

OUDE TESTAMENT

KILCHÖR, B. — Mosetora und Jahwetora. Das Verhältnis von Deuteronomium 12–26 zu Exodus, Levitikus und Numeri (Beihefte zur Zeitschrift für Altorientalische und Biblische Rechtsgeschichte, 21). Verlag Otto Harrassowitz, Wiesbaden, 2015. (24,5 cm, XVIII, 390). ISBN 978-3-447-10409-8. ISSN 1439-619X. € 98,-.

In this revised dissertation written under the supervision of Hendrik Koorevaar at the Evangelische Theologische Faculteit in Leuven, Kilchör sets himself the Herculean task of resetting critical scholarship on the Pentateuch which in his view has been on the wrong tracks since the publication of Wellhausen's *Prolegomena zur Geschichte Israels*. The diachronic reading of the Pentateuch, which would place the book of Deuteronomy chronologically prior to the priestly literature, is fundamentally misguided and is at odds with the synchronic presentation of the Pentateuch. Particularly perplexing and demanding more reflection, in Kilchör's view, is the placement of a chronologically posterior law-code *prior* to the earlier one. Why would supposedly later priestly writers allow their rewriting of the Deuteronomic law-code to be trumped by Deuteronomy's claim to be an authoritative interpretation of the law-code? The solution to this problem can only be resolved by reducing the tension between the diachronic and the synchronic approaches to the Pentateuch. For Kilchör the Pentateuch was written in essentially the order we now have it. The Covenant Code is the earliest law, followed by the Priestly Torah and the Holiness Code. These are presented as Yhwh's law. Finally, we have the Deuteronomic Code which is an interpretation and application of Yhwh's law by Moses. The different laws do not contradict one another, nor do they subvert one another. Rather, they are in essential continuity.

This questioning of so much historical-critical scholarship of the last two centuries is undergirded methodologically by inner-biblical interpretation. According to Kilchör, attention to the relationships between the parallel laws in the Covenant Code, the Priestly Torah and the Deuteronomic Code show that the Deuteronomic Code utilizes the other codes, frequently combining them literarily. The order in which these topics are addressed by the Deuteronomic Code is provided by the Decalogue. At this point Kilchör follows a proposal by Stephen Kaufman and Georg Braulik, which has been embraced by a number of scholars since, including Dennis

Olson, John Walton and Karin Finsterbusch. This Decalogue structure provides the organizing principle of Kilchör's central chapter (pp. 71–307). Kilchör moves through the Deuteronomistic law-code sequentially seeking to demonstrate that Deuteronomy's laws utilize the laws in Exodus–Numbers. Although Kilchör's analysis of Deuteronomy 12–26 is fairly comprehensive, certain important texts appropriately receive the lion's share of attention. These include the central sanctuary (Deut 12) with the parallels in Ex 20 and Lev 17 (pp. 72–94), the remission of debts and the year of release (Deut 15) with the parallels in Exodus 21, 23 and Leviticus 25 (pp. 126–162), and the festival calendar (Deut 16) with the parallels in Ex 12–13, 23, 34 and Lev 23 (pp. 162–201). This lengthy central chapter is framed by an introduction and conclusion. The introduction sets out some of the scholarship on the Pentateuch's laws, the issues around determining dependence in examples of inner-biblical interpretation, and the case for the Deuteronomistic law being organized according to the Decalogue. The conclusion discusses issues such as the relationships between the Pentateuchal law-codes, the legal hermeneutics of Deuteronomy and the character of material distinctive to Deuteronomy.

As a piece of scholarship Kilchör's research is extremely hard working. He engages with a broad range of scholarship as his extensive bibliography demonstrates. The length of the book is justified by the numerous texts and issues that are treated. Almost every verse in the Deuteronomistic law-code receives some attention, sometimes lengthy treatment, and there is also extensive discussion of many passages from Exodus–Numbers. Kilchör also raises some important issues and has some well-chosen targets.

First, it is helpful to have the issue raised of whether the original divine words or the Mosaic interpretation would have been regarded as more authoritative. Does it make sense for a putative later priestly author to have placed a revised version of the commandments prior to their authoritative Mosaic interpretation? Whilst the question is a helpful one to raise, it seems to me that Kilchör rather too quickly assumes that a later writer would not have placed their laws earlier because they would have been trumped by the literarily later interpretation in Deuteronomy, and consequently the priestly writer must have been earlier than Deuteronomy. But one of the most revealing empirical examples of rewritten law that we have – the Temple Scroll (11QT) from Qumran – makes precisely the move that Kilchör regards as highly improbable. The chronological earlier texts of the Pentateuch are pre-empted by the later Temple Scroll which claims to be the *very words* that God spoke at Sinai. The claim to anteriority appears to trump interpretation, at least for ancient readers.

Secondly, Kilchör rightly confirms – with most Pentateuchal critics and against John Van Seters – that the guiding influence on Deuteronomy is the Covenant Code. He is also right to question whether the issue that the Deuteronomistic code's relationship to the Holiness Code might be less straightforward than some recent scholarship has claimed. There is a body of scholarship, including, for example, Jeffrey Stackert's careful *Rewriting the Torah* (2007), that would claim that the Holiness Code draws upon Deuteronomy. And yet there has always also been a significant group of dissenters. Even critical scholarship's original assessment of H as a pre-exilic law-code that was incorporated wholesale into P provides an indicator that the relationship between

H and D is far from transparent. In more recent times, scholars such as Jan Joosten and those influenced by Yehezkel Kaufman, such as Jacob Milgrom, have also not been persuaded that H has been influenced by D. Though Kilchör offers some thoughtful criticisms of Stackert's arguments, it is not the case that he creates a compelling case that D utilized H. As the history of this question might suggest, the relationship between H and D is perhaps not as simple as one text reworking the other.

Thirdly, Kilchör is right to question whether one law-code's use of another necessarily implies the abnegation of the earlier code. He is not alone in worrying that the insistence of reutilizing the very wording of anterior law-codes points not to their replacement, but rather intends that the reworking sit alongside the earlier law-code as an expansion. He helpfully draws on the work of Joachim Schaper and Hindy Najman to question the idea of one law replacing the other as advocated by Bernard Levinson and Stackert.

But, Kilchör's work is also troubled by some rather serious problems. We may begin with the proposal that the Deuteronomistic Code is organized according to the Decalogue. The theory of a Decalogue structure to Deuteronomy's law-code appears to explain everything, but actually explains nothing, and introduces real difficulties. First, the location of some laws is simply bewildering if this were the organizing principle. Why are the commandments about boundary markers and false witnesses (Deut 19.14–20) in the section that apparently corresponds to the commandment not to kill (19.1–22.8)? And why is defecating outside the camp (23.12–14) in the section of Deuteronomy that supposedly relates to the prohibition of adultery (22.9–23.15)? Secondly, the association of some sections of the Deuteronomistic law with specific Decalogue prohibitions require the prohibitions to be paraphrased or understood in an analogical sense. The instructions about community officials and roles in 16.18–18.22 has long been recognized as a unit. According to Kilchör, this corresponds to the commandment to honour father and mother, but there is no mention of father and mother in 16.18–18.22 nor of Levite, judge or prophet in the fourth commandment. The connection can only be made by parsing the fourth commandment as about 'respecting authority'. There is a similar problem with the Sabbath commandment. Kilchör argues that the instructions about tithes, the year of release, firstborn and the festivals correspond to the Sabbath commandment (14.22–16.17). It is perplexing, then, that the word 'Sabbath' is entirely absent from these chapters. (Still more so if the Deuteronomistic writers utilized the Holiness Code as Kilchör claims).

Kilchör's more fundamental claims concern the relative ordering of the various Pentateuchal law-codes, rather than their structure. But here too there are significant problems. First, Kilchör sets out a rigorous methodology utilizing recent work on how evidence for inner-biblical interpretation can be used to assess direction of influence. He also criticizes other scholars for assuming relationships on other grounds, such as a presupposed religio-historical development. Yet in many instances his own analysis is far from convincing, relying on the appearance in two texts of only one or two words, or words that appear with relatively high frequency. When a relationship between two texts does exist, Kilchör is not even-handed in his analysis of the issue of directionality. Instead, he assumes the priority of H over D, and does not properly weigh up the claims of alternative possibilities.

Secondly, and perhaps most problematically, Kilchör refuse to entertain the possibility that the biblical law-codes might be in tension with one another, still less contradictory. Consequently, he offers unconvincing harmonizations to ensure the Deuteronomic laws complement the laws in Exodus–Numbers. I have selected two examples to illustrate. The first is the well-known contradiction between Exodus’ permissions to build altars anywhere (Ex 20.24) and Deuteronomy’s insistence that there is only one sanctuary (Deut 12). Kilchör suggests that Ex 20.24 refers only to the local context of Sinai: around the mountain of revelation altars may be erected. Deuteronomy 12 is not a corrective to the Covenant Code, but an application. God will choose a new Sinai in the Promised Land, the one place where he will be present. According to Kilchör, altars are permissible in other places, but Deuteronomy 12 requires that certain sacrifices be brought to the central sanctuary only. The only way that this harmonization makes sense is if an artificial distinction is made between the altar and Yhwh’s dwelling place. But this proposed interpretation is impossible to square with Deuteronomy 12. This chapter knows of only one legitimate altar: the altar of Yhwh your god at the place Yhwh will choose (12.27). Other altars are to be destroyed (12.3). Additionally, if Kilchör’s rationalization is correct why all the fuss in Joshua 22 when the Transjordanian tribes build an altar by the Jordan river? Why do the other Israelites gather for war and accuse the Transjordanian tribes of treachery? A second example is the tithe. According to Numbers 18 the tithe is to be given to the Levites for their cultic service. In Deuteronomy 14 the tithe is consumed in God’s presence, but every third year the tithe is to be shared with the disenfranchised – the alien, the widows and orphans, and the Levites. Most historical-critical scholars resolve this contradiction historically. Numbers 18 is the later text which has absorbed Deuteronomy’s communal meal into the cultic bureaucracy. The Levite are no longer perceived as members of the underclass, but as cultic functionaries. Kilchör refuses to see the texts as contradictory. On his interpretation, Deuteronomy 14 must know Numbers 18, and allows some of the tithe to be held back and used for the pilgrimage meal. There is nothing to commend this interpretation, for Deuteronomy gives no indication that only *part* of the tithe is to be consumed at the central sanctuary.

It is certainly no secret that Pentateuchal criticism has for many years now been a place of fervent academic activity and disagreement. Older paradigms have been subject to rigorous probing and long-standing positions on the dating of certain sources has been significantly readjusted. Scholarly progress needs unexamined assumptions to be exposed to critical analysis. At the points when Kilchör does this, his work benefits the field and is to be welcomed. What is not welcome is the return of unacknowledged theological assumptions – the insistence that the text can only have been composed in the order in which we now have it and the unwillingness to countenance any contradictions or tensions in the Pentateuchal laws. This is not simply a step backwards, but a move inimical to the entire critical enterprise.

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