms from the beginning as a transition from the 2ms exhortations in 9:1-6 to the largely 2mp Mosaic retrospective in 9:7–10:11.[152]

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[147] Cf. Nelson, *Deuteronomy*, 119 and Samuel, *Von Priestern zum Patriarchen*, 18. So also Porzig, *Die Lade Jahwes*, 44, who focuses on the shift to 2mp grammatical forms within Deut 9:7b–10:5 as an indication that the Mosaic retrospective is a later insertion.

[148] So Veijola, *Deuteronomium 1,1–16,17*, 225 and Achenbach, *Israel*, 345.

[149] Differently Achenbach, *Israel*, 345, who notes the doublet but ultimately suggests (similarly to Veijola) that 9:1-7a was written as a later preface to the historical retrospective in 9:7b–10:11. I do not see the logic in Achenbach's conclusion that "der unsichere Übergang [i.e., the *Numeruswechsel* in 9:7b – S.G.] bestätigt die Vermutung, daß die Einleitung nachträglich vorangestellt worden ist" (ibid, 351). Talstra, "Deuteronomy 9 and 10," 197 and Hayes, "Golden Calf Stories," 73 do not regard the repetition as an indication of different literary levels.

[150] Here I cannot agree with Konkel (*Sünde und Vergebung*, 161), who argues that apart from a limited number of additions pertaining to Aaron and the Levites, Deut 9:7–10:11 is a compositional unity.

[151] There is divergent manuscript evidence for the number of the first verb in 9:7b, and either direction of change (from singular to plural or vice versa) could have been the result of scribal error (cf. Nelson, *Deuteronomy*, 118). There is also divergent manuscript evidence for the 2ms pronominal suffix in 10:10bβ (𝔐 is singular while many 𝔊 manuscripts have a plural pronoun). Nelson (*Deuteronomy*, 119–120 with n. 1) posits a 2ms base layer in 9:7a, 13-14, 26–29; 10:10bβ-11, but it is questionable whether an entire compositional layer can be reconstructed on the basis of the single indisputable attestation of a 2ms grammatical form in 9:7a.

[152] This may also explain why the only other 2ms grammatical form appears in 10:10, namely, as a

Deut 9:9-21: Moses' destruction of the calf. Several narrative tensions appear in Deut 9:9-21. (1) Yhwh's giving of the tablets to Moses is reported in both 9:10 and 9:11, suggesting that these verses do not belong to the same compositional level.[153] In contrast, the shared reference to the forty days and forty nights and the description of the tablets as לחת האבנים לחת הברית in 9:9 and 9:11 may be an indication that these verses once connected directly to each other;[154] this question will be revisited in more detail below. (2) Deut 9:12 and 9:13-14 both begin with the phrase ויאמר ה׳ אלי, which raises the possibility that one of these units may be secondary to the other.[155] If this is the case, then 9:12 must be more original, since the continuation of the narrative action in 9:15 depends upon this verse.[156] The possibility that 9:13-14 do not belong to the most basic narrative finds further support in the fact that 9:13-14 only describes Yhwh's intention to destroy the people but not Moses' response.[157] (3) Following the recapitulation of Moses' destruction of the tablets in 9:17, in 9:18-20 Moses reports that he prostrated himself before Yhwh "like the first time"—forty days and forty nights—on account of the people's (and Aaron's) sin. This is striking, since prior to this moment in Deut 9 there is no report that Moses prostrated himself before Yhwh.[158] According to Deut 9:9-11, Moses' first forty-day stay on the mountain was characterized by the giving of the "tablets of the covenant," not by Mo-

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transition back to the 2ms forms in 10:12-22; cf. Hossfeld, *Dekalog*, 151, 155 and Lohfink, "Deuteronomium 9,1–10,11," 70–72.

[153] Cf. Seitz, *Studien*, 54; Hossfeld, *Dekalog*, 149; and Otto, "Deuteronomiumstudien II," 130; idem, *Deuteronomium 4,44–11,32*, 947.

[154] So Seitz, *Studien*, 54 and Hossfeld, *Dekalog*, 151.

[155] Cf. Hossfeld, *Dekalog*, 151.

[156] Cf. ibid., 152.

[157] In contrast, Nelson (*Deuteronomy*, 119–20 with n. 1) argues that Deut 9:13–14 belong to a "reasonably coherent" base layer in 9:7a, 13-14, 26–29; 10:10bβ-11, while 9:12 belongs to a supplementary compositional layer in 9:9-12, 15-19, 21, 25; 10:1-5. Yet Nelson's base layer is not as coherent as he claims, and in any event Yhwh's plan to destroy the people because they are stiff-necked cannot stand on its own but requires a motivation, which is found in the making of the golden calf.

[158] Cf. Lohfink, "Deuteronomium 9,1–10,11," 78.

saic intercession. Moses' intercession in 9:18-20 is also out of place topologically, since the motif of forty days and forty nights suggests a setting on the mountain (cf. 9:9), while 9:16-17 and 9:21 clearly take place among the people at the foot of the mountain.[159] This suggests that 9:18-20 constitute secondary materials that interrupt a more original connection between Moses' seeing the calf and breaking the tablets in 9:16-17 and the destruction of the calf in 9:21.[160] Within 9:18-20, 9:20 comes as something of an afterthought (reinforced by the phrase בעת ההוא) and is likely later than 9:18-19,[161] applying the notion of Yhwh's anger and Moses' intercession from 9:18-19 to Aaron as well as the people.

Deut 9:22-24: Other rebellions. Perhaps the most significant narrative tension within Deut 9–10 is the fact that Moses' detailed summary of the events at Horeb seems to end already in Deut 9:21, since in 9:22-24 Moses shifts his focus to recalling other moments in which the people rebelled against Yhwh: at Taberah (cf. Num 11:3), Massah (cf. Exod 17:7), Kibroth-Hatta'avah (cf. Num 11:34), and Kadesh-Barnea (cf. Num 13–14).[162] The latter verses constitute a fitting counterpart to the introduction in 9:7-8, which thematizes the fact that the people repeatedly angered Yhwh in the wilderness.[163] Indeed, in light of the very brief references to other episodes in 9:22-24, it even seems possible that

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[159] Cf. Hossfeld, *Dekalog*, 149.

[160] Against Nelson (*Deuteronomy*, 120 n. 1) and Otto ("Deuteronomiumstudien II," 130; idem, *Deuteronomium 4,44–11,32*, 946), both of whom regard 9:15-19 as belonging to a single stage of composition. Baden (*J, E*, 164) merely states that "the placement of Deut 9:21 might render the order of events somewhat unclear" but does not conclude that the text is composite here.

[161] Cf. Hossfeld, *Dekalog*, 149, 152; Nelson, *Deuteronomy*, 120; Achenbach, "Grundlinien," 64–65; and Otto, "Deuteronomiumstudien II," 130; idem, *Deuteronomium 4,44–11,32*, 946.

[162] Cf. Hayes, "Golden Calf Stories," 71, who rightly emphasizes that "[i]ndependent of any comparison with Exodus, the sequence of events in Deuteronomy is illogical."

[163] Cf. the synchronic observations in Talstra, "Deuteronomy 9 and 10," 197–98: "Deut 9:7b–9:24 is structured by a frame made of two statements about Israel's rebellious behaviour (9:7 and 9:24), two statements about the places where Israel provoked the Lord (9:8 and 9:22) and two statements about the anger of the Lord (9:8 and 9:20)."

the earliest version of Deut 9–10 did not contain an extended retrospective of the golden calf incident at all but rather only the very brief preport about Yhwh's anger with the people at Horeb in 9:8, which could have connected directly to 9:22-24.[164]

Deut 9:25-29: Moses' intercession. Regardless of whether or not Moses' extended retrospective of the events at Horeb belongs to the most basic material in Deut 9:7–10:11, there are several additional indications that the material following 9:24 is secondary. As Talstra has observed, 9:25–10:11 "is framed by two statements that are in fact repetitions of two lines from the preceding part."[165] Significantly, 9:25 is a *Wiederaufnahme* of 9:18, which is itself likely secondary.[166] Moreover, the continuation of Moses' retrospective in 9:25-29 is out of place in terms of narrative sequence and in fact belongs after Yhwh's wish to destroy the people in 9:13-14. It may be that 9:25-29 were included in order to supplement 9:18-19 by quoting the *contents* of Moses' intercession before Yhwh.[167]

Deut 10:1-5: The new tablets. If Deut 9:22-24 indeed formed the original ending to Moses' retrospective of the golden calf incident, then this implies that the report about the new tablets in 10:1-5 does not belong to the most basic compositional layer in Deut 9–10. In any event, Yhwh's instructions to Moses to ascend the mountain with new tablets in 10:1-5 stand in tension with the immediately preceding unit in 9:25-29, in which Moses is still on the mountain.[168] Within 10:1-5, the references to the ark in 10:1b, 2b, 3aα, 5aβb are likely later additions to Moses' report of receiving the second set of tablets in 10:1-5, 10-11. This can be seen particularly clearly in 10:1, where Yhwh's com-

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[164] So also Lohfink, "Deuteronomium 9,1–10,11," 72–73.

[165] Talstra, "Deuteronomy 9 and 10," 198.

[166] On 9:25 as a *Wiederaufnahme* of 9:18 cf. Otto, "Deuteronomiumstudien II," 132; idem, *Deuteronomium 4,44–11,32*, 948, who, however, considers 9:18-19 to belong to the *Grundbestand* of Moses' retrospective.

[167] Cf. Veijola, *Deuteronomium 1,1–16,17*, 225.

[168] Cf. Hossfeld, *Dekalog*, 150.

mand to Moses to build the ark comes too late, since in that verse Yhwh has already told Moses to go up the mountain, whereas in 10:3 Moses makes the ark *before* going up the mountain.[169]

Deut 10:6-9: Aaron's death and the ordination of the Levites. Deuteronomy 10:6-7 and 8-9 are undoubtedly secondary to the most basic material in Deut 9:7–10:11.[170] 10:6-7 completely abandon the fiction of Mosaic discourse, referring to the Israelites in the third person rather than the second person, and 10:8-9 begin a new topic, as is indicated by the phrase בעת ההוא.[171] The relative chronology of these two additions is difficult to determine, since 10:8-9 can connect syntactically either to 10:1-5 or to 10:6-7. Considering that 10:6-7 interrupt the shared theme of the ark in 10:1-5, 8-9, it seems likely that 10:8-9 originally connected directly to 10:5 and that 10:6-7 are a later insertion.[172]

Deut 10:10-11: Intercession and departure. Deuteronomy 10:10 is redundant in light of 9:18, and its only function seems to be to place Moses' second stay on the mountain in parallel with the first, although the result is somewhat awkward, since Deut 10:1-5 do not state that Moses interceded for the people during his trip to receive the second set of tablets. Finally, 10:11 could connect directly either to 10:5 or to 10:10 but cannot be earlier than these verses.[173]

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[169] Cf. Otto, "Deuteronomiumstudien II," 132–33; idem, *Deuteronomium 4,44–11,32*, 949; against Hossfeld, *Dekalog*, 154; Konkel, *Sünde und Vergebung*, 125 n. 94; and Porzig, *Die Lade Jahwes*, 42–50, who find no grounds for literary-critical differentiation within Deut 10:1-5.

[170] Cf. Hossfeld, *Dekalog*, 155; Nelson, *Deuteronomy*, 120; Hayes, "Golden Calf Stories," 80; and Samuel, *Von Priestern zum Patriarchen*, 18.

[171] Cf. Porzig, *Die Lade Jahwes*, 45.

[172] Cf. Lohfink, "Deuteronomium 9,1–10,11," 68; Porzig, *Die Lade Jahwes*, 44 and Samuel, *Von Priestern zum Patriarchen*, 18, against Otto, *Deuteronomium 4,44–11,32*, 951. Samuel (*Von Priestern zum Patriarchen*, 19–24) adds traditio-historical arguments for regarding 10:6-7 as later than 10:8-9.

[173] For the conclusion that Deut 10:10-11 are later than 10:1-5* cf. Porzig, *Die Lade Jahwes*, 45–46.

Synthesis: The literary growth of Deut 9:7–10:11

The literary-critical analysis of Deut 9:7–10:11 indicates that this unit possibly developed as follows:[174]

I   The most basic Mosaic retrospective may be limited to 9:7-8, 22-24, which allude to a variety of (post-priestly) narratives of the people's rebelliousness during the wilderness period. From a rhetorical perspective, these materials are quite sufficient as preparation for the exhortations that begin in 10:12.[175]

II   If it is indeed distinct from the first stage of composition, the next stage likely consisted of the insertion of a more extended retrospective of the golden calf incident in 9:9-12, 15-17, 21 which already presupposes the (post-priestly) concept that Moses received a "first" pair of tablets *before* that incident.[176]

II+   The basic retrospective of the golden calf incident in 9:9-12, 15-17, 21 received later additions in 9:13-14, 18-19, and 25-29.

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[174] For other multi-layered reconstructions cf. Aurelius, *Fürbitter*, 10–18, 44–48 and Hossfeld, *Dekalog*, 147–61. Aurelius reconstructs a *Grundschicht* in 9:1-7a, 13-14, 26a*, 27, (28); 10:11, then a first expansion in 9:(8), 9, 11-12, 15-17, 21, 26-29 and a second in 9:10; 10:1-5; 9:18-19; 9:25; 10:10. Hossfeld identifies the *Grundbestand* in 9:9, 11-12 (without "the two"), 15a, 16-17 (without "the two"), 21, 26a, 27b-28; 10:10-11 (without "also this time") and three groups of *Fortschreibungen*: (A) 9:13-14, 18-19, 25, 26b, 29; 10:10bβ ("also this time"); (B) 9:7b, 8, 22-24; and (C) 9:10, 11*, 17*; 9:15aβb; 10:1-5.

[175] Here I differ from a number of commentators who regard these verses as some of the latest additions to Moses' retrospective of the golden calf incident; so Seitz, *Studien*, 57; Mayes, *Deuteronomy*, 201; Lohfink, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5–11* (AnBib 20; Rome: Pontifical Biblical Institute, 1963), 210–11, 290; idem, "Deuteronomium 9,1–10,11," 76; Boorer, *Promise*, 277–78; and Otto, *Deuteronomium 4,44–11,32*, 943. If one assumes that Deut 9:7–10:11 as a whole is an insertion between 9:1-6 (or even 8:20, as Veijola argues) and 10:12-22, then Otto's hypothesis ("Deuteronomiumstudien II," 122–23; idem, *Deuteronomium 4,44–11,32*, 943) that Deut 9:9-12 originally connected directly to Deut 5:22-31* (+ 5:32–6:9, 20-25*) cannot be upheld (cf. the similar conclusion of Veijola, *Deuteronomium 1,1–16,17*, 225 with n. 606). Likewise, it is difficult to accept the thesis that Deut 9:9-21, 25; 10:5, 10-11 constituted the most basic material in 9:7–10:11 (so Lohfink, *Hauptgebot*, 212–15; idem, "Deuteronomium 9,1–10,11," 76; and Boorer, *Promise*, 277–78), since 9:9 would then lack a suitable introduction (a problem that Lohfink also acknowledges but does not consider to be insurmountable). Here my analysis is closer to that of Nelson, *Deuteronomy*, 120 n. 1 and Chung, *The Sin of the Calf*, 69, 92, both of whom regard Deut 9:7-8, 22-24 as earlier than Moses' extended retrospective of the golden calf incident.

[176] Cf. Nelson, *Deuteronomy*, 120 n. 1, who assigns 9:9-12, 15-19, 21, and 25 to a tertiary "calf/tablets narrative," and Chung, *The Sin of the Calf*, 69, 92–96, who assigns Deut 9:9-19, 21, 25-29; 10:1-5, 10 to a "golden calf layer" ("L–2"), which he dates to an exilic Deuteronomistic author.

III   At some point after the composition of 9:7-8, 9-12, 15-17, 21, and 22-24, the retrospective of Moses' receiving the second tablets (cf. Exod 34) was added in 10:1-5*. The narrative transition in 10:10-11 was perhaps also written at the same time as 10:1-5*.

III+   The references to the ark in 10:1b, 2b, 3aα, 5aβb, as well as 10:8-9 (which presuppose the references to the ark), are likely later additions to Moses' retrospective of receiving the second set of tablets in 10:1-5, 10-11.

IV   9:20 and 10:6-7, both of which are concerned with the figure of Aaron, were added at a very late stage in the development of 9:7–10:11.

9:7 זכר אל תשכח את אשר הקצפת את ה׳ אלהיך במדבר למן היום אשר יצאת מארץ מצרים עד באכם עד המקום הזה ממרים הייתם עם ה׳ 8 ובחרב הקצפתם את ה׳ ויתאנף ה׳ בכם להשמיד אתכם

9 בעלתי ההרה לקחת לוחת האבנים לוחת הברית אשר כרת ה׳ עמכם ואשב בהר ארבעים יום וארבעים לילה לחם לא אכלתי ומים לא שתיתי 10 ויתן ה׳ אלי את שני לוחת האבנים כתבים באצבע אלהים ועליהם ככל הדברים אשר דבר ה׳ עמכם בהר מתוך האש ביום הקהל 11 ויהי מקץ ארבעים יום וארבעים לילה נתן ה׳ אלי את שני לחת האבנים לחות הברית 12 ויאמר ה׳ אלי קום רד מהר מזה כי שחת עמך אשר הוצאת ממצרים סרו מהר מן הדרך אשר צויתם עשו להם מסכה 13 [ויאמר ה׳ אלי לאמר ראיתי את העם הזה והנה עם קשה ערף הוא 14 *הרף ממני ואשמידם ואמחה את שמם מתחת השמים ואעשה אותך לגוי עצום ורב ממנו*] 15 ואפן וארד מן ההר וההר בער באש ושני לוחת הברית על שתי ידי 16 וארא והנה חטאתם לה׳ אלהיכם עשיתם לכם עגל מסכה סרתם מהר מן הדרך אשר צוה ה׳ אתכם 17 ואתפש בשני הלחת ואשלכם מעל שתי ידי ואשברם לעיניכם 18 [*ואתנפל לפני ה׳ כראשנה ארבעים יום וארבעים לילה לחם לא אכלתי ומים לא שתיתי על כל חטאתכם אשר חטאתם לעשות הרע בעיני ה׳ להכעיסו 19 כי יגרתי מפני האף והחמה אשר קצף ה׳ עליכם להשמיד אתכם וישמע ה׳ אלי גם בפעם ההוא*]

20 ובאהרן התאנף ה׳ מאד להשמידו ואתפלל גם בעד אהרן בעת ההוא

21 ואת חטאתכם אשר עשיתם את העגל לקחתי ואשרף אתו באש ואכת אתו טחון היטב עד אשר דק לעפר ואשלך את עפרו אל הנחל הירד מן ההר

22 ובתבערה ובמסה ובקברת התאוה מקצפים הייתם את ה׳ 23 ובשלח ה׳ אתכם מקדש ברנע לאמר עלו ורשו את הארץ אשר נתתי לכם ותמרו את פי ה׳ אלהיכם ולא האמנתם לו ולא שמעתם בקלו 24 ממרים הייתם עם ה׳ מיום דעתי אתכם

25 [*ואתנפל לפני ה׳ את ארבעים היום ואת ארבעים הלילה אשר התנפלתי כי אמר ה׳ להשמיד אתכם 26 ואתפלל אל ה׳ ואמר אדני ה׳ אל תשחת עמך ונחלתך אשר פדית בגדלך אשר הוצאת ממצרים ביד חזקה 27 זכר לעבדיך לאברהם ליצחק וליעקב אל תפן אל קשי העם הזה ואל רשעו ואל חטאתו 28 פן יאמרו הארץ אשר הוצאתנו משם מבלי יכלת ה׳ להביאם אל הארץ אשר דבר להם ומשנאתו אותם הוציאם להמתם במדבר 29 והם עמך ונחלתך אשר הוצאת בכחך הגדל ובזרעך הנטויה*]

10:1 בעת ההוא אמר ה׳ אלי פסל לך שני לוחת אבנים כראשנים ועלה אלי ההרה ועשית לך ארון עץ 2 ואכתב על הלחת את הדברים אשר היו על הלחת הראשנים אשר שברת ושמתם בארון 3 ואעש ארון עצי שטים ואפסל שני לחת אבנים כראשנים ואעל ההרה ושני הלחת בידי 4 ויכתב על הלחת כמכתב הראשון את עשרת הדברים אשר דבר ה׳ אליכם בהר מתוך האש ביום הקהל ויתנם ה׳ אלי 5 ואפן וארד מן ההר ואשם את הלחת בארון אשר עשיתי ויהיו שם כאשר צוני ה׳

6 ובני ישראל נסעו מבארת בני יעקן מוסרה שם מת אהרן ויקבר שם ויכהן אלעזר בנו תחתיו 7 משם נסעו הגדגדה ומן הגדגדה יטבתה ארץ נחלי מים

8 [*בעת ההוא הבדיל ה׳ את שבט הלוי לשאת את ארון ברית ה׳ לעמד לפני ה׳ לשרתו ולברך בשמו עד היום הזה 9 על כן לא היה ללוי חלק ונחלה עם אחיו ה׳ הוא נחלתו כאשר דבר ה׳ אלהיך לו*] 10 ואנכי עמדתי בהר כימים הראשנים ארבעים יום וארבעים לילה וישמע ה׳ אלי גם בפעם ההוא לא אבה ה׳ השחיתך 11 ויאמר ה׳ אלי קום לך למסע לפני העם ויבאו ויירשו את הארץ אשר נשבעתי לאבתם לתת להם

3.4. Comparison of Exod 32–34 and Deut 9–10

A comparison of the Mosaic retrospective in Deut 9–10 with Exod 32–34 and other texts in Exodus and Numbers reveals numerous points of contact.[177] Moses' historical retrospective in Deut 9:7–10:11 assumes that its audience in the "world of the text" already knows the events described (because they experienced them firsthand), and it is reasonable to assume that readers in the "world in front of the text" also know the events described, namely via *another text*. Thus, there is good reason to assume *prima facie* that Deut 9:7–10:11 is *generally* dependent on materials in Exod 32–34 and not vice versa, although the specific direction of dependence must be verified on a case-by-case basis.[178]

Deut 9:7-8 [D I] *// Exod 32:10* [E III]. The report in Deut 9:8 that Yhwh contemplated wiping out the people (ויתאנף ה׳ בכם להשמיד אתכם) seems to presuppose Exod 32:10 (ועתה הניחה לי ויחר אפי בהם ואכלם), which is part of a later insertion within Exod 32.[179] The references to Taberah, Massah, Kibroth-Hatta'avah, and Kadesh-Barnea all presuppose (post-

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[177] For earlier comparisons of Exod 32–34 and Deut 9–10 cf. Hahn, *Das "Goldene Kalb,"* 236–45; Vermeylen, "Les sections narratives," 186–91, 197–203; Dohmen, *Bilderverbot*, 128–32; Aurelius, *Fürbitter*, 8–126; Boorer, *Promise*, 297–344; Achenbach, *Israel*, 350–73; Renaud, "La formation de Ex 19–40," 111–33; Lohfink, "Deuteronomium 9,1–10,11," 77–83; William Johnstone, "The Use of the Reminiscences in Deuteronomy in Recovering the Two Main Literary Phases in the Production of the Pentateuch," in *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. Jan Christian Gertz, Konrad Schmid, and Markus Witte; BZAW 315; Berlin: de Gruyter, 2002), 247–73 (251–59); Gertz, "Beobachtungen," 99–101; Nelson, *Deuteronomy*, 120; Hayes, "Golden Calf Stories," 72–92; Achenbach, "Grundlinien," 63–78; Konkel, *Sünde und Vergebung*, 152–68; Baden, *J, E*, 160–72; Chung, *The Sin of the Calf*, 70–87; Carr, *Formation*, 262–65; and Otto, "Deuteronomiumstudien II," 122–75; idem, *Deuteronomium 4,44–11,32*, 943–69.

[178] For this reason I cannot agree with the thesis that the golden calf narrative in Exod 32 is dependent on the version in Deut 9–10 (Van Seters, *Life*, 290–360, followed by Otto, "Pentateuchredaktion," 88–89 with n. 116 and Dozeman, *Exodus*, 40). For arguments in favor of the basic dependence of Deut 9:7–10:11 on Exod 32–34 see Boorer, *Promise*, 297–334; Lohfink, "Deuteronomium 9,1–10,11," 77–78; and Hayes, "Golden Calf Stories," 72–92, esp. 86–92. More recently, Otto ("Deuteronomiumstudien II," 155–56; idem, *Deuteronomium 4,44–11,32*, 959) has abandoned his earlier position and now follows the approach of Achenbach ("Grundlinien," 63–78), arguing that a pre-priestly and pre-D base narrative can be isolated in Exod 32:1a, 4aβb, (6), 15aα*, 19abα, 20, 30, 31abαβ, 32, 33, 35abα. This explanation is purely hypothetical, however, and it may be asked if Achenbach and Otto arrive at this reconstruction in order to fit their broader compositional theory rather than in light of the specific textual evidence.

[179] This connection is also noted by Gertz ("Beobachtungen," 99) but overlooked by Carr (*Formation*, 262), who argues that Deut 9–10 only drew on Exod 32:1-7, 15a, 19-20; 34:1, 4, and 28.

priestly) narratives of rebellion in the books of Exodus and Numbers (Exod 17:7; Num 11:3, 34; cf. also Deut 1:34).[180]

Deut 9:9-11 [(D II)] // Exod 19:18; Exod 31:18 [(E I+)]; 34:28a [(E I+)]. Deut 9:9-11 presuppose the references to the "first" tablets in Exod 24:12; 31:18; 32:15-16, 19; 34:1aβb, 4aα₁, all of which are later in relation to the "second" tablets Exod 34:4b and do not belong to the most basic narrative of the golden calf (see above).[181] As for the double report of Yhwh's giving the tablets to Moses in Deut 9:10 and 9:11, comparison with the parallels in Exodus suggests that Deut 9:11 (without לחות הברית) seems to follow Exod 31:18 in assuming that the tablets contain the priestly instructions found in Exod 25–31*. In contrast, Deut 9:10 (and the phrases לוחת הברית אשר כרת ה׳ עמכם in 9:9 and לחות הברית in 9:11, which are possibly later additions) indicates explicitly that the tablets contained the same material that Yhwh communicated *to the people* on the mountain, which can only be interpreted as the Decalogue. Thus, Deut 9:10 diverges more significantly from the

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[180] It is beyond the scope of the present study to provide comprehensive arguments for the post-priestly dating of Exod 17:1-7 and Num 11. Regarding Exod 17:1-7, the following observations are of significance: (1) Moses' insinuation in 17:4 that this is not the first time that the people have complained against him (עוד מעט וסקלני) indicates that this unit presupposes the people's murmuring in 15:24-25a, which is likely a post-priestly addition to the stopover at Marah. (2) Even without the explicit reference to the pollution of the Nile in 17:5aα*, the central place of Moses' staff and Moses' role as a wonder-worker forms links back to a post-priestly reworking of the plagues cycle. (3) The use of the construction הנני + participle in 17:6 occurs exclusively in priestly and post-priestly narratives up to this point in the book of Exodus (cf. Exod 8:21; 9:18; 10:4; 14:17; 16:4). On the post-priestly nature of Num 11 cf. Thomas Römer, "Israel's Sojourn in the Wilderness and the Construction of the Book of Numbers," in *Reflection and Refraction: Studies in Biblical Historiography in Honour of A. Graeme Auld* (VTSup 113; Leiden: Brill, 2007), 419–45 (433); Achenbach, *Vollendung*, 229; and Kratz, *Komposition*, 109 (ET 106). On the knowledge of these texts in Deut 9:22 cf. Otto, "Deuteronomiumstudien II," 124–30; idem, *Deuteronomium 4,44–11,32*, 944, who, however, assigns Deut 9:22-24 to a later stage of composition than that proposed here.

[181] Cf. Otto, "Deuteronomiumstudien II," 131, idem, *Deuteronomium 4,44–11,32*, 947, who notes that Deut 9:10 presupposes the post-priestly verse Exod 31:18. Achenbach ("Grundlinien," 68) is aware of the problem that Exod 31:18 poses for the notion that the Mosaic retrospective in Deut 9–10 drew on a pre-priestly *Vorlage* and attempts to resolve this problem by arguing that "Der Text der Grunderzählung ist an beiden Stellen [i.e., Exod 31:18 and Deut 9:10-11 – S.G.] nicht völlig unverändert erhalten" and that Deut 9:10-11 "hat…den glatteren Text bewahrt." Alternatively, Konkel (*Sünde und Vergebung*, 242) argues that the motif of the tablets is original to Deuteronomy and was incorporated into Exod 32–34 only afterwards. This also seems unlikely, however, since there are multiple, conflicting depictions of the tablets in Exod 32–34, while Deut 9–10 contains a more unified concept of the tablets.

concept of the "first" tablets within Exod 32, suggesting that it is a later addition that reinterprets the "first" tablets not as the priestly instructions but as the Decalogue.[182]

Deut 9:12 [D II] // *Exod 32:7-8a* [E I]. Despite what has become something of a scholarly consensus, there are no compelling reasons to conclude that Yhwh's speech to Moses in Exod 32:7-8a is dependent in its entirety upon Deut 9:12.[183] In the literary-critical analysis of Exod 32:7-8a it was noted that 32:8a may be composite, thus raising the possibility of a more complex relationship of dependence. Several commentators have noted that the phrase סרו מהר מן הדרך אשר צויתם in 32:8aα has resonances with other Dtr texts (cf. Deut 11:28; Deut 31:29; and Judg 2:17).[184] When combined with the observation that Exod 32:8aα is likely later than 32:8aβγ (see 3.1), this suggests the following compositional scenario: Deut 9:12 drew on Exod 32:7, 8aβγbα, adding the reference to the people turning away from Yhwh's path. At a later stage, the phrase סרו מהר מן הדרך אשר צויתם was then inserted into Exod 32:8aα in order to further coordinate this verse with Deut 9:12.[185]

Deut 9:13-14 [D II+] // *Exod 32:9-14* [E III]. The relationship between Deut 9:13-14 and their parallels in Exod 32 is complex. On the one hand, is likely that a basic form of Exod 32:9-14* was the model for Deut 9:13-14*, since in Deut 9:14 Yhwh's intention to

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[182] Cf. Otto, *Deuteronomium 4,44–11,32*, 947, who regards Deut 9:10, as well as the reference to לוחת הברית אשר כרת ה׳ in 9:9 and לחות הברית in 9:11 as later insertions.

[183] Many commentators have assumed that this is the case for two reasons: (1) they regard Exod 32:7-14 as a unified insertion, which it is not (see above), and (2) due to the presence of "Deuteronom(ist)ic" language in Exod 32:7-14, they assume that this unit as a whole must post-date the Mosaic retrospective in Deut 9:7–10:11. See, for example, Hossfeld, *Dekalog*, 160; Dohmen, *Bilderverbot*, 129–31; and Otto, "Deuteronomiumstudien II," 154; idem, *Deuteronomium 4,44–11,32*, 957.

[184] Cf. Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon Press, 1972), 339 and Boorer, *Promise*, 211.

[185] Cf. (implicitly) Carr, *Formation*, 260–61. Here I can only agree in part with Boorer, *Promise*, 308 and Achenbach, *Israel*, 355, who argue that Exod 32:7-8 as a whole served as a source for Deut 9:12. Boorer admits that this view "can be supported only by the cumulative evidence for Deut 9–10* representing a later account based on Ex 32–34*."

destroy the people remains unresolved and Moses simply descends the mountain in 9:15.[186] On the other hand, it is possible that at least *some* of the material in Exod 32:9-14—particularly 32:9 and 32:13—is the product of scribal coordination with Deut 9:13-14. The direction of dependence between Exod 32:9 and Deut 9:13 is particularly difficult to determine, since Yhwh's reference to the people as "stiff-necked" creates narrative tension in *both* Exod 32 and Deut 9 through the redundant introduction of divine speech. While it is plausible that the second introduction of divine speech in Exod 32:9 was conceived of as an introduction to the "pre-D" version of Moses' intercession in Exod 32:9-14*, it is equally conceivable that Yhwh's intention to destroy the people in Exod 32:10 originally connected directly to 32:8aβγ(b), thus at least raising the possibility that the description of the people as "stiff-necked" has its original place in Deut 9:13. As for the parallel between Exod 32:13 and Deut 9:27, it seems likely that Moses' invocation of the ancestors in Exod 32:13 is derived from Deut 9:27 and not vice versa, since Exod 32:13 comes too late within Moses' intercession and interrupts the lexical connection between Moses' plea for Yhwh to change his mind in 32:12 and its result in 32:14.[187]

Deut 9:15 [(D II)] *// Exod 32:15* [(E I/I+)]. Deut 9:15 not only recapitulates Exod 32:15; it also incorporates the motif of the burning mountain from Exod 19:18.[188] Moses' state-

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[186] For this reason, I disagree with a number of commentators who regard Exod 32:(7-8), 9-14 as a whole as "post-Dtr" (cf. Aurelius, *Fürbitter*, 91–100; Renaud, "La formation de Ex 19–40," 119; Otto, *Das Deuteronomium im Pentateuch*, 40–43; Achenbach, "Grundlinien," 74; Konkel, *Sünde und Vergebung*, 158; and Carr, *Formation*, 260–61; see also Schmitt, "Erzählung," 319–20, who sidesteps the question of dependence by arguing that both texts belong to the same compositional layer).

[187] Cf. Gertz "Beobachtungen," 100; Konkel, *Sünde und Vergebung*, 152–55; and Otto, "Deuteronomiumstudien II," 154; idem, *Deuteronomium 4,44–11,32*, 957–58 (in contrast to his earlier view), who also argue that Deut 9:13-14* depend on a basic form of Exod 32:9-14* but that Exod 32:9 and 13 are later coordinations with Deut 9:13-14, against Boorer, *Promise*, 309; Achenbach, *Israel*, 356; and Chung, *The Sin of the Calf*, 42, who argue that Deut 9:13-14 depend entirely on Exod 32:9-10.

[188] Achenbach (*Israel*, 358) argues that this motif was derived from Deut 5:24-25 and is thus "dtn./dtr.," yet the latter passage already depends upon Exod 19:18.

ment in Deut 9:15 that the two tablets were "on" his *two* hands perhaps seeks to clarify the suffix of בידו in Exod 32:15 as a dual rather than a singular form. Thus, Deut 9:15 presents a very specific image of Moses resting one tablet in the palm of each hand as he descends the mountain.

Deut 9:16 [D II] // Exod 32:19abα₁ [E I]; Exod 32:8a // Deut 9:12b; Exod 32:30 [E III]. Deut 9:16 draws on language from several different verses within Exod 32. Although its primary parallel is Exod 32:19a, it also draws on the verbal root חטא from Exod 32:30 as well as on language from the divine speech in Exod 32:8a but in a different order:

<div dir="rtl">

Exod 32:8a <u>סרו מהר מן הדרך אשר צויתם</u> <u>עשו להם עגל מסכה</u>

Deut 9:16 וארא והנה חטאתם לה׳ אלהיכם <u>עשיתם לכם עגל מסכה</u> <u>סרתם מהר מן הדרך אשר צוה ה׳ אתכם</u>

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Although the inversion of the phrases may simply be a scribal citation technique, the likelihood that the phrase סרו מהר מן הדרך אשר צויתם in Exod 32:8aα is a later insertion based on Deut 9:12 (see above) raises the possibility that Deut 9:16a drew upon Exod 32:8aβγ *before* it was coordinated with Deut 9:12b and that the phrase סרתם מהר מן הדרך אשר צוה ה׳ אתכם in Deut 9:16b was added later in order to reflect the addition in Exod 32:8aα.[189]

Deut 9:17 [D II] // Exod 32:19bα₂β [E I+]. Whereas the report of Moses' breaking the tablets in Exod 32:19bα₂β states that Moses cast the tablets from his hand(s), breaking them *at the foot of the mountain*, Deut 9:17 embellishes the report somewhat: Moses states that he "took" the tablets and then cast them from "upon" his hands, breaking them in the sight of the people. Although it is possible to infer from the phrase תחת ההר in Exod

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[189] Here I can only agree in part with Boorer, *Promise*, 310, who argues that both Deut 9:12 and 9:16 are dependent on Exod 32:8a.

32:19bα₂β that the people witnessed Moses' action there, Deut 9:17 makes this more explicit, simultaneously emphasizing the people's responsibility for Moses' action.[190]

Deut 9:18-19 (D II+) // Exod 32:10, 31-33 (E III); 34:28a (E I+). Although Moses' recapitulation of his intercession in Deut 9:18-19 connects primarily to Exod 32:31-33,[191] it also draws upon language and concepts from Exod 34:28a and Exod 32:10. Whereas Exod 32:31-33 does not specify how long Moses was interceding before Yhwh, Deut 9:18 states that Moses fell before Yhwh for forty days and forty nights, neither eating nor drinking, thus conflating Moses' intercession in Exod 32:31-33 with his trip up the mountain in Exod 34. The use of the phrase כראשנה in Deut 9:18 also reinterprets Moses' first intercession with Yhwh in Exod 32:10-14 by implying that this intercession likewise lasted forty days and forty nights. The reference to Yhwh's anger in Deut 9:19 creates verbal links with Moses' first intercession in Exod 32:10-14 while also radically reinterpreting Moses' second intercession in Exod 32:31-33 by presenting it as successful, whereas this is hardly clear from Exod 32:31-33 itself. In sum, Deut 9:18-19 draws on three different encounters between Yhwh and Moses in Exod 32–34 and seeks to create from them a more consistent notion of Mosaic intercession.[192]

Deut 9:20 (D IV); cf. Exod 32:1-6, 21-24. Deut 9:20—along with 10:6-7—presents a particular interpretation of the figure of Aaron from Exod 32. Whereas the multiple compositional layers in Exod 32 create an ambiguous picture of Aaron's culpability in the golden calf episode, Moses' reference to his intercession on behalf of Aaron in Deut 9:20

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[190] On the emphasis on the culpability of the entire people in Deut 9–10 cf. Gertz, "Beobachtungen," 99.
[191] Achenbach (*Israel*, 359) correctly notes that Deut 9:18-20 does not have a parallel at the corresponding point in the narrative in Exod 32 but does not note the connection to Exod 32:31-33.
[192] For a similar evaluation of Deut 9:18-19 cf. Boorer, *Promise*, 310–12.

127

clarifies why Aaron was not (immediately) punished for his involvement in the golden calf incident (cf. the discussion of Deut 10:6-7 below).[193]

Deut 9:21 ⁽ᴰ ᴵᴵ⁾ // Exod 32:20 ⁽ᴱ ᴵ⁾; cf. Exod 32:21 ⁽ᴱ ᴵᴵᴵ⁺⁾, 30-34 ⁽ᴱ ᴵᴵᴵ⁾. The dependence of Moses' destruction of the calf in Deut 9:21a upon materials in Exod 32 can be deduced from a number of observations. First, the reference to "the sin which you made" prior to the reference to the calf adds a theological evaluation that is likely drawn from the reference to the people's sin found in Exod 32:21, 30-34, all of which are later additions within Exod 32. The dependence of Deut 9:21a upon Exod 32:20a can also be observed in its addition of the intensifying adverb היטב. In contrast, it is possible that Moses' strewing the calf-dust over the river(-bed) in Deut 9:21b originally had no counterpart in Exod 32:20 and is an innovation that seeks to portray Moses' response in line with the cult reforms attributed to Israel's and Judah's later kings, particularly Josiah.[194] As part of the process of coordinating Exod 32 with Deut 9, a later scribe may have taken up the water motif from Deut 9:21b and combined it with the "water of cursing" from Num 5:11-31, thereby creating the reference in Exod 32:20b to Moses making the people drink the calf-water.[195]

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[193] Cf. Loza, "Exod xxxii," 37–38; Boorer, *Promise*, 305, 312; Achenbach, *Israel*, 360; and Hayes, "Golden Calf Stories," 82.

[194] Cf. 1 Kgs 15:13 and 2 Kgs 23:6, 12 as well as the discussion in Hans-Detlef Hoffmann, *Reform und Reformen: Untersuchungen zu einem Grundthema der deuteronomistischen Geschichtsschreibung* (AThANT 66; Zürich: Theologischer Verlag, 1980), 311–13.

[195] Thus, in the debate over the direction of dependence between Exod 32:20 and Deut 9:21, both sides are partially correct. On the one hand, Christopher T. Begg, "The Destruction of the Calf (Exod 32,20 and Deut 9,21)," in *Das Deuteronomium: Entstehung, Gestalt und Botschaft* (ed. Norbert Lohfink, BETL 68; Leuven: Peeters, 1985), 208–51, esp. 233–51; Boorer, *Promise*, 312–14; and Achenbach, *Israel*, 361–63 are correct in regarding the *basic* account in Exod 32:20 as the *Vorlage* for Deut 9:21, although this direction of dependence is limited to Exod 32:20a and Deut 9:21a. On the other hand, Dohmen (*Bilderverbot*, 131) is also partially correct in his argument that Deut 9:21 was the *Vorlage* for Exod 32:20, although this only applies to Deut 9:21b and Exod 32:20b, while Num 5:11-31 should also be regarded as a *Vorlage* for Exod 32:20b.

Deut 9:22-24 [(D I)] *// Exod 17; Num 11; 13–14; 20:24; 27:14; Deut 1*. It has long been noted that Deut 9:22-24 refer to a series of narratives revolving around the people's rebellion in the book of Numbers: Taberah (Num 11:1-3), Kibroth-Hatta'avah (Num 11:4-34); and the episode of the spies at Kadesh (Num 13–14). Above it was argued that Deut 9:22-24 likely belongs to an earlier stage of composition than Moses' extended retrospective of the golden calf incident which now surrounds these verses. Yet even if this hypothesis is incorrect and Deut 9:22-24 are indeed a very late insertion, this does little to change the post-priestly evaluation of Moses' retrospective, since already Deut 9:7—without which 9:9-21* cannot stand—presupposes the people's repeated rebellion against Yhwh that is illustrated by the (post-)priestly narratives in Num 11 and 13–14.[196]

Deut 9:25-29 [(D II+)] *// Exod 32:10-13* [(E III)]*; cf. Num 13–14*. Deuteronomy 9:25-26, 28-29 draw not only on Exod 32:11-12 but also on the post-priestly additions to the spy story in Num 13–14 (cf. Num 14:16 and Deut 9:28).[197] In contrast, as argued above, it seems likely that the direction of dependence between Exod 32:13 and Deut 9:27 runs from Deuteronomy to Exodus.[198]

Deut 10:1-5 [(D III/III+)] *// Exod 34:1-4* [(E I+)]*, 28* [(E I/I+)]. The narrative about the second tablets in Deut 10:1-5*, 10-11 is more consistent than its counterpart in Exod 34:1-4, 27-29. Whereas Exod 34 portrays both Moses (34:27, 28b) and Yhwh (34:1b) as writing on the tablets, Deut 10 portrays only Yhwh as writing on the tablets, thus reproducing the

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[196] On the pristly and post-priestly nature of Num 13–14 see Chapter 4.

[197] The fact that Deut 9:28 draws on both Exod 32:12 and Num 14:16 is also noted by Boorer, *Promise*, 304, 315–16; against Achenbach, *Israel*, 365–68, who argues that Deut 9:25-29 and Exod 32:11-14 originated from the same "school" but that Deut 9:25-29 is not directly dependent upon Exod 32:11-14. On the post-priestly nature of Deut 9:25-29 cf. Otto, "Deuteronomiumstudien II," 132; idem, *Deuteronomium 4,44–11,32*, 948.

[198] Against Boorer, *Promise*, 306; Chung, *The Sin of the Calf*, 40; and Otto, *Deuteronomium 4,44–11,32*, 948, who regard Exod 32:11-13 as a whole as the source for Deut 9:25-29.

later conception of the tablets found within Exod 34 and omitting the earlier one.[199] This shift is carried out with particular skill in Deut 10:4, which cites Exod 34:28b verbatim (ויכתב על הלחת) *without* adjusting for Moses' first-person discourse, thus recasting the third-person report about *Moses'* writing on the tablets in 34:28b into a report by Moses about *Yhwh's* writing on the tablets in Deut 10:4.[200]

The references to the ark in Deut 10:1-5, 8, which likely comprise some of the latest additions within Deut 9–10, are a complete innovation in relation to Exod 34[201] but form links with the priestly/post-priestly references to the ark in Exod 25:10, 16, 22;[202] Exod 37; and Num 10:33–35.[203] Notably, the notion that something is placed *inside* the ark is found elsewhere only in priestly texts,[204] and the reference to acacia wood as a construction material occurs elsewhere only in priestly literature (23x).[205]

Deut 10:6-7 [(D IV)] *// Num 33:30, 33-34.* The late insertion found in Deut 10:6-7 does not have a parallel in Exod 32 but instead draws on the post-priestly itinerary in

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[199] For this reason I cannot agree with Otto's conclusion (*Deuteronomium 4,44–11,32*, 950) that the references to the "second" set of tablets in Exod 34:1, 4 presuppose Deut 10:1-5*.

[200] Cf. Dohmen, "Was stand auf den Tafeln?" 31.

[201] Cf. Boorer, *Promise*, 318, who simply states that "[t]he ark as a repository of the tablets is distinctly Deuteronomistic" (with reference to 1 Kgs 8:9) but does not consider the points of contact with priestly literature. Similarly, Baden (*J, E*, 171–72) rightly notes that the description of the ark in Deut 10:1-5, 8 is the creative product of the author of those verses, yet his argument that the two conceptions of the ark in "P" and "D" are independent of each other is grounded more in his presuppositions about the relationship between "P" and "D" than in concrete textual evidence. There are no grounds for Achenbach's suggestion (*Israel*, 369) that the absence of any reference to the ark in Exod 34 is the result of later priestly reworking.

[202] Otto (*Deuteronomium 4,44–11,32*, 950) assigns these verses to secondary additions within Exod 25–31.

[203] On the post-priestly nature of the references to the ark in Deut 10:1-5 cf. Susanne Owczarek, *Die Vorstellung vom Wohnen Gottes inmitten seines Volkes in der Priesterschrift: Zur Heiligtumstheologie der priesterschriftlichen Grundschrift* (EHS XXIII/625; Frankfurt a.M.: Peter Lang, 1998), 141–42, 171–73; Achenbach, *Vollendung*, 190–93; idem, "Grundlinien," 78; Porzig, *Die Lade Jahwes*, 49; and Otto, *Deuteronomium 4,44–11,32*, 950.

[204] Cf. Porzig, *Die Lade Jahwes*, 43.

[205] Ibid., 49. Interestingly, Chung notes that the references to the ark in Deut 10:1-5 negate "its traditional character as a signifier of the Divine Presence or as a seat of honor for God, and through a process of rationalization, its function was reduced merely to that of a receptacle for the Tablets of the Covenant" (*The Sin of the Calf*, 86), although he avoids drawing the logical conclusion from such an observation, namely, that the conception of the ark in Deut 10:1-5 is a revision of the priestly conception of the ark.

Num 33 (cf. Num 33:30, 33-34).[206] The purpose of this insertion seems to be to answer the same question that faced the scribe who inserted Deut 9:20: why was Aaron not punished for his involvement in the golden calf incident in Exod 32? For the author of Deut 10:6-7, the answer to this question is that Aaron was not punished immediately but eventually was punished insofar as he died prior to the entry into the promised land. In this way, Deut 10:6-7 appropriates the (post-)priestly motif of Aaron's death and burial from the book of Numbers.[207]

Deut 10:8-9 [(D III+)] // *Exod 32:25-29* [(E IV)]. The etiology of the Levites' cultic role in Deut 10:8-9 forms a parallel with Exod 32:25-29. The dependence of the Levite episode in Deut 10:8-9 on the (post-priestly) text of Exod 32:25-29 can be deduced from its exegetical approach to the latter: in Exod 32:25-29 the separation of the Levites is done at Moses' behest, while in Deut 10:8-9 it is done at Yhwh's behest.[208] Whereas the ordination of the Levites in Exod 32:25-29 takes place shortly after Moses' destruction of the golden calf, in Deut 10:8-9 the same event takes place after Moses receives the *second* set of tablets and builds the ark. Thus, the late inclusion of the Levites episode in Deut 10:8-9 may have originally been triggered by the references to the ark in Deut 10:1-5,[209] reinterpreting the Levites' ordination as the result of the creation of the ark rather than as the result of their violent demonstration of loyalty to Yhwh. In contrast, the subsequent

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[206] Cf. Achenbach, *Israel*, 371–72. Baden (*J, E*, 166) avoids having to account for these verses by arguing that "[t]he final part of D's description of the Horeb episode comes in Deut 10:1-5," although this is contradicted by Deut 10:10-11, in which Moses recapitulates part of his exchange with Yhwh in Exod 33. Weinfeld (*Deuteronomy 1–11*, 419) and Chung (*The Sin of the Calf*, 96) note the parallelism between Deut 10:6-7 and Num 33 but deny any direct dependence between the two texts.

[207] For this interpretation of Deut 10:6-7—albeit with different assumptions about the compositional place of Num 33—cf. Hayes, "Golden Calf Stories," 82.

[208] Cf. Achenbach, *Israel*, 372; Hayes, "Golden Calf Stories," 84; and Samuel, *Von Priestern zum Patriarchen*, 29. For other arguments for the post-priestly nature of Deut 10:8-9 cf. Dahmen, *Leviten und Priester*, 67–73 and Otto, "Deuteronomiumstudien II," 135; idem, *Deuteronomium 4,44–11,32*, 950.

[209] So Porzig, *Die Lade Jahwes*, 44–45 and Samuel, *Von Priestern zum Patriarchen*, 18.

addition in Deut 10:6-7 implies that the separation of the Levites in 10:8-9 only took place much later during the journey through the wilderness, after the death of Aaron.[210]

Deut 10:10-11 [(D III)] *// Exod 32:34* [(E III)] */ 33:1* [(E II)]. Deuteronomy 10:10 conflates Moses' ascent with the second tablets (cf. the reference to the forty days and forty nights in Exod 34:28a) with his second intercession from Exod 32:30-34. Whereas Yhwh's response in Exod 32:30-34 is hardly a resounding commitment not to destroy the people, Deut 10:10 is more positive, thus reinforcing the stereotyped notion of Mosaic intercession advanced in Deut 9:18-19. Finally, Deut 10:11 forms a parallel with Exod 33:1 but is also a recapitulation (albeit a very free one) of Moses' second intercession with Yhwh in Exod 32:30-34. Since Moses' retrospective ends here and the materials that follow switch back to paraenesis, it seems unlikely that the divine command to Moses to set out is more original to Deut 10:11 than to Exod 32:31-34 or 33:1.[211] The fact that this verse comes at the end of Moses' retrospective may reflect an attempt to resolve the tension created by the odd placement of Exod 33 between the violation of the Decalogue in Exod 32 and the giving of a "new Decalogue" in Exod 34.[212]

Interim result. The comparison of Exod 32–34 and Deut 9:7–10:11 indicates that even the most basic form of Deut 9:7–10:11 already presupposes Exod 32–34 at a relatively advanced stage of composition and that only a small amount of textual material in

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[210] Some commentators read the combination of 10:6-7 with 10:8-9 positively as emphasizing the Levites' role as successors of Aaron (so Hayes, "Golden Calf Stories," 84), while others interpret the insertion of 10:6-7 as a pro-Aaronid reaction against the Levites' appropriation of priestly functions in 10:8-9, displacing the separation of the tribe of Levi from Sinai (so Samuel, *Von Priestern zum Patriarchen*, 21).

[211] Against Carr, *Formation*, 122 n. 50, who argues that Exod 33:1 is later than its parallel in Deut 10:11. The fact that Deut 10:11 is subordinate to materials in Exodus and not vice versa is further confirmed by its apparent use of language from Exod 40:36-38 (מסע) as well, reinforcing its nature as a late, post-priestly text (cf. Otto, "Deuteronomiumstudien II," 136–37; idem, *Deuteronomium 4,44–11,32*, 951).

[212] Cf. Boorer, *Promise*, 319–20.

Exod 32–34 is dependent on Deut 9:7–10:11.[213] Rather than reflecting an earlier stage in the development of Exod 32–34,[214] the "minuses" in Moses' retrospective in Deut 9:7–10:11 should be interpreted primarily as part of the process of abridgment and selection that served its particular rhetorical aims.[215]

3.5. RESULT

In contrast to the analysis of Exod 19–24, which concluded that those chapters contain both pre-priestly and post-priestly narrative materials, the analysis of Exod 32–34 strongly suggests that the episode of the golden calf and its aftermath cannot have belonged to a pre-priestly narrative thread in the book of Exodus. If a pre-priestly narrative were to be identified at all, it would have to be sought in Exod 32:1-20*, but even this creates problems, since the figure of Aaron cannot easily be removed from that unit and since the violation of the Decalogue represented by the golden calf incident only finds its full resolution in the giving of a "new Decalogue" in Exod 34.

The conclusion that Exod 32–34 as a whole is post-priestly has significant implications for the compositional place of Deut 9:7–10:11. Although some commentators

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[213] In this respect I cannot agree with Otto's conclusion ("Deuteronomiumstudien II," 165) that "die postpriesterschriftliche Fortschreibung der Grunderzählung in Ex 32* intensiv Dtn 9…rezipiert hat."

[214] So Achenbach, *Israel*, 369–70; Renaud, "La formation de Ex 19–40," 117; Johnstone, "Reminiscences," 249, 257 (for whom the earlier stage in Exodus was already Deuteronomistic); and Carr, *Formation*, 263. When taken to its logical conclusion, this assumption leads to radical compositional conclusions for Exod 32–34 derived from the *theological Tendenz* of Deut 9–10, such as Renaud's conclusion ("La formation de Ex 19–40," 121) that Exod 32 did not originally tell of the creation of the calf.

[215] Cf. Hossfeld, *Dekalog*, 148; Boorer, *Promise*, 321–22; Peckham, "The Composition of Deuteronomy 9:1–10:11," 31; and Hayes, "Golden Calf Stories," 78; against Achenbach, who argues that the two versions of the golden calf story reflect a common *Grunderzählung* that did not contain Aaron, since Aaron "in Dtn 9,12f. nicht erwähnt wird" ("Grundlinien," 69, followed by Otto, "Deuteronomiumstudien II," 150; idem, *Deuteronomium 4,44–11,32*, 955). This suggestion is unfalsifiable and also requires the assumption that Exod 32:1-6 was completely rewritten in order to include Aaron, since his appearance there cannot be removed on literary-critical grounds. Moreover, Achenbach is methodologically inconsistent here, since elsewhere he argues that the retrospective in Deuteronomy intentionally suppressed certain traditions ("Grundlinien," 60).

have argued that Deut 9:7–10:11 reflects a potentially pre-priestly *Vorlage* that did not contain the figure of Aaron, the fact that the most basic material in Deut 9 presupposes Moses' receiving and breaking the "first" set of tablets Exod 31:18; 32:15aβb, 19b in fact indicates that the *Vorlage* of Deut 9 already included Exod 34 and the addition of the motif of the tablets to Exod 32, both of which were shown to belong to a post-priestly stage of composition (see 3.2). Thus, even granting the unlikely possibility that a pre-priestly version of Exod 32 were to have existed, Deut 9:7–10:11 can be evaluated as a post-priestly composition from the outset on other grounds.

CHAPTER 4: THE STORY OF THE SPIES
(NUM 13–14 // DEUT 1:19-46)

4.1. METHODOLOGICAL PROLEGOMENA

The story of the spies in Numbers 13–14 and its parallel in Deut 1:19-46 hold a crucial place both in the narrative of the Hexateuch in its received form as well as in recent models for the formation of the latter.[1] In recent scholarship, three primary models have emerged for explaining the relationship between these two texts, which can be categorized according to the identification of the earliest literary version of the spy story: (1) a "non-D, non-P" narrative, (2) the "D" narrative in Deut 1, and (3) the "P" narrative in Num 13–14*. Although the particular models proposed by individual scholars in fact form a continuum, the division proposed here is useful as a heuristic device.

(1) According to the "non-D, non-P" model, the present form of Num 13–14 was created through the combination of two (or more) originally independent spy stories, one non-priestly and the other priestly, while Deut 1:19-46 was composed on the basis of the non-priestly spy story reflected in Num 13–14. Among recent adherents of the classical Documentary Hypothesis, the non-P narrative has tended to be attributed to J on the basis of other purported J texts in Genesis, Exodus and Numbers. Support for the notion that the J spy story was originally independent from the P version is sought in Deut 1:19-46,

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[1] On the role of the story of the spies in recent discussions of the formation of the Pentateuch and/or Hexateuch see esp. Otto, *Das Deuteronomium im Pentateuch*, 13–109; Reinhard Achenbach, "Die Erzählung von der gescheiterten Landnahme von Kadesch Barnea (Numeri 13–14) als Schlüsseltext der Redaktionsgeschichte des Pentateuch," *ZABR* 9 (2003): 56–123; Baden, *J, E,* 114–30; and David Carr, "Scribal Processes of Coordination/Harmonization and the Formation of the First Hexateuch(s)," in *The Pentateuch: International Perspectives on Current Research* (ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz; FAT 78; Tübingen: Mohr Siebeck, 2011), 63–83 (79–80); idem, *Formation*, 265–66.

which, it is argued, used only the J version of the story.[2] The "non-D, non-P" model also has many proponents who are not strict adherents of the classical Documentary Hypothesis and who are more reticent about associating the non-priestly material in Num 13–14 with a broader non-priestly narrative. Rather, they tend to focus on the fact that such material is "pre-D"; that is, it preserves a version of the spy story that would later form the basis for the version found in Deut 1:19-46.[3]

(2) The "D" model draws a radical conclusion from the comparison of Num 13–14 and Deut 1:19-46. Rather than concluding that the spy story in Deut 1:19-46 is based on a non-priestly narrative that is also partially preserved in Num 13–14, the "D" model concludes that from its inception, Num 13–14 is dependent on the spy story found in Deut 1:19-46. A common operating assumption for the proponents of this model is the theory of a post-Dtr Yahwistic history (i.e., the "late Yahwist" theory) and the related notion that the book of Deuteronomy has its original *Sitz in der Literatur* in the framework of the Deuteronomistic History rather than the Pentateuch or Hexateuch.[4]

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[2] Whereas early source-critical analyses found three or four distinct sources in Num 13–14 (for a detailed review of these see Norbert Rabe, *Vom Gerücht zum Gericht: Die Kundschaftererzählung Num 13.14 als Neuansatz in der Pentateuchforschung* [THLI 8; Tübingen: Francke, 1994], 5–80), a two-source model was popularized in Rudolph, *"Elohist,"* 74–84 and Noth, *Überlieferungsgeschichte des Pentateuch*, 19, 34 (ET 18–19, 32) and has been adopted more recently by Ludwig Schmidt, *Studien zur Priesterschrift* (BZAW 214; Berlin: de Gruyter, 1993), 74–85; idem, "Die Kundschaftererzählung in Num 13–14 und Dtn 1,19–46: Eine Kritik neuerer Pentateuchkritik," *ZAW* 114 (2002) 40–58; idem, *Das vierte Buch Mose: Numeri 10,11–36,13* (ATD 7/2; Göttingen: Vandenhoeck & Ruprecht, 2004), 39; Horst Seebass, *Numeri 10,11–22,1* (BK IV/2,2; Neukirchen-Vluyn: Neukirchener Verlag, 2003), 96–101; Veijola, *Deuteronomium 1,1–16,17*, 31; Baden, *J, E*, 114–29; idem, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis* (AYBRL; New Haven: Yale University Press, 2012), 79–80; and Aaron Schart, "The Spy Story and the Final Redaction of the Hexateuch," in *Torah and the Book of Numbers* (ed. Christian Frevel, Thomas Pola, and Aaron Schart; FAT II/62; Tübingen: Mohr Siebeck, 2013), 164–99 (165–66).

[3] Cf. Blum, *Studien*, 178–81; Olivier Artus, *Études sur le livre de Nombres: Récit, Histoire et Loi en Nb 13,1–20,13* (OBO 157: Freiburg: Academic Press / Göttingen: Vandenhoeck & Ruprecht, 1997), 83–159, esp. 156; Otto, *Das Deuteronomium im Pentateuch*, 101–9; Achenbach, "Numeri 13–14," 61, 78; and Carr, "Scribal Processes," 80; idem, *Formation*, 265–66.

[4] Cf. Martin Rose, *Deuteronomist und Jahwist: Untersuchungen zu den Berührungspunkten beider Literaturwerke* (AThANT 67; Zurich: Theologischer Verlag, 1981), 264–94 and Van Seters, *Life*, 370–82.

(3) The "P" model takes as its starting point the observation that the most basic narrative thread in Num 13–14 is a priestly composition. According to this model, much or all of the non-priestly material in Num 13–14 is understood as *post*-priestly additions.[5] Such an evaluation of Num 13–14 requires the further conclusion that Deut 1:19-46 is *also* post-priestly, at least if Deut 1:19-46 is dependent on Num 13–14*.[6] This poses problems for the assumption that Deut 1:19-46 has parallels only with the non-priestly material in Num 13–14 as well as for the notion that Deut 1–3 in their entirety form the introduction to an independent, pre-priestly literary work such as DtrL (Deut 1–Josh 24*) or DtrH (Deut 1–2 Kgs 25*).[7]

These three models account for virtually every possible genetic relationship between Num 13–14 and Deut 1:19-46. In my view, the reason that a broad consensus has not yet been reached regarding the best solution is due to the fact that the correspondences between the two spy stories have often been pressed into the service of scholars' broader assumptions regarding the formation of larger literary works. The only way out of this dilemma is to begin *not* with a comparison of the two texts but rather with separate literary-critical and macrocontextual analyses of Num 13–14 and Deut 1:19-46 (i.e., the same method employed in Chapters 2 and 3). Only after this is accomplished should one move to a diachronic reconstruction based on linkages between the two texts.[8]

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[5] Cf. Rabe, *Vom Gerücht zum Gericht,* 410–13, 440; Levin, *Jahwist*, 376; Kratz, *Komposition*, 109 (ET 106–7); idem, "Ort," 112; and Christoph Berner, "Vom Aufstand Datans und Abirams zum Aufbegehren der 250 Männer: Eine redaktionsgeschichtliche Studie zu den Anfängen der literarischen Genese von Num 16-17," *BN* 150 (2011): 9–33 (16 n. 24).

[6] Cf. Levin, *Jahwist*, 376 n. 28: "Die Rekapitulation in Dtn 1,19-46, die im wesentlichen gegenüber Num 13–14 sekundär ist […], ist von der Beobachtung mitbetroffen: Die Verbindung der Pentateuchquellen und ein Teil der nachendredaktionellen Literargeschichte sind vorausgesetzt."

[7] Cf. Gertz, "Deuteronomium 1–3," 112; Baden, *J, E*, 99; and Schmidt, "Kundschaftererzählung," 51–54.

[8] Cf. Rabe, *Vom Gerücht zum Gericht*, 441 and Kratz, "Ort," 107.

4.2. LITERARY-CRITICAL AND MACROCONTEXTUAL ANALYSIS OF NUM 13–14

Priestly material in Num 13–14

Since the primary aim of this chapter is to evaluate the extent of potentially pre-priestly narrative material in Num 13–14 and Deut 1:19-46, a useful starting point is to identify material that can be confidently assigned to (post-)priestly compositional activity. As there is a broad consensus regarding the identification of much of this material, the analysis here can be relatively brief.

Commentators have long agreed that Num 13:1-17a as a whole is a priestly/post-priestly unit.[9] In their present form, 13:1-3 bear the stamp of priestly composition, such as the use of the term מטה for "tribe" in 13:2. The list of names in 13:4-16 shows clear signs of being a later insertion: 13:16a forms a closing bracket around the list of names, and the phrase וישלח אתם משה לתור את ארץ כנען in 13:17a is a *Wiederaufnahme* of 13:3, resuming the narrative action following this digression.[10]

Strictly speaking, Moses' instructions in 13:17b-20 stipulating what to look for when scouting the land are not essential to the flow of the narrative and thus may not go back to the same compositional level as 13:1-3 (or perhaps even 13:4-16). If one looks for the continuation of 13:3 or 13:17a without 13:17b-20, several options are possible: 13:21, 22, 23, or 25. The most likely continuation of 13:1-3 is 13:21 (perhaps only 21a),

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[9] Cf. Wellhausen, *Composition*, 101–2; Noth, *Überlieferungsgeschichte des Pentateuch*, 34 (ET 32); Roland de Vaux, "The Settlement of the Israelites in Southern Palestine and the Origins of the Tribe of Judah," in *Translating and Understanding the Old Testament: Essays in Honor of Herbert Gordon May* (Nashville: Abingdon, 1970), 108–34 (109); Blum, *Studien*, 133 n. 129; Schmidt, *Studien zur Priesterschrift*, 74–75; idem, *Numeri 10,11–36,13*, 39; Levin, *Jahwist*, 375; Rabe, *Vom Gerücht zum Gericht*, 410–13; Artus, *Études*, 97; Otto, *Das Deuteronomium im Pentateuch*, 30–31; Seebass, *Numeri 10,11–22,1*, 84–96; and Baden, *J, E*, 114.

[10] Without the list of names in 13:4-16, 13:17a would be redundant following directly upon 13:3, and it can hardly be more original than 13:3, since it would still be redundant if it were attached directly to 13:2.

since this verse uses the verb תור found in 13:2 and 13:17a.[11] Likewise, 13:25 (which also uses the verb תור) brings the scouts back to the place from which Moses sent them and thus cannot be removed from the most basic narrative thread. This thread possibly continues in the scouts' report to Moses in 13:26a*, 32b, culminating in the report that the land that they scouted out "consumes" its inhabitants.[12]

The references to "the entire congregation" in 13:26b and 14:2b are syntactically disconnected from the material that surrounds them, which suggests that the references to the congregation (העדה) do not belong to the earliest form of the priestly narrative.[13] If this is indeed the case, then the references to the עדה in 13:26a and in 14:1a can also be bracketed out of the most basic narrative material. This raises the possibility that the report of the people's "crying" in 14:1b is the original continuation of the scouts' negative report in 13:32b.

The figure of Aaron is integral to the report of the Israelites' "murmuring" in 14:2-3 (since ויאמרו אלהם implies both Moses and Aaron), indicating that these verses are priestly/post-priestly. It is possible that the people's desire to return to Egypt in 14:3b belongs to the same compositional level as 14:2-3a,[14] but it is equally possible that it is a later addition,[15] since the motif of returning to Egypt does not appear in Yhwh's announcement of the people's punishment in 14:26-29, 31 (see below).

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[11] Cf. Blum, *Studien*, 133 n. 129; Rabe, *Vom Gerücht zum Gericht*, 410–13; Artus, *Études*, 105; Seebass, *Numeri 10,11–22,1*, 88; and Baden, *J, E*, 115.

[12] Cf. Rabe, *Vom Gerücht zum Gericht*, 411; Levin, *Jahwist*, 376; and Artus, *Études*, 156.

[13] The secondary nature of the phrase כל העדה in 14:2b is further supported by the fact that this phrase does not agree grammatically with the verb ויאמרו, whose subject is rather בני ישראל.

[14] So Rabe, *Vom Gerücht zum Gericht*, 412.

[15] So Levin, *Jahwist*, 376.

Although most commentators recognize that 14:5-10 also show signs of priestly composition,[16] few differentiate this material beyond a simple attribution to "P."[17] Nevertheless, this material does not fit well with the basic priestly narrative thread that has emerged so far in 13:1-2, 3a/17a, 25, 26*, 32b; 14:1b-3, (4). The reference to the עדה in 14:5 and 7 associates these verses with *additions* to the priestly narrative, and the speech of Joshua and Caleb in 14:6-10a shows further signs of being secondary to the most basic priestly narrative.[18]

The logical continuation of the basic narrative identified thus far in 13:1-2, 3a/17a, 25, 26*, 32b; 14:1b-3, (4) is to be found in 14:26-35*, in which Yhwh declares that the exodus generation will die in the wilderness, taking up the motif of the people's murmuring in 14:2-3. The (post-)priestly provenance of this speech forms a general consensus of scholarship,[19] and several considerations suggest that its most basic material is lim-

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[16] Cf. Blum, *Studien*, 133 n. 129; Rabe, *Vom Gerücht zum Gericht*, 412–13; Artus, *Études*, 105; Seebass, *Numeri 10,11–22,1*, 88; Schmidt, *Numeri 10,11–36,13*, 39; and Baden, *J, E*, 116. Otto (*Deuteronomium*, 40) assigns 14:5-10, along with many of the texts that most commentators regard as belonging to a priestly version of the spy story, to a "Hexateuch redaction."

[17] Exceptions are Schmidt, *Studien zur Priesterschrift*, 111–12, who assigns 14:8, 9aα* to R[P]; Artus, *Études*, 128–32, who identifies 14:6-10a as "post-dtr" (and post-priestly) additions; Levin, *Jahwist*, 376, who regards 14:6-10a as secondary vis-à-vis 14:5; Seebass, *Numeri 10,11–22,1*, 96, who assigns 14:6-7, 10 to P and 14:8-9 to a "parallel" to P, implying that these verses belong to J (!); and Achenbach, "Numeri 13–14," 105, who assigns 14:6-10a to his (post-priestly) "Theokratische Bearbeitung."

[18] Joshua and Caleb address "the entire congregation of the Israelites" (14:7), a term that appeared to be secondary in 14:1a, 2b. Neither Joshua nor Caleb appears in the basic priestly narrative identified so far in 13:1-2, 3a/17a, 25, 26*, 32b; 14:1b-3, (4); rather, they first appear in the list of names inserted in 13:4-16. Likewise, the report that the כבוד ה׳ appeared in the tent of meeting to all of the Israelites (בני ישראל) has strong connections to other priestly/post-priestly texts (cf. Exod 16:10; 24:16; 40:34; Lev 9:6, 23) but no immediate connection to the basic priestly spy story.

[19] Cf. Blum, *Studien*, 133 n. 129; Schmidt, *Studien zur Priesterschrift*, 96–105; idem, "Kundschaftererzählung," 41–43; idem, *Numeri 10,11–36,13*, 39; Rabe, *Vom Gerücht zum Gericht*, 413; Artus, *Études*, 146–51, 156; Seebass, *Numeri 10,11–22,1*, 96; and Baden, *J, E*, 117. Otto (*Das Deuteronomium*, 48) assigns 14:26-39 to his (post-priestly) Hexateuch and Pentateuch redactions, while Achenbach ("Numeri 13–14," 123) attributes 14:26-37*, 39, with the exception of 14:29aβγ, 30b, 38, to the final redaction of Num 13–14.

In sum, the following materials in Num 13–14 can be assigned with relative certainty to (post-)priestly compositional activity: 13:1-17a, 21, 25-26abα, 32-33; 14:1-10, 26-38.[28] If this material is bracketed out, three major units of text remain: 13:17b-20, 22-24, 26bβ, 27-31; 14:11-25; and 14:39-45. The following analysis will evaluate each of these units in turn, critiquing the common assumption that they reflect pre-priestly narrative material.

The report of the spies: Num 13:17b-20, 22-24, 26bβ, 27-31

Interspersed within the priestly version of the spies' mission and report are other materials that provide additional—and sometimes conflicting—information regarding the reconnaissance of the land. This material begins in 13:17b, in which Moses tells the men to go up through the Negev and to ascend into the hill country. Although 13:18-20 may not necessarily derive from a single hand,[29] these verses cannot exist independently of 13:17b, since they continue Moses' instructions to his addressees in that verse. This verse, in turn, must be regarded as the continuation of previous narrative material, as it begins with ויאמר אלהם, thus requiring an antecedent. Three possibilities emerge here: (1) 13:17b could have originally connected to 13:17a, as it does in the received form of the text. If this is the case, then 13:17b can only have been composed at the same time as or later than the (post-)priestly list of names in 13:4-16, since the composition of 13:17a was prompted by the insertion of the list (see above). (2) 13:17b could have originally

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[28] Significantly, this delineation of material is agreed upon by almost all commentators who have conducted recent diachronic analyses on Num 13–14, regardless of their presuppositions regarding the formation of the Pentateuch, Hexateuch, or Deuteronomistic History.

[29] Cf. Noth, *Überlieferungsgeschichte des Pentateuch*, 34 (ET 32) and Artus, *Études*, 104. Baden (*J, E*, 115) and Carr (*Formation*, 256) ignore the possibility that 13:18-20 are composite.

connected to 13:3 (a or b). If this is the case, it cannot be pre-priestly, since 13:1-3 belong to a priestly narrative thread. (3) 13:17b connects to a narrative thread that has not been preserved in Num 13–14.

Although the last possibility has been adopted by a wide range of commentators,[30] from the perspective of Num 13–14 alone it has little to commend itself. In fact, Moses' instructions to the spies in 13:17b-20 form an anticipatory frame (or *Vorwegnahme*) collating the various reports about the land in 13:27-33; 14:6-8, which include (post-)priestly texts: (1) Moses' question regarding the strength and numbers of the people in the land in 13:18 corresponds to the spies' report in 13:28 that the people are strong (עז) as well as to the report in 13:29 that several different nations inhabit the land. (2) Moses' question whether the land is "good" (טובה) or "bad" (רעה) corresponds to Joshua's and Caleb's insistence in 14:7 that the land is "very, very good" (טובה הארץ מאד מאד). (3) Moses' question whether the land's cities are in "camps" or are fortified corresponds to the spies' statement in 13:28 that the cities are fortified. (4) Moses' question whether the land is "fat" (שמנה) or "thin" (רזה) corresponds to the spies' report in 13:27b that the land "flows with milk and honey" (וגם זבת חלב ודבש הוא)—a Deuteronomistic-style phrase that perhaps draws on Joshua's and Caleb's speech in 14:8. In light of these connections, 13:17b-20 must be regarded as post-priestly- and post-Deuteronomistic in its entirety, since excising its priestly and Deuteronomistic contents would leave only 13:17b-18abα—a weak basis for positing the existence of an independent source. In short, the simplest explanation for

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[30] For examples taking a documentary approach cf. Martin Noth, *Das vierte Buch Mose: Numeri* (ATD 7; Göttingen: Vandenhoeck & Ruprecht, 1966; repr., 1973, 1977, 1982), 93–94; Seebass, *Numeri 10,11–22,1*, 96; Schmidt, "Kundschaftererzählung," 41; Veijola, *Deuteronomium 1,1–16,17*, 31; Baden, *J, E*, 114–29; idem, *The Composition of the Pentateuch*, 79–80; and Schart, "Spy Story," 165 n. 3. For a non-documentary approach cf. Blum, *Studien*, 178–81; Artus, *Études*, 156; Otto, *Das Deuteronomium im Pentateuch*, 101–9; Achenbach, "Numeri 13–14," 61, 78; and Carr, "Scribal Processes," 80; idem, *Formation*, 265–66.

the provenance of 13:17b-20 is not to posit its connection to a hypothetical narrative thread that has not been preserved but rather to regard it as an insertion that presupposes an advanced stage in the formation of Num 13–14 in which Joshua and Caleb already play a role (thus including 13:4-16 and 14:6-10).[31]

The next texts to be evaluated are 13:22, 28bβ, 30-31, all of which form links with materials pertaining to Caleb in Josh 15:13-19. The reference to Hebron and to the "offspring of Anak" in 13:22 is a blind motif and is dependent on Josh 15:13-14. The spies' statement in 13:28bβ that they *also* saw the "offspring of Anak" (וגם ילדי הענק ראינו שם) forms a doublet with 13:33* (without בני ענק מן הנפלים), a (post-)priestly text, but can hardly be more original, since גם suggests that this phrase is a gloss.[32] The reference to the Negev in 13:17b, 22 connects with Caleb's request for the Negev in Josh 15:19, and although Josh 15:13-19 likely contains the earliest Caleb tradition in the Hebrew Bible,[33] even these materials show signs of being relatively late. Outside of Josh 15:13, the use of the term בני יהודה in Genesis–Kings to denote the Judahites occurs in (post-)priestly contexts.[34] Moreover, it is difficult to imagine how Josh 15:13-19 might have originally belonged to an earlier exodus-conquest narrative prior to the insertion of the geographical

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[31] Here, Lothar Perlitt's oft-quoted maxim regarding the relationship between Num 13–14 and Deut 1 can be applied to Num 13–14 itself: "Wenn literarischer Vergleich überhaupt einen Sinn hat, dann gilt: das Ungeordnete geht dem Geordneten voraus, die Vielfalt der Formen geht deren Vereinheitlichung voraus – etc." Lothar Perlitt, "Deuteronomium 1–3 im Streit der exegetischen Methoden," in idem, *Deuteronomium-Studien* (FAT I/8; Tübingen: Mohr Siebeck, 1994), 109–22 (120).

[32] One possible explanation is that 13:28bβ secondarily associates the Anakites with the Nephilim from 13:33*. This identification posed problems, however, prompting a scribe to add the phrase בני ענק מן הנפלים to 13:33 itself, a gloss that is a plus in 𝔐 over against 𝔊.

[33] Cf. Jacob L. Wright, *David, King of Israel and Caleb in Biblical Memory* (New York: Cambridge University Press, 2014), 185–86.

[34] Cf. Num 1:26; 2:3; 10:14; 26:19; Josh 14:6; 15:1, 20, 63; 18:11, 14; 19:1, 9; 21:9; and Judg 1:8, 16.

material in Josh 13–19.[35] In sum, the possibility that Num 13:22, 28bβ, 30-31 belong to a pre-priestly spy story proves to be quite slim.

The remaining materials in 13:23-24, 28abα, and 29 are more difficult to situate in terms of their relationship to other texts. Num 13:23-24 focus on the spies' taking a cluster of grapes, which constitutes an etiology of the name Wadi Eshkol but also serves as a proof of the land's bounty. Although these verses in themselves show no signs of priestly composition, it is difficult to imagine how they could exist without being juxtaposed with a negative report about the land: the fact that the spies bring back fruit to show the people serves to accentuate the people's disbelief and thus the reason for the divine judgment. Likewise, there is no clear evidence preventing the report about the people in the land in 13:28abα from being assigned to a pre-priestly narrative, and commentators disagree on its compositional place.[36] Finally, 13:29 is a Dtr-style notice[37] with a close affinity to Josh 11:3.[38] Although it is not clear whether Num 13:29 is pre- or post-priestly, this verse cannot belong to a pre-Deuteronomistic version of the spy story.

Moses' dialogue with Yhwh: Num 14:11-24, (25)

Moses' dialogue and intercession with Yhwh in 14:11-24, (25) has often been assumed to contain—at least in its core—a pre-priestly narrative, although commentators have long

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[35] Wright's suggestion (*David*, 189) that "the Caleb-Achsah-Othniel legend in [Josh] 15 has been either transposed or gradually isolated from its original setting as a consequence of successive supplements" is attractive, but it lacks concrete textual evidence in its favor.

[36] Noth (*Überlieferungsgeschichte des Pentateuch*, 34 [ET 32]) assigned 13:28 to J; more recently, Otto (*Das Deuteronomium im Pentateuch*, 52) has attributed 13:28abα to an "older narrative," while Achenbach ("Numeri 13–14," 123 n. 313) assigns 13:28 to the (post-priestly) "Hexateuch redaction."

[37] Similar lists appear, with variations, in Exod 3:8, 17; 13:5; 23:23, 28; 33:2; 34:11; Deut 7:1; 20:17; Josh 3:10; 9:1; Josh 11:3; 12:8; 24:11; Judg 3:5.

[38] Num 13:29: עמלק יושב בארץ הנגב <u>והחתי והיבוסי והאמרי</u> יושב <u>בהר והכנעני</u> ישב על הים ועל יד הירדן

Josh 11:3:   <u>הכנעני</u> ממזרח ומים <u>והאמרי והחתי</u> והפרזי <u>והיבוסי בהר</u> והחוי תחת חרמון בארץ המצפה

expressed uncertainty about its precise compositional place.[39] More recent analyses can

be categorized according to three main models, which overlap to a certain extent with the

three models discussed in 4.1 above.[40] The first model assigns 14:11-25 in its entirety to a

non-priestly (usually assumed to be pre-priestly) source or redaction.[41] The second model

posits a blend of pre-priestly and (post-)priestly materials in 14:11-25.[42] The third model

for the composition of 14:11-25 argues that this unit is post-priestly in its entirety.[43] Of

these three models, the first two pose several problems. The first model, epitomized by

Baden's assertion that 14:11-25 displays a "complete lack of priestly terminology and

style,"[44] disregards the unit's numerous connections to other (post-)priestly texts.[45] The

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[39] Noth (*Überlieferungsgeschichte des Pentateuch*, 34 [ET 32]) tentatively assigned 14:11b-23a to J but expressed uncertainty by placing these verses in parentheses when listing the J texts in Num 13–14; cf. similar reservations in George W. Coats, *Rebellion in the Wilderness: The Murmuring Motif in the Wilderness Traditions of the Old Testament* (Nashville: Abingdon, 1968), 138; Volkmar Fritz, *Israel in der Wüste: Traditionsgeschichtliche Untersuchung der Wüstenüberlieferung des Jahwisten* (MTS 7; Marburg: Elwert, 1970), 23; and Sean McEvenue, *The Narrative Style of the Priestly Writer* (Rome: Biblical Institute Press, 1971), 97.

[40] For a different delineation of approaches to this unit cf. Artus, *Études*, 134.

[41] For an early representative of this view see Wellhausen, *Composition*, 102; for more recent proponents cf. Baruch Levine, *Numbers 1–20* (AB; Garden City, N.Y.: Doubleday, 1993), 364; Aaron Schart, *Mose und Israel im Konflikt: Eine redaktionsgeschichtliche Studie zu den Wüstenerzählungen* (OBO 98; Fribourg: Universitätsverlag / Göttingen: Vandenhoeck & Ruprecht, 1990), 15; Aurelius, *Fürbitter*, 131; and Baden, *J, E*, 117, 129.

[42] See esp. Hans-Christoph Schmitt, "Redaktion des Pentateuch im Geiste der Prophetie: Beobachtungen zur Bedeutung der 'Glaubens'-Thematik innerhalb der Theologie des Pentateuch," *VT* 32 (1982): 170–89 (183–84). Other commentators have concluded that 14:12-20 cannot be pre-priestly, although they disagree on the extent of potentially pre-priestly materials in 14:11 and 14:21-25. Schmidt (*Studien zur Priesterschrift*, 92–95) attributed 14:11b-22* to the Pentateuch redactor (R[P]), thus assigning the bulk of the unit to a post-priestly stage of composition, and concluded that 14:11a, 21a* (only חי אני), 23a, 24 comprise the only clearly pre-priestly material in this unit. Artus (*Études*, 134–46) assigned 14:11a, 23b-24, (25b?) to a non-priestly narrative and 14:11b-23a, 25a, (25b?) to "post-dtr" additions that presuppose P.

[43] Levin (*Jahwist*, 376) took such an approach, questioning the common assumption that 14:11-25 and 14:26-35* must be parallel versions of Yhwh's judgment of the people that originally belonged to separate documents. Instead, he argued that 14:11-25 is a *theological commentary* that reinterprets the priestly report of Yhwh's judgment in 14:26-35*. Similarly, Otto (*Deuteronomium*, 41, 51) assigned 14:11-25 as a whole to a "Pentateuch redactor" who had both P and the book of Deuteronomy as literary *Vorlagen*.

[44] Baden, *J, E*, 117.

[45] In addition to the concept of Yhwh's "glory," on which Schmitt focused, there are additional signs of post-priestly compositional activity in 14:11-25: (1) The reference to Yhwh's "signs" (אתות) in 14:11, 22 is typical of (post-)priestly texts (cf. Exod 4:9). (2) Yhwh's statement that he will make Moses into a "great nation" (גוי גדול) is dependent on Exod 32:10, which was evaluated as post-priestly in Chapter 3. (3) The reference to Yhwh's presence in *both* a pillar of cloud *and* a pillar of fire (14:14) presupposes Exod

second model, which attempts to identify an earlier, pre-Deuteronomistic (and pre-priest-ly) narrative core in 14:11-25* also poses problems, since some of the texts identified as belonging to the pre-priestly core only make sense in light of priestly materials elsewhere in the chapter.[46]

In contrast, the notion that 14:11-25 as a whole is a later reinterpretation of the (post-)priestly version of Yhwh's judgment of the people in 14:26-35* has several arguments in its favor. First, 14:11-24 interrupts the thematic connection between 14:1-3, (4) and 14:26-28, 29*, 31, suggesting that it is an insertion between these two units. Moreover, whereas 14:26-35* simply reports Yhwh's decision to let the exodus generation die in the wilderness, Moses' protest to Yhwh in 14:13-19 reflects upon the theological implications of such a decision. Finally, as noted above, the divine judgment of the people in 14:21-24 cannot stand alone without the (post-)priestly report of the people's complaint in 14:1-5, (6-10a) and is most likely later than Moses' interaction with Yhwh in 14:11-20.

13:21-22, which is not a J text, as Baden claims, but rather a (post-)priestly text; cf. Walter Groß, "Die Wolkensäule und die Feuersäule in Ex 13+14: Literarkritische, redaktionsgeschichtliche und quellenkritische Erwägungen," in *Biblische Theologie und gesellschaftlicher Wandel: FS N. Lohfink* (ed. G. Braulik et al.; Freiburg: Herder, 1993), 142–65 (149–57). (4) The notion that the people have "tested" Yhwh ten times (14:22b) presupposes an extensive series of narratives of complaint and rebellion in the books of Exodus and Numbers, a fact not lost upon Rabbinic commentators (cf. *B. Arakhin* 15a). This indicates that this phrase, if not the entire divine speech, stems from a very late stage in the formation of the Pentateuch/Hexateuch.

[46] For example, Schmidt seeks a direct connection between the people's rejection of Yhwh in 14:11 and Yhwh's oath in 14:21a* (only חי אני), 23a, 24 (*Numeri 10,11–36,13*, 36–37). The problem with regarding these verses as pre-priestly, however, is that Yhwh's question of how long the people will "spurn" him does not make sense without 14:1-5, (6-10a), which are priestly or later. Moreover, the phrase עד אנה presupposes a *history* of the people's rebellion against Yhwh and thus connects to the concept of Yhwh's signs in 14:12, 22. Likewise, Artus' suggestion (*Études*, 134–46) that a non-priestly narrative thread is found in 14:11a, 23b-24, (25b?) faces the problem that 14:23b cannot connect directly to 14:11a, since the fs. pronominal suffix on יראוה in 14:23b lacks an antecedent without 14:23a. It is equally unclear how Achenbach's isolation of a pre-priestly narrative thread in 14:21, 22a*, 23a, 25b ("Numeri 13–14," 110–16) and Carr's "remnants of a pre-D conclusion to the pre-D spy story" in 14:22-25 (*Formation*, 265) attach to other possibly pre-priestly material in Num 13–14.

The failed conquest attempt: Num 14:39-45

Numbers 14:39 reports that Moses spoke "these words" to all of the Israelites (בני ישראל),

which set the people into mourning (ויתאבלו העם מאד). This verse cannot connect directly

to 14:36-38, which reports narrative action, not speech. Rather, it must connect to one of

the two divine speeches declaring Yhwh's punishment in response to the people's mur-

muring and desire to return to Egypt. Considering that the divine speech in 14:11-24 is

secondary to 14:26-35* and not vice versa (see above), 14:39 must have connected to

14:26-35*, since there was no point at which 14:11-24 were present without 14:26-35*.

Numbers 14:40 cannot be the beginning of an independent unit, since this verse is

lacking a subject. In the received text of Num 14, the connection between 14:39 and

14:40 poses no narrative or grammatical difficulties. Although many commentators have

argued that 14:(39), 40-45 form the conclusion to an older, pre-priestly version of the spy

story,[47] this conclusion cannot be sustained. The above analysis of 14:11-24 and

14:26-35* provides a key for determining the relative chronology of this unit. In 14:41,

Moses asks the people why they are transgressing Yhwh's command (למה זה אתם עברים את

פי ה׳). On the basis of Num 13–14 alone, this statement can only be understood in light of

14:23 and/or 14:30, in which Yhwh declares by oath that the exodus generation will not

see (14:23) or enter (14:30) the land that Yhwh swore to their ancestors. Both of these

verses belong to compositional levels post-dating the basic priestly narrative thread in

Num 13–14.[48]

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[47] Noth (*Überlieferungsgeschichte des Pentateuch*, 34 [ET 32]), Philip J. Budd (*Numbers* [WBC 5; Waco, Tx: Word Books, 1984], 154), and Baden (*J, E*, 117) assign these verses to J; Fritz (*Israel in der Wüste*, 23); de Vaux ("Settlement," 109); and Levine (*Numbers 1–20*, 370–71) assign them to JE; Otto (*Das Deuteronomium im Pentateuch*, 51) argues that these verses (except 14:39 and 14:44b) connect to an older narrative thread that was left off in 14:1b; and Carr (*Formation*, 265) assigns 14:39-45 to a "substratum of non-P material."

[48] The other possibility is that the phrase למה זה אתם עברים את פי ה׳ is dependent on Deut 1:43 (on this see

Interim result

The preceding analysis of Num 13–14 indicates that if a pre-priestly version of the spy story is preserved at all in these chapters, its scope would have to be limited to the following material: 13:23, 24* (without בני ישראל)*, 27a (b?), 28abα, (29?). This material cannot stand on its own but rather requires the assumption that either (1) much of a hypothetical pre-priestly narrative was lost when it was combined with the priestly version or (2) these materials are post-priestly additions. The variegated nature of 13:23, 24*, 27a (b?), 28abα, (29?) provides a weak basis for the reconstruction of a coherent pre-priestly narrative thread or for the assumption that the priestly spy story is based on a non-priestly narrative, since there is very little overlap in content between the isolated "non-priestly" material and the priestly narrative. In sum, the literary-critical analysis of Num 13–14 strongly suggests that there was no pre-priestly spy story upon which the priestly and post-priestly story in Num 13–14* is based.[49] Rather, as Levin aptly observed, "Die vermeintliche Parallelquelle, gewöhnlich dem Jahwisten zugeschrieben, ist in den priesterlichen Bestand so glatt eingebettet, daß sie am ehesten aus ihm hervorging."[50]

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below). In any event, the notion that Yhwh is not with the people only makes sense in light of the divine judgment resulting from the people's complaint, for which the priestly narrative forms the literary point of departure.

[49] Commentators who seek to defend the notion that the priestly version is dependent on a pre-priestly version are invariably forced to make such an argument on the basis of comparison with Deut 1:19-46 rather than on the basis of a literary-critical analysis of Num 13–14 itself. For example, Schart ("Spy Story," 180) writes that "comparison to Deut 1" shows "that the P version is younger than the J version."

[50] Levin, *Jahwist*, 376.

Synthesis: The literary growth of Num 13–14

In light of the foregoing analysis, three main compositional strata can be identified in Num 13–14:

I   The most basic narrative thread in Num 13–14 is found in 13:1-3, 21a, 25-26abα, 32; 14:(1), 2-4, 26-29, 31-35, 39. There are several indications that this narrative thread is priestly or post-priestly: (1) the use of the term מטה (13:2); (2) the use of the term עדה (13:25; 14:27); (3) the use of the phrase וידבר ה׳ אל משה (13:1; 14:26);[51] and (4) the appearance of Aaron (13:25; 14:1, 26).

II   This basic narrative thread was expanded in 13:17b-20, 22-24, 26bβ-29, 33; 14:5, 10b-23, 40-45, which likely do not all stem from a single hand.

III   A further group of additions focuses on the exemption of Caleb (and in some texts also Joshua) from Yhwh's decree that the exodus generation will die in the wilderness and not enter the promised land (13:4-17a, 30-31; 14:6-10a, 24, 30, 36-38). It is likely that these additions do not all stem from a single hand, and it is possible that not all of them are later than the additions in Level II. In any event, it seems that 14:6-10a and 14:24 are later than the additions in Level II, since these texts either interrupt or are appended to texts in that group.

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[51] This phrase—in contrast to the phrase ויאמר ה׳ אל משה—appears overwhelmingly in Exod 25–31; 35–40 (6x); the book of Leviticus (33x); and Num 1–10 (21x); 15–19 (9x); 25–36 (10x). The only remaining occurrences apart from Num 13:1; 14:26 are found in Exod 6:10, 13, 29; 13:1; 14:1; 16:11; 32:7; 33:1; Num 20:7; and Deut 32:48, all of which are either priestly or post-priestly (on Exod 32:7 and 33:1 see ch. 2 in the present study; on Num 20:7 see ch. 4).

13:1 וידבר ה׳ אל משה לאמר 2 שלח לך אנשים ויתרו את ארץ כנען אשר אני נתן לבני ישראל איש אחד איש אחד למטה אבתיו תשלחו כל נשיא בהם 3 וישלח אתם משה ממדבר פארן על פי ה׳ כלם אנשים ראשי בני ישראל המה

4 ואלה שמותם למטה ראובן שמוע בן זכור 5 למטה שמעון שפט בן חורי 6 למטה יהודה כלב בן יפנה 7 למטה יששכר יגאל בן יוסף 8 למטה אפרים הושע בן נון 9 למטה בנימן פלטי בן רפוא 10 למטה זבולן גדיאל בן סודי 11 למטה יוסף למטה מנשה גדי בן סוסי 12 למטה דן עמיאל בן גמלי 13 למטה אשר סתור בן מיכאל 14 למטה נפתלי נחבי בן ופסי 15 למטה גד גאואל בן מכי 16 אלה שמות האנשים אשר שלח משה לתור את הארץ ויקרא משה להושע בן נון יהושע 17 וישלח אתם משה לתור את ארץ כנען

ויאמר אלהם עלו זה בנגב ועליתם את ההר 18 וראיתם את הארץ מה הוא ואת העם הישב עליה החזק הוא הרפה המעט הוא אם רב 19 ומה הארץ אשר הוא ישב בה הטובה הוא אם רעה ומה הערים אשר הוא יושב בהנה הבמחנים אם במבצרים 20 ומה הארץ השמנה הוא אם רזה היש בה עץ אם אין והתחזקתם ולקחתם מפרי הארץ והימים ימי בכורי ענבים

21 ויעלו ויתרו את הארץ [ממדבר צן עד רחב לבא חמת]

22 ויעלו בנגב ויבא עד חברון ושם אחימן ששי ותלמי ילידי הענק וחברון שבע שנים נבנתה לפני צען מצרים 23 ויבאו עד נחל אשכל ויכרתו משם זמורה ואשכול ענבים אחד וישאהו במוט בשנים ומן הרמנים ומן התאנים 24 למקום ההוא קרא נחל אשכול על אדות האשכול אשר כרתו משם בני ישראל

25 וישבו מתור הארץ מקץ ארבעים יום 26 וילכו ויבאו אל משה ואל אהרן ואל כל עדת בני ישראל אל מדבר פארן [קדשה] וישיבו אתם דבר [ואת כל העדה]

ויראום את פרי הארץ 27 ויספרו לו ויאמרו באנו אל הארץ אשר שלחתנו [וגם זבת חלב ודבש הוא] וזה פריה 28 אפס כי עז העם הישב בארץ והערים בצרות גדלת מאד [וגם ילדי הענק ראינו שם] 29 [עמלק יושב בארץ הנגב והחתי והיבוסי והאמרי יושב בהר והכנעני יושב על הים ועל יד הירדן]

30 ויהס כלב את העם אל משה ויאמר עלה נעלה וירשנו אתה כי יכול נוכל לה 31 והאנשים אשר עלו עמו אמרו לא נוכל לעלות אל העם כי חזק הוא ממנו

32 ויציאו דבת הארץ אשר תרו אתה אל בני ישראל לאמר הארץ אשר עברנו בה לתור אתה ארץ אכלת יושביה הוא וכל העם אשר ראינו בתוכה אנשי מדות

33 ושם ראינו את הנפילים בני ענק מן הנפלים ונהי בעינינו כחגבים וכן היינו בעיניהם

14:1 [ותשא כל העדה ויתנו את קולם ויבכו העם בלילה ההוא] 2 וילנו על משה ועל אהרן כל בני ישראל ויאמרו אלהם [כל העדה] לו מתנו בארץ מצרים או במדבר הזה לו מתנו 3 ולמה ה׳ מביא אתנו אל הארץ הזאת לנפל בחרב נשינו וטפנו יהיו לבז הלוא טוב לנו שוב מצרימה 4 ויאמרו איש אל אחיו נתנה ראש ונשובה מצרימה

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5 ויפל משה ואהרן על פניהם לפני כל קהל עדת בני ישראל

6 ויהושע בן נון וכלב בן יפנה [מן התרים את הארץ] קרעו בגדיהם 7 ויאמרו אל כל עדת בני ישראל לאמר הארץ אשר עברנו בה לתור אתה טובה הארץ מאד מאד 8 אם חפץ בנו ה׳ והביא אתנו אל הארץ הזאת ונתנה לנו [ארץ אשר הוא זבת חלב ודבש] 9 אך בה׳ אל תמרדו ואתם אל תיראו את עם הארץ כי לחמנו הם סר צלם מעליהם וה׳ אתנו אל תיראם 10 ויאמרו כל העדה לרגום אתם באבנים

וכבוד ה׳ נראה באהל מועד אל כל בני ישראל 11 ויאמר ה׳ אל משה עד אנה ינאצני העם הזה ועד אנה לא יאמינו בי בכל האתות אשר עשיתי בקרבו 12 אכנו בדבר ואורשנו ואעשה אתך לגוי גדול ועצום ממנו 13 ויאמר משה אל ה׳ ושמעו מצרים כי העלית בכחך את העם הזה מקרבו 14 ואמרו אל יושב הארץ הזאת שמעו כי אתה ה׳ בקרב העם הזה אשר עין בעין נראה אתה ה׳ ועננך עמד עלהם ובעמד ענן אתה הלך לפניהם יומם ובעמוד אש לילה 15 והמתה את העם הזה כאיש אחד ואמרו הגוים אשר שמעו את שמעך לאמר 16 מבלתי יכלת ה׳ להביא את העם הזה אל הארץ אשר נשבע להם וישחטם במדבר 17 ועתה יגדל נא כח אדני כאשר דברת לאמר 18 ה׳ ארך אפים ורב חסד נשא עון ופשע ונקה לא ינקה פקד עון אבות על בנים על שלשים ועל רבעים 19 סלח נא לעון העם הזה כגדל חסדך וכאשר נשאתה לעם הזה ממצרים ועד הנה 20 ויאמר ה׳ סלחתי כדברך 21 ואולם חי אני וימלא כבוד ה׳ את כל הארץ 22 כי כל האנשים הראים את כבדי ואת אתתי אשר עשיתי במצרים ובמדבר וינסו אתי זה עשר פעמים ולא שמעו בקולי 23 אם יראו את הארץ אשר נשבעתי לאבתם וכל מנאצי לא יראוה

24 ועבדי כלב עקב היתה רוח אחרת עמו וימלא אחרי והביאתיו אל הארץ אשר בא שמה וזרעו יורשנה 25 והעמלקי והכנעני יושב בעמק מחר פנו וסעו לכם המדבר דרך ים סוף

26 וידבר ה׳ אל משה ואל אהרן לאמר 27 עד מתי לעדה הרעה הזאת אשר המה מלינים עלי [את תלנות בני ישראל אשר המה מלינים עלי] שמעתי 28 אמר אלהם חי אני נאם ה׳ אם לא כאשר דברתם באזני כן אעשה לכם 29 במדבר הזה יפלו פגריכם וכל פקדיכם לכל מספרכם מבן עשרים שנה ומעלה אשר הלינתם עלי

30 אם אתם תבאו אל הארץ אשר נשאתי את ידי לשכן אתכם בה כי אם כלב בן יפנה ויהושע בן נון

31 וטפכם אשר אמרתם לבז יהיה והביאתי אתם וידעו את הארץ אשר מאסתם בה 32 ופגריכם אתם יפלו במדבר הזה 33 ובניכם יהיו רעים במדבר ארבעים שנה ונשאו את זנותיכם עד תם פגריכם במדבר 34 במספר הימים אשר תרתם את הארץ ארבעים יום יום לשנה יום לשנה תשאו את עונתיכם ארבעים שנה וידעתם את תנואתי 35 אני ה׳ דברתי [אם לא זאת אעשה לכל העדה הרעה הזאת הנועדים עלי במדבר הזה יתמו ושם ימתו]

36 והאנשים אשר שלח משה לתור את הארץ וישבו וילונו עליו את כל העדה להוציא דבה על הארץ 37 וימתו האנשים מוצאי דבת הארץ רעה במגפה לפני ה׳ 38 ויהושע בן נון וכלב בן יפנה חיו מן האנשים ההם ההלכים לתור את הארץ

39 וידבר משה את הדברים האלה אל כל בני ישראל ויתאבלו העם מאד

40 וישכמו בבקר ויעלו אל ראש ההר לאמר הננו ועלינו אל המקום אשר אמר ה׳ כי חטאנו 41 ויאמר משה למה זה אתם עברים את פי ה׳ והוא לא תצלח 42 אל תעלו כי אין ה׳ בקרבכם ולא תנגפו לפני איביכם 43 כי העמלקי והכנעני שם לפניכם ונפלתם בחרב כי על כן שבתם מאחרי ה׳ ולא יהיה ה׳ עמכם 44 ויעפלו לעלות אל ראש ההר וארון ברית ה׳ ומשה לא משו מקרב המחנה 45 וירד העמלקי והכנעני הישב בהר ההוא ויכום ויכתום עד החרמה

4.3. LITERARY-CRITICAL ANALYSIS OF DEUT 1:19-46

Like Num 13–14, Deut 1:19-46 is not a compositional unity, and secondary additions can be identified in parts of 1:19-22*, 25*, 28-33, 35-39*, 40, and 46.

Whereas most of 1:19 narrates events in the first-person plural, the 2mp phrase אשר ראיתם is somewhat surprising. The likelihood that this relative clause, as well as its antecedent את כל המדבר הגדול והנורא, is secondary within 1:19a[52] is further supported by the fact that the verb ונלך is followed by an accusative clause marked by את rather than by a prepositional phrase, which would be more suitable for the verb הלך. There is also good reason to suspect that 1:19b (ונבא עד קדש ברנע) and 1:20b do not belong to the same compositional level, since in 1:20b Moses tells the people that they have arrived in the hill country of the Amorites, not in Kadesh-Barnea.[53] The relative chronology of these two verses, however, cannot be determined on the basis of a literary-critical analysis alone and will be taken up again in Chapter 5.

The secondary nature of 1:21 is suggested by the fact that this verse uses 2ms verbs and pronominal suffixes, while most of Deut 1–3 uses 2mp forms;[54] moreover, 1:21 interrupts the connection between 1:20 and 1:22.[55] 1:22bβ is also likely a secondary addition, since the use of an accusative clause does not fit well with the phrase וישבו אתנו דבר in 1:22bα and since the verb וישבו already finds its direct object in דבר.[56] Finally, the ab-

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[52] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 34 and Schart, "Spy Story," 171.

[53] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 34 and Otto, *Das Deuteronomium im Pentateuch*, 54; idem, "Deuteronomiumsstudien I," 137.

[54] See already Carl Steuernagel, *Das Deuteronomium* (2d ed.; HK I/3; Göttingen: Vandenhoeck & Ruprecht, 1923); cf. Mittmann, *Deuteronomium 1,1–6,3*, 34; Nelson, *Deuteronomy*, 26; Veijola, *Deuteronomium 1,1–16,17*, 33; and Schart, "Spy Story," 171.

[55] Cf. Perlitt, *Deuteronomium 1–6**, 95.

[56] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 35; Kratz, "Ort," 105; and Veijola, *Deuteronomium 1,1–16,17*, 33. Schart ("Spy Story," 169, 172) argues that the phrase וישבו אתנו דבר is secondary in *both* 1:22bα *and* 1:22bβ.

sence of the phrase וישבו אתנו דבר in 1:25bα* in certain 𝕲 manuscripts as well as in 𝖁 suggests that this phrase may not belong to the most basic narrative material.[57]

There are indications that Deut 1:28-33* are secondary to the most basic narrative of 1:19-46.[58] In contrast to the strictly positive report about the land in 1:25, in 1:28 the people accuse their "brothers" of inspiring fear in them by reporting that the inhabitants of the land are numerous and imposing and that the cities of the land are large and strongly fortified.[59] 1:28-33* were further supplemented in 1:31a, as is suggested by the use of 2ms grammatical forms,[60] and in 1:33, which provides information about the pillar of fire and cloud that is superfluous in its present context.[61]

Within Deut 1:34-39, Moses' statement to the people in 1:34 that Yhwh "heard the sound of your words" connects directly to Moses' reminder of the people's complaint against Yhwh in 1:27 and thereby continues the most basic narrative thread. The phrase הדור הרע הזה in 1:35aβ is a secondary addition, as is indicated by its absence in several 𝕲 manuscripts.[62] Manuscript evidence suggests that the verb לתת in 1:35bβ may also be secondary.[63] Likewise, 1:36-38 and 1:39aα₁ (וטפכם אשר אמרתם לבז יהיה) prove to be sec-

[57] Cf. Schart, "Spy Story," 168.

[58] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 36; Kratz, "Ort," 105; Otto, *Das Deuteronomium im Pentateuch*, 68; idem, "Deuteronomiumsstudien I," 140–41; Nelson, *Deuteronomy*, 26 (who delineates the unit as 1:29-33); Perlitt, *Deuteronomium 1–6**, 105–14; and Schart, "Spy Story," 174–75.

[59] Otto ("Deuteronomiumsstudien I," 141; cf. idem, *Das Deuteronomium im Pentateuch*, 22) and Achenbach ("Numeri 13–14," 88) differ slightly from such an analysis in attributing 1:28a to the most basic narrative, arguing that the disjunction between the spies' positive report in 1:25 and the people's negative reaction is part of the theological dynamics of the base narrative. While such an argument is indeed relevant for understanding 1:27, the attribution of 1:28a to the most basic narrative thread has little to commend itself, since the motifs in 1:28a would be lacking all context without the addition in 1:22bβ (for a similar observation cf. Mittmann, *Deuteronomium 1,1–6,3*, 36).

[60] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 36–37; Nelson, *Deuteronomy*, 26; Veijola, *Deuteronomium 1,1–16,17*, 33; Perlitt, *Deuteronomium 1–6**, 109; and Schart, "Spy Story," 171.

[61] Cf. Veijola, *Deuteronomium 1,1–16,17*, 33 and Schart, "Spy Story," 176.

[62] Cf. Perlitt, *Deuteronomium 1–6**, 85 and Schart, "Spy Story," 169. In contrast, Otto ("Deuteronomiumsstudien I," 118) regards this phrase as the *lectio difficilior* and concludes that 𝔐 preserves the more original reading.

[63] Cf. Otto, "Deuteronomiumsstudien I," 119 and Schart, "Spy Story," 169.

ondary,[64] since they interrupt the connection between the exodus generation's being prevented from seeing the land (1:35*) and their children's being permitted to enter the land (1:39*) with references to the exemption of Caleb and Joshua from the divine judgment (1:36, 38) and the inclusion of Moses in the punishment (1:37).[65] The original connection between 1:35* (without הדור הרע הזה) and 1:39* (without וטפכם אשר אמרתם לבז יהיה) is supported by the fact that the antecedent of שמה in 1:39 is only found in 1:35 (הארץ הטובה).

Finally, within 1:40-46, 1:40 and 1:46 show signs of being secondary: 1:40 "is without narrative function within Deut 1" and is more at home in Num 13–14.[66] As for 1:46, the sojourn for "many days" in Kadesh seems superfluous in light of the sojourn for "many days" in the hill country of Seir in the following verse (2:1) and may also be secondary.[67]

In sum, the most basic narrative thread in Deut 1:19-46 can be identified in 1:19a*(b?), 20a(b?), 22abα, 23-27, 34, 35*,[68] 39*,[69] 40-45 (Level I), with the remainder of the text comprising later additions (Level II). This delineation of material forms a relatively broad scholarly consensus.[70]

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[64] See already H. Steinthal, "Die erzählenden Stücke im fünften Buch Mose," *Zeitschrift für Völkerpsychologie und Sprachwissenschaft* 12 (1880): 253–89 (285); cf. Mittmann, *Deuteronomium 1,1–6,3*, 37; Kratz, "Ort," 105; Achenbach, "Numeri 13–14," 75; Veijola, *Deuteronomium 1,1–16,17*, 33; Otto, "Deuteronomiumsstudien I," 113, 150; Perlitt, *Deuteronomium 1–6*, 116–21; and Schart, "Spy Story," 169, 176.

[65] Deut 1:37 presupposes Num 20:1-12, a (post-)priestly text (cf. 5.1 below), indicating that at least the later additions to Deut 1:19-46 are post-priestly.

[66] Cf. Schart, "Spy Story," 175.

[67] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 39–40; Kratz, "Ort," 105; Otto, *Das Deuteronomium im Pentateuch*, 54; idem, "Deuteronomiumsstudien I," 113; and Schart, "Spy Story," 177.

[68] Without הדור הרע הזה.

[69] Without וטפכם אשר אמרתם לבז יהיה.

[70] Baden remains ambiguous regarding the internal literary growth of Deut 1:19-46: "Though it is recognized that there are different authors at work in these various sections (particularly in the two introductory speeches of Moses), all belong under the name "D," as all are creations of the same Deuteronomic (not Deuteronomistic) school" (*J, E*, 105). This is unfortunate, since evaluating the relationships of dependence between Num 13–14 and Deut 1:19-46 requires precise literary-critical *differentiation* within each unit, not a flattening of their internal literary growth.

20 ואמר אלכם באתם עד הר האמרי אשר ה׳ אלהינו נתן לנו

21 ראה נתן ה׳ אלהיך לפניך את הארץ עלה רש כאשר דבר ה׳ אלהי אבתיך לך אל תירא ואל תחת

22 ותקרבון אלי כלכם ותאמרו נשלחה אנשים לפנינו ויחפרו לנו את הארץ וישבו אתנו דבר [את הדרך אשר נעלה בה ואת הערים אשר נבא אליהן] 23 וייטב בעיני הדבר ואקח מכם שנים עשר אנשים איש אחד לשבט 24 ויפנו ויעלו ההרה ויבאו עד נחל אשכל וירגלו אתה 25 ויקחו בידם מפרי הארץ ויורדו אלינו [וישבו אתנו דבר] ויאמרו טובה הארץ אשר ה׳ אלהינו נתן לנו 26 ולא אביתם לעלת ותמרו את פי ה׳ אלהיכם 27 ותרגנו באהליכם ותאמרו בשנאת ה׳ אתנו הוציאנו מארץ מצרים לתת אתנו ביד האמרי להשמידנו

28 אנה אנחנו עלים אחינו המסו את לבבנו לאמר עם גדול ורם ממנו ערים גדלת ובצורת בשמים וגם בני ענקים ראינו שם 29 ואמר אלכם לא תערצון ולא תיראון מהם 30 ה׳ אלהיכם ההלך לפניכם הוא ילחם לכם ככל אשר עשה אתכם במצרים לעיניכם 31 [ובמדבר אשר ראית אשר נשאך ה׳ אלהיך כאשר ישא איש את בנו בכל הדרך אשר הלכתם עד באכם עד המקום הזה] 32 ובדבר הזה אינכם מאמינם בה׳ אלהיכם 33 [ההלך לפניכם בדרך לתור לכם מקום לחנתכם באש לילה לראתכם בדרך אשר תלכו בה ובענן יומם]

34 וישמע ה׳ את קול דבריכם ויקצף וישבע לאמר 35 אם יראה איש באנשים האלה [הדור הרע הזה] את הארץ הטובה אשר נשבעתי [לתת] לאבתיכם

36 זולתי כלב בן יפנה הוא יראנה ולו אתן את הארץ אשר דרך בה ולבניו יען אשר מלא אחרי ה׳ 37 גם בי התאנף ה׳ בגללכם לאמר גם אתה לא תבא שם 38 יהושע בן נון העמד לפניך הוא יבא שמה אתו חזק כי הוא ינחלנה את ישראל 39 וטפכם אשר אמרתם לבז יהיה

ובניכם אשר לא ידעו היום טוב ורע המה יבאו שמה ולהם אתננה והם יירשוה

40 ואתם פנו לכם וסעו המדברה דרך ים סוף

41 ותענו ותאמרו אלי חטאנו לה׳ אנחנו נעלה ונלחמנו ככל אשר צונו ה׳ אלהינו ותחגרו איש את כלי מלחמתו ותהינו לעלת ההרה 42 ויאמר ה׳ אלי אמר להם לא תעלו ולא תלחמו כי אינני בקרבכם ולא תנגפו לפני איביכם 43 ואדבר אליכם ולא שמעתם ותמרו את פי ה׳ ותזדו ותעלו ההרה 44 ויצא האמרי הישב בהר ההוא לקראתכם וירדפו אתכם כאשר תעשינה הדברים ויכתו אתכם בשעיר עד חרמה 45 ותשבו ותבכו לפני ה׳ ולא שמע ה׳ בקלכם ולא האזין אליכם

46 ותשבו בקדש ימים רבים כימים אשר ישבתם

4.4. Comparison of Num 13–14 and Deut 1:19-46

The preceding literary-critical analysis of Num 13–14 has shown that the most basic material in these chapters consists of a priestly narrative that received later additions. Contrary to the view of many commentators, the material that does not belong to this basic narrative thread cannot have been part of a pre-priestly narrative source. As for Deut 1:19-46, the most basic material in this unit clearly presupposes an existing text, since Moses is depicted as reminding the fictive audience of events with which they are already familiar. Thus, on the basis of the preserved textual evidence, the most reasonable explanation is to assume along the lines of the "P" model that the most basic material in Deut 1:19-46 presupposes the priestly narrative in Num 13–14. The divergences from the priestly version of the story can be explained by the rhetorical aims of the authors of Deut 1:19-46 and do not require positing the existence of a pre-priestly narrative.[71]

A comparison of the received text of Num 13–14 and Deut 1:19-46 reveals that both narratives overlap in four main scenes: (1) the sending of the spies, (2) the spies' report and the people's reaction, (3) Yhwh's judgment of the people, and (4) the people's rebellion against Yhwh's judgment. Most scholars agree that the correspondences between Num 13–14 and Deut 1:19-46 generally point to the dependence of Deut 1:19-46 on Num 13–14 (or a hypothetical source that underlies Num 13–14). Nevertheless, as several commentators have already noted, a single direction of dependence cannot be taken for granted,[72] particularly since both Num 13–14 and Deut 1:19-46 reflect multiple

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[71] This interpretive reworking of the priestly spy story in Num 13–14 has often been overlooked due to the tendency of many commentators to use Deut 1:19-46 as the primary benchmark for identifying a pre-priestly narrative thread in Num 13–14; so esp. Otto, *Das Deuteronomium im Pentateuch*, 17–25; Achenbach, "Numeri 13–14," 61–77; and Schart, "Spy Story," 181–85.

[72] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 55–64; Otto, *Das Deuteronomium im Pentateuch*, 63; and Carr, "Scribal Processes," 79–80.

stages of compositional growth. Thus, the direction(s) of dependence for each of the four scenes outlined above should be evaluated on a case-by-case basis.

The sending of the spies. Many commentators have argued that the basic narrative thread in Deut 1:19-46 had a non-priestly source as its *Vorlage* based the fact that in Deut 1:22 it is the *people* who approach Moses and propose to send men to explore (חפר) the land, while in Num 13:1-2 it is *Yhwh* who instructs Moses to send men to scout out (תור) the land.[73] It is equally conceivable, however, that the people's proposal to send out spies and Moses' acquiescence to their proposal in Deut 1:22 is a direct revision of the priestly narrative, serving to recast the people's failure to occupy the land as the product of *human initiative* rather than divine initiative.[74]

The theory of a common pre-priestly and pre-Deuteronomistic source for Num 13–14 and Deut 1:19-46 also fails to explain the fact that the most basic version in Deuteronomy narrates Moses' sending one man from each tribe to spy out the land (Deut 1:23 // Num 13:2). Many commentators seem to assume that Deut 1:23 was not dependent on Num 13:2, since Deut 1:23 uses the term שבט for "tribe" while Num 13:2 uses the priestly term מטה. The term שבט, however, is hardly limited to pre-priestly texts and in

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[73] For example, Achenbach writes, "Im Paralleltext in Num 13,1-20 geht die Initiative zur Entsendung von Kundschaftern von Jahwe selbst aus, der Text ersetzt also die ältere Version der Kundschaftererzählung, wie sie in Dtn 1,22* noch erhalten ist" ("Numeri 13–14," 65). Significantly, Achenbach must concede that this older version has not been preserved: "*wir haben an dieser Stelle das Fragment einer Quelle, allerdings nur in einer dtr Fassung*" (ibid., emphasis original). Moreover, he provides no concrete reasons for concluding that Yhwh's instruction to Moses to send out spies in Num 13:1-2 is a revision of an earlier narrative in which the people propose to send out spies.

[74] For this interpretation see already Arnold B. Ehrlich, *Randglossen zur hebräischen Bibel, Bd. 2: Leviticus, Numeri, Deuteronomium* (Leipzig: Hinrichs, 1909), 248; cf. Weinfeld, *Deuteronomy 1–11*, 144 ("The author of Deuteronomy changed the original tradition on purpose" since "the sinful act of the spies could not have been sponsored by God") and Nelson, *Deuteronomy*, 27 ("Deuteronomy…makes clear that national disasters are the result of Israel's disbelief and guilt. Such catastrophes cannot be interpreted as being Yahweh's fault"). Schart ("Spy Story," 181) also remarks that "Deut 1 wants to enlarge the guilt of the people" but concludes that this reflects a divergence from "the typical element of the text genre '*Kundschaftergeschichte*', in which the leader of the campaign sends the spies."

fact occurs in many priestly and post-priestly texts within the books of Exodus through

Joshua.[75] An additional argument against the derivation of Deut 1:23 from a hypothetical

pre-priestly narrative is the fact that the explicit reference to the twelve tribes of Israel us-

ing the cardinal number שנים עשר occurs elsewhere in the Hexateuch exclusively in

(post-)priestly contexts.[76] It is difficult to avoid the conclusion, then, that Deut 1:23—

which cannot be removed from the basic thread of the narrative—is directly dependent on

its priestly parallel in Num 13:2.[77]

The spies' report and the people's reaction. The spies' report in Deut 1:25 differs

from that in Num 13:(27-29), 32, (33) insofar as the first-hand report of the spies in Deut

1:25 is exclusively positive, while in Num 13:(27-29), 32, (33) it is primarily negative

and only receives a positive aspect in later additions (Num 13:27b). Regardless of

whether one assumes that Num 13:27-29 are post-priestly additions or that (at least parts

of) these verses belong to a pre-priestly narrative,[78] one must still explain why Deut 1:25

portrays the spies as giving an exclusively positive report while the narrative in Numbers

portrays them as giving a primarily negative report. This problem can be explained in one

of two ways: (1) the shift from a negative report to a positive report is an original contri-

bution of the author of Deut 1:25, or (2) the author of Deut 1:25 was dependent on the

scene in Num 14:6-10 in which Joshua and Caleb insist that the land is "very, very

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[75] Exod 28:21; 39:14; Lev 27:32; Num 4:18; 18:2; 32:33; Deut 3:13; 10:8; 18:1; 29:7; Josh 1:12; 3:12; 4:2, 4, 12; 12:6; 13:7, 14, 29, 33; 18:4, 7; 22:7, 9-11, 13, 15, 21.

[76] Exod 24:4; 28:21; 39:14; Num 1:44; 17:17, 21; Josh 3:12; 4:2.

[77] Schart ("Spy Story," 176) is well aware of this problem: "The number of the spies has long been a puzzling detail for those who maintained that Dtn 1 only knew a JE version of Num 13–14 because the number of twelve is crucial for the P source but not for JE." Nevertheless, his solution strikes one as special pleading: "It may be that the editor replaced a word or two" (ibid.).

[78] Otto (*Das Deuteronomium im Pentateuch*, 52) proposes that 13:27a, bβ, 28abα belong to an older narrative that was later reworked in a "Hexateuch redaction."

good"—a scene that is widely ascribed to (post-)priestly authorship.[79] In either case, the author of Deut 1:25 would not have drawn on a pre-priestly narrative source. From a rhetorical point of view, the exclusively positive report of the spies in Deut 1:25 serves to accentuate the culpability of the entire people in failing to enter the land. In contrast to Num 13:27-32, which leave the possibility open for placing responsibility primarily on the spies and not on the people as a whole, Deut 1:25 excludes this possibility, thereby heightening the rebelliousness of the people in 1:26. Thus, the divergence of Deut 1:25 from its *Vorlage* in Num 13 has the same rhetorical function as that in Deut 1:22.

The people's complaint in Deut 1:27 shows further evidence of dependence on the (post-)priestly narrative in Num 13–14. The people's statement that "it is out of Yhwh's hate for us that he brought us out of the land of Egypt" forms a clear intertextual connection with the people's question in Num 14:3: "Why has Yhwh brought us into this land to fall by the sword?" The dependence of Deut 1:27 on Num 14:3—a priestly text—is strongly suggested by the fact that the phrase לתת אתנו ביד האמרי להשמידנו in Deut 1:27 is a blind motif: the preceding narrative in Deut 1:19-26 leaves the reader completely unprepared for the notion in 1:27 that the people face the threat of destruction at the hands of the "Amorites." After all, the spies had just delivered a positive report about the land without any reference to the danger posed by its inhabitants. In contrast, the reference to the people falling by the sword in Num 14:3 fits well with the negative report about the land found in the priestly narrative in Num 13:32, (33).

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[79] Cf. Blum, *Studien*, 133 n. 129; Schmidt, *Studien zur Priesterschrift*, 88; Artus, *Études*, 132; Otto, *Das Deuteronomium im Pentateuch*, 52; Achenbach, "Numeri 13–14," 123 n. 313; and Baden, *J, E*, 116. For a different view see Seebass, *Numeri 10,11–22,1*, 94, who assigns Num 14:8-9 to J.

Yhwh's judgment of the people. The next series of correspondences between the basic narrative thread in Deut 1:19-46 and the story of the spies in Num 13–14 is somewhat more complex. In Num 13–14, Yhwh's judgment of the people is reported three times, once in Num 14:28-29, 31, (32-34), a (post-)priestly text that connects to the people's complaint in 14:1-4; once in Num 14:21-23 following the (post-priestly) intercession scene in 14:10b-20; and again in 14:30 as an appendix to 14:28-29. Of these three judgment reports, Num 14:28-29, 31, (32-34) has literary priority over 14:21-23 and 14:30.[80] At the same time, there is an intertextual connection between the two later judgment reports in Num 14 (Num 14:23; 14:30) and Deut 1:35*:

אם יראו את הארץ אשר נשבעתי לאבתם	Num 14:23
אם אתם תבאו אל הארץ אשר נשאתי את ידי לשכן אתכם בה	Num 14:30
אם יראה איש באנשים האלה...את הארץ הטובה אשר נשבעתי לתת לאבתיכם	Deut 1:35*

Several observations suggest that Num 14:23 and 14:30 are both dependent on Deut 1:35*. First, the spy story in Deut 1:19-46 lacks an intercession scene, raising the possibility that Num 14:10b-20—and consequently also Num 14:21-23, which depend on 14:10b-20—did not yet belong to the text that lay before the author who composed the basic narrative in Deut 1:19-46.[81] If this is the case, then Deut 1:35 cannot depend on Num 14:23. Likewise, it is unlikely that Deut 1:35* was derived from Num 14:30, since these two verses use different terms for Yhwh's oath-promise and since Num 14:30b mentions both Caleb *and* Joshua (although this half verse may be later than 14:30a). If Deut 1:35* is not dependent on either Num 14:23 or 14:30, then the most likely scenario

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[80] See the analysis in 4.2 above.
[81] Cf. Aurelius, *Fürbitter*, 134–35.

based upon the extant textual evidence is that the oath formula in Deut 1:35* is a re-

working of the oath formula found in the priestly narrative thread in Num 14:28-29, 31.[82]

The people's rebellion against Yhwh's judgment. The final scene in both Num 13–

14 and Deut 1:19-46 is a report of the people's rebellion against Yhwh's decision that the

exodus generation would not enter the land (Num 14:40-45; Deut 1:41-45).[83] In both ac-

counts, the people confess that they have sinned and propose to "go up" to the land. In

Deut 1:41-42, the act of "going up" is portrayed as a military operation, while in Num

14:40-42 it does not have explicit military associations. Whereas in Num 14:41 Moses'

reference to the people's transgressing the decree of Yhwh can only refer to one of the di-

vine judgments in 14:21-23; 14:28-29, 31; or 14:30, the reference to the decree of Yhwh

in Deut 1:43 does not refer to the divine judgment in Deut 1:35*, 39* but rather to the di-

vine warning to the people not to go up in Deut 1:42. Finally, the phrase כי אין ה׳ בקרבכם

ולא תנגפו לפני איביכם in Num 14:42 does not fit very well within Num 14:40-45 as a whole,

since the concept of Yhwh being in the "midst" of the people and the reference to the

people's enemies suggest a military operation. In contrast, the parallel statement in Deut

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[82] The only alternative to the model proposed here is through recourse to a hypothetical narrative source for which there is no direct textual evidence. Recently, Otto and Achenbach have adopted such an approach. Otto assigns Yhwh's judgment of the people in Deut 1:34-35 to his "dtr Grundschicht," which he argues does not depend on priestly texts but rather on a pre-Deuteronomistic spy story (*Das Deuteronomium im Pentateuch*, 62–63; idem, "Deuteronomiumsstudien I," 141–42). At the same time, Otto assigns the divine judgment reports in Num 14 either to the Hexateuch redaction (14:28, 29* [only במדבר הזה יפלו פגריכם]) or the Pentateuch redaction (14:21-23, 29*, 30), both of which he views as post-priestly (*Das Deuteronomium im Pentateuch*, 28). Since Otto is not willing to conclude that the *Vorlage* of Deut 1:34-35 could have consisted of (post-)priestly texts, he is forced to posit the existence of a pre-Deuteronomistic (and implicitly pre-priestly) spy story that served as a source *both* for the *Grundschicht* of Deut 1:19-46 *and* for the Hexateuch redaction in Num 13–14 (ibid., 106). The complex ramifications of such a theory become evident in Otto's conclusion that the author of Num 14:11-25 must have known *three separate versions* of the spy story (ibid., 47; for a similar reconstruction, see Achenbach, "Numeri 13–14," 123).

[83] These units contain the densest concentration of verbatim parallels between the two versions of the spy story, and most commentators regard Num 14:40-45* as belonging to a pre-priestly narrative upon which Deut 1:41-45 drew: cf. Noth, *Überlieferungsgeschichte des Pentateuch*, 34 (ET 32); Fritz, *Israel in der Wüste*, 23; Schart, *Mose und Israel in Konflikt*, 88–93; Schmidt, *Studien zur Priesterschrift*, 132; Artus, *Études*, 156; and Baden, *J, E*, 117.

1:42, presented as divine speech (לֹא תַעֲלוּ וְלֹא תִלָּחֲמוּ כִּי אֵינֶנִּי בְּקִרְבְּכֶם וְלֹא תִנָּגְפוּ לִפְנֵי אֹיְבֵיכֶם), is a fitting response to the people's plan to go to battle in 1:41.

In light of these observations, two scenarios for the literary relationship between Num 14:40-45 and Deut 1:41-45 seem possible. In the first scenario, Deut 1:41-45 would be regarded as a reworking of an earlier version of Num 14:40-45 that consisted only of 14:40a*, 41* (only "and Moses said"), 42* (only "do not go up"), 43b-44a, 45 and that thematized the concept of Yhwh being "with" (עם) the people. Such a reworking in Deut 1:41-45 would have portrayed the people's intention to "go up" as a military operation (Deut 1:41), creating a divine warning to the people (Deut 1:42), and would have changed the reference to Amalekites and Canaanites into a reference to Amorites (Deut 1:44). In a later stage of composition, Moses' instruction to the people not to go up in Num 14:42* would have been coordinated with the divine warning in Deut 1:42 by inserting the phrase כִּי אֵין ה׳ בְּקִרְבְּכֶם in Num 14:41 and the phrase לָמָּה זֶּה אַתֶּם עֹבְרִים אֶת פִּי ה׳ וְלֹא תִנָּגְפוּ לִפְנֵי אֹיְבֵיכֶם in Num 14:42.[84] This would have also prompted the insertion of Num 14:43a, which connected the term אֹיְבֵיכֶם to the Amalekites and Canaanites. In the second scenario, Num 14:40-45 as a whole would be regarded as secondary to Deut 1:41-45. This seems unlikely, however, as it cannot account for the quasi-doublets within Num 14:40-45 (both Moses and Yhwh address the people, and two different prepositions—עם and בקרב—are used to describe Yhwh's presence with the people).

According to the first scenario, Num 14:40-45* (without 14:44b) cannot be assigned as a whole to a "pre-D" source.[85] Rather, this unit shows signs of coordination

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[84] Cf. Schmidt, "Kundschaftererzählung," 43 n. 11 and Schart, "Spy Story," 183.
[85] On the composite nature of Num 14:40-45 see Mittmann, *Deuteronomium 1,1–6,3*, 52–53; Schmidt, "Kundschaftererzählung," 43; and Seebass, *Numeri 10,11–22,1*, 125–26.

with the account of the people's rebellion in Deut 1:41-45. Based on the documented evidence of verbatim textual coordination between Num 13–14 and Deut 1:19-46 in 𝔐 and 4QNum[b],[86] it is reasonable to assume that such a process of coordination—and not dependence on a shared *Vorlage*—also produced the verbatim correspondences between Num 14:40-45 and Deut 1:41-45 within 𝔐 itself. This also helps to explain why the syntax of Num 14:41-42 is oversaturated, containing three consecutive motive clauses. If Num 14:40-45 were a unified composition based on an earlier *Vorlage*, one would expect to find a text without such syntactic problems. Significantly, even the "pre-D" materials in this unit (i.e., 14:40a*, 41*, 42*, 43b-44a, 45) cannot stand alone without the preceding priestly narrative: 14:40 depends on and cannot be earlier than 14:39, which in turn connects to the priestly divine judgment report in 14:26-35*.

4.5. RESULT

The preceding literary-critical analyses of Num 13–14 and Deut 1:19-46 and the comparison of correspondences between the two texts in light of their respective literary stratification strongly support the conclusion that neither Num 13–14 nor Deut 1:19-46 preserve traces of a pre-priestly spy story. Rather, Num 13–14 consist of a priestly base narrative that received later, post-priestly additions (some of which are coordinations with Deut 1:19-46*), while the most basic material in Deut 1:19-46 shows dependence on the priestly narrative in Num 13–14.

The fact that this thesis has not received wider reception is in fact somewhat surprising, since commentators have long noted that the textual evidence itself fits uneasily

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[86] On this see Carr, "Scribal Processes," 66.

with the classical Documentary Hypothesis.[87] Several of the more recent non-documentary attempts to uphold the notion that Num 13–14 preserves traces of a pre-priestly narrative are equally problematic. For example, the suggestion made by Otto and further developed by Achenbach that fragments of a "pre-Dtr" spy story were first introduced into Num 13–14 by a "Hexateuch redactor"[88] requires hypothesizing the existence of a pre-priestly narrative whose larger literary horizon is left unaccounted for and which is only known to us through the work of a post-priestly redactor.[89] Likewise, Carr's suggestion that "Num 14:22-25 may contain the remnants of a pre-D conclusion to the pre-D spy story reflected in Deut 1"[90] fails to take into account the (post-)priestly elements found in Num 14:22-25.

Beyond the evidence brought to bear by the literary-critical analysis of Num 13–14 indicating that a pre-priestly spy story is not recoverable, the hypothesis of a pre-priestly and pre-Deuteronomistic spy story fails to address an even more fundamental question: What function would the spy story have served in a pre-Dtr and pre-priestly literary work?[91] Significantly, the rhetorical climax of the spy story in Num 13–14 is the di-

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[87] As Noth (*Überlieferungsgeschichte des Pentateuch*, 15) remarked already in 1948, "In der Kundschaftergeschichte Num. 13. 14 erscheint die P-Erzählung…so einseitig bevorzugt, daß nur noch Fragmente der aus den alten Quellen stammenden Erzählung in ihrem Rahmen enthalten sind […]; sie dienen…nur der Ausgestaltung der zugrunde gelegten P-Erzählung." Cf. more recently Mittman, *Deuteronomium 1,1–6,3*, 55 and Schart, "Spy Story," 181.

[88] Ibid., 73; Achenbach, "Numeri 13–14," 123.

[89] Another problematic aspect of Otto's reconstruction is his treatment of the divine judgment reports in Num 13–14 (Otto, *Das Deuteronomium im Pentateuch*, 41). Since Otto rules out the possibility that Num 14:21-24 belongs to an older narrative, he is forced to assign 14:30-31 to his older narrative. This creates further difficulties, however, since 14:30 is likely *later* than both 14:28-29, 31 and 14:21-24 (cf. 4.2 above).

[90] Carr, "Scribal Processes," 80; cf. idem, *Formation*, 265.

[91] Jacob Wright has recently addressed the question of the narrative and rhetorical function of the earliest spy story and concludes that Judean authors, who inherited a northern Israelite "exodus-conquest saga," accounted for the invasion of the land from the east (i.e., reflecting an Israelite perspective) rather than from the south (i.e., reflecting a Judahite perspective) in that narrative by reinterpreting the eastern invasion "as a consequence of Israel's sin" (Wright, *David*, 194–95). However, even the texts that Wright points to as the earliest rationalization of the invasion from the east—Exod 13:17-18 and Num 14:25 (ibid., 196)—cannot be securely attributed to a pre-priestly narrative.

vine decree that the exodus generation will not enter the promised land, which is closely linked with the notion of the Israelites' extended sojourn in the wilderness. Within the book of Numbers, these concepts only appear elsewhere in (post-)priestly texts (Num 26:63-65; 27:13-14; 32:7-15).[92] Furthermore, as will be discussed in Chapter 5, their appearance in Deuteronomy (e.g., Deut 2:14-16) also belongs to a post-priestly stage of composition.

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[92] Cf. Kratz, "Ort," 112.

CHAPTER 5: THE JOURNEY FROM KADESH TO THE PLAINS OF MOAB
(NUM 20:1–22:1 // DEUT 1–3 // JUDG 11:12-28)

Num 20:1–22:1 recount a variety of events between the people's sojourn in Kadesh (20:1*) and their arrival in the plains of Moab (22:1*): the (second) miracle of water from a rock (20:2-13), the detour around Edom (20:14-21), the death of Aaron (20:22b-29; 21:4a), the "banning" of Canaanite cities (21:1-3), the episode of the bronze serpent (21:4b-9), various stopovers in the wilderness (21:10-20), and the defeat of Sihon and Og (21:21-35). The identification of some of these episodes as (post-)priestly forms a relatively broad consensus and can be discussed rather briefly (5.1). The compositional place of the remaining material—particularly the texts with parallels in Deut 1–3 and Judg 11—is more debated and will be the primary focus of this chapter. Although a number of studies have been dedicated to the comparison of these texts,[1] many do not provide a full literary-critical analysis of all the texts involved[2] and/or operate on the basis of questionable compositional models. Thus, in what follows, an independent literary-critical analysis of each text will be conducted (5.2–5.5) prior to examining the relations of dependence among the parallel texts (5.6). Following this comparison, it will be possible

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[1] In addition to the commentaries see Martin Noth, "Num 21 als Glied der 'Hexateuch'-Erzählung," *ZAW* 58 (1940/41): 161–89, esp. 162–70; W. A. Sumner, "Israel's Encounters with Edom, Moab, Ammon, Sihon, and Og according to the Deuteronomist," *VT* 18 (1968): 216–28; John R. Bartlett, "Sihon and Og, Kings of the Amorites," *VT* 20 (1970): 257–77; John Van Seters, "The Conquest of Sihon's Kingdom: A Literary Examination," *JBL* 91 (1972): 182–97; Urs Köppel, *Das deuteronomistische Geschichtswerk und seine Quellen: Die Absicht der deuteronomistischen Geschichtsdarstellung aufgrund des Vergleichs zwischen Num 21,21–35 und Dtn 2,26–3,3* (EHS XXIII/122; Frankfurt a.M.: Peter Lang, 1979), 83–105; John Van Seters, "Once again the Conquest of Sihon's Kingdom," *JBL* 99 (1980): 117–19; Otto, *Das Deuteronomium im Pentateuch*, 134–35; Achenbach, *Vollendung*, 358–67; Baden, *J, E*, 130–41; and Daniel E. Fleming, *The Legacy of Israel in Judah's Bible* (Cambridge: Cambridge University Press, 2012), 114–32.

[2] E.g., Sumner, "Israel's Encounters," esp. 220; Van Seters, "The Conquest of Sihon's Kingdom," 182–97; Köppel, *Geschichtswerk*, 83–105; and Rose, *Deuteronomist und Jahwist*, 310–13.

to evaluate the literary growth of the itinerary notices in Num 20:1–22:1 and their relationship to the surrounding narratives (5.7).

5.1. Priestly and post-priestly material in Num 20:1–22:1

There is a broad consensus that the miracle of water from a rock in 20:2-13[3] and the report of Aaron's death in 20:22-29[4] are of (post-)priestly provenance. Moreover, while earlier commentators attributed the narrative of the bronze serpent in 21:4b-9 to a pre-priestly source,[5] many of their arguments for doing so in fact point instead to the post-priestly provenance of this passage,[6] which is upheld by an increasing number of commentators.[7]

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[3] Cf. Rudolph, *"Elohist,"* 84–87; Noth, *Das vierte Buch Mose*, 127; Fritz, *Israel in der Wüste*, 27; Schmidt, *Numeri 10,11–36,13*, 89–93; Römer, "Israel's Sojourn," 435; and Rainer Albertz, "Das Buch Numeri jenseits der Quellentheorie: Eine Redaktionsgeschichte von Num 20–24," *ZAW* 123 (2011): 171–83; 336–47 (182); against Levine, *Numbers 1–20*, 483–84 and Seebass, *Numeri 10,11–22,1*, 270–79, both of whom postulate a pre-priestly version that underlies the present text but is too fragmentary to be reconstructed.

[4] Noth, "Num 21," 179; Fritz, *Israel in der Wüste*, 28; Levine, *Numbers 1–20*, 485; Seebass, *Numeri 10,11–22,1*, 300–1; Schmidt (*Numeri 10,11–36,13*, 97 (yet who considers the itinerary notice in 20:22a to belong to J); and Albertz, "Das Buch Numeri," 182.

[5] Cf. Bruno Baentsch, *Exodus, Leviticus, Numeri* (HAT I/2; Göttingen: Vandenhoeck & Ruprecht, 1903), 575 (E); Heinrich Holzinger, *Numeri* (KHC 4; Tübingen: J. C. B. Mohr, 1903) 89 (E); Otto Eissfeldt, *Hexateuch-Synopse: Die Erzählung der fünf Bücher Mose und des Buches Josua mit dem Anfange des Richterbuches in ihre vier Quellen zerlegt und in deutscher Übersetzung dargeboten samt einer in Einleitung und Anmerkungen gegebenen Begründung* (Leipzig: Hinrichs, 1922; repr., Darmstadt: Wissenschaftliche Buchgesellschaft, 1962), 180–81* (E); Rudolph, *"Elohist,"* 90 (J); Noth, *Das vierte Buch Mose*, 137 (E); Georg Fohrer, *Einleitung in das Alte Testament* (Heidelberg: Quelle & Meyer, 1965), 167 (E); Fritz, *Israel in der Wüste*, 30, 93–96 (J); and more recently Albertz, "Das Buch Numeri," 182.

[6] For example, Fritz (*Israel in der Wüste*, 93) attempted to assign Num 21:4b-9 to J on the basis of the parallelism between the people's confession of sin in 21:7a and Num 14:40. Similarly, Schart noted that the people's confession of sin in this unit bears connections with Num 11:1-3 and Num 12 and even goes further than those texts, in which only Aaron had confessed his sins (*Mose und Israel im Konflikt*, 228). Furthermore, Coats observed that this narrative contains "a summary of crises from other traditions in the wilderness theme" (*Rebellion in the Wilderness*, 120). All of these observations point to the post-priestly composition of Num 21:4b-9.

[7] Cf. Aurelius, *Fürbitter*, 152 (somewhat vaguely); Kratz, *Komposition*, 301 (ET 292); Achenbach, *Vollendung*, 218; and esp. Christoph Berner, "Die eherne Schlange: Zum literarischen Ursprung eines 'mosaischen' Artefakts," *ZAW* 124 (2012): 341–55, esp. 344–48. See also Bernd U. Schipper, "Die 'eherne Schlange': Zur Religionsgeschichte und Theologie von Num 21,4-9," *ZAW* 121 (2009): 369–87, who points to connections with Exod 15:26 and Deut 18 and thus evaluates the text as post-Dtr (381) and as "ein später Text" (384) but does not situate the unit relative to priestly literature.

The brief narrative of the "ban" against the Canaanites and the etiology of Hormah in Num 21:1-3 requires more discussion. Although commentators have traditionally assigned this episode to one of the "old sources,"[8] the foregoing analysis of the spy story in Num 13–14 as a priestly and post-priestly unit strongly suggests that 21:1-3 is also post-priestly. Whereas 14:39-45 describes how the Israelites were defeated at Hormah following their disobedience against Yhwh in seeking to enter the land on their own terms, 21:1-3 describes how the Israelites sought divine approval before going to battle and emerged victorious. In other words, 21:1-3 serves as a counterpoint to 14:39-45, indicating that any attempt to defeat the Canaanites at the Israelites' own initiative is bound to fail, while a reliance on Yhwh leads to success.[9] Given that the spy story is a priestly composition from the outset (see Chapter 4), then 21:1-3 cannot be pre-priestly. This conclusion is further supported by the fact that Num 21:1a, which describes the Israelites as traveling on the "way of Ha-atarim," presupposes the travel notice in 20:22b, a priestly text.[10] Moreover, since 21:4a connects seamlessly to the report of Aaron's death in 20:23-29, the simplest explanation is that 21:1-3 was inserted into an ex-

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[8] Cf. Wellhausen, *Composition*, 108 (J); Baentsch, *Exodus, Leviticus, Numeri*, 573 (J); George B. Gray, *Numbers* (ICC; Edinburgh: T&T Clark, 1903), 272 (JE); Rudolph, *"Elohist,"* 89 (J); Noth, *Das vierte Buch Mose*, 135 (possibly J, but the unit has been moved from its original place in that source); John Sturdy, *Numbers* (NEB; Cambridge: Cambridge University Press, 1976), 144–46 (J, also claiming that the unit has been moved from its original place); Volkmar Fritz, "Jahwe und El in den vorpriesterschriftlichen Geschichtswerken," in *"Wer ist wie du, Herr, unter den Göttern?" Studien zur Theologie und Religionsgeschichte Israels; für Otto Kaiser zum 70. Geburtstag* (ed. Ingo Kottsieper; Göttingen: Vandenhoeck & Ruprecht, 1994), 111–26 (114) (J); Seebass, *Numeri 10,11–22,1*, 307–8 (implicitly J); Baden, *J, E*, 137 (E); and tentatively Albertz, "Das Buch Numeri," 182 (pre-priestly).

[9] For this interpretation cf. Seebass, *Numeri 10,11–22,1*, 307 (albeit with a different evaluation of Num 13–14) and Schmidt, *Numeri 10,11–36,13*, 101.

[10] Dozeman argues that the notice of the arrival at Mt. Hor in 20:22b was originally a non-priestly notice that "has been edited to conform to the Priestly conception of the people" (Thomas B. Dozeman, "The Priestly Wilderness Itineraries and the Composition of the Pentateuch," in *The Pentateuch: International Perspectives on Current Research* [ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz; FAT 78; Tübingen: Mohr Siebeck, 2011], 257–88 [283 n. 87]), yet this seems to be a case of special pleading necessitated by Dozeman's assumption that 21:1-3 is a pre-priestly text and must therefore be connected to a pre-priestly itinerary report.

isting (post-)priestly literary context.[11] The possibility that a pre-priestly textual fragment was inserted into the middle of a priestly text[12] is unlikely, since 21:1-3 in fact seems tailor-made for its present location.[13]

5.2. ISRAEL'S DETOUR AROUND EDOM (NUM 20:14-21)

In Num 20:14-21, Moses sends messengers to the king of Edom, requesting passage through Edomite territory and reviewing several major events in Israel's history up to that point (20:14-17). Edom refuses (20:18), whereupon the Israelites persist in their request, stating that they will keep to the roads and will pay for any water they use (20:19). Despite this, the Edomites still refuse and come out armed against the Israelites (20:20), causing the Israelites to turn away from Edom (20:21).

Literary-critical analysis

Although earlier scholarship generally regarded this episode as a compositional unity belonging to either J, E, or JE,[14] more recent studies have tended to conclude that this unit consists of a basic literary stratum that was later expanded.[15] Indeed, if one isolates the

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[11] Cf. Kratz, *Komposition*, 301 (ET 292) and Schmidt, *Numeri 10,11–36,13*, 100. This fits well with the possibility that 21:1-3 is dependent on Judg 1:17 (so Schmidt, *Numeri 10,11–36,13*, 100–1), which belongs to a unit that post-dates the addition of P-like materials to the book of Joshua. Here I disagree with Achenbach (*Vollendung*, 347), who argues that the report of Aaron's death in 20:23-29 ("PentRed") was inserted *after* 21:1-3 ("HexRed").

[12] So Noth, *Das vierte Buch Mose*, 135 and Levine, *Numbers 21–36*, 85.

[13] As Achenbach has astutely observed, "So wie es Jakob einst möglich war, nach dem Konflikt mit Esau durch ein Gelübde eine Rückkehr in die Heimat zu erwirken (Gen 28,20; 31,13), so erwirbt Israel nun nach dem Konflikt mit Esau ein Angeld auf die Landnahme" (*Vollendung*, 346).

[14] Cf. Eduard Meyer, "Kritik der Berichte über die Eroberung Palaestinas (Num. 20, 14 bis Jud. 2, 5)," *ZAW* 1 (1881): 117–46 (118, 121) (E); Wellhausen, *Composition*, 108 (J); Baentsch, *Exodus, Leviticus, Numeri*, 571 (E); Otto Procksch, *Das nordhebräische Sagenbuch: Die Elohimquelle* (Leipzig: Hinrichs, 1906), 105–6 (JE); Hugo Gressmann, *Mose und seine Zeit: ein Kommentar zu den Mose-Sagen* (Göttingen: Vandenhoeck & Ruprecht, 1913), 300 n. 4 (JE); Rudolph, *"Elohist,"* 87–88 (J); Noth, *Das vierte Buch Mose*, 131 (JE); see also Schmidt, *Numeri 10,11–36,13*, 94, who assigns the *Grundschicht* to JE.

[15] Cf. Siegfried Mittmann, "Num 20,14-21 – Eine redaktionelle Kompilation," in *Wort und Geschichte: FS*

most fundamental elements in Num 20:14-21, then a basic narrative thread reporting Edom's refusal to allow Israel to pass through its territory can be identified in 20:14a, 17, and 21.[16]

The isolation of this basic narrative thread is supported by the literary evidence in 20:14b-16 and 20:18-20. The historical summary in 20:14b-16 interrupts the connection between Moses' sending of messengers in 20:14a and the request for passage in 20:17 and is possibly secondary.[17] Likewise, there are several reasons for suspecting that 20:18-20 constitute a later addition. First, these verses transform the messengers' mono-logue into a dialogue and correct 20:17 on two points: 20:19 regards the promise not to drink any water in 20:17 as unrealistic and thus replaces it with an offer by the Israelites to pay for the water that they will drink. Moreover, 20:20 and 20:21 are quasi-doublets that stand in tension with each other: whereas 20:20 describes Edom's bellicose reaction to Moses'/Israel's request, 20:21 simply states that Edom refused to let Israel pass through its territory.[18] 20:20 must be secondary to 20:21, since the simple refusal (מאן D) of Edom in 20:21 would hardly make sense as a later addition to Edom's going out to bat-

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Karl Elliger (ed. H. Gese and H. P. Rüger; AOAT 18; Neukirchen-Vluyn: Neukirchener Verlag, 1973), 143–49; Kratz, *Komposition*, 291 (ET 283); Achenbach, *Vollendung*, 335–44 (esp. 344); Seebass, *Numeri 10,11–22,1*, 291; and Schmidt, *Numeri 10,11–36,13*, 94–97. Exceptions to this tendency include Wolfgang Oswald, "Die Revision des Edombildes in Num XX 14-21," *VT* 50 (2000): 218–32 (226) and Baden, *J, E*, 130–31, who argue explicitly for the literary unity of the episode, as well as Blum, *Studien*, 118–21 and Albertz, "Das Buch Numeri," 177, who implicitly accept its unity.

[16] Cf. Mittmann, "Num 20,14-21," 144–45; idem, *Deuteronomium 1,1–6,3*, 74. Kratz (*Komposition*, 291 [ET 283]) and Schmidt (*Numeri 10,11–36,13*, 95) also include 20:18 in the *Grundbestand*.

[17] Cf. Noth, *Überlieferungsgeschichte des Pentateuch*, 39 (ET 36) (only 20:15-16a); Achenbach, *Vollendung*, 342; and Seebass, *Numeri 10,11–22,1*, 291 (only 20:15-16a). Here, I disagree with Mittmann ("Num 20,14-21," 147; cf. idem, *Deuteronomium 1,1–6,3*, 74), who finds the *Grundbestand* of the unit in 20:14-16, 17*, and 21, as well as with Schmidt, *Numeri 10,11–36,13*, 94–95. Whether the phrase כה אמר אחיך ישראל is more closely linked with 20:14a or with the historical summary that follows is difficult to decide. In any case, the transition from 20:14a to either 20:14b or 20:17 is awkward, since one would expect to read לאמר at the end of 20:14a (cf. Oswald, "Revision," 218).

[18] Cf. Mittmann, "Num 20,14-21," 144–45.

tle against Israel in 20:20.[19] Edom's refusal of passage in 20:18 is equally redundant in light of 20:21, and the fact that it forms part of a coherent dialogue between Israel and Edom in 20:18-20 suggests that it belongs to the same compositional level as 20:20.[20] The author of 20:18-20 may have regarded the Edomites' simple refusal in 20:21 as insufficient grounds to cause the Israelites to turn away, thus expanding the narrative to indicate that the Edomites responded with a military threat.[21]

Macrocontextual analysis

The historical summary in 20:14b-16 is dependent on the "small historical creed" in Deut 26:5aβ-9,[22] presupposes a connection between the ancestral narratives in Genesis and the exodus from Egypt, likely presupposes Exod 18:8 (a post-priestly text),[23] and also highlights the role of the מלאך ה׳ in the exodus,[24] suggesting that this addition stems from a relatively late, post-priestly stage of composition.[25] This evaluation fits well with the statement in 20:16b that Kadesh lies at the edge of Edomite territory, which was only

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[19] So also Mittmann, ibid., 145; cf. Schmidt, *Numeri 10,11–36,13*, 95.

[20] Cf. Mittmann, "Num 20,14-21," 145 and Seebass, *Numeri 10,11–22,1*, 291.

[21] Cf. Mittmann, "Num 20,14-21," 144–45; idem, *Deuteronomium 1,1–6,3*, 75; and Seebass, *Numeri 10,11–22,1*, 291.

[22] Cf. Mittmann, "Num 20,14-21," 146. According to Mittmann, the divergences from Deut 26:5aβ-9 can be explained by the desire to incorporate other traditions that were not mentioned in the latter text, such as the "trouble" (תלאה) that the Israelites experienced, which connects to Moses' speech to his father-in-law in Exod 18:8 and is likely derived from that verse. In contrast, Schmidt (*Numeri 10,11–36,13*, 95) argues that the direction of dependence cannot be determined.

[23] On the evaluation of Exod 18:8 as post-priestly cf. Berner, *Exoduserzählung*, 420 n. 58.

[24] While Mittmann ("Num 20,14-21," 147) and others interpret the מלאך as the angel from Exod 14:19a, Blum (*Studien*, 119), Oswald ("Revision," 220), and Schmidt (*Numeri 10,11–36,13*, 96) interpret this figure as Moses himself.

[25] Cf. Otto, "Deuteronomiumsstudien I," 163, who notes that Num 20:14b-16 draws on the Jacob-Esau narrative in Gen 32:4-7, the "small historical creed" in Deut 26:5-8, and Moses' exchange with his father-in-law in Exod 18:1-12 (cf. Exod 18:8 and Num 20:14b).

conceivable after the fall of the kingdom of Judah, when southern Palestine came under the control of the Edomites.[26]

Disregarding for now the parallels to Num 20:14-21 in Deuteronomy and Judges, there is insufficient intertextual evidence to determine whether the addition in 20:18-20 and the basic narrative thread in 20:14a, 17, 21 are pre- or post-priestly. Although it may indeed be the case that 20:14-21 is post-priestly in its entirety, an argument for the post-priestly dating of the entire unit based solely on its location between the priestly narratives in 20:2-13 and 20:22-29[27] is methodologically problematic, since it disregards the possibility that the itinerary notices in 20:1aβ and 20:22a may pre-date the insertion of the priestly narratives in 20:2-13 and 20:22b-29. Thus, the relative dating of both the most basic narrative in 20:14a, 17, 21 and the addition in 20:18-20 requires further evidence and will be taken up again in 5.6 below.

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[26] For this line of argumentation see Blum, *Studien*, 119 and Schimidt, *Numeri 10,11–36,13*, 94. Oswald, in contrast, explains the description of Edom's territory as extending to Kadesh on literary rather than historical grounds: since 20:14-21 was inserted between two (priestly) narratives set in Kadesh, the author of 20:16b was forced to depict Edom's territory as extending as far as Kadesh ("Revision," 228). Oswald's conclusion, however, depends on the assumption that 20:14-21 is a literary unity (in which case 20:16b cannot be bracketed out) as well as the assumption that Kadesh does not play a role in the pre-priestly material in the book of Numbers (ibid., 226–27), both of which are open to critique.

[27] So Fritz, *Israel in der Wüste*, 29; Blum, *Studien*, 121 n. 81; Dozeman, "Geography and Ideology," 186–87 (tentatively); and Albertz, "Das Buch Numeri," 177.

Synthesis: The literary growth of Num 20:14-21

The literary-critical analysis of Num 20:14-21 indicates that this text is not a unity[28] and that its most basic material likely consisted of 20:14a, 17, 21.[29] This material was expanded in 20:18-20 and—probably at a later stage—in 20:14b-16.

	III	II	I

20:14 וישלח משה מלאכים מקדש אל מלך אדום

כה אמר אחיך ישראל אתה ידעת את כל התלאה אשר מצאתנו 15 וירדו אבתינו מצרימה ונשב במצרים ימים רבים וירעו לנו מצרים ולאבתינו 16 ונצעק אל ה׳ וישמע קלנו וישלח מלאך ויצאנו ממצרים והנה אנחנו בקדש עיר קצה גבולך

17 נעברה נא בארצך לא נעבר בשדה ובכרם ולא נשתה מי באר דרך המלך נלך לא נטה ימין ושמאול עד אשר נעבר גבלך

18 ויאמר אליו אדום לא תעבר בי פן בחרב אצא לקראתך 19 ויאמרו אליו בני ישראל במסלה נעלה ואם מימיך נשתה אני ומקני ונתתי מכרם רק אין דבר ברגלי אעברה 20 ויאמר לא תעבר ויצא אדום לקראתו בעם כבד וביד חזקה

21 וימאן אדום נתן את ישראל עבר בגבלו ויט ישראל מעליו

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[28] Both Oswald and Baden argue for the unity of 20:14-21 primarily by insisting that the redundancies discussed above (what I call "quasi-doublets") are not doublets in the strict sense of the term. Oswald writes: "Vertreter der Quellenscheidung erblicken hier eine Dublette, was aber höchst fragwürdig ist, denn der zweite Redebeitrag Israels zeigt gegenüber dem ersten einen klaren argumentativen Fortschritt" ("Revision," 226). Although Baden does not cite Oswald, he uses precisely the same argument: "That these two episodes are not functionally identical – i.e., are not a source-critically meaningful doublet – is made evident by the increase of the Israelites' offer: the first message promises not to touch anything or drink from the Edomites' water; the second, after having been refused, offers even to pay for the water" (*J, E*, 130–31). Indeed, the repetition does *not* form a "source-critically meaningful doublet"—it forms a *redaction-critically* meaningful doublet, i.e., it indicates *supplementation*. Oswald recognizes this distinction, although he argues that there is insufficient linguistic evidence to support separating 20:18-20 as a later supplement ("Revision," 226).

[29] Slightly differently, Kratz (*Komposition*, 303 [ET 283]) identifies the *Grundbestand* in 20:14a, 17-18, 21. Schmidt (*Numeri 10,11–36,13*, 94–95) assigns 20:14-18 (without ולאבתינו in v. 15), 21 to the *Grundbestand*.

5.3. THE DEFEAT OF SIHON AND OG (NUM 21:21-35)

Following a series of stopovers in the wilderness in Num 21:10-20 (on this see 5.7 below), Israel sends messengers to Sihon, king of the Amorites, requesting permission to pass through his land and stating that it will keep to the "King's Highway" (דרך המלך) during the journey (21:21-22). Sihon refuses, gathering his army and going out to confront Israel in the desert, battling with Israel at Jahaz (21:23). Israel defeats Sihon and takes possession (ירש G) of his land (21:24-25).[30] 21:26 reports that Sihon had fought against the king of Moab, taking all of the latter's land up to the Wadi Arnon,[31] which is elaborated upon in the Song of Heshbon (21:27-30). 21:31 picks up where 21:25 left off, and in 21:32 a new series of events begins: Moses sends men to spy out Jazer, "they" capture (Jazer and) its surrounding towns,[32] and "he"[33] (dis)possesses[34] the Amorites that lived there. Finally, the Israelites turn and go up towards the Bashan, defeating its king, Og, at Edrei and taking possession of his land (21:33-35).

Literary-critical analysis

A number of observations indicate that Num 21:21-35 is not a compositional unity:[35]

(1) Within Israel's request for passage in 21:21-23 there is a discrepancy between 1cs and 1cp speech (לא נטה / לא נשתה / נלך / נעבר vs. אעברה). Moreover, the beginning of 21:22 and 24 speak of Sihon's "land" (ארצך), while the end of 21:22 and the beginning of

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[30] On the geographical problems associated with 21:24 see below.
[31] While 𝔐 reads מידו עד ארנן, 𝔊 reads ἀπὸ Αροηρ ἕως Αρνων, suggesting that the *Vorlage* to 𝔊 provided both a southern and a northern boundary.
[32] 𝔊 reads καὶ κατελάβοντο αὐτὴν καὶ τὰς κώμας αὐτῆς.
[33] While 𝔐 has a 3ms verb, 𝔴, 𝔊, and 𝔖 have a 3mp verb. Here, 𝔐 has the *lectio difficilior*, since the singular verb here stands in tension with the plural verb וילכדו that precedes it.
[34] Here, the *ketiv* uses the verb ירש in the G stem, while the *qere* reads the verb in the C stem.
[35] Against Baden, *J, E*, 136, who assigns 21:21-32 as a whole to E.

21:23 speak of Sihon's "territory" or "border" (גבלו / גבלך). Thus, it is possible that parts of 21:22-23 belong to a secondary addition that emphasizes the harmlessness of the Israelites' request to pass through Sihon's land.[36]

(2) The phrase ויקח ישראל את כל הערים האלה in 21:25a does not have an antecedent in the preceding verses, suggesting that it has been added secondarily, most likely on the basis of a literary *Vorlage*.[37]

(3) 21:24b and 21:25b present conflicting views regarding the extent of the territory that the Israelites captured from Sihon. According to 21:24b, the Israelites took possession (ירש G) of Sihon's land from the Arnon to the Yabbok, up to the territory of the Ammonites. According to 21:25b, the Israelites settled (ישב) in all the cities of the Amorites—in Heshbon and all of its surrounding towns.[38] Since the description of Sihon's territory as extending from the Arnon to the Yabbok in 21:24b* goes well beyond the territorial interest of the rest of the unit, it seems that it is a later addition relative to 21:25b.[39] The reference to the Ammonites in the remainder of 21:24b (עד בני עמון כי עז גבול בני עמון), which poses both text-critical[40] and historical-geographical[41] problems, cannot stand

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[36] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 74.

[37] Cf. Seebass, *Numeri 10,11–22,1*, 349, who rejects Fritz' proposal that 21:25a was once preceded by a list of conquered cities that has now been lost (Volkmar Fritz, *Die Entstehung Israels im 12. und 11. Jahrhundert v.Chr.* [Biblische Enzyklopädie 2; Stuttgart: Kohlhammer, 1996], 27) and argues that this half-verse depends on the priestly text of Num 32:3-4aα; see also Schmidt, *Numeri 10,11–36,13*, who argues that 21:25 as a whole is secondary.

[38] Noth already observed this tension and argued that 21:24 is an addition derived from Deut 3:16; see Martin Noth, "Israelitische Stämme zwischen Moab und Ammon," *ZAW* 60 (1944): 11–57 (38); repr. in idem, *Archäologische, exegetische und topographische Untersuchungen zur Geschichte Israels* (ed. Hans-Walter Wolff; ABLAK I; Neukirchen-Vluyn: Neukirchener Verlag, 1971), 391–433 (415).

[39] Cf. Fritz, *Israel in der Wüste*, 33 and Manfried Wüst, *Untersuchungen zu den siedlungsgeographischen Texten des Alten Testaments, I: Ostjordanland* (BTAVO B9.1; Wiesbaden: Reichert, 1975), 10–11, who argues that 21:24b was derived from Josh 12:2.

[40] The ancient versions read "Jazer" (𝔊 Ιαζηρ, 𝔙 Iazzer) rather than עז. Fritz (*Israel in der Wüste*, 32 n. 31) suggests that the reference to Jazer in 21:24b reflected in 𝔊 likely serves to anticipate the reference to Jazer in 21:32.

[41] It is not clear whether the phrase עד בני עמון should be interpreted as an epexegetical clarification of עד יבק or whether it describes a border that is distinct from the Jabbok (i.e., the eastern border of Sihon's territory

alone without the reference to the Arnon and Yabbok and must therefore also be secondary.[42] Thus, it is possible to conclude that the most basic form of 21:24 would have consisted of ויכהו ישראל לפי חרב ויירש את ארצו at the most.[43]

(4) 21:31 is a doublet of 21:25b. Although some commentators have argued that 21:31 connects directly to the report in 21:24bα that Israel took possession of Sihon's land,[44] it is unclear whether the phrase ויירש את ארצו belongs to the most basic material in that verse or whether it belongs to the geographical insertion in the remainder of 21:24b. By extension, the notion that 21:25b is part of a later insertion between 21:24 and 21:31 rests on unstable ground.[45] Moreover, the compositional priority of 21:31 over 21:25b is far from clear. Indeed, the duplicate report in 21:31 seems to serve as a *Wiederaufnahme*, suggesting that the Heshbon materials in 21:26-31 were added secondarily to the narrative of the defeat of Sihon in 21:21-25*.[46]

(5) In 𝔐, Moses does not play a role in 21:21-31, while he is mentioned twice in 21:32-35. This observation is complicated somewhat by the fact that certain 𝔊 manuscripts attribute the sending of messengers to Moses rather than to Israel. Nevertheless, in light of the numerous references to Israel as an active subject in 21:21-25, 31, it hardly

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rather than the northern border). Archaeological evidence for the borders of the historical polity of Ammon seems to support the latter possibility; cf. Edward Lipiński, *On the Skirts of Canaan in the Iron Age: Historical and Topographical Researches* (OLA 153; Leuven: Peeters, 2006), 295–96. Contrary to Judg 11:13, which states that Ammonite territory extended as far west as the Jordan, Lipiński argues that there is no archaeological evidence for such a border during the Iron Age; rather, Judg 11:13 reflects the situation during the 6th c. B.C.E. or later. For further discussion of the relationship between Num 21:24b and Judg 11:13 see 5.6 below.

[42] Wüst (*Untersuchungen*, 11) argues that the interest in the eastern boundary of Sihon's territory is derived from the geographical information in Josh 12:2.

[43] For further discussion of this verse and its intertextual links see 5.6 below.

[44] Cf. Seebass, *Numeri 10,11–22,1*, 349–50 and Schmidt, *Numeri 10,11–36,13*, 112.

[45] For a different solution see 5.6 below.

[46] Cf. Fritz, *Israel in der Wüste*, 32–33.

seems necessary to emend 𝔐's reading ישראל in 21:21 with משה*.[47] This suggests that 21:32-35 do not belong to the same compositional level as 21:21-31. Moreover, 21:32 stands apart from both the preceding and the following material and has long been regarded as a secondary insertion.[48]

Macrocontextual analysis

Beyond the literary-critical evidence for the secondary addition of Num 21:26-31, there are other reasons for regarding the Song of Heshbon in 21:27-30 as a relatively late composition that is subordinate to its surrounding literary context[49] and not an early, independent piece of poetry.[50] Apart from the references to Heshbon in connection to Sihon,[51] other references to Heshbon in the Hebrew Bible occur in prophetic oracles (Isa 15:4; 16:8-9; Jer 48:2, 34; 49:3) and geographical lists (Num 32:3, 37; Josh 13:17, 26). In light of the dating of these texts, it is likely that the earliest references to Heshbon in the He-

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[47] In contrast, it is quite conceivable that the reading of "Moses" in 𝔊 is a later harmonization with 21:(32), 33-35, which, as will be discussed in 5.6, have been inserted here on the basis of Deut 3:1-7*.

[48] Cf. Noth, "Num 21," 163; idem, *Das vierte Buch Mose*, 142; Fritz, *Israel in der Wüste*, 33; and Seebass, *Numeri 10,11–22,1*, 362. The divergences between 21:32 and the materials that precede it are ignored by Levine (*Numbers 21–36*, 109). Seebass (*Numeri 10,11–22,1*, 362) notes that 21:32 prepares the ground for 32:1, where Reuben and Gad inherit the land of Jazer.

[49] For this perspective cf. Gressmann, *Mose und seine Zeit*, 304 n. 2; Fritz, *Israel in der Wüste*, 32–33; Hans-Christoph Schmitt, "Das Hesbonlied Num. 21,27aβ-30 und die Geschichte der Stadt Hesbon," *ZDPV* 104 (1988): 26–43 (40); Seebass, *Numeri 10,11–22,1*, 350, 358–60; and Schmidt, *Numeri 10,11–36,13*, 113–16.

[50] So Paul D. Hanson, "The Song of Heshbon and David's *Nīr*," *HTR* 61 (1968): 297–320 (299); John R. Bartlett, "The Historical Reference of Numbers XXI. 27-30," *PEQ* 101 (1969): 94–100 (94); Wüst, *Untersuchungen*, 10; Manfred Weippert, "The Israelite 'Conquest' and the Evidence from Transjordan," in *Symposia Celebrating the 75th Anniversary of the Founding of the American Schools of Oriental Research (1900–1975)* (ed. David Noel Freedman; Zion Research Foundation Occasional Publications 1-2; 1979), 15–34 (17); Robert G. Boling, *The Early Biblical Community in Transjordan* (SWBAS 6; Sheffield: Almond, 1988), 50–51; and Baruch Levine, *Numbers 21–36: A New Translation with Introduction and Commentary* (AB 4A; New York: Doubleday, 2000), 123–25. See also the discussion in Stefan Timm, *Moab zwischen den Mächten: Studien zu historischen Denkmälern und Texten* (ÄAT 17; Wiesbaden: Harrassowitz, 1989), 62 n. 1.

[51] Deut 1:4; 2:24, 26, 30; 3:3, 6; 4:46; 29:6; Josh 9:10; 12:2, 5; 13:10, 21, 27; Judg 11:19; Neh 9:22.

brew Bible do not antedate the late 8th century.[52] Moreover, the vocabulary of the poem stands in close relation to texts found in the book of Proverbs,[53] priestly literature,[54] Deuteronomistic polemics against foreign cults,[55] and exilic and post-exilic prophetic oracles.[56] While these linguistic affinities may not prove with certainty that the Song of Heshbon is post-priestly, they certainly suggest that it is a relatively late scribal product.

Archaeological excavations at Tell Ḥesban—which is widely identified with biblical Heshbon—have revealed no material culture from the Late Bronze Age and little from Iron I. In contrast, the city's major floruit occurred at the end of the Iron II period, between 700 and 500 B.C.E.[57] This archaeological evidence reinforces the aforementioned observation that the references to Heshbon in the Hebrew Bible are not earlier than the late 8th century.[58] It may also be significant that Tell Ḥesban was destroyed around 539 B.C.E. and was not rebuilt during the Persian period.[59] This fits well with the call to rebuild Heshbon in 21:27aβb, suggesting that this verse—and possibly the entire poem—was composed after 539 B.C.E.[60]

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[52] So Schmitt, "Hesbonlied," 34–38.

[53] E.g., the parallelism of בנה and כון in Prov 24:3 and Num 21:27; see Timm, *Moab*, 76.

[54] E.g., the use of the phrase יצא אש in Lev 9:24; 10:2; Num 16:35; Ezek 19:14; and Num 21:28; see ibid.

[55] Cf. the במות of Moab in Num 21:28 and the במות in the books of Samuel and Kings; see ibid., 78.

[56] Cf. the parallel use of אש and להב in Num 21:28 and the oracles against the nations in Isa 10:17; 47:14; Ezek 21:3; and Obad 18; see ibid., 77. Moreover, the term פליט is common in the narrative portions of the book of Jeremiah (Jer 42:17; 44:14 [2x], 28) as well as the curses on Babylon in Jer 50:28 and 51:50 and numerous times in the book of Ezekiel (Ezek 6:8, 9; 7:16; 24:26, 27; 33:21, 22). Although Van Seters ("The Conquest of Sihon's Kingdom," 192–95) had argued that the Song of Heshbon is dependent on the oracle against Moab in Jer 48:45-46, Schmitt ("Das Hesbonlied," 29–31) convincingly demonstrated that the oracle in Jeremiah is in fact dependent on both the Song of Heshbon and the fourth Balaam oracle. Van Seters' position has recently been followed by Craig W. Tyson, *The Ammonites: Elites, Empires, and Sociopolitical Change (1000–500 BCE)* (LHBOTS 585; London: Bloomsbury, 2014), 134.

[57] For the excavation report see Paul J. Ray, *Tell Hesban and Vicinity in the Iron Age* (Hesban 6; Berrien Springs: Andrews University Press, 2001), esp. 126–37; see also Tyson, *The Ammonites*, 133.

[58] Cf. Schmitt, "Hesbonlied," 39.

[59] Cf. Burton MacDonald, "Ammonite Territory and Sites," in *Ancient Ammon* (ed. Burton MacDonald and R. W. Younker; Leiden: Brill, 1999), 30–56 (37).

[60] Cf. Schmidt, *Numeri 10,11–36,13*, 113 and Perlitt, *Deuteronomium 1–6**, 205. In contrast, Schmitt ("Hesbonlied," 39) concludes from this that the composition of the Song of Heshbon during the Persian

In terms of its rhetoric, the Song serves to resolve a problem in 21:21-25, namely, the fact that some readers would have apparently regarded Heshbon as a Moabite city. 21:26 addresses this problem by insisting that Sihon, king of the Amorites, had taken all of the land of the king of Moab as far as the Arnon prior to the Israelites' defeat of Heshbon, thereby disavowing the Israelites of any involvement in taking *Moabite* land.[61] This rhetorical function of the Song supports the conclusion that it was composed specifically for its present literary context. Indeed, the multiple references to Sihon in the Song—which, with the possible exception of 21:29bβ, cannot be removed from the poem—do not make sense apart from the narrative of the Israelites' defeat of Sihon.[62] Likewise, the repeated use of specific geographical references is difficult to explain if one regards the poem as an independent victory song but can easily be explained if it is interpreted as a "prooftext" that the Israelites did not take any territory (directly) from Moab.

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period is in fact *unlikely*, since Heshbon was no longer an important city at that time. This is an insufficient argument against dating the Song to the Persian Period, however, since its authors could have known of Heshbon's (prior) importance from other biblical texts.

[61] Cf. J. Maxwell Miller, "The Israelite Journey through (around) Moab and Moabite Toponymy," *JBL* 108 (1989): 577–95 (578): "The Arnon was already established as Moab's northern boundary before the days of Moses, and Israel conquered the region north of this boundary fair and square from a non-Moabite, non-Ammonite king." Pietro Kaswalder (*La Disputa Diplomatica di Iefte [Gdc 11,12-18]: La Ricerca Archeologica in Giordania e il Problema della Conquista* [SFBA 29; Jerusalem: Franciscan Printing Press, 1990], 95–96) and Schmitt ("Hesbonlied," 40) also note this rhetorical aim but nevertheless hold to the view that the Song is older than the surrounding narrative of the defeat of Sihon (Kaswalder regards it as genuinely "Amorite"). Levine's argument (*Numbers 21–36*, 111) that "the original intent of the ballad's author was to celebrate an Israelite, not an Amorite, conquest of North Moab" is completely contrary to the rhetorical aim of the passage and overlooks the fact that the narrative of the Israelites' defeat of Sihon in 21:21-25 presupposes the Israelites' detour *around* Moab to the east (21:23; cf. 20:10b-11; Deut 2:9-16).

[62] Cf. Timm, *Moab*, 94.

Synthesis: The literary growth of Num 21:21-35

The literary growth of Num 21:21-35 can tentatively be reconstructed as follows:

I   The most basic narrative is likely found in 21:21-24a, 25b.

I +   This narrative received small-scale additions in 21:24b-25a.

II   The episode was expanded in 21:32-35, which narrates the conquest of Jazer and of Og of Bashan in a style distinct from that of 21:21-25*.

III   The Song of Heshbon was inserted between 21:21-25 and 21:32-35, as is suggested by the *Wiederaufnahme* of 21:25b in 21:31.

III   II   I

21:21 וישלח ישראל מלאכים אל סיחן מלך האמרי לאמר 22 אעברה בארצך לא נטה בשדה ובכרם לא נשתה מי באר בדרך המלך נלך עד אשר נעבר גבלך 23 ולא נתן סיחן את ישראל עבר בגבלו ויאסף סיחן את כל עמו ויצא לקראת ישראל המדברה ויבא יהצה וילחם בישראל 24 ויכהו ישראל לפי חרב [*ויירש את ארצו מארנן עד יבק עד בני עמון כי עז גבול בני עמון*] 25 [*ויקח ישראל את כל הערים האלה*] וישב ישראל בכל ערי האמרי בחשבון ובכל בנתיה

26 כי חשבון עיר סיחן מלך האמרי הוא והוא נלחם במלך מואב הראשון ויקח את כל ארצו
מידו עד ארנן 27 על כן יאמרו המשלים
באו חשבון תבנה ותכונן עיר סיחון
28 כי אש יצאה מחשבון להבה מקרית סיחן
אכלה ער מואב בעלי במות ארנן
29 אוי לך מואב אבדת עם כמוש
נתן בניו פליטם ובנתיו בשבית למלך אמרי סיחון
30 ונירם אבד חשבון עד דיבן
ונשים עד נפח אשר עד מידבא
31 וישב ישראל בארץ האמרי

32 וישלח משה לרגל את יעזר וילכדו בנתיה ויירש את האמרי אשר שם 33 ויפנו ויעלו דרך הבשן ויצא עוג מלך הבשן לקראתם הוא וכל עמו למלחמה אדרעי 34 ויאמר ה׳ אל משה אל תירא אתו כי בידך נתתי אתו ואת כל עמו ואת ארצו ועשית לו כאשר עשית לסיחן מלך האמרי אשר יושב בחשבון 35 ויכו אתו ואת בניו ואת כל עמו עד בלתי השאיר לו שריד ויירשו את ארצו

5.4. The Mosaic retrospective in Deut 1–3*

Both Israel's detour around Edom (Num 20:14-21) and the defeat of Sihon and Og (Num 21:21-35) are recapitulated, with variations, in the narrative framework to the book of Deuteronomy (Deut 2:1–3:11). Before a comparison of the two versions can be undertaken, the literary development of Deut 2:1–3:11 must be investigated in its own right.[63] Although the primary aim of this section is to evaluate the composition of Deut 2:1–3:11, such an analysis must also take into account Deut 1, since 2:1 continues a narrative thread that begins in the preceding chapter.

Literary-critical analysis

Deut 1:1-8. A useful starting point for the literary-critical analysis of Deut 1:1-8 is the duplicate introduction to Mosaic speech in 1:1a and 1:5. Notably, although the phrase אלה הדברים אשר דבר משה in 1:1 leads the reader to expect direct Mosaic speech, 1:2-4 continue in the third-person narrative voice, creating a tension in the narrative. This fact, combined with the duplicate phraseology in 1:1a and 1:5, suggests that 1:5 is a *Wiederaufnahme* of 1:1 that serves to accommodate an insertion in (at least) 1:2-4, which is supported by the unexpected third-person report in those verses.[64] Thus, it seems likely that 1:1a(b?) once connected directly to 1:6,[65] preceded by the לאמר at the end of 1:5. The geographical references in 1:1b cause the verse to be oversaturated and are likely later than 1:1a.[66]

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[63] This is a major shortcoming in Van Seters, *Life*, 384–86 and Baden, *J, E*, 137–41, 148.

[64] Cf. Perlitt, *Deuteronomium 1–6**, 4–5. Somewhat differently, Nelson (*Deuteronomy*, 16) divides 1:1-5 into a layer in 1:1a, 4-5 that "reveal[s] the interests of Deuteronomy and the Deuteronomistic History" and a (presumably later) layer in 1:1b-3 that "reflect[s] the horizon of the Pentateuch as a whole." Veijola (*Deuteronomium 1,1–16,17*, 9–15) regards 1:1b-2, 3, 4, and 5 as belonging, respectively, to progressively older redactional layers.

[65] Cf. Veijola, *Deuteronomium 1,1–16,17*, 8, 15.

[66] Cf. Nelson, *Deuteronomy*, 16; Veijola, *Deuteronomium 1,1–16,17*, 12–13; and Perlitt, *Deuteronomium 1–6**, 4–5.

Within 1:6-8, there are tensions that suggest that these verses do not belong to a single compositional level. While 1:7aα (פנו וסעו לכם ובאו הר האמרי ואל שכניו) is essential to the continuation of the narrative, 1:7aβb provides a long list of geographical details that advocate a particular view of the extent of the promised land that is not directly connected with any of the narrative material in Deut 1–3 and is likely a later addition.[67] Moreover, the command in 1:8b to "enter and possess the land that Yhwh has sworn to your ancestors" refers to Yhwh in the third person, thus standing in tension with the first-person divine speech to Moses in 1:6b-8a* and suggesting that 1:8b is a later addition.[68]

Deut 1:9-18. Moses' retrospective of the appointment of judges in Deut 1:9-18 interrupts the connection between Yhwh's command to the people to depart from the mountain toward the hill country of the Amorites in 1:6-7aα and the corresponding fulfillment report in 1:19a and is widely acknowledged to be a secondary insertion between those verses.[69]

Deut 1:19-46. In light of the literary-critical analysis of 2:1–3:11 (see below), the most basic material in 1:19 is likely limited to ונסע מחרב ונלך...דרך הר האמרי (1:19aα*). The use of 2mp verbal forms in the phrase אשר ראיתם in 1:19 as well as in 1:20 are associated with 2:2-6, 13aα, 24, which belong to a later compositional stratum.[70] Moreover, Moses' identification of Kadesh Barnea with the "hill country of the Amorites" (הר האמרי)

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[67] Cf. Veijola, *Deuteronomium 1,1–16,17*, 18–20, who regards 1:7b as an earlier addition and 1:7aβ as a later addition.

[68] ﻭ and certain 𝔊 manuscripts read נשבעתי rather than נשבע ה׳, although the latter is certainly the *lectio difficilior*, while the former can be interpreted as the smoothing-out of the (composite) text of 1:8. On 1:8b as a later addition cf. Veijola, *Deuteronomium 1,1–16,17*, 19.

[69] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 34; Weinfeld, *Deuteronomy 1–11*, 139; Kratz, *Komposition*, 133 (ET 128); Otto, *Das Deuteronomium im Pentateuch*, 131; Veijola, *Deuteronomium 1,1–16,17*, 21; and Perlitt, *Deuteronomium 1–6**, 57. Nelson (*Deuteronomy*, 19) also acknowledges that 1:9-18 interrupt the connection between 1:7 and 1:19 but is hesitant to state outright that these verses are a later insertion.

[70] In this respect I disagree with Kratz' assignment of 1:20 to the most basic literary level in Deut 1–3 ("Ort," 105).

in 1:20 flatly contradicts the use of the phrase הר האמרי later in Deut 2–3 (where it is

clearly associated with Transjordan) as well as the topography of Kadesh itself: historical

Kadesh, generally identified with the site Ain el-Qudeirat, was not in the "hill country" at

all but rather was located at a desert oasis.[71] This tension in the identification of הר האמרי

suggests that the most basic narrative thread in Deut 1–3 did not contain the story of the

spies but rather moved directly from 1:19a*(b?) to events in Transjordan. Perhaps in or-

der to accommodate the insertion of the spy episode, the author of 1:20 rather awkwardly

has Moses assert that the people are already in the "hill country of the Amorites" when

they arrive in Kadesh Barnea in the Negev.[72]

Deut 2:1-8a. Deuteronomy 2:1 cannot form the original continuation of 1:1a,

6-7aα, (8a), 19a*(b?) but rather presupposes the presence of the spy story in Deut

1:(19b?), 20-46, in which Yhwh commands the people to set out for the wilderness by

way of the Sea of Reeds (cf. Deut 1:40 // Num 14:25).[73] Since the spy story is likely sec-

ondary to the most basic material in Deut 1–3, then 2:1 must also be later than the most

basic narrative thread. Likewise, since 2:2-3 depend on the statement in 2:1 that the peo-

ple "circled" the hill country of Seir for many days, these verses also belong to the same

compositional level as 1:(19b?), 20-46 and 2:1.[74] It is striking that in 2:3 Yhwh gives

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[71] Cf. Angela Roskop, *The Wilderness Itineraries: Genre, Geography, and the Growth of the Torah* (History, Archaeology, and Culture of the Levant 3; Winona Lake, Ind.: Eisenbrauns, 2011), 252.

[72] Cf. Josef G. Plöger, *Literarkritische, formgeschichtliche und stilkritische Untersuchungen zum Deuteronomium* (BBB 26; Bonn: Peter Hanstein, 1967), 5–24, who identified a 1cp travel and battle report in 1:6-8, 19; 2:1, 8, 13b-14, 30a, 32-36; 3:1, 3-8, 12a, 29 as the most basic literary layer in Deut 1–3.

[73] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 64; Perlitt, *Deuteronomium 1–6**, 145; and Raik Heckl, *Moses Vermächtnis: Kohärenz, literarische Intention und Funktion von Dtn 1–3* (AzBG 9; Leipzig: Evangelische Verlagsanstalt, 2004), 217. Although Mittmann notes this connection between 2:1-3 and 1:40, he does not regard this connection as a reason to view 2:1-3 as later, since he assumes that a version of the spy story already belonged to the *Grundschicht* of Deut 1–3.

[74] In this respect I differ from most commentators, who assign 2:1-3 to the *Grundschicht* of Deut 1–3 (cf., e.g., Otto, *Das Deuteronomium im Pentateuch*, 132; idem, "Deuteronomiumsstudien I," 158; and Kratz, "Ort," 105–6). Kratz assigns the story of the spies to the *Grundschicht* of Deut 1–3 but considers this story

Moses essentially the same travel instructions as in 1:6-7aα, suggesting that 2:3 is a thematic *Wiederaufnahme* of 1:6-7aα that serves to incorporate the people's extended time in the wilderness[75]—a consequence of the incident of the spies—into the framework of Yhwh's command in 1:6-7aα, 19a* to go (presumably directly) from Mt. Horeb to the "hill country of the Amorites":

1:6 ה׳ אלהינו דבר אלינו בחרב לאמר <u>רב לכם</u> שבת <u>בהר הזה</u>
7 <u>פנו</u> וסעו <u>לכם</u> ובאו הר האמרי ואל כל שכניו...

2:1 ונפן ונסע המדברה דרך ים סוף כאשר דבר ה׳ אלי ונסב את הר שעיר ימים רבים
2 ויאמר ה׳ אלי לאמר 3 <u>רב לכם</u> סב את ההר הזה <u>פנו לכם</u> צפנה

While 2:3 takes up the language from 1:6-7a*, it assigns a new meaning to the phrase ההר הזה, namely, the "hill country of Seir" (2:1).

The divine speech to Moses in 2:4-6 is subordinate to 2:1-3[76] and therefore is also secondary to the most basic material in Deut 1–3. This speech cannot have originally connected to the divine speech in 1:6-7aα: the singular imperative צו in 2:4 clearly indicates that Yhwh is speaking to Moses, while in 1:6-7aα Yhwh addresses the people as a whole. 2:4-6 are also closely connected to 2:1 by the theme of Seir (שעיר in 2:4, הר שעיר in 2:5).

Deuteronomy 2:7 can easily be identified as a later addition to 2:1-6.[77] The verse cannot stand alone, as it is introduced by the conjunction כי, and its form of address differs from that found in 2:2-6: whereas 2:2-6 contain 1cs divine speech to a 2mp audience,

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to be (post)-priestly, which implies that the entire text of Deut 1–3, including the *Grundschicht*, is post-priestly. Yet if the review of the spy story in Deut 1:19b-46 does not belong to the *Grundschicht* of Deut 1–3, then the post-priestly provenance of Deut 1–3 *in its entirety* remains an open question.

[75] While some commentators regard the phrase ימים רבים as implying the death of a generation (e.g., Mittmann, *Deuteronomium 1,1–6,3*, 76 and Otto, *Das Deuteronomium im Pentateuch*, 132), Fleming (*Legacy*, 122 n. 19) argues that this cannot necessarily be deduced from the phrase (unlike in 2:7).

[76] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 64.

[77] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 66; Veijola, *Deuteronomium 1,1–16,17*, 51; and Perlitt, *Deuteronomium 1–6*, 146.

2:7 contains a 3ms reference to Yhwh addressed to a 2ms audience.[78] 2:7 also presuppos-
es the inclusion of 1:19b-46 within Deut 1–3*, since the 40 years in the wilderness is the
result of Yhwh's judgment of the people following the episode of the spies.

Thus, 2:1-7 as a whole presuppose the presence of the story of the spies in
1:19b-46 and cannot have connected directly to Deut 1:19a.[79] The literary-critical evalua-
tion of Deut 2:8a, however, is more complex. It is possible that an earlier form of 2:8a
narrated the people's passage *through* rather than *around* Edom, as is suggested by 𝕲 and
𝖛, which read ונעבר את אחינו* and *דרך הערבה* in contrast to 𝔐 ונעבר מַאת אחינו and מַדרך
הערבה.[80] This earlier form of 2:8a may have once connected directly to 1:19aα*. If this the
case, then the references to Elat and Ezion-Geber in 2:8aγ must be later additions, since
they presuppose the people's detour "by way of the Sea of Reeds" (i.e., the Gulf of Aqa-
ba) associated with the spy story (cf. Num 14:25; Deut 1:40; and 2:1).[81]

Deut 2:8b–3:11. Deut 2:8b–3:11 relates two distinct sets of events—the Israelites'
passage through Moabite and Ammonite territory (2:8b-23) and the conquest of Sihon
and Og (2:24–3:11)—which are dovetailed together in various ways in the received form
of the text. The best approach to reconstructing the literary growth of this unit is to begin

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[78] Notably, this addressee is not Moses, as is the case in other parts of Deut 2–3 (2:9, 18, 24, 31, 37; 3:2),
but rather is closer to the 2ms addressee found in the theological exhortations beginning around 4:29 and in
the legal materials in Deut 12–26 (cf. Perlitt, *Deuteronomium 1–6**, 146, 160 and Heckl, *Moses
Vermächtnis*, 454). This is overlooked by Otto, thus weakening his conclusion that 2:6-8aα as a whole
belong to the *Grundschicht* of Deut 1–3.

[79] Cf. Heckl, *Moses Vermächtnis*, 245, who notes that the themes of obedience and disobedience form a link
between 1:42 and 2:4-6, (7), 9.

[80] The view that 𝕲 and 𝖛 preserve a more original reading has been argued by a number of commentators,
who point out that מאת in 𝔐 can be interpreted as a harmonization with Num 20:21; cf. Mittmann,
Deuteronomium 1,1–6,3, 65–66 (citing earlier literature); Blum, *Studien*, 120 n. 77; Oswald, "Revision,"
232 n. 17; Achenbach, *Vollendung*, 338; and Perlitt, *Deuteronomium 1–6**, 140–41.

[81] These texts identify ים סוף with the Gulf of Aqaba rather than with a body of water lying between the Nile
Delta and the Negev (so Exod 13:18; 15:4, 22). As other biblical references to Elat (2 Kgs 14:22 and 16:6)
and Ezion-Geber (Num 33:35-36; 1 Kgs 9:26; 22:29; 2 Chr 8:17; 20:36) indicate, these two sites (which
may be identical or very close to each other) are also associated with the Gulf of Aqaba.

by working backwards, first identifying texts that clearly interrupt their contexts and then analyzing the material that remains.

Additions within 2:8b–3:11. A number of commentators agree in regarding a series of "antiquarian notices"—or, perhaps better: "giants texts"—within 2:8b–3:11 as later additions to this unit.[82] The first of these is found in 2:10-12, which describe the Rephaim, who lived in the land that later became Moabite territory (2:10-11), and the Horim, whom the sons of Esau (i.e., Edom) wiped out (שמד c) and settled in their place (2:12). A similar insertion is found in 2:20-23, which state that the land of the Ammonites was also previously part of the land of the Rephaim (2:20).[83] 2:23 applies a similar pattern to the Avvim, whom the Caphtorim wiped out (שמד c) and settled in their place.[84] It is possible that 2:12 and 22-23, which describe the dispossession of the Horites in Seir at the hands of the "sons of Esau," are later than the other "giants" texts:[85] unlike the Emim/Zamzumim/Rephaim, the Horites are never described as giants. Moreover, these verses suddenly change the subject from the "sons of Lot" to the "sons of Esau" and seem to presuppose the materials in 2:4-6 describing the Israelites' passage through Seir, the territory of the "sons of Esau."[86]

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[82] Cf. Steuernagel, *Deuteronomium*, 57; Plöger, *Untersuchungen*, 54–55; Mittmann, *Deuteronomium 1,1–6,3*, 67–68, 70–71; Lothar Perlitt, "Riesen im Alten Testament: Ein literarisches Motiv im Wirkungsfeld des Deuteronomismus," *NAWG.PH* (1990): 1–52, repr. in *Deuteronomium-Studien* (FAT 8; Tübingen: Mohr Siebeck, 1994), 205–46 (219–21, 232–36); Veijola, *Deuteronomium 1,1–16,17*, 52–54; Heckl, *Moses Vermächtnis*, 239–40, 252, 262–64; Nelson, *Deuteronomy*, 39–40; Otto, "Deuteronomiumsstudien I," 171, 175–81; and Perlitt, *Deuteronomium 1–6**, 145–46, 178.

[83] Notably, this passage credits *Yhwh* with wiping out (שמד c) the Rephaim on behalf of the Ammonites (2:21), just as he did for the sons of Esau (2:22; contrast with 2:12).

[84] Mittmann (*Deuteronomium 1,1–6,3*, 70) and Perlitt (*Deuteronomium 1–6**, 187) consider 2:23 to be secondary to 2:20-22, while Otto ("Deuteronomiumsstudien I," 179) argues that 2:20-23 are a unity.

[85] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 67, who notes that 2:10-12 "ist keineswegs aus einem Guß" and that 2:12 stands in thematic tension with 2:10-11 and 2:20. Veijola (*Deuteronomium 1,1–16,17*, 53) also considers it possible—but not certain—that 2:12 is later than 2:10-11.

[86] These "giants" texts form a close link with Gen 14:5-6, although the direction of dependence is disputed. While Perlitt (*Deuteronomium 1–6**, 176) assumes that the reference to the Horim, Emim, and Rephaim in Gen 14:5-6 is dependent on Deut 2:10-12, 20, Heckl (*Moses Vermächtnis*, 451–52 n. 42) argues

The purpose of these insertions seems to be to demonstrate that Israel's neigh-bors—Edom, Moab, Ammon, and the Philistines—all occupied their land in the same way that the Israelites occupied their divinely-given land on both sides of the Jordan, namely, by wiping out (שמד c) giants who lived in the land beforehand.[87] The insertion of these glosses immediately following Yhwh's instructions to Moses not to engage the Moabites (2:9) or the Ammonites (2:19) in battle suggests that their rhetorical function is to explain how these peoples came to have their own divinely ordained territorial posses-sion (ירשה).

These considerations also help to explain the enigmatic reference to Og's iron "bed" (or perhaps "coffin")[88] in Deut 3:11, which bears several connections to 2:10-12 and 20-23[89] and, like those texts, can easily be removed without disturbing the coherence of the preceding narrative.[90] The statement that Og was the only one who remained of the Rephaim (cf. Josh 12:4; 13:12) indicates that the Israelites' conquest of Og's kingdom was the final stage in wiping out the giants who, according to all of these texts, previous-

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(convincingly, in my view) that the direction of dependence is the other way around.

[87] So also Nelson, *Deuteronomy*, 36; Otto, "Deuteronomiumsstudien I," 179; and Brian Doak, *The Last of the Rephaim: Conquest and Cataclysm in the Heroic Ages of Ancient Israel* (Ilex Foundation Series 7; Boston: Ilex Foundation, 2012), 81–95. Sumner ("Israel's Encounters," 220) also notes this rhetorical function of these passages but argues that they belong to the same literary level as the divine instructions not to attack Edom, Moab, and Ammon. See also Norbert Lohfink, "Geschichtstypologisch orientierte Textstrukturen in den Büchern Deuteronomium und Josua," in *Deuteronomy and Deuteronomic Literature: FS C. H. W. Brekelmans* (ed. Marc Vervenne and Johannes Lust; BETL 133; Leuven: Peeters, 1997), 133–60 (154); idem, "Geschichtstypologie in Deuteronomium 1–3," in *"Lasset uns Brücken bauen…" Collected Communications to the XVth Congress of the International Organization for the Study of the Old Testament – Cambridge 1995* (ed. Klaus-Dietrich Schunck and Matthias Augustin; BEATAJ 42; Frankfurt a.M.: Peter Lang, 1998), 87–92 (88) (who, like Sumner, denies that the "giants" texts are later additions); and Heckl, *Moses Vermächtnis*, 452.

[88] For a discussion of the meaning of the term ערש here cf. Doak, *Rephaim*, 91–93 (with further literature).

[89] Cf. Steuernagel, *Deuteronomium*, 61; Mayes, *Deuteronomy*, 144; Veijola, *Deuteronomium 1,1–16,17*, 78; Otto, "Deuteronomiumsstudien I," 195; and Perlitt, *Deuteronomium 1–6**, 199.

[90] Cf. Nelson, *Deuteronomy*, 52 and Doak, *Rephaim*, 90.

ly inhabited the entire southern Levant. The mythic dimensions of Og's coffin—nine cubits long by four cubits wide—serve to strengthen the portrayal of Og as a giant.

Another addition that is perhaps related to 2:10-12, 20-23 and 3:11 is found in 3:9,[91] which provides an erudite detail about the alternate names of Mount Hermon.[92] This verse is hardly necessary to the flow of the narrative, and it bears a certain affinity to the additions in 2:10-12 and 20-23, which also provide alternate proper names used by different peoples (2:11, 19). Thus, it is possible that 3:9 belongs to the same compositional level as 2:10-12, 20-23 and 3:11.

Several other isolated additions can also be identified within 2:8b–3:11. (1) In 2:14-16, Moses specifies that 38 years have passed between the people's departure from Kadesh Barnea and their crossing of the Wadi Zered.[93] During that time, the entire generation of the men of war was eliminated from the camp, just as Yhwh had sworn to them. This passage clearly presupposes the story of the spies[94] and thus cannot be earlier than the insertion of 1:19b-46 into Deut 1–3*. (2) 2:30b provides a motive for Sihon refusing to allow the people to pass through his land: "Yhwh your (ms) God hardened his spirit and made his heart strong in order to give him over into your (ms) hand…." Like 2:7, 2:30b refers to Yhwh in the third person and has a non-Mosaic 2ms addressee. In this respect, this verse differs from the other 2ms forms of address in Deut 2–3 (2:9, 18, 24, 31,

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[91] This verse has long been identified as a gloss; cf. Willy Staerk, *Das Deuteronomium, sein Inhalt und seine literarische Form: Eine kritische Studie* (Leipzig: Hinrichs, 1894), 60; Steuernagel, *Deuteronomium*, 61–62; Gustav Hölscher, "Komposition und Ursprung des Deuteronomiums," *ZAW* 40 (1922): 161–255 (164); Plöger, *Untersuchungen*, 58; Mittmann, *Deuteronomium 1,1–6,3*, 84; Nelson, *Deuteronomy*, 52; and Perlitt, *Deuteronomium 1–6**, 199.

[92] Otto ("Deuteronomiumsstudien I," 195) notes that the name "Sidonians" fits well with the context of the Persian period, when the Phoenicians referred to themselves as Sidonians based on the fact that Sidon was the leading Phoenician city during this period.

[93] For a discussion of why 2:14 reads 38 instead of 40 years see Mittmann, *Deuteronomium 1,1–6,3*, 78.

[94] Cf. Perlitt, *Deuteronomium 1–6**, 145 and Heckl, *Moses Vermächtnis*, 245.

37; 3:2) and is best explained as an *ad hoc* gloss correlating the conquest of Sihon's kingdom with the exodus.[95] (3) 3:4b-5 provides further details about the cities that the people captured from Og: 60 fortified cities, which encompassed the entire region (חבל) of the Argob.[96] This description differs from the analogous description of the destruction of Sihon's cities in 2:36(a)b, in which Moses addresses the people using 1cp forms and which does not provide a specific number of cities that were conquered.

When these additions are removed from 2:8b–3:11, the following text remains:

2:8b	1cp retrospective: departure towards the "desert of Moab"
2:9	*Divine speech to Moses: do not engage Moab in battle*
2:13a	*2mp imperative: cross the Wadi Zered*
2:13b	1cp retrospective: crossing of the Wadi Zered
2:17-19	*Divine speech to Moses: do not engage Ammon in battle*
2:24aα	*2mp imperative: cross the Wadi Arnon*
2:24aβ-25	*Divine speech to Moses: engage Sihon in battle*
2:26-30a*	1cs/p retrospective: Moses requests passage from Sihon; Sihon refuses
2:31	*Divine speech to Moses: begin to take possession of Sihon's land*
2:32-34aα	1cp retrospective: Yhwh delivers Sihon to Israel
2:34aβ-35	1cp retrospective: the Israelites subject Sihon's cities to חרם
2:36	1cp retrospective: the territorial extent of Sihon's cities
2:37	2ms retrospective: non-aggression towards Ammonite territory
3:1	1cp retrospective: journey towards Bashan; Og attacks Israel
3:2	*Divine speech to Moses: assurance of victory over Og*
3:3a	1cp retrospective: Yhwh delivers Og to Israel
3:4a	1cp retrospective: the Israelites capture all of Og's cities
3:3b, 6-7	1cp retrospective: the Israelites subject Og's cities to חרם
3:8, 10	1cp retrospective: summary of territory taken from the two Amorite kings

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[95] Such a correlation was likely triggered by the statement in 2:30a that Sihon was not willing to let the people pass through his land, which has clear similarities to Pharaoh's refusal to let the people leave Egypt in the priestly version of the plague cycle (cf. Exod 7:3); on this cf. Veijola, *Deuteronomium 1,1–16,17*, 64 and Otto, "Deuteronomiumsstudien I," 181–82. As Mittmann (*Deuteronomium 1,1–6,3*, 80) and Veijola (*Deuteronomium 1,1–16,17*, 64) have observed, 2:30b also serves to harmonize the contradictory points of view in 2:24aβb (the divine command to engage Sihon in battle) and in 2:26-30a (Moses' peaceful request to pass through Sihon's land).

[96] On 3:4b-5 as a later addition cf. Mittmann, *Deuteronomium 1,1–6,3*, 82 and Veijola, *Deuteronomium 1,1–16,17*, 64.

In terms of plot, these materials can be divided into two major units: the people's passage through Moabite and Ammonite territory (2:8b-9, 13, 17-19) and the defeat of Sihon and Og (2:24–3:10). In terms of narrative style and terminology, however, the most significant break between the two units lies not between 2:19 and 2:24 but rather between 2:25 and 2:26. Whereas 2:26–3:10* is dominated by Moses' recapitulation of events using 1cs and 1cp verbs, 2:8b-25* contains a mixture of 1cp narration (2:8b, 13b), reports of divine speech to Moses (2:9, 17-19, 24aβb-25), and 2mp commands (2:13a, 24aα).

The passage through Moab and Ammon (2:8b-19)*. The divine speeches to Moses in 2:9, 17-19 are dependent on the encounter with Edom in 2:4-6. Formal differences between the two units suggest that 2:9, 17-19 are most likely later than, not contemporaneous with, 2:4-6.[97] Since the divine command to cross the Wadi Zered in 2:13a presupposes the divine speech to Moses in 2:9, this half-verse must also belong with 2:9, 17-19. This leaves 2:8b, 13b as the most basic material in 2:8b-19*. Just as 2:8a* seems to have originally described the people's crossing through Seir, 2:8b, 13b seem to describe the people's journey through (rather than around) the wilderness of Moab.[98] Thus, 2:8a*, 8b, 13b emerge as the most basic material in 2:1-23 and the original continuation of 1:19aα* prior to the insertion of the spy story in 1:19b-46.

The conquest of Sihon and Og (2:24–3:10)*. The narrative of the conquest of Sihon and Og in 2:24–3:10 has a complex literary history, although the evidence is ambiguous and has therefore led to a wide variety of reconstructions of the unit's development. The most significant problem is the tension between Yhwh's command to engage Sihon

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[97] Cf. Plöger, *Untersuchungen*, 55; Mittmann, *Deuteronomium 1,1–6,3*, 70, 77; Perlitt, *Deuteronomium 1–6*, 144, 147; and Otto, *Das Deuteronomium im Pentateuch*, 133; idem, "Deuteronomiumsstudien I," 171.

[98] So also Miller, "Israelite Journey," 582, who interprets the phrase מדבר מואב as "a general designation for the region east of the Dead Sea rather than as a specific reference to the desert east of Moab."

in battle in 2:24 (which has close connections to 2:31) and Moses' peaceful request to pass through Sihon's land in 2:26-31*.[99] This glaring contradiction has long led commentators to propose that 2:24-25 and 2:26-31* belong to different compositional levels, although the priority of one text over the other remains a matter of dispute.

Deuteronomy 2:24-25 fit quite well within the context of 2:4-23, forming a dyptich with Yhwh's command not to engage the Edomites, Moabites or Ammonites in war.[100] The verb גרה Dt + ב "to fight" is common to 2:9, 19, and 24, all of which take the form of a divine speech to Moses:

2:9	...אל תצר את מואב ואל תתגר בם מלחמה כי לא אתן לך מארצו ירשה כי לבני לוט נתתי את ער ירשה
2:19	וקרבת מול בני עמון אל תצרם ואל תתגר בם כי לא אתן מארץ בני עמון לך ירשה כי לבני לוט נתתיה ירשה
2:24aβb	ראה נתתי בידך את סיחן מלך חשבון האמרי ואת ארצו החל רש והתגר בו מלחמה

A similar divine speech is found in 2:31:

2:31	ויאמר ה׳ אלי ראה החלתי תת לפניך את סיחן ואת ארצו החל רש לרשת את ארצו

In light of the close connection between 2:24aβb and the preceding verses, it seems most likely that the divine command to Moses to begin taking possession of Sihon's land has its original setting there and was later duplicated, with slight changes, in 2:31.[101] This

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[99] In the words of Shimon Gesundheit, "God's command in v. 24…seems to be completely ignored by Moses. More than this: Moses does exactly the opposite!" See Shimon Gesundheit, "Die Midrasch-Exegese im Dienst der Literarkritik. Zum Beispiel: Krieg und Frieden in Dtn 2,24-32," in *Congress Volume: Munich 2013* (ed. Christl Maier; VTSup 163; Leiden: Brill, 2014), 111–24 (112): trans.: "Midrash-Exegesis in the Service of Literary Criticism," in *The Reception of Biblical War Legislation in Narrative Contexts* (ed. Christoph Berner and Harald Samuel; BZAW 460; Berlin: de Gruyter, 2015), 73–86 (74); cf. Mittmann, *Deuteronomium 1,1–6,3*, 79. Weinfeld (*Deuteronomy 1–11*, 171) and Heckl (*Moses Vermächtnis*, 270) downplay this tension, although Gesundheit ("Midrasch-Exegese," 113 [ET 75]) rightly critiques their explanations as "harmonizing exegesis."

[100] Cf. Heckl, *Moses Vermächtnis*, 288.

[101] Cf. Nelson, *Deuteronomy*, 47; Otto, "Deuteronomiumsstudien I," 183 and Gesundheit, "Midrasch-Exegese," 116 (ET 77). The opposite view—that 2:24 is a secondary anticipation of 2:31—is taken by Steuernagel, *Deuteronomium*, 58; Mittmann, *Deuteronomium 1,1–6,3*, 80; Veijola, *Deuteronomium 1,1–*

conclusion helps to explain the awkward phrase החל רש לרשת in 2:31.[102] Moreover, 2:24aβb fits its broader context better than 2:31 does: in 2:31, Yhwh's command to "begin to take possession" stands in tension with the course of events that immediately follow, in which it is *Sihon* who initiates the battle against Israel (2:32) and not vice versa.

Contrary to most commentators, who regard 2:24-25 as secondary to 2:26-31*, Gesundheit has recently argued that 2:26-31 constitute a secondary insertion that interrupts an earlier connection between 2:24-25 and 2:32-37*.[103] He observes that 2:28 is a direct adaptation of 2:6, changing the request that the Edomites *sell* the Israelites water in 2:6 to a request that Sihon *give* the Israelites water in 2:28.[104] Although Gesundheit's explanation of the direction of dependence between 2:6 and 2:28 is convincing, this does not necessarily mean that 2:26-31 as a whole is later than 2:24-25. Indeed, 2:28-29a interrupt Moses' request to pass through the land, separating Moses' initial request in 2:27 from his statement of the purpose of the request in 2:29b and can be explained as a later insertion into Moses' speech to Sihon.[105] Likewise, it is possible that the phrase דברי שלום in 2:26b (which Gesundheit regards as essential to the inner-biblical "Midrash" in 2:26-31) is also a secondary addition, as it causes the verb ואשלח to take the rather unusual double accusative מלאכים...דברי שלום. Finally, while 2:30a has a 1cp implied audience, 2:30b has a 2ms implied audience, suggesting that these two half-verses do not

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16,17, 65–66; Udo Rüterswörden, *Das Buch Deuteronomium* (NSKAT 4; Stuttgart: Katholisches Bibelwerk, 2006), 37; and Perlitt, *Deuteronomium 1–6**, 199, 202.

[102] Cf. Gesundheit, "Midrasch-Exegese," 116 (ET 77).

[103] Similarly, Nelson notes that the offer of peace in 2:26-30 "stands in some tension with the predominant plot line" in 2:24-25, 31-36 (*Deuteronomy*, 46).

[104] Gesundheit, "Midrasch-Exegese," 115–16 (ET 77–78). Although Gesundheit does not discuss 2:29a, this verse also takes into account the Israelites' passage through Edomite and Moabite territory in 2:4-8a, 9. Heckl (*Moses Vermächtnis*, 266–67, 290) notes that 2:29a is closely connected to 2:4-6, 9, 19 but disregards the fact that 2:29a disturbs the connection between 2:27-28 and 2:29b.

[105] Cf. Steuernagel, *Deuteronomium*, 59; Hölscher, "Komposition und Ursprung des Deuteronomiums," 164; Mittmann, *Deuteronomium 1,1–6,3*, 80; and Mayes, *Deuteronomy*, 141.

belong to the same compositional level. Thus, if 2:26-31 *as a whole* is a later insertion into a literary context that includes 2:24-25, it is surprising that this unit is not more unified.[106]

In addition to the evidence within 2:26-30* that challenges the assumption that this unit in its entirety is later than 2:24-25, there is evidence outside of this unit that may point to its literary priority over 2:24-25: (1) The extent of the land that the people took from Sihon as described in 2:36 stands in tension with Yhwh's instructions in 2:19 not to fight against the Ammonites, since 2:36 implies that the Israelites took possession of *all* of the land to the north of the Arnon, including Ammonite territory. In order to clarify that this was not the case, a later scribe inserted 2:37 in order to delineate the Ammonite territory that did not fall within the land that the Israelites took from Sihon.[107] In contrast, for 2:32-36, the fact that Sihon's territory encompassed the historical borders of Ammon is not seen as a problem. This suggests that 2:32-36 were written prior to the texts describing the Israelites' passage through Edom, Moab, and Ammon in 2:1-23* and therefore also prior to 2:24-25, which presuppose 2:1-23*. If this is correct, then 2:24-25 cannot have formed the earliest exposition of the Sihon episode in Deut 2. (2) While the verbal root ירש appears frequently in 2:9-25, 31, it is not used at all in 2:26-30, 32-36, which instead speak of Israel defeating (נכה) Sihon and Og and capturing (לכד) their cities. (3) Although in 2:24 Yhwh commands Moses to engage Sihon in battle, in the actual battle report in 2:32-33 the opposite in fact occurs: Sihon comes out to engage the *Israelites* in

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[106] This question will be taken up again in 5.6.

[107] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 81, who argues that 2:37a has the same origin as 2:19 and that 2:37b is an even later addition.

battle. In other words, according to 2:32-33, the Israelites did not have the luxury of initi-ating the battle as 2:24 suggests.

In light of the above conclusion that the divine speeches to Moses 2:31 and 2:37 are both secondary to Moses' retrospective in 2:26-30, 32-36*, it seems likely that the divine speech to Moses in 3:2 is also secondary to the most basic narrative of the conquest of Og.[108] The speech does not drive the narrative forward but rather serves to make the parallelism between the conquest of Sihon and the conquest of Og more explicit.[109]

Finally, the end of the Sihon and Og narrative requires consideration. 3:8a serves as a concluding summary of the conquest of Sihon and Og, suggesting that the geographi-cal notices in 3:8b, 10 are secondary.[110] In contrast, the report of the defeat of Og cannot be removed from the most basic narrative thread on internal literary-critical grounds,[111] even though it is apparent that the defeat of Og was modeled on that of Sihon: 3:1b draws directly from 2:32 and only replaces the name of the king and the location of the battle.[112]

If 2:24-25, 28-29a, 30b, 31, 37; and 3:2, 8b-10 are bracketed out as likely later ad-ditions to Moses' retrospective of the conquest of Sihon and Og, then a stylistically con-sistent narrative characterized by a 1cs narrator (Moses) and a 1cp protagonist (Moses and the people) emerges from the remaining text. Even within these materials, however, it is perhaps possible to identify an early layer of reworking that portrayed the conquest of

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[108] Cf. Hölscher, "Komposition und Ursprung des Deuteronomiums," 164; Plöger, *Untersuchungen*, 58; Mittmann, *Deuteronomium 1,1–6,3*, 81; and Veijola, *Deuteronomium 1,1–16,17*, 70–71.

[109] Cf. Perlitt, *Deuteronomium 1–6**, 198.

[110] Cf. ibid., 236. In contrast, Mittmann (*Deuteronomium 1,1–6,3*, 83) considers it possible that 3:10a could have once connected directly to 3:8.

[111] Cf. Mayes, *Deuteronomy*, 143 and Kratz, "Ort," 105–6; against Plöger, *Untersuchungen*, 17 and Mittmann, *Deuteronomium 1,1–6,3*, 82, 90. Mittmann argues that the Og pericope differs from the preceding material insofar as there is no divine command to set out prior to 3:1 as there is in 2:24, yet this argument is complicated by the fact that the divine command to set out in 2:24 is likely a later addition.

[112] Cf. Otto, *Das Deuteronomium im Pentateuch*, 134–35; idem, "Deuteronomiumsstudien I," 191; and Perlitt, *Deuteronomium 1–6**, 230.

Sihon and Og in terms of the חרם-ideology in Deuteronomy and Joshua. The concept of

חרם is expressed in three places within the first-person narrative materials in 2:26–3:8*,

once in relation to the defeat of Sihon and twice in relation to the defeat of Og:

2:34aβb ונחרם את כל עיר מתם והנשים והטף לא השארנו שריד

2:35 רק הבהמה בזזנו לנו ושלל הערים אשר לכדנו

3:3b ונכהו עד בלתי השאיר לו שריד

3:6 ונחרם אותם כאשר עשינו לסיחן מלך חשבון החרם כל עיר מתם הנשים והטף

3:7 וכל הבהמה ושלל הערים בזונו לנו

If these passages are bracketed out, then a coherent narrative still remains, suggesting that

they may be additions to an earlier narrative that was not originally concerned with

portraying the conquest of Transjordan in terms of the חרם-ideology.[113]

Admittedly, the literary-critical evidence for assigning 2:34aβ-35; 3:3b, 6-7 to a

later level of composition is relatively limited. There are no clear indications of insertions

(such as the use of *Wiederaufnahmen*) or tensions in narrative voice. Nevertheless, it

should be noted that in Moses' review of the conquest of Sihon, the transition from the

חרם-references in 2:34aβ-35 to the geographical references in 2:36 is not very smooth: the

listing of conquered areas in 2:36 connects much better to 2:34aα, providing further

details regarding the extent of Sihon's territory.[114] In the review of the conquest of Og, the

חרם-references in 3:6-7 display explicit dependence on those in 2:34aβ-35 and cannot be

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[113] Differently Mittmann, *Deuteronomium 1,1–6,3*, 86, who considers the חרם-references to be integral to the *Grundbestand* of the Sihon episode, which he identifies in 2:30a, 32-35.

[114] It is also possible that the geographical references in 2:36aα are secondary and that 2:34aα once connected directly to 2:36aβb. Cf. Mittmann, *Deuteronomium 1,1–6,3*, 81, who raises the possibility that 2:36 in its entirety is secondary to 2:32-35. See also Heckl, *Moses Vermächtnis*, 287–88, who observes the tension between the depiction of the Jordan as the border of the promised land in 2:29b and the depiction of a large part of Transjordan as promised land in 2:36.

earlier than them. Thus, I tentatively propose that the חרם-references in 2:34aβ-35; 3:3b, 6-7 belong to a separate literary layer that post-dates the most basic version of the Sihon and Og narratives in Deut 2–3,[115] which can be identified in 2:26–3:10: 2:26*, 27, 29b-30a, 32-34aα, 36; 3:1, 3a, 4a, 8a.

Interim result. According to the foregoing analysis, the most basic narrative thread in Deut 1–3 is to be found in 1:1a, 6-7aα, 19aα*, (19b?); 2:(8a*?), 8b, (13b?), 26*, 27, 29b-30a, 32-34aα, 36; 3:1, 3a, 4a, 8a, 29.[116] This narrative recounts the people's journey from Horeb directly to the hill country of the Amorites in Transjordan, where the people are confronted by Sihon and Og, defeat them, and capture their cities.

Macrocontextual analysis

Now that a literary-critical analysis of Deut 1:1-19; 2:1–3:11 has been conducted, it is possible to evaluate the extent of potentially pre-priestly material in Deut 1–3 by situating the various compositional layers in these chapters within the broader composition of the Hexateuch. Such comparison reveals that a large amount of material in these chapters presupposes (post-)priestly materials elsewhere in the Hexateuch:

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[115] This proposal can only be evaluated further in light of a comprehensive study of the other חרם-texts in Deuteronomy and Joshua, which, however, goes beyond the scope of the present study.

[116] Interestingly, Plöger (*Untersuchungen*, 5–25) arrived at a very similar narrative core to Deut 1–3, albeit by very different means. Plöger isolated all of the first-person plural texts in these chapters, resulting in what he concluded was a "zusammenhängenden Weg- und Kampfbericht" (ibid., 13).

- *1:2-4*, which cannot be separated from each other, presuppose the priestly dating of the wilderness journey.[117]

- *1:7aβb* shares a concept of the extent of the promised land with other late texts (Gen 15:18; Exod 23:31; Deut 11:24; Josh 1:3-4; 1 Kgs 5:1), some of which can be shown to belong to post-priestly stages of composition.[118]

- *1:9-18* recapitulate the appointment of judges/elders narrated in the post-priestly text of Num 11:4-35 (cf. Exod 18:13-26).[119]

- *1:20-46* presuppose the spy story in Num 13–14, which has a priestly base narrative (see Chapter 4).

- *2:1-3* presuppose the detour to ים סוף and the prolonged wilderness period, both of which resulted from the sin of the people in the episode of the spies.

- *2:4-6* cannot be earlier than 2:1-3 or the story of the spies in 1:20-46.[120]

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[117] Cf. Perlitt, *Deuteronomium 1–6**, 15 and Heckl, *Moses Vermächtnis*, 453; against Noth, *Überlieferungsgeschichtliche Studien*, 29, who assigns these verses to DtrH.

[118] The post-priestly nature of Exod 23:31 and Deut 11:24 is suggested by the fact that both of these verses presuppose the notion that Yhwh will drive out other nations from before the Israelites. I have argued elsewhere that this concept only occurs at a post-priestly stage of composition: Stephen Germany, "The Compositional Horizon of the Verb 'yarash' (Qal and Hiphil) in Deuteronomy and Joshua: A Re-evaluation" (paper presented at the annual meeting of the Society of Biblical Literature, Atlanta, Ga., 24 November 2015). On the dependence of Josh 1:3-4 on Deut 11:24 cf. Joachim Krause, *Exodus und Eisodus: Komposition und Theologie von Josua 1–5* (VTSup 161; Leiden: Brill, 2014), 74–81.

[119] On the post-priestly provenance of the narrative of the appointment of elders in Num 11:4-35 cf. Gunneweg, "Das Gesetz und die Propheten," 171; Schmitt, "Suche," 276; Kratz, *Komposition*, 109 (ET 107); and Römer, "Israel's Sojourn," 433. On the post-priestly provenance of the appointment of judges in Exod 18:13-27 cf. Blum, *Studien*, 155; idem, "Verbindung," 137; Kratz, *Komposition*, 246 (ET 244); Otto, *Das Deuteronomium im Pentateuch*, 131; William Johnstone, "Recounting the Tetrateuch," in *Covenant as Context: Essays in Honour of E. W. Nicholson* (ed. A. D. H. Mayes and Robert B. Salters; New York: Oxford University Press, 2003), 209–34 (212); Volker Haarmann, *JHWH-Verehrer der Völker: Die Hinwendung von Nichtisraeliten zum Gott Israels in alttestamentlichen Überlieferungen* (ATANT 91; Zurich: Theologischer Verlag, 2008), 86–88; Berner, *Exoduserzählung*, 426; and Rainer Albertz, *Exodus: Band I: Ex 1–18* (ZBK; Zurich: Theologischer Verlag, 2012), 299–301.

[120] Moreover, Moses' warning the people to be on their guard (שמר N) in their interaction with the "sons of Esau" and the use of the verb ירא in 2:4 are allusive of narratives in the Jacob cycle (Gen 27:41-45; 32:7-9; 33:1-5; 36:8-9), suggesting that 2:4-6 presuppose a literary connection between the books of Genesis and Exodus. Cf. Otto, "Deuteronomiumsstudien I," 160–61, who, however, regards 2:4b and 2:5aβb as later additions. In my view, there are no literary-critical grounds for dividing 2:5 into separate compositional layers, although it is possible that 2:4b is a later addition.

- *2:7* presupposes Yhwh's judgment of the people in the episode of the spies through its reference to the 40 years in the wilderness.[121]

- *2:9* presupposes the concept of divine territorial allotment found in Josh 13–19,[122] which have long been acknowledged to have a priestly stamp.[123] The thematic connection of 2:9 to 2:4-6 further confirms its post-priestly compositional place.

- *2:10-12* and *2:13a* presuppose 2:9.

- *2:14-16* presuppose the story of the spies.[124]

- *2:17-19* are closely connected to 2:4-6 and are unlikely earlier than that unit.[125]

- *2:20-23* cannot be earlier than 2:17-19.

- *2:24-25* and *2:31* set up a contrast with—and thus presuppose—2:1-7, 9.

- *3:4b-5* are likely derived from Josh 13:29-31, a post-priestly text.[126]

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[121] Perlitt (*Deuteronomium 1–6**, 161) argues that the motif of 40 years in the wilderness is attested in both Deuteronomistic (Josh 5:6; Amos 2:10; 5:25; Ps 95:10; Neh 9:21) and priestly (Exod 16:35; Num 14:33-34; 32:13) literature, and that none of the aforementioned occurrences can be older than Deut 8:2, upon which Deut 2:7 purportedly draws. Yet the "Deuteronomistic" texts that Perlitt cites could also be post-priestly. On the evaluation of Josh 5:6 as post-priestly cf. Klaus Bieberstein, *Josua – Jordan – Jericho: Archäologie, Geschichte und Theologie der Landnahmeerzählungen Josua 1–6* (Fribourg: Universitätsverlag, 1995), 397–418, 432 and Krause, *Exodus und Eisodus*, 329. For a review of the various proposals for the dating of Amos 5:25 see Tchavdar S. Hadjiev, *The Composition and Redaction of the Book of Amos* (BZAW 393; Berlin: De Gruyter, 2009), 166–68.

[122] Cf. Otto, "Deuteronomiumsstudien I," 167.

[123] For a detailed discussion of the priestly and post-priestly compositional activity in these chapters see Enzo Cortese, *Josua 13–21: Ein priesterschriftlicher Abschnitt im deuteronomistischen Geschichtswerk* (OBO 94; Fribourg: Universitätsverlag / Göttingen: Vandenhoeck & Ruprecht, 1990), 49–85.

[124] Cf. Perlitt, *Deuteronomium 1–6**, 145 and Heckl, *Moses Vermächtnis*, 245. Already in 1975, Mittmann (*Deuteronomium 1,1–6,3*, 72) conceded that 2:16 is post-priestly. Both Mittmann (ibid., 69) and Otto ("Deuteronomiumsstudien I," 170) evaluate 2:16 as earlier than 2:14-15. Their evaluation, however, is unconvincing, since 2:16 hardly makes sense without 2:14-15. Rather, this verse serves as a sort of *Wiederaufnahme* that lessens the abrupt change in topic created by the insertion of 2:14-15 between 2:13 and 2:17. The latter interpretation was adopted already by Staerk (*Deuteronomium*, 60), who regarded 2:16 as a "redaktorische Klammer." Perlitt (*Deuteronomium 1–6**, 172) also entertains this possibility, albeit with reservations. In any event, both 2:14-15 and 2:16 presuppose the death of the exodus generation resulting from the episode of the spies and thus must be regarded as post-priestly texts.

[125] 2:17-19 also form connections with the narratives involving Lot in the book of Genesis (Gen 12:14-15; 13; 19:1-38) (cf. Otto, *Das Deuteronomium im Pentateuch*, 133) and thus cannot belong to an independent exodus-conquest narrative. In contrast, Fleming (*Legacy*, 124) argues that "such a shared tradition between Genesis and Deuteronomy 2 requires no literary or even direct narrative connection."

[126] Cf. Otto, "Deuteronomiumsstudien I," 193.

– *3:9* interrupts the conceptual connection between 3:8b and 3:10. Since the latter is post-priestly (see immediately below), 3:9 must also be post-priestly.

– *3:10* anticipates Josh 13:17, 21, which belong to a post-priestly context.[127]

– *3:11* presupposes 2:10-12, 20-23.

– *3:12-17* presupposes Moses' apportioning of the conquered territory in Transjordan to Reuben, Gad, and half-Manasseh in Num 32:33-42, which cannot stand alone without the (post-)priestly narrative that precedes it in Num 32:1-32.[128]

– *3:18-20* presuppose the (post-)priestly narrative of the arrangement between Moses and the Transjordanian tribes in Num 32:1-32.

– *3:23-28* presuppose Yhwh's decree that Moses may not enter the land following Moses' disobedience at Meribat-Kadesh (Num 20:2-13), a (post-)priestly text. Moreover, Yhwh's instruction to Moses to encourage Joshua in 3:28 draws on Deut 31:7 at an advanced stage of composition in which Joshua's role in allotting the land to the tribes (נחל c) is presupposed.[129]

In sum, comparison of the various textual units in Deut 1–3 with their *Vorlagen* reveals that a significant amount of material these chapters belongs to a post-priestly stage of composition, namely, 1:2-4, 7aβb, 9-18, 20-46; 2:1-7, 9-13a, 14-25, 31; and 3:4b-5, 9-20, 23-28. Notably, all of these texts are later than the most basic narrative thread of Deut 1–3 identified in the literary-critical analysis above. Thus, the most basic narrative could *potentially* be pre-priestly, although this cannot be demonstrated with certainty.

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[127] Cf. ibid., 194.

[128] Num 32:33-42 also forms a counterpart to the apportioning of the land to the 9½ Cisjordanian tribes in Josh 13–19, further confirming its post-priestly provenance. Cf. Otto, *Das Deuteronomium im Pentateuch*, 186; idem, "Deuteronomiumsstudien I," 196–98.

[129] Cf. idem, "Deuteronomiumsstudien I," 203–5.

Synthesis: The literary growth of Deut 1–3

The preceding literary-critical and macrocontextual analyses of Deut 1–3* suggest the following literary development for these chapters:

I   The most basic literary stratum likely consisted of a Mosaic retrospective of the people's journey *through* Transjordan[130] and the defeat of Sihon and Og and is characterized by the use of first-person singular and plural verbs (1:1a, 6-7aα, 19aα*[b?]; 2:8[a*?]b, [13b?], 26*, 27, 29b-30a, 32-34aα, 36; 3:1, 3a, 4a, 8a).[131]

I+   This first-person retrospective was supplemented with additional first-person plural texts that portrayed the defeat of Sihon and Og in terms of the concept of חרם according to which all of the human inhabitants of a city were killed but livestock and other plunder were taken as legitimate booty (2:34aβ-35; 3:3b, 6-7).

II   Moses' retrospective of the story of the spies was added in 1:20-46*. This is the first clearly identifiable stage of post-priestly composition in Deut 1–3.

II+   The story of the spies was expanded in 1:20-22*, 25*, 28-33, 35-39*, 40, and 46.

III   The retrospective of the defeat of Sihon and Og in 2:26–3:8a* was supplemented by itinerary reports and divine speeches to Moses instructing the Israelites not to attack Edom, Moab, and Ammon but to engage Sihon in battle, forming a contrast

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[130] Cf. Miller, "Israelite Journey," 583: "Even allowing for the composite character of the chapter and the garbled nature of its itinerary, however, it is clear that the Israelites were understood to have passed through, rather than around, Moab proper."

[131] Mittmann excludes 2:26-28, 29bα from the *Grundbestand* of the narrative, calling these verses a "singularische Zuwachs" (*Deuteronomium 1,1–6,3*, 87). Here, however, Mittmann's judgment is based only on the *number* of the verbs and not on the *person* also. While the literary-critical differentiation 2ms and 2mp verb forms is generally accepted, the same principle cannot be applied directly to 1cs and 1cp verbs, since both fit within the literary fiction of Moses' retrospective. Perlitt (*Deuteronomium 1–6*, 203) also observed this problem in Mittmann's reconstruction but overcorrected Mittmann's false assumption by assigning not only 2:26-29 but also 2:31 and 3:2 to the *Grundbestand* of the narrative based on their use of 1cs grammatical forms.

with the defeat of Sihon and Og (2:1-6, 9, 17-19, 24-25).[132] There are a number of indications that these texts belong to a post-priestly stage of composition.

III+ Sometime after the insertion of the divine speeches to Moses in 2:9, 17-19, 24-25, similar speeches were added in 2:31 and 3:2. In addition, 2:14-16, which presuppose the story of the spies, cannot stand without 2:17 and must have been inserted sometime after that verse. 2:13a, 28-29a, 31, and 37 also presuppose the texts in Level III and thus cannot be earlier than them.

IV A series of "giants texts" (or "antiquarian notices") were added, establishing a pattern whereby Israel and its neighbors Moab and Ammon all received their divinely-apportioned land after defeating giants who previously inhabited the land (2:10-11, [12?], 20-21, [22-23?]; 3:11).

IV+ It is possible that 2:12 and 22-23, which describe the dispossession of the Horites in Seir at the hands of the "sons of Esau," are later than the other "giants texts." Likewise, 3:9, which has an antiquarian interest similar to 2:11 and 20 but does not speak of giants, may be later than the other "giants texts."

V Several other additions were made within Deut 1:1–3:11 that are not closely associated with any of the foregoing redactional layers (1:2-5, 7*-8, 9-18; 2:7, 30b; 3:4b-5).

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[132] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 72, who argues that 2:4-6, 8a was the first unit to be inserted following the composition of the *Grundschicht*. Perlitt (*Deuteronomium 1–6**, 148) disagrees with Mittmann's conclusion that the earliest Edom materials in Deut 2 are secondary to the *Grundbestand*, but this judgment relies on Perlitt's evaluation of Num 20:14-21 rather than on evidence within Deut 2 itself.

V   IV   III   II   I

1:1 אלה הדברים אשר דבר משה אל כל ישראל בעבר הירדן

במדבר בערבה מול סוף בין פארן ובין תפל ולבן וחצרת ודי זהב 2 אחד
עשר יום מחרב דרך הר שעיר עד קדש ברנע 3 ויהי בארבעים שנה
בעשתי עשר חדש באחד לחדש דבר משה אל בני ישראל ככל אשר צוה
ה׳ אתו אלהם 4 אחרי הכתו את סיחן מלך האמרי אשר יושב בחשבון ואת
עוג מלך הבשן אשר יושב בעשתרת באדרעי 5 בעבר הירדן בארץ מואב
הואיל משה באר את התורה הזאת לאמר

6 ה׳ אלהינו דבר אלינו בחרב לאמר רב לכם שבת בהר הזה 7 פנו וסעו לכם ובאו הר האמרי

ואל כל שכניו בערבה בהר ובשפלה ובנגב ובחוף הים ארץ הכנעני
והלבנון עד הנהר הגדל נהר פרת 8 ראה נתתי לפניכם את הארץ באו
ורשו את הארץ אשר נשבע ה׳ לאבתיכם לאברהם ליצחק וליעקב לתת
להם ולזרעם אחריהם

[1:9-18]

19 ונסע מחרב [ונלך את כל המדבר הגדול והנורא ההוא אשר ראיתם] דרך הר האמרי כאשר צוה ה׳ אלהינו
אתנו [ונבא עד קדש ברנע]

[1:20-46]

2:1 ונפן ונסע המדברה דרך ים סוף כאשר דבר ה׳ אלי ונסב את הר שעיר ימים רבים
2 ויאמר ה׳ אלי לאמר 3 רב לכם סב את ההר הזה פנו לכם צפנה 4 ואת העם צו לאמר אתם
עברים בגבול אחיכם בני עשו הישבים בשעיר וייראו מכם ונשמרתם מאד 5 אל תתגרו בם
כי לא אתן לכם מארצם עד מדרך כף רגל כי ירשה לעשו נתתי את הר שעיר 6 אכל תשברו
מאתם בכסף ואכלתם וגם מים תכרו מאתם בכסף ושתיתם

7 כי ה׳ אלהיך ברכך בכל מעשה ידך ידע לכתך את המדבר הגדל הזה זה
ארבעים שנה ה׳ אלהיך עמך לא חסרת דבר

8 ונעבר מאת אחינו בני עשו הישבים בשעיר מדרך הערבה מאילת ומעצין גבר

ונפן ונעבר דרך מדבר מואב

9 ויאמר ה׳ אלי אל תצר את מואב ואל תתגר בם מלחמה כי לא אתן לך מארצו ירשה כי
לבני לוט נתתי את ער ירשה

10 האמים לפנים ישבו בה עם גדול ורב ורם כענקים 11 רפאים יחשבו אף הם
כענקים והמאבים יקראו להם אמים 12 [ובשעיר ישבו החרים לפנים ובני עשו
יירשום וישמידום מפניהם וישבו תחתם כאשר עשה ישראל לארץ ירשתו אשר נתן
ה׳ להם] 13 עתה קמו ועברו לכם את נחל זרד

[ונעבר את נחל זרד]

14 [והימים אשר הלכנו מקדש ברנע עד אשר עברנו את נחל זרד שלשים ושמנה שנה עד תם
כל הדור אנשי המלחמה מקרב המחנה כאשר נשבע ה׳ להם 15 וגם יד ה׳ היתה בם להמם
מקרב המחנה עד תמם 16 ויהי כאשר תמו כל אנשי המלחמה למות מקרב העם]

V   IV   III   II   I

17 וידבר ה׳ אלי לאמר 18 אתה עבר היום את גבול מואב את ער 19 וקרבת מול בני עמון
אל תצרם ואל תתגר בם כי לא אתן מארץ בני עמון לך ירשה כי לבני לוט נתתיה ירשה

20 ארץ רפאים תחשב אף הוא רפאים ישבו בה לפנים והעמנים יקראו להם
זמזמים 21 עם גדול ורב ורם כענקים וישמידם ה׳ מפניהם ויירשם וישבו תחתם 22
[כאשר עשה לבני עשו הישבים בשעיר אשר השמיד את החרי מפניהם ויירשם
וישבו תחתם עד היום הזה 23 והעוים הישבים בחצרים עד עזה כפתרים היצאים
מכפתר השמידם וישבו תחתם]

24 קומו סעו ועברו את נחל ארנן ראה נתתי בידך את סיחן מלך חשבון האמרי ואת ארצו
החל רש והתגר בו מלחמה 25 היום הזה אחל תת פחדך ויראתך על פני העמים תחת כל
השמים אשר ישמעון שמעך ורגזו וחלו מפניך

26 ואשלח מלאכים *[ממדבר קדמות]* אל סיחון מלך חשבון דברי שלום לאמר 27 אעברה בארצך בדרך בדרך
אלך לא אסור ימין ושמאול

28 *[אכל בכסף תשברני ואכלתי ומים בכסף תתן לי ושתיתי רק אעברה ברגלי* 29a *כאשר עשו*
לי בני עשו הישבים בשעיר והמואבים הישבים בער]

29b עד אשר אעבר את הירדן אל הארץ אשר ה׳ אלהינו נתן לנו 30 ולא אבה סיחן מלך חשבון העברנו בו

כי הקשה ה׳ אלהיך את רוחו ואמץ את לבבו למען תתו בידך כיום הזה

31 *[ויאמר ה׳ אלי ראה החלתי תת לפניך את סיחן ואת ארצו החל רש לרשת את ארצו]*

32 ויצא סיחן לקראתנו הוא וכל עמו למלחמה יהצה 33 ויתנהו ה׳ אלהינו לפנינו ונך אתו ואת בנו ואת כל עמו
34 ונלכד את כל עריו בעת ההוא *[ונחרם את כל עיר מתם והנשים והטף לא השארנו שריד* 35 *רק הבהמה בזזנו*
לנו ושלל הערים אשר לכדנו] 36 מערער אשר על שפת נחל ארנן והעיר אשר בנחל ועד הגלעד לא היתה קריה
אשר שגבה ממנו את הכל נתן ה׳ אלהינו לפנינו

37 *[רק אל ארץ בני עמון לא קרבת כל יד נחל יבק וערי ההר וכל אשר צוה ה׳ אלהינו]*

3:1 ונפן ונעל דרך הבשן ויצא עוג מלך הבשן לקראתנו הוא וכל עמו למלחמה אדרעי

2 *[ויאמר ה׳ אלי אל תירא אתו כי בידך נתתי אתו ואת כל עמו ואת ארצו ועשית לו כאשר*
עשית לסיחן מלך האמרי אשר יושב בחשבון]

3 ויתן ה׳ אלהינו בידנו גם את עוג מלך הבשן ואת כל עמו *[ונכהו עד בלתי השאיר לו שריד]* 4 ונלכד את כל
עריו בעת ההוא לא היתה קריה אשר לא לקחנו מאתם

ששים עיר כל חבל ארגב ממלכת עוג בבשן 5 כל אלה ערים בצרת חומה
גבהה דלתים ובריח לבד מערי הפרזי הרבה מאד

6 *[ונחרם אותם כאשר עשינו לסיחן מלך חשבון החרם כל עיר מתם הנשים והטף 7 וכל הבהמה ושלל הערים*
בזזנו לנו]

8 ונקח בעת ההוא את הארץ מיד שני מלכי האמרי אשר בעבר הירדן *[מנחל ארנן עד הר חרמון]*

9 *[צידנים יקראו לחרמון שרין והאמרי יקראו לו שניר]* 10 כל ערי המישר וכל
הגלעד וכל הבשן עד סלכה ואדרעי ערי ממלכת עוג בבשן 11 כי רק עוג מלך הבשן
נשאר מיתר הרפאים הנה ערשו ערש ברזל הלה הוא ברבת בני עמון תשע אמות
ארכה וארבע אמות רחבה באמת איש

5.5. Jephthah's speech in Judg 11:12-28

Judges 11 forms the beginning of a short cycle of narratives revolving around the figure of Jephthah (Judg 11–12). Following a brief account of Jephthah's rise to leadership (11:1-11), 11:12-28 describe Jephthah's first act as a military leader, which, strikingly, is an act of diplomacy and not of war. Jephthah sends messengers to the king of the Ammonites, asking why the Ammonites have invaded Israel. The king of the Ammonites replies that the Israelites took his land when they came up from Egypt (11:12-13), yet Jephthah insists that the Israelites did *not* take "the land of Moab or the land of the Ammonites" (11:14-15). According to Jephthah, when the people were in Kadesh they sent a request to Edom requesting passage through the country; when Edom refused, they petitioned Moab for passage, but to no avail (11:16-17). Thus, the Israelites went around Edom and Moab to the east, at which point Sihon attacked the Israelites, Yhwh gave the Israelites victory, and Israel took possession of the land of the Amorites from the Arnon to the Yabbok and from the eastern desert to the Jordan River (11:18-22). Jephthah thereby argues that such land is the rightful possession of Israel and that the king of the Ammonites is wrongfully waging war against Israel (11:23-27). Nevertheless, the king of the Ammonites refuses to listen to Jephthah (11:28).

This episode does not have any consequences on the narratives that follow in Judg 12. In 11:28, the king of the Ammonites refuses to listen to Jephthah but does not take any military action against him. Indeed, 11:29 functions just as well as the continuation of 11:11 as 11:12 does,[133] such that 11:12-28 can easily be removed from the Jephthah cycle without creating any narrative discontinuity.[134]

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[133] Cf. Walter Gross, *Richter* (HThKAT; Freiburg: Herder, 2009), 557.
[134] Cf. Kaswalder, *Disputa*, 35.

Within 11:12-28 itself, there are few signs that might point to a process of compositional growth. The one major exception is the fact that *Moab* figures so prominently in 11:15-25 despite the fact that Jephthah's exchange is with the king of *Ammon*. In 11:15 Jephthah emphasizes that Israel did not take Moabite or Ammonite land during its journey to the land of Canaan, and in 11:24 Jephthah even associates Kemosh, the national deity of Moab, with the Ammonites (כמוש אלהיך).[135] Yet if one focuses on the *narrative* and *syntactic* coherence of 11:12-28 and not on the *thematic* tension between the references to Ammon and Moab, then there is little to indicate a history of composition.[136]

The apparent conflation of references to Moab and Ammon can be explained by the rhetorical aim of the passage, which is to emphasize that the land that the Israelites

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[135] For the view that Judg 11:12-28 underwent compositional growth cf. Martin Noth, "Die Nachbarn der israelitischen Stämme im Ostjordanlande," *BBLAK* 68 (1949): 44–50; repr. in *Archäologische, exegetische und topographische Untersuchungen zur Geschichte Israels* (vol. 1 of *Aufsätze zur biblischen Landes- und Altertumskunde*; ed. Hans Walter Wolff; Neukirchen-Vluyn: Neukirchener Verlag, 1971), 434–75 (466–67 n. 136) and esp. Wolfgang Richter, "Die Überlieferungen um Jephtah, Ri 10,17–12,6," *Biblica* 47 (1966): 485–556. Richter proposed that 11:16-26 preserve a pre-Dtr piece of tradition that originally had nothing to do with Jephthah or Ammon and was later incorporated into the Jephthah cycle by the addition of 11:12-15*, 27*, and 28 (ibid., 522–25). Richter's solution was later adopted by Siegfried Mittmann, "Aroer, Minnith und Abel Keramim (Jdc 11,33)," *ZDPV* 85 (1969): 63–75 (67–70); J. Alberto Soggin, *Judges: A Commentary* (OTL; London: SCM Press, 1981), 211; Manfried Wüst, "Die Einschaltung in die Jiftachgeschichte: Ri 11,13-26," *Biblica* 56 (1975): 464–79; and Uwe Becker, *Richterzeit und Königtum: Redaktionsgeschichtliche Studien zum Richterbuch* (BZAW 192; Berlin: de Gruyter, 1990), 217–19 (218).

[136] Several of Richter's arguments for the composite nature of the passage are unconvincing in my view. For example, Richter argues that "von V. 15 ab ist aber die *ganze* Botschaft auf Moab abgestellt" ("Überlieferungen," 522 [emphasis added]), although in 11:15 Jephthah in fact states that Israel took neither Moabite *nor Ammonite* land. Likewise, Richter claims that "Moab…ist offensichtlich in V. 23b-26 angeredet" (ibid.), yet the antecedent of the 2ms verbs and pronouns in 11:23b is only found in 11:14, in which Jephthah sends messengers to the king of the Ammonites. Indeed, many commentators hold that 11:12-28 is a compositional unity; cf. Martin Noth, *Überlieferungsgeschichtliche Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament* (Halle: Niemeyer Verlag, 1943; repr. 1957; 2d repr., Darmstadt: Wissentschaftliche Buchgesellschaft, 1967), 53 n. 5; trans. as *The Deuteronomistic History* (trans. J. Doull et al.; JSOTSup 15; Sheffield: Sheffield Academic Press, 1981; 2d. ed., 1991); Robert G. Boling, *Judges* (AB; New York: Doubleday, 1975), 201; Gross, *Richter*, 560; Kaswalder, *Disputa*, 48–51; Dieter Böhler, *Jiftach und die Tora: Eine intertextuelle Auslegung von Ri 10,6–12,7* (ÖBS 34; Frankfurt: Peter Lang, 2008), 27–74, 153–69; Sebastian Grätz, "Jiftach und seine Tochter," in *Geschichte Israels und deuteronomistisches Geschichtsdenken: Festschrift zum 70. Geburtstag von Winfried Thiel* (ed. P. Mommer and A. Scherer; AOAT 380; Münster, Ugarit-Verlag, 2010), 119–34 (124); and Friedrich-Emanuel Focken, *Zwischen Landnahme und Königtum: Literarkritische und redaktionsgeschichtliche Untersuchungen zum Anfang und Ende der deuteronomistischen Richtererzählungen* (FRLANT 258; Göttingen: Vandenhoeck & Ruprecht, 2014), 148–65 (esp. 148).

conquered in Transjordan—"from the Arnon to the Yabbok and from the desert to the Jordan" (11:22)—had previously belonged entirely to the *Amorites*, not to the Ammonites or the Moabites. The implication in 11:24 that Kemosh was an Ammonite deity may be due to the fact that the author of the passage did not have (or was not concerned with presenting) accurate information about Ammonite religion and simply used the information that was at his disposal, such as the reference to Kemosh in Num 21:29.[137] In any case, the blurring of the distinction between the Ammonites and the Moabites advances the rhetorical aim of the passage. By repeatedly linking Ammon and Moab, the text implies that the territory of Ammon, like that of Moab, lay *outside* of the area bounded by the Arnon, the Jabbok, the Jordan, and the eastern desert (contrary to the claim of the king of the Ammonites in 11:13), thereby justifying Israel's claim to this area.[138]

In sum, from a literary-critical perspective, there is little reason to regard Judg 11:12-28 as composite: the narrative frame in 11:12-15, 27-28 cannot stand alone without 11:16-26,[139] and it is difficult to imagine a different, more "original" literary context for 11:16-26. Rather, the repeated references to Moab that have led some commentators to conclude that part of the text has been repurposed from a preexisting literary context form an essential part of the text's aim to redefine the borders of Ammon as described in other biblical texts. This conclusion is supported by a detailed comparison of the various versions of Israel's journey through Transjordan (see below).

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[137] Cf. Böhler, *Jiftach und die Tora*, 71–72, 254–57 and Focken, *Zwischen Landnahme und Königtum*, 148.

[138] For a possible historical scenario of the "Israelite" claim to settlement rights in Transjordan in the Persian period see Gross, *Richter*, 563, followed by Focken, *Zwischen Landnahme und Königtum*, 165–66.

[139] This is acknowledged even by Richter, "Überlieferungen," 524.

5.6. Comparison of the textual parallels

Now that literary-critical analyses of Num 20:14-21; 21:21-35; Deut 2:1–3:11; and Judg 11:12-28 have been conducted, it is possible to compare the relationships of dependence among these passages. Before beginning this comparison, it is useful here to outline the widely varying conclusions of previous studies that have taken up this question.

Four main approaches have been taken regarding the literary relationship between Num 20:14-21; 21:21-35; and Deut 2:1–3:11: (1) Num 20:14-21 and 21:21-35*[140] both have basic literary priority over Deut 2:1–3:11;[141] (2) the narratives in Numbers and in Deuteronomy reflect a common source that was reworked in both places;[142] (3) the core of the Sihon narrative in Num 21:21-31* has literary priority over the version in Deut 2, while Num 20:14-21 is a late redactional compilation;[143] and (4) Num 21:21-35 is literarily dependent on Deut 2:1–3:11, while Num 20:14-21 is largely left out of consideration.[144]

In addition, four main approaches can be differentiated regarding the relationship of Judg 11:12-28 to Num 20:14-21; 21:21-35; and Deut 2:1–3:11: (1) Judg 11:12-28 is

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[140] Excluding the defeat of Og in 21:33-35, which has long been regarded as an addition taken from Deut 3:1-11.

[141] Cf. Wellhausen, *Composition*, 195–201; Noth, *Überlieferungsgeschichte des Pentateuch*, 34 (ET 32); Bartlett, "Sihon and Og," 257–77; idem, "The Conquest of Sihon's Kingdom: A Literary Re-Examination," *JBL* 97 (1978): 347–51; Köppel, *Geschichtswerk*, 83–105; David A. Glatt-Gilad, "The Re-Interpretation of the Edomite-Israelite Encounter in Deuteronomy ii," *VT* 47 (1997): 441–55; Nelson, *Deuteronomy*, 36, 44; Seebass, *Numeri 10,11–22,1*, 289–92, 349–54; Schmidt, *Numeri 10,11–36,13*, 94–95, 112–14; Heckl, *Moses Vermächtnis*, 414–23; and Baden, *J, E*, 130–32, 136–41.

[142] Cf. Sumner, "Israel's Encounters," 226; Otto, *Das Deuteronomium im Pentateuch*, 132; idem, "Deuteronomiumsstudien I," 158–59; and Achenbach, *Vollendung*, 335–44, 358–69.

[143] Cf. Fritz, *Israel in der Wüste*, 28–33, who argues that Num 20:14-21 presupposes DtrH, while Num 21:21-25 possibly belongs to E; Mittmann, "Num 20,14-21," 143–49; idem, *Deuteronomium 1,1–6,3*, 71–79, 86–93; Blum, *Studien*, 117–21, 127–30, who assigns Num 21:21-31 to KD but regards Num 20:14-21 as a post-priestly composition; and Oswald, "Revision," 218–32, esp. 226–28.

[144] Cf. Van Seters, "The Conquest of Sihon's Kingdom," 182–97; idem, "Once again the Conquest of Sihon's Kingdom," 117–19; idem, *Life*, 383–404; Wüst, *Untersuchungen*, 241–43; George W. Coats, "Conquest Traditions in the Wilderness Theme," *JBL* 95 (1976): 177–90 (182 n. 20); and Rose, *Deuteronomist und Jahwist*, 308–12.

dependent on Num 20:14-21; 21:21-35, while the relationship between Judg 11:12-28 and Deut 2:1–3:11 is either not discussed[145] or is left as an open question;[146] (2) Judg 11:12-28 is dependent on Num 20:14-21; 21:21-35; *and* Deut 2:1–3:11;[147] (3) Judg 11:12-28 presupposes Num 20:14-21 and 21:21-35 but is not familiar with Deut 2:1–3:11;[148] and (4) Judg 11:12-28 and Deut 2:1–3:11 were both *Vorlagen* for Num 20:14-21; 21:21-35.[149]

In light of the foregoing literary-critical analyses of the passages in question, the possibility of complex, multidirectional influence must be seriously considered, since most of these texts (with the exception of Judg 11:12-28) show evidence of compositional growth. Thus, it is first necessary to identify the points of correspondence among the various texts and then to evaluate their relationships of dependence on a case-by-case basis. The following motifs form parallels in all of the texts in question:

1. Sending of messengers   Num 20:14 // 21:21 // Deut 2:26 // Judg 11:17, 19

2. Request for passage   Num 20:17, 19 // 21:22 // Deut 2:27-29 // Judg 11:17, 19

3. Refusal of passage   Num 20:18, 20, 21 // 21:23 // Deut 2:30 // Judg 11:17, 20

4. Aggression towards Israel   Num 20:20 // 21:23 // Deut 2:32 // Judg 11:20

5. Outcome of the encounter   Num 20:21 // 21:24 // Deut 2:33-34 // Judg 11:17, 21

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[145] Cf. Richter, "Überlieferungen," 531–35 and Bartlett, "Re-Examination," 347–51.

[146] So Focken, *Zwischen Landnahme und Königtum*, 151–55.

[147] Cf. Miller, "Israelite Journey," 584–85; Becker, *Richterzeit*, 219; Böhler, *Jiftach und die Tora*, 60–74; Gross, *Richter*, 559–60; and Grätz, "Jiftach und seine Tochter," 126–29.

[148] So Kaswalder, *Disputa*, 80.

[149] So Van Seters, "The Conquest of Sihon's Kingdom," 189–92," idem, "Once Again," 117–24; idem, *Life*, 398. Van Seters supports his view that Num 20:14-21 was dependent on Judg 11:12-28 with the observation that "Numbers includes in its message to Edom a reference to the *Heilsgeschichte*, not present in Deuteronomy but alluded to in Judges, vss. 13ff" ("The Conquest of Sihon's Kingdom," 191).

1. The sending of messengers to a king (Num 20:14, 21:21; Deut 2:26; Judg 11:17, 19)

All three of the main texts in question, as well as the recapitulation of the Edom and Sihon episodes in Judg 11:17, 19, describe the sending of messengers to a king:

וישלח משה מלאכים מקדש אל מלך אדום	Num 20:14
וישלח ישראל מלאכים אל סיחן מלך האמרי לאמר	Num 21:21
ואשלח מלאכים ממדבר קדמות אל סיחון מלך חשבון דברי שלום לאמר	Deut 2:26
וישלח ישראל מלאכים אל מלך אדום לאמר	Judg 11:17
וישלח ישראל מלאכים אל סיחון מלך האמרי מלך חשבון ויאמר לו ישראל	Judg 11:19

Here, there is relatively little material that is of use in determining a clear direction of dependence between these passages. It should be noted, however, that in Num 21:21 it is Israel who sends the messengers to Sihon, while in Deut 2:26 it is Moses. While it is possible to imagine why Deut 2:26 would have changed the subject from Israel to Moses (namely, to fit the context of the Mosaic discourse in Deut 1–3*), it is more difficult to imagine the opposite scenario, in which Deut 2:26 would have served as a *Vorlage* for Num 21:21. On the other hand, a shift in subject from Moses to Israel is precisely what occurs in Judg 11:17 (contrast with Num 20:14). Nevertheless, the fact that Israel sends spies to the king of Edom in Judg 11:17 can be explained by the fact that Israel, and not Moses, is the dominant subject of the entire historical retrospective in Judg 11:12-28, being named explicitly ten times within that unit. Also significant is the fact that Judg 11:19 refers to Sihon as "king of the Amorites" *and* "king of Heshbon," thus apparently showing knowledge of both Num 21:21 and Deut 2:26.

2. The request for passage (Num 20:17; 21:22; Deut 2:27)

The greatest divergences between the parallel texts occur within the request for passage in each text. These can be further subdivided into six discrete elements:

2a. The promise to stay on the road	Num 20:17 // 21:22 // Deut 2:27
2b. The promise not to enter fields or vineyards	Num 20:17 // 21:22
2c. The promise not to drink water from wells	Num 20:17 // 21:22
2d. The promise not to veer to the right or left	Num 20:17 // Deut 2:27
2e. The offer to pay for food and water	Num 20:19 // Deut 2:6, 28
2f. The intention to cross to the other side	Num 20:17 // 21:22 // Deut 2:29b

2a. The promise to stay on the road (Num 20:17; 21:22; Deut 2:27). The promise to stay on the road is found in all three versions of the request for passage but differs slightly in each text. In Num 20:17, Moses offers to travel along the "King's Highway," which corresponds almost verbatim with the statement בדרך המלך נלך in Num 21:22 with the exception of the use of the preposition -ב. Deuteronomy 2:27 differs from this, using the phrase בדרך בדרך instead. It is more reasonable to assume that בדרך בדרך is a simplification of בדרך המלך נלך than to conjecture that the use of the proper noun דרך המלך is secondary.[150] This suggests that the promise to stay on the road in Deut 2:27 used either Num 20:17 or Num 21:22 as a source. In turn, one of the two texts in Numbers must have derived the reference to the "King's Highway" from the other. Unfortunately, historical and geographical considerations are not decisive on this point: the "King's Highway" (דרך המלך) most likely draws on the Neo-Assyrian name (*ḫarran šarri*) for the trade route connecting Damascus to the Gulf of Aqaba via the Transjordanian plateau and thus fits

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[150] Cf. Gesundheit, "Midrasch-Exegese," 117 (ET 78).

well with both the territory of Sihon as well as that of Edom.[151] In any case, as shown in 5.2, the reference to the מסלה in Num 20:19 is secondary to the reference to the King's Highway in 20:17.

2b. The promise not to enter fields or vineyards (Num 20:17; 21:22). Unlike the promise to stay on the road, the promise not to enter fields and vineyards is only found in the encounter with Edom (Num 20:17) and the Numbers version of the Sihon episode (Num 21:22). Once again, it is reasonable to assume that one text borrowed directly from the other. Considering the topographical and climatic conditions of Edom and of the imagined territory of Sihon (which 21:21-31 depict as overlapping with the historical territory of Moab[152]), the promise not to enter fields or vineyards fits much better with the Sihon episode than with the Edom episode. Regardless of how Num 20:14-21 conceives of the territorial extent of Edom (whether the Edomite heartland or "greater Edom" extending to the west of Wadi Arabah), Edom's territory was not well suited for agriculture or viticulture.[153] References to Edom and Moab elsewhere in the Bible confirm this pic-

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[151] For this interpretation of the phrase דרך המלך cf. Albertus H. van Zyl, *The Moabites* (Leiden: Brill, 1960), 60–62; Bustenay Oded, "Observations on Methods of Assyrian Rule in Transjordania after the Palestinian Campaign of Tiglat-Pileser III," *JNES* 29 (1970): 177–86; and John R. Bartlett, *Edom and the Edomites* (JSOTSup 77; Sheffield: Sheffield Academic Press, 1989), 38. In contrast, Weippert ("Israelite 'Conquest,'" 23), J. A. Dearman ("Historical Reconstruction and the Mesha Inscription," in idem, *Studies in the Mesha Inscription and Moab* [SBLABS; Atlanta: Scholars, 1989], 153–210 [192]), and Seebass (*Numeri 10,11–22,1*, 290, 356) interpret the phrase not as a particular route but as a network of royal roads.

[152] In fact, the precise details regarding the borders of Sihon's territory tendentiously restrict Moab's northern border to the Wadi Arnon (Num 21:24); on this cf. Bruce Routledge, *Moab in the Iron Age: Hegemony, Polity, Archaeology* (Philadelphia: University of Pennsylvania Press, 2004), 45–46.

[153] Since the Edom episode presupposes that Edom controlled territory as far west as Kadesh (a detail that Num 20:16b explicitly acknowledges but that is assumed in the earliest literary level of the text (20:14a; cf. Seebass, *Numeri 10,11–22,1*, 290), it is necessary to take into account the topography and climate of Edom under its greatest territorial extent, sometime after it began expanding west of the Wadi Arabah in the early 7th century (Lipiński, *On the Skirts of Canaan*, 393) and most likely after the fall of the kingdom of Judah in 587 B.C.E. (cf. Manfred Weippert, "Edom und Israel," *TRE* 9 [1982]: 291–95; Blum, *Studien*, 119; and Schmidt, *Numeri 10,11–36,13*, 94). The region between Kadesh and the Wadi Arabah is largely desert and cannot sustain agriculture without artificial irrigation. Likewise, even the core territory of Edom—the Edomite plateau—receives little rainfall, is cold in winter, and is "thus hardly suitable for citrus fruit, olives, grapes, wheat and barley, and was thus hardly a major agricultural area" (Bartlett, *Edom and the Edomites*, 37; cf. Stephen Hart, "Some Preliminary Thoughts on Settlement in Southern Edom," *Levant* 19

ture: while descriptions of Edom's land in the Bible focus on its rocky terrain and mountains,[154] at least some biblical texts (Isa 16:10 and Jer 48:33) associate Moab with viticulture and grain production.

2c. The promise not to drink water from wells (Num 20:17; 21:22). As with the promise not to enter fields or vineyards, the promise not to drink water from wells only occurs in the Edom episode and the Numbers version of the Sihon episode. Here again, geographical considerations suggest that the promise not to drink water fits better in Num 21:22 than in Num 20:17. The implied length of the journey through Sihon's territory to the plains of Moab (Num 22:1) is much shorter than the length of the journey through Edom's territory, especially considering that the latter would have begun at Kadesh according to Num 20:14-21. Thus, within the narrative world of the text, it is easier to imagine the Israelites foregoing the use of wells during the short journey through Sihon's territory rather than during the long journey through Edom.[155]

2d. The promise not to veer to the right or left (Num 20:17; Deut 2:27). Thus far, the comparison of the individual elements in the Israelites'/Moses' request for passage has suggested that the promise not to enter fields or vineyards and the promise not to drink well water has its original place in the Sihon episode in Num 21:21-31*. The Edom episode in Num 20:14-21 draws on these elements, while the retelling of the Sihon episode in Deut 2:27 does not. In the latter text, Moses promises instead not to veer to the

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[1986]: 51–58). The northern part of the Edomite plateau (between Wadi el-Ḥasa and Wadi Ghuweir) receives more rainfall than the southern part, but consistent agricultural production here would still be very difficult; on this see Ernst Axel Knauf, "Edom: The Social and Economic History," in *You Shall Not Abhor the Edomite for He is Your Brother: Edom and Seir in History and Tradition* (ed. Diana V. Edelman; SBLABS 3; Atlanta: Scholars, 1995), 93–117 (96). In contrast, the environmental conditions of Moab are better suited for agriculture and viticulture, yet even here production would have been limited to particular microclimates (so Routledge, *Moab in the Iron Age*, 56).

[154] Cf. Bartlett, *Edom and the Edomites*, 53.

[155] Cf. Seebass, *Numeri 10,11–22,1*, 355.

right or left (לא אסור ימין ושמאול). Numbers 20:17 also uses this expression, albeit with a different verb (לא נטה ימין ושמאול). Although some commentators regard this expression as originating in Num 20:17 and not dependent on Deut 2:27,[156] there is reason to conclude that it is more original to the latter verse. The combination of the verb סור with the phrase ימין ושמאול occurs several times in the book of Deuteronomy (Deut 5:32; 17:11; 28:14), where it is associated with adherence to the law. Thus, the use of the phrase לא אסור ימין ושמאול in Deut 2:27 can be understood as a paraphrase of the promise not to make use of the produce of the land in its *Vorlage* (Num 21:22) that simultaneously drew on language from elsewhere in the book of Deuteronomy. By extension, Num 20:17 presupposes both Deut 2:27 *and* Num 21:22, combining the verb נטה from Num 21:22 with the phrase ימין ושמאול from Deut 2:27.[157]

2e. The offer to pay for food and water (Num 20:19; Deut 2:6, 28). Like the promise not to veer to the right or left, the offer to pay for food and water only occurs in Num 20:14-21 and in Deut 2. Numbers 20:19 has several verbal correspondences with both Deut 2:6 and 2:28:

Num 20:19	ויאמרו אליו בני ישראל במסלה נעלה ואם מימיך נשתה אני ומקני ונתתי מכרם רק אין דבר ברגלי אעברה
Deut 2:6	אכל תשברו מאתם בכסף ואכלתם וגם מים תכרו מאתם בכסף ושתיתם
Deut 2:28	אכל בכסף תשברני ואכלתי ומים בכסף תתן לי ושתיתי רק אעברה ברגלי

As discussed in 5.4 above, Deut 2:28-29a forms a secondary addition to the Sihon episode in 2:26-37 and is dependent on 2:6, serving to strengthen the parallelism (and

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[156] So Mittmann, *Deuteronomium 1,1–6,3*, 87–88; Schmidt, *Numeri 10,11–36,13*, 94; and Seebass, *Numeri 10,11–22,1*, 296.

[157] Cf. Van Seters, *Life*, 387–88; Achenbach, *Vollendung*, 342; and Otto, "Deuteronomiumsstudien I," 186.

contrast) between the passage through Edom, Moab, and Ammon in 2:1-23* and the encounter with Sihon.[158] Likewise, Num 20:19 was also identified as part of a secondary addition based on the internal analysis of Num 20:14-21. Thus, the literary-critical analysis of each passage does not provide a clear solution to the question of dependence here. In order to answer this question, it is necessary to consider the various possibilities regarding the direction of dependence between the two units in more detail.

The first possibility that should be explored is whether Num 20:19 served as the *Vorlage* for Deut 2:4-6, 28. In light of the general nature of Deut 2 as a recapitulation of events that are narrated in the book of Numbers, this would appear to be the simplest explanation. Indeed, several commentators have argued that the motif of paying for food fits better within the context of Num 20:19, serving as an attempt to persuade the Edomites against their initial refusal of passage.[159] Yet a closer look at the language of Num 20:19 and Deut 2:28-29a raises a problem: wheras the 1cs speech in the insertion in Deut 2:28-29a matches its broader context in 2:26-27, 29b, the use of 1cs speech in Num 20:19 is not consistent with any other part of Num 20:14-21, including the beginning of 20:19 itself, which, drawing on material from Num 21:22, uses 1cp speech (ויאמרו אליו בְּנֵי יִשְׂרָאֵל

(בַּמְסִלָּה נַעֲלֶה וְאִם מֵימֶיךָ נִשְׁתֶּה אֲנִי וּמִקְנַי וְנָתַתִּי מִכְרָם רַק אֵין דָּבָר בְּרַגְלַי אֶעֱבֹרָה).

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[158] Cf. Gesundheit, "Midrasch-Exegese," 115–16. Perlitt (*Deuteronomium 1–6**, 213) argues that 2:28 had both Num 20:19 and Deut 2:6 in view. Sumner ("Israel's Encounter," 221) takes a completely different approach, arguing that "the Deuteronomist has left much out of the traditions he was using. He has subtracted entirely from Moab and Ammon the request for passage and provisions, and has reduced it in Edom to a mere instruction from Yahweh 'thou shalt buy food....'"

[159] So Mittmann, *Deuteronomium 1,1–6,3*, 75–76; Perlitt, *Deuteronomium 1–6**, 159; and fundamentally also Achenbach, *Vollendung*, 339–44. According to Mittmann, the "buying" motif in Num 20:18-20 responds to a particular problem in Num 20:14-21 and thus has its origin there, not in Deut 2. Following this line of argumentation, Mittmann concludes that Israel's treatment of Edom in Deut 2:4-6, 8a is a complete reversal of that found in Num 20:14-21.

The uneven juxtaposition of 1cp and 1cs verbs within Num 20:19 thus suggests a different possibility, namely, that the language of Num 20:19 is derived directly from Num 21:22 and Deut 2:6, 28. This should not come as a surprise, since Num 20:17 employs precisely the same procedure, combining phraseology from Deut 2:27 and Num 21:22 (see above). Given that Num 20:19 was evaluated as a secondary addition on literary-critical grounds, this direction of dependence only applies to Num 20:19 and not to the most basic material in Num 20:14-21.[160] In sum, it can be concluded that the offer to pay for food and water originated in Deut 2:6; it was then added to Deut 2:28 and was finally added to Num 20:19, which draws on language from both Deut 2:6 and 2:28.[161]

2f. The intention to cross to the other side (Num 20:17; 21:22; Deut 2:29b; Judg 11:19). In all three principle versions of the request for passage, the request concludes with a statement of the people's intention to cross to the other side. In the Edom episode as well as the Sihon episode in the book of Numbers, this intention is expressed using exactly the same phrase: עד אשר נעבר גבלך. In Deut 2:29b, in contrast, the emphasis is somewhat different: עד אשר אעבר את הירדן אל הארץ אשר ה׳ אלהינו נתן לנו. In light of the verbatim correspondence between Num 20:17 and 21:22, it is logical to conclude that one episode

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[160] Cf. Schmidt, *Numeri 10,11–36,13*, 94–95, who regards the *Grundbestand* of Num 20:14-21 as pre-Dtr (JE) but concludes that Num 20:19-20 was inserted by the "Pentateuch redactor," and Otto, "Deuteronomiumsstudien I," 159, who likewise assumes that the encounter with Edom in Deut 2:4-6, (28) drew on a pre-Dtr narrative of a conflict between Israel and Edom, which was in turn revised in Num 20:18-19, 20aβb, 21b in light of Deut 2:4-6.

[161] As a sort of compromise between the two possibilities discussed above, Achenbach (*Vollendung*, 339–44) uses the theory of "*réécriture*" in order to posit two directions of dependence simultaneously: on the one hand, he assumes that Deut 2:6, 28 must have had a pre-Dtr form of 20:19-20 as a *Vorlage*, while on the other hand he acknowledges that 20:19 corresponds verbatim to Deut 2:28 and that Num 20:20 and 21 have echoes with Deut 2:30a and 32, respectively (ibid., 342). Achenbach attempts to reconcile these observations by proposing that Num 20:14a, (15-16*), 17-18, 19-20*, 21* reflect a pre-Dtr narrative of Israel's detour around Edom that was later *rewritten* by the "Hexateuch redactor" who reworked material especially in 20:14-16, 18a, and 20b. Yet if Num 20:19 is merely a "rewriting" of an earlier version in light of Deut 2, it is surprising that the received text of Num 20:19 does not fit more smoothly within its immediate context.

was dependent on the other, although the direction of dependence cannot be determined based on the evidence of Num 20:17 and 21:22 alone. On the other hand, it seems likely that the version in Deut 2:29b is dependent on Num 21:22 and not the other way around. Finally, the corresponding statement in Judg 11:19 (עד מקומי) draws on Deut 2:29 rather than Num 21:22.

3. The refusal of passage (Num 20:18,20,21; 21:23; Deut 2:30; Judg 11:17, 20)

All three of the main versions of the Israelites' request for passage, as well as the retrospective in Judg 11:12-28, report the refusal of passage by Edom and Sihon. As with the people's intention to cross to the other side, there are verbatim correspondences between the Edom episode and the Numbers version of the Sihon episode:

<div dir="rtl">

Num 20:21   וימאן אדום נְתֹן את ישראל עבר בגבלו

Num 21:23   ולא נתן סיחן את ישראל עבר בגבלו

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The syntax of Num 20:21 is somewhat awkward, using נְתֹן as an infinitive construct rather than the usual תֵּת—the only such occurrence in the Hebrew Bible.[162] This suggests that Num 21:23 has literary priority over Num 20:21, whose author sought to rephrase Num 21:23 but which resulted in grammatical infelicities. Deuteronomy 2:30 also likely drew on Num 21:23 but changed the prepositional phrase בגבלו simply to בו. This is significant, since Num 20:18 also uses the preposition ־ב with a pronominal suffix rather than with the noun גבול followed by a pronominal suffix:

<div dir="rtl">

Deut 2:30   ולא אבה סיחן מלך חשבון העברנו בו

Num 20:18   ויאמר אליו אדום לא תעבר בי

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[162] The infinitive absolute נָתֹן is also rare, appearing only in Num 21:2; 27:7; Isa 37:19; Jer 37:21; and Ezek 23:46.

Judges 11:17, 20 diverge significantly from all of the above texts and reflect a freer approach to retelling both the Edom and the Sihon episodes.

In sum, it is possible to conclude that Num 21:23 represents the earliest version of the refusal of passage, upon which both Num 20:21 and Deut 2:30 drew. Edom's refusal of passage in Num 20:18 in turn seems to be dependent on Deut 2:30. This provides additional evidence that Num 20:14-21, at least in its later stages of composition, presupposed the Sihon narratives in both Numbers *and* Deuteronomy.

4. Aggression towards Israel (Num 20:20; 21:23; Deut 2:32; Judg 11:20)

Following the refusal of passage, Edom/Sihon go out to meet Israel in battle (Num 20:20; 21:23; Deut 2:32; and Judg 11:20).[163] Once again, it seems reasonable to assume that Deut 2:32 is dependent on Num 21:23, as there are no positive indications for the opposite direction of dependence:

Num 21:23	ויאסף <u>סיחן</u> את כל עמו <u>ויצא לקראת</u> ישראל המדברה ויבא <u>יהצה וילחם</u> בישראל
Deut 2:32	<u>ויצא סיחן לקראתנו</u> הוא וכל עמו <u>למלחמה יהצה</u>

In turn, Num 20:20 differs from both Num 21:23 and Deut 2:32 in its precise phrasing:

Num 20:20	<u>ויצא</u> אדום <u>לקראתו</u> בעם כבד וביד חזקה

The use of the phrase לקראתו suggests that this verse drew directly on Num 21:23, replacing ישראל with the 3ms pronominal suffix. This seems all the more likely in light of the fact that the 3ms pronominal suffix stands in tension with the *plural* subject בני ישראל in Num 20:19. On the other hand, both the word order and the brevity of Num 20:20 suggest that the author of this verse also had Deut 2:32 in view. This is another case, then, of texts

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[163] In Judg 11:17, however, Edom does *not* show aggression toward Israel as in Num 20:20.

in Num 20:14-21 apparently presupposing the Sihon narratives in both Numbers *and* Deuteronomy.

5. *The outcome of the encounter (Num 20:21; 21:24; 2:33-34; Judg 11:18, 21-22)*

The outcome of the encounters with Edom and Sihon is one of the most complex aspects of the comparison between these texts. As was discussed in the literary-critical analysis of Num 21:21-35 (see 5.3), there are internal grounds for questioning the compositional unity of Num 21:24-25, whose most basic material is likely limited to 21:24a and 25b. Likewise, it is possible that the most basic material in Deut 2:33-35 only consisted of 2:33-34aα. The corresponding events are also narrated in Judg 11:21a. Thus, it is this material that should first be compared:

Num 21:24a, 25b   ויכהו ישראל לפי חרב...וישב ישראל *בכל ערי האמרי* בחשבון ובכל בנתיה

Deut 2:33-34   ויתנהו ה׳ אלהינו לפנינו ונך אתו ואת בנו ואת כל עמו: ונלכד את כל עריו בעת ההוא...

Judg 11:21a   ויתן ה׳ אלהי ישראל את סיחון ואת כל עמו ביד ישראל ויכום

Among these three versions, the strongest evidence for the literary priority of Num 21:24a, 25b over Deut 2:33-34aα and Judg 11:21 is the fact that the defeat of Sihon in Deut 2:33-34aα is "theologized," attributing the defeat to Yhwh and not directly to Israel.[164] Moreover, Judg 11:21a is the latest of the three versions, as it draws verbatim terminology from Deut 2:33 (cf. the double-underlined text).

In contrast to the basic narrative thread in Num 21:24a, 25b, the additions in Num 21:24b-25a seem to be dependent on both Deut 2:34 and Judg 11:21b-22:

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[164] Cf. Perlitt, *Deuteronomium 1–6**, 200. Van Seters ("The Conquest of Sihon's Kingdom," 196) argues that Num 21:24 "secularizes" its purported *Vorlage* in Deut 2:33 (and in Judg 11:21), although such a scenario seems rather unlikely.

Num 21:24b-25a   וַיִּירַשׁ את ארצו מארנן עד יבק עד בני עמון כי עז גבול בני עמון:
ויקח ישראל את כל הערים האלה

Deut 2:33-34aα   ויתנהו ה׳ אלהינו לפנינו ונך אתו ואת בנו ואת כל עמו: וַנִלכד את כל עריו בעת ההוא

Judg 11:21b-22   וַיִּירַשׁ ישראל את כל ארץ האמרי יושב הארץ ההיא:
וַיִּירְשׁוּ את כל גבול האמרי מארנון ועד היבק ומן המדבר ועד הירדן

On the one hand, within its immediate context, Num 21:25a (ויקח ישראל את כל הערים האלה)
"hängt…völlig in der Luft"[165] but is easily explained as a coordination with Deut
2:34aα.[166] On the other hand, the materials in Num 21:24b cannot be explained by
comparison with Deut 2.[167] The verb ירש G is not used in Deut 2:33-34aα (in fact, it is not
used anywhere in Deut 2:26-37 apart from the insertion in 2:31), while it occurs twice in
Judg 11:21b-22. Likewise, the phrase מארנון (ו)עד (ה)יבק occurs in both Num 21:24b and
Judg 11:22 but not in Deut 2:33-34aα. It thus seems that the additions in Num 21:24b and
25a have drawn on Judg 11:21b-22 and Deut 2:34aα, respectively, as sources.[168] Whether
these additions were made by the same hand or different hands is impossible to
determine.

In light of these observations, the reference to the border of the Ammonites in
Num 21:24b can perhaps be interpreted as a correction of the extent of the conquest de-
scribed in Judg 11:22—"from the Arnon to the Jabbok and from the desert to the Jordan"
(cf. 11:13). In other words, Num 21:24b adopts the same basic claim as Judg 11:12-28—
namely, that Israel did not take Ammonite territory during the conquest of Sihon—but

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[165] Rose, *Deuteronomist und Jahwist*, 312.

[166] Cf. Mittmann, *Deuteronomium 1,1–6,3*, 87.

[167] Against Mittmann, ibid.

[168] In this particular case, I agree with Van Seters' thesis that the Sihon narrative in Num 21 drew on the Sihon retrospectives in Deut 2 and Judg 11. Van Seters errs, however, in concluding that the Sihon episode in Num 21 *in its entirety* is secondary to the Sihon narratives in Deut 2 and Judg 11.

concedes that the eastern boundary of the area conquered was the border with Ammon, not "the desert." This geographical conception is presupposed in Josh 12:2, which is thus likely later than both Judg 11:22 and Num 21:24b.[169]

Synthesis: The literary relationship between the parallel texts

The preceding analysis has attempted to address the challenges that are inherent in the comparison of four parallel texts, three of which have complex histories of growth, by giving close attention both to the diachronic development of each text and to the comparison of their parallels. The results of this analysis can be synthesized as follows:

I   Following the majority view of scholarship, there is no reason to doubt that the earliest version of Israel's encounter with Sihon is found in Num 21:21-31*.[170] Based on the literary-critical analysis of this unit, its most basic materials are to be identified in 21:21-24a, 25b. There are no indications that these verses presuppose priestly literature.

II   Num 21:21-24a, 25b served as the *Vorlage* for Moses' review of the Sihon episode in Deut 2:26*, 27, 29b-30a, 32-34aα, 36, to which the narrative of the conquest of Og was added in Deut 3:1, 3a, 4a, 8a. These narratives form part of the most basic narrative thread in Deut 1–3, which likely consisted of 1:1a, 6-7aα, 19aα*, (19b?); 2:8(a*?)b, (13b?), 26*, 27, 29b-30a, 32-34aα, 36; 3:1, 3a, 4a, 8a, 29. There are no indications that this narrative presupposes priestly literature.

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[169] Here, I disagree in part with Bartlett ("Re-Examination," 348), who also regards Num 21:24b as a secondary insertion but argues that it derives from Josh 12:2 and not Judg 11:22.

[170] Against Van Seters, "The Conquest of Sihon's Kingdom," 182–97; idem, "Once again the Conquest of Sihon's Kingdom," 117–19; idem, *Life*, 383–404; Wüst, *Untersuchungen*, 241–43; Coats, "Conquest Traditions in the Wilderness Theme," 182 n. 20; and Rose, *Deuteronomist und Jahwist*, 308–12.

II+ Perhaps in a separate stage of composition, a series of texts were added in Deut 2:34aβ-35; 3:3b, 6-7 that depicted the conquest of Sihon and Og in terms of the חרם-ideology. There are no indications that this layer of expansion presupposes priestly literature.

III A narrative of Israel's peaceful passage through Edom, Moab, and Ammon (Deut 2:1-6, 8a*, 13, 17-19, 24-25) was inserted into Deut 1–3* either alongside or after the insertion of Deut 1:20-46. This layer of composition is dominated by divine speeches and thematizes the concept of divinely-appointed territorial possessions (יְרֻשָּׁה). This narrative shows no knowledge of an earlier encounter with Edom, and there is textual evidence that the narrative originally reported Israel's crossing *through* Edom's territory (cf. 2:8a 𝔊 𝔙). Since this unit presupposes the story of the spies (see esp. 2:1-3), it must be evaluated as a post-priestly composition.

III+ Sometime after the composition of Deut 2:1-6, 8-9, 13, 17-19, 24-25, a series of additions were made in 2:14-16, 28-29a, 31; 3:2. While 2:14-16 is concerned primarily with the death of the exodus generation, 2:28-29a, 31; and 3:2 serve to create a more explicit contrast between the conquest of Sihon and Og and Israel's peaceful passage through Edom, Moab, and Ammon through the insertion of a back-reference to the Edomites and Moabites in 2:28-29a and divine speeches in 2:31 and 3:2 parallel to those in 2:9, 17-19, 24-25.

IV The Sihon episode in Num 21:21-24a, 25b was supplemented with the Song of Heshbon and its introduction (21:26-30), and a new conclusion to the expanded unit was created by the *Wiederaufnahme* of 21:25b in 21:31. Whether this occurred before or after the composition of Deut 2:1-6, 8-9, 13, 17-19, 24-25 cannot

be determined with certainty. Nevertheless, several considerations suggest that the Song could be later than the narrative of Israel's passage through Edom, Moab, and Ammon in Deut 2.[171] Indeed, it is possible that the Song was inserted into the narrative of the defeat of Sihon in Num 21 as a response to Deut 2:9, clarifying that the conquest of Sihon's kingdom (including Heshbon) was not an infringement upon Moab's divinely-apportioned territory.

IV+ Sometime after the addition of the divine speech in Deut 3:2 (III+), the Og episode from Deut 3:1-4a—including the divine speech in 3:2—was added to the Sihon episode in Numbers (Num 21:33-35). The reference to the capture of Jazer in Num 21:32 is perhaps later than 21:33-35, showing connections with post-priestly geographical texts (Num 32:1, 3, 35; Josh 13:25; 21:39).

V The earliest literary form of the detour around Edom in Num 20:14-21 (i.e., 20:14a, 17, 21) is likely later than the report of Israel's passage through Edom in Deut 2:4-6, 8a*. The alternative scenario—that Num 20:14-21* has priority over Deut 2:4-6, 8a*—seems unlikely, since it is unclear why the author of Deut 2:4-6, 8a* would revise an existing narrative about Israel's detour *around* Edom to depict the Israelites as *crossing through* Edom (2:4; 8a 𝕲 𝕺[172]) without addressing

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[171] First, the Song's combination of the lexemes אש and יצא may suggest that its author was familiar with priestly texts, which also use this combination (Lev. 9:24; 10:2; Num 16:35; Ezek 19:14; cf. Timm, *Moab*, 76 and the discussion above). Moreover, the Song's call to rebuild Heshbon fits well with the archaeological evidence for Tell Ḥesban during the Persian period, when the site lay in ruins. Finally, the Song's rhetorical aim of disavowing the Israelites of any involvement in taking Moabite land is closely related to the statement in Deut 2:9 that Yhwh will not give Moab's land to Israel, since he gave it to the "sons of Lot" as an inheritance (ירשה).

[172] The originality of the reading of 𝕲 𝕺 is supported by the fact that it would make no sense to emend the text in the opposite direction, i.e., from מאת to את, especially if Num 20:14-21 already lay before the author of Deut 2:8a.

the fact that, according to Num 20:14-21, the Israelites are denied passage through Edom.[173]

The literary priority of Deut 2:1-6, 8a* over Num 20:14-21 receives further support from Deut 2:1, where the Israelites' journey "by way of the Sea of Reeds" is not the result of a confrontation with Edom but is instead—as in Num 14:25b and Deut 1:40—the result of the Israelites' disobedience following the episode of the spies.[174] In other words, the "detour" in Deut 2:1 has a *theological* motive and is completely unaware of any conflict with Edom.[175] In Deut 2:1-3, "going around" (סבב) the hill country of Seir does not seem to have the sense of *going around the perimeter of* Seir but rather *wandering through* the hill country of Seir. This is confirmed by the statement in Deut 2:4 that the Israelites are to cross over into the territory of the "sons of Esau," i.e., Edom. In contrast, it is likely that the basic narrative of the confrontation with Edom in Num 20:14a, 17, 21 already presupposed the "theological" detour by way of the Sea of Reeds and added an additional, "political" reason for the detour, namely, Edom's refusal of passage.[176] This reason for the detour was then integrated into the itinerary notice in Num 21:4aα

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[173] Steuernagel (*Deuteronomium*, 56) argued that Num 20:14-21 (E) was the source of the parallel in Deut 2 and that the divergence between the two texts resulted from a shift in the perception of Edom that had occurred between the writing of the two versions. See also Sumner, "Israel's Encounter," 221, who argued that "[i]n the interests of his theory and literary pattern, the Deuteronomist is unwilling to admit that any nation rebuffed Israel and escaped the consequences."

[174] As Christian Frevel has aptly observed, "the way to the Sea of Reeds is a textual cipher signalising a setback rather than a concrete geographical specification" (Christian Frevel, "Understanding the Pentateuch by Structuring the Desert: Num 21 as Compositional Joint," in *The Land of Israel in Bible, History, and Theology: Studies in Honour of Ed Noort* [ed. J. van Ruiten and J. C. de Vos; VTSup 124; Leiden: Brill, 2009], 111–35 [120]). Although Frevel regards this as especially true of Num 21:4a, I would argue that it is equally true of Num 14:25b and Deut 2:1.

[175] Cf. Blum, *Studien*, 120.

[176] So also Blum (ibid., 120–121): "Hingegen läßt sich sehr wohl denken, daß spätere Tradenten in Anlehnung an die Sichon-Episode in Nu 21…und an Dtn 2 den Umweg Israels auf das Konto der ungeliebten Edomiter zu schreiben suchen."

through the insertion of the phrase לסבב את ארץ אדום in 21:4aβ[177] and also generat-

ed the change from את to מאת in the Masoretic version of Deut 2:8a.

Overall, this reconstruction indicates that even the earliest version of Num 20:14-21 is a post-priestly composition,[178] since it places this narrative at a later compositional stage than the story of the spies as well as the narrative of the passage through Edom in Deut 2:1-8a.

V+ The later additions to Num 20:14-21 (i.e., 20:14b-16, 18-20) show further signs of post-priestly compositional activity.[179] The main rhetorical aim of these additions is to revise the picture of Edom as Israel's brother in Deut 2:4-6, 8a[180] and Deut 23:4-5, 8a*, both of which are post-priestly.[181] The juxtaposition of the reference to Edom as Israel's "brother" in Num 20:14b with Edom's bellicose refusal to al-

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[177] Similarly, Blum (*Studien*, 118) observes that "der Umweg von 21,4a gewinnt von 20,14ff. her gesehen gegenüber 14,25 einen neuen Sinn: er resultiert jetzt aus der Ablehnung Edoms." I would suggest, however, that the phrase לסבב את ארץ אדום in Num 21:4aβ did not simply "take on" a new meaning but that it *presupposed* this new meaning from the outset.

[178] So already tentatively Fritz, *Israel in der Wüste*, 29; Blum, *Studien*, 121; and more forcefully Oswald, "Revision." Israel Finkelstein ("The Wilderness Narrative and Itineraries and the Evolution of the Exodus Tradition," in *Israel's Exodus in Transdisciplinary Perspective: Text, Archaeology, Culture, and Geoscience* [ed. Thomas. E. Levy, Thomas Schneider, and William H. C. Propp; Quantitative Methods in the Humanities and Social Sciences; Cham: Springer, 2015], 39–53 [46]) argues that Num 20:14-21 "should…be anchored in the late eighth to early sixth centuries—the only time in the Iron Age and Persian period with a strong kingdom in this area," although he does not consider the possibility that the text may reflect later antagonism with "Edomites" during the Persian period or later.

[179] The historical summary in Num 20:14b-16 bears connections with other post-priestly texts, while the offer to pay for food and water in Num 20:19 is dependent on Deut 2:6 and 28.

[180] Cf. Achenbach, *Vollendung*, 335–44.

[181] On the post-priestly nature of Deut 2:4-6, 8a see 5.4 above. The post-priestly provenance of the "law of the congregation" in Deut 23:2-9 is supported by two considerations. (1) Other materials in this unit reflect priestly concerns and terminology, such as the prohibition of individuals with mutilated genitals or illegitimate children from entering the congregation (קהל) of Yhwh (23:2-3, cf. the reference to the קהל ה׳ in 23:9). (2) The prohibition from admitting Ammonites and Moabites into the congregation (קהל) of Yhwh (23:4-5), as well as the command not to oppress the Edomite, "for he his your brother" (23:8a), clearly presuppose Deut 2:4-19*, where the Israelites are instructed to pay for food and water from the Edomites but no such instructions are given regarding the Moabites or Ammonites. In other words, since Deut 2:4-5 is silent regarding buying food and water from the Moabites or Ammonites, Deut 23:4-5 midrashically extrapolates that these two peoples did not offer food and water to the Israelites. On the post-priestly nature of Deut 23:2-9 cf. Otto, "Deuteronomiumsstudien I," 162–63 n. 319.

low the Israelites to pass through its territory in 20:18, 20 is a revision of the contrast set up in Deut 23:4-5, 8a between brotherly Edom and uncooperative Moab and Ammon. Thus, rather than calling for special treatment of Edom vis-à-vis Moab and Ammon (so Deut 23:8a), the additions to Num 20:14-21 emphasize Edom's unwillingness to help the Israelites and thereby extend the critique of Ammon and Moab found in Deut 23:4-5 to Edom as well.[182]

VI   Judg 11:12-28, which presupposes both the confrontation with Edom in Num 20:14-21* and the defeat of Sihon in Num 21:21-24a, 25b as well as its parallel in Deut 2:26-37*,[183] was inserted into the Jephthah narratives in Judg 11:1–12:8*. Notably, the report of Edom's refusal of passage in Judg 11:17 simply states that Edom "did not listen" and does not state that Edom came out against Israel in battle as in Num 20:18-20. Thus, it is possible that the Edom episode that lay before the author of Judg 11:12-28 had not yet reached its received form, although this cannot be determined with certainty, since it is clear that the author of the retrospective drastically abbreviated both the Edom and the Sihon episodes.[184]

VI+   The Sihon episode in Num 21:21-31* was supplemented in 21:24b on the basis of Judg 11:21b-22. The verb ירש G and the geographical references to the Arnon and the Jabbok are otherwise foreign to Num 21:21-31* and its parallel in Deut 2:26-37* but are both present in Judg 11:21b-22. The reference to the border of the Ammonites in Num 21:24b also fits well with this hypothesis, since Israel's

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[182] Cf. Oswald, "Revision," 231.

[183] For the dependence of Judg 11:12-28 on Deut 2:26-37* cf. esp. Judg 11:19 // Deut 2:29b.

[184] For example, the request for passage in the encounter with Edom (Judg 11:17) does not express the intention to cross to the other side (contrast to Num 20:17), while the request for passage in the Sihon episode (Judg 11:19) contains an extremely brief statement of destination (in contrast to Deut 2:29b).

past relations with Ammon are the primary subject of Jephthah's message to the king of the Ammonites. Indeed, Num 21:24b seems to serve as a (later) prooftext for Jephthah's claim in Judg 11:27 that Israel did no wrong to Ammon.

VII   Sometime after the composition of the report of Israel's passage through Edom, Moab, and Ammon in Deut 2:1-6, 8-9, 13, and 17-19 (Level III), a series of "giants texts" (2:10-11, 20-21; 3:11) were appended to the divine speeches in this unit as well as to the end of the Og episode. It is not possible to determine when this occurred relative to Levels IV–VI.

VII+   It is possible that Deut 2:12, 22-23 and 3:9 are later than the other giants texts.

VIII   Deut 2:7, 30b; and 3:4b-5 are isolated glosses that are difficult to connect to a particular stage of textual development. In any event, 2:7 cannot be earlier than 2:1-6, 8a (Level III). Since 2:30b is similar to 2:7 in terms of its form of address, it was possibly added around the same time as 2:7. As for Deut 3:4b-5, the use of the term חבל for "border" or "territory" links this unit with post-priestly texts such as Deut 3:13-14; Josh 17:5, 14; 19:9, and 29.

Overview: The growth of Num 20:14-21; 21:21-35; Deut 2:1–3:11; and Judg 11:12-28

Potentially pre-priestly compositional activity

Stage	Num	Deut	Judg	Comment
I	Num 21:21-24a, 25b			Possibly prior to the insertion of the Deuteronomic law
II		Deut 1:1a, 6-7aα, 19aα*, (19b); 2:8(a*)b, (13b), 26*, 27, 29b-30a, 32-34aα, 36; 3:1, 3a, 4a, 8a, 29		Presupposes Num 21:21-24a, 25b as well as the insertion of the Deuteronomic law
II+		Deut 2:34aβ-35; 3:3b, 6-7		Presupposes the concept of חרם

Post-priestly compositional activity

Stage	Num	Deut	Judg	Comment
III		Deut 2:1-6, 8-9, 13, 17-19, 24-25		Presupposes the spy story and Deut 2:26–3:8a*
III+		Deut 2:14-16, 28-29a, 31; 3:2		Presupposes Deut 2:1-6, 8-9, 13, 17-19
IV	Num 21:26-31			Possibly presupposes Deut 2:8-9
IV+	Num 21:32-35			Presupposes Deut 3:1-4a
V	Num 20:14a*, 17*, 21			Presupposes Num 21:21-24a, 25b; reinterprets Deut 2:1-6, 8a and דרך ים סוף
V+	Num 20:14b-16, 18-21			Presupposes Deut 2:6, 28, 32; 26:5-9 (ancestral narratives)
VI			Judg 11:12-28	Presupposes Num 20:14-21
VI+	Num 21:24b, 25a			Presupposes Judg 11:21b-22; Deut 2:34aα
VII		Deut 2:10-11, 20-21; 3:11		Presupposes Deut 2:9, 17-19; Rephaim in Genesis?
VII+		Deut 2:12, 22-23		Presupposes Deut 2:10-11, 20-21
VIII		Deut 2:7, 30b; 3:4b-5		Presupposes 2:1-6, 8a; paraenesis in Deuteronomy; Deut 3:13-14; Josh 17; 19

5.7. The itinerary reports (Num 20:1, 22; 21:4a, 10-20; 22:1)

Now that the narrative material in Num 20:1–22:1 has been analyzed and compared to its parallels in Deut 2–3 and Judg 11:12-28, it is possible to evaluate the itinerary reports in Num 20:1, 22; 21:4a, 10-20; and 22:1. As above, a literary-critical analysis of these materials will be conducted prior to evaluating their relationship to the surrounding narratives and to priestly literature.

Literary-critical analysis

20:1a. Within this half-verse, the people are referred to using several different designations: בני ישראל and כל העדה in 20:1aα and העם in 20:1aβ. Correspondingly, 20:1aα uses a 3mp verb while 20:1aβ uses a 3ms verb. Moreover, the naming of the subject in 20:1aβ is redundant in light of 20:1aα. All of these observations suggest that 20:1aα and 20:1aβ do not belong to the same compositional level.[185]

 20:22. The report of the people's arrival in Kadesh in 20:1aβ finds its continuation in their departure from Kadesh in 20:22a and their arrival at Mt. Hor in 20:22b. As in 20:1a, there is some indication that 20:22 is a composite text, since 20:22a does not have an explicit subject while 20:22b does, which is the reverse of what a reader would normally expect. This tension may be resolved diachronically in one of two ways: either the subject in 20:22b can be bracketed out as a later gloss (which is certainly feasible from a syntactic point of view) or 20:22b as a whole can be assigned to a different level of com-

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[185] The disunity of this verse forms a broad consensus; cf. Noth, *Überlieferungsgeschichte des Pentateuch*, 138 n. 354 (ET 125 n. 354); Fritz, *Israel in der Wüste*, 27–28; Kratz, *Komposition*, 111 (ET 108); Seebass, *Numeri 10,11–22,1*, 275; and Schmidt, *Numeri 10,11–36,13*, 89; against Roskop, *Wilderness Itineraries*, 178, who treats this verse as a unity.

position. In the latter scenario, 20:22b could not be earlier than 20:22a, since then it would lack a corresponding departure notice that connects to the arrival at Mt. Hor.

21:4a. This verse only contains a departure notice from Mt. Hor and only finds a corresponding arrival notice in 21:10b. This does not pose a narrative problem, however, since the narrative of the bronze serpent takes place while the people are *en route* (ותקצר נפש העם בדרך, 21:4b). More problematic is the phrase לסבב את ארץ אדם in 21:4aβ, since this reference appears at some distance from the last mention of Edom in 20:14-21 and is rather isolated within its present context.

21:10a. The next travel notice after 21:4a is found in 21:10a (ויסעו בני ישראל). Rather exceptionally within biblical literature, this notice does not specify *from where* the Israelites set out.[186] This can be explained in light of the preceding episode of the bronze serpent, which takes place in an unspecified setting "along the way" (בדרך, 21:4b) follow-ing the people's departure from Mt. Hor in 21:4a. Thus, rather than assuming that the point of departure in 21:10 has been lost,[187] it seems more likely that 21:10a forms a tai-lor-made transition out of the preceding episode in 21:4b-9 (i.e., a *Wiederaufnahme* of 21:4a) and cannot be earlier than that episode.[188]

21:10b. Apart from its present connection to 21:10a, the report of the people's en-campment in Oboth in 21:10b could also connect seamlessly either to 21:4a* (ויסעו מהר ההר) or to 20:22a (ויסעו מקדש).[189] However, the report of the people's arrival at Mt. Hor in

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[186] Of the 61 occurrences of travel notices in Genesis–Kings using the waw-consecutive 3mpl of נסע (42 of which occur in Num 33 alone), only five lack the point of departure (Num 10:12, 28; 21:10; 22:1; Josh 9:17), indicated by the preposition -מ plus a place name or a pronoun such as שם.

[187] So Jerome T. Walsh, "From Egypt to Moab: A Source Critical Analysis of the Wilderness Itinerary," *CBQ* 39 (1977): 20–33 (27).

[188] Similarly Albertz, "Das Buch Numeri," 181–82.

[189] The location of Oboth is disputed. Martin Noth ("Der Wallfahrtsweg zum Sinai (Nu 33)," *PJ* 36 [1940]: 5–28; repr. in *Archäologische, exegetische und topographische Untersuchungen zur Geschichte Israels* [vol. 1 of *Aufsätze zur biblischen Landes- und Altertumskunde*; ed. Hans Walter Wolff; Neukirchen-Vluyn:

Num 20:22b uses the verb בוא rather than נחה, which may suggest that it does not belong to the same compositional level as the travel notices in 21:10b-13a.

21:11. Before delving into the literary-critical issues of 21:11, a text-critical problem relating to the place name עיי העברים must first be addressed. In contrast to 𝔐, which reads בעיי העברים, certain 𝕲 manuscripts read ἐν Αχελγαι ἐκ τοῦ πέραν[190] and certain 𝕾 manuscripts read *nḥl g'y'*[191] or *b'yn'*.[192] Assuming that a Greek "N" may have been omitted from the beginning of Αχελγαι through haplography, then it is possible to reconstruct the toponym Ναχελγαι in the Old Greek text,[193] which can be retroverted to Hebrew as *נחל עי, "the wadi (of) Ai." In contrast, the reading בעיי העברים in 𝔐 seems to have been influenced by Num 33:44b.[194] The possibility that נחל עי* is the more original reading here finds some support in its parallelism with the Wadi Zered (נחל זרד) in 21:12.

The location of נחל עי* is, of course, a separate question. Several commentators have identified Iyye-Abarim (or *נחל עי) with present-day Khirbet 'Ay, located around 10 km southwest of Kerak.[195] Although this fits well with the reconstructed place-name נחל

Neukirchener Verlag, 1971], 55–74 [65]) suggested that Oboth should be identified with 'Ain el-Weibeh, on the western side of the Wadi Arabah. Miller ("Israelite Journey," 581) argued that this is unlikely, since 'Ain el-Weibeh does not lie on a direct path from Khirbet el-Feinan to Dhiban, which would be expected based on the order of toponyms in Num 33:43-45. It may be questioned, however, whether Num 33 should be taken as a reliable source of geographical information. For example, Ernst Axel Knauf ("Supplementa Ismaelitica 14: Mount Hor and Kadesh Barnea" [*BN* 22 [1992]: 22–26 [22]) argues that Num 33:36-37 identify Kadesh with Petra in Transjordan.

[190] Cf. John William Wevers, *Notes on the Greek Text of Numbers* (SBLSCS 46; Atlanta: Society of Biblical Literature, 1998), 255–56.

[191] Cf. the text-critical notes in Seebass, *Numeri 10,11–22,1*, 330.

[192] Cf. BHS ad loc.

[193] So Horst Seebass, "Edom und seine Umgehung," *VT* 47 (1997): 255–60 (256); idem, *Numeri 10,11–22,1*, 330.

[194] Cf. idem, "Edom und seine Umgehung," 256; followed by Albertz, "Das Buch Numeri," 337 n. 5.

[195] Cf. Noth, "Wallfahrtsweg," 63–64; Herbert Donner, "Mitteilungen zur Topographie des Ostjordanlandes anhand der Mosaikkarte von *Mādebā*," *ZDPV* 98 (1982): 174–91 (183–88); and Wolfgang Zwickel, "Der Durchzug der Israeliten durch das Ostjordanland," *UF* 22 (1990): 475–95 (486); see also the discussion in Burton MacDonald, *East of the Jordan: Territories and Sites of the Hebrew Scriptures* (Boston: American Schools of Oriental Research, 2000), 72–73.

עי*, it places this site north of the Wadi Zered (i.e., Wadi al-Ḥasa), which conflicts with the order of the travel notices in Num 21:11-12. The note in 21:11bα₂β that Iyye-Abarim/ נחל עי* lies in the wilderness to the east of Moab poses a similar problem, since it implies that the Israelites have already traveled *beyond* the Wadi Zered, which is described elsewhere as the southern border of Moab (cf. Deut 2:13, 17-18).[196] In other words, the received form of 21:11 suggests that the Israelites would have to backtrack in order to encamp in the Zered in 21:12.[197]

This suggests that in their present form, Num 21:11 and 21:12 cannot be the product of a single hand. Rather, one of three alternative scenarios must be the case: (1) 21:11 is a unity and is later than 21:12, in which case משם in 21:12 would have originally referred to Oboth in 21:10; (2) 21:11 is a unity and is earlier than 21:12, in which case 21:11 would have originally connected to 21:13 or some verse thereafter; or (3) 21:11 did not originally contain the phrase במדבר אשר על פני מואב ממזרח השמש, in which case Iyye-Abarim/נחל עי* would no longer need to be interpreted as located to the east of Moab.[198] Literary-critical analysis alone does not provide a clear solution here, and this problem will be revisited in the macrocontextual analysis below.

21:12-13. It is noteworthy that the travel notices in 21:12-13 use the expression משם נסעו rather than the waw-consecutive verb ויסעו. On the one hand, this may constitute evidence that 21:12-13 belong to a different (and if so, likely later) stage of composition

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[196] The historical plausibility of this biblically-defined border is supported by the distribution of Iron Age Moabite sites, which occur on both sides of the Wadi Mujib (= Arnon); cf. Routledge, *Moab*, 93–96.

[197] On this problem cf. Noth, "Num 21," 84–86; Roland de Vaux, "L'itinéraire des Israélites de Cadès aux plaines de Moab," in *Hommages à André Dupont-Sommer* (Paris: Adrien-Maisonneuve, 1971), 331–42 (341); Miller, "Israelite Journey," 558; and Albertz, "Das Buch Numeri," 337 n. 5.

[198] Admittedly, the third alternative remains incompatible with the proposed identification of Iyye-Abarim/ נחל עי* with Khirbet 'Ay, although the latter is itself quite uncertain.

from 21:10b-11.[199] On the other hand, it may simply be a stylistic device that serves to reduce the heavy repetition that would otherwise characterize the series of back-to-back travel notices.[200] While this shift in formulation may not provide a solid basis for literary-critical differentiation, there are other elements in 21:12-13 that do call for such differentiation.

In 21:13a, the use of the term מדבר as the apparent subject of the verb יצא is exceptional within biblical literature. This raises the question of whether the term ארנון might function better as the original subject of the verb יצא, a possibility that receives some support from Gen 2:10, which uses the verb יצא (also as a participle) with reference to a river. If the reference to the desert is removed, then a coherent report remains stating that the people encamped by the "Arnon which goes out from the territory of the Amorites" (ארנון היצא מגבול האמרי or ארנון אשר יצא מגבול האמרי).[201] In 21:13b, the reference to the Arnon as the "border" (גבול) of Moab stands in tension with 21:13a*, which states that the Arnon is at the edge of *Amorite* territory. The use of כי to introduce this geographical detail suggests that 21:13b is a later, gloss-like addition to 21:13a.

21:14-20. There are several reasons to suspect that 21:14-20 are a later addition within the chain of travel notices in Num 20:1–22:1. First, the reference to the "Book of the Wars of Yhwh" in 21:14a sets this unit off as distinct from its surrounding material. Moreover, the style of the travel notices in 21:19-20 differs from that of the other travel notices in these chapters, which consistently use the verb נסע in the departure notices and

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[199] So Roskop, *Wilderness Itineraries*, 190.

[200] A parallel to this simpler form of travel notice is found in ancient Greek literature, using only an adverb such as ενθενδε or εντευθεν; on this see Graham I. Davies, "The Wilderness Itineraries: A Comparative Study," *Tyndale Bulletin* 25 (1974): 46–81 (76).

[201] While 𝔐 suggests that the people encamped to the south of the Arnon (מֵעבר ארנן), some 𝔖 manuscripts read בֵעבר ארנן, which seems to place the people instead on the northern side of the Arnon.

either use the verb חנה or בוא in the arrival notices. Finally, this unit interrupts the themat-

ic connection between the reference to the Amorites in 21:13a and 21:21, in which Israel

sends messengers to Sihon, king of the Amorites, requesting passage through his land.[202]

21:33. Strictly speaking, the next travel notice within 20:1–22:1 is the report in

21:33 that the people turned and went up towards the Bashan (ויפנו ויעלו דרך הבשן). This

notice is unique within its immediate narrative context, as it does not use the verb נסע and

also does not have a corresponding arrival notice. This suggests that the people's journey

to the Bashan does not belong to the most basic travel sequence within 20:1–22:1. In any

event, since the narrative of the defeat of Og presupposes the defeat of Sihon, this travel

notice cannot be earlier than 21:21–31.*

22:1. This final travel notice within 20:1–22:1 reports that the Israelites set out

and encamped in the plains of Moab, on the other side of the Jordan opposite Jericho.

Like 21:10a, 22:1a is rather unusual among the itinerary notices that employ the verb נסע

insofar as it does not specify the point of departure. This may suggest that 22:1a is a

"dummy" notice that was required following the insertion of additional narrative material

into an existing itinerary chain.[203] Thus, it seems that 22:1b originally connected to some

point prior to the Og episode in 21:33-35, namely, one of the following departure notices:

20:22a (Kadesh); 21:11a (Oboth), 12a (Iyye-Abarim/עי נחל*), or 13aα₁ (Wadi Zered). De-

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[202] Cf. Noth, "Num 21," 175; Achenbach, *Vollendung*, 357; and Schmidt, *Numeri 10,11–36,13*, 108. This line of reasoning is critiqued by Albertz, "Das Buch Numeri," 180 n. 33, who instead proposes that 21:13aβb is a later insertion that was added at the same time as the Sihon narrative in 21:21-35*. Although I would agree that 21:13b is a later insertion, whether 21:13aβ is also an insertion is less clear to me.

[203] Although it is hypothetically possible that 22:1a originally contained a place name that has now been lost or suppressed during textual transmission, this should not form the starting point for the reconstruction of the text's composition, since it does not argue on the basis of extant manuscript evidence.

ciding which of these possibilities is the most likely cannot be done on the basis of a literary-critical analysis alone; this question will thus be taken up again below.

Interim result. The literary-critical analysis of the itinerary notices in 20:1–22:1 suggests that a more basic travel sequence in these chapters was limited to some or all of the following waypoints: 20:1aβ + 22a (Kadesh); 21:10b + 11a (Oboth); 21:11bα$_1$ + 12a (Iyye-Abarim/עי נחל*); 12b + 13aα$_1$ (Wadi Zered); and 22:1b (Plains of Moab).

Macrocontextual analysis

This section will build upon the preceding literary-critical analysis by considering the relationship between the itinerary notices and other texts to which they connect, giving particular attention to their relationship to priestly literature.

20:1a. Above it was noted that this half-verse is not a compositional unity, and it has long been concluded on the basis of the reference to the עדה and the chronological notice in 20:1aα that this part of the verse is priestly.[204]

20:22. The foregoing analysis concluded that this verse is composite, and the possibility was raised that 20:22b is later than 20:22a. Notably, 20:22b uses the verb בוא in its arrival notice, which suggests an affinity with the priestly arrival notice in 20:1aα. The priestly provenance of the stopover at Mt. Hor is further suggested by the close connection between Mt. Hor and the priestly report of Aaron's death in 20:23-29. Indeed, the reference to a specific mountain as a waypoint is exceptional when compared to the other travel notices within 20:1–22:1 but is easily understandable in light of the narrative in

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[204] Cf., e.g., Noth, *Überlieferungsgeschichte des Pentateuch*, 19 (ET 19); Fritz, *Israel in der Wüste*, 27–28; Kratz, *Komposition*, 111 (ET 108); Seebass, *Numeri 10,11–22,1*, 275; and Schmidt, *Numeri 10,11–36,13*, 89.

20:23-29, in which the top of Mt. Hor serves as Aaron's final resting place. Thus, the stopover at Mt. Hor in 20:22b cannot have belonged to a pre-priestly narrative thread within 20:1–22:1. In contrast, there are no indications that the report of the people's departure from Kadesh in 20:22a presupposes priestly literature.[205]

21:4a. Since the people's arrival at Mt. Hor in 20:22b was evaluated as priestly, their departure from Mt. Hor in 21:4a must also be priestly.[206] From this it follows that the phrase דרך ים סוף לסבב את ארץ אדם must also be priestly at the earliest, which fits well with the evaluation of both the spy story in Num 13–14 and the detour around Edom in 20:14-21 as (post-)priestly texts (see 4.2 and 5.6).

21:10-20: General remarks. Several recent commentators have assigned much or all of the material within these verses to a post-priestly stage of composition,[207] yet such conclusions are problematic for several reasons. First, as Angela Roskop has remarked, the "stereotypical formula and list-like character" of the biblical itinerary notices, which often has often led commentators to assign them to P, "are simply characteristic of the itinerary genre and would be present irrespective of the ideological leanings, compositional style, or literary goals of the author."[208] According to such logic, it is not inconceivable that some of the notices in this unit belonged to a *pre*-priestly itinerary.[209] Moreover, if one assigns 21:10-20 as a whole to a (post-)priestly stage of composition, then a vast geo-

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[205] Cf. Rudolph, *"Elohist,"* 89 and Schmidt, *Numeri 10,11–22,1*, 97. Here I differ from many commentors who regard 20:22a as priestly; so Baentsch, *Exodus, Leviticus, Numeri*, 572; Holzinger, *Numeri*, 87; Noth, *Überlieferungsgeschichte des Pentateuch*, 34 (ET 32); idem, *Das vierte Buch Mose*, 128; and Kratz, *Komposition*, 111 (ET 108).

[206] Against Seebass, *Numeri 10,11–22,1*, 362, who regards 21:4aα$_1$ as non-priestly.

[207] Cf. Kratz, *Komposition*, 111 (ET 108); Schmidt, *Numeri 10,11–36,13*, 107–8; Frevel, "Understanding," 128–30; and Roskop, *Wilderness Itineraries*, 205.

[208] Roskop, *Wilderness Itineraries*, 153.

[209] In my view, this undermines Roskop's conclusion that the itinerary notices in 21:10-11a "use the same convention for the itinerary genre found throughout the Priestly string of itinerary notices and are likely part of the same composition" (ibid., 205).

graphical gap is left between the people's arrival in Kadesh (in the Negev) and the defeat of Sihon (in Transjordan), both of which likely belonged to a pre-priestly narrative thread. Since it is difficult to imagine that the people are still in Kadesh when Sihon comes out to attack them in 21:23*, it is reasonable to assume that at least *some* of the intervening itinerary notices are pre-priestly.[210]

21:10. Above it was concluded that 21:10a was composed as a transitional element that presupposes the episode of the bronze serpent in 21:4b-9. Since the latter is (post-)priestly (see 5.1), 21:10a must be as well.[211] In contrast—contrary to the view of the majority of commentators—, there is no *prima facie* evidence for attributing 21:10b to a (post-)priestly stage of composition. Such an attribution is based on the assumption that 21:10b is derived from the itinerary notice in Num 33:44, although there is no decisive evidence for such a direction of dependence.[212] Thus, in my view, it cannot be ruled out that 21:10b may have belonged to a pre-priestly itinerary chain and once connected directly to the people's departure from Kadesh in 20:22a.

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[210] In Kratz' reconstruction this geographical problem does not arise, since Kratz assigns the detour around Edom to a pre-priestly (more precisely: non-priestly) level of composition within 20:1–22:1 "which originally led directly from Kadesh, going round Edom (20.14-21), to the region between the Arnon and the Jabbok (21.21ff)" (*Komposition*, 111 [quote from ET 108]). Yet, as was demonstrated in 5.6, the narrative of the detour around Edom is post-priestly and thus cannot have preceded the narrative of the conquest of Sihon from the outset. Interestingly, although Kratz proposes a direct connection between 20:14-21 and 21:21-31*, his reference to the setting of 21:21-31* as "the region between the Arnon and the Jabbok" in a way presupposes the travel notice in 21:13.

[211] Here I cannot agree with Albertz, "Das Buch Numeri," 181–82, who (correctly) notes that 21:10a connects seamlessly with 21:4-9 but assigns the latter (without the reference to Mt. Hor in 21:4) to a pre-priestly stage of composition.

[212] This assumed direction of dependence goes back to the work of Noth ("Num 21," 171–72; idem, *Das vierte Buch Mose*, 139), who believed that Num 33 preserved an old pilgrimage route and has been maintained even by commentators who do not espouse Noth's pilgrimate route hypothesis (see, e.g., Knauf, "Supplementa Ismaelitica 14," 23 and Schmidt, *Numeri 10,11–36,13*, 107). For the view that Num 33 did *not* serve as a source for the itinerary notices elsewhere in Numbers cf. Achenbach, *Vollendung*, 623; Roskop, *Wilderness Itineraries*, 139–44; and Albertz, "Das Buch Numeri," 181 with n. 34.

21:11. The foregoing literary-critical analysis concluded that the received form of 20:11 and 20:12 cannot belong to the same compositional level, since the statement that Iyye-Abarim/עי נחל* lies to the east of Moab stands in tension with the fact that the Israelites only reach the Wadi Zered in 20:12. One of the proposed solutions to this problem was to bracket out the phrase במדבר אשר על פני מואב ממזרח השמש in 21:11bα$_2$β as a later addition. Such a solution fits well with the analysis in 5.6 above, where it was concluded that an earlier—yet already post-priestly—level of composition in Deut 2 reported the Israelites' passage *through* Edom, Moab, and Ammon. In contrast, the location of Iyye-Abarim/עי נחל* implied by 21:11bα$_2$β seems to presuppose the Israelites' detour around Edom in 20:14-21 (see also 21:4aβ and Deut 2:8 𝔐), reinterpreting their passage through Moab along similar lines.[213] This notion of a detour *around* Moab is expressed elsewhere in Judg 11:18, which bears striking similarities to Num 21:11bα$_2$β:

Judg 11:18	וילך <u>במדבר</u> ויסב את ארץ אדום ואת ארץ מואב <u>ויבא ממזרח שמש לארץ מואב</u>
	ויחנון בעבר ארנון <u>ולא באו בגבול מואב</u> כי ארנון גבול מואב
Num 21:11b	ויחנו *בנחל עי מהעבר <u>במדבר</u> אשר <u>על פני מואב ממזרח השמש</u>

Although the direction of dependence between these two texts is not completely clear, the literary priority of Judg 11:18 over Num 21:11bα$_2$β[214] receives some indirect support from the fact that Num 21 seems to have been coordinated with Judg 11:12-28 in at least two other places: 21:24b (cf. Judg 11:21b-22; see 5.6) and 21:13b (see below). In either case, however, 21:11bα$_2$β must be evaluated as a post-priestly insertion, since it cannot be ear-

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[213] Cf. Roskop, *Wilderness Itineraries*, 209.

[214] Cf. Davies, "The Wilderness Itineraries and the Composition of the Pentateuch," 10–11 and Achenbach, *Vollendung*, 623, against Böhler's assumption (*Jiftach und die Tora*, 62) that the direction of dependence only runs from Num 21:11 to Judg 11:18. I disagree, however, with Davies' suggestion that the basic material in Num 21:10-11 is derived from an originally independent itinerary document in Num 33:43-44.

lier than either Deut 2:4-6, 8a or Num 20:14-21. Thus, 21:11abα$_1$ represents the greatest extent of potentially pre-priestly material in this verse.

21:12-13. The possibility raised above that the term מדבר is a secondary addition to 21:13a finds further support in light of the evaluation of 21:11bα$_2$β as a post-priestly insertion that presupposes Num 20:14-21 and perhaps also Judg 11:12-28. This suggests that the term מדבר was added to 21:13a at the same time as 21:11bα$_2$β. In contrast, it is unlikely that 21:13a as a whole belongs to such a late stage of composition, since the reference to the Amorites here forms a transition into the Sihon episode in 21:21, which belongs to one of the earliest stages of composition in Num 21.

The literary-critical analysis above suggested that 21:13b is a later, gloss-like addition to 21:13a*, and comparison with Judg 11:18 suggests that it may have been derived from the latter verse:

Judg 11:18	וילך במדבר ויסב את ארץ אדום ואת ארץ מואב ויבא ממזרח שמש לארץ מואב ויחנון בעבר ארנון ולא באו בגבול מואב <u>כי ארנון גבול מואב</u>
Num 21:13b	<u>כי ארנון גבול מואב</u> בין מואב ובין האמרי

These are the only two verses in the Enneateuch that explicitly state that the Arnon forms one of Moab's borders.[215] While such a detail is important for Judg 11:18, which insists that the Israelites did not infringe upon Moabite territory in their journey through Transjordan, in Num 21:13b it is a blind motif that is only understandable in light of the additions in Num 21:11bα$_2$β and 21:13a*, which serve to recast the itinerary as a journey *through the desert to the east* rather than through the Transjordanian heartland.[216]

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[215] For further discussion of the (tendentious) biblical depiction of the Arnon as the northern border of Moab cf. Routledge, *Moab*, 45–46.

[216] On the dependence of Num 21:13b on Judg 11:18 cf. Achenbach, *Vollendung*, 353.

In sum, it seems that Num 21:12-13* originally did not describe a desert route to the east of the Transjordanian highlands but rather a route passing through the highlands themselves. Later, at a post-priestly stage of composition, these travel notices were reworked in light of Num 20:14-21 and to some extent also Judg 11:12-28, reinterpreting the Israelites' route as going *around* Moab and not through it.[217]

21:10-13 and Num 33. The conclusion that Num 20:10-13 did not originally depict a journey through the desert around Edom and Moab is supported by the (post-)priestly itinerary in Num 33:37, 41-49, which describes the Israelites as passing *through* Edom and Moab. Although not all of the toponyms in Num 33:37, 41-49 can be identified with known sites, the references to Punon, Dibon-Gad, and Almon-Diblathaim clearly indicate a route passing through Edom and Moab.[218] Yet rather than tendentiously diverging from a supposedly pre-priestly wilderness route that circumvented Edom and Moab,[219] it is more probable that Num 33:37, 41-49 drew on an earlier—yet already post-priestly—version of Num 20:1–22:1 that described the Israelites' passage through the Transjordanian heartland but had not yet been reworked in light of Num 20:14-21 and Judg 11:12-28.

21:14-20. Above it was concluded that 21:14-20 as a whole likely constitute a later insertion that interrupts the thematic and geographical connection between 21:13a*

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[217] Here I can only agree in part with Van Seters, *Life*, 159 and Roskop, *Wilderness Itineraries*, 205, who note the influence of Judg 11:16-22 on Num 21:12-13 but do not take into account that this influence may be limited to later additions within Num 21:12-13. Rather, I agree with the conclusions of Graham I. Davies, *The Way of the Wilderness: A Geographical Study of the Wilderness Itineraries in the Old Testament* (MSSOTS 5; Cambridge: Cambridge University Press, 1979), 92: "Previous attempts to interpret Num 21:12-20* have started from the presumption that it describes a route passing through the desert to the east of Moab. But the phrases on which this presumption is based are probably redactional additions to an older nucleus, which may have referred to a route further west."

[218] Cf. Levine, *Numbers 21–36*, 511–12, 521–22 and Schmidt, *Numeri 10,11–36,13*, 204.

[219] So Levine, *Numbers 21–36*, 511 and Schmidt, *Numeri 10,11–36,13*, 204–5.

and 21:21. The fact that the waypoints of Mattanah, Nahaliel, Bamoth, and Pisgah in Num 21:19-20 are not present in Num 33 may suggest that these verses were written after the composition of that chapter, which would indicate their post-priestly provenance.[220] This fits well with the fact that the waypoints in 21:19-20 form connections with post-priestly compositional strata in the Balaam pericope (cf. Num 22:41; 23:14; and 23:28)[221] and serve to further integrate the Balaam pericope into the wilderness narratives.[222]

21:33. There is a broad consensus that the conquest of Og in Num 21:33-35 is dependent on Deut 3:1-4. Considering that Num 21:33-35 already know the divine speech to Moses in Deut 3:2, which was assigned above to a post-priestly stage of composition (see the synthesis in 5.6), 21:33 cannot be a pre-priestly itinerary notice.

22:1. In the literary-critical analysis above, it was concluded that 22:1b could have once connected directly to one of the following departure notices: 20:22a (Kadesh); 21:11a (Oboth), 12a (Iyye-Abarim/עי נחל*), or 13aα₁ (Wadi Zered). Notably, it does not connect smoothly with the narrative of the defeat of Sihon, which suggests that the (likely pre-priestly) core of the Sihon episode is itself an insertion into an even more basic narrative thread in 20:1–22:1 consisting only of itinerary notices.[223] Since the only arrival no-

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[220] Cf. Dozeman, "Priestly Wilderness Itineraries," 286, 288.

[221] Although an analysis of the Balaam pericope is beyond the scope of the present study, I have concluded elsewhere that Num 22:41; 23:14; and 23:28 belong to a stage in the growth of the pericope that already seems to be aware of priestly texts and concepts.

[222] On this cf. Frevel, "Understanding," 132 and Roskop, *Wilderness Itineraries*, 207–8.

[223] G. B. Gray assigned 22:1 to P based on the fact that it does not connect very well to the immediately preceding narratives of the defeat of Sihon and Og in Num 21:21-35. Instead, he concluded that the notice "belongs to the itinerary which was broken off at 21:11 by the introduction of matter from another source" (Gray, *Numbers*, 306–7). Although Gray's basic textual observation that 22:1 does not connect smoothly to the Sihon and Og episodes is indeed correct, this does not in itself prove the priestly provenance of 22:1*, particularly since 21:11* could be part of a pre-priestly itinerary (on this see above).

tice following the Sihon narrative is found in 22:1b, it must be concluded that this notice is earlier than the Sihon episode and thus is likely pre-priestly.[224]

Synthesis: The literary growth of the itinerary chain in Num 20:1–22:1

The results of the foregoing analysis can be synthesized as follows:

I   The most basic travel notices consist of Num 20:1aβ, 22a; 21:10b, 11a; 22:1b*[225] and serve to bring to people from Kadesh up to the eastern bank of the Jordan. These notices suggest that the people passed through the Transjordanian heartland, and they provide no clear indications of priestly or post-priestly provenance.[226]

II   This basic itinerary chain was first expanded in 21:11bα$_1$, 12, 13a* (without מדבר). This possibly occurred at the same time as the insertion of the Sihon episode in 21:21-31*, considering that 21:13a is closely connected to 21:21-31* both the-

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[224] Cf. Van Seters, *Life*, 414 and Kratz, *Komposition*, 291 (ET 283); against a majority of commentators, e.g., Gray, *Numbers*, 306–7; Noth, *Das vierte Buch Mose*, 151; idem, "Num 21," 161; Budd, *Numbers*, 256; Davies, *Numbers*, 234–35; Jacob Milgrom, *Numbers: The Traditional Hebrew Text with the New JPS Translation* (JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1990), 184; Seebass, *Numeri 10,11–22,1*, 366; and Schmidt, *Numeri 10,11–36,13*, 122. Many of these commentators assign 22:1 to P based on the fact that the phrase ערבות מואב is otherwise found exclusively in priestly texts (cf. Num 26:3, 63; 31:12; 33:48-50; 35:1; 36:13; Deut 34:1, 8; Josh 13:32). However, this does not rule out the possibility that Num 22:1* was a pre-priestly itinerary notice that is presupposed by these priestly texts. Moreover, it cannot be ruled out that the phrase ערבות מואב may be a later addition to a more basic notice of the people's encampment beyond the Jordan.

[225] The lack of a point of departure (such as Wadi Arnon) in 22:1 is a problem, although I agree with Walsh ("From Egypt to Moab," 28) that the addition of material between 21:10-13* and 22:1* "would be sufficient to account for the redactional suppression of the point of departure." For the view that the reports of crossing the Zered and the Arnon are primary to Num 21 (and not dependent on Deut 2) cf. Zwickel, "Durchzug," 493.

[226] In terms of absolute chronology, a route through the Transjordanian highlands fits well with the historical period of Neo-Assyrian hegemony over the southern Levant, ca. 730–630 B.C.E. During this period, Assyria relocated the main Arabian trade route from the Dharb el-Ghazza (which connected the Gulf of Aqaba and Gaza) to routes passing through the Edomite plateau and the Beer-sheba Valley. On this see Finkelstein, "Wilderness Narrative and Itineraries," 45.

matically and geographically. Like the Sihon episode itself, there is no indication that these travel notices belong to a priestly or post-priestly stage of composition.

III   The itinerary chain in Num 20:1aβ, 22a; 21:10b, 11abα$_1$, 12, 13a*; 22:1b* was expanded with priestly itinerary notices in 20:1aα, 22b; and 21:4aα$_1$.

IV   At some point after the composition of Num 33, the travel notices in 21:10b, 11*, and 13* were reworked in order to emphasize that the Israelites went *around* Edom and Moab to the east rather than through the Transjordanian heartland. The additions within these verses share the same perspective as the post-priestly historical summary in Judg 11:12-28 and are likely dependent on the latter.

V   Additional waypoints and the Song of the Well were added in 21:14-20. The toponyms in 21:18b-20 form a link with the Balaam pericope in Num 22–24, serving to further integrate this episode into the wilderness narrative.

V   IV   III   II   I

20:1aα ויבאו בני ישראל כל העדה מדבר צן בחדש הראשון

20:1aβ וישב העם בקדש [*ותמת שם מרים ותקבר שם*]

[20:2-13]

[20:14-21]

20:22a ויסעו מקדש

ויבאו בני ישראל כל העדה הר ההר

[20:23-29]

[21:1-3]

21:4 ויסעו מהר ההר דרך ים סוף [*לסבב את ארץ אדום*]

[21:4b-9]

21:10a ויסעו בני ישראל

21:10b ויחנו באבת 11a ויסעו מאבת

11bα₁ ויחנו בעיי העברים

11bα₂ במדבר אשר על פני מואב ממזרח השמש

12 משם נסעו ויחנו בנחל זרד 13a משם נסעו ויחנו מעבר ארנון אשר [*במדבר ה*]יצא מגבל האמרי

13b כי ארנון גבול מואב בין מואב ובין האמרי

14 על כן יאמר בספר מלחמת ה׳ את והב בסופה ואת הנחלים ארנון
15 ואשד הנחלים אשר נטה לשבת ער ונשען לגבול מואב 16 ומשם בארה
הוא הבאר אשר אמר ה׳ למשה אסף את העם ואתנה להם מים 17 אז
ישיר ישראל את השירה הזאת עלי באר ענו לה 18 באר חפרוה שרים
כרוה נדיבי העם במחקק במשענתם וממדבר מתנה 19 וממתנה נחליאל
ומנחליאל במות 20 ומבמות הגיא אשר בשדה מואב ראש הפסגה ונשקפה
על פני הישימן

[*21:21-25]

[21:26-31]

[21:32-35]

22:1a ויסעו בני ישראל

22:1b ויחנו [*בערבות מואב*] מעבר לירדן ירחו

5.8. RESULT

Within the context of the present study, the ultimate aim of the foregoing analysis of Num 20:1–22:1 and its parallels has been to evaluate the extent of material within these chapters that may have belonged to a pre-priestly narrative work. Since there is relatively broad agreement that the second episode of water from a rock (20:2-13), the death and burial of Aaron (20:23-29), the episode at Hormah (21:1-3), and the episode of the bronze serpent (21:4b-9) are priestly or post-priestly texts, the present chapter has focused on the relative dating of the remaining materials in Num 20:1–22:1, namely, the detour around Edom (20:14-21), the conquest of Sihon and Og (21:21-35), and the itinerary notices that frame these two episodes.

Contrary to the traditional assignment of both Num 20:14-21 and 21:21-31—at least in their most basic literary form—to a pre-priestly stage of composition, the foregoing investigation has concluded that 20:14-21 is post-priestly in its entirety and that 21:21-31 also underwent a significant amount of post-priestly reworking. Conversely, against a long-standing tendency to assign almost all of the itinerary notices in 20:1–22:1 to a priestly or post-priestly stage of composition, the present analysis has concluded that the pre-priestly itinerary in these chapters may have included more waypoints than is often acknowledged.

To summarize the results of the preceding sections, the maximal extent of potentially pre-priestly materials in Num 20:1–22:1 consists of 20:1aβ, 22a; 21:10b, 11abα₁, 12, 13a* (without מדבר), 21-24a, 25b; 22:1b*.

CHAPTER 6: CONCLUSION

6.1. The theoretical problem and a proposed solution

The fundamental aim of this study has been to re-evaluate the identification of pre-priest-ly material in the Pentateuch following the steadily increasing questioning—and in many quarters the abandonment—of the classical Documentary Hypothesis as the guiding methodological framework for the diachronic analysis of the Pentateuch. Among the many constraints that the Documentary Hypothesis imposes on interpreters, perhaps the one of most consequence for the identification of pre-priestly materials in the Pentateuch is the persistence—most often implicit—of the hypothesized order J–E–D–P for the Pen-tateuchal "sources" established by scholars such as Graf, Kuenen, and Wellhausen toward the end of the 19th century. Even among scholars who have departed from the classical J–E–D–P model, there remains a basic assumption that most of the non-priestly materials in the Pentateuch (with the exception of those composed by the so-called "Pentateuch redactor") are also *pre*-priestly.[1]

While a growing number of studies have increasingly challenged the viability of such an assumption,[2] a particular group of non-priestly texts in the Pentateuch has re-mained more resistant to detailed re-evaluation in this regard. These texts include Exod 19–24; 32–34; Num 13–14; and Num 20:1–22:1, all of which have parallels in the Mosa-ic retrospectives in Deut 1–3; 5:1–6:3; and 9:7–10:11. For many commentators, the fact

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[1] See, e.g., Blum, *Studien*, 7, who designates his "D-Komposition" as "Die vor-priesterliche Komposition"; see also Blum's discussion of the parallels between KD and Deuteronomy (ibid., 166–88), which ignores the possibility that some of the so-called KD texts in the Tetrateuch with parallels in Deuteronomy may already be aware of priestly literature.

[2] See, e.g., Gertz, *Tradition* and Berner, *Exoduserzählung*.

that these narratives are known by Deuteronomy (or "D") seems to preclude the possibility that they contain significant amounts of post-priestly material. Indeed, the Mosaic retrospectives in Deuteronomy have sometimes been used as a benchmark for reconstructing the pre-priestly narrative thread(s) or source(s) in Exod 19–24; 32–34; Num 13–14; and Num 20:1–22:1. This assumption that the Mosaic retrospectives in Deuteronomy reflect pre-priestly narratives in the books of Exodus and Numbers is further reinforced by the continuing influence of the Deuteronomistic History hypothesis and its variants, which regard Deut 1–3 as the introduction to an independent literary work spanning from Deuteronomy to either Joshua or Kings.

If these presuppositions based on the Documentary Hypothesis and the Deuteronomistic History hypothesis are abandoned, however, then the differentiation of pre-priestly and post-priestly material in Exod 19–24; 32–34; Num 13–14; and Num 20:1–22:1 must be carried out on the basis of the evidence within these texts themselves and not on the basis of the historical retrospectives in Deuteronomy. Moreover, such differentiation must be made not only on the basis of "tradition-historical" observations (i.e., a text's use of priestly language and/or concepts) but also on the basis of literary-critical considerations (i.e., a text's relationship to other compositional levels within a particular unit). Thus, in this study, detailed literary-critical analyses of Exod 19–24; 32–34; Num 13–14; and Num 20:1–22:1 were conducted prior to addressing the question of the narratives' relationship to priestly literature. Likewise, independent literary-critical analyses of the narratives in Deut 1–3; 5:1–6:3; and 9:7–10:11 were also conducted. Only after these steps were performed was it possible to address the question of the complex relationship between the narratives in Exodus and Numbers and their parallels in Deuteronomy.

6.2. Findings of the investigation

The analysis of Exod 19–24 (Chapter 2) concluded that the most basic core to these chapters may have consisted solely of the arrival in the wilderness of Sinai in 19:2aα₂ (ויבאו מדבר סיני), which would have connected backwards to the departure from Elim in 16:1aα and forwards to Num 10:12a* + 20:1a*. On the other hand, it is possible that Exod 19:2aα₂ served from the outset as a transition into the pre-priestly narrative thread in these chapters, which consisted of a theophany, the revelation of the Decalogue, and the people's commitment to obey the law (19:2b, 16aα, 16b, 17; 20:1-17*; 24:3b).

Whether the insertion of the Decalogue preceded the insertion of the Deuteronomic law into the narrative of the people's journey out of Egypt is difficult to determine. Although the narrative embedding of Deuteronomy clearly has its setting in Transjordan from the outset,[3] the most basic narrative frame that accomplishes this—Deut 5:1aα₁—may have once connected directly to the *Shema'* in Deut 6:4[4] and thus may not have presupposed the Decalogue. In any event, it seems that the insertion of the Deuteronomic law into its current narrative setting preceded the insertion of the Covenant Code into Exod 19–24 (see 2.5).[5]

Following the composition of the basic theophany-Decalogue narrative in Exod 19–24*, all subsequent compositional activity likely presupposes priestly literature, whether as an independent "source" or as already integrated with a pre-priestly narrative

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[3] On this cf. Kratz, "Headings," 43–45.

[4] Cf. ibid., 44.

[5] Although the Deuteronomic law clearly reflects textual dependence on some form of the Covenant Code, this does not in itself demonstrate that the *insertion* of the Covenant Code also has literary priority over the *insertion* of Deuteronomy within the narrative framework of the Pentateuch (and beyond); cf. Otto, "Pentateuchredaktion," 70–83, who attributes the insertion of the Covenant Code to a post-Dtr and post-priestly "Pentateuch redaction."

thread in the book of Exodus. This includes the Covenant Code in 20:22aα, 24-26; 21–23*, whose narrative introduction in 20:18, 21b already presupposes (post-)priestly elements in the theophany narrative in Exod 19. Although Exod 19–24* has a pre-priestly base narrative, the Mosaic retrospective of the revelation of the Decalogue in Deut 5:1–6:3 is post-priestly from the outset, since even its most basic form already presupposes (post-)priestly materials in Exod 19–24.

The analysis of Exod 32–34 (Chapter 3) strongly suggests that the episode of the golden calf and everything that is connected to it cannot have belonged to a pre-priestly narrative thread in the book of Exodus. If a pre-priestly narrative were to be identified at all, it would have to be sought in Exod 32:1-20*, but even with such a delineation of material several problems remain, since the figure of Aaron cannot easily be removed from this unit and since the violation of the Decalogue represented by the golden calf only finds its full resolution in the "new Decalogue" in Exod 34, which has been evaluated by a number of commentators as a post-priestly text. Thus, provided that Exod 32–34 as a whole is post-priestly, Deut 9:7–10:11 must also be post-priestly. Even if a pre-priestly version of Exod 32 were to have existed, the analysis of Deut 9:7–10:11 has shown other reasons for assigning Deut 9:7–10:11 to a post-priestly composition from the outset.

The analysis of the story of the spies in Num 13–14 (Chapter 4) concluded that the most basic narrative thread in these chapters is priestly and that the non-priestly materials cannot exist independently of the priestly narrative. On the basis of this analysis, a number of other non-priestly texts that presuppose the story of the spies but do not otherwise show explicit knowledge of priestly literature can be evaluated as post-priestly. This includes the Mosaic retrospective of the spy story in Deut 1:19b-46 as well as other texts

in Numbers and Deuteronomy that are literarily dependent—whether directly or indirectly—on one or both versions of that episode (see Chapter 5). Although the story of the spies was not part of a larger pre-priestly narrative arc in the Pentateuch (and beyond), it provides indirect evidence for the existence of such a narrative, since it is inextricably linked to the entry into the land in the book of Joshua[6] and thus presupposes a literary horizon spanning at least from the exodus from Egypt to the entry into the land.

The (post-)priestly provenance of the spy story also has significant implications for the compositional place of the death of the exodus generation in the books of Numbers and Deuteronomy. Considering that Yhwh's decree in Num 14:20-35 that no one from among the exodus generation (except Joshua and Caleb) will enter the land that Yhwh promised to their ancestors is a (post-)priestly text, then none of the subsequent references to the death of the wilderness generation in the Pentateuch can be pre-priestly. This applies not only to texts such as Num 26:63-65; 27:13-14; and 32:7-15, which are widely regarded as (post-)priestly, but also to texts in Deuteronomy that refer to the long period of the people's wandering in the wilderness and the death of the exodus generation (Deut 1:3, 34-40; 2:1-3, 14-16) or otherwise presuppose these concepts (e.g., Deut 5:3; 8:2-6; 11:2-7; 29:1-8).[7]

Finally, the analysis of Num 20:1–22:1 and its parallels (Chapter 5) concluded that the most basic pre-priestly narrative thread in these chapters likely consisted of the

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[6] Cf. Reinhard G. Kratz, "Der vor- und der nachpriesterschriftliche Hexateuch," in *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. Jan Christian Gertz, Konrad Schmid, and Markus Witte; BZAW 315; Berlin: de Gruyter, 2002), 295–323 (313).

[7] For a discussion of the concept of the "wilderness" in Deuteronomy cf. Reginaldo Gomes de Auraújo, *Theologie der Wüste im Deuteronomium* (ÖBS 17; Frankfurt a.M.: Peter Lang, 1999), who, however, works exclusively within the framework of the Deuteronomistic History hypothesis and gives no consideration to the relationship of these texts to priestly literature.

itinerary notices in 20:1aβ, 22a; 21:10b, 11a; 22:1b*. This itinerary chain was first expanded—possibly still at a pre-priestly stage of composition—through the insertion of the Sihon episode and related itinerary notices in 21:11bα₁, 12, 13a* (without מדבר), 21-24a, 25b. This expanded version of Num 20:1–22:1 corresponds closely to the most basic narrative stratum in Deut 1–3, in which Moses recapitulates the people's journey from Horeb to Transjordan and the defeat of Sihon and Og (1:1a, 6-7aα, 19aα*[b]; 2:8[a*]b, [13b], 26*, 27, 29b-30a, 32-34aα, 36; 3:1, 3a, 4a, 8a, [29]). Since this basic narrative stratum in Deut 1–3 does not show any clear signs of post-priestly provenance, it is *possible* (but cannot be proven) that it was composed prior to the integration of priestly literature within the preceding books. In contrast, all subsequent stages of composition in Num 20:1–22:1 and Deut 1–3 (as well as Judg 11:12-28) reflect post-priestly provenance.

The analysis of Num 20:1–22:1 indicates that there existed a basic pre-priestly itinerary chain linking the exodus and conquest traditions, bringing the people out of Egypt through the Negev and Transjordan and connecting geographically to the conquest of Jericho in Josh 6.[8] Thus, there is good reason to conclude that the exodus and conquest traditions were already connected prior to the integration of priestly literature in the Pentateuch and most likely also prior to the integration of Deuteronomy into its current narrative setting. This challenges the view of a variety of documentary models that the "old sources" in the Pentateuch do not continue beyond the book of Numbers or Deuteronomy as well as the view that Deuteronomy originally constituted the beginning of an independent literary work such as DtrH or DtrL (for further discussion see below).

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[8] Cf. Kratz, *Komposition*, 289–91 (ET 282–83).

6.3. Broader implications for the formation of the Pentateuch

The challenges that this study poses to the various forms of the Documentary Hypothesis and Deuteronomistic History hypothesis indicate that a fundamental shift is required in thinking about the early literary shape of the Pentateuch, namely, a departure from the assumption that the formation of the exodus and wilderness narratives in the books of Exodus and Numbers can be understood and modeled independently of the conquest narratives in the book of Joshua. This assumption doubtless reflects the distinctive place that the Pentateuch achieved as Torah in early Judaism and which forms an integral part of both Jewish and Christian tradition up to the present. Yet this hardly excludes the possibility that some of the narratives in the Pentateuch originally extended beyond the bounds of the Pentateuch as a canonical unit. Indeed, the notion that the narrative arc that begins with the exodus from Egypt only finds its conclusion in the book of Joshua is almost unavoidable when the Pentateuch is read in its received form.[9] Thus suggests that a "Hexateuchal" perspective is more appropriate in reconstructing the earlier literary stages of the narratives in Exodus and Numbers. Such a perspective in fact has a long tradition in critical scholarship, and it is useful to trace its rise, decline, and resurgence in order to show how the results of the present study can contribute to refining the recent theory of an early "exodus-conquest narrative" or "primitive Hexateuch."

Already in the late 18th century, some critical scholars began to consider whether the narrative "sources" found in the Pentateuch continue into the book of Joshua.[10] This

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[9] Notably, the Church Fathers already used the term "Hexateuch" to speak of the books of Genesis through Joshua as a literary unit; on this see A. Graeme Auld, *Joshua, Moses and the Land: Tetrateuch-Pentateuch-Hexateuch in a Generation since 1938* (Edinburgh: T & T Clark, 1980), 3 n. 8.

[10] This idea seems to have first appeared in Alexander Geddes, *The Holy Bible: Translated with Notes, Critical Remarks etc.* (London: J. Davis, 1792), 1:xxi.

notion gained momentum throughout the 19th century[11] and was eventually given lexical expression in a series of articles by Julius Wellhausen from 1876–1877 entitled "Die Composition des Hexateuchs."[12] Wellhausen's use of the term "Hexateuch" was quickly adopted by other scholars,[13] and the identification of Pentateuchal "sources" in the book of Joshua continued well into the twentieth century.[14]

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[11] On the implicit assumption of a "Hexateuch" as a discrete literary work prior to Wellhausen cf. Friedrich Bleek, "Einige aphoristische Bemerkungen zu den Untersuchungen über den Pentateuch," in *Biblisch-Exegetisches Repertorium, oder die neuesten Fortschritte in Erklärung der heiligen Schrift, Bd. 1* (Leipzig: Baumgärtner, 1822), 1–79 (44); Heinrich Ewald, Review of J. J. Stähelin, *Kritische Untersuchungen über die Genesis*, *Theologische Studien und Kritiken* 4 (1831): 595–606 (602); idem, *Geschichte des Volkes Israel bis Christus* (3 vols.; Göttingen: Dietrich'schen Buchhandlung, 1843–1852: [2d ed. 1851; 3d ed. 1864]); 1:75–164; 2:225–70; Johann Jakob Stähelin, "Beiträge zu den kritischen Untersuchungen über den Pentateuch, die Bücher Josua und der Richter," *Theologische Studien und Kritiken* 8 (1835): 461–77 (472); Wilhelm Martin Leberecht de Wette, *Lehrbuch der historisch-kritischen Einleitung in die kanonischen und apokryphischen Bücher des Alten Testaments* (4th ed.; Berlin: Reimer, 1833); August Wilhelm Knobel, *Die Bücher Numeri, Deuteronomium und Josua: Nebst einer Kritik des Pentateuch und Josua* (Kurzgefasstes exegetisches Handbuch zum Alten Testament 13; Leipzig: Hirzel, 1861), 357–488, 547–59; Kuenen, *Historisch-kritisch onderzoek*, 181–83; and John William Colenso, *The Pentateuch and Book of Joshua Critically Examined* (7 vols.; London: Longman, Green, Longman, Roberts, & Green, 1862–1870), 6:112–129.

[12] Julius Wellhausen, "Die Composition des Hexateuchs," *JDT* 21 (1876): 392–450, 531–602; 22 (1877): 407–79. Although Wellhausen's articles seem to have been the first to use the term "Hexateuch" in the realm of critical scholarship (so also Mareike Rake, *Juda wird aufsteigen! Untersuchungen zum ersten Kapitel des Richterbuches* [BZAW 367; Berlin: de Gruyter, 2006], 8), Wellhausen provides no explicit justification for the shift from "Pentateuch" to "Hexateuch." Wellhausen's analyses from 1876–1877 were further developed in idem, *Skizzen und Vorarbeiten, Zweites Heft: Die Composition des Hexateuchs* (2d unmodified ed.; Berlin: Reimer, 1885) and idem, *Composition*.

[13] See, e.g., the second edition of Kuenen's *Historisch-kritisch onderzoek*: Abraham Kuenen, *Historisch-kritisch onderzoek naar het ontstaan en de verzameling van de boeken des Ouden Verbonds, Eerste deel, Eerste Stuk: De Hexateuch* (2d rev. ed.; Leiden: Akademische Boekhandel van P. Engels, 1885).

[14] E.g., August Dillmann, *Die Bücher Numeri, Deuteronomium und Josua* (Kurzgefasstes exegetisches Handbuch zum Alten Testament 13; Leipzig: Hirzel, 1886); Emanuel Albers, *Die Quellenberichte in Josua I–XII: Beitrag zur Quellenkritik des Hexateuchs* (Bonn: Otto Paul, 1891); Samuel R. Driver, *Introduction to the Literature of the Old Testament* (International Theological Library 1; New York: Scribner's Sons, 1891); William E. Addis, *The Documents of the Hexateuch translated and arranged in chronological order* (2 vols.; London: D. Nutt, 1892–1898); Joseph Estlin Carpenter, *The Composition of the Hexateuch: An Introduction with Select Lists of Words and Phrases* (London: Longmans, 1902); Carl Steuernagel, *Übersetzung und Erklärung der Bücher Deuteronomium und Josua und Allgemeine Einleitung in den Hexateuch* (HKAT I/3; Göttingen: Vandenhoeck & Ruprecht, 1900); Heinrich Holzinger, *Das Buch Josua* (KHC 6; Tübingen: J. C. B. Mohr [Paul Siebeck], 1901); Rudolf Smend (Sr.), *Die Erzählung des Hexateuch auf ihre Quellen untersucht* (Berlin: Reimer, 1912); George A. Cooke, *The Book of Joshua* (Cambridge: Cambridge University Press, 1918); Otto Eissfeldt, *Hexateuch-Synopse: Die Erzählung der fünf Bücher Mose und des Buches Josua mit dem Anfange des Richterbuches in ihre vier Quellen zerlegt und in deutscher Übersetzung dargeboten samt einer in Einleitung und Anmerkungen gegebenen Begründung* (Leipzig: Hinrichs, 1922; repr., Darmstadt: Wissenschaftliche Buchgesellschaft, 1962); Alfred Bertholet, "Josua, Josuabuch," *RGG* (2nd ed.; 6 vols.; Tübingen: Mohr, 1927–1931), 3:384–85; Martin Noth, *Das System der zwölf Stämme Israels* (Stuttgart: Kohlhammer, 1930; repr., Darmstadt:

This trend continued apace until the mid-twentieth century, when Martin Noth began a sustained critique of the notion of a Hexateuch that would exert a profound influence on Pentateuchal scholarship up to the present. In his commentary on Joshua from 1938, Noth made two primary arguments against the continuation of the classical Pentateuchal sources in the book of Joshua: (1) the material in Josh 13:1–21:42 has its own literary prehistory that is independent of both the other parts of Joshua and the Pentateuchal narratives; and (2) even in the remainder of Joshua, the literary evidence differs from that found in Genesis (the classical case study for source-critical analyses).[15] Noth echoed this skepticism about a Hexateuch in subsequent studies in the 1940s,[16] yet he also found it difficult to abandon the notion that the "old sources" of the Pentateuch originally contained a conquest narrative.[17] In the second edition of his Joshua commentary from 1953, Noth reaffirmed his view that the "old sources" of the Pentateuch do not appear in the book of Joshua, which he now justified through his theory of a Deuteronomistic History. For Noth, since the book of Joshua is part of the Deuteronomistic History, this is practi-

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Wissenschaftliche Buchgesellschaft, 1966), 133–38; Gerhard von Rad, *Die Priesterschrift im Hexateuch* (Stuttgart: Kohlhammer, 1934); Rudolph, *"Elohist"*; and Sigmund Mowinckel, *Erwägungen zur Pentateuch Quellenfrage* (Trondheim: Universitetsforlaget, 1964).

[15] Martin Noth, *Das Buch Josua* (HAT I/7; Tübingen: Mohr, 1938), viii. In Noth's words, "Es scheint mir allzusehr an positiven Argumenten dafür zu fehlen, um den 'Sammler' [i.e., the compiler of Josh 1–12; 24*] mit einem der Erzähler des Pentateuch sicher oder auch nur wahrscheinlich zu identifizieren" (ibid., xiii). Noth argued instead that the first literary connection between the conquest narratives in Joshua and the Pentateuchal narratives occurred at a Deuteronomistic stage of composition (ibid., xiv). Yet Noth's denial of narrative continuity between the book of Joshua and the preceding books is based on only two examples: (1) differences in the representation of the miracle at the sea in Exod 14 and in Josh 2:10; 4:23 and (2) divergences between the description of certain events as narrated in the Pentateuch and the review of those events in Josh 24 (vv. 2b-13) (ibid., xiii).

[16] Idem, *Überlieferungsgeschichtliche Studien*, 253: "Einen Hexateuch in dem üblichen Sinn, daß die überlieferten Bücher Gen.-Josua im wesentlichen in dem vorliegenden Bestande einmal eine literarische Einheit gebildet hätten, hat es nie gegeben."

[17] Ibid., 210: "Das kann…nicht zweifelhaft sein, daß sie (d. h. die alten Pentateuchquellen) eine – wie auch immer gestaltete – Landnahmeerzählung gehabt haben." Cf. idem., *Überlieferungsgeschichte des Pentateuch*, 77–79 (ET 71–74). On the notion of a "lost ending" to the Pentateuchal sources see already Beatrice L. Goff, "The Lost Jahwistic Account of the Conquest of Canaan," *JBL* 53 (1934): 241–49.

cally evidence enough that it does not fit within the context of a "Hexateuch."[18] Yet Noth's reliance upon his own Deuteronomistic History hypothesis in challenging the existence of a "Hexateuch" sets his argument on unstable ground: once this hypothesis is questioned, the denial of a Hexateuch is left without a firm foundation.

As Noth's Deuteronomistic History hypothesis became more influential,[19] the notion that the book of Joshua formed part of a "Hexateuch" gradually receded into the background, although it did not disappear completely from scholarly discussions. In fact, a steady stream of studies continued to employ the notion of a Hexateuch,[20] some of which explicitly defended the notion of the Hexateuch over against the Deuteronomistic History hypothesis[21] while others sought to harmonize the two competing theories.[22]

In 1977, the publication of Rolf Rendtorff's study *Das überlieferungs-geschichtliche Problem des Pentateuch* set off a scholarly discussion that would radically

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[18] Idem, *Josua* [2d ed.], 16: "Man wird daher die Frage des Auftretens einer der alten Pentateuch-'Quellen' in Jos verneinen müssen, und zwar auf Grund des literarischen Sachverhaltes in Jos. *Daß dem so ist, ist um so begreiflicher, als das Josuabuch in den großen literarischen Zusammenhang des deuteronomistischen Geschichtswerkes gehört, das völlig unabhängig von dem großen Traditionswerk des Pentateuch entstanden ist*" (emphasis added). The italicized text is not present in the first edition from 1938.

[19] See, e.g., Edwind M. Good, "The Book of Joshua/Joshua Son of Nun," in *IDB* 2:988–96 (990); J. Alberto Soggin, *Joshua: A Commentary* (OTL; London: SCM Press, 1972), 3–7; J. Maxwell Miller, "The Book of Joshua," *IDBSup* (Nashville: Abingdon, 1976), 493–96 (493); Robert G. Boling and G. Ernest Wright, *Joshua: A New Translation with Introduction and Commentary* (AB 6; New York: Doubleday, 1982), 57; and Volkmar Fritz, *Das Buch Josua* (HAT I/7; Tübingen: Mohr, 1994), 7.

[20] E.g., Cuthbert A. Simpson, *The Early Traditions of Israel: A Critical Analysis of the Pre-deuteronomic Narrative of the Hexateuch* (Oxford: Blackwell, 1948); Gustav Hölscher, *Geschichtsschreibung in Israel: Untersuchungen zum Jahvisten und Elohisten* (Acta reg. societatis humaniorum litterarum lundensis 50; Lund: Gleerup, 1952), 271–409; Arthur Weiser, *Einleitung in das Alte Testament* (5th ed.; Göttingen: Vandenhoeck & Ruprecht, 1963), 131–33; Eckart Otto, *Das Mazzotfest in Gilgal* (BWANT 107; Stuttgart: Kohlhammer, 1975), 95–103; Norbert Lohfink, "Die Priesterschrift und die Geschichte," in *Congress Volume: Göttingen 1977* (VTSup 29; Leiden: Brill, 1978), 198–225; Herbert Mölle, *Der sogenannte Landtag zu Sichem* (FzB 42; Würzburg: Echter Verlag, 1980), 282; Horst Seebass, "Josua," *BN* 28 (1985): 53–65; and Manfred Görg, *Josua* (Die Neue Echter Bibel 26; Würzburg: Echter, 1991), 6.

[21] E.g., Otto Eissfeldt, "Deuteronomium und Hexateuch," *MIOF* 12 (1966): 17–39 (39), repr. in *Kleine Schriften* (Vol. 4; ed. Rudolph Sellheim and Fritz Maass; Tübingen: Mohr [Siebeck], 1968): 238–58 (258).

[22] E.g., Georg Fohrer and Ernst Sellin, *Einleitung in das Alte Testament* (Heidelberg: Quelle & Meyer, 1969); Sigmund Mowinckel, *Tetrateuch – Pentateuch – Hexateuch: Die Berichte über die Landnahme in den drei altisraelitischen Geschichtswerken* (BZAW 90; Berlin: Töpelmann, 1964); and Sven Tengström, *Die Hexateucherzählung: Eine literaturgeschichtliche Studie* (Lund: Gleerup, 1976).

alter the nature of Pentateuchal criticism. Rather than taking for granted the existence of continuous, parallel sources in the Pentateuch, Rendtorff advocated investigating the growth of the Pentateuchal narratives from smaller cycles into larger units, without assuming that every Pentateuchal text necessarily formed part of a larger "source."[23] In the wake of Rendtorff's study, a number of scholars abandoned the classical Documentary Hypothesis and began developing a variety of alternative models for understanding the formation of the Pentateuch, including new iterations of the Hexateuch hypothesis.

One of the most significant modifications to the classical theory of the Hexateuch in light of Rendtorff's approach is the theory of an "exodus-conquest narrative" as a narrative work that was originally independent of the narratives in the book of Genesis.[24] This concept was first proposed by Klaus Bieberstein in 1995 and since then has been taken up by a number of other commentators.[25] There is little agreement, however, over the beginning, ending, or internal contents of such a hypothetical narrative.[26]

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[23] Rolf Rendtorff, *Das überlieferungsgeschichtliche Problem des Pentateuch* (BZAW 147; Berlin: de Gruyter, 1977), 154–58.

[24] For a review of literature on the original separation of Genesis and Exodus see Schmid, *Erzväter und Exodus*, 56–102 (ET 50–92).

[25] Cf. Bieberstein, *Josua – Jordan – Jericho*, 336–41, 431; Kratz, *Komposition*, 286–304 (ET 279–95); Reinhard Müller, *Königtum und Gottesherrschaft: Untersuchungen zur alttestamentliche Monarchiekritik* (FAT II/3; Tübingen: Mohr Siebeck, 2004), 77, 231–32; Ernst Axel Knauf, *Josua* (ZBKAT 6; Zürich: Theologischer Verlag, 2008), 17; Konkel, *Sünde und Vergebung*, 260; Konrad Schmid, *Literaturgeschichte des Alten Testaments: eine Einführung* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2008), 86–89; translated as *The Old Testament: A Literary History* (trans. Linda M. Maloney; Minneapolis: Fortress, 2012), 79–83; Jan Christian Gertz, ed., *Grundinformation Altes Testament: Eine Einführung in Literatur, Religion und Geschichte des Alten Testaments* (UTB 2745; 3d ed.; Göttingen: Vandenhoeck & Ruprecht, 2009), 289; idem, ed., *T&T Clark Handbook of the Old Testament: An Introduction to the Literature, Religion and History of the Old Testament* (London: T&T Clark, 2012), 356–60; Berner, *Exoduserzählung*, 430–31; Christian Frevel, "Die Wiederkehr der Hexateuchperspektive: Eine Herausforderung für die These vom deuteronomistischen Geschichtswerk," in *Das deuteronomistische Geschichtswerk* (ed. Hermann-Josef Stipp; ÖBS 39; Frankfurt a.M.: Peter Lang, 2011), 13–53 (29); and Christoph Nihan, "The Literary Relationship between Deuteronomy and Joshua: A Reassessment," in *Deuteronomy in the Pentateuch, Hexateuch, and the Deuteronomistic History* (ed. Konrad Schmid and Raymond F. Person, Jr.; FAT II/56; Tübingen: Mohr Siebeck, 2012), 79–114 (108).

[26] Cf., e.g., the various positions in Bieberstein, *Josua – Jordan – Jericho*, 341, 431; Kratz, *Komposition*, 293–94 (ET 292); Müller, *Königtum und Gottesherrschaft*, 231–32; Knauf, *Josua*, 17; Schmid, *Literaturgeschichte*, 86–89 (ET 79–83); Konkel, *Sünde und Vergebung*, 260; Gertz, *Grundinformation*, 289;

Thus far, the only comprehensive identification of the contents of an early "exodus-conquest narrative" has been provided by Reinhard Kratz. According to Kratz' reconstruction, an early *Grundschrift* of an exodus-conquest narrative[27] existed at a pre-priestly and pre-Deuteronomistic stage of composition and possibly underwent some expansion at this early stage.[28] This pre-priestly and pre-Deuteronomistic "Hexateuch" was subsequently expanded to form an "Enneateuch" (Exodus–Kings),[29] which was then prefaced with non-priestly materials in Genesis prior to the composition of a priestly narrative and its insertion into the non-priestly Enneateuch.[30] While Kratz' reconstruction succeeds in demonstrating the *minimum* pre-Dtr and pre-priestly narrative connection between the exodus and the conquest, in the case of other non-priestly narratives Kratz does not differentiate clearly between pre-priestly and post-priestly material,[31] raising the question of the precise extent of further pre-priestly narrative material in Exodus through Joshua.

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and Berner, *Exoduserzählung*, 49.

[27] This narrative is denoted by the siglum E^G, with "E" now signifying "Exodus" rather than "Elohist": Exod 2:1-22; 3:1-6, 7-8, 21-22; 4:18, 20a; 12:35-36; 14:5-6, 13-14, 21, 27, 30b; 15:20-22a; Num 20:1*; 22:1; 25:1a; Deut 34:5-6; Josh 2:1-7, 15-16, 22-23; 3:1, 14a, 16; 4:19b; 6–8; and 12:1a, 9-24. See Kratz, *Komposition*, 293–94 (ET 292).

[28] These additions are denoted by the siglum E^S: Exod 15:22b-25a, 27; 16:1aα; 19:2, 3; 24:18b; Num 20:1aβb, 14-21; 21:21-24a; 22–24; see ibid.

[29] Here, Kratz' conception of the Enneateuch is similar to that of Schmid, yet unlike Schmid Kratz is also interested in reconstructing literary precursors to the Enneateuch.

[30] Kratz, *Komposition*, 304 (ET 295). For Kratz, there is no evidence for the existence of a post-priestly Hexateuch from a literary-critical perspective; rather, such a work can only be viewed as a "book within a book"—a "*literarische Fiktion*" (idem, "Hexateuch," 322).

[31] For example, Kratz states that "[i]n substance the Sinai pericope [i.e., Exod 19–24; 32–34 – S.G.] is pre-Priestly and pre-Deuteronomic, and therefore pre-Deuteronomistic. But it is not a literary unity and also contains a series of later expansions influenced by Deuteronomy, the Deuteronomists and the Priestly writing" (*Komposition*, 139 [quote from ET 134]). Yet in his analysis of the narrative materials in Exod 19–24, Kratz is unclear about which materials may belong to a pre-priestly stage of composition and which are post-priestly (ibid., 142–45 with the table on pp. 149–50 [ET 136–40 with Table B.I.3 on p. 143]). Moreover, Kratz rules out from the outset that Exod 32–34 in its entirety may be post-priestly ("[W]e would be rid of all the difficulties, but would make things too simple, if we were simply to declare the addition to be post-Priestly and to foist it all on the 'final redactor,'" ibid., 140 [quote from ET 135]) but does not provide a detailed reconstruction of a pre-priestly version of Exod 32–34 to support this claim.

Alongside the recent theory of an independent, pre-priestly and pre-Deuterono-mistic "exodus-conquest narrative" spanning from Exodus to Joshua, a number of other commentators have sought to explain the literary connection between the exodus and the conquest as the redactional joining of narrative material in Exodus and Numbers with some sort of "Deuteronomistic" literary work. These scholars can be subdivided into two major groups: the proponents of the so-called "late Yahwist" theory and the proponents of a "redactional Hexateuch/Enneateuch." According to the late Yahwist theory, the pre-priestly narratives in Genesis through Numbers were *composed from the outset* with the Deuteronomistic History in view.[32] According to the redactional Hexateuch/Enneateuch theory, the pre-priestly narratives in Genesis through Numbers had their own literary pre-history but were only combined with the conquest narratives in the book of Joshua *after* the latter had already been integrated into a larger Deuteronomistic literary work, whether DtrL (*Deuteronomistische Landnahmeerzählung*; Deut 1–30 + Josh 1–23*)[33] or DtrH.

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[32] This theory has an important forerunner in Hans Heinrich Schmid, *Der sogenannte Jahwist: Beobachtungen und Fragen zur Pentateuchforschung* (Zurich: Theologischer Verlag, 1976), although Schmid denied that the literary relationship between the "so-called Yahwist" and Deuteronomistic literature can be determined precisely (169). The first scholars to argue that the "Yahwist" was literarily dependent on the DtrH were John Van Seters, "Confessional Reformulation in the Exilic Period," *VT* 22 (1972): 448–59 (454, 459); idem, *In Search of History: Historiography in the Ancient World and the Origins of Biblical History* (New Haven: Yale University Press, 1983), 361; and Rose, *Deuteronomist und Jahwist*, esp. 323–28; cf. idem, "La croissance du corpus historiographique de la Bible – une proposition," *RTP* 118 (1986): 217–36 (230–32). Van Seters later systematically applied this compositional model in *Prologue to History: The Yahwist as Historian in Genesis* (Louisville, Ky.: Westminster/John Knox, 1992) and *Life*.

[33] For the theory of an independent Dtr conquest narrative in Deut–Josh as a literary precursor to the DtrH see esp. Norbert Lohfink, "Kerygmata des Deuteronomistischen Geschichtswerks," in *Die Botschaft und die Boten: Festschrift für Hans Walter Wolff zum 70. Geburtstag* (ed. Jörg Jeremias and Lothar Perlitt; Neukirchen-Vluyn: Neukirchener Verlag, 1981), 87–100; repr. in *Studien zum Deuteronomium und zur deuteronomistischen Literatur II* (SBAB.AT 12; Stuttgart: Verlag Katholisches Bibelwerk, 1991), 125–42. More recent advocates of an independent DtrL (albeit with differences from Lohfink's understanding) include Otto, *Das Deuteronomium im Pentateuch*, 130–55; Ansgar Moenikes, "Beziehungssysteme zwischen dem Deuteronomium und den Büchern Josua bis Könige," in *Das Deuteronomium* (ed. Georg Braulik; ÖBS 23; Frankfurt a.M.: Peter Lang, 2003), 69–85 (71–77); Oswald, *Staatstheorie*, 96; Georg Braulik, "Die deuteronomistische Landeroberungserzählung aus der Joschijazeit in Deuteronomium und Josua," in *Das deuteronomistische Geschichtswerk* (ed. Hermann-Josef Stipp; ÖBS 39; Frankfurt a.M.: Peter Lang: 2011) 89–150; and Carr, *Formation*, 256–57, 278.

While some scholars have argued that this redactional joining first occurred at a pre-priestly stage of composition,[34] others have argued that it incorporated priestly literature from the outset.[35]

The proponents of both the late Yahwist theory and the redactional Hexateuch/Enneateuch theory assume that DtrL and/or DtrH once existed as independent literary works, yet this only compounds the hypothetical nature of such models. Even if it were granted that DtrL/DtrH was at one time conceived of as an independent literary work, that work must have already presupposed a narrative connection between the exodus and the conquest, since (1) the Israelites' journey through the wilderness recounted in the *Vorlagen* of Deut 1–3 is only intelligible in light of their subsequent entry into the land and (2) the people's entry into the land *from outside* as recounted in the book of Joshua is only intelligible light of the exodus from Egypt. Thus, every model for the literary joining

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[34] Cf. Blum, *Studien*, 109; Johnstone, "Reminiscences," 247–48; idem, "Recounting the Tetrateuch," 214, 226–31; and Carr, *Formation*, 278; idem, "Scribal Processes, 75.

[35] Cf. Hans-Christoph Schmitt, "Das spätdeuteronomistische Geschichtswerk Gen I–2 Regum XXV und seine theologische Intention," in *Congress Volume Cambridge, 1995* (ed. J. A. Emerton; VTSup 66; Leiden: Brill, 1997, 261–79; repr. in *Theologie in Prophetie und Pentateuch: Gesammelte Aufsätze* (ed. U. Schorn and M. Büttner; BZAW 310; Berlin: de Gruyter, 2001), 277–94; Ulrike Schorn, *Ruben und das System der zwölf Stämme Israels: Redaktionsgeschichtliche Untersuchungen zur Bedeutung des Erstgeborenen Jakobs* (BZAW 248; Berlin: de Gruyter, 1997) 137–222, esp. 195–222; Otto, *Das Deuteronomium im Pentateuch*, 17–86, 103–9, 130–35, 175–80, 243–62; idem, "The Pentateuch in Synchronical and Diachronical Perspectives: Protorabbinical Scribal Erudition Mediating Between Deuteronomy and the Priestly Code," in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischem Geschichtswerk* (ed. Eckart Otto and Reinhard Achenbach; FRLANT 206; Göttingen: Vandenhoeck & Ruprecht, 2004), 14–35 (29); Reinhard Achenbach, "Pentateuch, Hexateuch und Enneateuch: Eine Verhältnisbestimmung," *ZABR* 11 (2005): 122–54 (138); Thomas Römer and Marc Z. Brettler, "Deuteronomy 34 and the Case for a Persian Hexateuch," *JBL* 119 (2000): 401–19, esp. 408–16; and Thomas Römer, "Das Buch Numeri und das Ende des Jahwisten: Anfragen zur 'Quellenscheidung' im vierten Buch des Pentateuch," in *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion* (ed. Jan Christian Gertz, Konrad Schmid, and Markus Witte; BZAW 315; Berlin: de Gruyter, 2002), 215–31 (220–31); idem, *The So-Called Deuteronomistic History: A Sociological, Historical, and Literary Introduction* (London: T&T Clark, 2005), 178–83; idem., "Das doppelte Ende des Josuabuches: einige Anmerkungen zur aktuellen Diskussion um 'deuteronomistisches Geschichtswerk' und 'Hexateuch'," *ZAW* 118 (2006): 523–48 (535); idem, "Israel's Sojourn," 426; idem, "How Many Books (*teuchs*): Pentateuch, Hexateuch, Deuteronomistic History, or Enneateuch?" in *Pentateuch, Hexateuch, or Enneateuch? Identifying Literary Works in Genesis through Kings* (ed. Thomas B. Dozeman, Thomas Römer, and Konrad Schmid; SBLAIL 8; Atlanta: Society of Biblical Literature, 2011), 25–42 (30).

of the exodus and conquest that takes DtrL or DtrH as its starting point is forced to reck-

on either with the *loss* of the "original" conclusion to the exodus narrative[36] or with the

secondary *separation* of the conquest narratives in Joshua from a pre-existing narrative

arc spanning from the exodus to the conquest.[37]

The weaknesses inherent in the late Yahwist theory and the redactional Hexa-

teuch/Enneateuch theory lend further support to the theory of a pre-priestly exodus-con-

quest narrative as one of the literary precursors to the Pentateuch. Within this theoretical

framework, the results of the present study contribute to a more precise identification of

such a narrative's internal contents. On the one hand, the present study has concluded that

both Exod 32–34 and Num 13–14 presuppose priestly literature from the outset and thus

cannot have belonged to a pre-priestly exodus-conquest narrative. On the other hand, it

has concluded that pre-priestly narratives can be identified in Exod 19–24* and Num

20:1–22:1*, although in both cases the extent of such narratives is more limited than has

previously been acknowledged.

6.4. SUMMARY

The foregoing investigation of Exod 19–24; 32–34; Num 13–14; 20:1–22:1 and their

parallels in Deuteronomy has significant implications not only for the literary scope of

the pre-priestly narratives in the books of Exodus through Joshua but also for the extent

of post-priestly compositional activity in the book of Deuteronomy. In both respects, this

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[36] This was noted explicitly by Noth in the second edition of his Joshua commentary: "Eine Frage für sich, die mit der literarischen Analyse des Josuabuches nicht verquickt werden darf, ist die, was aus der Landnahmeerzählung geworden sein mag, auf die die alten Pentateucherzählungsquellen einmal hinausgelaufen sein müssen" (Noth, *Josua* [2d ed.], 16). Unfortunately, many of Noth's intellectual descendants fail to address this as a problem.

[37] For a similar critique of the presupposition of DtrL/DtrH as a starting point of the analysis of the Pentateuch see Kratz, "The Pentateuch in Current Research," 57.

study challenges both the classical Documentary Hypothesis and the Deuteronomistic History hypothesis as useful models for the formation of the Pentateuch. Instead, it is more plausible that a pre-priestly exodus-conquest narrative constituted one of the major literary precursors to the Pentateuch and book of Joshua. While this study has contributed to the identification of parts of such a narrative in the books of Exodus and Numbers, providing a detailed account of the scope and function of an early exodus-conquest narrative as a whole remains an essential task for future research.

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