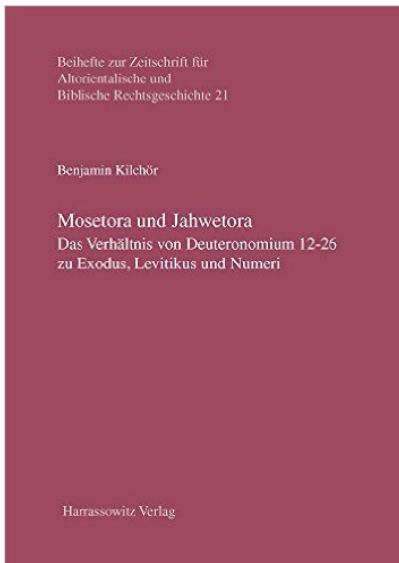


RBL 11/2016



Benjamin Kilchör

Mosetora und Jahwetora: Das Verhältnis von Deuteronomium 12-26 zu Exodus, Levitikus und Numeri

Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte 21

Wiesbaden: Harrassowitz, 2015. Pp. xviii + 390.
Hardcover. €98.00. ISBN 9783447104098.

Pekka Pitkänen
University of Gloucestershire
Cheltenham, United Kingdom

Benjamin Kilchör's *Mosetora und Jahwetora: Das Verhältnis von Deuteronomium 12–26 zu Exodus, Levitikus und Numeri* is an outstanding and highly significant doctoral thesis. It was supervised by Hendrik Koorevaar in the Netherlands and has been written in German, with an English summary included (337–41).

The background to the thesis is the Wellhausenian consensus on the interpretation of the Pentateuch and through that much of the Old Testament/Hebrew Bible as a whole. This consensus is based on the work of de Wette in regard to the date and provenance of Deuteronomy in the early nineteenth century and Wellhausen's rearrangement of the identified sources J, E, D and P (and H) in the mid- to late nineteenth century so that P was the latest source. While in many ways challenged in the ensuing 150 years, the Wellhausenian consensus still holds in a number of important respects, with the relative lateness of P (and H) being of particular significance for the thesis. Kilchör seeks to reinvestigate the relationship of the legal materials of the Pentateuch. He works within the overall source-critical framework in that he acknowledges the Covenant Code (also the Ritual Decalogue), P/H, and D as distinct corpuses, certainly at the very least for the purposes of the argument. It should be highlighted that this source-critical framework was established before the time of Wellhausen, even if the separation of H from the rest of P can be considered to have taken place around his time.

At the start of the thesis (“Fragestellung and Methodologie”) Kilchör highlights an important observation that has increasingly been made recently, that the canonical order of the law codes differs from the traditional Wellhausenian explanatory framework. Kilchör focuses particularly on the problem that, if P is later than D (and CC), why is D kept and P (and H) placed before D in the Pentateuch? He points out that traditional Wellhausenian criticism has not been able to address this problem. This does give reason for seeking potential alternative solutions. Kilchör then works through the laws in Deut 12–26, comparing them with parallels in Exodus-Numbers. He structures his presentation on an identified Decalogue structure of Deuteronomy.

Except for this, the methodology for the undertaking can roughly be summarized as follows: “1. A methodological circle from the detail to the whole and back again is essential. 2. Relationships of dependence that can be determined with greater certainty may be indicative for less certain cases. 3. Where more than two parallel texts are available, the direction of dependence can be determined with greater certainty (if one takes into account all parallels). 4. Rules of thumb cannot decide the individual case” (341 in the English summary; see also 330–32). One may note the importance of point 3 in that Kilchör argues in detail throughout that, when texts (and concepts) from more than one source are combined into a further text, this speaks strongly for a direction of dependence toward the latter, rather than the other way round. In regard to point 4, Kilchör is responding to the observation that works in antiquity tend to be expanded in their transmission and how that relates to the study at hand.

The main finding of the thesis is that Deuteronomy builds on the laws in Exodus-Numbers. As Kilchör himself summarizes, “The guiding text for the Deuteronomic law is the Covenant Code. Wherever the Deuteronomic law takes up texts from the Covenant Code and uses also other parallel texts, these latter texts are used in a complementary way” (339). Moreover, “Besides the Covenant Code, the Deuteronomic law picks up other texts from Exodus, especially from the chapters Exod. 12, 13 and 34” (339). Leviticus 1–16 is referred to, even if often not explicitly (339). As for the Holiness Code, it is “extensively quoted throughout the Deuteronomic law, often as a supplementary text besides the Covenant Code” (339). Numbers also contains many texts used in the Deuteronomic law, most notably Num 5, 12, 15, 18, 20–24, 27, 35, 36.

Kilchör shows through a statistical analysis that some 53 percent of the Deuteronomic material is specific to Deuteronomy only (see 333–35). In relation to that, as Kilchör himself states, “the Deuteronomic special material does not contain the core of the Deuteronomic legislation. Therefore, it is not likely that an original Deuteronomic law was expanded later by material out of other laws. Rather, the Deuteronomic special material has expanding character: older laws are interpreted under new hermeneutic

perspectives, especially under the perspective of the conquest of the land, respectively of the expansion of the land. Furthermore, general laws are expanded by special rules going more into detail. The Deuteronomic law has throughout an adapting and expanding character” (339). In this, Deuteronomy often does not repeat material that is already there in other laws but uses them selectively. Moreover, “As for the relationship of content between the laws of the central panel of the Pentateuch and the Deuteronomic law, it is concluded from the present study that the Deuteronomic law has no subversive intentions against the older laws at all. Rather, it is always complementary, often special cases and special provisions are commanded which serve to explain existing older laws or to show in which sense they have to be applied. Deuteronomy’s legal hermeneutics can be summarized as follows: the hermeneutical principle of legal innovation in Deuteronomy is not subversion but tradition” (340). Finally, “the conclusion seems legitimate that the laws in Exodus, Leviticus and Numbers were available more or less in their present form when the Deuteronomic law was composed, and that they had a quasi-canonical status” (340). In terms of the statistics, Kilchör also summarizes that, in the case of the material containing parallels with Exodus-Numbers, the direction of dependence for more than two-thirds (69%) can only be argued for one direction, with one third (31%) arguable either way, with naturally the latter also explicable based on a direction of dependence toward Deuteronomy (333–35).

The thesis is well researched in terms of the relationship of the law codes and related source- and redaction-critical issues, the express focus of the work. The argument can be characterized as detailed, rigorous, sensible, and even beautiful throughout, with only the occasional slip in some minor detail (as a rare example, I think the consideration of the relationship between Dert 16:9–12 and Lev 23:9–14 is not quite right [see 196], even if the author presents his view tentatively there.) An important part of the argumentation is to set the relevant texts side by side and then compare common vocabulary and expressions in them. This has generally been executed effectively. In terms of the presentation, the argument is dense but clear, save for a few rare occasions of slight obscurity. As already implied, importantly, Kilchör also carries out a self-evaluation of the strength of his own arguments, seeking to acknowledge when these are on the slender side (see the comments on methodology above).

Kilchör offers solutions to some difficult issues that relate to the relationship of the legal codes, also in terms of the meaning of the materials. A highlight in this respect includes the interpretation of the slave release and the Year of Jubilee (esp. Exod 21:2–4; Lev 25; Deut 15:1–18 [126–56]). The main solution proposed is that the law in Lev 25:35–38 describes a *pater familias* who cannot be released after seven years, as he would not be able to survive without also getting his land back; the law in Leviticus thus prescribes a

sabbatical year every fiftieth year to address such a situation (see also the summary on 327). As another highlight, the treatment of the festivals (164–201) seems to me excellent.

On the whole, while I think that the exegesis is of high quality and largely agree with the thesis and its results, there are some aspects where there is room for debate about details. For example, the solution proposed by Kilchör to the issue of the Jubilee Year seems an entirely reasonable solution to a difficult problem, yet some might nevertheless argue for a certain degree of wobbliness to it. In terms of other potential examples, as regards centralization of worship, the argumentation did not seem entirely convincing. To my mind, despite strong arguments, *maqom* (Exod 20:24) can be easily seen as distributive also (i.e., implying plural places; see other examples, e.g., 230–31 with *shammah*; 287 with *almanah* and *yatom* [Exod 22:21]), and Deut 16:21 in itself can more broadly be seen in a distributive sense (*pace* 209–11; also I do not think the use of the definite article in *hammaqom* is decisive; cf. 78–79). Also, as for the festivals, even when the exegesis is excellent, one may ask questions about the intended timing of Lev 23:9–14 and Deut 16:1–15 in the festival year and/or whether they are repeated or one-time ceremonies only (see 196, 303). That being said, a difference in interpretation with these details hardly has any bearing on the thesis as a whole, at least not in my opinion.

The proposed Decalogue structure for Deuteronomy seems broadly in order. However, I do not find the approach entirely convincing, and it does not completely fit the data. That being said, the argument does not ultimately hinge on the matter (see the comments on 320), and, again, it must be underlined that there are aspects that can clearly be seen to fit with such an approach (see also the summary on 320–21). Considering that the direction of dependence runs from texts that are combined to a text that combines, this seems at the minimum to be a reasonable position to take, even if ultimately one cannot be certain, as there is no (direct) empirical evidence to refer to outside the biblical text(s).

There are yet further cases to mention where one may have a different view about details. For example, in the case of tassels (252), making a distinction between the law codes seems to me to be somewhat overexegeting. Differing words can be used for the same thing in a language, especially when considering the variability and overlap that can exist in semantic ranges of words. I see no reason why Deuteronomy could not be simply summarizing and reiterating the law of Leviticus in this case, using its own terminology. Otherwise, on the whole, sometimes the explanations also assume a little too much of connections based on a common word or catchword. This seems the case particularly when there are no explicit parallels to the laws of Deuteronomy in Exodus-Numbers. On such occasions one may ask if one is finding the original meaning of the text and the original intentions of the authors of the law codes in relation to each other in adapting and modifying the texts or if one is engaging in reader-response criticism. All in all, such

a question is particularly pertinent when one tries to establish motivations on the basis of fine details and recalls that texts can experience slight variations in oral-written tradition (David Carr, *The Formation of the Hebrew Bible: A New Reconstruction* [New York: Oxford University Press, 2011]). That said, Kilchör's explanations are always interesting to consider and are never outlandish. Again, no such contestable readings are particularly central to the overall argument that shines through beautifully otherwise. As far as I can see, in this respect Kilchör proceeds in a German exegetical tradition, as he bores into minute details as much as possible. Finally, as a very minor critical remark, perhaps a table summarizing parallels between Deuteronomy and Exodus-Numbers, maybe in an appendix, would have been useful for reference.

All in all, this dissertation is a remarkable piece of work and of outstanding quality. It essentially serves to enable one to move away from the Wellhausenian order of dating the Priestly materials (P/H) as the latest legal codes of the Pentateuch. One may also note that Kilchör retains CC as the earliest code, with H in particular utilizing it, even if there are at the minimum hints that this is also at least partially the case for P. As for the Ritual Decalogue, Kilchör sees it as developed on the basis of CC and Exod 13 (P) (see 329 for a summary) and as a very relevant source for Deuteronomy. The study also suggests that all of the legal codes are closely integrated in their current form, even if it at the same time it is clear from the presentation that the main legal codes are also distinct. From the results of the thesis one may then work toward a new compositional hypothesis for the Pentateuch. While the study pertains only to the legal materials of Exodus-Deuteronomy and their relative ordering, without consideration of absolute dating and settings, pointers toward possible frameworks that it could fit have in fact already been provided. For example, I have independently proposed a solution essentially compatible with Kilchör's analysis and results, which also deals with questions of (absolute) dating and provenance (Pitkänen, "Reading Genesis-Joshua as a Unified Document from an Early Date: A Settler Colonial Perspective," *BTB* 45 [2015]: 3–31). In outline, this suggests that two authors have essentially written Genesis-Numbers and Deuteronomy-Joshua, in particular keeping in mind that in effect a two-covenant structure has been expounded by Kitchen and Lawrence for Exodus-Numbers and Deuteronomy (K. A. Kitchen and P. J. A. Lawrence, *Treaty, Law and Covenant in the Ancient Near East* [Wiesbaden: Harrassowitz, 2012], esp. 3:127–31). The proposed solution then also reads Genesis-Joshua (of which Genesis-Deuteronomy is a part) as written for the purpose of promoting ancient settler colonialism (see Pitkänen, "Reading Genesis-Joshua"; Pitkänen, "Pentateuch–Joshua: A Settler–Colonial Document of a Supplanting Society," *Settler Colonial Studies* 4 [2014]: 245–76; note also that Pitkänen, *Joshua*, AOTC [Leicester: Inter-Varsity Press, 2010] has already explicated how the priority of Priestly materials and their combination with materials in Deuteronomy can on its own be easily construed for the book of Joshua). The

Pentateuch (with Joshua) can then be read as a unified work from a synchronic perspective, with an express purpose for its setting and purpose, at the same time fully allowing for diachronic considerations concerning this amazing work from antiquity.

Kilchör's work is of superb, even scintillating quality, both on its own and as an impulse toward new ways of reading the Pentateuch not confined to a Wellhausenian approach. The work offers a real alternative in the latter sense, with significant implications for reading the Old Testament/Hebrew Bible as a whole, and one may here recall and underline that the thesis covers all of the laws in Deuteronomy as against their parallels and potential parallels in Exodus-Numbers. Even those who disagree with the approach and the results should be able to accept that the work offers a possible alternative way of reading the texts in question. When one combines this with the issue of the canonical order of the law codes and a large number of excellent, arguments that are included in the thesis, things build into a strong plausibility for the overall position taken. All in all, the thesis is a remarkable achievement at the start of a career and has all the qualities for becoming a classic in the field, granted that predicting how a work may be received is ultimately guesswork. Naturally one can thus explicitly classify the book as essential reading for all pentateuchal and Old Testament/Hebrew Bible scholars, and it deserves a wide readership in general, as much as people can interact with arguments that are strongly based on the Hebrew text (and can read German). The editors of the series and the publisher are also to be congratulated to have taken the thesis on board. The publishing quality is excellent, with the text, bibliography, and indexes of biblical references and authors referred to clearly and accurately laid out, with a minimum of typographical errors included in the book.