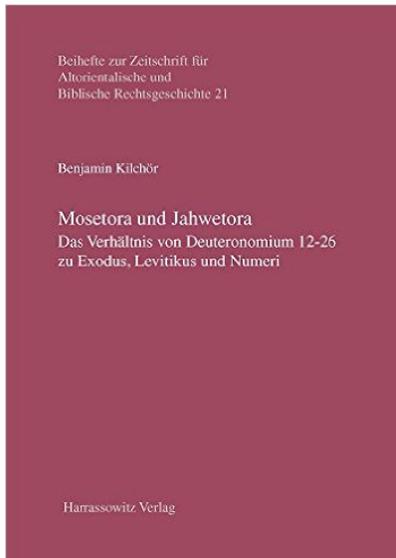


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**Benjamin Kilchör**

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

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This is a difficult book: it is difficult to read and a difficult task to write a review about it. It is obviously intended for a small number of specialists in the field of diachronic analysis of the origin of the Pentateuch. Kilchör's study is the slightly revised version of his dissertation (directed by Hendrik Koorevaar) submitted to the Faculty of Protestant Theology in Leuven. The author undertakes every effort to achieve a clear and graphic presentation of his observations and conclusions; however, the matter itself is highly complex and the endeavor an ambitious one.

The analyzed matter is a piece of literature from antiquity, segmented in several text blocks, written in various genres, of unknown origin regarding the date, and transmitted in a few handwritten manuscripts over the centuries. The various sections of the text show signs of interconnectedness that one could interpret as traces of literary dependence, hence the question arises as to the sequence the isolated blocks originated or, in other words, which block was written after and with knowledge of an earlier one. No other data beside the mere text are taken into account (probably because no such data exist?). This somewhat technical and secular abstraction tries to describe what this study in fact intends to analyze, although it does not reflect on these matters. I avoided the all too familiar names of the text blocks because every scholar in Hebrew Bible/Old Testament studies has a certain opinion when hearing *Exodus*, *Leviticus*, *Numbers*, and

*Deuteronomy* and also a certain picture about the supposed origin and relationship of these “books.” Kilchör, to be clear, does use the usual names, but nevertheless he treats the texts in a technical way. His studies do not focus on understanding the passages or on the dates of origin. Kilchör pursues consequently only two main questions: the direction of dependence between the passages identified as “laws” and their relationship in view of legal hermeneutics (replacement or supplementation) (see 337). In doing so, he joins an ongoing debate and engages in a lively discussion with several scholars and their contributions to the issues at stake.

The author clearly describes his point of departure (1). In the reading sequence of the Pentateuch, Deuteronomy, especially the Deuteronomic law (Deut 12–26, henceforth D), comes *after* the law corpora in Exodus, Leviticus, and Numbers (especially the Covenant Code [CC] and the Holiness Code [H]). In diachronic studies of the Pentateuch, however, most scholars assume that, as regards the time of origin, D has a middle position between CC and H. In other words, on a synchronic level, *Moses* explains in Deut 12–26 (D) what *Yahweh* revealed in Exodus, Leviticus, Numbers (or CC and H). On a diachronic level, many suggest, for example, that H (Lev 17–26) is dependent on CC as well as on D (Deut 12–16) and that H revises and comments on both corpora. In the same way, a larger part of scholarship regards the Decalogue in Deut 5 as the older version compared to Exod 20; however, in the narrative thread of the Pentateuch, Deut 5 appears as Moses’s exposition and application of a text revealed earlier by *Yahweh* in Exod 20. The synchronic logic of the Pentateuch sequence seems to contradict the diachronic logic of the supposed literary origin of the law codes. This observation has important consequences for the legal hermeneutics of the relationship between them. If, for example, H intended to replace, revise, or alter D, this undertaking failed, because D kept the last word on the issue due to the sequence in the Pentateuch. Hence, Kilchör argues for a rethinking of the sequence of diachronic origin and opts for the following position: The *Mosetora* (Deut 12–26) was written later and as an explanation or revision of the *Jahwetora* (Exodus-Leviticus-Numbers). His book sets out to prove this hypothesis. Kilchör explicitly refrains from the fixation of an absolute date of origin. Nowhere in the study does Kilchör state when Deuteronomy (or D) was actually written; he only develops the idea that it was written after Exodus-Leviticus-Numbers.

Kilchör’s first chapter, “Einleitung,” sketches in the first part his precise question of research, the aspects of a synchronic reading of Exodus through Deuteronomy, including the formulas announcing and summarizing the legal terms, and the history of scholarship up to now with its diverging hypotheses regarding the origin of the legal parts of the Pentateuch. The second part of the introduction refers to methodology: How can a literary analysis define the direction of dependence if two texts show sufficient signs of literary dependence? In order to discern whether there are plausible hints that two texts

are literarily dependent, Kilchör uses criteria defined by Richard Hays (*Echoes of Scripture in the Letters of Paul* [New Haven: Yale University Press, 1989]) and some other scholars. For the direction of dependence, Kilchör refers to his own essay “The Direction of Dependence between the Laws of the Pentateuch: The Priority of a Literary Approach” (*ETL* 89 [2013]: 1–14). He opts for a strictly literary approach not based on the content of the texts. Kilchör finally concludes that it does not make sense to depend too strongly on a catalogue of criteria (40). Here I was somewhat disappointed: I hoped for a resilient algorithm that enables one to decide the direction of dependence on the basis of objective observations. Perhaps I should take as one (negative) result of Kilchör’s study that such a catalogue (or algorithm) does not exist, although the author does not state that explicitly. In the third part of the introduction, which stretches over seventy pages, Kilchör reflects on the Decalogue and the Decalogue structure of Deut 12–26. According to Kilchör’s statement, this issue was not primarily intended; however, it developed as helpful for his thesis to read and analyze Deut 12–26 with the structure of the Decalogue in mind.

The main part of Kilchör’s study works through Deut 12–26 in a linear fashion, according to the structure of the Decalogue. After comparing the two versions of a commandment at issue, Kilchör analyzes the literary relationship between the Deuteronomy texts and the related texts in Exodus-Leviticus-Numbers. By using many synoptic charts with Hebrew text (consonants) and a working translation, Kilchör illustrates his observations regarding the direction of literary dependence. Here he also engages heavily with the scholarly literature and tries to refute any argument that opts for a sequence of origin that differs from Exodus-Leviticus-Numbers-Deuteronomy (or CC-H-D). Often the observations and arguments cut both ways: one can find plausible reasons for both directions of dependence. In such instances Kilchör strengthens the case for his preferred sequence of origin. He tries to develop the idea that it makes somewhat *more* sense to assume that D is the recipient in the relationship of literary dependence. There are also many cases in which the relationship is vague or loose; here Kilchör admits that every single observation remains disputable, but he points to the sum of the issues that form a consistent overall picture.

The third chapter summarizes his results and conclusions. First of all, Kilchör states that in every case the Deuteronomistic law (D; Deut 12–26) is the recipient; he regards it as especially obvious where more than two related or parallel texts exist: it is always D that summarizes the other texts. The Covenant Code functions as the guiding text; that is, CC sets the agenda, and D fills gaps and adds other aspects from the other pentateuchal texts from Exodus-Leviticus-Numbers. D presupposes these books in more or less the version that has come down to us in the Masoretic Text (see 316). The Deuteronomistic *Sondergut* (more than half of the entire corpus, according to Kilchör’s own statistics on 335) does not contain the core issues of the “law” but rather tends to enhance, clarify, and differentiate

the material taken from “tradition.” Hence Kilchör’s conclusion regarding the legal hermeneutics sounds quite irenic: D has no subversive intentions toward or against the traditional (older) laws; it rather provides special cases and other supplements in order to interpret the source texts. The sources (Exodus-Leviticus-Numbers) have for the D authors a “quasi-canonical status” (see 326). Kilchör does not include the book of Genesis and the narrative passages in Exod 1–11 in his considerations.

Finally, Kilchör lists some by-products of his study. Regarding the relationship between CC and H, it can be demonstrated that in many cases H is directly related to CC in a complementary way; H has no polemic tendency and no intention to replace CC. However, the literary relationship between CC and H requires further study, as Kilchör states (see 328). Leviticus 19 and Exod 34 emerge as major *Vorlagen* for the final form of D. Methodologically, Kilchör lists several insights. One must work in a methodological circle from the detail to the overall picture and back again to the details. If one is able to point out the direction of dependence for a case with a high grade of certainty, this might be helpful also for more dubious cases. If there are more than two parallel texts, one must consider all traditions and will thus gain more certainty regarding the direction of dependence. The rule of thumb that the shorter text is the older one does not always apply, as Kilchör repeatedly insists.

In an appendix Kilchör presents a statistical overview. He categorizes all 340 verses in Deut 12–26 according to three cases: verses for which the direction of literary dependence is clear and irreversible (32.3%); verses for which one could argue in both directions (14.7%); verses that have no or only vague parallels in Exodus-Leviticus-Numbers (*Sondergut*; 53%). As Kilchör himself admits, these figures just illustrate quantitatively the results of his own decisions.

Specialists engaged in the discussion regarding literary dependence among the parts of the Pentateuch will find a large number of issues to discuss with Benjamin Kilchör. As I not one of these diachronic specialists, I admit that I perhaps do not do full justice to the skills and efforts of Kilchör. Time and again I paused my reading and asked if the presentation of the issues really convinced me. Or, more basically, does the status of the material under analysis really provide sufficient data that allow us to discern the direction of literary dependence without any external evidence? Is it finally proven with a satisfactory amount of probability that D is the latest part in the origin of the legal passages in the Pentateuch? I do not think so. However, Kilchör’s study provokes other thoughts. If the matter is so heavily disputed, perhaps we should reckon with a larger degree of mutual dependence or influence instead of a simple addition of isolated blocks (CC-H-D). Perhaps the origin of the various parts of the Pentateuch took place over a shorter span of time, not separated by centuries, but rather more or less at the same time

or within few generations at the same place. Perhaps the origin of the Pentateuch was even more complicated than a process in which one new corpus (D) supplemented and revised an already finalized corpus (Exodus-Leviticus-Numbers). Could it be possible that one skilled theologian (or several) and scribes compiled something new from materials that were almost but not yet totally fixed, thus incorporating them into a single narrative line? Could this have aligned them to a certain degree though not thoroughly, which would unintentionally have created a complex mosaic that at times reveals traces of its origin while at the same time obscuring its genesis? Regarding the legal hermeneutics, the sequence of reading is the decisive clue, not the hypothetical origin. I agree with Kilchör's general conclusion that the legal corpora are intended to and should be read in a complementary way, not in the antagonistic pattern of substitution and abrogation. As these and other reflections are fostered by Kilchör's study, his book fulfills a major requirement of academic quality: the stipulation of further thoughts and new ideas.