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## AN EMPIRICAL BASIS FOR THE DOCUMENTARY HYPOTHESIS \*

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### 1. The Search for Comparative Models

IN 1889 George Foot Moore confronted the charge that the documentary hypothesis had turned the Torah into "a crazy patchwork," unparalleled in literature.<sup>1</sup> The hypothesis had left itself open to such a charge because it was and has remained what its name implies — a hypothesis. It relies on internal, critical analysis of the received text rather than external, empirical data. Skeptics such as those addressed by Moore claimed that the process by which the hypothesis supposed the Torah to have been composed had no counterpart in the literary reality of the ancient world.

In response, Moore called attention to Tatian's *Diatessaron*, a harmony of the four gospels produced around the year 170 in Syriac or Greek.<sup>2</sup> The *Diatessaron* wove the four gospels into a single running narrative, thus leading to its ancient designation as the "Composite Gospel."<sup>3</sup> By comparing the *Diatessaron* with its sources, the separate gospels, Moore was able to show in it the entire repertoire of redactional techniques and signs of composition which critics had found in the Torah, a demonstration which led one observer to characterize the Torah as "the *Diatessaron* of the Old Testament."<sup>4</sup> The *Diatessaron* has since been cited frequently as an apt parallel to the composition of the Torah.<sup>5</sup> But despite the elegance of Moore's demonstration, the lateness of the *Diatessaron* left its applicability to the Torah open to question. I. Engnell,

<sup>1</sup>"Tatian's *Diatessaron* and the Analysis of the Pentateuch," *JBL* 9 (1890) 201-15 (reference courtesy of M. V. Fox of Jerusalem).

<sup>2</sup>A. Vööbus, "Diatessaron," *Encyclopaedia Britannica* (Chicago: Encyclopaedia Britannica Corp., 1966), 7. 367-68.

<sup>3</sup>J. E. Carpenter and G. Harford-Battersby, *The Hexateuch* (2 vols.; London: Longmans, Green, 1900), 1. 8.

<sup>4</sup>*Ibid.*, 11.

<sup>5</sup>*Ibid.*, 8-11; S. Mowinckel, *Prophecy and Tradition* (Oslo: J. Dybwad, 1946) 20; A. Benzen, *Introduction to the Old Testament* (2d ed.; Copenhagen: G. E. C. Gad, 1952), 2. 61; R. de Vaux, *The Bible and the Ancient Near East* (Garden City: Doubleday, 1971) 35.

for example, dismissed the analogy<sup>6</sup> and criticized the literary-critical approach to the Pentateuch as "a modern, anachronistic *book view*, . . . an *interpretatio europaeica moderna*."<sup>7</sup> Such reasoning persists down to the present. Recently, K. A. Kitchen argued that

. . . the documentary theory . . . has . . . been elaborated . . . without . . . reference to other Ancient Oriental literatures to find out whether they had been created in this singular manner . . . Now, nowhere in the Ancient Orient is there anything which is definitely known to parallel the elaborate history of fragmentary composition and conflation of Hebrew literature (or marked by just such criteria) as the documentary hypotheses would postulate.<sup>8</sup>

One is tempted to dismiss such an argument because of its reluctance to contemplate the unique. Nevertheless, one's confidence in the documentary hypothesis would surely be increased by other, unimpeachable examples of the assumed method of composition in the milieu which produced the Torah. Such examples would enable the literary critic to base his work on something more than hypotheses about ancient literary techniques. Concrete examples would provide the critic with first-hand experience of compilers' and redactors' techniques, lending to his observations a refinement they could never have so long as they were based entirely on hypotheses devoid of external controls. Can such examples be found?

Although the *Diatessaron* has been ruled out of court because of its lateness, Moore's method in analyzing it was exemplary. He was able to demonstrate its literary background empirically because he had its sources as well as its final form before him. When earlier and later forms of the same literary composition are available, comparison of the two facilitates empirical literary history. In the fields of cuneiform literature and early Arabic prose narratives, such procedures are common.<sup>9</sup> But they are not entirely absent in the study of ancient Hebrew literature. Certain biblical texts are also preserved in duplicate, such as doubly transmitted psalms and the revision of Samuel-Kings in 1-2 Chronicles. K. Koch, in his *The Growth of the Biblical Tradition*,<sup>10</sup> begins a section entitled "The First Steps in an Investigation into the Background of a Text" with the observation that "a study of material with a double transmission will provide the

<sup>6</sup> *A Rigid Scrutiny* (Nashville: Vanderbilt University, 1969) 11.

<sup>7</sup> *Ibid.*, 53.

<sup>8</sup> *Ancient Orient and Old Testament* (Chicago: Inter-Varsity Press, 1966) 114-15.

<sup>9</sup> S. N. Kramer, "The Epic of Gilgamesh and Its Sumerian Sources," *JAOS* 64 (1944) 7-23, 83; "The Death of Gilgamesh," *BASOR* 94 (1944) 3 n. 3; G. E. Mendenhall, "Biblical History in Transition," *The Bible and the Ancient Near East* (ed. G. E. Wright; 2d ed.; Garden City: Doubleday, 1965) 31; W. W. Hallo, "New Viewpoints on Cuneiform Literature," *IEJ* 12 (1962) 13-26; K. A. Kitchen, *Ancient Orient*, 112-138; G. Widengren, "Oral Tradition and Written Literature among the Hebrews in the Light of Arabic Evidence, with Special Regard to Prose Narratives," *AcOr* 23 (1959) 201-62.

<sup>10</sup> (New York: Scribner, 1969) 51; cf. H. Gunkel, *The Legends of Genesis* (New York: Schocken, 1964) 99-100.

experience necessary to deal with" other texts transmitted only singly. The relationships between such doubly transmitted texts may serve as specimens of the character of the transmission through which biblical books went.<sup>11</sup>

For this purpose we are not limited to texts preserved in the canonical Hebrew Bible, but may also employ non-canonical texts and the non-Masoretic biblical texts from Qumran and elsewhere. Much of this material comes from (or shortly after) the time in which many of the biblical books attained their present form, so that chronologically as well as geographically and culturally they are free of the impediment attached to the *Diatessaron* and many other non-Israelite models.

## 2. *Expansive, Synthesizing Biblical Manuscripts*

The most important texts for our purposes are a group of expansive, synthesizing MSS classified by P. Kahle and others as vulgar or popular,<sup>12</sup> and by F. M. Cross as Palestinian.<sup>13</sup> These MSS, well attested in Qumran scrolls and best exemplified in the Samaritan Pentateuch, are characterized by an expansion of the basic text with variant readings or with material imported from related pas-

<sup>11</sup> M. Smith, *Palestinian Parties and Politics That Shaped the Old Testament* (New York: Columbia, 1971) 3-4; cf. J. E. Carpenter and G. Harford-Battersby, *The Hexateuch*, 1. 11-13.

<sup>12</sup> P. Kahle, "Untersuchungen zur Geschichte des Pentateuch-textes," *Theologische Studien und Kritiken* 88 (1915) 402-10; reprinted in his *Opera minora* (Leiden: Brill, 1956) 5-12; *The Cairo Geniza* (London: British Academy, 1947) 147-48; M. Gaster, *The Samaritans* (London: British Academy, 1925) 123-28; G. Gerleman, *Synoptic Studies in the Old Testament* (LUA, ns Avd. 1, 44/5; Lund: Gleerup, 1948) 3-8; S. Talmon, "The Samaritan Pentateuch," *JJS* 2 (1951) 144-50; M. Greenberg, "The Stabilization of the Text of the Hebrew Bible, Reviewed in the Light of the Biblical Materials from the Judean Desert," *JAOS* 76 (1956) 157-67. For these designations note the reference to "village people" in the 'Aruk cited by Greenberg (p. 159), and to *bēdyōtōt* in *b. Sanhedrin* 21b, cited by Talmon (*JJS* 2 [1951] 149-50). The designations are rejected by F. M. Cross, followed by J. D. Purvis; see the next note.

<sup>13</sup> F. M. Cross, Jr., *The Ancient Library of Qumran and Modern Biblical Studies* (rev. ed.; Garden City: Doubleday, 1961) 168-94; "The History of the Biblical Text in the Light of the Discoveries of the Judaean Desert," *HTR* 57 (1964) 298-99; "The Contribution of the Qumran Discoveries to the Study of the Biblical Text," *IEJ* 16 (1966) 81-95. See also J. D. Purvis, *The Samaritan Pentateuch and the Origin of the Samaritan Sect* (Harvard Semitic Monographs, 2; Cambridge: Harvard University, 1968) 69-87; also the very useful study of B. K. Waltke, "The Samaritan Pentateuch and the Text of the Old Testament," *New Perspectives on the Old Testament* (ed. J. B. Payne; Waco, TX: Word Books, 1970) 212-39 (reference courtesy of E. M. Curtis). Cross's latest discussion is "The Evolution of a Theory of Local Texts," *1972 Proceedings of IOSCS Pseudepigrapha* (Septuagint and Cognate Studies, 2; ed. R. A. Kraft; Missoula: Society of Biblical Literature, 1972) 108-26. A brief demurrer to the geographic classification was registered by P. W. Skehan, "Two Books on Qumran Studies," *CBQ* 21 (1959) 77, with n. 2; a comprehensive survey and a critique are presented by S. Talmon, "The Old Testament Text," *Cambridge History of the Bible* (eds. P. R. Ackroyd and C. F. Evans; Cambridge: Cambridge University, 1970) 1. 159-99, esp. pp. 193-99.

sages elsewhere in Scripture.<sup>14</sup> Such "conflate" or "double" readings, when they involve single words and phrases, are well known in textual history.<sup>15</sup> In principle, the "scribal" preservation of double readings does not differ from the "redactional" practice of juxtaposing two variant accounts of the same theme or event.<sup>16</sup>

In pentateuchal MSS a number of the expansions involve material from Deuteronomy, since Deuteronomy contains variant accounts of several earlier narratives. Because of its full preservation, the Samaritan Torah is the best witness to such synthesizing, although the practice is not exclusively Samaritan;<sup>17</sup> it is already found in the proto-Samaritan MSS from Qumran.<sup>18</sup> These characteristics are well known, but have not been brought to bear upon the documentary hypothesis.<sup>19</sup>

<sup>14</sup> Cf. P. W. Skehan, "The Scrolls and the Old Testament Text," *New Directions in Biblical Archaeology* (eds. D. N. Freedman and J. C. Greenfield; Garden City: Doubleday, 1971) 99-112.

<sup>15</sup> F. Perles, *Analekten zur Textkritik des Alten Testaments* (Munich: T. Ackermann, 1895) 82; *Analekten . . . Neue Folge* (Leipzig: G. Engel, 1922) 109-12; R. Gordis, *The Biblical Text in the Making* (Philadelphia: Dropsie, 1937) 41-43; S. Talmon, "Double Readings in the Masoretic Text," *Textus* 1 (1960) 144-84; "Synonymous Readings in the Textual Traditions of the Old Testament," *Studies in the Bible* (Scripta Hierosolymitana, 8; Jerusalem: Magnes, 1961) 335-83; J. G. Janzen, "Double Readings in the Text of Jeremiah," *HTR* 60 (1967) 433-47.

<sup>16</sup> Cf. I. L. Seeligmann, review of K. Elliger, *Studien zum Habakuk-Kommentar vom Toten Meer*, in *Kirjath-Sepher* 30 (1954-55) 39, col. II. I first became aware of this analogy from a lecture on resumptive repetition (see n. 28 below) delivered by S. Talmon at Yale on 1 March 1971.

<sup>17</sup> P. Kahle, "Untersuchungen," 7-12; *Cairo Geniza*, 144-48.

<sup>18</sup> P. W. Skehan, "The Scrolls," 101-3. These manuscripts include 4QpaleoExod<sup>m</sup> (P. W. Skehan, "Exodus in the Samaritan Recension from Qumran," *JBL* 74 [1955] 182-87); 4Q158, fr. 6 (J. M. Allegro (ed.), *Qumran Cave 4: I* (4Q158-4Q186) Discoveries in the Judaean Desert of Jordan, 5; [Oxford: Clarendon, 1968] 3). The latter is neither a paraphrase nor a peshet but, as recognized by R. Weiss, a fragment of Exod 20:19ff. in the recension underlying the Samaritan (review of Allegro, *Qumran Cave 4: I, Kirjath-Sepher* 45 [1970] 61, col. 1). Weiss notes that frs. 10-12 are also biblical MSS with "Samaritan" readings and that such readings are reflected in 1QapGen too. This type is also reflected in 4Q175 (4QTestimonia; *Qumran Cave 4: I*, 57-58; cf. J. M. Allegro, "Further Messianic References in Qumran Literature," *JBL* 75 [1956] 182-87). See P. W. Skehan, "The Period of the Biblical Texts from Khirbet Qumran," *CBQ* 19 (1957) 435. Cf. 4Q158 frs. 7-8. F. M. Cross informs me that the unpublished 4QExod<sup>a</sup> has all the plusses from Deuteronomy that the Samaritan Exodus has, as well as affinities with the LXX (see the fragment transliterated in his *The Ancient Library of Qumran*, 184-85 n. 31). On 4QNum<sup>b</sup>, see *ibid.*, 186.

<sup>19</sup> That a "pleonasm" similar to the Samaritan's may underlie parts of the MT has been alluded to before: E. König, "Samaritan Pentateuch," *Dictionary of the Bible* (ed. J. Hastings; Edinburgh: Clark, 1898-1904), extra vol., 70b; P. W. Skehan, "The Scrolls," 103. Regarding the text of Jeremiah, see F. M. Cross, "The Contribution of the Qumran Discoveries," 82; E. Tov, "L'incidence de la critique textuelle sur la critique littéraire dans le livre de Jérémie," *RB* 79 (1972) 189-99; Hebrew original in *Beth Mikra* 50/3 (1972) 279-87. That inferences have not been drawn from these synthetic techniques for the

In a number of pericopes the Samaritan Pentateuch presents a conflate text. This conflate character of the text is secondary in comparison with the brevity of the MT.<sup>20</sup> Apart from the question of precise recensional relationships,<sup>21</sup> the "conservative, often pristine"<sup>22</sup> MT reflects a stage anterior to the expansion which produced the Samaritan text. Therefore, by a comparison of the MT and the Samaritan texts of these pericopes we can disentangle the component parts of the latter and view the methods by which they were combined, just as Moore did with the *Diatessaron* and the gospels. In following this procedure below I shall, for convenience, refer, somewhat anachronistically, to the prior stage reflected in the MT as "Masoretic."

An example which shows the harmonistic purpose of conflation is found in Exodus 18 of the Samaritan Pentateuch and the proto-Samaritan Exodus MS from Qumran<sup>23</sup> (see chart I).

### Chart I

Samaritan Exod 18:21-27. Small Hebrew type is used for material from the "Masoretic" Exodus; large Hebrew type for material from the "Masoretic" Deuteronomy; underlined type is redactional material. The margins list only those variants from the MT Exodus and Deuteronomy which seem significant for the present study. The sign > denotes an omission.

#### Deut 1 (MT)

#### Samaritan Exodus

#### Exod 18 (MT)

Exod 18:21  
 אִנְשֵׁי חֵיל יִרְאוּ אֱלֹהִים אִנְשֵׁי אֶמֶת  
 שְׂנֵאוּ בַעַץ וּשְׂמַת עֲלֵיהֶם שְׂרֵי אֱלֹהִים  
 שְׂרֵי מֵאוֹת וּשְׂרֵי חֲמִשִּׁים וּשְׂרֵי עֶשְׂרֹת.  
 וּשְׂפָטוּ אֶת הָעָם כְּכֹל עֵת וְהָיָה כָל  
 הַדְּבָר הַגָּדוֹל יִבְאוּן אֵלַיךְ וְכֹל  
 הַדְּבָר הַקָּטָן יִשְׁפָטוּהֶם וְהָקֵל מֵעַלֶיךָ  
 וּנְשָׂאוּ אֹתָךְ. <sup>24</sup>אִם אֵת הַדְּבָר הַזֶּה  
 תַּעֲשֶׂה וְצִוְךָ אֱלֹהִים וְיִכְלַת עִמָּךְ וְגַם  
 כָּל הָעָם הַזֶּה אֵל מִקֻּמוֹ יָבֹא בְשָׁלוֹם.  
 וַיִּשְׁמַע מֹשֶׁה לְקוֹל חֲתָנוּ וַיַּעַשׂ כֹּל  
 אֲשֶׁר אָמַר. \* Deut 1:9 - וַיֹּאמֶר מֹשֶׁה אֵל \* - וַאֲמַר אֵלֵיכֶם כַּעַת

documentary hypothesis is probably due to preoccupation with the Samaritan and Qumran biblical MSS as aids in textual criticism, which is generally kept separate from literary criticism; see the opening paragraph of B. J. Roberts, *The Old Testament Text and Versions* (Cardiff: University of Wales, 1951) 1. Contrast the remarks of E. Tov, and the earlier, somewhat different, study of A. T. Olmstead, "Source Study and the Biblical Text," *AJSL* 30 (1913) 1-35. Cf. n. 16.

<sup>20</sup> See F. M. Cross, "The Contribution of the Qumran Discoveries," 86; and S. Talmon, "The Old Testament Text," 194-96.

<sup>21</sup> Note the remark of P. Kahle, "Untersuchungen," 7 par. 3: the Urtext presupposed by the Samaritan is not to be confused with the Jewish *textus receptus*.

<sup>22</sup> F. M. Cross, "The Contribution of the Qumran Discoveries," 86.

<sup>23</sup> P. W. Skehan, "Qumran and the Present State of Old Testament Text Studies: The Masoretic Text," *JBL* 78 (1959) 21-25, esp. p. 22, on col. 26.

## Chart I (Continued)

> *	ההיא לאמר *	העם- * לא אוכל אנכי * לכדי שאת אתכם. <sup>10</sup> ה' אלהיכם הרבה אתכם והנכם היום ככוכבי השמים לרב. <sup>11</sup> ה' אלהי אבותיכם יסף עליכם ככם אלף פעמים ויברך אתכם כאשר דבר לכם. <sup>12</sup> איכה אשא לבדי טרחכם משאכם וריבכם. <sup>13</sup> הברו לכם אנשים חכמים ונבונים וידעים לשבטיכם ואשימם בראשיכם. <sup>14</sup> * ויענו ויאמרו- * טוב הדבר אשר דברת לעשות <sup>15</sup> §- ויקח את ראשי שבטיהם * אנשים חכמים וידעים ויתן * אתם ראשים עליהם * שרי אלפים ושרי מאות שרי המשים ושרי עשרות ושומרים לשבטיהם. * §- <sup>16</sup> * ויצו את שופטיהם- * לאמר שמעו בין אחיכם ושפּתתם צדק בין איש ובין אחיו ובין גרו. <sup>17</sup> ולא תכירו פנים במשפט כקמן כגדול תשמעון לא תגורו מפני איש כי המשפט לאלהים הוא והדבר אשר יקשה מכם תקריבון אלי ושמעתי. <sup>18</sup> * ויצו אתם- * את כל הדברים אשר יעשון.	§- ויבחר משה אנשי חיל מכל ישראל ויתן אתם ראשים על העם שרי אלפים שרי מאות שרי המשים ושרי עשרות- §
			§ ושפטו
		Exod 18:26 וישפטו את העם בכל עת את הדבר הגדול וביאון אל משה וכל הרבר הקמן ישפטו הם. <sup>17</sup> וישלח משה את התנו וילך לו אל ארצו.	

The "Masoretic" text of this chapter has Moses institute Israel's judicial administration at Jethro's suggestion, which is addressed to Moses (Exod 18:19-24.) Deuteronomy, however, speaks only of Moses' initiative, addressed to the people (Deut 1:9-18). The Samaritan Exodus resolves this situation by arranging the conflicting details in sequence. First come Jethro's advice and Moses' compliance, from Exodus; then, from Deuteronomy, Moses broaches the idea to the people, the people approve, and Moses appoints the chiefs and charges them. All of this is absent from the MT of Exodus save the appointment, which comes about halfway through the deuteronomistic insert; rather than interrupt the insert momentarily for the sake of a variant which offers nothing substantially different from the description in Deuteronomy, the Samaritan text preserves the version of Deuteronomy and drops that of Exodus. The hand of the redactor is visible in the change from the first and second person, which befits the insert's

home in Deuteronomy, to the third person where necessary, as suits the narrative context of its new home in the Samaritan Exodus, and in the dropping of *bā'ēt habi*<sup>19</sup> of Deuteronomy, which fits Deuteronomy's retrospective stance but not that of Exodus.

This illustration of the redactor's procedure supports the following characterization by M. Greenberg of the (Masoretic) pentateuchal redactor's operation:

... intent on forging a continuous narrative. He therefore incorporated significant, complementary variants side by side, attempting to elaborate a single, reasonably effective narrative out of them. At times we suspect he may have regarded the result as a restoration of the true complexity of the event—a complexity dissolved into its elements among the various traditions he received.<sup>24</sup>

The best-known composite pericope in the Samaritan Torah is the theophany at Mt. Sinai in Exodus 20 (see chart II below). In the Samaritan Pentateuch and in the proto-Samaritan biblical fragments and reflexes from Qumran, the variant account of Deuteronomy 5, supplemented by Deuteronomy 18, is fully spliced into the Exodus version.<sup>25</sup> The Qumran attestations show that the expansion is not an exclusively Samaritan feature. Only the law of the altar on Mt. Gerizim, imported from Deuteronomy 11 and 27, which the Samaritan Pentateuch treats as the tenth commandment, is absent from the Qumran texts and appears to be an exclusively Samaritan item<sup>26</sup> (see chart III below).

Just as we suppose with texts built up from J, E, and P, one finds the Samaritan Exodus flitting back and forth between the "Masoretic" Exodus and Deuteronomy, adding or dropping a phrase or detail here and there, in an attempt to reconcile the conflicting accounts.

Immediately after the "Masoretic" Decalogue<sup>27</sup> the Samaritan text adds its own tenth commandment (see chart III below), to which we shall return. Fol-

<sup>19</sup> *Understanding Exodus* (New York: Behrman House, 1969) 196; cf. Gesenius, quoted by B. K. Waltke, "The Samaritan Pentateuch," 221-22.

<sup>20</sup> See n. 18 above. Cf. P. Kahle, *Cairo Geniza*, 144-45; M. Gaster, *The Samaritans*, 128.

<sup>21</sup> P. W. Skehan ("Qumran and the Present State," 22-23) shows that the Samaritan tenth commandment could not have been present in 4QpaleoExod<sup>m</sup>; the same is true of 4Q158 frs. 7-8.

<sup>22</sup> While the Samaritan text does not combine both motives for the Sabbath (creation and exodus) in either version of the Decalogue, the Codex Vaticanus of the LXX in Deuteronomy and 4QDeut<sup>m</sup> (previously called 4QDeut<sup>m</sup>) do (P. W. Skehan, "The Scrolls," 102). See A. Rahlfs, *Septuaginta* (7th ed.; 2 vols.; Stuttgart: Württembergische Bibelanstalt, 1962), 1. 295 last note; *Scrolls from the Wilderness of the Dead Sea* (Washington: Smithsonian Institution; Cambridge, MA: American Schools of Oriental Research, 1965) pl. 19 (see also pp. 31-32; H. Stegemann, "Weitere Stücke von 4Qp Psalm 37, von 4Q Patriarchal Blessings und Hinweis auf eine unedierte Handschrift aus Höhle 4Q mit Exzerpten aus dem Deuteronomium," RQ 6 [1967-69] 217-27). The Samaritan expansion of Exodus 20 begins by adding from Deut 5:21 the neighbor's field to the list of items not to be coveted (see chart III; so too the LXX and some Hebrew MSS).

lowing this, the Samaritan text returns to where it left off in the "Masoretic" Exodus (see chart II).

Chart II

Samaritan Exod 20:18-26. Use of Hebrew type as in chart I. The boxed section is from Deuteronomy 18. The sigla + and > denote respectively an addition and an omission.

Deut 5 (MT)	Samaritan Exodus	Exod 20 (MT)
<p>את הדברים האלה דבר ה' אל כל קהלכם בהר סיני האש הענן והערפל קול גדול ולא יסף ויכתבם על שני לחת אבנים ויתנם אלי. *28 ויהי כשמעכם את הקול מתוך החשך וההר בער באש ותקרבון אלי כל ראשי שבטיכם וזקניכם. *24 ותאמרו-*</p>	<p>Exod 20:18 * וכל העם §-שמע את הקולת ואת קול השופר וראים את הלפידים-§ ואת ההר עשן ויראו כל העם וינעו ויעמדו מרחק. *24 Deut 5:24 * ויאמרו אל משה- ה' אלהינו את כבודו ואת גדלו ואת קולו שמענו מתוך האש היום הזה ראינו כי ידבר אלהים את האדם וחי. *25 ועתה למה נמות כי תאכלנו האש הגדלה הזאת אם יוספים אנחנו לשמע את קול ה' אלהינו עוד ומתנו. *26 כי מי כל בשר אשר שמע קול אלהים חיים מדבר מתוך האש כמונו ויחי. *27 קרב אתה ושמע את כל אשר יאמר ה' אלהינו §- ואתה תדבר אלינו את כל אשר ידבר ה' אלהינו אליך ושמענו ועשינו-§ Exod 20:19 ואל ידבר עמנו האלהים פן נמות. *20 ויאמר משה אל העם אל תראו כי לבעבור נמות אתכם בא האלהים ובעבור תהיה יראתו על פניכם לבלתי תהטאו. *21 ויעמד העם מרחק ומשה נגש אל הערפל אשר שם האלהים. *22 וידבר ה' אל משה לאמר- * Deut 5:28 שמעתי את קול דברי העם הזה אשר דברו אליך הימינו כל אשר דברו. *29 מי יתן והיה לבכם זה להם ליראה אתי ולשמר את מצותי כל הימים למען יטב להם ולבניהם לעולם.</p>	<p>§-ראים את הקולת ואת הלפידים ואת קול השמר-§</p> <p>§-דבר אתה עמנו ונשמעה-§</p> <p>§ ויאמר</p>

Chart II (Continued)

Deut 18:18 נביא אקים להם מקרב  
אחיהם כמוך ונתתי דברי בפיו ודבר  
אליהם את כל אשר אצונו. \*19 ויהיה  
האיש אשר לא ישמע אל דבריו אשר  
ידבר בשמי אנכי אדרש מעמו. \*20 אך  
הנביא אשר יזיד לדבר דבר בשמי  
את אשר לא צויתיו לדבר ואשר  
ידבר בשם אלהים אחרים ומת  
הנביא ההוא. \*21 וכי תאמר כלככך  
איך נודע את הדבר אשר לא דברו  
ה'. \*22 אשר ידבר הנביא בשם ה'  
לא יהיה הדבר ולא יבוא הוא  
הדבר אשר לא דברו ה' בודון  
דברו הנביא לא תגור ממנו.

Deut 5:30 לך אמר להם שובו לכם  
לאהליכם. \*31 ואתה פה עמד עמדי  
ואדברה אליך את כל המצוה והחקים  
והמשפטים אשר תלמדם ועשו בארץ  
אשר אנכי נתן להם לרשתה.

Exod 20:22 וידבר ה' אל משה לאמר §  
דבר § אל בני ישראל אתם ראיתם  
כי מן השמים דברתי עמכם. \* לא  
תעשו אתי אלהי כסף ואלהי זהב לא  
תעשו לכם. \*23 מזבח אדמה תעשה לי  
וזבחת עליו את עלתך ואת שלמיך  
מצאנך ומבקרך §-במקום אשר אזכרתו-§  
את שמי שמה § אבוא אליך וברכתוך.  
\*24 ואם מזבח אבנים תעשה לי לא  
תבנה אתהן גזית כי חרבך הנפת  
עליו ותהללהו. \*25 לא תעלה במעלות  
על מזבחי אשר לא תגלה ערותך  
אלי.

> § ויאמר §  
ככה תאמר

§-בכל המקום אשר  
אזכרו-§  
> §

The description of the people's fright at the theophany in the "Masoretic" Exodus is slightly reworded to avoid the awkward "seeing" of the sounds and perhaps to avoid separating the sounds of the *šôpār* from the other sounds. Then the text shifts to Deuteronomy's version of the people's plea to Moses, after which it places the shorter Exodus version of the same as its conclusion. The "Masoretic" Exodus is followed through Moses' response to the people, his approach to God, and the introduction to God's speech (Exod 20:22a<sub>1</sub>). But before the version of God's speech in Exodus (vss. 22a<sub>2</sub>-26, concerning the altar, etc.), the text shifts to the very different divine speech of Deuteronomy 5, into which is inserted the promise of a future prophet from Deuteronomy 18, which promise vs. 17 implies was indeed first voiced on this occasion. After this inter-

polation the divine speech of Deuteronomy 5 is concluded from the point of interruption, and the text then returns to where it left off in Exodus 20. The introduction to the divine speech in Exodus (20:22a<sub>1</sub>) is repeated (resumptive repetition<sup>28</sup>), and the speech itself now appears as the conclusion of a long discourse. Some of the verses in the Samaritan text are composed of parts of verses from the separate sources: part of the "Masoretic" Exod 20:19 is joined with part of Deut 5:24; Deut 5:27 is concluded with part of Exod 20:19; part of Exod 20:22 is joined with part of Deut 5:28 (see chart II); the same is true of the Samaritan's tenth commandment (see chart III), which combines part of Deut 11:29 with parts of Deut 27:2, 3, and 4. In sum, as fine an example as one could wish of scissors-and-paste composition, a "patchwork."

But the patchwork is not "crazy." The main task of the redactor in the Jethro and theophany pericopes was to reconcile dissimilar accounts of the same events. By interweaving their details in sequence, he facilitated their harmonious coexistence. He accommodated their differing details by making them refer to different moments of those events. He has also drawn in material (Deut 18:18-22) from outside the parallel accounts, material which purported to belong to the theophany pericope.

As instructive as are his inclusions from Deuteronomy, so are the redactor's omissions, which are minimal and insubstantial. His aim of reconciliation extended to almost every significant detail of his parallel sources. In the Jethro pericope he brought in everything that Deuteronomy had to offer save the phrase "at that time," which would have been inappropriate in Exodus; he preserved everything from the "Masoretic" Exodus but a verse covered by the deuteronomistic insert. In the Sinai pericope he was apparently interested in expanding only the dialogue and did not set about expanding the *mise en scène* in Exodus 19 with details from Deuteronomy 4 and 5. Once he began to splice in material from Deuteronomy, he preserved almost everything significant. What he dropped from one source was either covered in the parallel source, unnecessary, or out of place in the theophany pericope. A good example is Deut 5:22. The first half of this verse reads: "The Lord spoke those words—those

<sup>28</sup> In other words, a composite of Deut 5:28-29 + 18:18-22 + 5:30-31 is interpolated into Exod 20:22-26; following the interpolation, Exodus resumes by first repeating the last sentence before the interpolation. The repetition is clearly the interpolator's creation, for the MT (which reads *wayyō' mēr* for the Samaritan's *wayyō' dabbēr*) has the sentence only once. For the redactorial technique of resumptive repetition (or *Wiederaufnahme*), see most recently S. Talmon and M. Fishbane, "Aspects of the Literary Structure of the Book of Ezekiel," *Tarbiz* 42 (1972-73) 35-38 (with an English summary). For an apparent Akkadian example, see R. Frankena, "The Vassal Treaties of Esarhaddon and the Dating of Deuteronomy," *OTS* 14 (1965) 128, 132-33; for this technique as a literary device, cf. the resumptions after digressions in A. Erman, *The Literature of the Ancient Egyptians* (London: Methuen, 1927) 32, 33; cf. p. 29; and Homer, *Od.* 19.393-466. See also the looser recapitulations noted by J. Licht in IQS ("An Analysis of the Treatise of the Two Spirits in DSD," *Aspects of the Dead Sea Scrolls* [Scripta Hierosolymitana, 4; Jerusalem: Magnes, 1958] 92-95).

and no more—to your whole congregation at the mountain, with a mighty voice out of the fire and dense clouds." Since the redactor preserved Exod 20:18, which includes most of this information, the deuteronomistic version could be dispensed with. The second part of Deut 5:22 reads: "He inscribed them on two tablets of stone, which he gave to me." Since this refers to a later event (see Exod 24:12, 18; 32:15-16; Deut 9:9-10), it is out of place in the theophany pericope. This is typical of the redactor's omissions: what he drops is either substantially covered in the parallel material which he preserves, or easily disposed of on other grounds. This procedure agrees with a tendency which has been observed in the redaction of the Pentateuch. Building on an observation of W. F. Albright, M. Greenberg concludes: "What has not been preserved of a given source may the more confidently be supposed to have differed from our text only insubstantially."<sup>29</sup> In the cases that we have examined, this observation is borne out.<sup>30</sup>

The aim of reconciliation was not fully compatible with the aim of maximal preservation. That the aim of maximal preservation was uppermost is shown by the fact that the preservation extended even to conflicting details. The result is a text which displays just such internal discrepancies as are at the core of the documentary hypothesis. In the Jethro pericope, for example, Jethro advises Moses to choose men "from among all the people" (from Exod 18:21); but in complying, Moses chooses "the tribal leaders" (from Deut 1:15). Jethro recommends "capable men who fear God, trustworthy men who spurn ill-gotten gain" (from Exod 18:21), but Moses chooses "wise, discerning and experienced men" (from Deut 1:13, 15).<sup>31</sup> Jethro speaks only of "chiefs of thousands, hundreds, fifties, and tens" (from Exod 18:21), but Moses appoints these plus *šō'rim* (from Deut 1:15). The differing vocabulary of the sources is manifest in the alternation between Jethro's remark, "they shall bring" (*y'bi'an*) difficult

<sup>29</sup> "The Thematic Unity of Exodus III-XI," *Fourth World Congress of Jewish Studies* (Jerusalem: World Union of Jewish Studies, 1967), 1. 154; "The Redaction of the Plague Narrative in Exodus," *Near Eastern Studies in Honor of William Foxwell Albright* (ed. H. Goedicke; Baltimore: The Johns Hopkins University, 1971) 243. Greenberg cites Albright, *From the Stone Age to Christianity* (Baltimore: The Johns Hopkins University, 1940) 46 (2d ed.; Garden City: Doubleday, 1957) 80.

<sup>30</sup> The nature of the evidence is such that we can test this supposition only where the Samaritan and/or proto-Samaritan redactor chose to combine parallel material (for lists of such passages, see the literature cited by J. D. Purvis, *Samaritan Pentateuch*, 70-71 n. 114; G. B. Gray, *Numbers* [ICC; Edinburgh: Clark, 1903] xi). In most cases they have left such material in its separate locations (as in the MT), a method which preserves the variants equally well but in a manner from which we learn nothing about the redactors' combining techniques.

<sup>31</sup> On the differences, see M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972) 244-45. *Y'du'im* is to be taken as a *pa'ul* active participle; see GKC § 50f; D. Hoffmann, *Sēper D'bārīm* (2 vols.; Tel Aviv: Nezach, 1959), 1. 31; E. Y. Kutscher, *The Language and Linguistic Background of the Isaiah Scroll* ([Hebrew] Jerusalem: Magnes, 1959) 268; H. Yalon, *Pirqē Lāšōn* (Jerusalem: Mosad Bialik, 1971) 323-24.

cases (from Exod 18:22, MT *yābī'ā*), Moses' saying, "you shall bring near" (*taqribān*, from Deut 1:17), and the summary, "they would bring" (*y'bf'ān*, from Exod 18:26). Harmonistic exegesis might regard such a variation as an attempt to avoid monotony; the redactor may have told himself the same. But having seen his sources, we know that the variation stems from differences in the sources.

The conflate accounts of the Jethro and theophany episodes are, as mentioned, already present in the proto-Samaritan Exodus MSS from Qumran. There is nothing sectarian about these accounts or the redactional techniques by which they were composed.<sup>82</sup> Only the Samaritan tenth commandment and certain related tendentious features are exclusively Samaritan characteristics. That commandment has been shown by Skehan to have been absent in the Qumran MS, since there is insufficient space for it.<sup>83</sup> In other words, the Samaritan tenth commandment represents a tendentious supplement beyond the stage of redaction represented in the proto-Samaritan recension from Qumran.

The techniques employed in creating this supplement are mostly similar to those described above and will not be reviewed here (see chart III).

One aspect deserves special mention. Even this tendentious supplement is composed in almost every detail, save the presumed change from Ebal to Gerizim,<sup>84</sup> of elements already present in the "Masoretic" Torah, and thus admittedly divine. Even the interpolation of this commandment at the end of the Decalogue is not without logic, for this law about an altar of uncut stone is thereby brought into the same context as Exodus' law which includes an altar

Chart III

The Samaritan ninth and tenth commandments (Exod 20:17 and following). Use of Hebrew type and sigla as above. The boxed section is from Deuteronomy 27.

<i>Deut 11 (MT)</i>	<i>Samaritan Exodus</i>	<i>Deut 27 (MT)</i>
	Exod 20:17 לא תחפור בית רעך ולא תחפור אשת רעך שדהו עברו ואמתו שורו וחפורו וכל אשר לרעך.	
	Deut 11:29 והיה §-כי יביאך ה' אלהיך אל *ארץ הכנעני- אשר אתה בא שמה לרשתה-§	§-ביום אשר תעברו את הירדן אל הארץ אשר ה' אלהיך נתן לך*§

<sup>82</sup> See n. 17 above.

<sup>83</sup> See n. 26 above.

<sup>84</sup> There is no need to go into this ancient debate here (see Josephus, *Ant.* 13.3.4 § 74-79). The Jewish claim that the text originally read "Mt. Ebal" has wide support (e.g., see P. Kahle, "Untersuchungen," 7; Y. Kaufmann, *Sēper Y'bf'ān*<sup>c</sup> [Jerusalem: Kirjath Sepher, 1963] 130), but it is not unanimous (see, e.g., R. H. Pfeiffer, *Introduction to the Old Testament* [New York: Harper, 1948] 101-2; O. Eissfeldt, *The Old Testament: An Introduction* [New York: Harper & Row, 1965] 216 n. 9; but cf. p. 695).

Chart III (Continued)

Deut 27:2 והקמת לך אבנים גדולות ושדת אתם בשיד. §וכתבת \*על האבנים- \*את כל דברי התורה הזאת. §והיה בעברכם את הירדן תקימו את האבנים האלה אשר אנכי מצוה אתכם היום כהר גריזים. §וכנית שם מזבח לה' אלהיך מזבח אבנים לא תניף עליהם כרזל. §אבנים שלמות תבנה את מזבח ה' אלהיך והעלית עליו עלות לה' אלהיך. §וזבחת שלמים ואכלת שם ושמתה לפני ה' אלהיך.

§+בעברך למען אשר תבא אל הארץ אשר ה' אלהיך נתן לך ארץ זבת חלב ודבש כאשר דבר ה' אלהי אבתיך לך. §עיבל + ושדת אותם בשיד.

\*עליהן-\*

\*Deut 11:30 ההר ההוא- \*בעבר הירדן אחרי דרך מבוא השמש בארץ הכנעני היושב בערבה מול הגלגל אצל אלון מורא \*מול שכם-.\*

\*הלא המה-\*

\* > -\*

of uncut stone (Exod 20:25). That the interpolation's demand for a stone altar conflicts with Exodus' preference for an earthen altar (vs. 24), where uncut stone is only a concession (vs. 22a<sub>1</sub>), is a price that the Samaritan interpolator was willing to pay, since he was determined to endow his religion's central dogma with Sinaitic Decalogue-authority.<sup>85</sup> In order to accommodate both this interpolation and his dogma, it was necessary to emend vs. 24b. The "Masoretic" phrase, "in every place where I cause my name to be mentioned," which contemplates several places as yet unnamed, becomes in the Samaritan text, "In the place where I have caused my name to be mentioned [<sup>2</sup>zkerty, a hybrid form], there I will come and bless you." It refers to the just-named site of Gerizim (and not the as yet unnamed Jerusalem). Ironically, the allusion to Gerizim thus created remains attached to the injunction to build an earthen altar! What is noteworthy about the interpolator's technique is that actual changes in substance are remarkably few. On the whole, he accomplished his tendentious purpose with material already present somewhere in his sources.

3. Conclusion

We are thus able to document three stages in the evolution of the Jethro and theophany pericopes: (1) A stage, represented by the Masoretic Torah, in which the Exodus and Deuteronomy versions were separate; (2) a stage, represented by the proto-Samaritan Qumran MSS, which combined the two versions;

<sup>85</sup> Cf. M. Greenberg, "Decalogue," *Encyclopaedia judaica* (Jerusalem: Macmillan, 1972), 5. 1438.

and (3) a stage, represented by the Samaritan Torah, in which the conflate narrative has been tendentiously interpolated and revised. The second stage, in particular, answers the query which prompted this paper. Obviously, there are differences between the state of the proto-Samaritan redactor's source-material and his freedom of operation and what is presumed in the case of the Pentateuch. The proto-Samaritan redactor encountered variant accounts scattered about the Torah in already fixed places. He could combine a variant from one locus with its counterpart elsewhere in the Torah, but could not then drop it from the former locus to avoid redundancy. As a result, material added to Exodus from Deuteronomy was simultaneously preserved in Deuteronomy. Despite the fact that his sources were continuous documents, the proto-Samaritan redactor appears as an interpolator who supplemented one basic text from another rather than give equal play to both sources or create a totally new account. The compiler of the Pentateuch is credited with greater freedom. It is not in these respects that the redaction of the proto-Samaritan Torah and the composition of the Pentateuch are analogous, but in the very fact of combining and in the techniques and purposes of combining.<sup>86</sup> In the latter respect, we find that the documentary hypothesis presumes a method of composition which is empirically attested in ancient Israel, from a time close to that in which most of the biblical books attained their present form. The evidence here reviewed constitutes a type of documentary composition unfolding before our very eyes.

<sup>86</sup> See n. 30 above.

## WĀ'ŌMAR (ZECH 3:5) AND THE GENRE OF ZECHARIAH'S FOURTH VISION

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THE fifth verse of the third chapter of Zechariah<sup>1</sup> presents three minor textual questions: (1) The first person, *wā'ōmar* ("and I said"), at the beginning of the verse, without which the "narrative of the vision is self-contained."<sup>2</sup> (2) The obvious need to insert, but without support from the versions, *ṭ'ḥōrīm* ("clean") after *b'gādīm* ("garments") (cf. BH<sup>3</sup>). (3) The awkwardness of the last three words of the verse in their present form and position, *ūmal'ak Yabweh 'ōmēd*, "and the angel of the Lord was standing by."

Clearly, the issue in (2) is of little consequence, and (3) is not by any means impossible, as it stands,<sup>3</sup> but (1) is a disruptive element in an otherwise straightforward narrative and invites further investigation. It is not without parallels elsewhere in the OT, e.g., Isa 6:8 and 40:6 (LXX and 1QIsa\*), but these are not normally thought to shed any light on Zech 3:5. A fresh investigation of this question indicates that such an opinion requires radical revision.

Text-critically, the unexpected use of the first person at the beginning of Zech 3:5 does not present a complex problem. The LXX omits *wā'ōmar*, continuing the narrative and the sequence of plural imperatives with *w'simū*, and the deletion of this word is recommended by BH<sup>3</sup> and adopted by D. W. Thomas,<sup>4</sup> while the Vg and Peš, with a third-person reading, represent most likely "an accommodation to the expected sense."<sup>5</sup> The MT is favored by the majority of commentators, and the sudden change of person is explained as an impulsive intervention of the prophet at the point of climax in the vision, when he could

<sup>1</sup> RSV: "And I said, 'Let them put a clean turban on his head.' So they put a clean turban on his head and clothed him with garments; and the angel of the Lord was standing by."

<sup>2</sup> P. R. Ackroyd, "Zechariah," PCB, 566b.

<sup>3</sup> The case for retaining the MT is ably presented by H. G. Mitchell, *Haggai and Zecharia* (ICC; Edinburgh: Clark, 1912) 153.

<sup>4</sup> "Zechariah," *Interpreter's Bible* (New York: Abingdon, 1956), 6. 1069. R. H. Kennett ("Zechariah," *A Commentary on the Bible* [ed. A. S. Peake; London: Jack, 1923]) also follows LXX from vs. 4.

<sup>5</sup> J. G. Baldwin, *Haggai, Zechariah, Malachi* (Tyndale Old Testament Commentaries; London: Tyndale, 1972) 114. K. Elliger (*Das Buch der zwölf kleinen Propheten* [ATD; Göttingen: Vandenhoeck & Ruprecht, 1950] 2. 112) adopts the third-person reading.