

# THE ORIGINS OF THE HEBREW BIBLE: SOME NEW ANSWERS TO OLD QUESTIONS

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## *Abstract*

In two recent studies, one by William M. Schniedewind, *How the Bible Became a Book*, the other by David M. Carr, *Writing on the Tablet of the Heart*, these scholars present their answers to the age old question of how the Hebrew Bible came into being as a special collection of edited and canonized books. Both scholars reject the older formula of a three stage process of Law (400 BCE), Prophets (ca. 200 BCE), and Writings (First Century CE). Schniedewind, on the one hand, proposes an editorial process of collection and arrangement of traditional material within the pre-exilic royal court and among the royal scribes in captivity in Babylon that gave rise to an authoritative corpus, which was then augmented with some later works in the Persian and Hellenistic periods. Carr, on the other hand, sees the collection and selection of biblical books within an educational process of enculturation that was continuous over an extended period from simple oral tradition in early Israel to the final stages of curricular consolidation, i.e., the canon, in which the priests play a major role. This study will examine a set of issues (e.g. orality and literacy; dating and composition of texts; editing and transmission of texts in antiquity; the role of texts in education) that are covered by these studies, and will offer some alternative suggestions for consideration.

There have recently been a number of books which have made some new proposals about how the Hebrew Bible as a definitive circumscribed body of literature, a “canon,” came into existence in the course of its literary development, and some of these suggest a quite new departure in the discussion of canonicity. I will review two such works in a two-part article: in part one we will look at William M. Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University Press, 2004), and in the second part, David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005). Both of these studies reject, at least implicitly, the older view that there was a three-fold stage of canonization in which first the Torah of Moses was canonized ca. 400 B.C.E., then the Prophets ca. 200 B.C.E., and finally the Writings ca. first century C.E.

While this view has been under critical reevaluation for some time, what is new is the equation of canonization with the whole compositional and “editorial” process from the earliest stages of the “textualization” of tradition to its final closure in the first century and that each stage of the process involved portions of all three divisions of the Bible simultaneously. The history of Israelite (Judean) literature has become the history of its canonization.

This development follows closely the rise of what is called “canonical criticism” in which the “canonical process” is largely synonymous with the “redactional process” of the text’s creation and the history of the canon now becomes the history of redaction (*Redaktionsgeschichte*).<sup>1</sup> The point of this review, however, will not be to discuss the issues related to the notion of *canon* and *canonization* reflected in these books, because I have dealt with the problem of “canonical criticism” in another place and will not repeat the discussion here.<sup>2</sup> For Schniedewind *canon* seems to mean an “authoritative” body of texts that expanded over a long period of time until this expansion came to an end in the Hellenistic period. What I wish to do therefore is to examine each book regarding its notion that Judean society, beginning in the pre-exilic period, developed a fixed body of quite diverse literature that was both socially and religiously “authoritative” as Scriptures or a Bible, and this “Bible” expanded with new compositions until the process ceased in the Hellenistic period. It is quite inconsequential that the Jews later thought that the process came to an end in the Persian period two centuries earlier. In other words, the view that is advocated in these studies is that there was a “Bible” in Israel during the monarchy, a new expanded edition in the exile, and further revised editions in the Persian and Hellenistic periods.

### *Part One*

In his book, *How the Bible Became a Book*, W. M. Schniedewind lays down certain principles and positions that govern the way in which

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<sup>1</sup> See Brevard S. Childs, *Introduction to the Old Testament as Scripture* (Philadelphia: Fortress, 1979); James A. Sanders, *Canon and Community: A Guide to Canonical Criticism* (Philadelphia: Fortress, 1984). For a recent discussion of the current debate see L. M. McDonald and J. A. Sanders, eds., *The Canon Debate* (Peabody, Mass.: Hendrickson, 2002).

<sup>2</sup> J. Van Seters, *The Edited Bible* (Winona Lake, IN: Eisenbrauns, 2006), chap. 9.

he proceeds in the rest of his study. At the very outset he calls into question the notion of *authorship* in biblical literature, asserting that it was “an unknown concept in the ancient Semitic world.”(7) For him it is largely an invention of the Greeks in the fourth century B.C.E. In his view, the nearest equivalent to an author in the Semitic and Biblical world is the scribe, “who was a transmitter of tradition and text rather than an author.” (ibid.) He goes on to assert: “Authorship is a concept that derives from a predominantly *written* culture, whereas ancient Israelite society was largely an *oral* culture. Traditions and stories were passed on orally from one generation to the next. They had their authority from the *community* that passed on the tradition rather than from an *author* who wrote the text.”(ibid.) This juxtaposition of oral and community versus written and individual author is fundamental to the thesis and argument of Schniedewind’s book so it needs rather careful scrutiny.

The first thing to be noted in these quoted remarks is the apparent confusion about the concept of *author*. It is difficult to know what Schniedewind means by the claim that authorship only arose in the fourth century B.C.E. “well after the books of the Bible had been written down.” Many of the authors whose works became classics for the Greeks were written throughout the course of the fifth century: the lyric poets, the dramatists, and the historians, such as Herodotus and Thucydides. Does Schniedewind doubt that these were authors? One can even push back into the sixth century with the antiquarian works of Hecataeus of Miletus and other early “logographers,” writers of prose. Some would regard this as coming very close to, or overlapping with the production of biblical literature. Furthermore, one should certainly include the “oral” poets of Homer and Hesiod as authors, just as the Greeks themselves did, whether they themselves wrote down their works or dictated them to scribes, who were not the authors of the works they transcribed.

This raises the question of what exactly is meant by the term *author*. It should be fairly obvious that the terms *author* and *authority* from Latin *auctor* and *auctoritas* are directly related. While the term in its modern usage has become largely restricted to the written medium, there is no reason why it cannot apply to oral songs, poems, statements, commands and the like. The author is the one responsible for the work he/she has produced and as such is directly related to the authority inherent in the word that he has created, whether written or oral, as the Latin terms clearly suggest. The nature of that authority or accountability depends upon who the

author is or the nature of the work that has been produced. The king who utters an edict or the prophet who delivers an oracle is an author, and his authority and responsibility is inherent in his social or religious role, whether he himself writes his words or makes use of a scribe to do so.

In the case of literature, the nature of authority and responsibility is a little different. The Greeks do not discuss authors and literature in general, but various genres and the poets, historians, philosophers, rhetors, etc. who produce them. While it is true that these authors have their authority based upon the public's acceptance of their work, as do authors of every age, and while most of these works are communicated through oral means in the first instance, the public's role is passive and does not contribute to the formation or content of the works in question. So the juxtaposition of oral versus written and community versus individual author completely breaks down in Greece where the material with which to examine the problem is most abundant. Furthermore, the notion that authority and responsibility resides in "the community that passes on the tradition" in an oral culture is a reflection of nineteenth century romanticism, which greatly affected biblical and classical studies, especially in Homeric studies. Schniedewind offers as an example of this communal transmission of traditions and stories the text of Deut. 6:6-7 in which parents are exhorted to teach to their children the words which Moses commands them, but the text goes on to state in vv 8-9 that they are also to write them down and put them on the doorposts and gates. The method of the transmission may be oral but the content of the transmission is the *written* text of Deuteronomy, which would seem to completely undercut Schniedewind's argument. This is not to deny that traditions and customs were handed down in families, most often orally from time immemorial, but the way that Schniedewind contrasts oral or illiterate and literate societies is misleading. Certainly the introduction of new technologies, such as writing, into ancient societies had a significant impact. Yet, for the most part the process of change was very gradual and should not be overstated or misrepresented.

Another assumption about authorship that Schniedewind makes is that it entails knowing the name of the person who produced a particular literary work.<sup>3</sup> If that were strictly the case then losing

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<sup>3</sup> This, of course, completely contradicts his dating of Greek authorship to the fourth century since the names of Homer and Hesiod belong to the end of the

the title page of a book would mean that it was no longer the work of an author, which is clearly not the case. It would simply mean that the author was unknown. In the same way, works falsely attributed to certain persons may confuse the question of authorship, the time of writing etc., but it does not mean that the creative process of producing the work is any different. We may simply use the term *author* in the usual sense of the writer responsible for the composition of a particular work of prose or poetry and may debate the degree to which he or she made use of traditional materials or even plagiarized prior written work. Imitation and emulation is the very essence of both ancient and modern literary art. Virgil imitates Homer. Does that make him any less an author? The Greek dramatists all used traditional material and often wrote on the same themes and stories. Are they not authors or are they only scribes of the common heroic tradition? Shakespeare too had his sources, so how shall we describe him? Milton was blind and so never wrote his great works. He was actually an oral poet who dictated his work. Who then was the author of *Paradise Lost*? His scribe?<sup>4</sup> If the prophets dictated their oracles to scribes, as Jeremiah is said to have done, that does not make Baruch the author of Jeremiah's words, even though later copyists made numerous additions to such collections.

This brings us to another point, that of the ancient distrust of the written word and the strong reliance on the oral transmission of the teachings of religious and philosophical truth. This distrust endured long after the written medium was well established so that it is doubtful that it has anything to do with the conflict between different forms of authority, the written and the spoken, as Schniedewind suggests.<sup>5</sup> That is a piece of sociological speculation that is not borne out by the evidence. The real concern in antiquity was that there was no control over the written version of a text once it was made public, because then it could become the property of anyone

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seventh century and the names of many authors of literary works are known from the sixth and fifth centuries.

<sup>4</sup> Ironically, Richard Bentley, in the eighteenth century, falsely accused Milton's amanuensis of being an editor who corrupted the text by making many of his own additions to it.

<sup>5</sup> Essential reading on this question are the works of Rosalind Thomas, *Oral Tradition & Written Record in Classical Athens* (Cambridge: Cambridge University Press, 1989); idem, *Literacy and Orality in Ancient Greece* (Cambridge: Cambridge University Press, 1992).

who could read and write and therefore do with it as they chose. Of course important public documents carved in stone had some protection against distortion, but even these often contained curses against anyone who would attempt to change them.<sup>6</sup> Legal documents generally were sealed against such abuse. This is even alluded to in the metaphoric use of this practice in Isa 8:16: "Bind up the testimony, seal the teaching among my disciples." It was not a matter of written versus oral authority, because Plato's works were certainly written down, but they were not "published." Instead they were the preserve of a select group of his disciples who could vouch for the teaching of the master.<sup>7</sup> In a similar fashion, rabbinic oral Torah was not "egalitarian"(15), as Schniedewind suggests, but was handed down in a very restricted and elitist circle of disciples who safeguarded the secret tradition, the oral Law of Moses, transmitted through many generations down to the great rabbis of rabbinic Judaism.

Furthermore, it may be misleading to speak of a body of oral tradition as "authoritative" or "authorized" as if it were the non-literate equivalent of an authoritative text. That would be a serious anachronism. All traditions and customs, whether verbal or non-verbal, have varying degrees of sanction and social pressure to conformity or persuasive power of acceptance and belief. Oral traditions about gods, heroes and ancestors as set forth by gifted poets and story tellers are a part of that process. The transition of these to literary forms, while socially very important, does not greatly change the degree of continuity or discontinuity that is inherent in all forms of tradition. Even when there has been a major social upheaval causing radical changes in the patterns of belief and practice there is often the accompanying strong desire to maintain the myth of continuity in the tradition to preserve the sanctions for the present social and religious order. The history of Israel, or more particularly the history of Judah, went through such a process of upheaval in the late monarchy, the exile and the post-exilic periods and this is reflected in the biblical texts as we have them.

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<sup>6</sup> See a full discussion of this issue in Thomas, *Oral Tradition*, 34-94, esp. 49-51; idem, *Literacy and Orality*, 132-44.

<sup>7</sup> See B. A. van Groningen, "ΕΚΔΟΣΙΣ," *Mnemosyne* 16 (1963) 1-17; R. Pfeiffer, *The History of Classical Scholarship* (Oxford: Clarendon, 1968), 58; Van Seters, *The Edited Bible*, 18.

Schniedewind, employing his thesis about the significance of the “textualization” of the “authoritative” tradition through these periods of Judah’s history, offers his own explanation of how this ancient tradition became a book. He begins his historical reconstruction of this textualization of the Bible with the conviction, against much critical evaluation to the contrary since the 1970s, that “there are elements of the stories of Genesis and Exodus or of the tales in Judges or of the account of King David that seem to be historically accurate” (63), and this allows him to assert that the “authoritative tradition” goes back to the origins of Israel in the patriarchal age, the time of the sojourn and exodus from Egypt, the settlement in Canaan, and the emergence of the monarchy. As indicated above, “authoritative tradition” is for Schniedewind the equivalent of Scripture or canon and the transmission of this tradition is the “canonical process” of canonical criticism. The “authoritative tradition” of “ancient Israel” was preserved in two forms. For the earlier period it was transmitted orally according to Schniedewind, the earliest remnants of which are preserved in the ancient poems, such as the Song of the Sea in Exodus 15, the Song of Deborah in Judges 5, and those contained in the Book of Jashar, among others. In addition, the oldest source of the Pentateuch, the J source, should not be understood as a literary work but as oral tradition,<sup>8</sup> along with many of the stories in the Book of Judges. For the time of David and Solomon there also existed written tradition in the form of “archival” sources.<sup>9</sup>

To support the great antiquity of this tradition Schniedewind repeats the notion, advocated by Frank Cross and the Harvard school, of a pan-Canaanite pattern of religious themes and concepts as reflected in the Ugaritic myths and legends, and also in the early Hebrew poetry and Pentateuchal traditions. At the same time Schniedewind also makes much of the rise of the alphabet in the Bronze Age and the assertion of a scribal continuity from the Late Bronze Age to the Iron Age and down to the establishment of the state under David and Solomon. Throughout this presentation Schniedewind selects very carefully those authorities who support

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<sup>8</sup> This seems to completely contradict his statement on the same page (63) that the Yahwist, as a writer, “composed the first great prose work on earth.”

<sup>9</sup> All of these positions have been strongly contested in the critical literature for several decades and are so well known that the works do not need to be repeated here.

his view for the benefit of his uninformed readers, with scarcely any hint that most of these positions have long been contested by an abundance of critical argument. The notion of "early poetry" and "the epic sources of J and E," advocated by Albright and his students and based upon an outmoded, nineteenth century model of Homeric scholarship, cannot stand up to serious scrutiny. Schniedewind gives no hint that he is aware of the extensive discussion throughout much of the twentieth century as to the nature of J, whether it does, or does not, reflect oral sources, the nature of its composition and dating, and its relationship to the other sources of the Pentateuch. Regarding the question of scribal continuity between the Late Bronze Age and the Iron Age, Schniedewind can offer no concrete evidence that such a continuation of scribal practice existed. Cuneiform as the major medium of scribal writing in the Late Bronze Age was completely discontinued, and even in its alphabetic form in Ugarit it completely died out, just as the Minoan scripts did in the Aegean world. The notion of *archives* in the Davidic-Solomonic court as historical sources was introduced by Richard Simon in the seventeenth century and has been repeated ever since, but it is without a scrap of evidence. Dating any biblical texts to the Davidic-Solomonic period is a very dubious proposition. Nevertheless, for Schniedewind it is essential that there be an "authoritative tradition" from the origins of Israel in the patriarchal age through all the "biblical" periods down to their "textualization" in the eighth century.

According to Schniedewind, this "authoritative tradition" began to take shape as a corpus of literature in the late eighth century in the time of Hezekiah. This was the result of the great expansion of the state at that time and with it the development of its bureaucracy and the scribal class. These developments, along with the demise of the northern kingdom and the urbanization of the south, "were the catalysts for literary activity that resulted in the composition of extended portions of the Hebrew Bible" (64). This includes not only the collection and "editing" of the eighth century prophets but also the composition of a pre-Deuteronomistic historical work, the Pentateuch (without Deuteronomy) and the Psalms and wisdom literature attributed to David and Solomon.<sup>10</sup>

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<sup>10</sup> *How The Bible*, 64, 73. This notion of the collection and editing of biblical texts in a golden age under state control is derived from Friedrich Wolf (*Prolegomena ad Homerem*, 1795) in which he proposed that the Athenian tyrant Peisistratus



Schniedewind places all of this literary activity within the royal bureaucracy and under its control so that the primary motivation is to further the idealization of Hezekiah's reign as the revival of the golden age of David and Solomon. The evidence for this comes in the rather forced interpretation of the "messianic" texts of Isaiah (9:1-7; 7:14) as applying to Hezekiah and then fitting his reading and dating of other texts into this scheme. Of course, there is no convincing evidence that any of the texts attributed to the time of Hezekiah belong to this period or that they were "edited" by royal scribes for the specific purpose that he suggests. For all those scholars who have advocated a pre-Deuteronomic historical work in the books of Samuel-Kings, there are even more who have opposed such a view.<sup>11</sup> Schniedewind even extends this historical work back into Joshua and Judges, virtually replacing the DH. There are few who will find any plausibility in this scheme.

Schniedewind likewise assumes that the basic content of the Pentateuch in Genesis to Numbers was composed in Hezekiah's reign. His primary argument is that it is written in classical Hebrew and so could not have been composed in the late Persian period. However, there are no objective criteria for establishing such narrow limits for classical Hebrew so that the distinction between classical and late Hebrew is only a matter of relative dating. It cannot be used to date any part of the Pentateuch to the time of Hezekiah. Texts in classical Hebrew could just as easily be dated to the exilic or early post-exilic period. Schniedewind likewise argues that the role given to the twelve tribes must also be pre-exilic, but that line of argument is extremely weak. Recent studies have shown just the opposite, namely, the complete idealization of the twelve tribes in the exilic and post-exilic periods.<sup>12</sup> There was, in fact, no such twelve tribe system in the pre-exilic period.

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collected all the songs of Homer and had a board of editors arrange them into the two great poems of the *Iliad* and the *Odyssey*, the Greek Scriptures. This notion was a blatant anachronism. Yet it was picked up by biblical scholars and used as the basis of the Documentary Hypothesis in all its forms throughout the nineteenth and twentieth centuries. See Van Seters, *The Edited Bible*, chap. 5.

<sup>11</sup> See T. Römer and A. de Pury, „L'historiographie deutéronomiste (HD): Histoire de la recherche et enjeux du débat," A de Pury, T. Römer and Jean-Daniel Macchi, eds., *Israël construit son histoire* (Le monde de la Bible, 34; Geneva: Labor et Fides, 1996), 9-120; S. L. McKenzie, "Deuteronomic History," *ABD* 2:160-68.

<sup>12</sup> See U. Schorn, *Ruben und das System der zwölf Stämme Israels* (BZAW 248; Berlin: W. De Gruyter, 1997).

Schniedewind begins his treatment of the Josianic period with a rhetorical tour de force:

With the emergence of literacy and the flourishing of literature a textual revolution arose in the days of King Josiah. This was one of the most profound cultural revolutions in human history: the assertion of the orthodoxy of texts. As writing spread throughout Judean society, literacy broke out of the confines of the closed scribal schools, the royal court, and the lofty temples. . . . Basic literacy became commonplace, so much so that the illiterate could be socially stigmatized. The spread of literacy enabled a central feature of the religious revolution of Josiah: the religious authority of the written text (91).

This statement could be dismissed as just a rhetorical flourish for a popular readership, but it lies at the heart of his thesis and must be treated seriously. Schniedewind does not bother to tell us how it was that this great outburst of literacy came about, since the instruction in reading and writing had previously belonged to the elite scribal schools of the central bureaucracy. How did the general populous learn to read with no access to education and why would the vast majority even bother without a good reason to do so? Schniedewind assumes that the development of the alphabetic system by itself is explanation enough, but this is hardly the case. The evidence of a few graffiti and a sporadic example of the ability to write by someone not in the highest social class proves nothing. The example of fifth century Athens with its development of democracy and the much broader encouragement of literacy and learning did not produce widespread literacy in a very short period of time such as that suggested by Schniedewind for Judah.<sup>13</sup> The revolution he describes is a fantasy. Among the populous there was no more literacy in Josiah's day than in the preceding period.<sup>14</sup>

It is quite remarkable how Schniedewind, in order to further his thesis, is able to turn the biblical representation of the Josianic reform into its opposite. If, as most critical scholars have held since the time of de Wette, this reform of Josiah is to be closely associated with the program set forth in the laws of Deuteronomy, then it is all about the centralization of worship in Jerusalem and the destruction of the rural cult places in the rest of the country. Schniedewind, however, using the Dtr text of 2 Kings 18:4, attributes the centralization

<sup>13</sup> On literacy in Athens see the works of R. Thomas cited above.

<sup>14</sup> A much more cautious picture of literacy in pre-exilic Israel is presented by David Carr, *Writing on the Tablet of the Heart*, 111-34.

to Hezekiah, a reform that he regards as not only religious but also or more particularly political and bureaucratic, and a program that was, he says, furthered by Manasseh, and that ultimately led to the assassination of Amon. This coup, which placed the young Josiah on the throne, we are told, was specifically intended as “a reaction by the older traditional and pastoral elements of Judean society against political centralization” (96-97). It is this group, “the people of the land” (עַם-הָאָרֶץ), the old tribal leaders, who are ultimately behind this revolution against the policies of the former kings since Hezekiah.

How does Schniedewind know that this is actually what was going on in Judah at that time, since he has only the biblical record as evidence and his reconstruction does great violence to what the text of Kings actually tells us? The Deuteronomistic History deals only with religious reform and sees Hezekiah as merely anticipating the more thorough reform of Josiah. One may doubt on good grounds that such a reform ever took place under Hezekiah,<sup>15</sup> but that is not the point here. It is Manasseh whom Dtr condemns for *reversing* the policy of Hezekiah and restoring all of those rural cult places and Amon who is said to have continued the practices of his father Manasseh. The reason for Amon’s assassination (2 Kings 21:23) is not given, but what is clear is that the עַם-הָאָרֶץ had nothing to do with it. In fact, they in turn executed all those who were involved in the conspiracy and restored the throne to Amon’s son, the house of David. They apparently are staunch supporters of the monarchy and that is their only function in the account. They play no part whatsoever in the reform that came about several years later, and it is merely idle speculation to suppose that they did. It is a fact that the term *‘am ha’areš* is never used in Deuteronomy, which is hardly what one would expect if they were behind the Deuteronomic reform program.

Who, then, are the figures who are central in the story of the book’s discovery? They are the high priest who “found” the scroll in the temple and the royal scribe who was presumably the head of the royal bureaucracy, namely, those who had the most to gain in the centralization program as advocated by Deuteronomy. The book

<sup>15</sup> N. Na’aman, “The Debated Historicity of Hezekiah’s Reform in the Light of Historical and Archaeological Research,” *ZAW* 107 (1995), 179-95. After reviewing all the evidence Na’aman concludes that there was no such religious reform in the time of Hezekiah and that it was merely Dtr’s invention.

was “found” in the temple because it was exactly in the place where it should have been all along, according to Deut 31:24-26. Unfortunately, the book had been forgotten instead of periodically being brought out and read to the people for their perpetual assent and then stored again. This late Dtr reconstruction of what happened is, of course, historically suspect, but it is all we have and it certainly does not allow for the kind of speculative social context that has been proposed by Schniedewind.

Schniedewind’s characterization of the reform program resulting from the discovery of the book is quite confusing. He states that “Josiah uses the discovery of the scroll to justify purging Jerusalem and Judah of the corrupting influences of the northern kingdom” (108), but nothing in the text suggests this. Instead it is concern with southern religious practices, which apparently have a long history, that are the main focus of the account, and apart from an excursion into the north in 2 Kgs 23:15-20, which is a late secondary addition, there is no concern with the north whatsoever. Furthermore, Schniedewind suggests that since the “book” is central to the whole reform program, “[t]he written word becomes the litmus test of religious orthodoxy” (108). This, of course, is a blatant anachronism. As in the case of other “discoveries” of supposed ancient texts, such as the Memphite theology in Egypt in the Late Period, it is more a case of religious propaganda for a particular deity and his temple.<sup>16</sup> It is true that there is certainly an emphasis upon the written word and upon the fact that the text contains a number of injunctions and commands to which the people must commit themselves in covenant, but the text is certainly not something like the Heidelberg Catechism. Most of Deuteronomy is a

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<sup>16</sup> The remarks of Miriam Lichheim (*Ancient Egyptian Literature*, 3:5) are most appropriate. She states in her discussion about the use of the past in the Late Period of Egypt: “Another use to which the past was put in the Late Period was to compose inscriptions with propagandistic purposes in the disguise of works of the past. Such pseudepigrapha are the *Bentresh Stela* and the *Famine Stela*.” She describes how these works are propaganda on behalf of certain gods and as a means to increase the revenues for their temples. She then goes on: “Yet another example of the desire to use the prestige of the past for the benefit of the present is the so-called ‘Memphite Theology,’ inscribed on the *Shabaka Stone*. In this work King Shabaka of the Twenty-fifth Dynasty alleges to have copied an early work which he found in a worm-eaten condition. The claim, along with the archaizing language of the text, misled generations of Egyptologists into assigning the composition to the Old Kingdom.” Very similar uses of the past during this same period can be found in Mesopotamian literature and the practice persisted into later times. Indeed, such forgeries continue into modern times.

lengthy exhortation. The story of the discovery suggests that the “Book of the Covenant” that was found was a rather small part of the present text of Deuteronomy, which probably did not even contain those texts that Schniedewind cites in support of his notion of a written “orthodoxy,” including the references to the writing down of the Decalogue (4:13; 5:22; 9:10; 10:4).<sup>17</sup> However, what is clear from the description of the experience at Horeb in Deut. 4 and 5 is not the writing down of the Decalogue but the experience of the people *hearing* these words. When the words are written down they are then deposited in a box, the ark, as a sacred object to be placed in the inner sanctum of the temple so that the people never see them to read them. Their whole collective experience of the Decalogue is an oral one. Most of Deuteronomy, in fact, suggests oral instruction for the vast majority of the people.

Schniedewind’s characterization of the nature of Deuteronomy is also problematic. He plays down the importance of the theme of centralization, so basic to the core of the code and emphasizes the critique of the monarchy in Deut 17:14-20, which many scholars believe is a later addition, and he plays up the social concern of the work as the inspiration of the “people of the land,” in contrast to the rest of the Pentateuch. This last point, of course, is debatable. The Covenant Code (Exod 21-23) is almost entirely concerned with social legislation and it makes no mention whatever of either king or priest. Yet Schniedewind identifies this as part of “Hezekiah’s Bible.” The Holiness Code also parallels some of the social legislation found in Deuteronomy (Leviticus 25).<sup>18</sup> The eighth century prophets, whose works also make up another part of “Hezekiah’s Bible” are likewise strong on social reform and against the abuse of royal power. Far from empowering the “rural polity” and the “rural levitical priests” Josiah’s reform does just the opposite by centralizing both the cult and the judiciary and by taking away most of the revenue of the levitical priests outside of Jerusalem, making them recipients of charity.

Regarding Schniedewind’s claim that Jeremiah objected to Deuteronomy’s “written orthodoxy” in contrast to the authority of

<sup>17</sup> The references to writing down the law in Deut 27 and Joshua 8:30-35 are much later additions to Deuteronomy and Joshua respectively.

<sup>18</sup> For extensive comparison on the social legislation in Deuteronomy, the Holiness Code and the Covenant Code see J. Van Seters, *A Law Book for the Diaspora* (New York: Oxford University Press, 2003).

the oral prophetic word, it is difficult to be sure about any such critique. Schniedewind places great weight upon the reference to the "false pen of the scribes" in Jer 8:8 with reference to the Torah of Yahweh, but this could be understood as meaning that the original text of the law had become corrupted by additions and errors.<sup>19</sup> Jeremiah, in fact, was insistent upon having his own oracles in writing and since he was probably illiterate he entrusted the task to Baruch, the scribe. And when the first copy was destroyed, he dictated them again. This does not seem to me to be the behavior of someone who is against having the "word of God" in a written form. As we have indicated earlier, the general critique against the written text in the classical world is that it could be so easily corrupted once it was "published" and beyond the control of the author and his inner circle. Given what actually happened to Deuteronomy and to the Pentateuch as a whole and even to Jeremiah's own words, the scribes had a lot to answer for. In the case of Ezekiel, the connection between written prophecy and the written word is even more dramatic. In Ezekiel's call narrative, the words of the deity placed in the prophet's mouth (cf. Jer 1:9) have become a scroll on which is written the woe oracles, and the prophet eats the scroll. Yet nothing suggests that this scroll corresponds to Deuteronomy or any "orthodox" text and Ezekiel's prophecy is not particularly Deuteronomistic.

The crux of Schniedewind's argument comes down to a comparison between Deuteronomy and the rest of the Pentateuch on the matter of the written text of the law, and this he takes up again in chapter seven. He makes some brief remarks about the present state of Pentateuchal studies with a general dismissal of the efforts to identify the multiple layers of authors and redactors. This, however, is a little disingenuous since he also uses source distinctions and redactors when it suits his position, as well as the relative dating of these sources. For the most part, however, he chooses to ignore the distinction between J and P in Genesis to Numbers, dating all of it before Deuteronomy, which he treats as quite distinct. This seriously distorts his discussion of the Sinai pericope in Exod 19-24, 32-34 and in what follows we will retain the distinction between the non-Priestly (J) and the Priestly (P) texts. Schniedewind

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<sup>19</sup> See W. McKane, *A Critical and Exegetical Commentary on Jeremiah*, ICC. Vol. 1. *Introduction and Commentary on Jeremiah I-XXV*. (Edinburgh: T&T Clark, 1986), 186.

attempts to apply to his two main divisions of the Pentateuch, Genesis-Numbers and Deuteronomy, the question of how the biblical text views its own textuality. Schniedewind's approach to this question is not a systematic and critical treatment of all texts which mention writing or imply a written text, but treats only a few that focus primarily on the Sinai-Horeb episode of the divine inscription of the law or Decalogue. Before dealing with these it would be helpful to consider the references to writing in both parts of the Pentateuch in a more general way.

Regarding the references to written texts in Deuteronomy, in addition to the divine inscription of the Decalogue at Horeb, which includes most of the references, there is a statement about making amulets and phylacteries of parts of the Decalogue or the *Shema* (Deut 6:4-9). This, in fact, appears to have been a practice in the late monarchy that includes both priestly blessings and the *Shema*, as Schniedewind points out.<sup>20</sup> This passage says little about the textualization of the Deuteronomic corpus as a whole. Deuteronomy 27:1-9 mentions the writing of the Deuteronomic Law on large stones covered with plaster after the people cross the Jordan. This text is obviously later than the Deuteronomic corpus in Deut 12-26, 28 and presupposes the story of the conquest in Joshua. Together with Josh 8:30-35 it has long been recognized as a late addition. Within the code itself there is only one reference to the law's textualization, and this has to do with a copy of the law which the king at some future date makes for his own use so that he might govern accordingly (Deut 17:18-20). The only references to Moses writing his own words are contained in Deut 31:9 and 24-25, which by Schniedewind's own admission is a late text.<sup>21</sup> We are left, therefore, with only the references to the writing of the Decalogue on the two stone tablets to be placed in the ark in Deut 4:13; 5:22; 9:10; 10:2-5. Because the Decalogue constitutes the terms of a covenant, the ark becomes known in subsequent Dtr literature as the ark of the covenant (1 Kgs 8:6-9). It is not a text to which anyone could have easy access since the ark increasingly becomes an object of great sanctity, and nothing is said about making any

<sup>20</sup> *How the Bible*, 105-106.

<sup>21</sup> *Ibid.*, 126. He actually dates the whole chapter to the late Persian or Hellenistic period (much too late in my view) so he cannot use 31:24 as part of his argument on p. 109.

copies for public use (except perhaps the references to the phylacteries in Deut 6:8-9). Consequently, references to the textualization of Deuteronomy within the book itself are not very impressive and hardly support the importance that Schniedewind gives to it.

When it comes to the rest of the Pentateuch there are in fact more references to writings of various kinds different from those of Deuteronomy, not just the inscribing of laws. Most of these references Schniedewind chooses to ignore. Thus in Exod 17:14 (J) Moses is instructed by Yahweh to record the battle against the Amalekites: "Write this as a memorial in a book and recite it in the ears of Joshua, that I will utterly blot out the memory of Amalek." This suggests that, according to J, Moses kept a record of the various episodes of the journey. P represents something very similar in the summary of the desert itinerary in Numbers 33 in which it explicitly states: "Moses wrote down their starting places, stage by stage, by the command of Yahweh" (v. 2). Since the form of the itinerary and the chronology corresponds with the Priestly framework throughout the narrative of the wanderings, the implication is clear that Moses was responsible for the whole narrative account.<sup>22</sup> Itineraries are typical of Near Eastern historiographic texts so that one can also assume that P's itineraries belong to a literary composition, but this is also the case for J, whose work likewise has itinerary notices of a slightly different form.<sup>23</sup> Furthermore, the inscribed phylacteries and amulets that we noted in Deut 6:8-9 seem to have their counterpart in J in Exod 13:9 and 16 which have to do with the laws of unleavened bread and the redemption of the first born commemorating the events of the Exodus. Beyond this, one frequently encounters the term "statutes" (חֻקִּים) in all of the sources but particularly in P; these refer to inscribed edicts or decrees so that it is quite superfluous to require some statement to indicate their textuality.

This brings us to the specific comparison that Schniedewind makes among the sources on the giving of the law at Sinai/Horeb. Here it is most important to maintain the distinction between J and P in their comparison with Deuteronomy. In the J account

<sup>22</sup> Schniedewind makes no mention of this text.

<sup>23</sup> On itineraries see G. I. Davies, *The Way of the Wilderness: A Geographical Study of the Wilderness Itineraries in the Old Testament* (SOTSMS 5; Cambridge: Cambridge University Press, 1979); J Van Seters, *The Life of Moses* (Louisville, KY: Westminster/John Knox, 1994) 153-64.



of the Sinai theophany (Exod 19:2-11, 13b-19; 20:18-23) there is no Decalogue because, unlike Deuteronomy, the people do not hear the actual words of the deity, only the voice of God as that of the sound of the shofar and they are terrified and do not approach the mountain.<sup>24</sup> So Moses must act as intermediary, not just to receive the commands and laws subsequent to the Decalogue, as in Deuteronomy, but also those laws that correspond to the Decalogue, which are now combined and mixed in with the other laws. These laws are set forth in the Covenant Code of Exod 20:23-23:33, and it is this larger corpus, not just the Decalogue, that becomes the basis for the covenant at Sinai, which is ratified in a special ceremony in 24:3-8. Within this unit we have a reference to Moses writing down the "words" and "ordinances" in a "Book of the Covenant." There is no reason whatever to suggest that vv. 4-8 should be viewed as secondary, as Schniedewind does.<sup>25</sup> He seems rather confused as to whether he should date this "book of the Covenant" to the seventh century or to the late Persian period. He also wants to identify it with the "book of the Covenant" that was found in the temple in the time of Josiah, 2 Kgs 23:2. At the same time he agrees with the great majority of scholars who identify the book in 2 Kgs 23:2 with Deuteronomy. He cannot have it both ways. The contents of the "book of the Covenant" in Exodus do not correspond with the reform program that follows the discovery of the book in the temple. There are obviously two different authors, Dtr and J, who are using the same terminology to refer to two *different* books and therefore two *different* covenant formulations. The ratification of the covenant demands a covenant document to which the people are responsible. Furthermore, there are two copies of this covenant document, the one that is written by Moses and the one that is inscribed in stone by the deity, Exod 24:12. Such duplicate copies are not unusual in antiquity. In Athens, important state edicts were first written up on papyrus and then copied in stone for public display and it was always the copy in stone that was the official one, perhaps because it was less likely to be tampered with.<sup>26</sup>

<sup>24</sup> On this see Van Seters, *The Life of Moses*, 275-77; idem, *A Law Book for the Diaspora*, 53-54.

<sup>25</sup> For a detailed critical review of this unit see E. W. Nicholson, *God and His People* (Oxford: Oxford University Press, 1986), 164-78; also Van Seters, *The Life of Moses*, 282-85.

<sup>26</sup> See Thomas, *Oral Tradition and Written Record*, 45-51.

If we consider the nature of the Covenant Code itself, it is a collection of various types of law many of which parallel those in the Deuteronomic code. If the latter is a literary work, then the former is as well. The fact that the inscribed code on the two tablets of stone experiences the same fate in both J and Deuteronomy, with Moses staying on the mountain forty days and nights to receive the tablets, then the tablets of stone being broken by Moses when he descends to find the people worshipping the molten calf, and subsequently returning to the mountain again for a new copy, must mean that there is a close literary relationship between the two versions, even when the laws they contain are different. Furthermore, more than half the Covenant Code is in the style of written Near Eastern law codes, and in content many of the casuistic laws parallel those of the Hammurabi Code so closely that there must be direct *literary* dependence.<sup>27</sup> There is good reason to believe that the author is presenting Moses as an ancient lawgiver, the rival of Hammurabi. The presentation of Moses writing the law given to him by the deity fits this distinguishing feature of the Hammurabi Code completely, and the most likely period in which a direct literary borrowing could have taken place is the Babylonian exile.<sup>28</sup>

It is the Priestly Writer who reintroduces the Decalogue into the Sinai pericope in Exod 20:1-17 and he does so for one clear purpose, namely, to introduce his new understanding of the Sabbath, with a direct reference in v. 11 to his elaborate etiology of the Sabbath in the creation narrative of Gen 1:1-2:3. The rest of the laws are not essentially different from those of Deuteronomy. If P is responsible for the Decalogue, then one would certainly expect him also to have this set of laws inscribed on the two tablets of stone. Schniedewind, however, thinks otherwise. He suggests that it was the plans for the tabernacle that were written on the stone tablets. This, to me, seems, on the face of it, extremely unlikely. When the deity lays out his plan for the tabernacle during Moses' prolonged stay on the mountain (Exod 25-31), the first thing that

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<sup>27</sup> The arguments for literary dependence have been set forth in great detail by M. Malul, *The Comparative Method in Ancient Near Eastern and Biblical Legal Studies* (AOAT 227; Kevelaer: Butzon & Bercker; Neukirchen-Vluyn: Neukirchener Verlag, 1990). I have also discussed the history of this debate in J. Van Seters, *A Law Book for the Diaspora* (New York: Oxford University Press, 2003), 29-44.

<sup>28</sup> See Van Seters, *A Law Book*, 56-57, 95-99; see also D. P. Wright, "The Laws of Hammurabi as a Source for the Covenant Collection (Exodus 20:23-23:19)," *MAARAV* 10 (2003), 11-87.

Moses is called upon to make is the ark into which he is to place the “testimony” (עֲדוּת), 25:10-22. This corresponds to the ark that holds the Decalogue as the covenantal document in Deuteronomy so that עֲדוּת is clearly intended to be the equivalent of ברית, “covenant.” A written copy of the plan of the tabernacle hardly fulfills this function. At the end of the revelation of the plan the deity suddenly shifts to a new subject, namely, that of the Sabbath which is presented as a “sign” connected with an absolute obligation to observe the Sabbath as a perpetual covenant (ברית-עולם), 31:12-17. Since Sabbath observance is at the very heart of P’s version of the Decalogue and since he then proceeds to speak of giving Moses the two tablets of the testimony (31:18), it is the Decalogue that P has in mind, not the plan of the tabernacle. Since P has clearly embellished J’s description of the tablets of stone in both 31:18 and 32:15-16, he is supplementing and revising J’s story of the reception, destruction and restoration of the inscribed tablets with the intention of reverting to Deuteronomy’s notion that the tablets contained the Decalogue. So it is probably P who also adds the confusing phrase “the ten words” to the end of 34:27, which is clearly not what was intended by J as the contents of the stone tablets. Schniedewind characterizes his treatment of P as “the simple reading” of the text, but in fact it is a reading that simply avoids any discussion of the obvious problems and difficulties of the Sinai periscope as a whole.

According to Schniedewind, following the Babylonian devastation of Judah and with it the “universal literacy” of the Josianic era, “writing returned to state control under the exiled royal family in Babylon” (139). To support this claim he greatly exaggerates the conditions under which Jehoiachin lived in Babylon, suggesting that he lived in comfort with generous rations and “the scribal infrastructure of the royal family [which] remained intact during the Babylonian exile and early Persian period” (*ibid.*). It was this group of royal scribes who instead of using their skills to run a state government, which no longer existed, became a large editorial board for “the collecting and editing of ancient Israelite literature into a book that we call the Bible” (*ibid.*). While the king and his court enjoyed such a privileged life Schniedewind asserts that the rest of the exiles lived in virtual “labor camps” so that they certainly had no opportunity to engage in any literary activity. How does he know all this? Ezekiel, which was certainly written among the exiles, does not support such a view.

In fact, Schniedewind's portrait of royal control of literary activity is built entirely on speculation with much that speaks against it. First, the biblical record mentions the fact that King Jehoiachin was in prison for most of his time in Babylon (2 Kings 25:27-30) and was not released until his thirty-seventh year in exile, when the conditions of his detention improved somewhat. But he clearly remained a royal hostage. He could hardly have retained his courtly entourage during his imprisonment beyond a few servants. Second, the notion of a royal board of scribal editors preparing ancient literary works for their publication in authorized editions, is a blatant anachronism. No such editors existed in antiquity, neither in the classical world, nor in the world of the Bible.<sup>29</sup> Such phantom editors have been used by scholars for over two hundred years in support of a variety of literary theories, but all such explanations related to the compositional nature of biblical texts are quite misleading. Third, there were, of course, biblical works that were clearly composed in the exile, such as Lamentations, Psalms, Ezekiel and Second Isaiah, which Schniedewind would scarcely deny. However, he dismisses all of this literary activity in favor of those who "edited" such works under royal auspices. There is no reason to believe that any of these or other writings had any direct connection with Jehoiachin. Second Isaiah names Cyrus as Yahweh's anointed and the one who will rebuild Jerusalem and the temple and gives no hint that any Judean king would be involved (Isa 44:28; 45:1). There is no need to belittle the continuation of Judah's administrative bureaucracy in Mizpah, as Schniedewind does. It remained an important administrative center for the region of north Judah and Benjamin throughout the Neo-Babylonian period and down into the Persian period until the rebuilding of Jerusalem.<sup>30</sup> It could just as easily have been the center for literary activity as Babylon. Egypt also seems likely as a place for the writing of some of the last parts of the prose of Jeremiah.<sup>31</sup> Jeremiah was certainly critical of the Davidic monarchy after Josiah and nothing suggests that it was edited by the royal family.

<sup>29</sup> See my book, *The Edited Bible*.

<sup>30</sup> See O. Lipschits, *The Fall and Rise of Jerusalem: Judah under Babylonian Rule* (Winona Lake, IN: Eisenbrauns, 2005), 149-54, 181-84, 349-59.

<sup>31</sup> So also Lipschits, *ibid.*, 272-349 for a detailed critical appraisal of the account of the last days of the monarchy in Judah in 2 Kings and the Book of Jeremiah.

The Persian period is presented by Schniedewind as the time in which the “royalist centered” editions of the biblical texts produced up to this point were transferred to Judah by Zerubbabel, a member of the Davidic line, and placed within the newly built temple and under the care of the priests. From a point sometime in the late sixth century the Davidic royal family disappears and the temple priests now have complete control of the “textualization” of Scripture. Here Schniedewind engages in a clever slight-of-hand by shifting immediately to Ezra, since we know virtually nothing about the governors of Judah between Zerubbabel and Nehemiah and their relations with the temple, a span of about 75 years, or, if one adopts the lower date for Ezra, over a century. Furthermore, Schniedewind suggests a continuity of priestly leadership from the rebuilding of the temple to the time of Ezra; whereas the biblical record clearly presents a sharp discontinuity, which scholars have long observed and used as the basis of historical criticism for this period. According to Schniedewind the whole of the Pentateuch, edited in the Babylonian exile, would have been repatriated by Zerubbabel along with other biblical books and placed in the hands of the Jerusalem priests for popular instruction. The book of Ezra, however, makes quite clear that it is Ezra the priest and scribe who returns from Babylonia with a large company of like-minded priests, Levites and laymen, bringing an “edition” of the Mosaic law that was quite *unknown* and that had to be read out and interpreted or translated to those in Judah for the first time. This “edition” of the law would have been the result of literary activity in priestly circles in Babylonia in the Neo-Babylonian and Persian periods and as such this fact completely undermines Schniedewind’s position.<sup>32</sup>

Furthermore, if Nehemiah’s tenure as governor preceded Ezra’s return to Judah, as many scholars believe, then the disjunction between the period before and after Ezra is even more pronounced, because it is Nehemiah the governor and not the high priest who is presented as the one who upholds and interprets the law and who disciplines Eliashib the high priest for his violation of the Mosaic law. Indeed, in the Nehemiah memoir, there seems to be no reflection of the Priestly Code or strict adherence to it, as one would expect from the book of Ezra. Breach of the Sabbath (Neh 13:15-22)

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<sup>32</sup> It is not necessary here to enter into the thorny question of whether or not the Persian government had any hand in this revision of the law, a discussion which Schniedewind obviously ignores.

is not treated as a capital offence, as in Exod 35:1-3 (P), but merely as an injunction against commercial activity and labor for humanitarian purposes, as in the older legislation (Exod 23:12; Deut 5:12-14). Schniedewind mentions the remark in 2 Macc 2:13-14 about Nehemiah founding a library in the temple and collecting books and documents for it, and rightly questions its veracity as a late Hellenistic anachronism. However, he then turns around and reads this back to the time of Zerubbabel and uses this as evidence for the depositing of the Scriptures in the rebuilt temple in support of his thesis, which is doubly anachronistic.

Schniedewind recognizes the fact that during the third century B.C.E. there was a revival in literary activity and cultural prosperity, "but the canon of biblical literature was largely closed" (194). This slippery language allows for the fact that the book of Daniel, written in the mid-second century, and perhaps also Qoheleth were added much later. His remark about the canon leads into a final epilogue about the canonization of Scripture within Judaism and Christianity, all of which many will find problematic and speculative, but adds nothing to the general argument of the book.

The thesis of Schniedewind's book is that the canonization of the Hebrew Scriptures took place in three stages, but these no longer correspond with the three traditional divisions: Law, Prophets and Writings, and works from all three divisions belong to the earliest and successive stages. The older dating has likewise been revised to much earlier periods with the various editions of the "Bible" belonging to the periods of Hezekiah, the exile and the Persian period respectively, with a few late additions admitted in the Hellenistic period. Basic to this thesis is Schniedewind's dating of the biblical texts and the reconstruction of their literary history which is largely assumed on the authority of like-minded scholars with no scholarly discussion of the issues to confuse this presentation for a popular readership. The flaws of the book's thesis and its many contradictions are so egregious that it is hard to enter into a constructive dialogue with the work. If there is any merit at all in this book, it is in raising again the question of the consequences of literacy in Judah, from the eighth century B.C.E. onwards, and even if one rejects this rather simplistic, uncritical, and popular attempt to address the issue, it may prove to be a stimulus to more serious efforts to do so. One such effort is that of David Carr, *Writing on the Tablet of the Heart*, and it is this work that will be examined in the second part of this review.