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Artifact or Scripture?

Authority and Revelation in the Bible and Jewish Thought

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**ARTIFACT OR SCRIPTURE?
AUTHORITY AND REVELATION IN THE BIBLE AND JEWISH THOUGHT**

By Benjamin Sommer*

PREFACE

In this book, I attempt to address several audiences at once: biblical scholars, students of modern Jewish and Christian thought, constructive theologians, clergy and religious educators, and, not least, ambitious lay readers who wonder about the place of the Bible in their lives and in the life of their communities. My goals for these academic, clerical, and lay audiences differ. Biblical scholars, along with lay readers interested in literary interpretation of the Bible, will find my analysis of biblical texts worthy of attention. These readings can show both scholars who specialize in Jewish and Christian theology and religious Jews and Christians more generally that the Bible is more subtle and more interesting than they may have realized. I hope that by drawing at once on close readings of the Bible in its ancient context and on constructive theology, this book will convince readers that biblical criticism need not be hostile to theological pursuits, and in fact that biblical criticism presents the constructive theologian and the religious reader with important tools. Conversely, many biblical critics have shunned theology and the study of Jewish thought as irrelevant to their area of study. I intend the chapters that follow to demonstrate to my colleagues in the guild of modern biblical studies that sensitivity to the concerns of later religious thinkers can enrich our understanding of the biblical texts themselves. Finally, I want to suggest to specialists in Jewish thought that a particular liberal trend within modern Jewish philosophy represents the continuation and elaboration of a tradition of thought that goes back to the very origins of the Jewish people.

Striking a balance between providing necessary background and moving new arguments forward is always an elusive goal. This is all the more the case in a book that

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draws on several disciplines and speaks to varied audiences. It will be necessary at times for me to pause to explain matters that some readers already have studied, and I hope these readers will be forbearing in the relevant paragraphs. Where necessary I use endnotes to refer readers to useful overviews of scholarship. Otherwise the endnotes are intended for academic specialists in one field or another; there I engage with specific arguments from biblical criticism, religious studies, and Jewish thought that relate to my claims in the main text. Many readers will prefer not to look at the notes at all, and even specialists will look at some and not others. It is for this reason that I have made them endnotes and not footnotes; they are not part of the flow of my argument. Though the endnotes are lengthy (fully ** % of the book), they are quite selective in their references to secondary literature. The topics I address are fundamentally important and also quite broad; they invoke several academic fields, one of which has flourished since the early nineteenth century. Consequently, they have generated an enormous amount of secondary literature in a variety of languages. I cannot be comprehensive in my references to these literatures.

Translations are my own, unless I specifically indicate otherwise in an endnote. I refer to biblical verses using the numbering system found in the Hebrew (Masoretic) text. On occasion, the numbering in some English translations varies by one or two verses.

INTRODUCTION

This is a book about revelation and authority in Judaism. It is not the first such book to be written. The topic I address has been examined in monographs and articles, poems and sermons, written not only by modern Jewish thinkers (for whom it has been especially central) but throughout Jewish history. The vantage point from which I examine this topic, however, is surprisingly rare. I focus attention on biblical texts themselves, in particular ones that address the relationship between revelation and religious authority. My thesis is a simple one. Biblical texts that describe the giving of Torah move simultaneously and without contradiction in two directions. They insist that duties emerge from that event, and that the religious practices performed by members of the nation that witnessed revelation are matters not of choice but of obligation. This obligation, which lies at the heart of the covenant between God and Israel (that is, at the

heart of the Jewish religion), is an obligation precisely because it results from an act in which God made God's will known to a group of human beings. In this sense, the biblical texts express what we might call a high theology of revelation. And yet these same texts also work very hard to problematize the notion of revelation, to make their readers unsure as to precisely what occurred at Mount Sinai, and most of all to prompt their audience to wonder: did the texts and laws that result from the event come directly from God's mouth, or are they the product of human intermediation and interpretation? In this sense, biblical texts express a low theology of revelation.

The Bible at once anchors the authority of Jewish law and lore in the revelation at Sinai and destabilizes that authority by teaching that we cannot be sure how, exactly, specific rules and teachings relate to the divine self-disclosure at Sinai. The Bible is the first Jewish book that valorizes yet questions revelation, but not the last, because certain medieval and modern Jewish thinkers make a similar move. Among moderns, this trend is evident in the work of Franz Rosenzweig, Abraham Joshua Heschel, Louis Jacobs, and to some degree Hermann Cohen, André Neher and Emmanuel Levinas. Furthermore, elements of this trend can be found among medieval Jewish mystics and philosophers, and in classical rabbinic texts of the Talmudic era. That rabbinic and medieval precursors can be found for what is usually thought of as a modern understanding of revelation has been argued already, especially by Heschel himself in his massive study, *Torah Min Hashamayim Be'aspaqlaria Shel Hadorot*,¹ and also by other scholars,² in particular Yochanan Silman in his book *Qol Gadol Velo Yasaf: Torat Yisrael Bein Shleimut Lehishtalmut*.³ But scholars and theologians have not noticed the ways in

1. Abraham Joshua Heschel, *Torah min Hashamayim B'aspaqlarya shel Hadorot*, 3 vols., in Hebrew (London and New York: Soncino and the Jewish Theological Seminary, 1965 and 1990); English translation with very useful notes: Abraham Joshua Heschel, *Heavenly Torah as Refracted Through the Generations*, edited and translated by Gordon Tucker (New York: Continuum, 2005). Heschel's Hebrew title might be translated two ways. It can be taken as a phrase, in which case the title designate the subject of a historical, descriptive study: "Torah from Heaven in the Lens of the Generations," or, less literally, "The notion of revelation as viewed through Jewish tradition." But the title can also be translated as a sentence that makes a constructive theological claim: "Revelation occurs through the lens of the generations" -- that is, "Torah comes to us through the medium of tradition itself." One who studies the book carefully will see that Heschel intends both senses.

2. For the claim that Heschel's philosophy of revelation has deep roots in classical rabbinic literature, see Lawrence Perlman, *Abraham Heschel's Idea of Revelation*, *Brown Judaic Studies*, no. 171 (Atlanta, Ga.: Scholars Press, 1989), 119–33; Alexander Even-Chen, *A Voice from the Darkness: Abraham Joshua Heschel Between Phenomenology and Mysticism*, [in Hebrew] (Tel Aviv: Am Oveid, 1999), 160–79.

3. Yochanan Silman, *The Voice Heard at Sinai: Once or Ongoing?* [in Hebrew] (Jerusalem: Magnes, 1999). For the argument that this view of revelation is far more loyal to the traditions of medieval Jewish

which the Bible anticipates these modern Jewish theologians and the extent to which biblical authors already probed the connections between revelation and religious authority. There are two main reasons that scholars failed to observe the Bible's own subtlety on this matter. First, scholars of Jewish thought and Christian theology who examine this issue tend not to engage in close literary readings of the biblical texts. Rather, they cite a few biblical texts as background briefly before moving on to their own fields of specialty. (One exception to this trend is Heschel; another is Martin Buber, whose view of revelation and authority is very different from the one that concerns me in this book.) Second, the interpretations I put forward communicate themselves most clearly when we read the Bible as the anthology of ancient Near Eastern texts that it is and thus see biblical texts as their first audiences in ancient Israel saw them -- in other words, when we examine the Bible through the lenses of modern biblical criticism. (By "biblical criticism" I mean the sort of biblical study carried out by professors in modern universities, colleges, and seminaries; I will discuss the methods and assumptions of this field in more detail in the chapter that immediately follows this introduction.) Theologians, both Jewish and Christian, have tended to shun biblical criticism, regarding it either as inimical or irrelevant to theological concerns. I hope to show, however, that it is precisely when we respect biblical texts enough to go through the labor of recreating their original contexts that they emerge as religiously relevant to modern readers.⁴ The biblical critical analyses I present will help us to discern powerful

philosophy than most scholars have realized, see also Norbert M. Samuelson, *Revelation and the God of Israel* (New York: Cambridge University Press, 2002), chapters 2 and 7, esp. page 173–75.

4. My characterization of biblical criticism as fundamentally *respectful* towards the Bible is worth noting, because many theologically- and literarily-inclined readers have regarded the main activities of biblical critics as disrespectful towards these texts or destructive towards attempts at reading them as meaningful and coherent pieces of literature. Such an understanding misconstrues the core activities of compositionally-minded critics. Speaking of hypothetical works much discussed by biblical critic such as "Deutero-Isaiah" and "the Deuteronomistic History," John Barton points out (in John Barton, *The Nature of Biblical Criticism* [Louisville: Westminster John Knox Press, 2007], 43–44) that "far from its being a desire to fragment the text or get back to an original stratum that results in these names for extended portions of it, these titles are evidence of a successful attempt to find unity and coherence in collections of material that are superficially disordered and lacking in structure...The whole Pentateuch fails to be read as a unity, but each of the supposed sources can be so read..." Thus the goal of compositional critics is to recover the coherence of biblical texts by recovering their underlying documents: "One cannot hardly fail to notice certain awkwardnesses in the Pentateuch; and if you tackle these awkwardnesses in a systematic way, you may well end up with something like the Graf-Wellhausen hypothesis. Then you will feel that you have before you not once incoherent work, but four reasonably coherent ones, coherent enough to be attributed to writers who gave them shape and structure" (Barton, *Nature*, 42). Compositional criticism, contrary to its reputation, does not focus on fragmentary reading; on the contrary, its goal is relatively

continuities between the biblical texts that describe revelation and the traditions that grew out of them in ancient, medieval, and modern Judaism.⁵

This book, then, has two topics. It is a book about the Bible, because I present interpretations of biblical passages, and I use those interpretations to reconstruct ancient Israelite attitudes towards religious authority. Thus the book belongs to the field of biblical scholarship (in particular, to the history of Israelite religious ideas). At the same time, however, as a study of the relationship between revelation and religious authority, this book belongs to the field of Jewish thought.⁶ In it I attempt to show that the modern theologians I mentioned in the previous paragraph were much less radical, much less original than one might presume, because biblical texts already intimate an approach to revelation and religious authority similar to theirs (and here we should recall that in the context of theological discourse, showing a constructive thinker to be unoriginal is high praise). This is also, then, a book about modern Jewish theology. This is the case throughout the book even though I do not engage in lengthy analyses of particular theologians work. Whenever I interpret a biblical passage or discuss historical background that allows us to understand an ancient Israelite idea more fully, I am also talking implicitly about certain modern thinkers. The proper place of these thinkers in Jewish tradition becomes clear once we achieve the deeper understanding of biblical material that I present in my interpretive work. More specifically, this book is really about the work of Franz Rosenzweig and Abraham Joshua Heschel. It would be possible to extended the scope of this study to treat the other figures I mentioned above --

harmonious, complete, integrated literary works. It achieves this especially in the work of some of the earliest documentary critics and in the work of the neo-Documentary school associated with Hebrew University's Baruch Schwartz and his students. See, e.g., Schwartz's comments on the unreadability of the canonical Torah and the readability of the sources in Baruch Schwartz, "The Torah - Its Five Books and Four Documents," [in Hebrew] in *The Literature of the Hebrew Bible: Introductions and Studies*, ed. Zipora Talshir (Jerusalem: Yad Ben-Zvi Press, 2011), esp. 214–15.

5. The same exegetical/historical claim -- that is, that biblical critical analyses can uncover surprising continuities linking the Bible with later Judaism (and especially with kabbalistic theosophy) -- is central to my book, Benjamin D. Sommer, *The Bodies of God and the World of Ancient Israel* (New York: Cambridge University Press, 2009); there the topic is not revelation and authority but conceptions of divinity.

6. On the centrality of the question of religious authority for modern Judaism, see Arnold M. Eisen, *Rethinking Modern Judaism Ritual, Commandment, Community*, Chicago Studies in the History of Judaism (Chicago: University of Chicago Press, 1998), 209–10. On the centrality of this issue for all of Heschel's work (and not only the middle section of Abraham Joshua Heschel, *God in Search of Man. A Philosophy of Judaism* [New York: Farrar Straus and Giroux, 1955], that explicitly addresses this issue), see Arnold Eisen, "Re-Reading Heschel on the Commandments," *Modern Judaism*, 9 (1989): 6.

Jacobs, Neher, Levinas and Hermann Cohen, who, in varied ways, present ideas of revelation as dialogical or essentially interpretive in nature. Further, one might examine notions of revelation, tradition and authority in the work of Zadok Ha-Cohen, Abraham Isaac Kook and Yizchok Hutner, whose writings disclose surprising areas of congruence with the approach of Heschel. (It is relevant that Kook, Hutner, and Heschel share much in the way of background, especially in the mixture of Hasidic and more rationalist influences that shaped all three). I choose, however, to focus on Rosenzweig and Heschel, because their approaches to revelation are especially close to the biblical texts that talk of the events at Sinai, because their notion of the authority and nature of religious law are, I hope to show, especially congruent with many biblical texts, and because the writings were particularly seminal among modern Jewish movements. I hope that scholars with more expertise than I have in Jewish philosophy of western Europe and in the intellectual history of Jewish thinkers from Eastern Europe will delve further into these other connections. Several additional books could be written on those connections, none of which I am qualified to write. It seems best, therefore, to focus my discussion on a smaller number of thinkers, lest the book extend even further beyond my competence than it already has -- and lest its length render it unreadable.

In addition to have two topics, the following chapters can be read on two levels. At one level this is a study in the history of ideas: I attempt to demonstrate the existence of an affinity between certain ancient texts and certain modern thinkers. On this level, I am engaged in a descriptive project. But I am also engaged in a constructive -- indeed, a polemical -- project: I argue for the authenticity of the theologies of Rosenzweig and Heschel within Jewish tradition. One might view their approaches to religious authority primarily as modern attempts to square a circle -- that is, as failed efforts to retrieve some shred of a notion of revelation on which to base an ersatz Judaism for post-religious Jews in modern western countries. Heschel once remarked that Spinoza attempted to expand the concept of revelation so as to destroy it.⁷ One can imagine that some critics, whether from the left or the right, might make the same claim about

7. See Abraham Joshua Heschel, *The Prophets* (New York: HarperCollins Perennial Classics, 2001), 525 (=*** in the 1962 edition). Cf. the similar remarks on Schleiermacher's problematic legacy for the notion of revelation in Franz Rosenzweig, *The Star of Redemption*, trans. William W. Hallo (Boston: Beacon Press, 1972), 99–101 = Franz Rosenzweig, *The Star of Redemption*, trans. Barbara E. Galli, *Modern Jewish Philosophy and Religion*. (Madison, Wis.: University of Wisconsin Press, 2005), 110–11.

Heschel and Rosenzweig themselves. A critic from the left might argue that these two thinkers displayed a failure of nerve by not destroying the notion of revelation the way that Spinoza did -- i.e., they would criticize Heschel and Rosenzweig for not going far enough. A critic from the right might argue that by going as far as they did go, they already harmed the traditional concept of revelation more than they should have. Against these not entirely imaginary critics, I argue that these two thinkers are largely restating and amplifying a notion of revelation found already in the Bible. Their proposals pick up threads that the biblical authors and editors wanted readers to pick up. In fact, we shall see, the biblical authors and editors expended some ingenuity in weaving those threads into biblical accounts of the events at Sinai.

From all this it becomes clear that I speak not only as a biblical critic or historian of ideas but as a religious Jew. My goal is not merely to describe and analyze but to defend and advocate. In pursuing this constructive goal, I make a second claim that is no less polemical: The biblical texts that problematize revelation nonetheless assert the authority of the laws that emerge from that event. I argue that the covenant that came to be known as the Jewish religion necessarily entails a robust notion of law, and therefore that no Jewish theology can dispense with the concepts of *ḥiyyuv* and *mišvah*, of duty and commandment. The notion of legal obligation that flows from the biblical theology of revelation I discuss will be flexible in some respects. It will involve a degree of doubt that renders religious practice tentative and searching rather than apodictic and self-confident; consequently, it ought to lead to humility rather than self-righteousness. But the fact of obligation cannot be avoided, and thus I will argue that any constructive proposal in Jewish thought that does not embrace these categories is at best imperfectly loyal to the revelation the Bible describes and to the tradition that grows out of it.⁸

This, then, is a book about authenticity. By examining what the Bible says about revelation and thus about its own authority, this study shows that low theologies of

8. Here it will become evident why I choose to focus my attention on Rosenzweig rather than on his close associate Martin Buber. On the preferability, from an authentically Jewish point of view, of Rosenzweig's view of revelation over Buber's precisely because Buber's view does not lead to command, see Samuelson, *Revelation*, 60, 74–75, and 111, who regards Buber's approach to this one question as impossible in from the viewpoint of Judaism's classical texts. Cf. the suggestive remarks of Yehoyada Amir, *Da 'at Ma'minah: 'Iyyunim Bemishnato Shel Franz Rosenzweig*, 'Aron Sefarim Yehudi (Tel Aviv: Am Oveid, 2004), 295.

revelation, the theologies of Rosenzweig and Heschel, come not from Frankfurt or Warsaw or New York, but from Sinai.

* * * * *

In what follows I ask how biblical texts conceive of revelation and hence of their own status.⁹ This in turn leads to an examination of how both they and later Jewish texts understand the scriptures' relation to religious traditions not found in biblical texts themselves -- in other words, to the question of canon. Notions of religious authority in the Bible and later Jewish texts flow directly from their approaches to revelation and canon. I begin my treatment of these questions in chapter 2, which discusses the status of scripture in light of the ways in which biblical, rabbinic, medieval and modern texts recall the giving of Torah at Mount Sinai. We will see that similarities between theories of revelation in the Bible and in the work of Rosenzweig and Heschel become evident especially when one reads the biblical texts with a source critical eye -- that is, when one is open to the claim of modern biblical scholars who maintain that the Torah represents a melding of varied and sometimes contradictory texts from ancient Israel. The redactors responsible for the Sinai narratives in the Torah and some of their underlying sources encourage their readers to wonder about the extent to which the texts resulting from revelation are divine in origin and the extent to which their wording is the work of human beings. We will see in chapter 2 that revelation for some biblical authors involves not only an action in which God conveys something to Israel but also a process in which Moses translates that something into a human language that the Israelites can understand. In chapter 3, I provide an overview of rabbinic and medieval texts that articulate a similar theory of prophecy as translation. I go on to argue that biblical texts themselves already propose such a theory, though of course they do so in the allusive language and with the implicit rhetoric that typifies speculative thought in the ancient Near East.

9. On this crucial but neglected question of how scripture views itself, or what the ancient Israelite documents that have been combined to form biblical books imply about their own authority and their place in the community they serve, see the suggestive formulations in Victor Avigdor Hurowitz, "Proto-Canonization' of the Torah: A Self-Portrait of the Pentateuch in Light of Mesopotamian Writings," in *Study and Knowledge in Jewish Thought*, ed. Howard Kreisel (Beersheva: Ben-Gurion University of the Negev Press, 2006), 31–48, esp. 40.

In chapter 4, I examine the conception of scripture that emerges in rabbinic Judaism as a result of the Bible's theories of revelation and canon. Whereas modern notions of scripture indebted to Protestant theology focus on the forces that hold the canonical books together, rabbinic exegetes emphasized a fragmentary mode of reading that keeps centripetal and centrifugal forces in tension with each other. The rabbis' mode of reading usually shows no concern for the canonical shape of biblical books or even for the very category of "book," and in this respect the rabbis' approach moves away from the sort of holistic hermeneutic that modern theological readers of scripture seek (I think here of Rosenzweig, of his contemporary and Protestant analogue Karl Barth, and of Barth's exegetical disciple Brevard Childs). But in its own way this rabbinic approach also pulls the varied contents of the canon closer together, since rabbinic interpreters draw biblical verses into new configurations enabled precisely by the disappearance of the boundaries between biblical books. We will see, furthermore, that both these rabbinic moves -- the centrifugal and the centripetal, the atomizing and the unity-oriented -- have predecessors with the Bible itself, which thus authorizes the interpretive strategies of rabbinic literature even as it implies a critique of the unity-oriented interpretive practices associated with canon critics such as Childs.

In chapter 5 I argue that the Bible and rabbinic tradition do not only erase boundaries within the canon; both literatures work hard to erase, or at least to blur, the boundaries between scripture and tradition. As a result, some central voices within rabbinic tradition undermine the very category of scripture, dissolving texts found in the closed biblical canon into a larger Jewish canon that knows no closure at all. This trend within classical Jewish thought, in turn, will prove to be a precursor to the modern Jewish approaches to scriptural authority examined in chapter 2. I shall argue that the approach of Rosenzweig and Heschel implies that the very category of scripture is a chimera, and that their work resituates -- and, surprisingly, resuscitates -- the Bible as a work of tradition rather than scripture. Their work implies that there really is no such thing as scripture; there is only Jewish tradition, which begins with and includes the Torah, the Prophets, and the Writings. Neither of these thinkers admitted this implication of his own work; indeed, comments by both of them suggest they would be deeply troubled by the downgrading of the Bible implied by my use of their work. But this thesis, we will see, is less unsettling than it appears, and less disruptive for Jewish

tradition, for several reasons. By folding scripture into tradition, this thesis renders modern and postmodern attacks on scripture far less harmful to Judaism. Further, it invigorates the right of tradition as revealed authority to demand the Jew's submission to its law. At the same time, it justifies, at least in principle, the right of contemporary Jewish communities that are deeply committed to covenantal obligation to modify specifics within the law, thus rejuvenating that law and rendering it more compatible with the modern world.

In the final chapter, I attend to the main constructive teachings suggested by the treatments of revelation, canon and authority found in the body of this book. There I take a close look at a conclusion that emerges from chapters 2, 3, and 5: to wit, that the canon is imperfect and scripture flawed. This realization, I argue, has weighty implications for modern Judaism. Further, I address the relationship between innovation, continuity and covenant in light of which the model of revelation described throughout this book. I conclude by arguing that my methods and my conclusions are not as liberal as one might be tempted to believe; on the contrary, the approach to sacred texts I lay out in this book undermines progressive constructions of Judaism and strengthens a highly traditional understanding of what an authentic Judaism based on Bible and tradition demands.

Before turning to close readings of texts that describe, recall and question the revelation at Sinai, I need to explain why, as a religious reader, I look not only to traditional Jewish methods of interpreting the Bible but to modern critical methods of analysis. In the chapter 1, I acknowledge the tensions that exist between biblical criticism and theological exegesis, and I discuss how these modes of analysis differ in terms of their methods and, more fundamentally, in terms of how they conceive of the Bible. We will see that the most crucial differences between biblical criticism and many theologian modes of reading occur not in the ways they read but in decision they make before they begin reading at all. Having done so, I will go on to suggest why the tension between them need not be a contradiction, and how biblical criticism can in fact become a useful tool for a constructive theologian. Finally, because so much of this book examines the relationship between scripture and tradition (and moves towards the claims, in chapter 5, that tradition precedes scripture and that scripture is simply one form of tradition), I pause to lay out some useful models for understanding continuity,

discontinuity and the deft intertwining of the both in Jewish tradition. It is to these foundational matters that the first chapter devotes itself.

CHAPTER 1

Artifact or Scripture?

A reader may approach the anthology that is the Hebrew Bible with two very different expectations. Religious Jews and Christians approach the Hebrew Bible as *scripture* -- that is, as a document that relates to their own lives or the life of their community at an existential level. For them its teachings demand a response, whether in thought or action, whether through self-definition or participation in a community. It is a sacred text, connected perhaps to human authors but also to a divine source that either had a hand in producing it or at the very least validates it. Biblical critics, on the other hand, approach the Hebrew Bible as an *artifact* -- that is, as a collection of Northwest Semitic texts from the Iron Age. These texts furnish insight to a particular culture that existed near the eastern edge of Mediterranean over the course of several centuries. It is interesting for the same reasons that any cultural expression produced by human beings is interesting: because it contains attempts by human beings to explore fundamental questions. Some readers, including but not limited to biblical critics, approach the Hebrew Bible as a particular type of artifact: as a *classic*, a great work that provides a model for later culture's literature and thought even as it epitomizes the culture that produced it. As one of the foundational document of Western civilization, it sheds light on Western thinking, writing, and art. As a classic, the Bible attracts interest from many Jews because it contains the earliest literary expressions of a nation with whom they identify. A humanistic thinker, a student of Western culture, or a Jew may find the Hebrew Bible to be of vital concern without, however, regarding it as scripture: that is, without attributing to it some ontological status that differentiates it from other cultural artifacts. The ancient and varied traditions of Judaism and Christianity provide habits of reading and ritual that allow people to embrace biblical texts as scripture, while the more recent yet impressively diverse traditions of the modern university supply tools for understanding these texts as artifact.

The difference between these two conceptions of the Bible can also be seen as a question of how they define the audience of these texts. For many biblical critics, it is an axiom that the Hebrew Bible does not address those of us who live in the modern world, or even those who lived in the medieval world. These scholars tell us that the texts found in the Bible addressed a group of people who lived in certain parts of the Near East

during the first millennium B.C.E. -- a time and places far away from our own. People who are committed to reading the Bible as scripture, however, would remind us that this anthology is in fact quite explicit about whom it addresses: it addresses the family of Abraham, Isaac, and Jacob. A central concern of these texts is the future progeny of the patriarchs, not only those progeny living in any writer's present day. Thus texts in this anthology direct themselves to the family of Abraham, Isaac and Jacob not only contemporaneous with the writers but in the future as well. Texts throughout the Hebrew Bible make clear that they were composed, proclaimed, preserved, and redacted in order to address a whole nation.¹⁰ That nation is comprised of descendants of Abraham throughout generations, not just at one point in time. As a result, those of us who regard ourselves as being, in one way or another, the seed of Abraham have an obligation to read the Bible as speaking to us. Now, that may be an easy task for people who reject the findings of modern biblical criticism -- that is, for people who are ignorant, or who strive to become ignorant, of the abundant evidence amassed by biblical critics that these text first of all addressed people living in the Iron Age, the Persian era, and the Hellenistic era.¹¹ But fulfilling the obligation to listen to these texts as scripture is more difficult for those of us who also accept the methods and conclusions of modern scholarship; members of this group have to confront the question of *how* this ancient document addresses us, especially if we acknowledge that, having been written in the highlands of Canaan and in a diaspora of people who originated there, these texts first addressed to ancient people who lived in those places.

10. On Torah as addressed to the whole nation Israel, see Moshe Greenberg, "Three Conceptions of the Torah in Hebrew Scriptures," in *Studies in the Bible and Jewish Thought* (Philadelphia: Jewish Publication Society, 1995), 11–24, who demonstrates that "the concept of God's Torah as the patrimony of the entire Israelite community" is "a concept rooted in the Bible" and not only in rabbinic literature (11–12). See also the astute comments of Jacob Wright, "The Commemoration of Defeat and the Formation of a Nation in the Hebrew Bible," *Prooftexts* 29 (2009): 443–44: "The reason why it is so difficult to identify the authors of biblical literature is that they are writing with the entire people -- not a single institution or group, such as the palace or temple -- in view...The inherent resistance of biblical literature to clear authorial identification is its hallmark, and speaks volumes to its agenda of representing 'people' as a whole - and thereby also forming as Israelite audience for itself - rather than defending a particular institution or social class."

11. I refer here to facts, first, that the literary conventions of the Hebrew Bible were typical of those of ancient Near Eastern literature, and, second, that biblical texts assume their audience holds views typical of ancient peoples from the Near East -- for example, the Bible takes it for granted that its audience believes that the earth floats atop a cosmic ocean and is anchored there by pillars.

To see it as scripture is also to see it as addressed to us;¹² and it does indeed claim to speak to the family (families?) of Abraham, Isaac, and Jacob. In reading this way, one has to make an assumption -- indeed, a leap of faith -- regarding the audience of the text, though it should be noted that this is an assumption that the anthology itself encourages. Further, that assumption about the audience of the Hebrew Bible is not so much about the text but about ourselves: I choose regard myself as a part of the group that this text addresses.

For people who regard themselves as part of that group, then, and who furthermore refuse to pretend to be ignorant of what modern scholarship has taught us about the Hebrew Bible, it is inevitable that the Bible must be read as artifact and as scripture. Moreover, it will not do to read the Bible serially, at times as artifact and in other contexts as scripture. Such a choice would require one to bifurcate oneself, so that one has a secular mind and a religious soul co-existing uneasily in a single body but not communicating with each other. The text that addresses the family of Abraham, Isaac and Jacob commands members of that family to serve God *בכל לבבך בכל נפשך ובכל מאדך* -- with all one's mind, with all one's soul, with all that one is. A person whose intellect believes that biblical criticism makes valid claims but whose religious self pretends otherwise renders service to God that the *Shema* prayer (that is, Deuteronomy 6.5) regards as fragmented and defective. The intellectually honest person addressed by the Hebrew Bible today must read the Bible at once as artifact and as scripture.

The central question I ask in this book is whether this project is in fact possible: Can the Hebrew Bible, understood as artifact, continue to be read as scripture? Like many people in the past two centuries, I wonder whether there is a place for this anthology as understood by modern biblical critics in contemporary Judaism or Christianity. One can answer this question only from a particular place. Among the communities that regard the Hebrew Bible as scripture, there has never been a universal notion of what scripture is -- that is, how it functions in the community, how it

12. Thus my attempt to read the Bible at once as artifact and as scripture resembles the effort to arrive at what Uriel Simon calls *פשוט קיומי*, which we might translate as an existential reading of the Bible in its own literary and cultural context. A person who reads to find the *פשוט קיומי* utilizes modern scientific methods of reading even while regarding himself or herself as the contemporary addressee of the biblical texts. See Uriel Simon, *Seek Peace and Pursue It. Pressing Questions in Light of the Bible, and the Bible in Light of Pressing Questions*, [in Hebrew] (Tel Aviv: Yedi'ot Ahronot / Sifrei Hemed, 2002), 44–45.

should be read, or how it can be used in ritual. While scholars have identified a shifting set of features that typify what has been termed scripture in religions throughout the world,¹³ any concrete conception of scripture is a local one, specific, in the case of the anthology with which we are concerned, to a particular type of Judaism or Christianity.¹⁴ Consequently, there can be no discussion of the relationship between artifact and scripture generically; there can only be discussions of this relationship in a given tradition. In this book, I discuss the Hebrew Bible as a Jewish scripture, and I will speak from an unabashedly local perspective. (Consequently, from this point on, I will refer to this anthology simply as “the Bible,” rather than using the neutral, non-denominational term common in academic settings, “the Hebrew Bible.” *) To speak from this local perspective, however, does not mean that the dialogue in which I engage will only involve Jewish voices. On the contrary, just as Christian readers will, I hope, find what I have to say stimulating, useful, and instructive to their ruminations on the issues at hand, so too I find contributions of non-Jewish scholars relevant and enlightening. In spite of my local perspective I will engage work by Christian biblical exegetes and

13. See the stimulating and learned work of Wilfred Cantwell Smith, *What Is Scripture? A Comparative Approach* (Minneapolis: Fortress Press, 1993), as well as the brief but very insightful discussion in William A. Graham, “Scripture,” in *Encyclopedia of Religion*, 16 vols., ed. Mircea Eliade, Charles Adams, and *et al.* (New York: Macmillan, 1987), 13:133–45; see also Graham’s more detailed study, *Beyond the Written Word: Oral Aspects of Scripture in the History of Religion* (Cambridge: Cambridge University Press, 1987). It is unfortunate that contemporary biblical scholars have for the most part failed to engage with these powerful and suggestive studies.

14. On the diverse understandings of what scripture is and how it functions in varied forms of these religions, see the essays in Justin Holcomb, ed., *Christian Theologies of Scripture: A Comparative Introduction* (New York: New York University Press, 2006), and Benjamin D. Sommer, ed., *Jewish Concepts of Scripture: A Comparative Introduction* (New York: New York University Press, 2012).

* Some readers may find a word of clarification regarding terminology useful. The term “Hebrew Bible” is used by modern academic scholars to refer to the anthology known to Christians as “the Old Testament” and to Jews as “the Bible” (or, in Hebrew, *Mikra* or *Tanakh*). Jews and Christians differ not only in regard to their name for the anthology but also in regard to what we might call its internal and external boundaries. For Jews, this anthology contains twenty-four books, divided into a more important section (the Torah or Pentateuch, consisting of five books) and two longer sections that are not as sacred or authoritative (*Nevi'im* and *Ketuvim* or, in English, Prophets and Writings, containing between them nineteen books). For Christians this collection contains an undifferentiated collection of books; Protestants generally identify the collection as containing the same twenty-four books that are scripture for Jews, while Catholic and Orthodox Christians include some other ancient Jewish works that are not regarded as sacred among Jews or most Protestants. Incidentally, the term “Old Testament” causes some contemporary Christians discomfort and some Jews offense, but for no good reason. Only in modern western culture, with its idolization of youth, would one think that the word “Old” implies some insult to Jewish scripture; in fact “Old” in the term “Old Testament” means “venerable,” not “antiquated.” On the integrity of the use of this term by Christians, see Christopher Seitz, *Word Without End: The Old Testament as Abiding Theological Witness* (Grand Rapids, MI/Cambridge, UK: William B. Eerdmans Publishing Company, 1998), 61–74

theologians, as well as work by scholars of the Bible and the ancient Near East who might be described as post-Christian or ex-Christian.

This book, then, situates itself in two academic fields, one parochial and constructive, the other non-denominational -- indeed non-religious -- and descriptive: modern Jewish theology and biblical criticism.¹⁵ In this respect it departs from the model envisioned by most of the scholars who have called themselves biblical theologians in the past two centuries. With a few exceptions, these scholars have pretended that their work eschewed confessional stances.¹⁶ In fact, however, these

15. It comes as no surprise that scholars define “biblical criticism” in more than one way. My use of this term follows the characteristically insightful and balanced approach set forth in John Barton, *The Nature of Biblical Criticism* (Louisville: Westminster John Knox Press, 2007). More particularly, I use it to refer to a mode of reading that (1) is “concerned with the recognition of genre in [biblical] texts and with what follow from this about their possible meaning,” (2) shares with other branches of the humanities “a common concern for evidence and reason” as opposed to relying on authoritative religious tradition, (3) “strives to be ‘objective’ in the sense that it tries to attend to what the text actually says and not to read alien meanings into it,” while recognizing the difficulty and ultimately impossibility of perfectly attaining that objectivity or defining precisely what is alien (I quote here from Barton, *Nature*, 5-7). Further, while biblical criticism shares with pre-critical and post-critical approaches to the Bible “a desire to read the text in its coherence,...biblical critics do not assume that all texts can in fact successfully be read in this holistic way,” and they may therefore conclude that a given text is composite in nature (30). Finally, I would add to Barton’s definition that the biblical critical attempt to understand genre and to avoid reading alien readings into a biblical texts depends especially on situating biblical texts in the linguistic, historical, and literary context of the ancient Near East, and thus involves frequent comparison with the cultures of ancient Canaan and Mesopotamia, as well as those of the Egyptian, Hittite, Persian, and Greek/Hellenistic empires. On the importance of this historicizing or, better, contextualization, for almost all forms of biblical criticism, see John J. Collins, *The Bible After Babel: Historical Criticism in a Postmodern Age* (Grand Rapids, Mich.: W.B. Eerdmans Pub. Co., 2005), 4: “What these methods have in common is a general agreement that texts should be interpreted in their historical contexts, in light of the literary and cultural contexts of their time.” Cf. on this point Barton, *Nature*, 80-86. For the argument that biblical criticism is essentially literary and linguistic rather than historical in nature (a point with which Barton agrees), see James Barr, *Holy Scripture: Canon, Authority, Criticism* (Philadelphia: Westminster, 1983), 105–26. Barton emphasizes, quite rightly, that people who argue against biblical criticism (whether for religious or literary reason) usually overemphasize the specifically historical dimension of the field. There are many biblical critics who do not focus especially on diachronic issues; the heart of modern biblical criticism, rather, lies in the area of genre-recognition. (See especially *Nature*, 31-68.) The threat that religious believers perceive from biblical criticism, however, stems largely from the diachronic components of biblical criticism, as we shall see below. For this reason this book focuses on these diachronic components, Barton’s reminders about the variety and breadth of the field notwithstanding. My concern with compositional and historical issues throughout this book should not be taken by readers outside the field as an indication that these are the only important tasks of the modern biblical scholar.

16. I discuss this phenomenon at greater length in Benjamin D. Sommer, “Dialogical Biblical Theology: A Jewish Approach to Reading Scripture Theologically,” in *Biblical Theology: Introducing the Conversation*, ed. Leo Perdue, Library of Biblical Theology (Nashville: Abingdon Press, 2009), esp. 8–14. See further the incisive discussions in Jon Levenson, *The Hebrew Bible, the Old Testament, and Historical Criticism. Jews and Christians in Biblical Studies* (Louisville: Westminster/John Knox, 1993), *passim*, but esp. chapters 1, 2 and 4. The biblical theologian’s self-delusion that their work is primarily descriptive provides a neat equilibrium with the work of biblical historians, since, as Barton

earlier attempts at biblical theology invariably perpetuated Protestant readings of Hebrew scripture. As a result they strike non-Protestant readers as self-contradictory and, insofar as they imply that only Protestant readings are loyal to the text, offensive. Paradoxically, biblical theology of a decidedly denominational nature can make contributions not only to the denomination from which it emerges but to the wider guild of religious studies and to the construction of creed or identity in other denominations.¹⁷ The local context within I read the Bible helps me uncover connections between biblical Israel and post-biblical Judaism that turn out to be suggestive outside Judaism as well. Without the local context, these connections might otherwise have gone unnoticed. Hence this study of Jewish scripture will open up unexplored features of Israelite thought that will interest not only people who want to read the Bible as Jewish scripture but also those who approach it as Christian scripture, as well as those who analyze the Bible as artifact.

In the chapters that follow, I propose an approach that allows modern Jews to study the Bible in good faith as both scripture and artifact. A deeper understanding of the Bible as artifact, we shall see, can trouble yet enrich our embrace of the Bible as scripture. Before embarking on this project, I need to explain why the tension between artifactual reading and scriptural reading exists and to introduce some core terms and concepts that will be helpful throughout the book.

Artifact vs. Scripture

Is the Bible sacred? This is the core question that lies behind the distinction between artifact and scripture. Does the Bible have a special status that sets it apart from other

among many others have noted, “Most biblical historians turn out to be theologians in disguise” (Barton, *Nature*, 38–39).

17. I think here especially of books such as James Barr, *Biblical Faith and Natural Theology*, The Gifford Lectures, 1991 (Oxford: Oxford University Press, 1993); Manfred Oeming, *Gesamtbiblische Theologien der Gegenwart: Das Verhältnis von AT und NT in der Hermeneutischen Diskussion Seit Gerhard von Rad* (Stuttgart: Verlag W. Kohlhammer, 1985); Jon Levenson, *Sinai and Zion: An Entry Into the Jewish Bible* (San Francisco: Harper and Row, 1987); Jon Levenson, *Creation and the Persistence of Evil: The Jewish Drama of Divine Omnipotence* (San Francisco: Harper and Row, 1988); Gary Anderson, “Necessarium Adae Peccatum: An Essay on Original Sin,” *Pro Ecclesia* 8, no. 3 (Summer 1999): 319–37; Gary Anderson, “Biblical Origins and the Problem of the Fall of Man,” *Pro Ecclesia* 10, no. 1 (2001): 17–30; Gary Anderson, “To See Where God Dwells: The Tabernacle, the Temple, and the Origins of the Christian Mystical Tradition,” *Letter and Spirit* 4 (2008): 13–45. All of these are openly denominational, but all of them have much to teach any student of the Bible, and especially religious ones. Further, all of them strike me as causing much less discomfort than allegedly objective biblical theologies.

texts? Is it in some way unique, or at least essentially different from works of literature and culture produced throughout the world? Is the Bible the product of human writers, or does it have an origin that goes beyond this world? For most ancient and medieval readers, both Jewish and Christian, the answers to these questions were obvious. The Bible was sacred because it came from heaven. For classical Jewish thinkers, the words of the Five Books of Moses were composed not by Moses or any other human beings but by God. The wording of the remainder of the Bible did not come directly from God, but these books, too, were in some sense of heavenly origin, in their content if not their precise phrasing. The question of whether the anthology in question was an artifact or scripture could not arise for these readers.

As a result of causes that have been rehearsed by many writers, this consensus began to break down in the seventeenth century in Europe. Several freethinkers (for example, the philosophers Baruch Spinoza and Thomas Hobbes, and later David Hume) began to question whether the Bible really is sacred -- literarily unique, heavenly in origin. In their wake scholars, most of them Protestant, primarily in France and Germany, investigated the origins of these texts, doubting that they were in fact literary unities at all, much less divinely-written and perfect ones. They showed, first, that the Book of Genesis contains what seemed to be earlier works, and these works contradicted each other on a number of narrative details. The author (or better: editor) of Genesis had brought together these older documents, but had not reconciled the contradictions among them. Since the author/editor was relying on older documents that contradicted each other and could not be authoritatively reconciled, it was clear that this author/editor was not an omniscient, otherworldly being. These earliest scholars presumed that the author/editor in question was Moses, but it was not long before scholars realized this method of analyzing the origins of Genesis also worked for the Books of Exodus, Leviticus, Numbers, and Deuteronomy, which told the story of Moses himself. Once it was clear that the whole Pentateuch was composite in origin, the notion that the author/editor of this work was Moses became untenable; after all, Moses would not have needed to rely on multiple and contradictory sources to narrate recent events in which he was the major character.

Scholarship on the origins of the Pentateuch (which is often referred to as source criticism -- that is, careful analysis that discovers the sources from which the Pentateuch

has been put together) developed slowly from the seventeenth through the nineteenth centuries; scholars put forth various theories that delineate how many sources there are, which verses and chapters belong to which sources, how these sources relate to each other, and how they were put together. The most famous of these theories, known as the Documentary Hypothesis, crystallized in the mid-nineteenth century. According to this hypothesis, there are four main sources within the Torah, which biblical scholars label J, E, P and D. For our purposes, it will matter only a little whether, as some proponents of the Documentary Hypothesis maintain, these sources can be further split into additional subsources (J1 and J2; a subset of P to be labeled H), and whether, as some speculate, some texts in the Pentateuch are to be attributed to sources or supplements in addition to J, E, P and D. Similarly, it is of relatively little import whether, as many scholars in the late twentieth century proposed, an alternate theory altogether rather than the Documentary Hypothesis better explains the textual evidence in the Pentateuch in its present form -- for example, a theory according to which the Torah grew from some original kernels to which a series of supplements were added.¹⁸ For the questions of

18. There are many works that outline the Documentary Hypothesis and other theories regarding the composition of the Torah, the history of the development of these theories, and the types of evidence that support them. For a compelling and elegant presentation of what has been called the neo-documentarian approach (according to which there are four and only four sources that were brought together to form the Pentateuch, a few additional texts here and there notwithstanding) see Baruch Schwartz, "The Torah - Its Five Books and Four Documents," [in Hebrew] in *The Literature of the Hebrew Bible: Introductions and Studies*, ed. Zipora Talshir (Jerusalem: Yad Ben-Zvi Press, 2011), 161–226. Schwartz's presentation is especially clear and unusually eloquent, but only to people who read modern Hebrew. A longer, more detailed, yet admirably accessible presentation of Schwartz's version of the Documentary Hypothesis is Joel Baden, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis*, AYBRL (New Haven: Yale University Press, 2012). A highly readable if at times quirky presentation of the Documentary Hypothesis is found in Richard Elliott Friedman, *Who Wrote the Bible?* (San Francisco: HarperCollins, 1987). A detailed narrative of the development of the Documentary Hypothesis and the reasoning it employs is found in the first volume of J.E. Carpenter and G. Harford-Battersby, *The Hexateuch According to the Revised Version*, 2 vols. (London: Longmans, Green, and Co., 1900), which is available in several online versions. (Carpenter and Harford present the classic version of the Documentary Hypothesis, which distinguishes various strata within J and E, as opposed to the more elegant and less strained neo-Documentary Hypothesis associated with Schwartz.) More recently, many scholars, especially in Europe, have questioned aspects of the Documentary Hypothesis and have put forward alternative models for understanding the crystallization of the Pentateuch, especially in regard to what Documentarians consider the J and E sources. Many of these newer theories emphasize not only the combination of originally separate documents but a series of supplements to older textual cores and scribal/editorial interpolations that bring together diverse material. Crucial works that paved the way for these newer approaches are Rolf Rendtorff, *The Problem of the Process of Transmission in the Pentateuch*, trans. John J. Scullion, JSOTSup (Sheffield: JSOT Press, 1990) [German original 1977], and Erhard Blum, *Studien zur Komposition des Pentateuch*, BZAW (Berlin: De Gruyter, 1990). An especially useful overview of these theories is found in David M Carr, "Controversy and Convergence in Recent Studies of the Formation of the Pentateuch: A Review of Several Books - Prologue to History: The Yahwist

religious authority and the nature of scripture with which I am concerned, what matters is that modern scholars explain the origin of the Pentateuch not only in a manner that differs from classical Jewish and Christian teachings but in a manner that casts doubt on its unity and its connection with an omniscient and perfect being. (One question that will matter to theologians, we shall see later, is the attitude of the redactors to the sources; at the proper time, we will delve further into that question.)

Many Jews feel that biblical critics attack the root of the Jewish religion in denying Mosaic authorship of the Torah and in asserting that the Genesis, Exodus, Leviticus, Numbers and Deuteronomy are not books at all but a *melange* of originally separate and to some degree contradictory texts. Similar theories were developed in regard to other books, showing, for example, that Isaiah could not have written all of the book called Isaiah and that Jeremiah's original prophecies were supplemented by various texts that later scribes or editors attributed to him.¹⁹ Claims of this type regarding the Prophets and Writings (the second and third sections of the Bible) also

as Historian in Genesis by John Van Seters; The Life of Moses: The Yahwist as Historian in Exodus-Numbers by John Van Seters; Studien Zur Komposition Des Pentateuch by Erhard Blum; Die Tora: Theologie und Sozialgeschichte Des Alttestamentlichen Gesetzes by Frank Crusemann; Der Jahwist by Christoph Levin; Sources of the Pentateuch: Texts, Introductions, Annotations by Antony F. Campbell and Mark A. O'Brien; The Promise of the Land as Oath: A Key to the Formation of the Pentateuch by Suzanne Boorer," *Religious Studies Review* 23, no. 1 (January 1997): 22–31. Other recent presentations sympathetic to these trends is found in Jean-Louis Ska, *Introduction to Reading the Pentateuch*, Sr. Pascale Dominique (Winona Lake, IN: Eisenbrauns, 2006). Overviews of both the older (documentary) theories and the newer (supplementary) theories can be found in Alexander Rofé, *Introduction to the Literature of the Hebrew Bible*, Jerusalem Biblical Studies, vol. 9 (Jerusalem: Simor, 2009), 159–298, and Jan Christian Gertz, et al., *T&T Clark Handbook of the The Old Testament*, trans. Linda M. Maloney (London: T&T Clark, 2012), 237–351 (both of whom are sympathetic to the newer theories), as well as in Ernest W. Nicholson, *The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen* (Oxford: Oxford University Press, Clarendon, 1998) (who defends the older theories from the attacks of the more recent scholarship). A extremely detailed yet lucid defense of the neo-documentary approach to the block of material that is the main source of contention between documentarians and the newer models is found in Joel Baden, *J, E, and the Redaction of the Pentateuch*, FAT (Tübingen: Mohr Siebeck, 2009). Essays representing both schools of thought are found in Thomas B. Dozeman, Konrad Schmid, and Baruch Schwartz, eds., *The Pentateuch: International Perspectives on Current Research*, Forschungen Zum Alten Testament (Tübingen: Mohr Siebeck, 2011). A good sense of the debate between the two schools can be gained by comparing Joel Baden, "The Continuity of the Non-Priestly Narrative from Genesis to Exodus," *Biblica* 93 (2012): 161–86, with Konrad Schmid, "Genesis and Exodus as Two Formerly Independent Traditions of Origins for Ancient Israel," *Biblica* 93 (2012): 187–208.

19. Again, overviews of these theories are legion. Especially useful for relatively brief overviews are standard dictionaries of the Bible, such as Katharine Doob Sakenfeld, ed., *The New Interpreter's Dictionary of the Bible* (Nashville, TN: Abingdon Press, 2006–09), David Noel Freedman, ed., *Anchor Bible Dictionary*, 6 vols. (New York: Doubleday, 1992), and Eliezer Sukenik, et al., *Encyclopaedia Biblica*, 9 vols. [in Hebrew] (Jerusalem: Mossad Bialik, 1950–88), as well as various introductions to the Bible, such as Alexander Rofé, *Introduction to the Literature of the Hebrew Bible*, [in Hebrew] (Jerusalem: Carmel, 2006), Marc Zvi Brettler, *How to Read the Bible* (Philadelphia, PA: Jewish Publication Society, 2005), and John J. Collins, *Introduction to the Hebrew Bible* (Minneapolis, MN: Fortress Press, 2004).

caused some discomfort among many Jews, thought these latter claims are not usually perceived as attacking the root of the Jewish religion. But the discovery that the laws found in Exodus through Deuteronomy were not in any literal sense Mosaic and the realization that the Torah contains self-contradiction and thus imperfection were greeted with dismay by many Jews over the past two centuries. The Five Books of Moses, the very core of Jewish scripture, were not put together, much less written, by Moses; and, since they contradicted each other, they could not have one author, much less One Author.

As Baruch Schwartz and others show, modern Jews have focused their scriptural anxieties especially on theories pertaining to the authorship biblical texts.²⁰ In addition, some Jews have regarded biblical criticism as unnerving because it casts doubt on the historical reliability of biblical texts; this issue, however, has been much more pressing for Christians -- especially Protestants -- than for Jews.²¹ The extent of this challenge for believers who are not overly concerned with minutiae, I should add, has been vastly exaggerated. Contrary to what one sometimes reads in the popular press or hears from less learned pulpits, there are no archaeological or historical reasons to doubt the core elements of the Bible's presentation of Israel's history: namely, that the ancestors of the Israelites included an important group who came from Mesopotamia; that at least some Israelites were enslaved to Egyptians and were surprisingly rescued from Egyptian bondage;²² that they experienced a revelation that played a crucial role in the formation

20. See Baruch Schwartz, "The Pentateuch as Scripture and the Challenge of Biblical Criticism: Responses Among Modern Jewish Thinkers and Scholars," in *Jewish Concepts of Scripture: A Comparative Introduction*, ed. Benjamin D. Sommer (New York: New York University Press, 2012), 203–29. Among other studies, see especially the penetrating and trenchant comments throughout Jon Levenson, *Hebrew Bible, Old Testament, passim*, but esp. ch. 4; Alan Cooper, "Biblical Studies and Jewish Studies," in *The Oxford Handbook of Jewish Studies*, ed. Martin Goodman, Jeremy Cohen, and David Sorkin (Oxford: Oxford University Press, 2002), 14–35; Norbert M. Samuelson, *Revelation and the God of Israel* (New York: Cambridge University Press, 2002), 85–89; Alan Levenson, *The Making of the Modern Jewish Bible: How Scholars in Germany, Israel, and America Transformed an Ancient Text* (Lanham, Md.: Rowman & Littlefield, 2011). Scholars can gain considerable theological, historical, and psychological insight into effects of biblical criticism on traditional Jews, along with an example of one type of response to its challenges, from Chaim Potok's novel, *In the Beginning* (New York: Alfred A. Knopf, 1975).

21. On the importance of this threat in Christian denominations, see, e.g., Collins, *Bible After Babel*, 6–7.

22. My fellow biblical scholars will note my careful phrasing here. See Ron Hendel, "The Exodus in Biblical Memory," *JBL* 120 (2001): 601–22, esp. 604–608, who points out that genuine Israelite memories of enslavement to Egyptians may or may not refer to enslavement within Egypt, and might be based on memories of enslavement to Egyptian overlords in Canaan during the Middle or Late Bronze Age. For a

of their national, religious and ethnic identity; that they settled down in the hill country of the land of Canaan at the beginning of the Iron Age, around 1300 or 1200 B.C.E.; that they formed kingdoms there a few centuries later, around 1000 B.C.E.; and that these kingdoms were eventually destroyed by Assyrian and Babylonian armies. To be sure, the fact that there are no reasons to doubt any of these basic elements of the biblical storyline does not prove that one *should* believe it, either; my point here is simply to alert my readers to the specious nature of claims that any of these elements is contradicted or even undermined by what archaeologists have or have not found. People who put forward claims of this sort seem to be unaware of the evidence actually available; even more importantly, they are unschooled about the nature of the evidence - that is, about what the evidence can and cannot prove.

To my mind, however, biblical criticism's greatest challenge to religious belief stems from the ways in which it situates biblical texts in human history. As John Barton has pointed out, both proponents and opponents of biblical criticism have tended to agree that biblical criticism is fundamentally historical rather than theological in character, and further that its historical character has eclipsed theological questions. This eclipse resulted in what Barton terms "the death of scripture," at least for many of those who accept historical criticism. (Barton goes on to argue cogently that historical criticism need not have this effect for a believers with a serious, nuanced and flexible faith.²³) Similarly, in a recent book, Michael Legaspi shows that German biblical scholars of the nineteenth century "seemed to delight in creating scientifically reconstructed alternatives to the familiar salvation history (*Heilsgeschichte*) of the

possible reference to Israelite enslavement within Egypt, on the other hand, see Gary Rendsburg, "The Date of the Exodus and the Conquest/Settlement: The Case for the 1100's," *VT* 42 (1992): 510–27, esp. 517–518. For a devastating critique of contemporary claims that the Exodus cannot be based on historical memories, see James K. Hoffmeier, *Israel in Egypt: The Evidence for the Authenticity of the Exodus Tradition* (New York: Oxford University Press, 1997), and James K. Hoffmeier, *Ancient Israel in Sinai: The Evidence for the Authenticity of the Wilderness Tradition* (Oxford ; New York: Oxford University Press, 2005). One need not agree with Hoffmeier's own positive conclusions, which go vastly beyond the available evidence, to see how completely Hoffmeier exposes the ignorance and faulty reasoning of those who deny any historical kernel to the Exodus story.

23. See Barton, *Nature*, 31–33 , and, at greater length, Robert Morgan and John Barton, *Biblical Interpretation*, Oxford Bible Series (Oxford ; New York: Oxford University Press, 1988). Barton himself does not accept this dichotomy and proposes that historical criticism can also have a significant theological dimension without necessarily impairing its critical or even its historical quality; see, e.g., John Barton, "Should Old Testament Study Be More Theological?" *ExpT* 100 (1989): 443–8, and cf. John Barton, "Alttestamentliche Theologie nach Alberz?" *JBTh* 10 (1995): 25–34. See further Barr, *Holy Scripture*, 23–48 and 105–26.

Christian tradition; these allowed them and their students to perceive more clearly the political dynamics, historical forces, and human contours of the ancient societies that produced the Bible.”²⁴ A great many biblical scholars, for example, interpret almost all

24. Michael C. Legaspi, *The Death of Scripture and the Rise of Biblical Studies*, Oxford Studies in Historical Theology (Oxford: Oxford University Press, 2010), 30. Precisely because Legaspi does such a fine job of distinguishing between what I call artifact and scripture (see especially his beautiful evocation of two scenes in which the Bible plays radically different roles on pp. vii-viii), some remarks are necessary about the stimulating but deeply problematic assertions he makes concerning the goals of early biblical critics. While LeGaspi shows the destructive effect of the scholars who created modern biblical criticism, he also argues that their project was essentially religious yet “postconfessional” or “nonconfessional” (a term he uses repeatedly -- e.g., 7, 100, 165, 168). He claims that the goal of these eighteenth- and early nineteenth-century biblical scholars was to create a universal Bible devoid of pernicious and narrow readings of the many Christian denominations that sprung up like grass in the seventeenth centuries. Legaspi’s book traces the career of the Göttingen University’s professor Johann David Michaelis, whose “rejection of...confessionalism highlights the fact that his primary interpretive lens was historical and philological...The new discipline of biblical studies” that Michaelis helped to create emphasized the use of ancient Near Eastern texts as the context for interpreting biblical texts. Thus, LeGaspi claims, it “allowed practioners to creat a *post*-confessional Bible by reconstructing a *pre*-confessional Israel” (100, 165). Yet Legaspi admits that Michaelis showed antipathy towards Jews and Judaism in ways that both harkened back to the Middle Ages’ theological anti-Judaism and prefigured the racial anti-Semitism of the modern world. Legaspi fails to acknowlodge how this anti-Semitism, which was confessional in origin, undermined Michaelis’ attempt to use history and philology to interpret the Bible as classical text. Presaging modern biblical criticism, Michaelis rightly argued that one should illuminate the obscure in the Hebrew Bible by reading it in the linguistic context of the ancient Near East: Syriac and Arabic texts could help scholars to understand ancient Hebrew texts with greater clarity. Michaelis insisted, however, that post-biblical Hebrew was not a part of this context, since it stemmed from the degraded, dead, and artificial culture of the Jews. He therefore argued that on a linguistic level the Hebrew of the Bible is related to Arabic of the sixth century CE more closely than it is related to Hebrew of the second century CE. (This is similar to an argument that the English of Shakespeare is more closely related to, say, the German of Thomas Mann than to the English of Jane Austen.) Though Michaelis hoped to encourage a more fluent style of reading Hebrew texts that would allow for more sensitive literary appreciation, he neglected (or refused) to acknowledge that such a mode of reading was flourishing in Jewish communities located not far from his own home. In light of all this, Legaspi misses the mark when he claims that “Michaelis succeeded...in creating frames of reference that allowed professors and students to engage the Bible and employ interesting frameworks not dependent on religious identity.” It would be more correct to state that Michaelis attempted to create such a frame of reference, but his own denominational attachment to anti-Judaism sank that attempt. Legaspi argues that an “ideal of academic ecumenism, by which scholars of various religious persuasions could work cooperatively to produce interpretations of the Bible in accord with the canons of modern rationality” (page 33). LeGaspi does not attend to the realities of biblical criticism of the eighteenth, nineteenth, and much of the twentieth centuries. His portrayal of Michaelis engages in what we can term scholarly denial. This denial is of more than mere antiquarian interest, because the same self-contradiction between nonconfessional, humanistic goals and confessionally-based bias continued to mark European (and, to a lesser degree, American) biblical scholarship well into the twentieth century. Like Michaelis, nineteenth-century scholars such as DeWette and Wellhausen and twentieth-century scholars such as Eichrodt and von Rad practiced an ecumenism that not only excluded Catholics but derided Catholicism. Further, their nonconfessional humanistic scholarship not only barred Jews but misrepresented Judaism. It is bizarre -- indeed, disturbing -- that LeGaspi can write, apparently without irony, of an “academic ecumenism by which scholars of various persuasions” work together, when in central-European universities this ecumenism was open only to Lutherans and Calvinists. A great many allegedly objective claims made by biblical critics have consisted of Protestant polemics against Catholicism and Judaism (as Jon Levenson in particular has trenchantly demonstrated; see above, note 16). In arguing, for example, that in its earliest and purest form Israelite religious expression was fresh, natural, spontaneous, and the realm of the individual, and that it was only

the laws and narratives in the P source of the Pentateuch as motivated by the desire to glorify the Aaronide priestly caste in Jerusalem, and they see the Book of Deuteronomy as ministering to the economic needs and social prestige of the Levitical caste from which Deuteronomy's authors are thought to have stemmed. According to interpretations of this type (which we scholars of religious studies term *reductionist*), the Priestly texts and Deuteronomy are not really about religion or God at all; they merely encode social, political, and economic claims of specific groups of people. This encoding is all the more effective so precisely because the audiences of these works *thought* they were about God; indeed, even the authors of the texts may have believed they were about God, but the modern reductionist scholar claims sees through the delusions which ensnared both the authors and the readers of these texts in antiquity.²⁵

later that this religion shrank into an artificial set of ordinances and institutions, Julius Wellhausen (whose views I summarize here with language borrowed from Julius Wellhausen, *Prolegomena to the History of Ancient Israel*, trans. J. Sutherland Black and Allan Menzies, reprint, 1885 [New York: Meridan, 1957], 411–12, 422), was hardly acting as a historian; he was rather a Protestant polemicist. (It is worth recalling that a main object of his polemic was the Catholic Church, as he makes fairly explicit in the pages just cited: descriptions of Jewish legalism by scholars such as Wellhausen were often intended as coded condemnations of Catholic ritual. In fact, many Jewish readers of scholars like Wellhausen take umbrage at pseudo-historical descriptions that were intended to insult the Catholic Church more than the synagogue. To be sure, by using Judaism as a cipher for Catholicism, these Protestant scholars were hardly complimenting the former. But the fact is that anti-Judaism was merely an assumption of these scholars, while anti-Catholicism was the actual goal.) We may say something similar regarding von Rad's argument that law is secondary in Deuteronomy, not only chronologically but in terms of the book's essential message. Now, the Book of Deuteronomy consists almost entirely of two types of documents: a long law code in chapters 12–26, and a series of sermons exhorting the audience to obey the law code. To say that law is not an essential element of such a book is rather like saying that coffee is not an important ingredient in cappuccino. Surely nobody should claim that von Rad speaks here as an objective or nonconfessional scholar; in this surprisingly influential view he is an anti-Jewish polemicist. (On this aspect of von Rad's work, see Bernard Levinson and Douglas Dance, "The Metamorphosis of Law Into Gospel: Gerhard von Rad's Attempt to Reclaim the Old Testament for the Church," in *Recht und Ethik im Alten Testament*, Bernard Levinson, Eckart Otto, and Walter Dietrich [Münster: Lit-Verlag, 2004], 83–110.) I should add that in spite of these failures, both Wellhausen and von Rad must in the end be numbered among the truly great biblical scholars of all time, and their works (especially Wellhausen's *Prolegema*, but also the *Composition*, and above all von Rad's *Theology*) are still worth reading today; their flaws hardly overshadow the brilliance of their textual insights and the admirable humanistic power of their expositions. These pervasive biases among many biblical critics demonstrate that, contrary to Legaspi's surprisingly credulous claims, Michaelis and his scholarly heirs failed to produce the nonconfessional, philological, humanistic biblical scholarship they claimed to want to create. Moreover (and again contrary to LeGaspi's claims) it was their commitment to a hyper-Pauline view of Judaism (and to a Lutheran or Calvinist view of Catholicism) that undermined their philology. For a very useful example of the role of denominationalism in early biblical criticism, see the very different assessments of Ezra among these scholars, on which see the astute comments of Alan Levenson, *Making*, 18–19.

25. Examples of the reductionist approach to biblical texts, whose occasional validity as explanatory model does little to diminish its pervasive shallowness, are so common in biblical studies that citing examples in a comprehensive fashion would require a separate volume. To cite one well-known work: this phenomenon is found throughout Friedman, *Who Wrote*. Friedman speaks of each of the four Pentateuchal sources exclusively in terms of the political, social and economic needs each one is alleged to

Further, by providing alternate interpretations of historical events narrated in the Bible, modern scholars relativize the Bible's own explanations: where the Bible tells us, for example, that God brought the Persian emperor Cyrus to punish Babylon and restore Judean exiles to their land (see Ezra 1.1-11; 2 Chronicles 36.22-23; Isaiah 44.28-45.6), the modern historian of biblical Israel may speak of geographic, economic, or perhaps even environmental factors that led to the decline of Babylon power and the rise of Persian hegemony over the Near East. Biblical criticism allows (or requires) historical and natural forces to displace divine causality.²⁶

Attention to all these forces yielded a sense that the Bible is less than one thought: rather than transmitting heavenly wisdom, it reflects the political, social,

serve, without ever pausing to consider the possibility that these texts might have some connection to religious or humanistic ideas. That the differences among the four sources might relate to the different ways they perceive God, the world, and humanity is barely hinted at in the book, except in brief and vague comments on the theological heterogeneity that the resulted from the redactor's work (234-41). Friedman's steadfast refusal to entertain this possibility is the more noteworthy in light of the fact that he elsewhere deals sensitively with religious and humanistic meanings of biblical texts, especially in Richard Elliott Friedman, *The Disappearance of God: A Divine Mystery* (Boston: Little, Brown, and Company, 1995) (reprinted as Richard Elliott Friedman, *The Hidden Face of God* [New York: HarperCollins, 1997]). For a lengthier discussion of this phenomenon in biblical studies generally, see my remarks in Benjamin D. Sommer, "Dating Pentateuchal Texts and the Perils of Pseudo-Historicism," in *The Pentateuch: International Perspectives on Current Research*, ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT (Tübingen.: Mohr Siebeck, 2011), 85–108. Because source criticism of the Pentateuch is so often coupled with pseudo-historicist reductionism, it is worth emphasizing that one can be a Pentateuchal source critic without eschewing the search for literary meaning. Attempts at viewing the differences among the four Pentateuchal sources as reflecting larger differences in their theological and anthropological outlooks can be found, e.g., in Moshe Weinfeld, "Theological Currents in Pentateuchal Literature," *PAAJR* 37 (1969): 117–39; Blum, *Studien*, 287–332 ; Baruch Schwartz, "Concerning the Origin of the Law's Authority: 'Grundnorm' and Its Meaning in the Pentateuchal Traditions," [in Hebrew], *Shnaton Ha-Mishpat Ha-Ivri* 21 (2000): 252–65; Mordecai Breuer, *Pirquei Bereshit*, [in Hebrew] 2 vols. (Alon Shevut: Tevunot, 1999), especially the programmatic statements in 1:11-19 and 48–54; Benjamin D. Sommer, *The Bodies of God and the World of Ancient Israel* (New York: Cambridge University Press, 2009).

26. In this regard, biblical criticism is simply one manifestation of broader historicist trends in modern Europe. On those widely studied trends, see, e.g., David N. Myers, *Resisting History: Historicism and Its Discontents in German-Jewish Thought*, Jews, Christians, and Muslims from the Ancient to the Modern World (Princeton, N.J.: Princeton University Press, 2003), *passim* and esp. 2. By noting this, I am not suggesting that historical study always and inevitably leads to reductionist and anti-transcendental results. For an example of anti-historicist thinking that nonetheless accords an important place for historiography see, e.g., Myers' discussion of Hermann Cohen's hope for non-historicist, non-reductionist historical study on p. 40 and 50-51. See further my remarks in Benjamin D. Sommer, "Dating," 104–7. (As far as Cohen's approach to biblical monotheism goes, it is worth noting that the hope Myers describes in Cohen's work was in fact realized in the massive historical but non-reductionist study, Yehezkel Kaufmann, *Toledot Ha-Emunah Ha-Yisraelit*, [in Hebrew] 4 vols. [Jerusalem and Tel Aviv: Bialik and Devir, 1937–56], whose congruence with Cohen's conception of biblical monothism has been widely noted; see esp. Eliezer Schweid, "Biblical Critic or Philosophical Exegete? The Influence of Herman Cohen's *The Religion of Reason* on Yehezkel Kaufmann's *History of Israelite Religion*," [in Hebrew] in *Massu'ot. Studies in Qabbalah and Jewish Thought in Memory Of Professor Efraim Gottlieb*, eds. Michal Oron and Amos Goldreich [Jerusalem: Mosad Bialik, 1994], 414–28.)

economic, and psychological contingencies of this world. An anthology that contradicts itself, that serves the ideological needs of particular groups or individuals, and that puts forward questionable interpretations of history is, in the eyes of many readers, clearly a collection of literary artifacts, not scripture. The Bible as illuminated by historical scholarship shrank into a motley accumulation of historically dependent, culturally relative textual scraps.²⁷

The Bible's role as Jewish scripture suffered a further blow at the hands of modern biblical criticism. Some modern biblical critics attempted to sever, or at least weaken, the Bible's connection to the Jewish religion and the Jewish people.²⁸ The goals behind this move are varied, and not in all cases objectionable. They stem not only from the ill-disguised anti-Judaism of some biblical critics but from scholars' admirable determination to achieve historical distance from their subject matter and a desire to avoid anachronistic interpretations. The very core of modern biblical criticism consists of an attempt to understand biblical texts as their first audiences understood them in ancient Israel. If we are to see a biblical text as ancient Israelites saw it, then we cannot automatically accept classical Jewish or Christian interpretations of the Bible, since these interpretations were composed centuries or millennia after the texts came into being. Just because Rashi or Augustine said that this passage or that verse has a particular meaning, it does not follow that the original audience of the text understood it that way.²⁹ Rather than seeing the Bible through the eyes of the rabbis or the Church Fathers, modern biblical critics attempt to see the Bible in the context of its own cultural world, which is the ancient Near East. That is why we biblical critics spend so much time in graduate school learning languages like Ugaritic and Akkadian and immersing ourselves in the cultures of ancient Canaan, Babylonia, and Assyria. The goal of this

27. That biblical criticism has had the effect of diminishing the Bible is no coincidence. Limiting the influence of the Bible (and especially the political influence of the Bible) was one of the main goals of the earliest biblical critics, especially of Spinoza and Hobbes. See, e.g., Alan Levenson, *Making*, 14, 19, 21; Legaspi, *Death*, 3–26; Edward Breuer, *The Limits of Enlightenment: Jews, Germans, and the Eighteenth-Century Study of Scripture*, Harvard Judaic Monographs (Cambridge, Mass.: Harvard University Center for Jewish Studies, 1996).

28. On the separation between the (positively evaluated) religion of ancient Israel and the (lifeless, stagnant) religion of the Jews in the work of historical critics, see Jon Levenson, *Hebrew Bible, Old Testament*, 42. On Michaelis' attempt to divorce postbiblical Jews and the Hebrew Bible, see Legaspi, *Death*, 84–93.

29. Cf. the discussion of autonomy in modern biblical criticism in Collins, *Bible After Babel*, 5, and cf. 10–11.

immersion is to achieve literary competence that allows us to read texts from the ancient Near East sympathetically, noticing what ancient readers are likely to have noticed and reacting as they reacted.³⁰ To achieve this goal (and skeptical postmodern thinkers might be surprised at how spectacularly successful these attempts are, to judge from consistent patterns of insight this literary competence produces), Jewish and Christian scholars must make a considerable effort to forget what their traditions teach them about a given text. To take a famous example: Western readers of scripture have long assumed that the story of Adam and Eve in Genesis 2-3 is the story of the origin of sin and of a fall from grace. This reading, already known in some ancient Jewish sources (Sira 25.24; 2 Baruch 17.3, 19.8, 23.4, 54.19, and 56.6; 4 Ezra 7.116-120), became standard in Christianity and hence in Western culture generally due to the influence of Paul and other New Testament writers who champion it (see, e.g., Romans 5.12-19; 1 Corinthians 15.20-23; 1 Timothy 2.13-12).³¹ Yet there is reason to suspect that authors and audiences in ancient Israel did not notice any idea of original sin or fall in the Eden story. In spite of the readiness -- indeed, eagerness -- of biblical narrators to label certain actions sinful, the Genesis 3 contains none of the many words that mean sin in biblical Hebrew.³² On the contrary, some modern scholars, such as James Barr, Moshe Greenberg, and Michael Fishbane have argued cogently that the story involves an ascent to moral agency rather than (or, as much as) a fall from grace.³³ Others, especially Bruce

30. On the notion of literary competence and its centrality in modern biblical studies, see John Barton, *Reading the Old Testament: Method in Biblical Study*, rev. and enlarged ed. (Louisville, Ky.: Westminster John Knox Press, 1996), 10–19, and Brettler, *How to Read the Bible*, 13–17. On the relevance of ancient Near Eastern literatures for achieving this goal, see, e.g., Edward L. Greenstein, “Interpreting the Bible by Way of Its Ancient Cultural Milieu,” [in Hebrew] in *Understanding the Bible in Our Times. Implications for Education*, ed. Maria Frankel and Howard Deitcher, Studies in Jewish Education (Jerusalem: Magnes Press, 2003), 61–73.

31. On the development of the idea that Genesis 2-3 deals with sin, see Gary Anderson, *The Genesis of Perfection: Adam and Eve in Jewish and Christian Imagination* (Louisville: Westminster John Knox Press, 2001), esp. 197–99, 207–10.

32. So far as I know, the first person to note the importance of this absence was Erich Fromm, *You Shall Be as Gods: A Radical Interpretation of the Old Testament and Its Tradition*, The Holt Collected Works of Erich Fromm (New York: Holt, Rinehart and Winston, 1976), 23. A nuanced view of sin in this story is presented by Phyllis Bird, “Genesis 3 in Modern Biblical Scholarship,” in *Missing Persons and Mistaken Identities. Women and Gender in Ancient Israel* (Minneapolis: Fortress, 1997), 191–93.

33. See Michael Fishbane, *Text and Texture: Close Readings in Selected Biblical Texts* (New York: Schocken, 1979), 18; J. Martin Evans, *Paradise Lost and the Genesis Tradition* (Oxford: Clarendon, 1968), 19–20; and Benjamin D. Sommer, *Bodies*, 112–15. Even the death sentence the expulsion precipitates may be seen as a moral gift rather than a punishment; see Moshe Greenberg, “The Meaning of the Garden of Eden Narrative,” [in Hebrew] in *‘Al Hammiqra’ Ve‘al Hayyahadut* (Tel Aviv: ‘Am ‘Oveid, 1984), 218–20. For balanced and nuanced accounts of the complexities of fall and ascent in Genesis 2-3,

Naidoff and Carol Meyers, claim that the story is not a rumination on the existential nature of humanity generally but an attempt to explain and justify agricultural, economic, and social conditions prevalent in the highlands of Canaan in the Iron Age.³⁴ The job of the biblical critic is to find interpretations of this sort, which seem new to us but in fact may represent much older understandings consonant with its original, Near Eastern setting.

Similarly, texts that classical Jewish commentators understand in a particular way are read entirely differently by a modern biblical scholar. Dozens of verses in the Books of Psalms and Isaiah are read by classical Jewish interpreters as looking forward to a Messiah. The rabbis understand these verses to predict the arrival at the end of days of a descendant of King David who will re-establish a monarchy in the Land of Israel. Such verses can be found in Isaiah 9-11, as well as Psalms 2 and 72, to name but a few of the most familiar texts (see *Midrash Tehillim* to these psalms, as well as b. Sanhedrin 96b-99a).³⁵ But many biblical critics doubt that these verses refer the re-establishment of Davidic monarchy or to the complex set of ideas relating to the Messiah that becomes widespread in postbiblical Jewish thought. Rather, they point out, these verses pertain to the pre-exilic Davidic monarchy. According to this interpretation, texts like Isaiah 9-11 and Psalms 2 and 72 predict that the Davidic dynasty will never fall. Thus for the authors of these texts there is no imaginable reason for it to be re-established.³⁶

especially David Jobling, "Myth and Its Limits in Genesis 2.4b-3.24," in *The Sense of Biblical Narrative: Structural Analyses in the Hebrew Bible II*, JSOTSup (Sheffield: Dept. of Biblical Studies, University of Sheffield, 1978), 20-24, and James Barr, *The Garden of Eden and the Hope of Immortality* (Minneapolis: Fortress Press, 1993), 4-14.

34. For readings that avoid important Second Temple Jewish and Pauline notions into the text and instead read the narrative in light of the realia of life in the Canaanite highlands in the Iron Age, see especially further Bruce D. Naidoff, "A Man to Work the Soil: A New Interpretation of Genesis 2-3," *JSOT* 5 (1978): 2-14; Carol Meyers, *Discovering Eve. Ancient Israelite Women in Context* (New York: Oxford, 1988), 47-94, esp. 87-88.

35. For additional texts, see the sources cited in E.E. Urbach, *The Sages: Their Concepts and Beliefs*, trans. Israel Abrahamson (Jerusalem: Magnes, 1975), 649-92; and in Peter Schäfer, "Die Messianischen Hoffnungen Des Rabbinischen Judentums Zwischen Naherwartung und Religiösem Pragmatismus," in *Studien Zur Geschichte und Theologie Des Rabbinischen Judentums* (Leiden: Brill, 1978), 198-213.

36. For a discussion of the tensions between biblical texts that regard God's promises to the Davidic monarchy as absolute and biblical text that regard it as conditional, see Amos Frisch, "The Concept of Kingship in Psalms," *Shnaton: An Annual for Biblical and Ancient Near Eastern Studies* 19 (2009): 61-65. For a subtle discussion of the relationship between these readings of Davidic promise within biblical scholarship itself, see James W. Watts, "Psalm 2 in the Context of Biblical Theology," *HBT* 12 (1990): *passim* and esp. 74-76; Watts shows that scholars who date Psalm 2 to the pre-exilic period endorse what we might call the royal, non-eschatological reading, while those who date it to the post-exilic period champion the eschatological reading.

The gulf between traditional rabbinic interpretations and biblical critical ones is especially clear in regard to legal texts. Exodus 21.2-6 and Deuteronomy 15.12-18 both contain somewhat divergent laws requiring Hebrew slaves to be set free after six years of service. In spite of their differences on important details (e.g., whether female slaves can benefit from this right) both laws further allow slaves to renounce their right to freedom and instead to become slaves to their master “forever” (לעולם) -- that is, for all their lives. Leviticus 25.39-43 also addresses the situation of Israelite slaves, but in a very different way. This passage states that Israelite slaves have the right to go free not after their sixth year of service but in the last year of a nationally applicable fifty-year cycle, regardless of when that year falls in the slave’s term of service. Leviticus 25 makes no provision for a slave to renounce this right.³⁷ Rabbinic law harmonizes these laws by asserting that the word לעולם in Exodus 21.6 does not have its normal meaning of “forever” but here intends “until the Jubilee year” (see *Mekhilta deRabbi Ishmael*, *Nezikin*, §2; b. *Qiddushin* 15a, 21b and parallels). This reading may seem strained, but to a reader for whom it is axiomatic that the Bible does not contradict itself, the reading may very well be inevitable: if we know that the Bible contains no self-contradictions, then it is simply impossible for לעולם in Exodus 21.6 to mean “forever,” and it must mean something else. For biblical critics, however, the rabbinic interpretation of these verses and the axioms on which it is based have no authority. Biblical critics do not regard it as *a priori* impossible that one part of the Bible might contradict another, since they regard these texts as having been written by several different authors (in the case of Exodus 21, Deuteronomy 15, and Leviticus 25, the texts stem from E, D, and P [H] respectively). Instead biblical critics endeavor to read these passages in question in their own cultural contexts. In fact varied laws concerning the manumission of slaves are known from other ancient Near Eastern law codes (see, e.g., *Laws of Lipit-Ishtar* §§14,

37. For a discussion of these passages and their relations to each other, see the standard modern critical commentaries on the passages in question -- e.g., August Dillman, S.R. Driver, Brevard Childs, William Propp on Exodus; Jacob Milgrom on Leviticus; S.R. Driver, George Adam Smith, Jeffrey Tigay on Deuteronomy; and further see the especially sensitive discussion in Bernard Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,” in *Congress Volume Leiden 2004*, ed. André Lemaire, VTSup (Leiden: Brill, 2006), 281–324.

25-26, *Laws of Hammurapi* §§117-120, 280), and thus variations on the theme of manumission in ancient Israel is not surprising.³⁸

In short, a fundamental goal of the modern scholarly interpretation of the Bible is to distinguish between what the Bible says and what the classical rabbis (or the Church Fathers) say the Bible says. This goal results in interpretations that differ from classical rabbinic readings of biblical texts. In chapter 5 below I will address the extent to which the differences between classical and modern interpretations must produce tensions for religious Jews. (We will see there that these tensions pose no real challenge to religious Judaism, and further that the exegetical differences in question already existed within Jewish traditions before the rise of biblical criticism; some canonical Jewish interpreters of the Middle Ages differed from the midrashic interpreters of late antiquity in ways that foreshadowed this aspect of modern biblical scholarship.) For the moment, I want to note that many biblical scholars expanded this goal of distinguishing between the Bible and classical Jewish interpretation of the Bible. These scholars went on to distinguish between the Bible and Judaism altogether, insisting that the Bible is not really a Jewish book at all. Assuming an either/or model of textual identity, they asserted that since the Bible is an ancient Near Eastern book, it cannot also be a Jewish book. Many biblical critics, both Jewish and Christian, create a firewall between biblical religion and Jewish culture. In their writing and even more in their teaching, they maintain that it is illegitimate to use rabbinic lenses to look at the Bible, it is pointless to use rabbinic commentaries, it is perverse to think about the Bible in terms of classical Jewish ideas or values.³⁹

This emphasis among some scholars on discontinuity between the Bible and Judaism is not really new; it is not an invention of the modern world. It is a new form of

38. For additional legal parallels to these laws, see Shalom Paul, *Studies in the Book of the Covenant in Light of Cuneiform and Biblical Law*, VTSup (Leiden: E.J. Brill, 1970), 46–52, and the brief but especially helpful discussion in Jeffrey Tigay, *Deuteronomy*, JPSTC (Philadelphia: JPS, 1996), 147–50 and notes.

39. See, e.g., my comments on Wellhausen, above, **Error! Reference source not found.**, and note, e.g., Wellhausen's disparaging use of the term "midrash" in Wellhausen, *Prolegomena*, 227. Against this sort of thinking, later scholars -- both Jewish and Christian -- demonstrated that attention to the Jewish interpretive tradition is a crucial aid to the modern critical interpreter of the Bible. See, e.g., the brief but significant comments in Brevard Childs, *Exodus. A Commentary*, OTL (London: SCM Press, 1974), x, xv-xvi (and note his positive use of the term "midrash" in, e.g., Brevard Childs, "Psalm Titles and Midrashic Exegesis," *JSS* 16 [1971]: 137–50). See further Rolf Rendtorff, "Rabbinic Exegesis and the Modern Christian Bible Scholar," in *Canon and Theology*, translated and edited by Margaret Kohl, with a foreword by Walter Brueggemann, *Overtures to Biblical Theology* (Minneapolis: Fortress Press, 1993), 17–30.

ancient and medieval supersessionism -- that is, the idea (repudiated by many modern Christians, most famously and magisterially by the Catholic Church at the Second Vatican Council⁴⁰) that with the emergence of Christianity, the Jewish people are no longer the covenantal community witnessed to and created by the Bible; rather, the Church has replaced the Jews as the true Israel and the true inheritor of the Bible. What is bizarre, in light of this fact, is that so many Jewish biblical critics have bought into what we might call the firewall mentality.⁴¹

While the idea of the firewall is applied especially to Judaism, it is possible to apply this sort of thinking to Christianity, as well, and at a less formal level -- especially in educational settings -- it is sometimes applied to both religions. When applied to both postbiblical traditions, this sort of thinking is not specifically anti-Jewish. But it is, at least in effect, anti-religious in the sense that it deprives both religions of scripture.⁴² The effect, especially on clergy who have studied in modern seminaries, can be devastating. Several generations of liberal Protestant and Jewish clergy have gone forth to their pulpits convinced that anything they might say about scripture was probably wrong, and that any attempt they might make to relate scripture to their congregants'

40 Especially in the document, *Nostra Aetate*, available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_nostra-aetate_en.html. See in particular these sentences from Section 4: "God holds the Jews most dear for the sake of their Fathers; He does not repent of the gifts He makes or of the calls He issues...Although the Church is the new people of God, the Jews should not be presented as rejected or accursed by God, as if this followed from the Holy Scriptures."

41. Another factor that might help Jewish scholars to adopt the firewall mentality involves the strong tendency of some parts of rabbinic culture in the Middle Ages and the modern world to downplay the importance of biblical study. While in theory rigorously religious Jews revere the Bible, the fact is that in traditional *yeshivot*, students devote little or (more typically) no time to studying the Bible; among Orthodox Jews, ordination as a rabbi depends on Talmudic and above all halakhic learning, and there is no systemic barrier to a person with little knowledge of Bible or respect for biblical learning to acquiring ordination. Oddly enough, then, the supersessionist position of some modern biblical critics dovetails with the practices of some intensely religious rabbinic Jews for whom Judaism is the religion of the Talmud, not of ancient Israel. After all, a correlate to the view that biblical critics shouldn't look at the Bible as part of Judaism might be that students of Judaism need not look at the Bible for instruction. From this point of view, Judaism begins in the late Second Temple period, or even in the Middle Ages. Thus the firewall mentality contradicts basic teachings of Judaism regarding the continuity that links Abraham and (above all) Moses to a contemporary *rosh yeshivah*, but on a practical level it poses no real problem: the *biblical* Bible, as opposed to the midrashic Bible, had already been largely left outside the boundaries of some (though not all) *yeshivot* in any event.

42. See Ellen F. Davis, "Losing a Friend: The Loss of the Old Testament to the Church," in *Jews, Christians, and the Theology of the Hebrew Scriptures*, eds. Alice Ogden Bellis and Joel Kaminsky, Symposium (Atlanta: Society of Biblical Literature, 2000), 83–94.

lives would be anachronistic, naive, and intellectually dishonest.⁴³ The effect on Protestants may have been the most severe; Jews and Catholics who are deprived of scripture still have a robust tradition on which to base their religious beliefs and practices, but undermining scripture in a community in which *sola scriptura* is a byword renders the religious believer dangerously adrift.

In either form -- anti-Jewish or anti-religious -- the firewall mentality stresses that the Bible is an ancient Near Eastern artifact and that Judaism relates little to its original meanings. It is not surprising, then, that traditionalist Jews reject biblical criticism -- that is, the artifactual mode of reading the Bible -- as inimical to Judaism. Conversely, there are modern Jews who, having embraced modern scholarly methods of analyzing the Bible, find it impossible to see the Bible as Jewish scripture. More precisely, they do not see it as scripture, and some may not even see it as Jewish. Both these groups follow those biblical who assume that the Bible cannot be both artifact and scripture. For them, either it is subject to methods of study appropriate for the historically contingent product of an Iron Age culture, or it is an ontologically unique composition for which normal models of interpretation and analysis do not apply.

Many modern religious people worry, with considerable reason, that reading the Bible as artifact may prevent us from reading it as scripture. Modern approaches to studying the Bible have done much to undermine the notion of the Bible's holiness, its claim to some ontological status that sets it apart from other products of human culture. As a result, the Bible's claim to be a sacred text presents a quandary for modern Jews. (By "modern Jews" I mean here those who are open to historically-oriented academic ways of studying Judaism.⁴⁴) Because they are not quite able to regard the Bible as

43. My thinking about this issue benefited especially from my time at the Wabash Center for Teaching and Learning in Theology and Religion, where I enjoyed conversations on this issue with colleagues teaching at various seminaries in North America. For incisive reflections on this state of affairs (especially, but not only, in Protestant circles), see Seitz, *Word*, 3–27, esp. 9–10, 14–15, 27.

44. Thus in the idiosyncratic usage I employ here I am excluding from this category those contemporary Jews who adhere to the complete rejection of these methods common among the thought-leaders of Orthodox Judaism (though not quite as common, in my experience, among those who belong to Orthodox synagogues). My use of the term "modern" in this one context is not meant to deny claim that Orthodoxy is just as much a response to modernity as Reform, Conservatism, Reconstructionism, Zionism, and Yiddishism. For the claim that Orthodoxy is a response to modernity, see, e.g., Haym Soloveitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition* 28 (1994): 82–95, Haym Soloveitchik, "Migration, Acculturation, and the New Role of Texts in the Haredi World," in *Accounting for Fundamentalisms: The Dynamic Character of Movements*, ed. Martin Marty and R. Scott Appleby (Chicago: University of Chicago Press, 1994), 197–235.

revealed or inspired in the manner it was (and is) for pre-modern forms of Judaism, many such Jews tend to regard this anthology as a historical artifact or as an object of nostalgia. Their relationship with the Bible is ethnic and national in nature; it may also be intellectual and humanistic; but it is not religious. Jews who subscribe to this approach do not connect the Bible with God, nor do they use it to connect themselves to God. They may accord these texts an honored place as the oldest classical literature of the Jewish nation, but their conception of the Bible does not allow for a serious form of Jewish religiousness. Indeed, they do not claim that their conception does so; for a proponent of this option, the Bible, no longer scripture, has no revealed status.⁴⁵

Other modern or post-modern readers attempt to forge a religious relationship with the Bible by temporarily renouncing their own historical consciousness so that they can read the Bible with a sort of feigned naïveté. For proponents of this option, attending to the Bible as artifact would preclude attending to it as scripture. Consequently, they may decide that the findings of modern biblical scholarship have to be denied in order to save the Bible as religiously relevant. Alternatively, they may decide that these findings have to be ignored -- that is, they may bracket their ability to think critically and their knowledge of history whenever they activate their religious identity. This option is deeply problematic, because it proposes to build Jewish belief on a foundation of bad faith and erects a barrier separating truth from religion.⁴⁶ Further,

45. I should emphasize that proponents of this postscriptural conception of the Bible, especially among Israeli secularists, speak with great seriousness and integrity. See, for example, Yair Zakovitch, "Scripture and Israeli Secular Culture," in *Jewish Concepts of Scripture: A Comparative Introduction*, ed. Benjamin D. Sommer (New York: New York University Press, 2012), 299–316; see further the collection of documents in Anita Shapira, *The Bible and Israeli Identity*, [in Hebrew] (Jerusalem: Magnes Press, 2005). For a person who strives to be a religious Jew, however, these attempts cannot be fully satisfying, even though they have much to teach the modern religious Jew. There are reasons to question whether this secular conception can succeed in the long run. On the Bible's rise, fall, and the possibility of a future rise in Israeli society, see Shapira's remarks, esp. 25-33 Uriel Simon, *Seek Peace*, 33-45. For an overview of the return to Bible in Zionist and early Israeli thought, see Alan Levenson, *Making*, 96–132.

46. See on this theme Ephraim E. Urbach, "The Search for Truth as a Religious Imperative," [in Hebrew] in *The Bible and Us*, ed. Uriel Simon (Ramat Gan: Devir, 1979), 13–27, along with Uriel Simon's collection of rabbinic texts relating to this article on pages 28-41. See further David Hartman and with Charlie Buckholtz, *The God Who Hates Lies: Confronting & Rethinking Jewish Tradition* (Woodstock, VT: Jewish Lights Pub., 2011). When I say that denying modern biblical scholarship is problematic, I should note that I am speaking specifically of modern Jews who, on an intellectual level, acquiesce to the validity of the main findings of biblical criticism but who, through a technique of compartmentalization or self-deception, pretend for religious purposes that they do not regard these findings as valid. I am not, however, referring to Jews who genuinely find the conceptions of scripture of Late Antiquity or the Middle Ages convincing. After all, most of the evidence used by modern scholars to argue, for example, that the Torah is the product of multiple authors was known to midrashic interpreters. Given the assumptions

the decision to renounce one's historical consciousness and pretend that the findings of biblical criticism do not exist is problematic for another reason: it reads not only the biblical critic out of the ongoing formulation of Jewish thought, but -- more troublingly -- the first Jews as well. Jewish thought is famously dialogical in nature, focusing less on a conclusion one may reach regarding a given question and more on the process in which one learns from revered figures who have addressed it. Whether one agrees with, say, Maimonides or Judah Ha-levi regarding השגחה פרטית (the extent to which divine providence attends to individual human beings) is not as important in Jewish tradition as studying the issue as it appears in the writings of these thinkers. If dialogue and debate, talmudic שקלא וטריא (give and take) provide the proper model for Jewish theologizing,⁴⁷ then the participants seated at the table should include not only the post-modernist thinker, the neo-Kantian philosopher, the mystical pietist, and the Mishnaic sage. Room must be made for ancient Israelites as well. Moreover, those Israelites must not be limited to the late figures who redacted older texts into the biblical books as we know them. They must also include the authors whose writings are embedded within the final redaction of the canon, and perhaps also the oral traditions who stand behind those authors. To exclude the findings of biblical criticism from modern Jewish thought, however disturbing they may be, is also to exclude the first Jews and to acquiesce to the supersessionism that separates the Bible from Judaism. It is precisely these Israelites whose voices are recovered by modern biblical scholarship.

those interpreters made in good faith about the nature of biblical language (on which see Benjamin D. Sommer, "Concepts of Scriptural Language in Midrash," in *Jewish Concepts of Scripture: A Comparative Introduction*, ed. Benjamin D. Sommer [New York: New York University Press, 2012], 64–79), it was possible to explain away each individual textual oddity that centuries later led to the development of Pentateuchal source criticism. For a person who makes these assumptions, biblical criticism is genuinely no threat. For those of us who do not fully share those assumptions, however, the challenge of biblical criticism must be confronted.

47. To be sure, not all ancient and medieval Jewish thinkers would agree with this "if"-statement. Some regard *mahloqet* (controversy and disagreement) as stemming from heaven -- so, e.g., b. *Eruvin* 13b and b. *Gittin* 6b, Yom Tov Ishbili (the *Ritba*) and Nissim Gerondi (the *Ran*). But others, including Maimonides and Abraham ibn Daud, regard these disagreements as tragic results of human fallibility. On this question, see especially the helpful discussion in Moshe Halbertal, *People of the Book: Canon, Meaning, and Authority* (Cambridge, Mass.: Harvard University Press, 1997), 54–64, 161–62. See further the discussion and references below in chapter 5***.

Artifact as Scripture

In the chapters that follow, I suggest how the Bible as recovered by biblical critics can serve as scripture for contemporary Judaism, and thus I propose a specifically theological approach to the Jewish Bible.⁴⁸ Surprisingly, this goal remains rare even among religiously-oriented Jewish biblical scholars.⁴⁹ Attempting to integrate the methods and conclusions of biblical criticism into a constructive theological project, to be sure, can seem daunting or counterintuitive. As the Israeli scholar Uriel Simon has noted, “the late, foreign, and sometimes hostile origin of biblical criticism renders it a difficulty for an authentic religious system, but this is a psychological problem, not a

48. In starting from the conclusions of modern biblical criticism but insisting that we ought not stop there, I am suggesting a Jewish analogue to what Brevard Childs attempted and what his disciple Christopher Seitz achieves. Seitz is right to suggest (in Seitz, *Word*, 14–15) that “having labored for two centuries to free the Bible from dogmatic overlay, Protestant and Catholic critics alike should ‘concede victory.’ Now we must try to generate a theology -- ...[and not only a theology that operates] in the early reaction formation mode” that characterizes so much shallow theologizing based on simplistic or tendentious use of historicism to relativize biblical teachings. (On this reaction formation, see also Seitz’s trenchant remarks on 6 n. 5; for a Jewish analogue to such a critique, in this case focused more on a shallow historicist appeal to rabbinic and halachic texts than on shallow biblical exegesis, see Ismar Schorsch, “Commencement Address,” Address at the 112th commencement exercises of the Jewish Theological Seminary [2006].) Like Seitz and Childs, I insist that it is not enough to distinguish between what the Bible in its ancient context says and what Jewish and Christian tradition claims the Bible said; it is necessary for religious Jews and Christians to investigate the correlations between the Bible and the religions it produced and the ways that the Bible and later religious thought challenge, nuance, correct, and enrich each other. For a similar attempt in a Protestant context (which is admirably open to the possibility of analogous attempts in non-Protestant contexts), see Oeming, *Gesamtbiblische Theologien*, 232–41, especially Oeming’s proposal on 235 for a dynamic, back-and-forth discussion between biblical texts and later theology (*das “wertbeziehende Ineinander historischer Kritik und systematischer Reflexion”*).

49. One of my goals, in short, is to reclaim the Bible as a Jewish book. In attempting to achieve this goal as a biblical critic, I am neither unique nor original. See, for example, my discussion of three scholars whose influence on my own work is immense: Benjamin D. Sommer, *Reclaiming the Bible as a Jewish Book: The Legacy of Three Conservative Scholars (Yochanan Muffs, Moshe Greenberg, and Jacob Milgrom)*, Kazis Series Publications (New York: The Jewish Theological Seminary, 2012). Alan Levenson points out the very similar project in the work of several Jewish scholars. His discussion of Benno Jacob is especially revealing in this regard; see Alan Levenson, *Making*, 65–71. See also Job Jindo, “Concepts of Scripture in Yehezkel Kaufmann,” in *Jewish Concepts of Scripture: A Comparative Introduction*, ed. Benjamin D. Sommer (New York: New York University Press, 2012), 231, 241–42. At the same time, my work is somewhat distinctive in my goal, as biblical critic, to recover the Bible for Jews not only as formative artifact or classic but as *scripture*. This goal is less pronounced in the work of most Jewish biblical critics, though it was central to Buber and Rosenzweig (on this aspect of their work, see Jonathan Cohen, “Concepts of Scripture in Martin Buber and Franz Rosenzweig,” in *Jewish Concepts of Scripture: A Comparative Introduction*, ed. Benjamin D. Sommer [New York: New York University Press, 2012], 179–202), as well as to my own teacher, Michael Fishbane, especially his essays in Michael Fishbane, *The Garments of Torah: Essays in Biblical Hermeneutics* (Bloomington, IN: Indiana, 1989); this goal is implicit already in Fishbane, *Text and Texture*, and in subtle but genuinely profound ways it informs his Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Oxford University Press, Clarendon, 1985).

problem of principle; it is possible and necessary to overcome it.”⁵⁰ My method for overcoming this problem will involve two strategies.

First, I will read biblical texts in light of modern discussions about authority, tradition, revelation and canon. From this reading it will become clear that biblical texts themselves address these issues. In addressing them, however, they do not articulate propositions and possibilities in the explicit manner of Western thinkers. Rather, they speak in the concrete terms that typify most ancient Near Eastern speculative thought, employing a rhetoric that is allusive and non-systematic though self-consistent.⁵¹ Thus sensitivity to ancient Near Eastern modes of thought and expression will enable us to notice how biblical texts explore issues that are at the core of modern theological discussions.

Second, I will emphasize continuity and wholeness in the broad sweep of Jewish thought that emerges, paradoxically, from using critical methods that highlight discontinuity and diversity in the Bible. I devote particular attention to the multiplicity of voices that biblical critics have demonstrated themselves so adept at discovering. Doing so will allow us to notice elements of continuity between the Bible and postbiblical Judaism that were less obvious or altogether hidden before the methods of historical criticism revitalized older strands of biblical thought by atomizing the biblical text. Thus, unlike many works of biblical theology in the twentieth century, the theologically-

50. Simon, *Seek Peace*, 283. The project of bringing intellectual tools from the outside into Judaism is, of course, not new; as Franz Rosenzweig has noted in his famous lecture, “On Jewish Learning,” “Occasionally such ‘outside’ elements -- Aristotle, for example -- have been successfully naturalized. But in the past few centuries the strength to do this would seem to have petered out...The Emancipation...vastly enlarged the intellectual horizons of thought. Jewish ‘studying’ or ‘learning’ has not been able to keep pace with this rapid extension. What is new is not so much the collapse of the outside barriers..., not that the Jew’s feet could now take him farther than ever before...The new feature is that the wanderer no longer returns at dusk” (Franz Rosenzweig, *Franz Rosenzweig: His Life and Thought*, presented by Nahum N Glatzer [New York: Schocken Books, 1961], 228–29=Franz Rosenzweig, *On Jewish Learning*, ed. Nahum N. Glatzer [New York: Schocken Books, 1965], 96). My project in this book is, in Rosenzweigian terms, an attempt to allow the wanderers to come home, and indeed for the wanderers to strengthen their home by adding to its flexibility and its depth.

51. On the tendency of ancient Near Eastern thinkers (including biblical authors) not to articulate ideas abstractly but to exemplify them concretely and to intimate complexities through subtle variations, allusions and puns, see Henri H. Frankfort and Henriette A. Frankfort, “Myth and Reality,” in *The Intellectual Adventure of Ancient Man: An Essay on Speculative Thought in the Ancient Near East* (Chicago: University of Chicago Press, 1977), 6–15; Stephen Geller, *Sacred Enigmas: Literary Religion in the Hebrew Bible* (London: Routledge, 1996), *passim* and esp. 6; Stephen Geller, “Some Sound and Word Plays in the First Tablet of the Old Babylonian *Atrahasis* Epic,” in *The Frank Talmage Memorial Volume*, ed. B. Walfish (Haifa: Haifa University Press, 1992), 65–66; Geoffrey P. Miller, *The Ways of a King: Legal and Political Ideas in the Bible*, *Journal of Ancient Judaism, Supplements*, vol. 7 (Göttingen: Vandenhoeck & Ruprecht, 2011), 16–20.

oriented Jewish reading of scripture I propose does not focus on the final form of the Bible. It does not privilege work of the editors who created biblical books by combining (and thus transforming) older documents. Rather, it creates space for those who composed the older documents -- for J and D and P and others whose voices are mere echoes in the first written texts of the Jewish people. This reading will reveal surprising connections and unite long lost soul-mates. The most contemporary discussion on Jewish theology will come into focus precisely when we look to the most distant interlocutors. This dialogue between modern and ancient religious authorities becomes possible when we insist, in an unfashionably historicist manner, that modern biblical scholarship allows one to hear forgotten voices of Jewish creativity and consequently that biblical critics therefore must be placed alongside the familiar rabbinic interpreters of the Middle Ages and the classical midrashic collections. By creating a dialogue among these ancient, medieval, and modern interpreters, I hope to show those familiar with any one type of literature on which I rely that the others are just as interesting. In this respect I hope this book is useful both to students of the Bible and to students of Jewish theology, and that it encourages students of each field to turn more often (or, some cases, for the first time) to the other. Modern historicist methods of reading that religiously oriented readers eschew help us recover dichotomies of great interest from a theological point of view. It follows that critical scholarship can serve as a powerful tool for modern theologians, because it resurrects forgotten voices of religious creativity from ancient Israel.

Thus I emphasize the composite nature of biblical texts in order to demonstrate continuity in Jewish culture from the Bible onward. Because so much historical critical study of the Bible devotes itself to recovering a divergent voices from multiple authors in texts most religious readers have regarded as unities, biblical criticism is often considered atomizing in nature. One might say that the goal of many modern biblical scholars is to undo the binding that holds the anthology together. But my use of historical criticism in fact focuses on wholeness. I will show that the dichotomies modern critics discern in biblical texts generated, or at least foreshadow, similar dichotomies in rabbinic and medieval Jewish literature. In particular, source criticism of the Pentateuch will allow us to note correlations between biblical and postbiblical Judaism. By linking diachronically-oriented biblical criticism with the study of the

history of exegesis, then, this book will delineate overarching trajectories that link pre-redacted Israelite traditions to post-biblical Jewish literature. The centrifugal bent of biblical criticism will yield centripetal results for theology. If we are willing to pay the price of losing the Bible's binding, we will be more than amply rewarded by a renewed ability to see the essential unity of scripture and tradition.

I use modern academic methods, then, to argue against the attempt to separate the Bible from Judaism. Thus I return to a goal that motivated some Jewish scholars from the very beginning of the modern study of Judaism. Here it is worth pausing to recall a comment made in the late 1800's by Solomon Schechter, one of the most influential modern scholars of classical Judaism. In an essay he wrote about Leopold Zunz, the early and mid-eighteenth century scholar who is regarded as the founder of the modern study of rabbinic literature and Jewish liturgy, Alluding to the neo-supersessionist firewall mentality I described above, Schechter noted that among German Protestant scholars ,

the Talmud and the Midrashim were considered as a perversion of the Pentateuch and the books of the Prophets, and the Jewish liturgy a bad paraphrase of the Psalms...To destroy these false notions, to bridge over this seemingly wide and deep gap, to restore the missing links between the Bible and tradition, to prove the continuity and development of Jewish thought through history, to show their religious depth and their moral and ennobling influence, to teach us how our own age with all its altered notions might nevertheless be a stage in the continuous development of Jewish ideals and might make these older thoughts a part of its own progress - this was the great task to which Zunz devoted his life.⁵²

As the historian David Fine has noted, it is surely no coincidence that these words describe Schechter himself; his essay on Zunz is in part a disguised autobiography.⁵³

52. See Solomon Schechter, "Leopold Zunz," in *Studies in Judaism. Third Series* (Philadelphia: Jewish Publication Society, 1924), 98. For a similar emphasis on continuity that transcends the differences noted by more prosaic minds, see Rosenzweig, *FRHLT*, 233 (=Rosenzweig, *On Jewish Learning*, 101): "Today what is classical, historical, and modern in Judaism may be placed side by side, but this ought not to be so and in the future will not be so. It is up to us to discover the root-fibers of history in the classical phase, and its harvest in the modern. Whatever is genuinely Jewish must be all three simultaneously...We shall leave it to those who stand on the outside to consider contrasts such as that between the Torah and Prophets, between Halakhah and Haggadah...as real contrasts which cannot be reconciled."

53. See David Fine, "Solomon Schechter and the Ambivalence of Jewish *Wissenschaft*," *Judaism* 46 (Winter 1997): 17. Schechter's attempt to combat what I have called the firewall mentality also comes to

Schechter's statement summarizes a central goal of the book you are currently reading as well.⁵⁴ This is the case even though Schechter would have regarded my embrace of Pentateuchal source criticism with surprise or perhaps dismay; for him the method was inseparable from anti-Judaism that wore an academic disguise.⁵⁵ By the end of this book, I hope to show that the more regrettable motives of some source critics can be pulled apart from the method itself.

Modes of Continuity

The thematic *Leitmotif* of the work of this biblical critic is continuity, its surprising modes and its unexpected manifestations. I explore three models that explain the ways in which ideas in biblical and Jewish tradition are imparted, appropriated, and given new life. One model I call *masoret*, a Hebrew word that translates as "tradition" and derives from the verb meaning "to pass on." *Masoret* will serve as a figure for a mode of transmission in which the giver has power while the receiver's role is passive. Insofar as an interpreter attempts to hear the voice of an ancient author in that author's own cultural and linguistic context, the interpreter is attempting to allow the author to pass on an ancient message, and thus what I call *masoret* is a mode of transmission enabled by what many Jews since the twelfth century have called *peshat* interpretation.⁵⁶ The second model I term *qabbalah*, which also means "tradition" or, more literally,

the fore in his work on Ben Sira. For an engaging overview of the controversies he addresses in that work, see Adina Hoffman and Peter Cole, *Sacred Trash: The Lost and Found World of the Cairo Geniza* (New York: Nextbook: Schocken, 2011), 43–61.

54. Thus no coincidence that I am a faculty member at the Jewish Theological Seminary in New York, which Schechter headed from 1902 to 1915, nor is it a coincidence that my wife and I send my children to the Solomon Schechter School of Bergen County, having transferred them to that school from the Solomon Schechter School of Chicagoland when we moved east.

55. Fine, "Solomon Schechter".

56. By *peshat* as the term has been used since the twelfth century I mean a method that reads the language of a passage in keeping with the grammatical, syntactic, and stylistic norms of that language as it functions typically among human beings. Further, *peshat* interpreters read a passage as a whole rather than atomistically. For this definition of *peshat*, see especially Sarah Kamin, [in Hebrew] in *Rashi's Exegetical Categorization in Respect to the Distinction Between Peshat and Derash* (Jerusalem: Magnes Press, 1986), 14–15. This use of the term *peshat* is essentially that of Rashbam, even though it develops from ideas found in a very different form in the work of Rashbam's grandfather, Rashi, as Kamin shows, pp. 266–74. See further on the term in Rashbam the studies of Elazar Touitou, *Exegesis in Perpetual Motion: Studies in the Pentateuchal Commentary of Rabbi Samuel Ben Meir*, [in Hebrew] (Ramat Gan: Bar Ilan University Press, 2005), 98–176, esp. 110–12, and cf. on terminology and outlook his discussion on 238–56, and Robert Harris, "Jewish Biblical Exegesis from Its Beginnings to the Twelfth Century," in *The New Cambridge History of the Bible: Volume 2: From 600 to 1450*, ed. Richard Marsden and E. Ann Matter (Cambridge: Cambridge University Press, 2003–09), 596–615, esp. 604–12.

“reception.” This term will betoken the active and creative role receivers often exercise as they reshape what they inherit. This mode of transmission and transformation often occurs in midrashic and mystical interpretations that attend not only to historical or a local textual context of a passage under consideration but to the new roles the passage can play in postbiblical Judaism. A third and more tangled mode exists as well, in which *masoret* masquerades as *qabbalah*: ideas that have been radically altered or obscured in the process of reception and appropriation reassert themselves at a later date. This model can be termed *yerushah*. Yet another Hebrew term for “tradition,” *yerushah* recalls both the verb *yarash*, “to take possession, to inherit” (which, like *qabbalah*, emphasizes the role of the receiver), and the related verb *horish* (another construction from the same verbal root as *yarash*). Because *horish* means both “to cause to inherit, bequeath” and “to dispossess,” the noun *yerushah* can remind us of the subtle and sometimes hidden power of those who bestow a legacy.⁵⁷ Those who bequeath may impose themselves on their unwitting heirs, displacing the heirs’ newer possessions in order to make room for something older. It is worth noting that academic scholarship on the Bible and midrash have attended a great deal to what I call *masoret* and *qabbalah* but seems largely unaware of the existence of *yerushah*.

I will refer to these three models on occasion as I show how older ideas are passed on (*masoret*), how they are radically recast (*qabbalah*), and how, having been obscured by biblical redactors, they reappear and even triumph in post-biblical Judaism (*yerushah*). One example at this juncture will help make clear what I mean by this third term.

In an earlier book, I described a view of divinity found in the ancient Near East in which deities differ from a human being because deities’ selves are fluid and unbounded.⁵⁸ Ancient Near Eastern gods could have multiple bodies, located simultaneously in heaven and in several earthly locations. (This is especially evident from the ceremonies that brought the real presence of a deity into its cult statue; the ancient texts that describe these ceremonies make clear that the ancients regarded the

57. Strictly speaking, the noun *moreshet* (a noun derived from the *hiphil*) would be more appropriate than *yerushah* (from the *qal*). But the words *moreshet* and *masoret* in English look very similar, and this will prove confusing to readers of the book, especially those without Hebrew. For practical purposes, then, I will use the term *yerushah* for this third mode of reception.

58. Benjamin D. Sommer, *Bodies*.

god as literally housed or embodied by the statue. Because there were many such statues of a given deity in various temples at the same time, it follows that a god or goddess often had multiple bodies.) Further, a deity's self could fragment into more than one local manifestation that distinct separate from each other and were worshipped separately. Nonetheless, these local manifestations retained an underlying unity. Thus there were several goddesses named Ishtar who were ultimately a single being, many Baals or Hadads who were one Baal Hadad. This conception, which I call the "fluidity model," appears not only in ancient Mesopotamian, Canaanite, and Egyptian religions but also in the Bible, especially in J and E texts of the Pentateuch and in sundry passages in the Psalms, prophets, and Samuel. It also can be detected in several ancient Israelite inscriptions discovered by archaeologists in the past century, which speak of "Yhwh of Teman" and "Yhwh of Shomron," just as biblical texts speak of "Yhwh in Zion" and "Yhwh who is at Hebron," and just as ancient Near Eastern texts speak of "Ishtar of Arbela" alongside "Ishtar of Nineveh." In those texts the one God Yhwh has multiple cultic bodies; Yhwh can appear in small-scale manifestations that on a surface seem separate from the heavenly godhead yet clearly overlaps with it and never become autonomous beings. J, E, and related texts use several terms to describe the multiple cultic embodiments of God in various temples throughout ancient Israel (*matsevah*, *beitel*, *asherah*) and to speak of small-scale manifestations or avatars of God on earth (*mal'akh Yhwh*).

This entire way of thinking, however, is completely rejected by the P and D traditions of the Bible, which together comprise the majority of the Pentateuch, and which stem from schools that edited most biblical books into their current form. The P and D authors insisted that God has only one body. According to P and the closely related Book of Ezekiel, the divine body came to dwell in the Tabernacle and later the Jerusalem Temple (only to return to heaven shortly before the destruction of the Temple in 586 BCE). According to D (and the historical books from Joshua through Kings that follow D's theology in so many respects) God dwells eternally and exclusively in heaven. These authors demand that the cultic embodiments of God in local temples be destroyed (e.g., Deuteronomy 7.5 12.3, 15.21-22); they insist that God's presence can be encountered only in a single Temple, and thus sacrificial ritual can be practiced only there. Both P and D refrain from using the terms associated with the notion of small-

scale manifestations, emanations, or avatars of God, and they never depict such phenomena in their narrative. D insists that there is only one Yhwh (see Deuteronomy 6.4), not several local manifestations in Teman and Shomron, Zion and Hebron.⁵⁹

P and D are the dominant voices of the Bible, and thus it is exceedingly difficult to notice the fluidity tradition that they attempt to suppress. (It is for this reason that I needed to devote thirty-five pages of my book to reconstructing that tradition as it appeared in ancient Israel, its theological intuitions, and its technical terminology.⁶⁰) But the fluidity tradition does not disappear from Judaism. It re-emerges in new forms, with new terminology, in late antique and medieval Judaism, especially in Jewish mysticism. The qabbalistic doctrine of the *sephirot* in particular constitutes a highly complex version of the notion that the divine can fragment Itself into multiple selves that nonetheless remain parts of a unified whole. The *sephirot* are usually conceived of as ten manifestations of God in the universe, as opposed to the utterly unknowable essence of God outside the universe. While some qabbalists view the *sephirot* as created beings distinct from God, most classical qabbalistic thinkers see in them, as Moshe Idel puts it, “an organic part of the divine essence” whose complex interactions with each other constitute “intra-deical dynamism.”⁶¹ These ten *sephirot* relate to each other in ways that disclose a degree of individual existence, yet they never attain the level of independent deities. On the contrary, qabbalistic texts warn against praying to them individually as if they were distinct gods. The *sephirot* interact in various ways, including sexual ones, and their interactions suggests their distinct identity. Yet qabbalists maintain that they are all part of the unity that is God.

The qabbalistic texts that describe the *sephirot* are replete with biblical quotations and allusions; the most famous of them, the *Zohar*, in fact takes the form of a commentary on the Torah. No readers, I daresay, would consider qabbalistic readings of biblical verses to be straightforward, contextual readings of biblical texts in their own historical and linguistic setting; it is difficult to imagine readings that are further from *peshat* than those of the *Zohar* or other qabbalistic texts. Indeed, one of the most prominent modern scholars of qabbalah, Elliot Wolfson, has spoken of how, for the

59. On this verse, see my discussion in *Bodies*, 67 and 220-222.

60. See pages 12-57 and 179-213 of *Bodies*.

61. See Moshe Idel, *Kabbalah: New Perspectives* (New Haven: Yale University Press, 1988), 138-40; the quoted phrasing is from p. 139.

Zohar, “the mystical reading of the biblical text...supplants the literal sense.”⁶² When in the *Zohar* tells us that a verse describing Abraham’s relationship with Sarah in fact narrates complex interactions of various manifestations of God, one feels justified at classifying this interpretation as what I call *qabbalah*, the mode of transmission in which the receiver plays an active and creative role in reshaping what has been passed to them -- in this case, a very active and creative role. At the same time, however, the whole doctrine of the *sephirot*, with their complex interactions that in no way compromise the unity of God, is a late reflex of the biblical fluidity traditions. From the point of view of P and D, the *Zohar*’s doctrines are novel and creative, perhaps dangerously so; similarly, from the point of view of the final, redacted text of the Torah the *Zohar* moves in startlingly innovative direction. But when viewed in light of the fluidity traditions found in J and E, the doctrine of *sephirot* is a return to an older model, a massively ramified elaboration of an idea that had almost been lost. Thus in the *Zohar*’s theosophy we find a banner example of *yerushah*: what seems to be a rather wildly original idea (which would represent the mode of transmission and transformation I call *qabbalah* above) recalls an idea that had only apparently disappeared earlier in the tradition (and thus recalls *masoret*). More precisely, the *Zohar*’s perception of God is *qabbalah* from the point of view of P, D, and the redacted Torah; its perception seems to take power away from these biblical texts and to put it into the handout of the *Zohar* itself. But this perception is also *masoret* from the point of view of J and E, whose basic theological intuition reasserts itself in a new and much more complex form in the *Zohar*. It is this combination of *qabbalah* and *masoret* that I term *yerushah*. A full discussion of the relationship between early biblical and medieval theological intuitions, to which I have hardly done justice in these few pages, is not my concern here. What is relevant to the project at hand is that it is biblical criticism (specifically, in its source critical and comparative modes) that allows us to see the traditionalism, the *yerushah*, of *Zoharic* theosophy. As we examine some innovative medieval and modern notions of religious authority, we will have reason to recall this dynamic. It is to texts that present and interrogate the notion of religious authority that we now turn.

62. Elliot Wolfson, “Beautiful Maiden Without Eyes: Peshat and Sod in Zoharic Hermeneutics,” in *Midrashic Imagination: Jewish Exegesis, Thought, and History*, ed. Michael Fishbane (Albany: SUNY Press, 1993), 156.

CHAPTER 2

Sinai (1): Revelation in the Torah

Troubling Texts and Divine Authorship

In the previous chapter, we saw that the modern critical study of the Bible poses several challenges to the idea that the Bible is sacred. These challenges are largely literary, philological, and historical in nature, and they have received a great deal of attention from biblical scholars, theologians, and historians of religion. But another, even more important, sort of challenge to the status of scripture has been spoken of less. Some modern readers become aware of the Bible's human origin because of those biblical passages that cannot be reconciled with a God who is merciful or who is just, much less a deity who is both. The Bible appears to be all too human not only because it has trouble deciding whether Noah took two or seven of the clean animals onto the ark, but more importantly because it describes a God who sweeps away the guilty along with the innocent -- if not in the Noah story, then surely in the Exodus narrative, in which God slays first-born Egyptians who had no say in Pharaoh's labor policies. Even more disturbingly, the Bible commands humans, if only in a few specific cases, to imitate God in this regard: genocide is the fate of all Canaanites who do not submit to Israel (e.g., Deuteronomy 7), and of all Amalekites, regardless of their future behavior (Deuteronomy 25.17-19).⁶³ It matters only a little that rabbinic commentators through the ages have ruled that the laws regarding Canaanites applied only to the time of Joshua and not in perpetuity, so that nobody living after Joshua's era has the right, much less the obligation, to apply them. (For the ruling that the category of "Canaanite"

63. For a comprehensive overview of the ways different biblical source treat fate of these peoples, see Moshe Weinfeld, *The Promise of the Land the Inheritance of the Land of Canaan by the Israelites* (Berkeley: University of California Press, 1993). It is important to note that, contrary to what many Christian readers have assumed, the Torah does not consign all nations to this perdition; the vast majority of gentiles are not the object of these attacks. The Jewish Bible (unlike the New Testament) does not divide the world into those chosen and those consigned to perdition; rather, it divides the world into those chosen (viz., Israel); those not chosen (the vast majority of humanity, who are not viewed negatively, and who often receive blessings identical to those promised to the chosen, as in the case of the descendants of Ishmael and Esau); the Canaanites, who are required to leave the land of Canaan to make room for Israel; and the tribe of the Amalekites, who are to be destroyed. On this categorization and its difference from the binary categorization of the New Testament, see Joel S. Kaminsky, *Yet I Loved Jacob: Reclaiming the Biblical Concept of Election* (Nashville: Abingdon Press, 2007). Kaminsky's treatment is noteworthy because he is at once rigorously clear in exposing the tendentious misrepresentations of the biblical doctrine of election so common among liberal Christian thinkers -- even as he is scrupulously honest in avoiding any apologetic in his treatment of the laws of genocide.

not longer exists so that laws applying to them are void, see, e.g., Mishna Yadaim 4:4, Tosefta Qiddushin 5:6, Bavli Berahkot 28a, Bavli Yoma 54a; Maimonides, *Mishneh Torah*, “Laws of Kings,” 5:4).⁶⁴ Similarly, a person who wants to regard the Bible as Scripture receives only a little comfort from the suggestion that these laws don’t mean what they seem to mean but are to be construed metaphorically -- in other words, that they are in the Torah only to be interpreted away, so that the interpreter will receive a reward for doing so. The Talmud proposes this idea when it grapples with the problematic law in Deuteronomy 21.18-21 that allows parents to execute a rebellious son (see b. Sanhedrin 71a; Tosefta Sanhedrin 11:2).⁶⁵ This famous teaching, however, does not fully solve the moral problem that passages such as these raise. The fact remains that the Torah at the very least appears to encourage cruelty and injustice in these passages (or, in the case of the Canaanites, the Bible appears to have encouraged cruelty and injustice, if only for a single generation). This situation diminishes the ability of many religious people to accept the notion that the Bible in its entirety was composed by God: a just and merciful God would not write a Torah that merely seems unjust, even in a small minority of passages, or even on a surface level. Some modern scholars describe texts such as these as “troubling texts,” and they have received considerable attention in the past few decades.⁶⁶ For many modern readers, the Bible’s pervasive sexism and its

64. On rabbinic and medieval attempts to ameliorate the moral sting of these passages by severely limiting them or effectively overturning them, see Moshe Greenberg, *Hasegullah Vehakkoah*, [in Hebrew] (Oranim: Hakkibbutz Hameuhad, 1985), esp. chapter 1 and 3; Moshe Greenberg, “A Problematic Heritage: The Attitude Toward the Gentile in the Jewish Tradition - an Israel Perspective,” *Conservative Judaism* 48, no. 2 (Winter 1996): 23–35; Avi Sagi, “The Punishment of Amalek in Jewish Tradition: Coping with the Moral Problem,” *HTR* 87 (1994): 323–46; Joseph Stern, “Maimonides on Amalek, Self-Corrective Mechanisms and the War Against Idoltary,” in *Judaism and Modernity: The Religious Philosophy of David Hartman*, ed. Jonathan Malino (Aldershot: Ashgate, 2004), 359–92; Norman Lamm, “Amalek and the Seven Nations: A Case of Law. Vs. Morality,” in *War and Peace in the Jewish Tradition*, ed. Lawrence Schiffman and Joel Wolowelsky (New York: Yeshiva University Press, 2004), 201–38.

65. On rabbinic interpretations that effectively abrogate this law, see Moshe Halbertal, *Interpretive Revolutions in the Making*, [in Hebrew] (Jerusalem: Magnes Press, 1997), 42–68.

66. See especially the articles in a special issue of *Textual Reasoning: The Journal of the Postmodern Jewish Philosophy Network* 8, no. 2 (November 1999), with essays on this topic by Nancy Levene, Shaul Magid, Aryeh Cohen, and Michael Zank. Interestingly, my sense is the Jewish thinkers are more troubled by texts such as these in the Torah, while Christians attend to them more in the Psalms -- which Jews barely address. On the latter, see, e.g., Erich Zenger, *A God of Vengeance?: Understanding the Psalms of Divine Wrath*, trans. Linda Maloney (Louisville, Ky.: Westminster John Knox Press, 1996); John N. Day, *Crying for Justice: What the Psalms Teach Us About Mercy and Vengeance in an Age of Terrorism* (Grand Rapids, MI: Kregel Publications, 2005), and Walter Brueggemann, *Praying the Psalms: Engaging Scripture and the Life of the Spirit*, 2d. ed. (Eugene, OR: Cascade, 2007). For Christian approaches to these issues outside the Psalter, see Walter Brueggemann, *Theology of the Old Testament:*

attitude towards homosexuality pose similar problems. An example appears at the very end of the Decalogue itself, in which a man's wife seems to be classified along with other types of property, such as his house and (another troubling text!) his slaves. Some moderns maintain that the Bible is less sexist than other literature of the ancient Near East and more compassionate to slaves; it thus presents, we are told, an advance, and that it is the direction in which this advance moves that embodies the scriptural teaching relevant for contemporary readers. I am not positive that this is in fact always the case; in any event, even if Hebrew scripture is less sexist than most Mesopotamian or Canaanite literature, there is no denying that almost all biblical texts that touch on the subject of gender are thoroughly patriarchal, though rarely downright misogynistic, in outlook.

It is the presence of texts such as these, rather than the existence of the contradictions noticed by source critics, that precludes me from believing in the traditional Jewish and Christian view of the Bible's revelatory origin.⁶⁷ Moral issues rather than historical-philological ones pose the most disturbing challenge to the Bible's status as scripture. I am not alone in this respect. To many a modern Jew, the Tanakh is at once a hallowed book and an embarrassing one. However much one reveres it, one is aware of its human side. How, then, can a contemporary Jewish theology come to terms at once with obedience to the tradition based on this text and the need to construct correctives to it? How can a theology express both love of Torah and readiness to study it critically and with an open mind?

One influential resource for answering these questions can be sought in a stream of twentieth century Jewish thought associated with Franz Rosenzweig and Abraham Joshua Heschel. These thinkers have suggested that the Bible, along with all of Jewish

Testimony, Advocacy, Dispute (Minneapolis: Fortress Press, 1997), 382–83 (on the Canaanites) as well as 359–62 (on the abusive God); Erich Zenger, *Am Fuß des Sinai: Gottesbilder der Ersten Testaments* (Düsseldorf: Patmos, 1993), 20–27; for a discussion of how Christian exegetes can wrestle with a troubling narrative from the Torah, see Stephen Cook, “Theological Exegesis of Genesis 22: A Case Study of Wrestling with a Disturbing Scripture,” in *Staying One, Remaining Open: Educating Leaders for a 21st-Century Church*, ed. Richard Jones and J. Barney Hawkins IV (New York: Morehouse Publishing, 2010), 125–38.

67. Similarly, Norbert Samuelson explains cogently that it due to moral problems of this sort that he regards it as philosophically impossible to believe in what I have called a high theology of revelation. These issues force a modern, thinking person either completely to reject the Bible's revealed status or to adopt what I call a lower theology of revelation of the sort found in Rosenzweig's thought. See Norbert M. Samuelson, *Revelation and the God of Israel* (New York: Cambridge University Press, 2002), 96–101.

tradition, is a response to God's act of revelation. The content we find in the Bible is either a mixture of divine and human elements; or God's act of revelation did not itself convey specific content, so that the actual words and laws we find in the Bible are all human interpretations of revelation. Heschel conveys ideas of this sort repeatedly, especially in his *God in Search of Man: A Philosophy of Judaism*:

The Bible contains not only words of the prophets, but also words that came from non-prophetic lips...There is in the Bible...not only God's disclosure but man's insight.

Judaism is based upon a minimum of revelation and a maximum of interpretation, upon the will of God and upon the understanding of Israel...There is a partnership of God and Israel in regard to both the world and the Torah: He created the earth and we till the soil; He gave us the text and we refine and complete it.

As a report about revelation the Bible itself is a *midrash*.⁶⁸

In the first two quotes, Heschel seems to suggest that some of the Bible's language or specific laws may come directly from heaven; the third may intimate that the Bible is entirely a human interpretation of the divine self-disclosure, in which case the wording we find in the Bible is itself human.⁶⁹ Rosenzweig is more definitive in assigning all specific wording in the Bible to the human interpreters:

68. Abraham Joshua Heschel, *God in Search of Man. A Philosophy of Judaism* (New York: Farrar Straus and Giroux, 1955), 26, 274, 185, respectively. For Heschel's statements on revelation, see Part Two, chapters 19-20 and especially 27 there; and see further Abraham Joshua Heschel, *Torah min Hashamayim B'aspaqlarya shel Hadorot*, 3 vols., in Hebrew (London and New York: Soncino and the Jewish Theological Seminary, 1965 and 1990), available in English as Abraham Joshua Heschel, *Heavenly Torah as Refracted Through the Generations*, edited and translated by Gordon Tucker (New York: Continuum, 2005).

69. It is difficult to pin Heschel down on the question of whether the Bible contains any wording or even specific content uttered by God. See further below in this chapter, "Silence and Content." Alexander Even-Chen, *A Voice from the Darkness: Abraham Joshua Heschel Between Phenomenology and Mysticism*, [in Hebrew] (Tel Aviv: Am Oveid, 1999), 83, captures the duality and ambiguity well: "Seeing the Bible as a midrash means seeing the Bible as a human attempt to document, to understand, and to interpret the deep spiritual experience that the nation Israel underwent...The Bible is human on the one hand and divine on the other, because the Bible is the product of a human process to interpret and to understand the experience of meeting God."

The primary content of revelation is revelation itself. ‘He came down’ [on Sinai] -- this already concludes the revelation; ‘He spoke’ is the beginning of interpretation...

All that God ever reveals in revelation is -- revelation. Or, to express it differently, he reveals nothing but himself to man. The relation of this accusative and dative to each other is the one and only content of revelation.⁷⁰

Thus Rosenzweig refers to the Bible as being, in this respect, “entirely human.”⁷¹ But for thinkers such as these, the Bible remains holy as a response to God’s self-manifestation, but its wording (or: most of its wording) is the product of human beings. In this view, the event of revelation is real, and the Bible’s status derives from that event; but the specific teachings and rules found in the Bible are the product of human beings, so that their authority is not as absolute as it would be had the Bible’s exact text as we have it come directly from heaven. Is this view so radical that it goes beyond the bounds of authentically Jewish discourse on the sacred? I hope to show that it does not: for the model of revelation this line of thinking entails has very deep roots. In order to trace them, let us begin an exegetical journey that begins at the moment of revelation itself, at Sinai.

Exodus 19-24

What, exactly, did the Israelite nation hear and see at Sinai? This is no merely academic query. The event that transpired at Mount Sinai some three months after the Exodus represents the central event of Jewish history. More than the redemption from slavery, more than the gift of the Land of Israel, more than the election of Abraham and Sarah, the experience at Sinai created the intermingling of religion and ethnicity that we now

⁷⁰ Franz Rosenzweig, *On Jewish Learning*, ed. Nahum N. Glatzer (New York: Schocken Books, 1965), 118, and Franz Rosenzweig, *Franz Rosenzweig: His Life and Thought*, presented by Nahum N. Glatzer (New York: Schocken Books, 1961), 285, respectively. Cf. Franz Rosenzweig, *The Star of Redemption*, trans. William W. Hallo (Boston: Beacon Press, 1972), 176–78 (=Franz Rosenzweig, *The Star of Redemption*, trans. Barbara E. Galli, Modern Jewish Philosophy and Religion. [Madison, Wis.: University of Wisconsin Press, 2005], ###). Nahum Glatzer expressed a kindred view of revelation, as Rosenzweig notes in *On Jewish Learning*, 119 (=Rosenzweig, *FRHLT*, 242. A similar, but not identical, idea appears in the work of Martin Buber, who understands scripture as a response to divine presence (but not divine command); I explain below why his approach is less relevant to my project here.

⁷¹ Franz Rosenzweig, *Zweistromland: Kleinere Schriften zu Glauben und Denken*, ed. Reinhold und Annemarie Mayer, Franz Rosenzweig: Der Mensch und Sein Werk (Dordrecht ; Boston: M. Nijhoff, 1984), 761. Hebrew translation available in Franz Rosenzweig, *Naharayim: Mivhar Ketavim*, [in Hebrew], Yehoshua Amir (Jerusalem: Mosad Byalik, 1960), 50.

call Judaism.⁷² The Jewish liturgy says repeatedly: God gave Torah to the Jewish people; the wisdom tractate of the Mishna, Pirkei Avot, begins: Moses received Torah at Sinai and passed it on, which is to say, made it a tradition. But what do these crucial verbs -- God gave, Israel received -- mean? The authority of Jewish law and the sacred status of the Bible rest on these verbs, and thus a thorough inquiry into their sense is warranted.

The need for this inquiry is especially urgent in our day. For most modern Jews, including many traditionally-oriented or halachically practicing ones, the stenographic theory of revelation (God spoke, Moses took dictation word-for-word, and the Five Books record God's utterances exactly) does not remain compelling. Theologically, this theory is possible, but it limits the notion of revelation severely: surely the divine can make itself known in other forms and in more complex ways. Further, as we have seen, the Pentateuch displays consistent differences of language, style, and outlook along with a lack of internal cohesion, and several passages contain moral difficulties that are impossible to reconcile with belief in a just and merciful God. In light of all this it is clear that the Five Books are the product of multiple human authors and a long process of development. What, then, makes them holy? If the words recorded as reflecting the theophany at Sinai are, at least in part, human words, then wherein lies the sacrality of Torah? Jewish law rests its claim to authority on its divinely revealed status. If the specific laws found in the Pentateuch and in later Jewish tradition were written by the Jewish people themselves, then can they be described as revealed at all? If these laws are to constitute a binding system, this issue must be addressed.

These questions have become central in modern Jewish thought.⁷³ Yet the debate regarding what precisely was heard and seen at Sinai is not an exclusively modern one.

72. An eloquent discussion not only of the centrality of this narrative for the Torah but of the centrality of the event it describes for Jewish culture as a whole is found in Edward L. Greenstein, "Understanding the Sinai Revelation," in *Exodus: A Teacher's Guide*, 2d ed., ed. Marcia Lapidus Kaunfer, Barry Holtz, and Miles Cohen, Ruth Zielenziger (New York: Melton Research Center of the Jewish Theological Seminary, 1994), 275–76. On centrality of Sinai narrative in Hexateuch and in conceptual world of the Bible, see further Geoffrey P. Miller, *The Ways of a King: Legal and Political Ideas in the Bible*, *Journal of Ancient Judaism*, Supplements, vol. 7 (Göttingen: Vandenhoeck & Ruprecht, 2011), 151–53.

73. For a sense of the centrality of these issues, see especially the first question posed to thirty-eight Jewish thinkers in The editors of *Commentary* magazine, *The Condition of Jewish Belief* (New York: Macmillan, 1966), which was originally published in *Commentary* magazine's August, 1966 issue (volume 42:2). On the centrality of the issue of religious authority to modern Jewish thought, see Arnold M. Eisen, *Rethinking Modern Judaism Ritual, Commandment, Community*, *Chicago Studies in the History of Judaism* (Chicago: University of Chicago Press, 1998), 209–10. On the connection of the authority and revelation in modern Jewish thought, see especially the useful discussion with further references in Neil

The questions that moderns ask were already present in the earliest strata of Jewish thought, not only in texts that interpret the Bible but in the biblical accounts themselves. Thus the construction of a contemporary Jewish theology of revelation can start, as it must start, with older Jewish texts -- indeed, with the oldest: with the Bible's accounts of the origin of its own laws. To be sure, biblical texts never present a systematic theology of revelation and religious authority; by and large, biblical texts do not articulate abstract generalizations in the manner of western philosophy. But a close reading of biblical texts that narrate how revelation occurred will show that these texts do advance self-consistent, complex and surprising ideas about the relationship between what Israel's sacred traditions and their heavenly source. These texts suggest that what Israel knows and practices -- that is, what biblical texts themselves teach and require -- does not come directly from heaven but results in part from interpretation by the human beings who provide religious leadership to Israel. When the Bible narrates how God made God's will known to Israel, and how the nation Israel came to know the divine will, the Bible makes claims regarding its own religious authority.

Let me turn, then, to biblical accounts of revelation at Sinai, focusing on the question, what did Israel perceive, learn, or experience there? What sights and sounds entered the escaped slaves' ears (and those of later Jews as well, according to the tradition that all the generations of Israel were present at Sinai)? In answering these questions, we will proceed in two stages. Modern scholars have proposed theories regarding the origin, sources, and composition of these chapters, but for our project it will make sense first of all to read these chapters in the form they take in scripture; this reading will form the first stage of our treatment of revelation in the Pentateuch. An examination of these chapters as they present themselves to us will reveal patterns of ambiguity that are of great consequence for modern Jewish theology. After presenting this synchronic reading, I will move to the second stage of our examination by pursuing the further question, what *torot* are presented in the older texts and traditions from which the Book of Exodus was built? Doing so will allow us to study two further issues. First, when we move on to discuss postbiblical understandings of revelation, we will note the surprising extent to which they match precanonical teachings of the sources

Gillman, *Sacred Fragments: Recovering Theology for the Modern Jew* (Philadelphia: Jewish Publication Society, 1990), 1–62.

from which the Pentateuch is comprised. Second, we will better understand what is distinctive about the final form of the biblical text -- that is, we will see how the final redactors utilize, react to, reformulate, and temper the teachings they inherited from older Israelite schools of thought.

The Bible contains several texts relating to revelation at Mount Sinai, at Mount Horeb, or at some mountainous location south of the Land of Canaan. The first and most famous of these is found in Exodus 19-20 and 24. These chapters defy a coherent sequential reading. Even more than most passages in the Pentateuch, Exodus 19 is full of ambiguities, gaps, strange repetitions, and apparent contradictions, as many scholars have shown.⁷⁴ These oddities multiply when one reads the subsequent two narratives, which also describe theophany at Sinai: Exodus 20.18-22⁷⁵ and Exodus 24. For example, these texts present a bewildering aggregate of verses describing Moses' ascents and

74. One recent scholar sums up the scholarly consensus: "The extent of the gaps and contradictions in the Sinai pericope in both larger outline and details is unparalleled elsewhere in the Pentateuch...There are obvious (and intentional?) contradictions in the final product." See Frank Crüsemann, *The Torah: Theology and Social History of Old Testament Law*, trans. Allan W. Mahnke (Minneapolis: Fortress Press, 1996), 28; cf. the reference to "dem vermutlich nie konsensfähig losbaren Problem der Wachstumsgeschichte der Sinaiperlkope" in Erich Zenger, "Wie und wozu die Torah zum Sinai kam: Literarische und theologische Beobachtungen zu Exodus 19-34," in *Studies in the Book of Exodus: Redaction - Reception - Interpretation*, ed. Marc Vervenne (Leuven: Peeters, 1996), 266. On these problems, see especially Aryeh Toeg, *Lawgiving at Sinai*, [in Hebrew] (Jerusalem: Magnes, 1977), 13-14; Brevard Childs, *Exodus. A Commentary*, OTL (London: SCM Press, 1974), 244; Moshe Greenberg, "The Decalogue Tradition Critically Examined," in *The Ten Commandments in History and Tradition*, ed. Ben-Zion Segal and Gershon Levi, Publications of the Perry Foundation for Biblical Research of the Hebrew University of Jerusalem (Jerusalem: Magnes Press, 1990), 83-88; Erhard Blum, *Studien zur Komposition des Pentateuch*, BZAW (Berlin: De Gruyter, 1990), 45-72, 88-99, esp. 45-53. An especially clear description of the oddities produced by attempting to read Exodus 19-24 as a continuous narrative appears in Baruch Schwartz, "What Really Happened at Mount Sinai?" *BR* (October 1997): 20-46, esp. 23-25.

⁷⁵There are several systems for versification of Exodus 20 and Deuteronomy 5, resulting from the different cantillation systems used for the Ten Commandments within Masoretic tradition. One is associated with private study, a second with public reading, and a third represents a variant of the second. As a result of these differences, Bibles variously number the first verse after the Ten Commandments in Exodus as verse 14, 15, or 18. In this article, I will number the first verse after the Ten Commandments in Exodus as 20.18 and in Deuteronomy as 5.122; readers who look up verses I cite from Exodus 20 or Deuteronomy 5 may need to subtract three or one to locate the correct verse, depending on what Bible they have handy. On this complex issue, see the convincing study of Mordechai Breuer, "Dividing the Decalogue Into Verses and Commandments," in *The Ten Commandments in History and Tradition*, ed. Ben-Zion Segal and Gershon Levi, Publications of the Perry Foundation for Biblical Research of the Hebrew University of Jerusalem (Jerusalem: Magnes Press, 1990), 291-330. For an authoritative chart distinguishing between the private and public traditions, see p. 295 of that article and also the Bible editions published by Mossad Ha-Rav Kook; almost all other printings (e.g., those in the JPS Torah Commentaries as well as those in the Koren editions of the Tanakh) contain an error in the public version.

descents on the mountain.⁷⁶ Moses seems not to be located at the right place when the Ten Commandments are given: God tells him to descend the mountain and then re-ascend with Aaron (Exod 19.24), whereupon he descends (19.25); but before he re-ascends the revelation of the law takes place (20.1).⁷⁷ Similarly, we may ask: where is God located before and during the revelation? According to Exodus 19.3, God is on the mountain several days before this event, but according to 19.11, God descends to the mountain immediately prior to the theophany (in agreement with 19.18); yet in 19.20 YHWH comes down to the summit again. (Other biblical texts, incidentally, describe God as speaking from heaven, not the mountain; see Exodus 20.22, Deuteronomy 4.26 and possibly Exodus 24.10. The tension among these verses is reflected in the somewhat self-contradictory harmonization in Neh 9.13: “You came down on Mount Sinai and spoke to them from heaven.”)⁷⁸ God’s instructions in some parts of the chapter are hard to reconcile with directions in other parts. Moses tells God in Exod 19.23 that God’s instruction in the immediately preceding verses, according to which Moses should prevent the Israelites from coming forward to see God on the mountain, makes little sense in light of God’s earlier instruction in 19.12, according to which the people aren’t allowed even to approach the edge of the mountain; God never responds to Moses’ query. These oddities can be resolved, after a fashion, through harmonistic exegesis, but their presence already intimates that the extraordinary event chapter 19 describes was witnessed through a fog, or that the narrative of that event could not be articulated in

76. For a detailed treatment of Moses’ ascents and descents, which finds coherence in each of the individual source’s account, see Schwartz, “What Really,” 21 (on the final form of the text), 27 (E), 28 (J), and 29 (P).

77. Moshe (Umberto) Cassuto argues that it went without saying that Moses obeyed God’s directive, and thus the text does not bother to mention his re-ascent specifically (Moshe David [Umberto] Cassuto, *A Commentary on the Book of Exodus*, [in Hebrew] [Jerusalem: Magnes, 1944], 162. This is unlikely, given the detailed descriptions of ascents and descents in the rest of the chapter. Further, it is clear in other verses that Moses is with the people, not on the mountain, as the theophany begins; see Deut 5.18 and one possible reading of Exod 20.16.

78. A similar embarrassment of riches (though, in this case, not necessarily contradictions) appears in regard to the question of how the nation’s acceptance of Torah is described in various Sinai texts. These texts present three distinct models for acceptance: by the whole people (Exod 19.8, 24.3 and 24.7), by representatives of the people (19.7 and 24.10-11), and by the leader alone (Exod 34). On this issue and its implications, see further Geoffrey P. Miller, *The Ways of a King: Legal and Political Ideas in the Bible*, 148–49.

human words; further, one senses that the text combines many different recollections of this essentially unreportable event.⁷⁹

Nevertheless, regarding aural and visual experience, Exodus 19 seems fairly clear. The theophany was accompanied by, or consisted of, loud noises and radiant sights: in Exodus 19.16 we read of “thunder and lightning,” a “very heavy cloud on the mountain,” as well as “a mighty sound from a horn” (קִלְת וּבְרָקִים וְעָנָן כָּבֵד עַל־הַהָר וְקוֹל שֹׁפָר חֲזָק מְאֹד). The entire mountain was covered with “smoke” and “fire,” and God’s descent on the mountain caused it to “tremble” -- viz., the theophany also involved an earthquake (וְהָרַח וְהָרַח, 19.18; some of the crucial terms appear again in 20.18). The fire in 19.18 in fact *was* the theophany, for it embodied the deity (יְרַד...ה' בְּאֵשׁ). The cloud, too, may have been a bodily manifestation of God, who told Moses as they Israelites prepared for the event, “I am about to come to you in the form of the thick cloud” (בְּעַב הָעָנָן, Exodus 19.9).⁸⁰ (Alternatively, God may be inside the thick cloud but not the same as the cloud; from the point of view of the visual imagery the situation remains the same even if the theology differs.) In short: the theophany involved storm and earthquake imagery.

Similar language appears in other biblical descriptions of Yhwh’s manifestation, especially those that make specific connections to Sinai or the wilderness south of Canaan. Thus, Judges 5.4-5 also associates an earthquake with God’s appearance at that mountain:

Yhwh, when You came forth from Seir,
 Marched from the fields of Edom,
 The earth trembled (רָעָשָׁה);
 Yes, the heavens poured,

79. It is perhaps for this reason that Crüsemann, *Torah*, 28, suggested that the contradictions in Exodus 19 may be intentional. On what we may describe as the Sinai texts’ thematization of its ambiguities, see further Moshe Greenberg, “Exodus, Book of,” in *Encyclopaedia Judaica* (Jerusalem: Keter, 1971), 6:1056, 1060; Jacob Licht, “The Revelation of God’s Presence at Sinai,” [in Hebrew] in *Studies in the Bible and Ancient Near East Presented to Samuel Loewenstamm*, ed. Y. Avishur and J. Blau (Jerusalem: Rubenstein, 1978), 252–54. See further the excellent summary in Greenstein, “Understanding,” esp. 277–78.

80. The letter *bet* in the phrase יְרַד עָלָיו ה' בְּאֵשׁ (verse 18) and בְּעַב הָעָנָן (verse 9) is likely to be taken as a *bet essentiae*, on which see E. Kautzsch, *Gesenius’ Hebrew Grammar*, 2d ed., trans. A.E. Cowley (Oxford: Oxford University Press, 1910), §119i. On the other hand, the opposite reading, suggested by Cassuto, *Exodus, ad loc.* is also perfectly plausible linguistically: “I shall be concealed in a thick cloud, as though in a disguise that the eye of man cannot penetrate.”

Yes, the clouds (עַבִּיִם) poured water,
The mountains flowed like a stream,
In the presence of Yhwh, the One from Sinai,⁸¹
In the presence of Yhwh, the God of Israel

The earthquake and storm is connected to God's presence at Sinai in Psalm 68.8-10 as well:

O God, when you went forth before Your people,
When You marched through the wilderness,
The earth shook (הַשָּׁרַר),
Yea, the heavens poured,
In the presence of Yhwh,⁸² the One from Sinai,
In the presence of Yhwh, the God of Israel.
You shook down rain, masses of rain,
You calmed the land, once languishing, that you bequeathed.

Similar imagery -- lightning fire, and earthquake, all of them signifying numinous power that is destructive and frightening -- appears in another description of God's appearance in the wilderness south of Canaan in Habakkuk 3.3-6:

God came from Teiman,
The Holy One from Mount Paran,
His majesty covered the heavens,
And His radiance filled the earth.
A brightness, akin to light, came off His hand in two beams --

81. The staircase parallelism suggests that יהוה סיני is an epithet, as suggested in William Foxwell Albright, "A Catalogue of Early Hebrew Lyric Poems (Psalm 68)," *HUCA* 23 (1950–51): 20, and in William Foxwell Albright, "The Song of Deborah in the Light of Archaeology," *BASOR* 62 (1936): 30. (Concerning staircase parallelism, see Wilfred G. E. Watson, *Classical Hebrew Poetry: A Guide to Its Techniques*, JSOTSupp [Sheffield: Sheffield Academic Press, 1984], 150–56; on staircase parallelism in Judges 5 specifically, see William Foxwell Albright, *Yhwh and the Gods of Canaan: An Historical Analysis of Two Contrasting Faiths* [Garden City: Doubleday, 1968], 13–15.) Alternatively, Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Oxford University Press, Clarendon, 1985), 54–55 and 75 n. 30, suggests that we understand יהוה סיני as an interpretive gloss added by a scribe who interpreted this description of God's theophany in the desert south of Judah to refer to the event at Sinai. In either case the connection of imagery, theophany, and Sinai occurs -- though if Fishbane is right, then the connection between the imagery and Sinai in this verse was made not by the original poet but by a learned scribe who, sensitive to the traditional language, makes explicit the connection with Sinai that he felt was already implicit in the poem.

82. The Hebrew text in the MT reads "God," but the original is likely to have read Yhwh, since this psalm is part of what is known as the Elohist Psalter, which regularly substitutes the word "God" for the tetragrammaton.

He set⁸³ a cover⁸⁴ for His Glory.⁸⁵
Before Him went plague,
And firebolts came forth from His feet.
He stood and shook the earth,
He looked, and made nations leap,
Primeval mountains burst apart,
The hills (we thought them eternal!) tumbled;
The everlasting paths⁸⁶ belong to Him.⁸⁷

Similar imagery connects Sinai, revelation of Torah, and lightning in Deuteronomy 33.2-4, though there without the earthquake. A subtler evocation of the events at Sinai as described in Exodus 19 appears in Psalm 114. (This poem treats the miracle at the Reed Sea, the nation's entry in to the land of Canaan, and the Sinai theophany as being, at the deepest level, aspects of a single event, while also alluding to incidents during the nation's encampments in the Sinai desert in its final verse.⁸⁸) The earthquake induced by the theophany, the psalmist tells us, makes the mountains dance and leap:

83. Reading נִשָּׂא , which seems to be reflected in Septuagint's $\epsilon\theta\epsilon\tau\omicron$. See the detailed defense of the reading adopted here in J.J.M. Roberts, *Nahum, Habakkuk, and Zephaniah: A Commentary*, OTL (Louisville, Ky.: Westminster/John Knox Press, 1991), 135, n. 23.

84. Roberts, *Nahum*, 135, n. 24, explains, "The noun $[\text{נִשָּׂא}]$ probably means 'hiding place' and refers to the veil or envelope of dark clouds and gloom within which God hides his glory (see Ps. 18.12)."

85. Viz., the actual presence of God. On the Hebrew word כְּבוֹד meaning "glory" rather than strength, see A.S. van der Woude, "כְּבוֹד," in *Theological Lexicon of the Old Testament*, ed. Ernst Jenni and Claus Westermann, trans. Mark E. Biddle (Peabody, Mass.: Hendrickson Publishers, 1997), 870–71. This usage is especially frequent in psalms (a genre to which Habakkuk 3 belongs); see, e.g., the commentaries of Mitchell Dahood, *Psalms. Introduction, Translation, and Notes*, 3 vols., AB (Garden City, N.Y.: Doubleday, 1966–70), to 29.1, 68.34, and 96.7; of Radak to 29.1; of Yitshak Avishur to 8.3 (in Nahum Sarna, ed., *Olam Hatanakh: Tehillim*, 2 vols. [in Hebrew] [Tel Aviv: Dodezon-Itti, 1995], 1:48); and of Meir Weiss to 8.3 (in Meir Weiss, *Scriptures in Their Own Light: Collected Essays*, [in Hebrew] (Jerusalem: Mosad Bialik, 1988), 155 n. 12).

86. Viz., the paths (הַלִּיכּוֹת) of the stars in the heavens (cf. Ugaritic *hkk kbkbm*, Akkadian *alkāt kakkabē*, as suggested by William Foxwell Albright, "A Canaanite Letter from Ugarit and Habakkuk 3:7," *BASOR* 82 [1941]: 46–49, esp. 40; William Foxwell Albright, "The Psalm of Habakkuk," in *Studies in Old Testament Prophecy Presented to Theodore H. Robinson on His Sixty-Fifth Birthday*, H.H. Rowley [New York: Scribners, 1950], 14 note *t*). The image contrasts the paths of the stars, which are deliberate, unhurried, and perfectly regular, with the earth which is known to shake and change. (For the image of the perfectly regular paths of the stars and their theological teaching, see also the first stanza of Psalm 19.)

87. Alternatively, "Everlasting orbits were shattered." See the emendation that leads to this translation in Albright, "Canaanite Letter," 48–49, and Albright, "Psalm of Habakkuk," 11–12 and 13–14 note *u*.

88. Psalm 114.1 is an allusion to (in fact a poetic distillation of) Exodus 19.1. The poem, while overtly mentioning the Exodus, in fact is in constant dialogue with the story of revelation at Sinai in Exodus 19. For this reading, Weiss, *Scriptures*, 252–62, and, more briefly, Meir Weiss, *The Bible from Within: The Method of Total Interpretation*, Publications of the Perry Foundation for Biblical Research in the Hebrew University of Jerusalem (Jerusalem: Magnes Press, Hebrew University, 1984), 94–98; and Avishur's commentary in Nahum Sarna, *Olam Hatanakh: Tehillim*, 2:170–72.

When Israel went forth from Egypt,
 the house of Jacob from an alien nation,
 Judah became His own holding,
 the house of Jacob, His dominion.
 The sea saw and fled,
 The Jordan turned around,
 The mountains danced like rams,
 the hills like lambs.
 Why do you flee, O sea,
 And Jordan, why turn around?
 O mountains, why dance like rams,
 And hills, like lambs?
 At the presence of the Lord, quake, O earth!
 At the presence of the God of Jacob! --
 Who turns rock into a pool of water,
 flint, into flowing waters.

Other biblical similarly texts associate Yhwh's theophany with earthquakes and storms, though without specific reference to Sinai or the wilderness south of Canaan -- for example, Psalm 18 and Psalm 29.⁸⁹

As many scholars have noticed, this sort of portrayal of divine appearance is not unique to Yhwh or to the Bible; the theophanies of certain deities in Canaanite and Akkadian literature are described in very similar terms.⁹⁰ In particular, the Canaanites praised Baal using remarkably similar terminology. Thus one song of praise to Baal reads:

89. The rabbis, in fact, interpret Psalm 29 as a description of the revelation at Sinai; see, e.g., H. Horowitz, and Rabin, eds, *Mechilta D'Rabbi Ismael Cum Variis Lectionibus et Adnotationibus* (Jerusalem: Wahrmann, 1970), Bahodesh §§1, 5, and 7, all of which presume that Psalm 29 describes the lawgiving at Sinai. The repetition of the word קול (voice/thunder) throughout the psalm in all likelihood suggested to the rabbis that the storm-filled and earthshaking theophany of this psalm took place at Sinai as described in Exodus 19, with its repeated use of קול (concerning which see below on p.**Error! Bookmark not defined.**). For the basis of the connection, see already Irving Jacobs, *The Midrashic Process: Tradition and Interpretation in Rabbinic Judaism* (Cambridge ; New York: Cambridge University Press, 1995), 77.

90. See, e.g., the comprehensive discussion of Frank Moore Cross, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge: Harvard University Press, 1973), 147–77 (emphasizing the Canaanite background of these motifs); Samuel E. Loewenstamm, "The Trembling of Nature During the Theophany," in *Comparative Studies in Biblical and Ancient Oriental Literatures*, Alter Orient und Altes Testament (Kevelaer Neukirchen-Vluyn: Butzon & Bercker Neukirchener Verlag, 1980), 172–89 (stressing the Mesopotamian parallels); Jörg Jeremias, *Theophanie: Die Geschichte einer alttestamentlichen Gattung*, 2nd ed. (Neukirchen: Neukirchener Verlag, 1977), 73–90, 174 (stressing both).

He opens a window in his house,
A sluice in his palace,
Baal opens a rift in the clouds (ערפת).
Baal lets out his holy voice [or thunder] (קלה קדש),
Baal Ṣaphon repeats the utterance of his lips.⁹¹
His holy voice (קלה קדש) shatters the earth (ארץ),
The utterance of his lips made mountains shake with fear.
...high places of the earth (במת ארץ) totter.
Baal's enemies flee to the forests,
The haters of Hadad to the sides of the mountain.
Great Baal declared:
Enemies of Hadad -- why do you shake?
Why do you shake, O armed ones of Demaron?
Baal's eyes are toward the east;
His hand -- yes! -- it shakes.
A cedar is in his right hand.
So Baal sits enthroned in his house!⁹²

Another song states:

Baal sits, his mountain like a throne,
Hadad the Shepherd, as on the Flood.
In this midst of his mountain, divine Ṣaphon,
On the peak of his victory.
He casts seven bolts of lightning (ברקם),
Eight peels of thunder (רעם),⁹³
A spear of lightning (עץ ברק⁹⁴) in his right hand.⁹⁵

91. The Ugaritic noun קל can mean both thunder and voice. Dennis Pardee, "The Ba'lu Myth," in *Canonical Compositions from the Biblical World*, vol. 1 of *The Context of Scripture: Canonical Compositions from the Biblical World*, eds. William W. Hallo and K. Lawson Younger (Leiden New York: Brill, 1997), 262, captures both senses by translating these two lines: "Ba'lu emits his holy voice, / Ba'lu makes his thunder roll over and over again."

92. CAT 1.4.7, lines 25-42. The text is available in N. Dietrich, O. Loretz, and A. Sanmartín, *The Cuneiform Alphabetic Texts from Ugarit, Ras Ibn Hani, and Other Places* (Münster: Ugarit Verlag, 1995), 21, in Mark Smith, "The Baal Cycle," in *Ugaritic Narrative Poetry*, ed. Simon Parker, SBLWAW (Atlanta: Scholars Press, 1997), 136-37 (which also provides an English translation with notes), and in Mark Smith and Wayne Pitard, *The Ugaritic Baal Cycle, Volume 2*, SVT (Leiden: E.J. Brill, 2009), 635-83 (with translation and extensive commentary, in which 672-83 is especially relevant to our concerns). An English translation with useful notes is also available in Pardee, "Ba'lu Myth," 262-63. These editions occasionally differ in their reading of the cuneiform; in the seventh line above, I follow the reading found in Dietrich, *et al.*

93. The tablet reads רעת. Above I follow the emendation to רעם proposed in L.R. Fischer and F.B. Knutson, "An Enthronement Ritual at Ugarit," *JNES* 28 (1969): 159. But Cross, *Canaanite Myth*, 148 n. 5 argues that רעת is correct and can also mean "thunder" (from the root רע"ד: *ra'adtu > ra'attu).

94. In the Ugaritic orthography, this appears as עעברק.

In short, the imagery that characterizes God's self-revelation in Exodus 19 -- thunder, lightning, storm, clouds, and earthquake -- is typical of the revelation of high deities of the Canaanite and Mesopotamian cultures out of which Israelite culture developed. This background will become relevant as we consider the development of the tradition of Yhwh's revelation in the Bible.

Did the People Hear the Lawgiving? A Pattern of Ambiguity

Alongside the stereotypical portrayal of the theophany in Exodus 19-20, our text repeatedly introduces ambiguities concerning the sounds experienced by the Israelites. All these ambiguities, five number, lead the reader of our text to wonder: Did the nation actually hear any commands being proclaimed by God? Or did they receive all the laws that resulted from the theophany through the intermediation of Moses? In other words, the text of Exodus 19-20 forces us to reflect on the question of the laws' origins and the extent to which they are and are not heavenly.

The first of these ambiguities centers around the word *qol* (קול). This term, which appears seven times in Exodus 19-20 (and once more in the closely related narrative in Exodus 24), plays a pivotal role in our narrative. It serves as what Martin Buber and Franz Rosenzweig called a *Leitwort* or "guiding word." This term refers to a word or verbal root repeated in a biblical passage, sometimes with variations, in a manner that reveals, clarifies, or emphasizes something crucial to that passage.⁹⁶ The term *qol* allows several translations.⁹⁷ It often means "voice" -- that is, the sound a human being makes

95. CAT 1.101. The text is available in Dietrich, Loretz, and Sanmartín, *CAT*, 115–16. A translation with notes and a discussion appears in N. Wyatt, *Religious Texts from Ugarit*, Biblical Seminar (London ; New York: Sheffield Academic Press, 2002), 388–90.

96. Here I paraphrase the definition of the phenomenon found in Martin Buber, "Leitwort Style in Pentateuch Narrative," in *Scripture and Translation*, trans. Lawrence Rosenwald and Everett Fox, Indiana Studies in Biblical Literature (Bloomington: Indiana University Press, 1994), 114–28, esp. 114. In addition to Buber's own studies (including also Martin Buber, "Leitwort and Discourse Type," in *Scripture and Translation*, trans. Lawrence Rosenwald and Everett Fox, Indiana Studies in Biblical Literature [Bloomington: Indiana University Press, 1994], 143–50), helpful studies of the phenomenon include Robert Alter, *The Art of Biblical Narrative* (New York: Basic Books, 1981), 92–112, and Ron Hendel, "Leitwort Style and Literary Structure in the J Primeval Narrative," in *Sacred History, Sacred Literature: Essays on Ancient Israel, the Bible, and Religion in Honor of R. E. Friedman*, ed. Shawna Dolansky (Winona Lake, Indiana: Eisenbrauns, 2008), 93–109.

97. The information I summarize in what follows can be found in almost any dictionary of biblical Hebrew. As is so often the case, the most thorough and subtle treatment of the term's semantic range and

when uttering words.⁹⁸ But it also can mean thunder, especially when it is accompanied by a term for lightning, by other meteorological terms, or by other terms that denote thunder.⁹⁹ Finally, the term can be part of an idiom -- that is, part of a combination of words that has some specific meaning of its own and in which any of these literal senses of *qol* is less important.¹⁰⁰ Which meanings of this guiding word appear in the Sinai narrative? In two places within our narrative, at the beginning of 19.16 and at the beginning of 20.18, *qol* clearly refers to thunder, because it appears next to a term meaning “lightning.” In the middle of 19.16, at the beginning of 19.19, and in the middle of 20.18, the term refers specifically to the sound of a horn (קול השׁוֹפָר). In its first occurrence, at 19.5, the term is part of the idiom, שמע בקול, “to obey” and refers to the Israelites’ compliance with God’s covenant. As part of this standard phrase, the term does not literally refer to a voice, though it does imply some specific command or commands with which the Israelites are to be compliant. Because our term becomes associated with obedience very early in this chapter, the audience may hear an echo of this idea when the word appears later in the text; as is often the case in biblical narrative, the guiding word picks up a meaning in one verse that it drops off later on.

The most important case, and also the least clear, is found in the second half of 19.19: מֹשֶׁה יְדַבֵּר וְהָאֱלֹהִים יַעֲנֵנוּ בְקוֹל: ”Moses would speak, and God answered him with a *qol* .” Does this mean that God answered Moses with thunder, or with a voice that spoke specific words? On the one hand, the two cases in which *qol* clearly refers to thunder before and after 19.19 may lead the audience to assume that *qol* means thunder here as

of the idioms in which it appears remains that of F. Brown, S. R. Driver, and C. Briggs, *A Hebrew and English Lexicon of the Old Testament* (Oxford: Oxford University Press, 1907), 876–77.

98. Especially clear cases of this word’s association with human speech occur, e.g., in 1 Sam 1.13, 24.17, 26.17, Judges 7.9, Psalm 86.6, to mention only a few examples. It can also refer to the voice of God speaking what seem to be specific words (Isaiah 6.8)

99. Accompanied by a term for lightning : Ps 77.19, Jer 10.13; by other meteorological terms: 1 Sam 12.17, Ps 18.14, 77.18; by other terms that denote thunder: Ps 29.3, Job 37.4. On קול referring to thunder even without accompanying meteorological terms, see Amos 1.2 (where the parallelism with a term that denotes a lion’s roar suggests that קול here is not just a voice but a loud and majestic sound that fills a large area) and Ps 46.7 (where the קול is sufficiently loud and so geographically widespread to cause the earth to shake).

100. The term can also have the basic and non-specific sense, “sound, noise,” especially when קול is in what grammarians call the construct state (in Hebrew terminology, סמיכות) and is followed by a genitive noun that specifies precisely what sound is intended. (To cite a few cases randomly: Jer 47.3 [“the noise of stamping hooves”], Ezek 26.10 [“the noise of horsemen, wheels, and chariots”], 1 Kings 1.41 [“the sound of a trumpet”], Nah 3.2 [“the sound of a whip, and the sound of noisy wheels...”].) My concern, however, is with the cases of this noun in the absolute state in Exodus 19, where the specific meaning is not made clear by a following genitive.

well. The presence throughout chapters 19-20, and especially immediately before our verse in 19.18, of lightning, clouds and an earthquake (which acquaintances from California tell me sounds like thunder) may lead us to presume that “thunder” is the default value of this word in this narrative. On the other hand, the context at the end of our verse is one of speaking and answering -- activities that are normally associated with a voice and with words.¹⁰¹ In short, both translations are legitimate,¹⁰² but the difference between them is significant. Did God communicate with Moses using a human voice or a very loud noise? Our understanding of revelation’s nature and its very content changes drastically depending on which understanding we adopt. If *qol* is a voice, then the Israelites heard God providing specific information to Moses. If it means thunder, what occurred at Sinai was an overwhelming experience, but not necessarily one in which Israelites acquired distinct teachings directly from God. The stenographic theory of revelation grows out of the former translation; certain modern understandings can align themselves with the latter.

A second ambiguity also raises the question of whether and to what extent the nation heard the revelation of specific laws. This ambiguity involves the sequence of events in chapters 19-20, and it emerges when we read the passage that appears in our text immediately after the Decalogue, Exod 20.18-22.¹⁰³ The people, frightened by what they have heard, ask Moses to approach God so that they do not have to continue experiencing something so terrifying; Moses calms the people and agrees to serve as intermediary. What is not clear is when this conversation between Moses and the people takes place. Initially, we may assume that the people spoke to Moses after the giving of the Decalogue, since the verses in question follow the text of the Decalogue (Exodus 20.2-17). In that case, the people heard the Ten Commandments in their entirety; and

101. In light of this discussion, one might argue that in the same ambiguity affects the occurrence of our guiding word in Exodus 20.18: וְכָל-הָעָם רֹאִים אֶת-הַקּוֹלֹת וְאֶת-הַלְפִידִם וְאֶת קוֹל הַשֹּׁפָר וְאֶת-הַהָר עָשָׁן : “All the people were seeing the voices/thunders and the blazing lightning and the sound of the shofar and the smoke from the mountain.” While I maintained above that the presence of lightning suggests that *קולות* here means thunder, it is noteworthy that the word for “blazing lightning” here, *הלפידים*, is less common than *ברקים*; usually it means “torch” or some sort of fire, and thus it may raise the association with thunder less strongly. Further, this verse immediately follows the text of the Decalogue, which might suggest that the *קולות* referred to are the voices of Moses and/or God uttering that text.

102. On the unresolved nature of the ambiguity in the text, see especially Childs, *Exodus*, 343. In light of Childs’ fine discussion, it becomes clear that any attempt to claim that *קול* must be translated in one particular way is unfaithful to the text.

¹⁰³As noted in the footnote on page **Error! Bookmark not defined.**, some Bibles number these verses as 20.15-19, and a few number them as 14-18.

thus they seem to have heard not just loud noises but a human-like voice emanating from the divine. Hearing this voice (or the noises that accompanied it) was an ordeal. When the Decalogue ended, the nation asked to be spared any more direct revelations, pleading that Moses notify them of subsequent communications from the divine. Moses approves this plan, and consequently he is alone when he goes into the presence of God. Upon doing so he receives additional laws, presumably those found in Exod 20.23-23.33. The rest of the laws will be the product of Mosaic intermediation; but the people did hear, directly from the mouth of God, one substantial group of laws.

But one can read the order of events in Exodus 19-20 differently. It is possible that the discussion described in Exodus 20.18-22 took place during the revelation rather than after it. In that case, the people were quickly seized by terror, and they asked Moses to intervene even as God proclaimed the Decalogue. This reading is suggested by the initial verb in 20.18, which is not a past tense, as many translations imply,¹⁰⁴ but a participle indicating ongoing action (“the people were witnessing”).¹⁰⁵ The absence in 20.18 of the typical past tense of biblical narrative (viz., the *waw*-consecutive) is unusual, and the syntax here (*waw* + noun + participle) normally indicates that the event reported was simultaneous with a previously narrated occurrence.¹⁰⁶ The syntax indicates that the conversation between Moses and the people took place during the giving of the Decalogue; the narrator avoids interrupting the text of the commandments,

104. Thus NJPS: “All the people witnessed the thunder and lightning”; King James: “all the people saw the thunderings, and the lightnings”; old JPS: “And all the people perceived the thunderings”; Luther: “Und alles Volk sah den Donner und Blitz”; Buber-Rosenzweig: “Alles Volk aber, sie sahn / das Donnerschallen...”; S.R. Hirsch: “Und das ganze Volk sah die Stimmen und die Flammen”; Moses Mendelssohn: “Das ganze Volk empfand die Donnerstimmen, die Feuerflammen.”

105. See S.R. Driver, *The Book of Exodus*, CBSC (Cambridge: Cambridge University Press, 1911), *ad loc.*, and Cassuto, *Exodus*, 174–75. Neither Driver nor Cassuto fully follow the logic of this grammatical observation, which implies that the people did not hear the whole of the Ten Commandments. Childs, *Exodus*, 371, also notes the import of the participle: “the people's reaction...did not first emerge after the giving of the Decalogue, but runs parallel with the whole theophany.” So also August Dillmann and Victor Ryssel, *Die Bücher Exodus und Leviticus*, Kurzgefasstes exegetisches Handbuch zum Alten Testament (Leipzig: S. Hirzel, 1897), 245. LXX attempts to preserve this difference, however, translating אָרָא with an imperfect (ἑώρα) and the other verbs in the verse with aorists (φοβηθέντες, reading אָרָא) and ἔστησαν.

106. See, e.g., P. Joüon and T. Muraoka, *A Grammar of Biblical Hebrew*, SB (Rome: Pontificium Institutum Biblicum, 1991), §121f, and cf. §167h. Alternatively, (as some of Joüon-Muraoka's examples in §121f show) the use of the participle can indicate an action that was ongoing in the past and was followed by a new action. Thus the syntax of 20.15 may tell us that the people were witnessing the thunder for some time, and then they spoke to Moses -- perhaps towards the end of the giving of the Ten Commandments, or even when it was complete. But the latter possibility is less likely; in order to indicate without ambiguity that 20.15 took place after the giving of the Ten Commandments, the normal narrative past (*waw*-consecutive) could have been used.

however, and thus the narrative does not begin again until Exodus 20.18.¹⁰⁷ According to this understanding of the narrative sequence in Exodus 19-20, the nation heard only part (which part?) of the Decalogue; Moses, upon approaching “the thick cloud where God was” (20.21), was vouchsafed the text of the remainder. Further, on subsequent occasions Moses obtained additional legislation, including the laws found in Exod 20.23-23.33 as well as those in the remainder of the Book of Exodus and in the Books of Leviticus, Numbers, and Deuteronomy.

A third possibility exists: the events in Exodus 20.18-21 follow temporally on Exodus 19.19 or 19.25, so that the people did not hear any of the Ten Commandments at all. The people’s fear may have resulted from the extraordinary seismic and meteorological events that were already occurring prior to the revelation itself, in which case they must have urged Moses to approach God on their behalf before the lawgiving began. This assertion may seem odd, since it ignores the sequence of verses in the text of the Pentateuch, but both ancient and modern interpreters have recognized that the order in which material is presented in biblical narratives does not always attempt to mimic the order of the events they describe.¹⁰⁸ As the thirteenth-century exegete, Nachmanides, points out in support of this reading (in his commentary to 20.18-19), the people do not say to Moses in 20.19, “Let not God speak to us any more, lest we die,” nor “Let not God continue speaking to us...,” but simply, “Let not God speak to us, lest we die.” Further, the syntax, *waw* + noun + participle, in Exodus 20.18 resembles the phrasing that denotes a past perfect in biblical Hebrew, and may thus indicate that the event described in 20.18 took place prior to what precedes it in the text.¹⁰⁹ If this is the case, then the nation did not hear the Ten Commandments at all; the entirety of those commandments, along with all the other commandments in the Torah, came to the nation exclusively through Mosaic intermediation.

A third ambiguity occurs in Exodus 20.1: “God spoke all these words, saying.” This sort of phrasing (viz., “God/Yhwh spoke/said...saying”) is exceedingly common in the Bible; verses with the subject “God” or “Yhwh” and the *waw*-consecutive verb

107. This possibility was recognized as early as the thirteenth century; see Hizzequini's commentary to Exodus 20.18.

108. See the famous dictum of the midrashists, “There is no early or late in the Torah” (e.g., in *Sifre Bemidbar Par. Beha’alotka* to 9.1; b. *Pesahim* 6b).

109. Cf. Joüon and Muraoka, *JM*, §118d, 166j.

“spoke” (ויִדְבַר) or “said” (וַיֹּאמֶר) occur 339 times. In every occurrence other than Exodus 20.1, the text uses the word אַל or the particle לֹ to tell us explicitly whom God addressed (thus, “Yhwh spoke to Moses, saying,” or “God said to Moses and Aaron, saying”).¹¹⁰ Only in the verse introducing the Ten Commandments in Exodus is there any doubt about the recipient of divine speech, a fact that is jarring to an audience whose ears are familiar with the hundreds of cases of the normal form.¹¹¹ (This absence bothered ancient translators: the Alexandrinus codex of the Septuagint adds the words, “to Moses,” while the Old Latin adds “to the people.”) It is striking that this ambiguity crops up precisely at the most central, most foundational case of divine revelation in the entire Bible. One might view all previous revelations as leading to the event at Sinai and all subsequent ones as echoing it, repeating it, building upon it, or pointing towards its importance; certainly this is the way Jewish tradition has come to regard the Sinai revelation.¹¹² As a result, the absence of a dative prepositional phrase indicating the

110. Two apparent exceptions are in fact not exceptions at all; in 2 Kings 21.10, the immediate recipients of the divine speech are introduced by the word “through” (בְּיָד) rather than “to,” and in Genesis 17.3, the recipient is introduced by the word “with” (אִתּוֹ).

111. See Toeg, *Lawgiving*, 62–64, though Toeg explains the reasons for the unusual phrasing here differently, on the basis of the theory (which strikes me as entirely unconvincing) that the Ten Commandments were added to the redacted text of Exodus much later than the narrative surrounding them. Other commentators (e.g., Dillmann and Ryssel, *Bücher Exodus und Leviticus*, 218) mention that the verse does not specify who received the utterance without noting the significance of the unusual absence of the dative.

112. On Sinaitic revelation as the mother of all subsequent revelations in Judaism, see the notion, discussed in chapter 5 below, that all Jewish teachings through the ages were already revealed in some form to Moses at Sinai. This teaching appears several times in classical rabbinic literature -- e.g., in b. *Megillah* 19b, y. *Pe’ah* 2:6 (=13a), *Shemot Rabbah Ki Tissa’* 47:1. Cf. Maimonides’ Seventh Principle of Judaism (in his commentary to Mishna Sanhedrin 8:1), in which he describes Moses as “the father of all prophets who preceded him or who came after him.” The importance of Sinai for all subsequent revelations is discussed throughout the essays in George J. Brooke, Hindy Najman, and Loren T. Stuckenbruck, eds., *The Significance of Sinai: Traditions About Sinai and Divine Revelation in Judaism and Christianity*, Themes in Biblical Narrative, vol. 12 (Leiden ; Boston: Brill, 2008). On the conviction in Second Temple Judaism that later revelations receive authority through their connection or resemblance to the Sinai revelation, see Hindy Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, JSJSup, vol. 77 (Leiden ; Boston: Brill, 2003). Regarding the conception that all subsequent revelations, teachings, and mystical experiences are echoes of Sinai, see Gershom Scholem, “Revelation and Tradition as Religious Categories in Judaism,” in *The Messianic Idea in Judaism* (New York: Schocken, 1971), esp. 288–90. The importance of Sinai is not only a post-biblical development. As Shimon Gesundheit, “Das Land Israels als Mitte: einer jüdischen Theologie der Tora Synchronie und diachrone Perspektiven,” *ZAW* 123 (2011): 333, notes, “Gemäß der Ätiologie der Prophetie im Prophetengesetz in Dtn 18,15-19 ist die Prophetie nach Mose nichts anderes als die Fortsetzung der Offenbarung am Horeb mit anderen Mitteln. Alle zukünftigen Propheten sind Mose ausdrücklich gleichstellt.” The connection between Deuteronomy 18.15-22 and our story, which establishes all subsequent prophecy as a continuation of the Horeb event, was made already by ancient copyists, who added those verses or paraphrases of them to the text in Exodus immediately after the Decalogue, in which people request that Moses serve as intermediary. See, in the Dead Sea Scrolls, texts such as 4QGen-

recipient of the revelation commands our attention. The unprecedented phrasing startles us and calls us to wrestle with the question: From whom did Israel receive the text of the Decalogue?

A fourth ambiguity results from the fact that one can punctuate the crucial verses where chapter 19 leads into chapter 20 in two different ways. One might understand Exod 19.25-20.2 as follows:

²⁵Moses came down to the people and spoke to them. ¹Then God spoke all these words, saying, ²“I am Yhwh your God who took you out of Egypt, out of the house of bondage...”

But it would be just as defensible to render these verses as follows:

²⁵Moses came down to the people and said to them, ¹“God spoke all these words, saying, ²“I am Yhwh your God who took you out of Egypt, out of the house of bondage...”’”

In the former rendering, we first hear the narrator’s voice, and then we hear the narrator quoting God’s voice. Thus understood, the text reports that the people hear God’s voice pronouncing the Decalogue. In the latter rendering, however, the text informs us that the Israelites hear Moses reciting the Decalogue, which he had heard in turn from God.¹¹³ Thus the nation received the Decalogue only through human mediation. Both these translations are legitimate -- and both, significantly, have strikes against them. Against the former understanding, we can note that the verb that appears in 19.25, ויאמר, typically introduces direct speech; it is properly translated, “He said” (rather than what I suggested in the first rendering, “He spoke”), and it is normally followed by the words that the verb’s subject utters.¹¹⁴ But we can also find several faults with the second

Exodus¹, 4QpaleoExodus^m, 4QBibPar *ad loc.*, and see further the discussion in William Propp, *Exodus 19–40: A New Translation with Introduction and Commentary*, AB (New York: Doubleday, 2006), 2:115. 113. Cf. the reading of the final form of the text in Propp, *Exodus 19–40*, 167.

114. In other words, אמר always takes an object, whether that object consists of quoted material (in which case we can translate אמר as “say”) or of a noun or a relative pronoun (in which case we can often translate אמר as “mention, specify, designate”). See further the examples listed in Brown, Driver, and Briggs, *BDB*, 55, section 1, under the rubric “*mention, name, designate*”, all of which have an object and none of which should be translated as “speak.” When the verb means “command,” the object is sometimes implied (see examples in section 4 of the *BDB* entry); even in these cases, one cannot translate the verb as “speak,” as the first option above suggests. Other than Exodus 19.25, there are only three cases in which the verb does not have an object stated or implied, and which thus suggests that the verb might be

rendering. The phrase “God spoke” in 20.1 is formulated using a *waw*-consecutive. This formulation suggests that God’s act of speaking came immediately after Moses’ act of speaking. If that is so, then the phrase “God spoke” are the words of the narrator, not of the character Moses.¹¹⁵ Further, it would have been odd for Moses to begin a new statement with a *waw*-consecutive, which correctly is the *continuation* of a narration that was already taking place in a previous sentence.¹¹⁶ In short: our narrative narrative uses phrasing that forces us to debate whether God or Moses uttered the Decalogue to the nation, and it precludes us from bringing this debate to any definite conclusion.

One final textual feature focuses our attention on the character of the nation’s perception at Sinai (or, to use phrasing from the standard English translation of Maimonides’ *Guide of the Perplexed*, on the modality of apprehension at Sinai¹¹⁷). I refer to the arresting phrasing in Exodus 20.18: וְכָל-הָעָם רָאוּ אֶת-הַקּוֹלֹת וְאֶת-הַלַּפִּידִם וְאֶת קוֹל הַשֹּׁפָר וְאֶת-הַהָרָה עֹשֶׂה אֵשׁ: “All the people had seen the voices/thunders and the blazing lightning and the sound of the shofar and the smoke from the mountain.” The verb רָאוּ normally means “to see,” and for this reason, some commentators (such as Rashi) point out the oddity of the phrasing. The phrasing presents us with a paradox of visible sound and thus suggests that whatever act of cognition took place during the lawgiving was singular; it did not involve the sort of cognition that takes place when one human being talks to another.¹¹⁸ To be sure, some commentators attempt to reject the notion that the phrasing raises a paradox. Ibn Ezra point out that the verb רָאָה sometimes means

translated as “speak” (as argued by Propp, *Exodus 19–40*, 145). Two of these, Genesis 4.8 and 2 Chronicles 32.24 are textually suspect (see the critical commentaries *ad loc.*). The third example of *amar* without an object is Judges 17.2, but the object “imprecation” is clearly implied by the immediately preceding verb. Thus it is clear that Exodus 19.25 presents at the very least an unusual and arresting use of the verb that avoids the clarity that could easily have been achieved by using the verb *דבר*. On this anomaly, see already Driver, *Exodus*, 168 and 175.

115. Hence my very literal translation of the *וַיֹּאמֶר* of the *waw*-consecutive in the first rendering as “Then.”

116. As Propp, *Exodus 19–40* rightly notes (145): “If Moses were reciting the Decalog in Exod 20:1, he would surely begin, ‘thus said Yhwh,’ not, ‘And Deity spoke.’ That sounds like a narrator.”

117. Moses Maimonides, *The Guide of the Perplexed*, trans. Shlomo Pines, introd. by Leo Strauss (Chicago: University of Chicago Press, 1963), II:33=pp. 364, 366.

118. For good overviews of the exegetical problem here, see Michael Carasik, “To See a Sound: A Deuteronomic Rereading of Exodus 20:15,” *Prooftexts* 19 (1999): 262, as well as Assnat Bartor, “Seeing the Thunder: Narrative Images of the Ten Commandments,” in *The Decalogue in Jewish and Christian Tradition*, ed. Henning Graf Reventlow and Yair Hoffman, Library of Hebrew Bible/Old Testament Studies (New York: T. & T. Clark, 2011), 13–14 and notes there.

“perceive” in a general sense, not just perceive through the eyes.¹¹⁹ It is true that רָא"ה carries a range of meanings not limited to sight, but, against ibn Ezra, it must be stated that the number of times this verb is used for a specific sense perception other than sight is vanishingly small; Genesis 2.19, Genesis 27.27, Jeremiah 33.24, Habakkuk 2.1 strike me as the only strong examples, and even those might be explained as examples of other meanings of the verb רָא"ה, such as “think about,” “attend to,” or “understand,” rather than as “perceive non-visually.”¹²⁰ Further, even if ibn Ezra’s explanation is valid, the narrator’s decision to use the verb רָא"ה in a rare sense (“perceive through any sense organ, including the ear”) rather than its most typical sense (“perceive through the eye”) encourages the reader to slow down and to ponder how, precisely, the information came into the people’s mind. Umberto Cassuto also attempts to downplay the oddity, but in a different way; he suggests that the use of “to see” here is a case of zeugma -- that is, the use of this verb is suited to some of its direct objects (viz., the lightning and the smoke from the mountain) but not to others (the various sounds).¹²¹ Even if he is correct,¹²² the narrator’s decision to put the inappropriate accusative first rather than one of the accusatives that more appropriately matches the verb focuses our attention on something that at least initially appears paradoxical.¹²³ Thus it seems reasonable to

119. See his commentary to our verse. (So also, e.g., Dillmann and Ryssel, *Bücher Exodus und Leviticus*, 245.) The debate between Rashi and ibn Ezra recapitulates one between Rabbi Akiva and Rabbi Ishmael in *Mekhilta d’Rabbi Yishmael, Behodesh 9*: the former (stressing paradox) claims that the people saw and heard what was visible, while the latter (striving to see the verse as a more typical human use of language) claims that they saw the visible but heard the aural.

120. The verb רָא"ה means “perceive,” “attend to,” “understand,” or “think about” quite often in verses that do not involve a specific non-visual sensory perception such as hearing or smelling. See Brown, Driver, and Briggs, *BDB*, 906 §6d,g and §7; Ludwig Koehler, et al., *The Hebrew and Aramaic Lexicon of the Old Testament*, trans. M.E.J. Richardson (Leiden: E.J. Brill, 2001), s.v. רָא"ה §§2, 6e, 13. See further Isaac Leo Seeligmann, “Knowledge of Yhwh and Historical Consciousness in Antiquity,” [in Hebrew] in *Studies in Biblical Literature*, ed. Avi Hurvitz, Ammanuel Tov, and Sara Japhet (Jerusalem: Magnes Press, 1996), 155–58.

121. Cassuto, *Exodus, ad loc.* The claim that the passage presents a case of zeugma is also found in passing in Martin Noth, *Exodus, a Commentary*, trans. John Bowden (Philadelphia: Westminster Press, 1962), 168, and Propp, *Exodus 19–40*, 181. For a different suggestion that attempts to explain the phraseological oddity on a rational plane, see Samson Raphael Hirsch, *Der Pentateuch übersetzt und erläutert* (Frankfurt am Main: J. Kaufmann, 1899), 218, who maintains that the phrasing signifies that they were able to perceive that the lightning they saw and the voice they heard were coming from the same place.

122. Carasik, “To See,” 262, notes that Cassuto himself does not seem fully convinced by his explanation, since he goes on to provide another one, to wit, that (following ibn Ezra) the verb רָא"ה can mean “perceive” more generally.

123. That the Samaritan Pentateuch reads the verb שמע here suggests that רָא"ה is at least a *lectio difficilior* (whether the Samaritan text made the change consciously or unconsciously) that calls out for

agree with Nahum Sarna, who maintains that “the figurative language indicates the profound awareness among the people of the mystery of God’s self-manifestation; an experience that cannot be adequately described by the ordinary language of the senses.”¹²⁴

It cannot be a coincidence that these five ambiguities in Exodus 19-20 all raise a single issue: the manner and extent to which the Israelites were in contact with the divine at Sinai, and, more specifically, the nature of their apprehension of the lawgiving. These ambiguities force the audience to contemplate two related questions: (1) What was the basic nature of the revelation the nation experienced? Did it consist of an overwhelming event without communicating specific content (*qol*=thunder), or did it involve specific words that enunciated the laws known from the text of Exodus 20.1-17 (*qol*=voice)? (2) Did the nation Israel hear the text of the Decalogue (or parts thereof) directly from God, or did they hear them exclusively as the product of prophetic mediation? Three answers emerge regarding this second question: they heard all of the Ten Commandments (if we understand the textual location of Exodus 20.18-22 as reflecting temporal sequence), they heard some of them (if we understand the conversation described in 20.18-22 as occurring during the revelation), or they heard none of them (if we understand the conversation in 20.18-22 as preceding the revelation). This second question might be recast: To what extent was the lawgiving a private event involving Moses, and to what extent was it a public one involving the whole nation?¹²⁵ Our five ambiguities are in fact manifestations of a single concern, which the text repeats insistently. The Book of Exodus as we have it does not want the audience to know whether the Decalogue is exclusively divine in origin, essentially Mosaic, or a mix of the two. The book does, however, force the audience to wonder

exegetical attention. Similarly, 4Qpaleo-Exod^m has the people *hear* the sounds and *see* the torches; see Propp, *Exodus 19–40*, 114.

124. Nahum Sarna, *Exodus*, JPSTC (Philadelphia: Jewish Publication Society, 1991), 115. Cf. Robert Alter, *The Five Books of Moses: A Translation with Commentary* (New York: W.W. Norton & Co., 2004), *ad loc.*: “The writer presents the Sinai epiphany as one tremendous synesthetic experience that overwhelms the people while - the temporal force of the participle ‘seeing’ - the Ten words are enunciated...*lapidim*, ‘flashes’ is not the usual designation for lightning but rather a term that generally means ‘torches,’ here conveying the visual immediacy of the lightning flashes.” Similarly, Heschel, *God in Search*, 249, 250: “The voice of God is incongruous with the ear of man....We do not *hear* the voice; we only *see* the words in the Bible.”

125. Toeg’s detailed study focuses attention helpfully on this issue; see especially Toeg, *Lawgiving*, 39–41, 48–59. On the public/private issue, see also the very fine discussion in Childs, *Exodus*, 351–60.

about this issue, to think through various possibilities, to see their strengths and weaknesses, and perhaps also to think about their implications. Exodus endorses a question, but not an answer; a debate, but not a resolution.

The full implications of this debate will receive attention later in this chapter and in the conclusion of this book, but it is worth pausing at this point to sketch out briefly what is at stake in the equivocation that centers around Moses' intermediation. Jewish tradition encompasses what we might call a high theology of legal authority, according to which Jewish law is based on the actual words of God found in the Torah, which were revealed to Israel at Sinai. While the law as observed in rabbinic communities follows specifics found in talmudic literature, and while those specifics are built upon human interpretations of Pentateuchal texts, the texts being interpreted (according to this high theology) contain God's actual words. According to what we may call a low theology of legal authority developed by thinkers such as Rosenzweig, Heschel and Louis Jacobs, the biblical texts themselves are largely or even entirely products of human beings who respond to the revelation at Sinai.¹²⁶ Now, the extent to which human beings might feel free to alter or correct the laws based on the revelation at Sinai will be very limited if one believes those laws are rooted in a legislative text whose wording came down from heaven. But it may be considerably less limited if one believes that the biblical legislation itself was already the product of human interpretation, so that its actual

126. This theme appears throughout Heschel's *oeuvre*, but of particular importance for understanding the practical and halachic implications of Heschel's theology of revelation are Heschel, *Torah min Hashamayim*, volume 2, *passim*, and esp. 3:49–138 (=Heschel, *Heavenly Torah*, 321–640 and esp. 680–769); Abraham Joshua Heschel, "Toward an Understanding of Halacha," in *Moral Grandeur and Spiritual Audacity: Essays*, ed. Susannah Heschel (New York: Farrar, Straus & Giroux, 1996), 127–45; Heschel, *God in Search*, 213–17. See also the discussion of these issues in Heschel's thought provided by Even-Chen, *Voice*, 154–79, and in Arnold Eisen, "Re-Reading Heschel on the Commandments," *Modern Judaism*, 9 (1989): 1–33. From among Jacob's works, see esp. Louis Jacobs, *A Tree of Life: Diversity, Flexibility, and Creativity in Jewish Law*, Littman Library of Jewish Civilization (Oxford: Oxford University Press, 1984), and Louis Jacobs, *Beyond Reasonable Doubt* (London: Littman Library of Jewish Civilization, 1999), 106–31. For other presentations of this sort of approach, see Gillman, *Sacred Fragments: Recovering Theology for the Modern Jew*, esp. 39–62; Elliot N. Dorff and Arthur Rosett, *A Living Tree: The Roots and Growth of Jewish Law* (Albany, N.Y.: State University of New York Press, 1988); Elliot N. Dorff, *The Unfolding Tradition: Jewish Law After Sinai*, rev. ed. (New York: Aviv Press, 2011). One can debate my claim that Rosenzweig put forward a low theology of legal authority rather than a low theology of revelation without legal authority; more on that later. In any event he developed a theology that involved a similar view of the events of revelation themselves. For a discussion of this issue in Rosenzweig's *oeuvre*, see below in chapter 3, * * * * * [create reference label below and then insert cross reference here].

phrasing is the work of Moses and those who followed him.¹²⁷ If human intermediaries wrote the laws found in the Torah, even those in the Decalogue, as an attempt to translate God's non-verbal *qol* into human language, then the authority behind the law in general remains fully divine, but the specifics of any given law are human.

The insistent focus of Exodus 19-20 on the question of Mosaic intermediation represents an attempt by biblical authors themselves to raise the sorts of questions central to the work of Rosenzweig, Heschel, Jacobs, and similar thinkers. If the nation Israel heard the Ten Commandments in their entirety directly from God, then we know that God does indeed speak in a human voice, using words found in a human language - - specifically, in the dialect of ancient Canaanite we call Hebrew. If this is the case, then it is possible that other laws found in the Torah were also literally the word of God. When the text reports that God "spoke" to Moses and gave him this or that commandment (as the Torah does throughout the Exodus, Leviticus, and Numbers), "speaking" can reasonably be interpreted as speaking in the sense that one human speaks to another. The people, having heard one sample of divine speech in human language, can presume that the laws they subsequently received through Mosaic intermediation were conveyed in words, as the Ten Commandments were. They can then understand that Moses, when acting as God's intermediary, is functioning as a stenographer, not as an interpreter, or to use Heschel's terminology: as a vessel rather than a partner.¹²⁸ On the other hand, if the nation never heard the Decalogue from God but experienced an overwhelming sense of God's presence, then all the laws they received from Moses may in fact have been Moses' own formulation of God's non-verbal command. In this case, whatever the Israelites know of the laws, they know from a fellow-human and not from God. It remains possible that when Moses or the narrator says that God "spoke" to Moses, they mean that God literally uttered words to him (in which case we can return to a high theology of revelation), but it is also possible that

127. See further on this theme, in Heschel and in Jewish thought more generally, Arnold Eisen, "Re-Reading Heschel," 16-17.

128. On the question of whether Moses and other prophets were stenographers or took a more active role in shaping their proclamation, see my discussion in the next chapter. Heschel treats this especially in Heschel, *Torah min Hashamayim*, 2:264-98 (=Heschel, *Heavenly Torah*, 478-501). Addressing a similar question about Paul, the British biblical scholar H. H. Rowley introduces two useful terms when he claims that Paul "was the ambassador, not the postman." See Harold H. Rowley, *The Relevance of the Bible* (London: James Clark, 1942), 47.

“spoke” in such a sentence (perhaps: in any sentence where God is the subject) refers to a communication that Moses had to translate into human language. If the people never heard any of the Ten Commandments, then they cannot know whether the high theology of revelation or the low one is true; and, since the final form of the Book of Exodus does not allow us to know definitely whether the nation heard any of the Ten Commandments, neither do we. We can go a step further: because the Book of Exodus repeatedly calls attention to the question of intermediation without allowing us to be certain about its answer, the book forces the nation Israel to hover between two models for understanding revelation. The audience of Exodus must contemplate each possibility seriously but skeptically, unable to reject either one.

One might argue against my whole line of reasoning and in defense of the high theology by pointing out that, regardless of the complexities of chapters 19-20, the Torah tells us hundreds of times that God “spoke” (וידבר) to Moses or “said” (ויאמר) certain words to him. As recognized most famously by Maimonides, however, the crucial question we confront throughout the Torah is what these verbs mean when their subject is God.¹²⁹ The purpose of the ambiguities in chapters 19-20, which are at once insistent and consistent, is to problematize sentences that link this subject to these two verbs, sentences that occur throughout the Torah, and indeed throughout the Bible. These two chapters shed light on all cases of divine speech -- or, to speak more precisely, they set a cloud over them. Thus one cannot use the frequent occurrence of verses like, “God spoke to Moses, saying,” to show that God really does talk in human language. Rather, the Torah encourages us to conclude from its web of ambiguities in Exodus 19-20 that we cannot be sure whether God talks, even to Moses, in the human language we know.¹³⁰ In so doing, the Torah problematizes its own authority without in any way renouncing that authority. The Torah’s project of self-problematization has important implications for, and affiliations in, later Jewish thought, and I will discuss these later on; but these brief remarks are necessary here to give a sense of why the exegetical journey in which we are engaged matters.

129. See Maimonides, *Guide*, Book I, chapters 65–67.

130. My thanks to Dan Baras for encouraging me to express myself more fully on this point.

The Evidence of Chapter 24

I have focused up until now on Exodus 19-20. The story of the revelation on Mount Sinai continues in chapter 24, and the relation of the events it describes to those that occur in chapters 19-20 demands attention. Exodus 24 can be seen to cover the same ground as chapter 19 and 20.18-23, often using the same vocabulary to do so. The Mekhilta of Rabbi Shimon Bar Yoḥai to Exodus 24.1 points out that in both texts God directs Moses to “come up” to God along with Aaron (19.24, 24.1); in both the people are “far off” (20.18, 24.1); both specify that only Moses “approached” God (20.18, 24.2). Thus the Mekhilta concludes that these two texts describe a single event.¹³¹ Rashi concludes that chapter 24 narrates events that preceded the giving of the Decalogue, thus partly overlapping with chapter 19. Consequently, one might read chapter 24 as it appears in the final form of Exodus as an appendix to the Sinai narrative that preserves additional or alternative memories of the events at Sinai. To be sure, other readings are possible, especially if (as we shall do in the next section) one reads the material source critically,¹³² but it is at least plausible to read Exodus 24 as another representation of the events described in Exodus 19-20.

How does chapter 24 address the ambiguities regarding what the people perceived at Sinai? Significantly, this chapter does not portray the people as hearing anything at all. The auditory imagery that appears so prominently in 19-20 is completely lacking here. Likewise absent are any other aspects of the trembling of nature associated with Baal’s theophany in Canaanite literature and found in texts such as Judges 5.4-5, Habakkuk 3.3-6, Psalm 18.8-16, Psalm 29.3-9, and Psalm 68.8-11. The absence of the auditory goes well beyond the absence of thunder or noises one might associate with a storm or an earthquake. The chapter does not describe the people as hearing commandments, words or sounds of of any kind from God. The question of the the nature of the *qol* the people heard (voice or thunder?) receives no clarification here.

131. J. N. Epstein and E. Z. Melammed, *Mekilta de-Rabbi Šimon* (Jerusalem: Beit Hillel, 1979), 220. For a list of additional correspondences, see Toeg, 40-41. Note the similar conclusion of the Mekhilta of Rabbi Yishmael, according to which the events described in chapter 24 took place on the fifth of Sivan (one day before the giving of the Ten Commandments, and one day after the washing described in 19.10); see Horovitz, *Mekhilta D’Rabbi Ismael*, 211.

132. Some commentators view the chapter as an event that took place after the Ten Commandments were given. See especially Nachmanides to 24.1, and see Childs, *Exodus*, 504. On the very complicated traditional historical issues in this chapter, see Toeg, *Lawgiving*, 39-43; Childs, 499-502; Blum, *Studien*, 90-99, in addition to my discussion of passages from the chapter in the next section.

Rather, the revelation chapter 24 describes was visual. There the elders and Moses are vouchsafed the sight of Yhwh. The question of public vs. private revelation is also handled radically differently from what we found in 19-20. Instead of hinting now that the direct revelation involved the whole nation and elsewhere than it involved only Moses, this chapter moves definitively to a third option: The nation as a whole was not present for the vision. Only the elders and members of Moses' own family saw Yhwh; and Moses alone received laws. Further, because Exodus 24.11 portrays the elders as eating and drinking during or immediately after the vision, one does not have the sense that the revelation was a tremendously overpowering event. Thus this chapter takes the audience of the Book of Exodus in directions that differ significantly from the earlier chapters, suggesting a completely different understanding of revelation: the theophany was first and foremost an experience of God rather than as lawgiving. The chapter is free of ambiguity by itself, but taken alongside chapters 19-20 it adds to our sense that the events at Sinai can be conceptualized or recalled in fundamentally different ways. This sense will be sharpened as we move away from a synchronic reading of these chapters to attend to the historically diverse sources from which the final form of Exodus has been built.¹³³

133. The Sinai narrative in Exodus continues after chapter 24 with the stories of Moses' absence on the mountain, the Golden Calf, and the second tablets. Examining this rich set of narratives from a synchronic point of view would take us further afield of the core issues of revelation and authority that interest me in this book, but it is worth noting the implications of the fact that the Tablets that were finally preserved in the ark were secondary and (at least in the most plausible reading of Exodus 34.27-28 as the canonical form of the text stands) written down by Moses, not by God. As my son Avraham suggested to me, "The stone tablets, which were provided by God and Written by God, and as such were completely divine, were given, but then broken. This means that a form of torah which is purely divine cannot exist on Earth. But the other set was provided by Moses but written by God. As such it was partly human and partly divine. As such, it could exist on Earth." Thus the motif of the secondary tablets which were a mixture of human and divine replacing the shattered divine tablets may serve as a metaphor for the nature of the Torah that Israel receives (as opposed to the somewhat different Torah that God gave). We will return to this distinction especially as we attend to the work of Heschel below. On the complicated question of what actually was on the Tablets according to various sources and redactions and also who wrote the second set of Tablets, God (34.1) or Moses (34.27), and finally the related question of whether what is presented in our redacted book of Exodus as the giving of the second set of Tablets might originally have been an another narrative regarding the giving of the first and only set, see the overview in Crüsemann, *Torah*, 50-55. Many of the suggestions given are far-fetched, but Crüsemann succeeds in showing why the question is difficult to answer. See further, in addition to the relevant material cited in the next section, the essays in Matthias Köckert and Erhard Blum, eds., *Gottes Volk Am Sinai: Untersuchungen zu Ex 32-34 und Dtn 9-10*, Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie, vol. 18 (Gütersloh: C. Kaiser, Gütersloher Verlagshaus, 2001).

Lawgiving in the Torah's Sources

Until now we have examined the lawgiving in Exodus 19-20 in the Book of Exodus in its canonical form. We found it to be full of gaps, ambiguities, discontinuities, and even outright self-contradictions. Some of these textual phenomena are likely to result from the subject matter of the text: human language cannot adequately portray an event in which heaven comes to earth and the transcendent becomes immanent. These phenomena, however, do not result exclusively from the subject matter of these chapters. Similar gaps, discontinuities, and contradictions appear in narratives throughout the Pentateuch. Further, significant contradictions appear among legal passages found in the Torah. These textual phenomena led scholars over the past several centuries to propose theories concerning sources, editorial layers, and scribal insertions from which the Pentateuch as we have it was formed. I regard the most famous of these theories, the Documentary Hypothesis, as especially likely, and thus I find it useful to examine how the three sources that were combined to form Exodus 19-24 portray the revelation at Sinai. By isolating each of the sources, scholars have recovered older voices from the history of Israelite theology, voices that are able to speak more distinctly when we hear each one by itself. These voices preserve differing memories of the event at Sinai,¹³⁴ and each of these memories serves as a religiously valuable testimony for a person for whom the Bible functions as scripture.¹³⁵ How does each voice recall Sinai?

134. Cf. Greenstein, "Understanding," 277–78, who points out that the differences among the memories preserved in Exodus 19-24 reflect not only different perceptions of the event itself but different ways of preserving, interpreting, and passing on those perceptions "The Torah's description of the Sinai event is not only an explanation, or interpretation, rather than a transcription of the experience. It is a report of the Sinai experience that had been passed on among the Israelites for at least a few generations before it was written down in something like its present form. This means that the story was changed as it was told and retold from parent to child to grandchild... The Torah's report of the Sinai event is not only an interpretation of experience; it is a remodeled memory of the interpretation. In fact, our own interpretation of the Torah is also a remodeling of the explanation...The biblical account of the Sinai revelation is a mixture of the Israelites' perception of their experience and their transmission of that perception. Both processes have the effect of distancing us from the event itself."

135. For the argument that source criticism is religiously valuable because it allows us to recover theologically meaningful views of the revelation that existed in ancient Israel that are harder to see if we focus on the final form of a biblical text, see, Baruch Schwartz, "Concerning the Origin of the Law's Authority: 'Grundnorm' and Its Meaning in the Pentateuchal Traditions," [in Hebrew], *Shnaton Ha-Mishpat Ha-Ivri* 21 (2000): 254. The same point has been made in relation to other issues, such as conceptions of God in the Torah and the theme of the promises to the patriarchs, concerning which see, respectively, Benjamin D. Sommer, *The Bodies of God and the World of Ancient Israel* (New York: Cambridge University Press, 2009), 124–26, and Joel Baden, *The Promise to the Patriarchs* (New York: Oxford University Press, forthcoming), chapter 5 (middle). Thus, what makes the redaction of the Pentateuch interesting is precisely the fact that it works so hard to preserve older and authoritative

Are the ambiguities we noted above peculiar to one particular source, common to several, or the product of the redactor who brought the sources together? To answer these questions, I will discuss the E, P, and J documents, as they have been reconstructed by the classical late nineteenth century source critics and by the most prominent contemporary proponent of the Documentary Hypothesis, Baruch Schwartz of the Hebrew University, who has written extensively on the passages under question.¹³⁶

This second stage of our examination of the Pentateuch's Sinai traditions will allow us, first, to sense the extent to which teachings about revelation were already subject to rich debate in the biblical period itself, and, second, to see how the modern debates about revelation recall and re-enact the biblical debate. Inevitably, this second stage of our exegetical journey will be more speculative than the first, since it requires me to present what can only be a hypothesis regarding the precursor texts from which the Pentateuch was formed. Given the plethora of such hypotheses among contemporary biblical scholars, some of my colleagues in the guild of biblical studies will find parts of that treatment more convincing than others.¹³⁷ Readers who are skeptical

documents without smoothing away the differences between them, as shown by Baruch Schwartz, "The Torah - Its Five Books and Four Documents," [in Hebrew] in *The Literature of the Hebrew Bible: Introductions and Studies*, ed. Zipora Talshir (Jerusalem: Yad Ben-Zvi Press, 2011), 213–18.

136. For a brief discussion of the theories concerning the Pentateuch's composition, see note 18 in chapter 1 above, which provides basic bibliography both for the classical Documentary Hypothesis and for newer theories that challenge it. For alternate theories concerning the composition of the Sinai pericopes in particular, see esp. Toeg, *Lawgiving*, and Thomas Dozeman, *God on the Mountain* (Atlanta: Scholars Press, 1989). In what follows, I primarily follow the rigorous, massively detailed and yet elegant revision of the classical theory available and defended in the works of Menahem Haran, Joel Baden, and above all Baruch Schwartz. Schwartz has written extensively on the Sinai traditions and their development; see his accessible introduction in Schwartz, "What Really", as well as his more detailed studies in Schwartz, "Concerning the Origin of the Law's Authority: 'Grundnorm' and Its Meaning in the Pentateuchal Traditions", and most of all the brilliant *tour de force* in 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: Eisenbrauns, 1996), 103–34. See also his theological reflections in Baruch Schwartz, "The Giving of Torah: The Contribution of Biblical Criticism to Understanding the Concept in the Past and the Present," [in Hebrew] in *Jewish Thought and Jewish Belief*, ed. Daniel Lasker (Beersheva: Ben Gurion University, 2012), 21–31. See further the important source-critical discussion in Joel Baden, *J, E, and the Redaction of the Pentateuch*, FAT (Tübingen: Mohr Siebeck, 2009), 153–71. I should add that some of my readings of the E source as isolated by Schwartz and Baden differ from theirs; while I follow their source-critical isolation of the relevant verses, I propose my own literary-critical interpretation of the sources, which in some respects contradicts theirs.

137. In particular, almost all modern biblical scholars agree on the division between the priestly and non-priestly sections the Pentateuch, and most will be able to read my analysis of P's Sinai narrative without any significant disagreement about the extent and shape of that narrative. Debate will be more substantial in regard to what I describe as E, since many contemporary scholars, especially in Europe, do not believe that what I regard as the E strand of the Pentateuch exists as a consistent, much less

of the whole attempt to find these older sources might even prefer to skip this section of the current chapter altogether. It would be possible to do so without destroying the larger trajectory of the book's argument, since the patterns of ambiguity we find in the first stage already provide a precursor to the lower theology of revelation found in modern Jewish theology. Yet doing so would cause a reader to lose sight of the extent to which the questions that exercised later Jewish thinkers were already debated among the biblical authors themselves. Even though some of my colleagues in biblical studies can propose alternate theories regarding precisely how that debate transpired in ancient Israel, the fact that such a debate occurred remains clear, and it will be worthwhile for us to get a detailed and textured, if somewhat speculative, sense of how the conversations and disputes concerning this issue developed in its most ancient stages.

Revelation in E

The E source is the most major source in Exodus 19-24. According to Schwartz, it is comprised of Exodus 19.2b-9a, 19.16.a α -17, 19.19, 20.1-23.33, 24.3-8, 24.11b β -15, 24.18b. The Sinai story in E according to Schwartz continues in Exodus 31.18 (minus a few words), 32.1-8, 32.10-25, 32.30-35, 33.6-11, 34.1, 34.4-5a, 34.28. (Some other scholars' proposals regard the extent of E, we shall see, differ from Schwartz's in a crucial respect.¹³⁸) The verses read perfectly well as a continuous narrative of revelation. What theology of revelation do they present if we read them as the coherent unit they appear to be? What religious teaching can we recover by accepting E as a teacher of *tora*h?

previously self-contained, block of material. For this reason, I take some trouble to examine several models of what the tradition in question does and does not include within the Sinai chapters. The question of whether and to what extent what I term E material within Exodus 19-34 links up with certain blocks elsewhere in the Pentateuch is of little importance for the exegetical claims I make here. Consequently, supporters of newer theories associated with my teacher Rolf Rendtorff and my friends Erhard Blum, Konrad Schmid, David Carr, Jan Gertz and Thomas Dozeman can evaluate my exegetical claims quite independently of our disagreement about the continuity or existence of a longer E strand. Regarding the remaining material in Exodus, disagreement is much greater; many scholars will wonder about the extent to which that material is from a single school. For this reason, I invest less time on that material and present a much less comprehensive reading of it, noting only a few thematic elements that recur in those passages.

138. For a convenient presentation of Schwartz's divisions, see Schwartz, "What Really". Similar source critical analyses are found in J.E. Carpenter and G. Harford-Battersby, *The Hexateuch According to the Revised Version*, 2 vols. (London: Longmans, Green, and Co., 1900), 109-19; Dillmann and Ryssel, *Bücher Exodus und Leviticus*, 206-26, 245-58, 284-92.

First, this narrative puts a strong emphasis on the idea of the law the people agree to observe as the main, indeed the sole, expression of the covenant between God and Israel. E presents this law as the way the nation acknowledges the benefaction God granted by taking them out of Egypt, and in this respect the nation's observance of the law is oriented towards the past.¹³⁹ Further, the law provides a means for Israel to maintain its special relationship with God, and in this respect observance is oriented towards the present and the future. E introduces this conception of covenant as law at the very outset of its Sinai passage. As is often the case when biblical writers narrate especially momentous events, E slows down the narration by employing a stately, rhythmic prose which, with its parallel clauses and use of synonyms, moves in the direction of classical biblical poetry:¹⁴⁰

³Moses went up to God.¹⁴¹ Yhwh called Moses from the mountain, saying,
 Thus you should say to the House of Jacob,
 thus say to the children of Israel:
⁴You yourselves saw what I did to Egypt,
 how I carried you on eagles' wings,
 how I brought you to Me.
⁵So now --
 if you all truly obey Me
 and adhere to My covenant (בריתי),
 you will be My personal treasure from among all nations.

139. On E's notion that the covenant is the law, and that this law serves as the nation's expression of gratitude toward God, see Schwartz, "Concerning the Origin of the Law's Authority: 'Grundnorm' and Its Meaning in the Pentateuchal Traditions," 258–59.

140. Meir Paran, *Forms of the Priestly Style in the Pentateuch: Patterns, Linguistic Usages, Syntactic Structures*, [in Hebrew] (Jerusalem: Magnes Press, 1989), 98–136, has described the tendency of priestly texts, both narrative and legal, to move from prose to poetry and back to prose in a single passage, especially when momentous events are narrated. The same tendency occurs in other prose sources as well, albeit less frequently. Here it is crucial to recall that prose and poetry in ancient Hebrew were not strictly distinguished, and that a middle ground existed in which poetic features, such as parallelism and rhythm, appeared but did not occur with regularity. See James Kugel, *The Idea of Biblical Poetry: Parallelism and Its History* (New Haven: Yale University Press, 1981), 59–95, esp. 85–87, 94–95. The lines I quote here exemplify this middle ground, moving at times further along this continuum towards the realm of heightened language which we usually term poetry in the Bible (I indicate these places by indenting the second and third parts of a parallel line), but also at times remaining in non-parallel lines typical of prose.

141. Note the syntax (*waw* + subject + suffix verb), which is used here as often to begin a new narrative. Within the redacted text of Exodus 19, this syntax is difficult to explain. It no longer begins a new narrative (since the Sinai narrative begins with P verses in 19.1), but its other likely meaning -- a parenthetical statement, especially in the past perfect -- makes no sense here. This syntax might also be used to emphasize the subject, in contrast to a previous subject, which is possible but not likely, since there is no reason to think that the previous subject (Israel) would be going to see God or to be surprised that it was Moses who did so.

Indeed, all the world is Mine,
6 but you will become My kingdom of priests,
My holy people. (Exodus 19.3-6.)

The covenant or ברית the text mentions does not automatically exist; it is something that the Israelites have to uphold (note the parallelism between obedience and adherence to the covenant in verse 5). The covenant -- which for E simply means the observance of the law -- results in their becoming God's unique possession from among all God's nations. But these verses do not portray the observance of the law as a means for creating a relationship with God. Rather, observance is first of all a response to what God has already done for Israel. God's statement to the people posits a subtle cause-and-effect relationship between the people's recollection of what God did for them by taking them out of Egypt in verse 4 and the requirement that they obey the covenant in verse 5. (I attempt to capture this sense of consequentiality in my translation with the word "So").¹⁴² The laws in question are specified later in the text; they consist not merely, or even primarily, of the Ten Commandments but of the collection of laws found in Exodus 20.23-23.33, which biblical scholars often term "the Covenant Code."¹⁴³ It is that collection of laws to which the people formally assent in 24.3-7, both verbally and through ritual action.

The E narration contains some of the most important elements of the story of the lawgiving as it appears in the canonical form of Exodus. The ancient Near Eastern imagery of theophany appears prominently in E, which tells of thunder, lightning, and

142. This subtle cause-and-effect relationship is indicated by the term, ועתה, which is used (as Brown, Driver, and Briggs, *BDB*, 773 §2b explain) for "drawing a conclusion, esp. a practical one, from what has been stated" -- or, we might add, from what has been perceived. The practical conclusion for the immediate future is stated in an imperative or (as here) in a prefix form. On ועתה as introducing a consequence, especially (as in Exodus 19.2-6) in contexts concerned with the creation of covenant, see H.A. Brongers, "Bemerkungen zum Gebrauch des adverbialen *w^e attāh* im Alten Testament (Ein Lexikologischer Beitrag)," *VT* 15 (1965): 289-99, who speaks of the "Schlussfolgerungscharakter des *w^e attāh*" (290) and translates in these cases as "deshalb," "darum," "also," "deswegen," "so" or "folglich" (293-294). A similar weak cause-and-effect relationship similarly appears when הנה introduces the first clause (which describes what has been noticed) and ועתה introduces the second (which describes the result); see the standard discussion of the issue in Thomas Lambdin, *Introduction to Biblical Hebrew* (New York: Charles Scribner's Sons, 1971), 168-72.

143. See, e.g., Carpenter and Harford-Battersby, *Hexateuch*, 2:111: "E does not base the covenant on the so-called 'Ten Words,' but on the Words now combined with the judgements in the Covenant-book." See also Menahem Haran, *Ha'asufah Hamikra'it: Tahalikhei Hagibush 'Ad Sof Yemei Bayit Sheini Ve-Shinuye Hašurah 'Ad Motsa'ei Yemei Habeinayim*, [2 vols.] (Jerusalem: Mosad Bialik and Magnes Press, 1996 and 2004), 2:130, 160-61; Schwartz, "Concerning the Origin of the Law's Authority: 'Grundnorm' and Its Meaning in the Pentateuchal Traditions," 258; Baden, *Redaction*, 157-58.

the thick cloud (19.9a, 16.aq, 20.18). Further, several of the ambiguities we noted above, which lead us to wonder about the extent to which revelation was mediated, occur specifically in E. These include first of all the question of whether *qol* means thunder or voice. In fact, the multiple occurrences of *qol* as guiding word (five occurrences in chapter 19, two in 20, and one in 24) all occur in E verses. The ambiguities present in E also include the paradoxical, or at least arresting, phrasing in 20.18, which suggests visual perception of a sound. Thus already in E we find a biblical author drawing our attention to the question of Mosaic intermediation and the question of whether the legal teachings associated with Moses are heavenly or earthly in origin.

Two additional ambiguities may also be present in E, though their presence depends on whether we believe that the Decalogue was already part of the E text. The first of those elements is the syntax of 20.18, which, we saw above, forces us to wonder whether the people heard all, some, or none of the Decalogue. The second is the absence of the words “to so-and-so” in 20.1, which leaves us unsure as to the recipient of the divine speech. Schwartz, whose meticulous reconstruction of the E source I adopt, follows the view of classical source critics such as Julius Wellhausen, August Dillmann, and Samuel Rolles Driver, who maintain that the Decalogue was originally part of E in its present location.¹⁴⁴ According to this view, the Decalogue in E followed immediately on Exodus 19.19 (since 19.20-25 is assigned by classical source critics to J¹⁴⁵) and led directly to Exodus 20.18.¹⁴⁶ Other scholars, however, maintain that the Ten Commandments were originally located in E *after* the conversation between Moses and the people in Exodus 20.18-21, so that having “approached the cloud where God was”

144. Schwartz, “What Really,” 25; Baruch Schwartz, “The Horeb Theophany in E: Why the Decalogue Was Proclaimed,” SBL Annual Meeting (San Antonio, Texas, 2004); Baden, *Redaction*, 153–58. For this point of view, see already Dillmann and Ryssel, *Bücher Exodus und Leviticus*, 217, and Driver, *Exodus*, 168, 174, 201. Cf. Julius Wellhausen, *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (Berlin: Georg Reimer, 1899), 86–89, for whom Exodus 19.10-19 and 20.1-17 are a single compositional unit, and for whom the Ten Commandments were proclaimed to the people specifically in E (see Wellhausen’s helpful summary on 95, as well as his further remarks on 329-30, in which he adds that 20.18-21 are also from E).

145. See Carpenter and Harford-Battersby, *Hexateuch*, 110–11; Dillmann and Ryssel, *Bücher Exodus und Leviticus*, 217–18; Schwartz, “What Really,” 24–25. Some more recent critics would assign these verses to an interpretive supplementer; see, e.g., Blum, *Studien*, 48–49.

146. It is possible that the Decalogue as it appeared in the original E text was shorter than the one we know from Exodus, but the length or version of the Decalogue in E is immaterial to the theological question I am pursuing. Attempts to reconstruct such an original text, without priestly or deuteronomic or other accretions, are legion in modern biblical scholarship. For one early attempt, see Carpenter and Harford-Battersby, *Hexateuch*, 2:111–12, and see further the standard critical commentaries.

(20.21), Moses was allowed to hear the text of the Ten Commandments, as well as the Covenant Code that followed them.¹⁴⁷ According to a third group of scholars the E narrative never contained the Ten Commandments; instead, they were added secondarily as the Book of Exodus came into being.¹⁴⁸ If either of the latter schools is correct, then the original E text will have moved seamlessly from 19.19 to 20.18 -- and in fact reading 20.18-21 immediately after 19.19 reads extremely well.¹⁴⁹ While I regard the classical position (according to which the Decalogue was already part of E in its current location) as strongest,¹⁵⁰ it is difficult to decide among these possibilities with as much confidence as one would desire. For this reason, I think it will be useful to think through how the presence, absence or altered position of the Decalogue affects a reading of E.

147. This suggestion was first put forward in 1881 in a Dutch publication by Abraham Kuenen (which I have not read), as noted by Wellhausen, *Composition*, 329–30, and Ernest Nicholson, “The Decalogue as the Direct Address of God,” *VT* 27 [1977]: 423 n. 2.

148. For the suggestion that the Ten Commandments were added as the text of Exodus approached its current form, see, among others (the literature is voluminous): Noth, *Exodus*, 154–55 and 168, Toeg, *Lawgiving*, 17–26 (including a helpful review and critique of other interpretive options), 26–31, 61–64, Ernest Nicholson, “Decalogue,” 423–27, Dozeman, *God on the Mountain*, 47–49. Cf. Carpenter and Harford-Battersby, *Hexateuch*, 111, who suggests that an earlier version of the Ten Commandments were part of E, though (somewhat confusingly) they add that even that earlier version may not have *originally* been part of E. Cf. an analogous point of view (which refrains from discussing E) in Erhard Blum, “The Decalogue and the Composition History of the Pentateuch,” in *The Pentateuch: International Perspectives on Current Research*, ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT (Tübingen.: Mohr Siebeck, 2011), 295, who argues that the Covenant Code and not the Pentateuch was the original goal of the Sinai narratives, thus regarding the addition of the Decalogue as secondary, though already assumed by the material in Exodus 32; see further Blum, *Studien*, 97–98.

149. Cf. Hizzekuni’s commentary.

150. It is useful to note, however, that the main reason cited by scholars for regarding the Ten Commandments as an interpolation is that it breaks the narrative flow between 19.18-19 and 20.18, since the latter describes an event motivated by the frightening sights and sounds described in the former. Further these scholars presume that the Ten Commandments in their current place were heard by the entire nation, while 20.18-21 and perhaps already 19.9 and 19.19 show that they were to be heard directly only by Moses. (See, e.g., Ernest Nicholson, “Decalogue,” 423; Noth, *Exodus*, 154; and, on the presumption that in their current place the Ten Commandments must be understood to have been heard by the whole nation, see also Toeg, *Lawgiving*, 61–62.) However, once we realize that the syntax of 20.18 shows that the conversation in 20.18-21 took place during or before the revelation, these objections to the current location of the Decalogue lose their force. Since the syntax of 20.18 shows that the people spoke to Moses during or before the revelation, it is not in fact the case that the text in its current form tells us that the people heard the whole of the Ten Commandments. Further, since the conversation happened before or during the revelation, the event narrated in 20.18-21 can in fact follow directly on the events narrated in 19.19. In assuming that the current placement of the Ten Commandments requires us to conclude that the people heard the whole of that text, scholars like Nicholson make three mistakes. First, they fail to attend to the evidence of the syntax of 20.18. Second, they fail to notice the subtle and insistent ambiguity of chapters 19-20 as a whole in regard to the question of Mosaic intermediation. Third, they import the view of Deuteronomy into Exodus (or into the E source in Exodus), thus failing to distinguish between D’s source and D’s revision of that source.

If the Decalogue was already part of E in its current location (between 19.19 and 20.18), then the reading I suggested above for Exodus 19-20 as a whole remains largely intact. E confronts us with four ambiguities that force us to wonder whether the nation heard the whole, part, or none of the Decalogue as a distinct words from God's voice. (In this case, only the fourth of the five ambiguities I discussed earlier does not occur in an E: the lack of clarity concerning the proper punctuation of the last verse of chapter 19 and the first two verses of 20.) It is possible in this reading of E that the people heard the entirety of the Decalogue, although such a reading would force us to ignore the equivocal nature of 20.18's syntax, which pointedly does not represent the conversation between Moses and the people as happening after God spoke the Ten Commandments. On the other hand, our text in Exodus may attempt to revive that possibility in 20.1, which states that "God spoke *all* these words, saying..." While it is still unclear to whom God spoke, the presence of the word "all" may at least hint at the possibility that the people heard not part of the Decalogue but the whole.¹⁵¹ But the effect of E's text as a whole is neither to prove that the people heard all of it or to show they heard a part or none; it is to force us to wonder.¹⁵²

151. Another verse in Exodus that points in this direction is 20.22 ("Yhwh said to Moses, "Thus you shall say to the Israelites: You yourselves have seen that I spoke to you all from the heavens"). This verse provides the information regarding the recipient that is missing in 20.1. Further, it describes God as *speaking* (דברתי) to the Israelites, not merely impressing them with loud noises and extraordinary sights. Finally, the very next verse may be intended as a quotation or paraphrase of what God said to the Israelites -- and thus it is significant that this verse ("Make no gods of silver or gold with Me") could be taken as a paraphrase of a crucial part of the Decalogue, Exodus 20.4 (see Ernest Nicholson, "Decalogue," 429-30). It is noteworthy that this verse, with its description of God speaking from heaven, contradicts several E verses in chapter 19 that describe Yhwh as having descended to the mountain prior to the revelation. Consequently, 20.22 seems not to be E (as Schwartz and many classical source critics maintain), but a scribal addition to the final form of Exodus (or perhaps to E itself?) that echoes Deuteronomy's version of revelation, in which God was exclusively in heaven. For defense of this suggestion, see Noth, *Exodus*, 141; Childs, *Exodus*, 465; Blum, *Studien*, 95-97 (in convincing detail); and the good summary of the debate in Ernest Nicholson, "Decalogue," 428-29.

152. An additional question can be added to this scenario: Assuming that the nation did hear the whole Decalogue, were they able to discern specific words, or did they hear only loud noises that were unintelligible to them, though they were somehow intelligible to Moses? Baruch Schwartz, "The Case for E," SBL Annual Meeting (Toronto, 2002), argues that "according to v. 19 [in Exodus 19], the people heard only voice...but apparently could not discern the actual verbal content. Moses' task was to relay it to them in the form of intelligible speech, one utterance at a time...From the standpoint of the listener it must have seemed as if 'Each time Moses would speak [i.e., would utter one of the דברות], God would respond to him with voice.'" The purpose of the people overhearing the voice without understanding the words, Schwartz explains, is to validate the status of the prophet: "In v. 9, the Elohist narrator provides his understanding of the reason, actually the necessity, for God, before presenting Moses with His covenant, i.e. his laws and commands, to speak to Moses from the midst of a cloud. 'In order that the people may overhear Me speaking with you and so believe in you ever after.' In his view, audible divine speech in earshot of the people was essential in order to establish that Moses was indeed a reliable spokesman. The

What if the Decalogue was not part of E at all, but was only added to Exodus at the time that the various sources were combined, or even after the sources were combined but before the Book of Exodus as we know it from the Masoretic Text achieved its final form?¹⁵³ In that case, the people could not have heard the Decalogue in E, and thus E is less richly ambiguous. An E that includes the Decalogue provides fodder to both the high theology of revelation and the low even as it problematizes both, but an E without a Decalogue leans more heavily in the direction of the low, since in that case the people must have heard all the commandments from Moses, not God. Nonetheless, even if the Israelites did not receive the Decalogue directly from God, one might read 19.19 (“Moses would speak, and God would answer him in a *qol*”) as describing the nation overhearing God speaking specific words to Moses. If this is so (and, to be sure, it would be odd that the text fails to quote the words in question), then there remains a possibility that E portrays God’s “speaking” at Sinai as identical to human “speaking.” In that case, then one could still maintain that 19.19 validates subsequent cases of Mosaic intermediation as potentially stenographic in nature : since the nation heard God conversing with Moses using human language in 19.19, they can understand God as having spoken specific words to Moses in later cases as well. Nevertheless, this reading seems weaker than another one in which 19.19 provides validation for Moses as an interpreting intermediary rather than a stenographic one. An E that contains no

Decalogue was spoken not in order to promulgate any laws but in order to establish the credibility of the one who would subsequently be promulgating the laws on behalf of the lawgiver...Once, when it was about to be the recipient of divine legislation for the first time, the Israelite people in its entirety was required...to hear with its own ears how God speaks to a prophet. This, in E's mind, established for good the truth of the prophet's claim that he was speaking the words of God.” In other words, already in E we see an author grappling with this question of authority as it relates to revelation. If Schwartz is right, E claims that God does really speak in words, but the people have access to these words only through the human intermediary, never directly. As a result, it seems to me (Schwartz may disagree), E at once suggests a high theology of legal authority (since God did speak in human words, the laws found in the tradition are based in specific teaching from heaven) and also pulls back from it (since our only access to those words, even at Horeb itself, was through an intermediary).

153. That occasional verses or passage were added to at least some copies of the Pentateuch after the basic formation of this book as we know was carried out clear from the Samaritan Pentateuch and some copies or paraphrases of the Pentateuch from the Dead Sea Scrolls. For example, Deuteronomy 18.15-22 is added Exodus 20 in the Samaritan Pentateuch and some Dead Sea Scrolls; see the references in note 112 above. I should note that I am very far from accepting the views of my European colleagues such as Konrad Schmid and Jan Geertz concerning the frequency of these post-redactional, post-priestly additions; but it is undeniable that occasional glosses of this type can occasionally be found. Consequently the possibility that such a post-redactional hand added material paralleling Deuteronomy 5.6-21 (that is, the Decalogue) cannot be rejected out of hand.

Decalogue allows for a range of possible readings even as it leans towards emphasizing Moses as intermediary, because the ambiguity regarding *qol* remains.

To my mind, the least likely possibility is that E contained the Decalogue, but that it originally followed 20.21. But even that reconstruction of E leads more or less inexorably in the direction we have already seen. In such an E, it is clear that God spoke the Decalogue to Moses, but that the people did not overhear that event. Since God proclaimed the Decalogue only after Moses approached the dark cloud in 20.21, the nation -- and the audience of Exodus -- have no way of knowing whether the divine *qol* consisted of human-type speech, loud noises, or something else entirely. The authority of the specifics of the law has to rest in the reliability of Moses as intermediary; the people have no way of knowing precisely what went on between Moses and the deity. Here again, E may lean towards a lower theology of revelation, but E hardly rules the higher theology out.

Several verses later in E play a critical role in adjudicating between high and low theologies of legal authority. Three of these verses concern the tablets of stone that Moses brought down from Mount Sinai. The first of these verses, Exodus 24.12, takes place during the ceremony for ratifying the covenant, immediately before Moses ascended to Mount Sinai to spend several weeks alone with God: “Yhwh said to Moses: Ascend the mountain towards Me, and stay there so that I can give you the tablets of stone, and the teaching, and the commandment, that I have written to teach them.” The second, 31.18, occurs in the original text of E only a few verses later (though in E’s time-frame, it took place forty days later). As it stands in the final form of Exodus, this verse combines overlapping material from E and P, but in Schwartz’s plausible (though by no means certain) reconstruction of the E version, it reads: “He gave Moses two tablets, tablets of stone, written with the finger of God.” The third passage, 32.15-16, occurs a bit later in the narrative, when Moses leaves the mountain; the E version of the verse reads: “Moses turned and descended the mountain, with two tablets in his hand, tablets with writing on both sides; on this side and that they had writing. The tablets were God’s work; the writing was God’s writing, inscribed into the tablets.”¹⁵⁴ All of these E verses

154. Again, there E and P are mixed; I follow Schwartz’s reconstruction of E. Some might quibble with this reconstruction, but the differences between his reconstruction and the verse as it appears in Exodus is not material to the point I am making in any event. The core of the reconstruction of these verses (32.15-

push us significantly in the direction of the high theology of legal authority. They emphatically portray God as writing the tablets, and one presumes that what God wrote consisted of words rather than pictures or abstract lines. (The verb used in all these verses refers to inscribing words, not to drawing.) And yet, E tells us, the nation (and E's audience, who are in the same position of the nation within the text) cannot know directly what words were on those tablets, since only Moses saw them. Before any Israelites saw them, Moses shattered them after he came down the mountain and saw the golden calf (32.19). God directs Moses to replace them in 34.1, where the divine plan is that the new set of tablets will be the result of cooperation between Moses and God: "Yhwh said to Moses: Carve two tablets of stone like the original ones, and I shall write down on the tablets the words that were on the original tablets you broke." Here, the act of writing is supposed to be God's, not Moses'.¹⁵⁵ Yet when Moses actually does prepare the second set of tablets in 34.28, the information E gives us is somewhat unclear: "He was with God forty days and forty nights; he ate no bread and drank no water; and he wrote on the tablets the words of the covenant, the Ten Utterances." The subject of the verb "wrote" here seems to be Moses, since God does not appear as an actor in the sentence. (That Moses is the subject is even clearer in the previous verse, which, however, belongs to J, not to E.) God's communications to Moses are strongly connected with human language in its typical sense in one additional E verse, Exodus 33.11. There E describes how, after the events at Mount Sinai, Moses would repair on occasion to a

16) and of 31.18 lies in the realization that in passages that contain only P material, P never speaks of "tablets" (לחת) but only of an object called the עדות (see. e.g., 25.16, 25.21, 40.20). Only in contexts where E and P are mixed do we hear of שני לוחות העדות, "the two tablets of the covenant." Thus in verses in which E and P overlap, it seems likely that the original P version referred only to the object called the עדות, which we might translate as "covenant object" or "commemorative token of the covenant" or perhaps "testimonial object." On the nature of this object and on the original P version of 31.18, see Schwartz, "Priestly Account," 126–27, esp. n 52; on the term itself as referring to a covenant and not just a witness (since it is directly cognate to the Akkadian term *adê* that occurs in neo-Assyrian treaties and old Aramaic עדי), see Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995), 142–43, and further references there.

155. This is the case in the MT and most copies of the LXX. Some LXX minuscules at 34.1, however, read not γράψω, matching the Hebrew text's וְכָתַבְתִּי ("I shall write"), but instead have the aorist imperative γράψον, thus implying that we should read וכתבך ("You should write"); see John Wevers, *Exodus (Septuaginta: Vetus Testamentum Graecum Auctoritate Academiae Scientiarum Gottingensis Editum)* (Göttingen: Vandenhoeck & Ruprecht, 1991), 374. However, this reading probably results from an attempt by some scribes and tradents of LXX to harmonize between 34.1 and 34.27–28, rather than representing an original reading in E. See my discussion of this issue in Benjamin D. Sommer, "Translation as Commentary: The Case of the Septuagint to Exodus 32–33," *Textus: The Annual of the Hebrew University Bible Project* 20 (2000): 58 n. 47.

special tent outside the Israelite camp, where he would talk to God: “God would speak to Moses face-to-face, as a man speaks to his fellow.” The phrasing here seems to be an attempt to explain what “speak” means when God is the subject and Moses the recipient of the divine communication: in that specific situation, it has the same meaning meaning it has when we use with human beings as the subject. (In Numbers 11.6-8, E makes clear that it is only with Moses that God communicates in this way; in the case of all other prophets, the communication is indirect and much less clear.)

In all these verses, however, it is significant that the nation Israel does not hear or see the divine words that Moses receives. The Israelites never gained access to the original tablets written by God. In theory, they might have seen the second set (though in fact we are never told that the tablets were displayed in public for any literate person to observe them), but even then it appears to be the case in 34.28 that for some unspecified reason Moses wrote the second set rather than God. God regularly spoke to Moses at the Tent of Meeting, but the people were unable to overhear these exchanges. The tent, we are told, was “some distance from the camp” (34.7), so that the people saw Moses from afar, but apparently they could not hear what takes place there. In short: these E verses from later in Exodus, like their predecessors in chapters 19-20, move in two directions. They return us to a higher theology of revelation, because they strongly suggest that God spoke in human words to Moses; but they always put distance between the nation and those words. The nation Israel as a character in the text of E (and by extension as the audience of the E text) is unable to be sure what transpired between Moses and God; the Israelites hear the divine communication only through Moses, and they never overhear or see God’s voice or God’s writing on their own. Here again E maneuvers its audience into a position that lacks clarity. Like Israel at Sinai, E’s audience can only wonder about the exact nature of what Moses reports. They cannot know how much of what one hears in the sacred text is Mosaic in its phrasing and how much might be divine.

Revelation in P

There is widespread agreement about the extent of P's Sinai narrative, which consists of Exodus 19.1-2a; 24.16b-18a; 25.1 all the way through 31.18; 34.29-35; 35.1 all the way through Numbers 10.28.¹⁵⁶ To someone familiar with the Sinai narratives found in the redacted Book of Exodus or in Deuteronomy, P's Sinai narrative on its own, as it moves from Exodus 19 through the entire book of Leviticus and into the first ten chapters of Numbers, is almost unrecognizable.¹⁵⁷ P says nothing about thunder, lightning, or an earthquake. It does describe God's body (the כבוד, or *kabod*) as consisting of a substance that looked like fire (Exodus 24.17),¹⁵⁸ and it explains that when the *kabod* came down onto Sinai, the mountain was covered by the cloud (הענן) that normally surrounds the *kabod*. Here, however, the cloud and fire-like substance are not meteorological accompaniments, predecessors, or reactions to the theophany; the fire is the actual body of God, and the cloud, like clothing, surrounds the *kabod*.¹⁵⁹ P does not use any storm-

156. See Schwartz, "What Really," 24–27.

157. In what follows, I read P as an independent, self-standing text that can be, and was originally intended to be, read on its own. In this I follow Schwartz, "Priestly Account," esp. 105–9. For a clear discussion of the question whether P is a source that can be read independently or is a redactional layer that supplements other sources, see also David Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996), 43–47. Carr's conclusion differs slightly from Schwartz's, but he too emphasizes that P can be read as a discrete document. In viewing P as a discrete and readable whole, I reject the proposal of scholars who regard P as a redactional supplement to other material -- most famously, Cross, *Canaanite Myth*, 294–319, and, with a different approach that positions itself against both Cross and the classical view, Blum, *Studien*, 229–85. For a discussion and critique of Cross and Blum on this point, along with reference to their predecessors in earlier scholarship, see Ernest W. Nicholson, *The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen* (Oxford: Oxford University Press, Clarendon, 1998), 197–218, and Schwartz, "Priestly Account." For a close reading of one passage that evinces the complexity of the issues, especially in light of the strong possibility that the redactor stems from a priestly school (so that it can be the case both that P can be read on its own and that priestly hands rework, supplement, and react to non-priestly texts), see Itamar Kilsev, "P, Source or Redaction: The Evidence of Numbers 25," in *The Pentateuch: International Perspectives on Current Research.*, ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT (Tübingen.: Mohr Siebeck, 2011), 387–99.

158. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB (New York: Doubleday, 1991), 575, points out that with the use of the word "like" in 24.17, P does not claim that the *kabod* is actual made of fire; rather, fire is the closest word P can think of to describe the unique, other-worldly substance of which the *kabod* consists. This is the case again in another crucial P verse, Numbers 9.15, and in Ezekiel 1 (which is also from a priestly writer).

159. On P's conception of the fiery *kabod* as the actual body of God, see my discussion in Sommer, *Bodies*, 59–62, 58–78, and 214–32. Discussions of the *kabod* in secondary are legion; of particular value are Moshe Weinfeld, "God the Creator in Gen. 1 and the Prophecy of Second Isaiah," [in Hebrew], *Tarbiz* 37 (1968): 113–20; Moshe Weinfeld, "Kāḇôd, כבוד," in *Theological Dictionary of the Old Testament*, 15 vols., eds. H. Ringgren C. Botterweck, and H.-J. Fabry, various translators (Grand Rapids, MI: Eerdmans, 1974–2006). On *kabod* as simply equivalent to God, see Tryggve N.D. Mettinger, *The Dethronement of Sabaoth: Studies in the Shem and Kabod Theologies*, ConBOT (Lund: Almqvist and

related language to describe this cloud or the fire, and P finds no reason to mention an earthquake. P's Sinai narrative is distinctive in another weighty respect: What happened at Mount Sinai according to P was not yet lawgiving. It was rather the beginning of a ten-month period of preparation for the lawgiving, which begins at Leviticus 1.1. To make this clear, it will be worthwhile for me to provide a plot summary of P's entire Sinai narrative. This is necessary for two reasons. First, readers of the final form of Exodus are so much more familiar with the E narrative (which takes up much more of Exodus 19-24) and with the more or less similar narrative in Deuteronomy 4-5 that they are unaware of the course of the very different story that P locates at Sinai. Second, this priestly story includes many non-narrative passages of considerable length that provide legal and architectural information. As a result, it is difficult for most readers to pick out the basic trajectory of this narrative. In fact, many readers have a hard time noticing that this block of material has a narrative trajectory at all.¹⁶⁰

P tells us that Israel arrived at Sinai (Exodus 19.1-2a), whereupon the cloud covered the mountain and the *kabod* descended on it (24.15b-16). On the seventh day of the *kabod's* stay on the mountain, God called to Moses, and Moses ascended the mountain into the cloud itself (24.16-18a). God then gave Moses not the laws but detailed plans for a tent-shrine that the people were to build (25.1-31.17); God also gave Moses some physical object (called the עֲדוּת or *'edut*) that served as the token of the covenant between God and Israel (31.18).¹⁶¹ Having received these building plans, Moses descended, unaware that his face was radiating an uncanny light (apparently a result of Moses' extraordinary proximity, upon entering the cloud, to the fire-like substance that is God). This radiance frightened Aaron, the elders, and everyone else, but Moses eventually convinced them to approach him nonetheless (32.16, 34.29-35). He then directed the assembled people to build the tent-shrine according the exacting specifications he had received, and over the course of ten months they did so (Exodus 35.1-40.32). When the shrine was ready, the *kabod* (which apparently had spent the ten

Wiksell, 1982), 107 See further Michael B. Hundley, *Keeping Heaven on Earth: Safeguarding the Divine Presence in the Priestly Tabernacle*, FAT (Tübingen: Mohr Siebeck, 2011), 39–52.

160. On the importance of recovering this trajectory, see Schwartz, "Priestly Account," 115–17, and Hundley, *Keeping Heaven on Earth: Safeguarding the Divine Presence in the Priestly Tabernacle*, 173–75.

161. On this object, and on the original wording of 31.18 in P, which mentioned the *'edut* (עֲדוּת) but not the tablets (תַּחֲלֵי), see above, n. 154.

months waiting on the mountain, since we never hear of Its return to heaven¹⁶²) entered the shrine (Exodus 40.33-38), called from inside the shrine to Moses (Leviticus 1.1), and imparted to him the laws of sacrifice (Leviticus 1.2-7.38).¹⁶³ (This occurred on the first day of the first month of the second year of the Israelites' stay in the wilderness, ten months after the Israelites arrived at Sinai, as is clear from Exodus 40.17; cf. 19.1.) Once these laws had been received, the formal dedication of the tent-shrine could begin. (They could not begin earlier, since the dedication ceremonies themselves involved sacrifices, whose procedures are first laid out in Leviticus 1-7.) This formal dedication lasted for eight days and were marred by the tragic death of two of Aaron's sons on their final day (Leviticus 8.1-10.20). After the dedication, God resumed the revelation of laws that had begun immediately prior to the ceremonies; this lawgiving continued through the end of the month. During this month (viz., the first month of the second year in the wilderness) God revealed to Moses dietary laws (Leviticus 11), laws concerning the regulation and maintenance of ritual states appropriate for entering into God's physical presence at the tent-shrine (Leviticus 12-15), rules for periodic purification of the tent-shrine from ritual states inappropriate for the divine presence (16), laws of ethical, ritual, and criminal behavior (17-20), laws peculiar to priests (21-22), a festival calendar (23), laws regarding the shrine and sundry other matters (24), laws concerning land, poverty, and debt (25), and laws concerning vows and tithes (27). In the course of this month Moses also received a series of warnings concerning the failure to obey these laws and a description of the benefits that would accompany their strict observance (26). The month-long lawgiving that began at Leviticus 1.1 and recommenced (apparently on the ninth of the month) at Leviticus 11.1 came to an end at in Leviticus 27.34,¹⁶⁴ but Moses

162. So Schwartz, "Priestly Account," 125.

163. It is important to realize that Leviticus 1.1 narrates the event that follows immediately on the one narrated in the last verse of Exodus. There is no gap or delay in narrative time between the last verse of Exodus and the first verse of Leviticus (thus, as Dillmann and Ryssel, *Bücher Exodus und Leviticus*, 428, point out, the opening words of 1.1 were "urspr. wohl an Ex 40, 35 angeknüpft, daher ohne ה' (vgl. Ex 24, 16)"; see further Milgrom, 1-16, 139; Schwartz, "Priestly Account," 116). It is for this reason that we find a *waw*-consecutive verb at the beginning of Leviticus rather than one of constructions that begin a new narrative (e.g., ויהי followed by a temporal phrase; or *waw*+noun+affix verb) -- in other words, the Book of Exodus ends, and the Book of Leviticus, begins in mid-sentence.

164. The law regarding Passover found in Numbers 9.1-14 is also dated to that month, according to the date formula in Numbers 9.1. The presence in Numbers 9 of a law given before the events narrated in Numbers 1.1 is not as surprising as one might think, for two reasons. First, for some reason the textual order of Numbers 1-10 does attempt not mimic the order of the events. This is clear from a comparison of the date formulas in Numbers 1.1 and 9.1 make clear. Further, if we understand ביום in 7.1 literally (rather

received additional laws at the tent-shrine (Numbers 5-6) while they were still encamped at Sinai during the first three weeks of the second month of the nation's second year in the wilderness. The Israelites left Sinai on the twentieth day of the second month (Numbers 10.11-12). Throughout the years during which the Israelites traversed the wilderness, Moses received additional laws at the tent-shrine when it was encamped at various locations (e.g., Numbers 18-19; 27.1-11; 28.1-30.16) and also when it was located in the plains of Moab across the Jordan River from Jericho (Numbers 35-36).

Thus P's memory of the giving of the law differs both spatially and temporally from the more well-known story found in the E source. P's Moses received no laws on top of Mount Sinai; instead, he received blueprints. He used those blueprints to build the tent-shrine, and it was at that shrine that the lawgiving took place. To be sure, the tent was located at the foot of Mount Sinai for a period of seven weeks, during which all the laws in Leviticus and several in Numbers were given; for this reason, Leviticus 7.38, 25.1, 26.46 and 27.34 can speak of laws and statutes given "at Mount Sinai." But this does not mean on top of the mountain; it refers to acts of lawgiving when the tent was located at the foot of the mountain.¹⁶⁵ Furthermore, the lawgiving at the tent continued even after the Israelites (and the tent) left Sinai.¹⁶⁶ That post-Sinaitic laws were imparted at the tent is clear from Numbers 27.5, which tells us that Moses brought the legal query of Zelophehad's daughters "into God's presence." In P, "God's presence," which is no metaphor but a reference to the *kabod's* physical location, is found in the holy of holies of the tent-shrine (which for this reason is termed both the $\text{קֹדֶשׁ הַקֳּדָשִׁים}$

than following the strong reasoning of Jacob Milgrom, *Numbers*, JPSTC [Philadelphia: Jewish Publication Society, 1989], 364, and translating it as "when"), then in that verse, too, we have evidence that of divergence between textual order and chronological order in these chapters. Second (as noted by both Jacob Licht, *A Commentary on the Book of Numbers I-X*, [in Hebrew] [Jerusalem: Magnes Press, 1985], 1:2, and Milgrom, *Numbers*, 67), the textual location of the passage in Numbers 9.1-14 probably results from its central concern with the law of פֶּסַח שְׁנִי , the alternate Passover that takes place on the fourteenth day of the second month for those unable to perform the ritual during the first month. In the course of describing this new institution, the text first notes that the regular Passover was observed in the first month, and that God instructed Moses regarding that regular Passover earlier in the first month. But since³ the central concern of the passage is not the instruction given in 9.1 on the first of the month but the institution of the alternate holiday that was to take place in the second month, this passage is located in Numbers 9 -- shortly before the events narrated in 10.11, which also take place towards the end of the second month (specifically, on the twentieth day).

165. See Schwartz, "Priestly Account," 123 and n. 45 there.

166. On the location as moving beyond Sinai in P, see Toeg, *Lawgiving*, 154-57. Toeg further points out (154) that the tension between the idea of lawgiving at Sinai and lawgiving at the Tent of Meeting already attracted attention from the rabbis, who attempt to harmonize between these two options; see b. Hagiga 6a-b.

[“Tabernacle,” or more precisely, “dwelling place”] and אהל מועד [“Tent of Meeting,” since God met Israel there]).¹⁶⁷ It was from this place of God’s presence in the tent that God provided Moses with the new law that addressed the daughters’ inquiry. Thus according to P lawgiving took place not only at the foot of Mount Sinai but in various places in the wilderness, as well as on the plains of Moab. The spot all these moments of lawgiving share was not Sinai but the Tent of Meeting.¹⁶⁸ As Exodus 25.21-22 makes clear, *all* the law is revealed at the tent. More specifically, God made Godself available from the back room of the shrine, where God sits on a throne made up of the two golden *kerubim* above the ark.¹⁶⁹ From that space, God told Moses, “I shall relate to you all that I command you for the children of Israel.”¹⁷⁰

P’s conception of the lawgiving’s timing also differs from that of E.¹⁷¹ Whereas for E the lawgiving took place shortly after the exodus, during the brief period of time described in Exodus 19-24, for P the lawgiving commenced fully ten months after the nation’s arrival at Sinai and a year after the exodus itself. Much of the lawgiving took place during the first month of the nation’s second year in the wilderness, but it

167. Thus the priestly authors stress in Numbers 9.15–23 that the cloud and fire indicating the immediate presence of God were always located in or above this tabernacle. The tabernacle as described in P was the site of an unceasing and ever-accessible theophany. See, e.g., So Ronald E. Clements, *God and Temple: The Idea of Divine Presence in Ancient Israel* (Oxford: Basil Blackwell, 1965), 118; Milgrom, 1–16, 574; Baruch Levine, “On the Presence of God in Biblical Religion,” in *Religions in Antiquity. Essays in Memory of Erwin Ramsdell Goodenough.*, ed. Jacob Neusner (Leiden: E. J. Brill, 1968), 76; Roland de Vaux, “Ark of the Covenant and Tent of Reunion,” in *The Bible and the Ancient Near East* (Garden City, NY: Doubleday, 1971), 146; Sommer, *Bodies*, 81–82. On the ritual implications of God’s presence in the sanctuary, see the excellent summary statement in Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26*, VTSup (Leiden: E.J. Brill, 1996), 125–28.

168. See Schwartz, “Priestly Account,” 115–16, 123–24, and Licht, *Numbers I-X*, 111. Konrad Schmid, “Der Sinai und die Priesterschrift: Überlegungen zur redaktionellen Genese der Vorstellung vom ‘Berg’ Sinai im nachpriesterschriftlichen Pentateuch,” in *Schriftgelehrte Traditionsliteratur: Fallstudien zur innerbiblischen Schriftauslegung im Alten Testament*, vol. 77, FAT (Tübingen: Mohr Siebeck, 2011), 146, also notes the small role that Mount Sinai plays in the priestly narratives of revelation, though he uses this observation for diachronic-compositional purposes that differ from my thematic purpose here.

169. On the ark and its cover served as God’s footstool and throne respectively, see Menahem Haran, *Temples and Temple Service in Ancient Israel. An Enquiry Into the Character of Cult Phenomena and the Historical Setting of the Priestly School* (Oxford: Clarendon, 1978), 236–53, as well as de Vaux, “Ark,” 147–48,

170. The single exception in P to the “all” in this verse are some of the laws of Passover in Exodus 12, which were given to Moses on the eve of the first Passover; because this first Passover occurred prior to the erection of the ark, these laws had to be imparted elsewhere. One might also point to P’s passage regarding circumcision in Genesis 17.10 (though one can debate whether P conceives of this ritual as an issue of law); here, too, the ritual was discussed prior to the Tent’s existence.

171. See the very suggestive discussion of this issue in Toeg, *Lawgiving*, 154–58, as well as Schwartz, “Priestly Account,” 124.

continued sporadically thereafter until shortly before Moses' death many years later. Furthermore, for E, lawgiving is a punctual event. All the laws were given to Moses in two bursts that were took place one after the other at Sinai: first, in the Decalogue, God provided a sample of a wider set of laws (or perhaps a statement of basic principles of the wider set¹⁷²), and subsequently, starting at Exodus 20.23 and continuing through the end of chapter 23, God communicated the wider set itself. But for P lawgiving is frequentative: the lawgiving was an ongoing process, taking place over many years, always at the Tent of Meeting but in various locations in the wilderness and Moab, usually involving only Moses but in a few cases involving Aaron and Aaron's sons. This basic difference between between conceptualizing lawgiving as a punctual event (E) and seeing it as ongoing process (P) will become a major issue in later Jewish thought; we shall return to it at length, but it is useful to see at this point that the postbiblical debate has roots in Judaism's earliest sacred texts.

It was not only the timing and location of the lawgiving that differs in P. The priestly writers describe the very purpose of the lawgiving in a distinctive way. For E, the lawgiving itself is the goal of the event at Sinai. By giving the law, God initiates a covenant with the nation; by accepting it, the people ratify the covenant. The law, as Schwartz emphasizes, is the covenant for E.¹⁷³ But for P, the covenant, which is essentially a divine promise, has already existed since the time of Abraham.¹⁷⁴ What happens at Sinai is not the creation of a covenant but a result of it: the people to whom God had promised a land of their own are now responsible to construct a place of God's own. They are further responsible to maintain the conditions that allow the paradox of the heavenly God's presence on earth -- that is, the transcendent deity's immanence -- to endure. To achieve the first goal (providing God a place to dwell), they build the

172. On this possibility, see Patrick D. Miller, *The Way of the Lord: Essays in Old Testament Theology* (Grand Rapids, Mich.: William B. Eerdmans, 2007), 3–36. Cf. Reinhard Kratz, "Der Dekalog Im Exodusbuch," *VT* 44 (1994): 205–38, who argues that the Decalogue was written as a summary or abstract of the Covenant Code. Even if one does not agree with Kratz's diachronic conclusions, his reading of the connections between the two texts remains intriguing.

173. Schwartz, "Concerning the Origin of the Law's Authority: 'Grundnorm' and Its Meaning in the Pentateuchal Traditions," 258–59.

174. On P's conception of covenant as promise, see, e.g., Walter Zimmerli, "Sinaibund und Abrahambund," in *Gottes Offenbarung: gesammelte Aufsätze zum Alten Testament* (München: C. Kaiser, 1963), 205–16; Schwartz, "Priestly Account," 130–32; Christophe Nihan, "The Priestly Covenant, Its Reinterpretations, and the Composition of 'P,'" in *Directions, in The Strata of the Priestly Writings: Contemporary Debate and Future*, ed. Sarah Shectman and Joel S. Baden, *Abhandlungen zur Theologie des Alten und Neuen Testaments*, vol. 95 (Zürich: TVZ, Theologischer Verlag Zürich, 2009).

Tabernacle. To achieve the second (maintaining conditions in which God can remain there), they observe the law -- especially the laws of ritual purity and sacrifice,¹⁷⁵ but also laws pertaining to other ritual as well as ethical matters.¹⁷⁶ Observance of these laws maintains the conditions that permit the celestial and One to dwell on earth, the never-dying One amongst mortal beings. Thus the priestly legislation is theurgical in nature. At its core, then, P's Sinai narrative is not about lawgiving. Rather, divine immanence is the end of the events P describes, and the laws are but the means to that end.¹⁷⁷ It follows that the many modern scholars who speak of P as essentially legalistic or as glorifying the law misrepresent this document.¹⁷⁸ P's main concern is not law but divine presence; the former serves the latter. It is in fact E that represents true legalism, if by that term we mean a belief that the law is the very essence of revealed religion. Here we see how a difference in the conceptualization of revelation is more fundamentally a difference regarding the nature and meaning of religious authority and the practices it requires. This difference between E (and, we shall see, Deuteronomy) on the one hand and P on the other calls to mind a remark made by Franz Rosenzweig in a letter he wrote in 1922 to Rudolph Hallo: "Judaism is not itself law; it creates law."¹⁷⁹ On this

175. By definition, certain ritual states (which are themselves in no way ethically or religiously objectionable) repel divine presence because they are the opposite of the undying and ungendered deity. People in these states (referred to in Hebrew as *טמא*, often translated into English as "impure" but more accurately rendered, as Cantor Yaakov Hadash suggested to me, as "God-unready," as opposed to *טהור*, which means "God-ready") must not enter the Tabernacle where God lives or the area immediately around it. See further Hundley, *Keeping Heaven on Earth: Safeguarding the Divine Presence in the Priestly Tabernacle*, 179–92.

176. The complex question concerning the historical layers within the priestly traditions that add these laws and their relationship to older layers in P does not affect the larger point I am making concerning revelation and authority. On this issue, see especially the various positions in Knohl, *Sanctuary*, Baruch Schwartz, *The Holiness Legislation: Studies in the Priestly Code*, [in Hebrew] (Jerusalem: Magnes Press, 1999), 24–33, and Christoph Nihan, "The Priestly Covenant, Its Reinterpretations, and the Composition of 'P'".

177. Cf. Toeg, *Lawgiving*, 158 and his important comment in n.132 there, as well as Schwartz, "Priestly Account," 133, though he takes a somewhat different approach on 122–123.

178. Thus note the infamous statement about the priestly law in Julius Wellhausen's article, "Israel," in the ninth edition of the *Encyclopaedia Britannica* (reprinted in Julius Wellhausen, *Prolegomena to the History of Ancient Israel*, trans. J. Sutherland Black and Allan Menzies, reprint, 1885 [New York: Meridan, 1957], 509). For a discussion of attitudes towards so-called priestly legalism among nineteenth and not a few twentieth century biblical theologians (or rather, their assumption that there was such a thing as priestly legalism), see Joseph Blenkinsopp, *Sage, Priest, Prophet: Religious and Intellectual Leadership in Ancient Israel*, Library of Ancient Israel (Louisville, Ky.: Westminster John Knox Press, 1995), 66–68.

179. "Das Judentum ist nicht Gesetz. Es schafft Gesetz." (Italics in original.) See Franz Rosenzweig, *Briefe und Tagebücher*, ed. Rachel Rosenzweig, Edith Rosenzweig-Scheinmann, and Bernhard Casper (Haag: Martinus Nijhoff, 1979), 762.

particular issue, Rosenzweig closely resembles P and rejects the position found in E.¹⁸⁰ For Rosenzweig, as for P, the commandments provide “an opportunity to behold God’s presence...they are a locus for the theo-human encounter.”¹⁸¹

A further difference from the E account involves the sense perceptions involved. E emphasizes that the whole nation heard a great deal at Sinai. To be sure, E forces us to wonder whether or not the sounds they heard included specific words from the divine mouth, but the aural nature of the event was central. (Thus E both thematizes and problematizes the aurality of revelation.) For P, on the other hand, the people’s experience was largely visual: standing at the bottom of the mountain, they saw the *kabod* far away, on top of the mountain. The language of 24.16-17 (“Yhwh’s *kabod* dwelt on Mount Sinai, and the cloud surrounded it...The appearance of Yhwh’s *kabod* was like a devouring fire at the top of the mountain in the sight of all Israel”) suggests that the *kabod* was so intensely effulgent that the people could see some of It through the cloud. (Presumably, had they seen the *kabod* directly without the cloud to screen Its intensity, they would have died.) The people saw the *kabod* not only at the outset of the Sinai narrative in 24.17, but again at its high point, on the final day of its dedication ceremonies. In this second case, they saw not the entirety of the *kabod* but some emanation from It that briefly left the holy of holies to consume the sacrifices on the altar immediately outside the tent (see Leviticus 9.4, 6, 23-24). This emphasis on sight continues throughout the Sinai narrative.¹⁸² For example, the people are frightened by the radiance emanating from Moses’ face when he descends from the mountain in Exodus 34.29. This visual phenomenon serves to authenticate Moses’ prophetic status, just as in E the audible communication between Moses and God at once frightens the people and authenticates Moses’ status (19.19).¹⁸³ P underscores the visual especially at

180. E, in respect to equating Judaism with law, is a forerunner not of Rosenzweig but of Moses Mendelssohn and S.R. Hirsch.

181. This is the explanation of Rosenzweig’s remark by Paul Mendes-Flohr, *Divided Passions: Jewish Intellectuals and the Experience of Modernity*, The Culture of Jewish Modernity (Detroit: Wayne State University Press, 1990), 299.

182. But not thereafter. As Milgrom, *Numbers*, 365–66, points out, after the events at Mount Sinai Moses has aural, not visual, contact with God: he enters the Tabernacle but not the Holy of Holies where the *kabod* sits enthroned on the *kerubim*. Even Aaron doesn’t see the *kabod* when he enters the Holy of Holies (Leviticus 16.2, 13). So also Licht, *Numbers I-X*, 112.

183. Similarly, in Leviticus 9.23-24 the *kabod* emanated from the holy of holies where the *kerub*-throne was located, and it is from the same place that the sound of God’s communication with Moses came forth in Numbers 7.89. For this reason, Gersonides argues plausibly, the emergence of the fire from the holy of

the beginning of the long passage presenting the tent's blueprints in prose format. There God says to Moses:

They shall make me a Sanctuary, and I will dwell in their midst. In accordance with all that I cause you to see [מראה] -- that is,¹⁸⁴ in accordance with the design of the Dwelling and the design of all its furnishings -- thus you shall build it...See [ראה], and build, according to the design that you are shown [מראה, literally "you have been caused to see"] on the mountain. (Exodus 25.8-9, 40.)

This emphasis on what God caused Moses to see (using the root ר"א) continues throughout the section that lays out the blueprints for the tent (see Exodus 26.30, 27.8, and Numbers 8.4; cf. Exodus 31.2). In fact, one wonders whether the revelation of the plans¹⁸⁵ on the mountain was verbal in nature.¹⁸⁶ It is possible that when P tells us that God "spoke" to Moses P intends the verb in the sense of "communicate," and that the repeated use of the verb ר"א as a guiding word in this section indicates that this communication was visual rather than oral. Whatever took place between God and Moses on top of Sinai was clearly *sui generis* in human history (after all, when Moses went into the cloud, he came closer to the *kabod* than any other human before or after). One need not be a strict Maimonidean to suggest that "speak" in this context means

holies in the sight of the whole people serves to authenticate Moses' prophetic status: what Moses heard or understood and what the people saw came from precisely the same place. See Gersonides' commentary on Numbers 7.89 and further in his ninth פרשת נשוא to תועלת. Toeg describes the event in Leviticus 9.23-24 as an authentication of the Tent of Meeting as God's dwelling (see Toeg, *Lawgiving*, 156); we might add that since Moses receives all his revelations there, the event that authenticates the Tent also authenticates Moses.

184. The words את and ואת in Exodus 25.9 mean "namely, specifically, that is." On this use of the word, see Fishbane, *Biblical Interpretation*, 48-51, who discusses how scribes use the term to insert secondary clarifications to existing texts; the term can also be used by a single author as a clarifying remark. See the examples collected in Joüon and Muraoka, *JM*, §155j.

185. Whether as drawings or as a three-dimensional model; for the plausibility of either possibility, see Propp, *Exodus 19-40*, 376-77.

186. Cassuto, *Exodus* senses something similar but goes in a different direction; commenting on הראה in Exodus 27.8, he suggests that the details of the Tabernacle's construction were not sufficiently clear from God's oral communication, and thus God provided the visual model as well. See also his comment to 25.40, as well as Propp, *Exodus 19-40*, 345. The phrasing used to describe the implementation of the building plans might also hint in this direction. Schmid, "Sinai," 147, notes that Exodus 35-40, which describe the building of the Tabernacle, refer back to the plans from Exodus 25-31 by using the phrase, "as/which Yhwh commanded (צוה) וסו"; this phrase appears some twenty-two times in 35-40. He notes the possibility that the phras might include non-verbal instructions, such as those involving the תבנית or model that Moses was shown.

something *sui generis* as well, rather than “speaking” in the sense that one person speaks to another using sounds and words.

Nevertheless, P does not focus our attention on the question that so concerns E: was there some unmediated lawgiving between God and Israel? For P, there is no doubt that all lawgiving was mediated (usually through Moses, and rarely through Moses brother Aaron or Aaron’s sons), and the people never received law directly from God. The whole issue of public witnessing -- both E’s emphasis that the whole nation *perceived*, and also E’s calculated ambiguity about *what* they perceived -- is largely absent in P.¹⁸⁷ Instead, P attends to directs attention to the intermediation, making it a process with multiple steps, as Victor Avigdor Hurowitz points out. Upon descending from the mountain with the directions for building the tent, Moses speaks first to Aaron and the chieftans and only afterwards to the nation as a whole (34.31-32).¹⁸⁸ One might be tempted to state that P leans toward a lower theology of legal authority, since the people receive all religious law through a human being rather than directly from God. For the most part, however, P does not focus our attention on this question in the way that E does. It is E’s work of thematizing and problematizing the issue of revelatory authority that is at the core of the low theology and that prompts the audience to wonder to what extent the law is a divine product and to what extent a human one. Consequently, it would be incorrect to claim that P, like E, repeatedly encourages us to reflect on the nature of the lawgiving.

A possible exception to this general rule might be found in Numbers 7.89, which describes what transpires between God and Moses when Moses is at the Tent of Meeting:

187. To be sure, the motif occurs in passing, as noted by Toeg, *Lawgiving*, 155–57, who points to Leviticus 9.22-24 (and, he might have added, the similar verse in Exodus 24.17). But the motif is accorded no prominence, and there is no ambiguity whatsoever about who heard God’s commands (Moses) and who did not hear them in any form, verbal, thunderous, or otherwise (the nations).

188. Victor Avigdor Hurowitz, “‘Proto-Canonization’ of the Torah: A Self-Portrait of the Pentateuch in Light of Mesopotamian Writings,” in *Study and Knowledge in Jewish Thought*, ed. Howard Kreisel (Beersheva: Ben-Gurion University of the Negev Press, 2006), 37, who also notes that this model of multistaged intermediation from deity to human cultural hero to elders or other ritual specialists to later recipients also occurs in Mesopotamian literature. On the emphasis on intermediation in P and the connection to Mesopotamian ritual texts believed to have been revealed through a multistage intermediation, see also Alan Lenzi, *Secrecy and the Gods: Secret Knowledge in Ancient Mesopotamia and Biblical Israel*, State Archives of Assyria Studies, vol. 19 (Helsinki: Neo-Assyrian Text Corpus Project, 2008), 384.

When Moses came to the Tent of Meeting to speak with Him, he heard the voice *מִדְבָּר* [on the translation of this term, see below] to him from above the covering that was on top of Ark of the Covenant, from between the two *kerubim*, and He spoke to him.

This verse does not describe a particular event; indeed, its textual setting at the end of Numbers 7 shows that it does not refer to any one act of communication between God and Moses. Rather, the verse explicates the meaning of God’s “speaking” with Moses from within the tent generally and provides the audience a picture of what happens each time that Moses approaches the tent to receive the law.¹⁸⁹ The *kabod* sits on the throne created by the outstretched wings of the *kerubim* above the ark in the holy of holies, and it is from there that the deity communicates with Moses, who (to judge from the evidence of Leviticus 16) is located outside the holy of holies. Thus this verse is effectively P’s own commentary on earlier P verses like Exodus 25.22 and Leviticus 1.1, which describe God’s lawgiving from the tent. The word *מִדְבָּר* here is unusual.¹⁹⁰ Related to the verb that usually means “to speak,” *מִדְבָּר* is a rare verb that only appears in this verse, in two additional verses closely related to P (Ezeiel 2.2, 43.6, where they also describe communication between God and a prophet), and in 2 Samuel 14.13. The grammatical construction of the verb is known as the *hitpa’el*, which can have a few types of meaning. One possibility is that *מִדְבָּר* describes a reciprocal action, so that it may refer to communication that moves back and forth between the speaker and the

189. For the idea that this verse describes all the divine utterances to Moses, see ibn Ezra’s commentary here (כן היה משפט הדבור תמיד), Licht, *Numbers I-X*, 112; Baruch A. Levine, *Numbers 1–20: A New Translation with Introduction and Commentary*, AB (New York, N.Y.: Doubleday, 1993), 259. More specifically, ibn Ezra maintains, the phrase “When Moses went to the Tent of Meeting to speak with Him” refers back to Leviticus 1.1 (see also Bekhor Shor for this reading), and thus our verse in Numbers explains what precisely transpired on that first occasion of divine speech from the tent and on all subsequent ones. On the connection Exodus 25.22, Leviticus 1.1, and Numbers 7.89, which need to be read together to give us a picture of what happens when God reveals the law to Moses at the tent, see already Rashi and his sources in *Sifre Bemidbar*, Naso’ §58. It must be admitted that the *waw*-consecutive *וַיְדַבֵּר* at the end of the verse argues against seeing this verse as a repeated action rather than a single punctual event. The ancient versions, however, tend to read that verb as indicating repeated action, however: thus LXX renders with the imperfect ἐλάλει (rather than what is the normal rendering of the *waw*-conversive, to wit, the aorist ἐλάλησεν, which in fact occurs in the very next verse in Numbers). Similarly, both Onqelos and Pseudo-Jonathan render the *וַיְדַבֵּר* with *מתמלל* (precisely as they render *מִדְבָּר* earlier in the verse, and unlike their normal rendering of the *waw*-conversive *וַיְדַבֵּר*, thus suggesting that they read an imperfect rather than a *waw*-conversive here.

190. In fact the verse contains several stylistic anomalies that call the verse to the attention of an audience familiar with the norms of narrative style, as noted by Alter, *The Five Books of Moses: A Translation with Commentary*, 720.

listener.¹⁹¹ Alternatively, the *hitpa'el* may intend ongoing action, which suggests that we translate the phrase, “he would hear the voice continually speaking to him,” “he would hear the voice as it went on speaking to him.”¹⁹² The construction can also be reflexive, which leads Rashi to suggest that this voice “would speak to itself, and Moses would hear on his own” -- that is, at the Tent, Moses somehow attained access to the internal ruminations of God. While the meaning of the verb is not fully clear, P’s use of the verb to explain what takes place when God communicates with Moses from the throne in the tent may be intended to intimate that this communication was not a simple matter of speaking in the way that humans speak.¹⁹³ A sound or voice that allows for back-and-forth communication, continuous rather than punctual communication, or the overhearing of internal dialogue is not a voice speaking in any normal sense of the word.¹⁹⁴ Any of these meanings of our verb suggest that the verb *וידבר* means something different when God is its subject.¹⁹⁵ This implication is especially strong in one other possible meaning of our verb. The *hitpa'el* can denote simulation -- that is, it can be used when the subject of the verb acts *as if* he were doing something (for example *התחלה*, to pretend illness in 2 Samuel 13.5, or *התנכר*, to act like a stranger in Genesis 42.7 and 1 Kings 14.5, 6).¹⁹⁶ If this sense of the verbal construction is intended, then the priestly narrator is intimating that “speaking” is not something that the deity really does, and whatever the narrative connotes when it uses the term “speak” or “say” with

191. Perhaps related to this, *לדבר אתו*, means “converse, confer” (as opposed to *לדבר אל*, “to speak to”), as noted by Milgrom, *Numbers*, *ad loc.*

192. For this suggestion, see Baruch A. Levine, *Numbers 1–20: A New Translation with Introduction and Commentary*, 258; Everett Fox, *The Five Books of Moses*, The Schocken Bible: A New Translation with Introductions, Notes, and Commentary (New York: Schocken Books, 1995), 695. On the durative sense of the *hitpa'el*, see Ephraim Speiser, “The Durative Hithpa’el: A Tan- Form,” *JAOS* 75 (1955): 118–21.

193 Diether Kellermann, *Die Priesterschrift von Numeri 1, 1 bis 10, 10. Literarkrit. u. traditionsgeschichtl. untersucht*, BZAW (Berlin: De Gruyter, 1970), 108, dismisses the evidence of the verb form as late masoretic hairsplitting -- as if an emphasis on fine distinctions and precise subtleties were not at the very heart of the Priestly worldview!

194. This sense is reinforced by the fact that we do not know for sure whether to translate, “He would speak to him,” or “he would speak to Him.” On this ambiguity, see Milgrom, *Numbers*, 59, and Alter, *The Five Books of Moses: A Translation with Commentary*, 720..

195. Cf. Alter, *The Five Books of Moses: A Translation with Commentary*, *ad loc.*: “There seems to be a theological impulse here to interpose some kind of mediation between the divine source of the speech and the audible voice that is spoken to Moses. One wonders whether the cryptic style of this verse might reflect a certain nervousness about the fraught topic of direct communication between God and His prophet, as the highly cryptic language of the Bridegroom of Blood fragment reflects a nervousness about its potent mythic character.”

196. Joüion and Muraoka, *JM*, §53i.

God as its subject is something different from that verb's usual meaning. God's "speaking" is something that only a prophet has experienced, and therefore something for which there is no word among us non-prophets who make up the narrative's audience. My use of quotes in the previous sentence, in fact, may be exactly what the priestly authors (and Ezekiel) intend when they use the strange *hitpa'el* form of this verb: it reminds us that God's "speaking" is not really speaking at all.¹⁹⁷

Revelation at Sinai in J

When we turn to J as source critics, our situation changes. The E and P Sinai narratives read well as complete stories on their own. In fact, in each of these cases, the source by itself flows much better as a narrative than the redacted text. J, on the other hand, seems more fragmentary. It appears to assume that some sort of terrible sin occurred at Mount Sinai, but it does not narrate it all, even though at two points (32.9 and 32.26-28) it reacts to that sin. Parts of J, then, must have been left out of the redacted Book of Exodus, perhaps because those parts closely paralleled one of the other sources.¹⁹⁸ Further, it is also possible that some of what classical sources critics identify as coming from J includes passages that were composed to supplement the E or P or an early version of the redacted Book of Exodus that included both E and P. If that is the case, some of the non-P, non-E material is in fact not part of J. Due to the at least somewhat fragmentary nature of what remains, it is difficult to be sure how parts of this material relate to other parts. Schwartz identifies J's Sinai narrative as consisting of Exodus 19.9b-16a, 18, 20-25; 24.1-2, 9-11a; perhaps 32.9, 26-29; 33.1-5, 12-23; 34.2-3, 5-17 and perhaps 18-26 or an earlier version thereof. But our level of confidence in turning to this

197. An additional ambiguity adds to the deliberate lack of clarity in P's description of this mysterious event: it is not clear who is who in the final clause of 7.89. Context suggests the translation I provided above ("He spoke to him") is correct, but it is also possible that we should render: "he spoke to Him," as noted in Baruch A. Levine, *Numbers 1–20: A New Translation with Introduction and Commentary*, 259, and Kellermann, *Die Priesterschrift von Numeri 1, 1 bis 10, 10. Literarkrit. u. traditionsgeschichtl. untersucht*, 107–8.

198. Further, the Sinai narrative in J seems to lack a beginning, unless (as Baruch Schwartz suggests to me) 19.9b simply is a continuation of the J narrative that broke off at 17.7 -- in other words, in 17.7b tells us of the nation's question about God's presence, and Moses forthwith reports that question to Yhwh in 19.9b. If this is the case, then the central theme of the Sinai narrative is introduced in 17.7b. This reading requires us to presume, not implausibly, that Mount Sinai is visible from Refidim, since it does not report that the people left Refidim to journey to the foot of the mountain.

material as a consistent whole cannot be what it was for the E and P material.¹⁹⁹ It is not possible to reconstruct J's view of revelation and lawgiving at Sinai as we can for the other sources. Some of the verses listed above may be from post-J scribal additions; moreover, important aspects of J's conception may have appeared in verses that have been lost. Consequently, I shall not attend to J's theology of revelation and lawgiving in any depth. On the basis of what remains, however, it is worth noting a few themes that seem to come to the fore in J.

First, J (like P) emphasizes the visual aspect of the revelation. One of the leading neo-Documentarians, Joel Baden, lays out the evidence and contextualizes it clearly. Speaking of a consistent motif throughout J passages, Baden notes:

The theophanies in Exodus are explicitly visual. First, there is Yhwh's appearance to Moses in the burning bush: "Moses hid his face, for he was afraid to look at God" (Exod 3:6); then the theophany before all Israel at Sinai: "On the third day Yhwh will come down in the sight of all the people" (19:11); also in the theophany to the elders alone: "They saw the God of Israel" (24:10); and, famously, in the individual theophany to Moses on Sinai: "I will take my hand away and you will see my back" (33:23). This is to name only a few of the more prominent passages in which sight plays a significant role in J. Throughout the document, starting from the tree in Eden, sight is equated with knowledge and understanding: to see something is to know it more intimately, to comprehend it more fully.²⁰⁰

Whereas J accentuates the visual, the auditory plays little role, at least in what remains of J. Some of the imagery that appears so prominently in E (and to a slightly lesser extent, we shall see, in D) also appears in J, who tells us that "Mount Sinai was entirely covered with smoke, because Yhwh alighted upon its in the form of fire, and its smoke

199. See Schwartz, "What Really," 24–26, but my list above reflects several changes in Schwartz's thinking since he wrote that piece. In particular, with the publication of Shimon Gesundheit (Bar-On), "The Festival Calendars in Exodus XXIII 14–19 and XXXIV 18–26," *Vetus Testamentum* 48, no. 2 (1998): 161–95, he became convinced that the legal passage at the end of Exodus 34 is not J but represents a post-redactional addition to an early version of Exodus that already contained J, E, P, and D. On that passage as late, see Fishbane, *Biblical Interpretation*, 194–97; 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*, eds. Matthias Köckert and Erhard Blum (Gütersloh: Chr. Kaiser Gütersloher Verlaghaus, 2001), 107–40; Shimon Gesundheit, *Three Times a Year*, FAT (Tübingen: Mohr Siebeck, 2012).

200. Baden, *Promise*, chapter 4. Baden further notes the prominence of seeing in J more generally, even outside of theophanies.

ascended like the smoke of a furnace, and the whole mountain trembled greatly” (Exodus 19.18). In its stress on the visual, J recalls P, though with an interesting difference: the allegedly elitist P document reports that the whole nation saw the *kabod* (both when It came down on Sinai in Exodus 24 and when It flared out of the Tabernacle to consume the sacrifices in Leviticus 9), but in J only a small number of elders and leaders saw God in 24.²⁰¹

Second, perhaps uniquely among the Pentateuchal sources, J portrays the theophany as something the nation might find appealing or exciting as opposed to frightening.²⁰² E tells us that the the Israelites were terrified by the sounds and sights that accompany the theophany (Exodus 20.18); D repeats this claim at even greater length (Deuteronomy 5.23-27); and in P the people, at the very least awed but perhaps also frightened by the appearance of the *kabod*, shouted and fell on their face (Leviticus 9.23-24).²⁰³ These three sources emphasize (to use the famous and still useful conceptualization of Rudolph Otto) the element of *tremendum* in the manifestation of the holy - that is, the extent to which the holy, in its overpowering majesty, is absolutely unapproachable, inspiring dread and fear.²⁰⁴ Only J accentuates what Otto terms the *fascinans* -- that is, the ways in which the holy is not only daunting or repellent but also attractive, alluring, and entrancing.²⁰⁵ J’s God is concerned that the people might endanger themselves by breaking through to see God from too close. God repeatedly warns Moses not to allow the people as a whole to come into physical contact with the mountain during the theophany (19.12-13, 21-22, 24). Similarly, J (in this respect resembling P) is especially concerned with the theme of God’s presence among the Israelites during their trek towards the promised land. In chapters 33-34, Moses and the

201. On this difference, see Milgrom, 1–16, 574.

202. Schwartz, “Priestly Account,” 127–28.

203. On this parallel, see Weinfeld, “God the Creator,” 119. Milgrom, 1–16, 591, however, suggests that in these P verses the people shout for joy, not just out of fear, which is a philologically strong reading of the verb יִרְאוּ.

204. I borrow the concept and the terms to describe it from Rudolf Otto, *The Idea of the Holy: An Inquiry Into the Non-Rational Factor in the Idea of the Divine and Its Relation to the Rational*, trans. John W. Harvey (London: Oxford University Press, 1923), 12–24, esp. 20. In the sentence following this note, I borrow from Otto’s presentation on 31-41, esp. 31.

205. This pattern, in which E emphasizes *tremendum* and fear at the theophany while J emphasizes *fascinans* and attraction, is also present in the story of the burning bush/ There Moses’ desire to see the mystery more closely (Exodus 3.3) belongs to J, while Moses’ expression of fear (3.6) stems from E; see, e.g., Carpenter and Harford-Battersby, *Hexateuch*, 2:83. While Dillmann and Ryssel, *Bücher Exodus und Leviticus*, 29, mention מראה in verse 3 as a characteristic E-word, its appearance in Genesis 2.9 and 39.6 makes clear that the word appears in J as well.

people desire God's presence deeply. Without it, Moses claims they cannot move forward (33.15), and the Israelites go into mourning when they learn that the full-fledged divine presence will not accompany them (33.4). But God warns of the danger divine presence poses to a stiff-necked people prone to sin (33.3), and for this reason an *avatara* or small-scale manifestation of Yhwh's presence accompanies them rather than the fullest manifestation of the deity (33.2).²⁰⁶

As in the other sources, the issue of direct as opposed to intermediated revelation has a place in J. At least in what remains of J, however, the issue does not achieve the central place it has in E. J is straightforward rather than ambiguous and suggestive in portraying access to the theophany as graduated. The whole nation witness Yhwh's descent onto the top of the mountain, but from a distance; the people are not even allowed to come close to the base of the mountain, much less to approach the summit where God is. But representatives of the nation, namely, Moses, Aaron, Aaron's sons Nadab and Abihu, and seventy elders of Israel, are permitted to ascend the mountain and to genuflect "from afar" (24.9) -- closer, to be sure than the rest of the Israelites who may not even touch the mountain's base, but at some remove all the same. In spite of the distance, the elders and Moses' close male relatives are able to see God with impressive clarity (24.10); the text notes that they were not killed by the sight, which indicates that they enjoyed a proximity much closer than is the norm for humans, but not unheard for prophets (cf. Isaiah 6.1-5, for example, in which a prophet, having seen God directly, receives the welcome but surprising news that the sight will not kill him).²⁰⁷ Moses alone approaches God (both in 24.2 and in again 33.21-22, 34.2-3, 5-8).

206. On the מלאך ה' as an avatar rather than an angel in J and E, see Sommer, *Bodies*, 40-44; on the מלאך in Exodus 33 specifically, see 43 and notes there.

207. Quite a few biblical authors and characters express either surprise that humans saw God but did not die, or fear that having seen God, they would die; see Genesis 32.31, the particularly impressive case in Exodus 24.10-11, Judges 6.22-23, Judges 13.22, Isaiah 6.1-5; also perhaps Genesis 16.13, according to the likely emendation (הגם אלהים ראיתי ואחי) suggested by Arnold Ehrlich, *Randglossen zur hebräischen Bibel* (Leipzig: J.C. Hinrichs, 1908-14), 1.64-65. On the lethal nature of divine presence, both in ritual contexts involving priests and theophanic contexts involving prophets, see the comprehensive discussion, with helpful bibliography, in George W. Savran, *Encountering the Divine: Theophany in Biblical Narrative*, JSOTSup (London: T & T Clark International, 2005), 190-93; on the surprising exceptions to this tendency, see Savran's discussion on 193-203.

Even he, however, is unable to see the full manifestation of God's presence, instead seeing God's back but not his face or his *kabod* from the front (33.18, 23).²⁰⁸

The crucial question that we cannot answer with any precision is: What happened in J when Moses approached God? Did Moses receive a law, and if so, in what form and through what sort of cognition? As it stands, J does not preserve its own law code. Almost all contemporary scholars agree that the laws pertaining to holy days in Exodus 34.18-26 are late and do not stem from J.²⁰⁹ There may be legal material original to J in 34.10-17, but verses 12-14 are clearly a secondary addition, and it is impossible to be sure whether 15-17 are the original continuation of the J material that ended at 11 or part of the later insertion.²¹⁰ Thus only verses 10-11 can be attributed to J with full confidence, and they are general in nature, speaking of a covenant but not of specific laws. It is possible that verse 17, with its prohibition on idolatry, is part of the original J

208. Similarly, in both Homeric epic and in Virgil, deities are often disguised from the front, and thus humans often recognize they are in the presence of a deity only when the deity turns to leave, so that one can see the face of the deity only through a sort of screen that cloaks the deity or from the back. See H.J. Rose, "Divine Disguisings," *HTR* 49 (1956): 70-71.

209. Older critics argued that the short legal passage in Exodus 34.10-26 stems from J, and that this represents J's "law code," just as Exodus 20-23 contains E's code, Leviticus-Numbers preserves P's, and Deuteronomy 12-26 preserves D's. However, it is clear to scholars on both sides of the divide separating the neo-Documentarians and proponents of newer European theories regarding Pentateuchal composition that Exodus 34.18-26 does not belong to J but was added to an early redacted Pentateuch that already included P, D, and non-P, non-D material. See the references to Fishbane, *Gesundheit*, and Carr above in note 199 above.

210. As scholars have long recognized, Exodus 34.11 and following are glosses made by deuteronomistic editors of the Book of Exodus or scribes influenced by Deuteronomy's ideology, and perhaps specifically by Deuteronomy 7.5, whose linguistic resemblance to Exodus 34.13 is pronounced. The same is true of Exodus 23.24, so any discussion of 34.13 needs to address 23.24 as well. Both verses that concern us are surrounded by J and E verses, but in each case the source critical divide between the surrounding material and the verses themselves is evident. In 34.11, God announces that He (and not, as in D, the Israelites) will drive the Canaanites out of the land; but in 34.12-13, the Canaanites are still in the land, so that the Israelites, to avoid being ensnared by them, must destroy their stelae and 'asherahs. Both the language of 34.12-13 and the situation presupposed are those of D, whereas 34.11 fits the conception of JE. Similarly, in 23.23 and 23.27-28, God announces that His $\gamma\lambda\mu$ or avatar and the natural phenomena He sends (again, not the Israelites) will annihilate the Canaanites -- a conception identical to that in 34.11 and different from D. In between these verses, in 23.24, we find thoroughly deuteronomistic language and conceptions, and it is there that the stelae are condemned. (On the importance of the question regarding who expels the Canaanites, divinely-sent natural phenomena or the Israelites, see Weinfeld, *Promise*, 76-98.) The conclusion that 23.24 and 34.12-13 belong to a deuteronomistic insertion is not only supported by recent critics who are quick to find deuteronomistic material in Genesis-Numbers and who doubt the existence of J and E (e.g., Blum, *Studien*, 69-70, 354, and Carr, "Method"). Even earlier critics who believe in J and E and are more hesitant to see later additions in them also regard the verses in question as deuteronomistic and not original to J or E. Thus Carpenter and Harford-Battersby, *Hexateuch*, 2:118 and 134-35; Childs, *Exodus*, 460 and 486; H.L. Ginsberg, *The Israelian Heritage of Judaism* (New York: Jewish Theological Seminary, 1982), 64. This tendency to expand legal material in Exodus 19-24 also occurs in the Decalogue itself, in which material in the style of both D and P occur; see Toeg, *Lawgiving*, 67, and references there.

text;²¹¹ it is also possible that other legal material appeared in this part of J's original Sinai narrative; finally, it is not out of consideration that some version of the Decalogue might have appeared in J, but the preponderance of evidence suggests that J knows of no Decalogue.²¹² In short, an answer to the question of whether J ever contained some law code, however brief, is unattainable.²¹³

On the other hand, it is clear that J has a notion of law as a crucial aspect of Israel's relationship with God, whether it contained a discrete law code or not. Exodus 34.27 refers to a document that God directs Moses to write which forms the basis of the covenant that God forms with Israel: "Yhwh said to Moses, Write these words down, because it is on the basis of these words that I form a covenant with you and with Israel." While we cannot be sure what "these words" refer to, it is clear that this covenant rests on specific words.²¹⁴ Moreover, as Shuvi Hoffman has argued, J refers at several places to laws or practices introduced within narratives. These narratives provide more than mere etiologies for the laws in question.²¹⁵ For example, in Exodus

211. Note that 34.12 and 15 both contain the phrase, פְּנִי-תִכְרַת בְּרִית לְיוֹשֵׁב הָאָרֶץ, which suggests the strong possibility that they constitute a *Wiederaufnahme*, so that we may confidently judge the secondary insertion to consist of the material between 12 and 15. It is precisely in that material, verses 13-14, that we find the deuteronomic language and concepts that conflict with the surrounding context. On the *Wiederaufnahme* and its use in determining scribal insertions, see Curt Kuhl, "Die 'Wiederaufnahme' -- ein literarkritisches Prinzip?" *ZAW* 64 (1952): 1-11.

212. Some critics attribute 34.28, which refers specifically to the Decalogue, to J; so Carpenter and Harford-Battersby, *Hexateuch*, 2:135. But Schwartz and Baden assign this verse to E; see the detailed reasoning in Baden, *Redaction*, 168-71.

213. In the end I think it is unlikely that J contains a law code. In addition to the exceedingly careful marshalling of several types of evidence by Baden in the previous verse, which strongly suggest that J knows no Decalogue, we may add a more general consideration: It is extremely unlikely that the Pentateuch's redactor would leave a law code on the cutting room floor. The redactor includes blatantly contradictory law codes stemming from E, P and D; apparently the prestige, sacrality or even legal authority of these ancient codes were so weighty that they are all included, even though this results in a self-contradictory work. If J had a code, it is altogether likely that the redactor would have included it for the same reason. On the other hand, I cannot deny the possibility that the redactor might have been inconsistent on this point; further, if the redaction was a multistaged process, it remains possible that J's law code was excised at an earlier point. Thus in spite of the strength of Baden's reasoning in this matter, I think it wiser to refrain from building a characterization of J's theology of lawgiving that leans heavily on it.

214. One might be tempted to identify "these words" in Exodus 34.27 with the thirteen attributes in Exodus 34.6-7. In that case, the covenant would be based not on law but on theology -- a possibility that would attract a great many contemporary readers of a Pauline inclination, whether Christian or Jewish. But, as Baruch Schwartz points out to me (private communication), J first introduces the term covenant in Exodus 34.10, after the thirteen attributes. It is this covenant that 34.27 refers back to; this verse completes what began only in 34.10. Whatever words are "these words" in 34.27, they appear after verse 10 and before 27, and not in the pre-covenantal section of J's discourse found in 34.6-7.

215. . . . Shuvi Hoffman, "J's Unique Approach to Law and Narrative," M.A. thesis [in Hebrew] (Jerusalem: The Hebrew University, 2007).

16.4-5, 16-30 J narrates a story that teaches about the manner, the origin, and the importance of Sabbath observance.²¹⁶ J provides a description of circumcision and a narrative that shows how much it matters in Exodus 4.24-26.²¹⁷ Stories about Cain and Abel, Noah, the patriarchs, and the appointment of the Levites provide information on proper behaviors in cultic matters.²¹⁸ It may well be, as Hoffman argues, that instead of a law code, J provides repeated narrative justifications for individual laws.

In that case, all four Pentateuchal sources present us with a set of laws justified by their narrative settings. This, indeed, is the best definition of the genre “Torah”: a combination of *nomos* and narrative in which the latter comes to authenticate, cultivate, and motivate the former.²¹⁹ This definition of the genre “Torah” applies not only to the redacted Pentateuch but also each of its four main components and predecessors. In three cases (P, E, and D), the laws are grouped together and justified by the narrative that surround them, while in one case (J), various laws appear throughout the narrative rather than in one block (as in D and E) or in a number of discrete blocks (as in P).²²⁰ To this extent, the four sources agree on the importance of law. But they disagree in considerable ways in regard to lawgiving -- where it happened, when it happened, and to some extent even why it happened. And of course, as modern biblical critics have long pointed out, they also disagree on the details of “what” -- that is, each presents its own version of the what the law actually is.

216. . . . Hoffman, “J’s Unique,” 82–93.

217. . . . Hoffman, “J’s Unique,” 93–106.

218. . . . Hoffman, “J’s Unique,” 63–80.

219. . . . On the idea of justified law -- that is, the mixing of law and narrative so typical not only of the Pentateuch but of the Talmuds as well -- as central to both biblical and rabbinic culture, see David Weiss Halivni, *Midrash, Mishna, & Gemara: The Jewish Predilection for Justified Law* (Cambridge: Harvard, 1986). On the Torah’s essential mixing of narrative and legislative material, see Schwartz, “Torah,” 162–69. I capitalize the term “Torah” in this sense (viz., as the composite genre that mixes law and narrative so that the latter justifies the former) to distinguish it from the genre “torah,” in the sense of a specific legal teaching or ruling, whether recorded for posterity (e.g., “This is the torah of the burnt offering” in Leviticus 6.2, “the torah of the nazirite” in Numbers 6.13) or issued in response to a specific query (e.g., the rulings referred to in Deuteronomy 17.8-11, Jeremiah 18.18, Malachi 2.7, Haggai 2.11-13).

220. As Hoffman, “J’s Unique,” 54, notes, in P one occasionally finds cases that resemble J as well; that is, P contains both law codes (like E and D) and narratives that present laws (like J). On this phenomenon in P, see also the detailed study of one case in Simeon Chavel, “The Second Passover, Pilgrimage, and the Centralized Cult,” *HTR* 102 (2009): 1–24.

Lawgiving in D and the Beginnings of Biblical Commentary

As we turn from the three Pentateuchal sources found in the Book of Exodus to the fourth source, which is the Book of Deuteronomy, we find ourselves making a move that is crucial for any Jewish attempt to wrestle meaning from the Bible. The Bible in Jewish tradition is not sacred and formative, much less authoritative, by itself. It is in within the community of readers that is the tradition of Jewish commentary that Jews, as Jews, study Bible, and only from that community does a specifically Jewish reading of scripture emerge. As Deuteronomy reformulates material from earlier books of the Torah, it often clarifies ambiguous statements, even as it revises them or reacts to them. Thus, Deuteronomy is the oldest Jewish commentary on the material we have examined from Book of Exodus.²²¹

221. The exegetical nature of Deuteronomy has been widely discussed among biblical scholars in recent decades, but one might locate the first reference to this aspect of Deuteronomy in the fifth verse of the book: “On the other side of the Jordan, in the land of Moab, Moses began to explicate (באר) this Teaching, as follows” (Deuteronomy 1.5) -- at least, if באר here means not “inscribe” (as it does in Deuteronomy 27.8) but “explain, expound,” as it does in late Biblical Hebrew. The latter seems likely both in the context (in which the verb introduces a speech orated by Moses, not an act of writing in stone) and in light of the relatively late provenance of Deuteronomy 1-4. See further on the verb Jeffrey Tigay, *Deuteronomy*, JPSTC (Philadelphia: JPS, 1996), 5 and 344 n. 17. Scholars debate whether Deuteronomy’s reading of its predecessors is primarily exegetical or revisionary -- that is, whether Deuteronomy intends only to clarify and update the older sources (so that D presumes that it will be read alongside E), or whether it further intends to replace them (so that once one has Deuteronomy, one need not -- indeed, should not -- continue to read E). For the former view, see especially Eckart Otto, “Mose der erste Schriftgelehrte : Deuteronomium 1,5 in der Fabel des Pentateuch,” in *L’Ecrit et L’Esprit: Etudes d’histoire du texte et de théologie biblique en hommage à Adrian Schenker*, ed. Dieter Böhler, Innocent Himbaza, and Philippe Hugo (Göttingen: Vandenhoeck & Ruprecht, 2005), 152–59; Najman, *Seconding Sinai*. For the latter point of view, see especially Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1997) and Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, FAT (Tübingen: Mohr Siebeck, 2007). While the latter point of view seems more likely to me (see especially the arguments against the former in Stackert, 211-222 and in Maxine Grossman, “Beyond the Hand of Moses: Discourse and Interpretive Authority,” *Prooftexts* 26 [2006]: 296–301, esp. 300), in the end the Deuteronomy gained a place alongside the texts it reworks rather than instead of them. Thus the position that Otto and Najman imagine, whether intended by D or not, became the reality. On the learned, scribal, and exegetical dimensions of Deuteronomy and the Deuteronomistic literature more generally, see further the important study by Timo Veijola, “Die Deuteronomisten als Vorgänger der Schriftgelehrten. Ein Beitrag zur Entstehung des Judentums,” in *Moses Erben: Studien zum Dekalog, zum Deuteronomismus, und zum Schriftgelehrtentum*, Beiträge Zur Wissenschaft Vom Alten und Neuen Testament (Stuttgart: Kohlhammer, 2000), 192–240, as well as Timo Veijola, “The Deuteronomistic Roots of Judaism,” in *Sefer Moshe: The Moshe Weinfeld Jubilee Volume: Studies in the Bible and the Ancient Near East, Qumran, and Post-Biblical Judaism*, ed. Chaim Cohen, Avi Hurvitz, and Shalom M. Paul (Winona Lake, Ind.: Eisenbrauns, 2004), 459–78.

Deuteronomy's exegetical tendency is especially prominent in its depictions of the Sinai event in chapters 4 and 5.²²² Joel Baden shows in exquisite detail that Moses' speeches in Deuteronomy 4 and 5 rework and react to E material from Exodus, from which they borrow material word-for-word; they also react to material from J, though less frequently and without word-for-word borrowing.²²³ In Deuteronomy 4, a later writer has Moses, addressing the people Israel shortly before his death, recall

¹⁰the day you stood before Yhwh your God at Horeb, when Yhwh said to me, "Assemble the people to Me so that I may cause them to hear My words, which they should learn so that they will hold Me in awe all the days that they live on the earth, and so that they will teach their children." ¹¹Then you drew near and stood at the base of the mountain; the mountain burned with fire to the very heart of the heavens -- there was darkness, cloud, and fog. ¹²Yhwh spoke to all of you from within the fire; you were hearing a voice of words (קול דברים), but you saw no form -- just a voice. ¹³He declared His covenant to you, which he commanded you to carry out -- the ten utterances. Then He wrote them down on two stone tablets. ¹⁴As for me, Yhwh commanded me at that time to teach you laws and statutes so that you carry them out in the land that you are entering so as to own it. ¹⁵So be very careful, for this is a life-and-death point: for you saw no form on the day Yhwh spoke to you at Horeb from the midst of the fire... (Deuteronomy 4.10-15.)

²²². Toeg especially emphasizes that Deuteronomy 4 and 5 contain instances of inner-biblical exegesis; see Toeg, *Lawgiving*, 57–58 and 52. n. 81. So also Childs, *Exodus*, 343. Similarly, Blum, *Studien*, 94, shows that Deuteronomy 4.36 and 5.25f. set out to clarify the ambiguous term נסות in Exodus 20.20.

²²³. Thus it is clear that the authors of Deuteronomy knew both E and J, but they know them separately and they relate to them in very different ways; the dependence on E is far greater and involves more direct borrowing of words, phrases, and whole sentences. See Joel Baden, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis*, AYBRL (New Haven: Yale University Press, 2012), 133–36, and, at greater length, Baden, *Redaction*, 153–72. More precisely, Baden discusses both the earlier authors of Moses's speech in Deuteronomy 4:45–11:31 (D1) and the later, supplementing authors of Moses speech in Deuteronomy 1:1–4:40 (D2). Baden maintains that in presenting Horeb narratives both these sets of authors refer to J narratives that highlight the disobedience of the Israelites, but they do not refer to J's Sinai material. It seems to me that the particular emphasis on the non-visual nature of the revelation in 4.12 could be seen as a response to the emphasis on visual elements in J (24.10-11) and/or P (24.17). But these correspondences between D and J/P are much less specific and verbally close than the ones Baden adduces between D and E. They could be D's response to traditional ideas about revelation, or they might be responses to specific J and P texts; the phraseological correspondence does not allow us to decide between these two possibilities. The correspondences with E are clearly to the E text as we know it. One more specific element -- viz., fire -- shared by J and D, which Baden acknowledges in 289 n. 13. But fire is a stock theophanic element throughout the ancient Near East and thus need not connect D specifically to J (indeed, in 20.18 E refers to torches, which already suggests the motif in question). Thus Baden is justified when he concludes that the Horeb passages in Deuteronomy depend heavily on E and only peripherally on J.

These verses were written with two specific questions in mind, the two questions that emerged repeatedly in our study -- and, it seems, the Deuteronomists' study -- of the ambiguities in the E material from Exodus 19-20: (1) What does the word *qol* in those chapters mean? (2) How much of the Decalogue did the Israelites hear? Deuteronomy 4.12 informs us that the nation heard a *qol debarim*, a sound of words. This *qol* was a voice articulating sounds in order to communicate meaning. The revelation, in other words, imparted specific content; it was not only an overwhelming event. The addition of the clarifying word דברים ("of words") to the source's *qol* responds to the ambiguity we noticed in Exodus. Further, this speech makes clear that the whole people, not just Moses and not just elders or priests, heard the Decalogue; note the repeated use of second person plural forms to fill in the gap found back in Exodus 20.1 (which, we saw earlier, left out the recipient of the Decalogue text): "Yhwh spoke to all of you (אליכם)...You (אתם) were hearing a voice of words...He declared His covenant to you (לכם), which he commanded you (אתכם) to carry out -- the ten utterances...on the day Yhwh spoke to you (אליכם) at Horeb..." (Of course, the rhetorical effect of the second person plural forms is lost in English; I attempt to regain it once by translating "all of you" at its first appearance.²²⁴) To be sure in verse 14 Moses was commissioned to act as intermediary, but only for subsequent legislative disclosures.²²⁵

In addition to clarifying the ambiguities in E, the Deuteronomists in this passage also may take issue with J -- or at least with a view found in J, and also in P. I refer to D's insistence that the people "saw no form" of the divine body (Deuteronomy 4.12, 4.15), which repudiates a view found in J verses such as Exodus 19.11 and 24.10-11, as well as P verses such as Exodus 24.17 and Leviticus 9.4, 6, 23-24. Here we see an example not of intrabiblical exegesis but intrabiblical polemic. It is characteristic of D that it puts a voice in place of a visual form, for Deuteronomy's is a "religion of the ear and not of the eye" (to borrow a phrase Paul Tillich used to characterise Protestant Christianity in distinction from Catholicism and Orthodoxy).²²⁶ Deuteronomy

224. Though a native of New Jersey, I decided to refrain from translating all these forms as "yous." I am, in any event, not from that part of the Garden State.

225. Further, this verse is likely to be a secondary addition, for reasons I adduce below; see the reference to Loewenstamm in note 240.

226. See Paul Tillich, *On Art and Architecture*, ed. John and Jane Dillenberger, trans. Robert Sharlemann (New York: Crossroad, 1989), 215, as well as the useful discussion in Richard Kieckhefer, *Theology in Stone: Church Architecture from Byzantium to Berkeley* (Oxford: Oxford University Press,

emphasizes not God's bodily presence in the Temple (a presence one might, however dangerously, see) but the signifier or symbol of God's presence that D terms God's "Name."²²⁷ Deuteronomy also emphasizes verbal symbolism rather than cultic sight as an avenue to God when, in texts like Deuteronomy 6.4-5 and 31.10-13, it requires Israelites to listen to God's teaching on a regular basis.²²⁸ This substitution of voice for picture in 4.12 speaks volumes not only about D's theology of revelation but about D's project of theological revision altogether. The liberal Jewish philosopher Hermann Cohen already intimates this. He describes what he calls Deuteronomy's "reflective repetition" on the preceding books, a phrase that captures very well the nature of D's revisionary commentary on the earlier sources. Cohen insightfully connects the replacement of form with voice to D's abhorrence of anthropomorphism: "the criticism of this reflection penetrates even deeper in that it considers above anything else those doubts in regard to revelation that must be raised from the point of view of God's spirituality...The danger of a material conception of God was concealed in the theophany itself. It is very instructive to learn how Deuteronomy strives to avert this danger" -- and here he quotes Deuteonromy 4.15-16.²²⁹

2004), 120. On this tendency in D, Dtr, and prophetic traditions especially under their influence (such as Jeremiah), see further Sommer, *Bodies*, 135.

227. On this theology in D, see Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972), 191-209; Mettinger, *Dethronement*, 48-80; Moshe Weinfeld, *Deuteronomy 1-11*, AB (New York: Doubleday, 1991), 39-40; Stephen Geller, *Sacred Enigmas: Literary Religion in the Hebrew Bible* (London: Routledge, 1996), 30-61; Sommer, *Bodies*, 62-68. All these studies are indebted to the fundamental and enduring work on Deuteronomy's theology of presence in Gerhard von Rad, *Studies in Deuteronomy*, trans. David Stalker (London: SCM Press, 1953), 37-44.

228. On cultic sight of the Temple as an avenue to God in (non-deuteronomistic) Israelite religion, see, e.g., Mark Smith, "Seeing God' in the Psalms: The Background to the Beatific Vision in the Hebrew Bible," *CBQ* 50 (1988): 171-83. On D's movement away from this form of religiosity, see Ronald Hendel, "Aniconism and Anthropomorphism in Ancient Israel," in *The Image and the Book: Iconic Cults, Aniconism, and the Rise of Book Religion in Israel and the Ancient Near East*, ed. Karel van der Toorn (Leuven: Peeters, 1997), 205-28, and Karel van der Toorn, "The Iconic Book: Analogies Between the Babylonian Cult of Images and the Veneration of the Torah," in *The Image and the Book: Iconic Cults, Aniconism, and the Rise of Book Religion in Israel and the Ancient Near East*, ed. Karel van der Toorn (Leuven: Peeters, 1997), 228-48.

229. Hermann Cohen, *Religion of Reason Out of the Sources of Judaism*, introductory essays for the second edition by Steven S. Schwarzschild and Kenneth Seeskin, translated with an introduction by Simon Kaplan, introductory essays by Leo Strauss, AAR Texts and Translations, no. 7 (Atlanta: Scholars Press, 1995), 73. On this theme in Cohen's work and its anti-mythological tendency, see Robert Erlewine, "Reclaiming the Prophets: Cohen, Heschel, and Crossing the Theocentric/Neo-Humanist Divide," *JJTP* 17 (2009): 188. On the philosophical context of Cohen's demythologizing reading of Deuteronomy, see Kenneth Seeskin, *Autonomy in Jewish Philosophy* (Cambridge ; New York: Cambridge University Press, 2001), 163-64.

As part of this move away from sight and toward sound, the Deuteronomistic authors redeploy the verbal root ר"א throughout both chapter 4 (and also in chapter 5). The texts we examined in Exodus use verbs and nouns from this root to denote the vision of God that the people or the elders see; so in Exodus 3.3, 19.21, 24.10, 24.17; a similar idea occurs with the term לעיני ("in the sight of," or, more literally, "in the eyes of") in 19.11 and 40.38. P also uses the root ר"א when speaking of the plan for the Tabernacle that God showed Moses (literally, "caused Moses to see") in Exodus 25.9, 25.40, 26.30, 27.8, and Numbers 8.4. This verb appears throughout the Deuteronomistic authors' Horeb narratives, but these authors consistently move the meaning of the verb away from seeing God. For them the verb refers to what the people learn in an abstract sense (Deuteronomy 4.5, 4.25), to what the nation did *not* see (4.12, 4.15), and to what might lead them astray if they do see it and pay too much attention to it (4.9, 4.19). Only two times in Deuteronomy's Horeb narratives does this verb refer to what they really did see with their eyes (4.36 and 5.24), and there the texts make clear that what they saw were accompaniments of theophany but not the actual presence of God. Moreover, both of these verses go on to use שמע ("hear"), as if ר"א by itself and, as it were, unchaperoned by a more responsible verb, might get the Israelites into troubling situations. In fact "hear" appears twice in 4.36, once before "see" and once after, so that the audience contextualizes sight within a context controlled by hearing. In 5.24 the verse specifies that what they people *saw* is that God *speaks*; thus, ר"א here -- and also, the Deuteronomist wants us to realize, in any case where it is used with something divine as the object -- really means "understand," not "see with one's eyes." The Deuteronomist moves the verb's meaning away from sight towards understanding or learning of a verbal/intellectual nature, thus making ר"א subservient to שמע, or perhaps emptying the former of its central meaning to make more room for the latter.²³⁰ (This tendency to put hearing where other Israelites put seeing also appears in 4.33,

230. On the use of ר"א and שמע as oppositional guiding words in Deuteronomy 4, see further the brilliant treatment in Geller, *Sacred Enigmas*, 36–44, 52–53, esp. 39, where Geller establishes that this chapter "orders them religiously: hearing is promoted seeing demoted in significance as regards revelation, and, by extension, all religious experience." On the hierarchical relationship of visual and aural knowledge in the Bible generally, see Seeligmann, "Studies," 141–68, esp. 155–58.

where it the sound of God's voice rather than the sight of God's body that poses a mortal danger to human beings.)²³¹

Moses' speech in Deuteronomy 5 also responds deliberately to the ambiguities of Exodus 19-20:

²Yhwh our God formed a covenant with us at Sinai. ³It was not with our parents that Yhwh formed this covenant, but with us, all of us, we who are here today, we who are alive! ⁴It was directly²³² that Yhwh spoke with you at the mountain from within the fire,...saying:

“⁶I am Yhwh your God, who led you out of the land of Egypt...

...

^{21b}...You shall not desire your neighbor's house, his field, his worker, his maid, his ox, his ass, or anything that belongs to him.”

²²It was these words that Yhwh spoke to your whole congregation on the mountain from within the fire, the cloud, and the fog -- a great voice (לִקוֹל), which did not continue. Then He wrote them down on two tablets of stone and gave them to me. ²³And it came about that when you all heard the voice (לִקוֹל) from within the darkness -- and the mountain was on fire -- that the leaders of

231. A fascinating question that cannot be answered with confidence is whether D knows some of these older texts that use ר"א at Sinai/Horeb and redeploys the root in a specific response to them. That D knows and responds to J in these passages has been demonstrated conclusively by Baden, *Redaction*, 153–72. The relationship between D and P traditions, which crystallized in parallel to each other over the course of generations is more difficult to assay. It is highly unlikely that these schools were unaware of each other, but it is less clear whether texts we know from one allude to specific texts we know from the other, as opposed to ideologies and opinions associated with the other. In the case of the Sinai/Horeb traditions, D's use of the rare *hophal* form of the root ר"א in 4.35 is especially interesting. Elsewhere this form appears only three times, all in P; in two of these cases, the verb refers to Moses being shown the Tabernacle vision (Exodus 35.40 and 26.30, and note that P uses the closely related *hiphil* form for the same purpose in Exodus 25.9, 27.8, and Number 8.4). The possibility that D knows P and deliberately reuses the *hiphil* of ר"א in a deliberately non-visual and educational way in 4.35 is intriguing, but on the basis of this single element we cannot conclude with confidence that D alludes specifically to the P texts. A similar redeployment may occur in 5.24, where D uses כבוד, which for P is a technical term while for D it pointedly is not. Whether or not Deuteronomistic authors have these P passages in mind in 4.35 and 5.24, the contrast still instructive, clarifying beautifully the difference between P on the one hand and D on the other.

232. In light of Deuteronomy's well-known theology of transcendence, which insisted that God dwells only in heaven and never comes to dwell on earth, it is clear that the D authors intend the phrase פנים בפנים idiomatically (“directly, without intermediary”) and not literally (“face to face”). On D's שם Theology see the references in note 227. On the possibility that this phrase disturbed later Deuteronomistic tradents due to its implications if taken literally, and on their reaction to this problem, see Carasik, “To See,” 263. For a compelling defense of this reading that does not rely on reference to D's theology, see ibn Ezra's commentary to this verse. Finally, we should note how the difference between this phrase here and the same phrase as used by E in Exodus 33.11. There E adds several words: “God would speak to Moses face-to-face, as a man speaks to his fellow.” The added clause at the end may be intended to specify that the phrase is not merely an idiom intending “directly” but refers to genuine physical proximity, as indicated also by verse 9, which tells us that God (or at least a significant avatar of God) descended from heaven to the Tent of Meeting to speak with Moses.

your tribes and the elders drew near to me, ²⁴and you said, “Look, Yhwh has shown us His glory²³³ and His greatness; it was His voice (קולו) that we heard from the midst of the fire; today we saw that God can speak with a human, and the human lives. ²⁵So now, why should we die? For this huge fire will devour us! If we continue to hear the voice (קול) of Yhwh our God any more, we will die! For who among all flesh has heard the voice of the living God speaking from the midst of the fire like us, and then lived? ²⁶You go, and hear whatever Yhwh our God may say; *you* can tell us all that Yhwh our God tells you, and we will listen, and we will carry it out. (Deuteronomy 5.2-5, 12-26.)

Deuteronomy 5 acknowledges that the revelation was an overwhelming and frightening event (stressing the auditory phenomena more than the visual), but it stipulates in verse 25 that the people heard a *qol* that “speaks,” not just a *qol* that accompanies lightning and clouds. In fact, the guiding word *qol* appears in close proximity to the word “speak” in three of its four occurrences in the passage just quoted. As in 4.12, then, this chapter specifies that *qol* means “voice.” Furthermore, our passage addresses the question of how much of the Decalogue the nation heard. Deuteronomy 5.23-31 come immediately after the text of the Decalogue to narrate the people’s fearful request that Moses act as intermediary from now. These verses echo Exodus 20.18-22 but alter it in a crucial way. First, unlike their source in Exodus, they are not phrased ambiguously; their wording makes clear God did speak to the whole nation.²³⁴ Whereas Exodus 20.19 did not specify that the people actually heard the revelation at all (“Let not God speak to us, lest we die”), the corresponding verse in Deuteronomy 5.24 talks of God continuing to speak (“If we *continue* to hear the voice of Yhwh our God *any more...*”).²³⁵ Moses’ task on his own is to receive the remainder of the legislation (what verse 28 calls “the *whole*

233. I do not capitalize כבוד here, because D, unlike P, does not use this word as a technical term for God’s body. See Sommer, *Bodies*, 64.

234. So also Childs, *Exodus*, 351. Similarly, Childs, 343, points out the ambiguity of *qol* in Exodus 19.19 and also notes that Deut 4.10, 4.33, 5.4, 5.24 decisively resolve the ambiguity

235. On this contrast, see the opening section of Ramban’s commentary on Exodus 20.18-19, where he notes several differences between the two texts that describe a conversation between Moses and the people. Ramban’s solution (that these in fact narrate two completely different events, one [in Exodus 20] before the revelation of the Decalogue and the other [in Deuteronomy] after it) differs from that of a modern scholar, but his literary sensitivity is an important tool for the modern scholar all the same. Similarly, he notes that in Exodus 20.18 the people are frightened by sounds and sights, while in Deuteronomy 5.23-26 they are frightened by the divinity’s speech (דבור השכינה); even if we do not agree with Ramban that this shows the two texts narrate different events altogether, Ramban helps us to see that Deuteronomy unambiguously identifies the voice the people hear as God’s, while in Exodus E forces us to wonder what the noise the people hear is and how (or whether) it relates to God’s person.

command”).²³⁶ Second, the events recounted in Deuteronomy 5.20-28 follow the giving of the Decalogue both textually and temporally; through the *waw*-consecutive verbs in verse 23 the Deuteronomist carefully eliminates the possibility that the people heard only part of the Ten Commandments or none of it at all.²³⁷ Throughout our passage D insists that this revelation involved not just Moses or elders but “the *whole* congregation” (5.19); God speaks “with us, all of us, we who are here today” (5.3). To the same end, Deuteronomy revises the line introducing the Ten Commandments: while Exodus 20.1 stated merely, “God spoke all these words, saying,” the parallel sentence that introduces the text of the Decalogue in Deuteronomy 5.4-5 reads, “Yhwh spoke *to you* [עִמָּכֶם; the Hebrew word for you is plural, addressed to the nation]...saying.” Like the ancient translations of Exodus 20.1 cited above, the Deuteronomist attempts to remedy the unusual absence of a prepositional phrase indicating the addressee of the divine speech. Further, the text stresses that the people had direct, unmediated contact with God in verse 5.²³⁸ The revelation was a public one, not a mediated one; on this point Deuteronomy is both insistent and clear.

Clear -- yet equivocal. Deuteronomy 5.5 contradicts the verse that comes before it (as well 4.12-13 and 5.19-20). Immediately after the vivid description of the unmediated

236. Here we see another subtle difference between D and its source in E. Schwartz, “Horeb”, explains that in D, “God’s original intention was to impart to them the whole of his teaching, and that he has thought better of it only in light of their resistance...if they had not requested [a mediator], it would not have been necessary...[But] in the Elohist account, the assumption that the entire body of laws is going to be communicated to the people by means of a messenger is present from the beginning. In E, the purpose of the proclamation of the Decalogue from the outset is to establish the credibility of the prophet, whose task it will then be to convey the laws and statutes.” In light of the contrast Schwartz draws, it becomes clear that Rashbam imports the attitude of Deuteronomy into his reading of Exodus 20.19 (see his commentary *ad loc.*). In this regard Rashbam is a predecessor of many modern scholars. Thus Ernest Nicholson, “Decalogue,” 424–27, reads D’s position back into the final form of Exodus 19-20 when he argues that in its present form Exodus 19-20 presents the revelation of the Decalogue as unmediated. This misses the subtlety and insistent ambiguity of the final form text, which in some ways adds to E’s ambiguities. See also the similar claim in Crüsemann, *Torah*, 253, and in Patrick D. Miller, *Way*, 4, 19–23.

237. D has Moses repeat the same point in Deuteronomy 18.16, where we again find the crucial terms $\eta\sigma\alpha$ and $\tau\omega\epsilon$.

238. Here again we see D’s attempt to neat up E’s enigmatic or messy categories. For D lawgiving at Horeb was completely public and entirely unmediated: the whole people heard the whole of the Ten Commandments; and all lawgiving thereafter was entirely private and mediated through Moses. E, on the other hand, portrays lawgiving at Sinai itself as combining public and private aspects, as partially mediated and partially direct, without letting us know how and when the public/national revelation gave way to the private/Mosaic lawgiving. On this contrast, see also Lenzi, *Secrecy and the Gods: Secret Knowledge in Ancient Mesopotamia and Biblical Israel*, 302, who points out that for D the people are never “distant” as they are in Exodus; they are either present and fully involved or entirely absent.

meeting of God and Israel in Deuteronomy 5.4, there follows a comment announcing that Moses acted as intercessor:

⁴It was directly that Yhwh spoke with you at the mountain from within the fire -
- ⁵I was standing between Yhwh and all of you at that time, so as to tell you
God's word, for you were afraid of the fire, and you did not go up the mountain -
- saying: "I am Yhwh your God..."

Rashi, Rashbam and ibn Ezra point out that the word *לאמר* ("saying") in verse 5 belongs to the sentence found in verse 4, since it completes the phrase in verse 4 which begins with the words "Yhwh spoke."²³⁹ This renders the remainder of 5 parenthetical. We can go a step further than Rashi and ibn Ezra: verse 5 (other than the word "saying") is a later addition to the text. It includes the formula, "at that time," which (as Samuel Loewenstamm has demonstrated) consistently serves in Deuteronomy to indicate redactional interpolations.²⁴⁰ This interpolation attempts to reintroduce Exodus' idea of a mediated revelation into Deuteronomy. Exodus 19-20 (and already the E text preserved therein) forced the audience to contemplate the possibilities of both public and private (i.e., Mosaic) revelation. Deuteronomy 5, acting as commentary on (or more precisely, revision of) these passages in Exodus, decides in favor of the view that revelation at Sinai was public. However, a glossator who agrees with the older notion of private or mediated revelation (which was one of the options E insinuates but the only possibility that J and P allow) acts as a supercommentator, adding a line to D that eliminates both D's notion of public revelation and E's equivocation so that the text agrees with the position that we know from J and P -- but only in the gloss itself, since the surrounding context remains intact. In the end, both Exodus and the final form of Deuteronomy present two possibilities, but it is important to notice the difference between them: in Exodus, we find ambiguity, while in Deuteronomy, we find *מחלוקת* or debate. The former includes verses that could be understood in more than one way, in fact, it contains a pattern of verses that could be understood in several consistent ways,

239. See their commentaries *ad* Deuteronomy 5.5, especially ibn Ezra's discussion of the biblical narrative style as it relates to the displacement of *לאמר*.

240. See Samuel E. Loewenstamm, "The Formula 'At That Time' in the Introductory Speeches in the Book of Deuteronomy," [in Hebrew], *Tarbiz* 38 (1969): 99–104. Loewenstamm collects 14 other examples in chapters 1-10 in which context shows that the sections starting with this formula, "at that time," are secondary. On pp. 103-104 he points out the contradiction between 5.5 and 5.4 in particular.

and this pattern focuses our attention on the question, “Did they hear all or part or none?”, even as it makes it impossible to give a definitive answer to that question. The original text of Deuteronomy 5, on the other hand, provides one answer to the question: They heard all, without intermediation. But the gloss in Deuteronomy 5.5 gives the other answer: they heard none directly, and received Torah only through intermediation. Thus in its final form, Deuteronomy converts deliberate literary indeterminacy into multivocalic disputation.

Interestingly, by utilizing the formula “at that time,” the supercommentator in 5.5 has clearly marked his interpolation as such. Like a page in a midrashic collection or a Rabbinic Bible, this passage in Deuteronomy presents more than one reading of Exodus 19-20. As a result of the interpolation, the final version of the text contradicts itself: Deuteronomy 5 in its present form does not achieve the univocal clarity the Deuteronomist originally sought.²⁴¹ In this way Deuteronomy 5 presages a tendency that will become prominent in later Jewish literature: texts that attempt to reduce complex traditions to definitive compendia are typically subject to commentaries that reinscribe the earlier complexity.²⁴² This was the fate of the Mishnah, whose clarity and brevity are followed by the Gemaras’ intricate and extended discourses. It was also the fate of Maimonides’ code, which became canonical only alongside the whole literature of commentary and super-commentary it attracted. Maimonides’ decision to borrow a traditional Jewish appellation for Deuteronomy, “*Mishneh Torah*” (“repetition of the

241. S.R. Driver, *Deuteronomy*, 3 ed., ICC (Edinburgh: T.&T. Clark, 1902), 84, argues that 5.5 is not really contradictory: “the people heard the ‘voice’ of God, but not distinct words; the latter Moses declared (יָהוָה) to them afterwards.” Thus, Driver argues, Deuteronomy as a whole, and not just Deuteronomy 5.5, agrees with Exod 19.9 and 19.19. (A similar reading is adopted by Weinfeld, *Deuteronomy 1–11, ad loc.*, who acknowledges that Deuteronomy 5.5 is an interpolation but who sees it as not necessarily contracting 5.4. For similar attempts at reconciling verse 5 to its context, see ibn Ezra *ad loc.*, who also argues that 5.5 refers to a later exposition of the law by Moses, as well as Cohen, *Religion*, 75–76.) These interpretations are not compelling. They contradict Deuteronomy 4.12 (according to which the people heard not an indistinct noise but the “sound of words”). Further, it doesn’t even agree with Exodus 19, since the Deuteronomy 5.4 still emphasizes the direct revelation that does not occur in the former. Weinfeld and Tigay *ad loc.* both review harmonizing interps.

242. On this tendency in Jewish learning, see Halivni, *Midrash, Mishna, & Gemara: The Jewish Predilection for Justified Law*, 108–15. On the parallel between the multivocality of post-biblical Jewish commentary and that of biblical texts, see Moshe Greenberg, “On the True Meaning of Scripture,” [in Hebrew] in *‘Al Hammiqra’ Ve‘al Hayyahadut* (Tel Aviv: ‘Am ‘Oveid, 1984), 345–49, as well as my comments in Benjamin D. Sommer, “The Scroll of Isaiah as Jewish Scripture, Or, Why Jews Don’t Read Books,” in *Society of Biblical Literature 1996 Seminar Papers* (Atlanta: Scholar’s Press, 1996), 241–42.

Torah”)²⁴³ for his code was perhaps unintentionally apt. Indeed, Deuteronomy 5 in its current form shares a particular type of multivocality with Maimonides work. I think here of a famous series of comments found throughout almost all editions of Maimonides’ *Mishneh Torah*. Known as the השגות or *Reservations*, these passages were written by Rabbi Abraham ben David of Posquières (known as the Rabad) and are now printed within the text of the *Mishneh Torah*, usually in a different typeface, or indented into Maimonides’ own text. In the *Reservations* the Rabad often disagrees with Maimonides’ views and legal rulings and presents alternatives to them, passing on rulings from earlier rabbinic texts that Maimonides had specifically rejected. In a strikingly similar fashion, the interpolator in Deuteronomy 5.5 puts forward the view that D rejects; indeed, I would suggest that the literary genre of 5.5 might be termed a השגה (it is tempting to dub the unknown scribe who wrote the verse “Proto-Rabad”). The parallel between D and Maimonides’ code goes further. The *Mishneh Torah* that became canonical and authoritative in Judaism was, one might say, not Maimonides’ *Mishneh Torah* but the *Mishneh Torah* of tradition: what Jews study as a central part of the curriculum of rabbinic Judaism are editions of the *Mishneh Torah* that include Rabad’s *Reservations* interpolated into the Maimonides’ text along with a host of commentators positioned around Maimonides’ text. These commentators reinstated the disputes, discourses and legal derivations that Maimonides intended his *Mishneh Torah* to render avoidable.²⁴⁴ Precisely the same dynamic is at work in Deuteronomy’s depiction of Sinai: what serves as Jewish scripture is not D’s Deuteronomy but tradition’s; the canonical version of Deuteronomy includes the work of both D and that of Proto-Rabad.²⁴⁵

243. The term is borrowed from Deuteronomy 17.18, which directs future kings of Israel to write out את־משנה התורה הזאת. Though often taken to be Deuteronomy’s own title for itself, in its own literary context the phrase in fact means “a copy of this Teaching”. The text refers to itself here simply as “this Teaching”; the משנה (copy) of which the text speaks refers physical copy of “this Teaching” that the king will write out.

244. The השגות of the Rabad have been a standard element of printed editions of Maimonides Code since the Constantinople edition of 1509 -- that is, since shortly after the invention of printing.

245. Thus the same debate concerning D’s relationship to its main legal predecessor in E’s Covenant Code (Exodus 21-23) mentioned above in note 221 -- to wit, did D intend the D law code to replace the Covenant Code or to be read beside it? -- can be, and has been, asked of Maimonides’ code. Whatever the intentions of the authors of both these *Mishnei Torah*, their works became canonical alongside the earlier works rather than instead of them. On the question of whether Rambam intended his code to supercede the Talmud, which would no longer need to be studied once the *Mishneh Torah* was available (or, to use Moshe Halbertal’s phrasing, whether the *Mishneh Torah* is a summary or a substitute for the Talmud),

The Effects of Redaction

A reading of scripture that strives to be constructive as well as critical, traditional as well as modern, cannot ignore the results of biblical criticism. It needs to attend to the torah of J and of E, of P and of D. But it cannot stop with a reading of these sources. It also needs to attend to the final version of the text, the version that became canonical. For such as reading, however, attention to the canonical form cannot mean simply returning to a reading of the canonical text as if we did not know about its components and history. While harmonistic or holistic readings prove themselves appropriate in some texts, in many cases our knowledge of the the seams that source criticism discovers prevents us from pretending the text is a harmonious whole. Biblical criticism requires an intellectually honest modern reader of scripture to regard some redacted texts less as the product of synthesis than as a record of antitheses, debate, and discord. The case of the Sinai and Horeb traditions in the Pentateuch strikes me as such a case. Consequently, when we turn as readers of scripture to read the whole, the question we need to ask becomes: How can we evaluate the memories found in each of the sources in new ways once we see how they differ from each other? How do J, E, P, D implicitly

see Shamma Friedman, "Rambam and the Talmud," [in Hebrew], *Dinei Yisrael* 26–27 [Mordechai Akiva Friedman Jubilee Volume] (5769–70): 315–26, who reviews literature on both sides of the debate and provides very strong arguments that Rambam did intend the his code to supercede the Talmud. See further Moshe Halbertal, "What is the *Mishneh Torah*? Codification and Ambivalence," in *Maimonides After 800 Years: Essays on Maimonides and His Influence*, ed. Jay M. Harris (Cambridge, Mass.: Harvard University Center for Jewish Studies: Distributed by Harvard University Press, 2007), 81–111, esp. 97–111. Halbertal reviews both sides of the issue, notes that Maimonides' writings provide evidence for both sides, suggests that Maimonides himself was ambivalent, but ultimately concludes, like Friedman, that "Maimonides' true position is [that] the composition is a replacement for the halakhic literature that preceded it" (109). Thus Maimonides intended his work to be a normative canon (to use Halbertal's phrasing from Moshe Halbertal, *People of the Book: Canon, Meaning, and Authority* [Cambridge, Mass.: Harvard University Press, 1997], 3), but instead the Jewish people accepted it and indeed revere it as formative canon (cf. Halbertal, "What," 100–104). In other words, the fate of Maimonides' *Mishneh Torah* is identical to its biblical namesake: it is canonical, but not in quite the way it was intended to be, and only alongside works it had intended to replace. On the connection between Maimonides' supercessionist attitude toward the Talmuds and his view of himself as a second Moses, see, e.g., Alexander Even-Chen, "I Appear to Him in a Mirror; in a Dream I Speak to Him; but not So with My Servant Moses; Throughout My Household He is Trusted': Moses' Prophecy in the Writings of Maimonides and Maimonides as a Second Moses," [in Hebrew] in *The Path of the Spirit : The Eliezer Schweid Jubilee Volume*, [=Meḥqerei Yerushalayim Bemahshevet Yisrael vols. 18–19], ed. Yehoyada Amir (Jerusalem: Mandel Center, 2005), 213–14.

comment on each other?²⁴⁶ Most importantly, how does R, the redactor of the Torah, comment on all of them, and on the very notion of revelation?

What strikes me as most remarkable when we compare the Pentateuchal sources to the the Pentateuch itself is the difference between the thematic unity of each of the former and the disarray of the latter. Both P and D have very clear and consistent positions about the lawgiving. (To be sure, the addition of the reservation in Deuteronomy 5.5 undermines that consistency, but the original attempt still comes through quite clearly.) It is difficult to generalize about J due to its fragmentary nature, but what remains repeatedly show several main motifs. Even E is consistent, though in a deliberately perplexing way. One of its core themes is ambiguity, but that ambiguity is consistent, instructive, and, it is safe to say in light of its frequent appearance, intentional. But in the combination of these *torot*, thematic unities have been obscured or even lost. For E and D, lawgiving was punctual, while for P it was a process that lasted decades. In the redacted text the depiction of several punctual moments of lawgiving alongside the process has meant that the point of view represented by E and D has been lost. All the texts want to locate these important events in a single place, whether at Sinai, at Horeb, or at a tent that moves around the wilderness. But the unity of place that each individual source championed is gone from the redacted text. J and P left us no doubt that all lawgiving was mediated, not public; but D insists that God revealed the Decalogue directly, in its entirety, to the whole people. On this issue, the viewpoint of E has won, albeit in a new forms, since the ambiguity that E crafted so carefully has given way to the redacted text's self-contradiction and consequent lack of clarity. The most crucial differences involve the purpose of the theophany. Is the the law as an end-in-itself, the very content of the covenant, as is the case for E and D? Or is the law a means to the greater end of divine immanence, as is the case for P? Is the theophany most of all a matter of basking in a vision of God, as might be the case in J, so that legally obligatory rituals aim, perhaps, to preserve or recall that experience of the vision? One might say that for the original sources, what we learn about revelation and from revelation is set

246. In asking this question, I do suggest that, say D knew and reacted to P, or that H knew and reacted to D. While it is possible that authors of one source knew about views found in another source (if not the actual source as we have it), what I mean when I say that the redaction makes it possible to see the sources as commenting on each other is that the redactor has juxtaposed narratives and ideologies in such a way that we readers are forced to confront the doubt that one version of a narrative, an idea, or an institution can shed on another.

and unalterable -- written in stone, if you will permit me the pun. But the redacted Torah relativizes the sources, replacing their clarity with cacophany.

The final version of the Torah problematizes revelation, then, by presenting a motley set of memories as to what happened, how it happened, why and when and where it happened. A reader of any one source may have some specific picture in her head as to most of these questions, but a modern reader committed to accepting the witness of scripture cannot produce any such picture without doing damage to parts of the text or ignoring large swaths of it. This lack of clarity extends to a question as basic as whether there was a Decalogue at all (P: no; D: yes; E: depending on how one reconstructs this source, yes or no, but if, as is most likely, yes, the question remains open as to whether the people received it from God, Moses, or maybe partly from God and partly from Moses; J: we cannot be sure, but probably no). The person who attends only to a single source can achieve that most dangerous of things in religion, certainty; the premodern reader of the final form of the text, constitutionally unable to become aware of the self-contradictions the text contains, might also achieve certainty; but the modern reader of scripture who cannot privilege any one source over the others is forced to accept that lawgiving occurred, that it matters, but that we can never be sure precisely what it entails. In this respect, the final form, in its broad thematic sweep, most closely resembles E, though it goes even further in the direction of a fundamental lack of clarity. What the final form of the Torah, the most scriptural form of Torah, presents to us is not the clear and unequivocal portrait that P, D, and J present, but argument and perplexity.²⁴⁷ The effect of redaction is to highlight revelation as a crucial theme, even the central theme, of the Pentateuch (much more of the Pentateuch is devoted to revelation and lawgiving than, say, the Exodus from Egypt, the wandering through the wilderness, the creation of the world, the the lives of the Patriarchs), and yet also to undermine our ability to truly know about the revelation with any certainty. Thus combination of traditions we find in the Pentateuch, whether by design or by its refusal

²⁴⁷. Here I borrow phrasing from Keith Ward, *Religion and Revelation: A Theology of Revelation in the World's Religions* (Oxford: Clarendon, 1994), 22–23, from the section with the revealing subtitle, “The Ambiguity of Revelation.”|

to decide among its sources, has the effect of bolstering what I have called a low theology of revelation: it both emphasizes and problematizes the lawgiving.²⁴⁸

I began this section by noting that a modern Jewish interpreter of Tanakh as scripture must attend to the torah of each source as well as to the Torah that combines them into a restless whole. But such a reader cannot stop there, either. To produce a Jewish reading of scripture, one must listen to the torah of those who came after the redactor as much as to the torah of those who came before. When we turn to the history of interpretation in light of the history of composition, we will find that the pre-redacted source reassert themselves.²⁴⁹ This is the case because the final form of the Torah, though it studiously refrains from giving us a clear picture of what happened at Sinai, presents us with an enduring set of questions. A central concern of the each of the sources and hence of the final form concerns the extent to which the people participated in revelation directly. The sources answer this question differently: D is maximalist, asserting that the whole nation heard the whole Decalogue. P and J are minimalist, asserting that all revelation of law was mediated through Moses (and, for P, through Aaron and his sons on a few occasions). E is most concerned to prompt the audience think about the tensions among maximalist, minimalist, and in-between positions. In following the developments of these positions in the post-biblical literature, we will see how older points of view reassert themselves in newly productive or surprisingly extreme ways. We will also see how an overarching unity connects biblical and post-

248. This tendency at once to present and relativize, to accentuate a theme's importance even as it bewilders us with self-contradictory positions, is in fact the hallmark of the Torah as a theological document. Something similar happens with the Pentateuch's three divergent pictures of divine presence, I have argued in Sommer, *Bodies*. I might add in passing that a very similar debate occurs among D, P, and H in regard to holiness in the Pentateuch: Is it a characteristic of space or of people? Is it automatically granted by the divine presence, or is it something towards which Israelites must always strive? On this rich topic, see especially W. Kornfeld and H. Ringgren, "ש"דק," in *Theological Dictionary of the Old Testament*, 15 vols., eds. H. Ringgren C. Botterweck, and H.-J. Fabry, various translators (Grand Rapids, MI: Eerdmans, 1974–2006), 530–34; Knohl, *Sanctuary*; Joosten, *People and Land*; Sara Japhet, "Some Biblical Concepts of Sacred Space," in *Sacred Space: Shrine, City, Land. Proceedings of the International Conference in Memory of Joshua Praver*, eds. Benjamin Kedar and R.J. Zwi Werblowsky (New York: Macmillan, 1998), 54–72; Schwartz, *Holiness* (and, more briefly, Baruch Schwartz, "The Holiness of Israel in the Torah," [in Hebrew] in *Qovets Hug Beit Ha-Nasi Le-Tanakh U-Le-Meqorot Yisrael* [Jerusalem: Beit Ha-Nasi, 5757], 17–26); Eyal Regev, "Priestly Dynamic Holiness and Deuteronomic Static Holiness," *VT* 51 (2001): 243–61; Gary Anderson, "To See Where God Dwells: The Tabernacle, the Temple, and the Origins of the Christian Mystical Tradition," *Letter and Spirit* 4 (2008): 13–45.

249. Again, I discuss another example of this with regard to conceptions of divine presence in Sommer, *Bodies*, 124–43. I also provide an example of this phenomenon related neither to divine presence nor to revelation in Benjamin D. Sommer, "Reflecting on Moses: The Redaction of Numbers 11," *JBL* 118 (1999): 601–24.

biblical Judaisms in spite of -- indeed, because of -- the Torah's lack of internal consistency. Attending to these later texts will allow us to develop crucial themes from the Torah's narratives of lawgiving in ways that will prove useful to modern Jewish thought. It is to these recurrences of the biblical positions in rabbinic, medieval and modern Jewish thought that we now turn.