



# The Pentateuch as Torah

---

*New Models for Understanding  
Its Promulgation and Acceptance*

*Edited by*

Gary N. Knoppers *and* Bernard M. Levinson

---

## The Pentateuch as Torah



---

# The Pentateuch as Torah

*New Models for Understanding Its  
Promulgation and Acceptance*

*Edited by*

GARY N. KNOPPERS and BERNARD M. LEVINSON

Winona Lake, Indiana

EISENBRAUNS

2007

---

© Copyright 2007 by Eisenbrauns.  
All rights reserved.  
Printed in the United States of America.

www.eisenbrauns.com

**Cataloging in Publication Data**

The Pentateuch as Torah : new models for understanding its promulgation and acceptance / Edited by Gary N. Knoppers and Bernard M. Levinson  
p. cm.

"The origins of this volume lie in the four special panels on Biblical and Ancient Near Eastern Law that convened at the 2006 International Meeting of the Society of Biblical Literature in Edinburgh . . ." — Introd.

Includes bibliographical references and index.

ISBN-13: 978-1-57506-140-5 (hardback : alk. paper)

1. Bible. O.T. Pentateuch—History—Congresses. 2. Bible. O.T. Pentateuch—Canonical criticism—Congresses. 3. Bible. O.T. Pentateuch—Criticism, interpretation, etc.—Congresses. 4. Judaism—History—Post-exilic period, 586 B.C.—210 A.D.—Congresses. I. Knoppers, Gary N., 1956— II. Levinson, Bernard M. (Bernard Malcolm)

BS1225.52.P46 2007

222'.1066—dc22

2007037247

The paper used in this publication meets the minimum requirements of the American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI Z39.48-1984.Ⓢ™

---

*In Memoriam*

**NATHAN MAX BERMAN**

*December 1, 1907–October 5, 2005*

and

**REV. NICOLAAS BASTIAAN KNOPPERS**

*March 3, 1917–October 28, 2006*



---

# Contents

Abbreviations . . . . .	ix
How, When, Where, and Why Did the Pentateuch Become the Torah? . . . . .	1
GARY N. KNOPPERS AND BERNARD M. LEVINSON	

## PART 1

### *Ratifying Local Law Codes in an International Age*

The Persian Imperial Authorization as a Historical Problem and as a Biblical Construct: A Plea for Distinctions in the Current Debate . . . . .	23
KONRAD SCHMID	
The Rise of Torah . . . . .	39
DAVID M. CARR	
Local Law in an Imperial Context: The Role of Torah in the (Imagined) Persian Period . . . . .	57
ANSELM C. HAGEDORN	
Temple and Torah: Reflections on the Legal Status of the Pentateuch between Elephantine and Qumran . . . . .	77
REINHARD G. KRATZ	
The Pentateuch in Ancient Mediterranean Context: The Publication of Local Lawcodes . . . . .	105
GARY N. KNOPPERS AND PAUL B. HARVEY JR.	

## PART 2

### *Prophets, Polemics, and Publishers: The Growing Importance of Writing in Persian Period Judah*

From History Writing to Library Building: The End of History and the Birth of the Book . . . . .	145
JEAN-LOUIS SKA	



Scribal Scholarship in the Formation of Torah and Prophets: . . . . .	171
A Postexilic Scribal Debate between Priestly Scholarship and Literary Prophecy—The Example of the Book of Jeremiah and Its Relation to the Pentateuch	
ECKART OTTO	

## PART 3

*The Torah as a Foundational Document  
in Judah and Samaria*

The Torah between Samaria and Judah: Shechem and Gerizim in Deuteronomy and Joshua . . . . .	187
CHRISTOPHE NIHAN	
The “Publication” of Legal Texts in Ancient Judah . . . . .	225
JOACHIM SCHAPER	
The Samaritans and Their Pentateuch . . . . .	237
REINHARD PUMMER	

## PART 4

*The Translation, Interpretation,  
and Application of the Torah  
in Early Jewish Literature*

The Second Temple and the Legal Status of the Torah: The Hermeneutics of the Torah in the Books of Ruth and Ezra . . . . .	273
SEBASTIAN GRÄTZ	
The Septuagint of the Pentateuch and Ptolemaic Rule . . . . .	289
ARIE VAN DER KOOIJ	
The Use of the Pentateuch in the <i>Temple Scroll</i> and the <i>Damascus Document</i> in the Second Century B.C.E. . . . .	301
SIDNIE WHITE CRAWFORD	
The Torah as the Rhetoric of Priesthood . . . . .	319
JAMES W. WATTS	
Indexes . . . . .	333
Index of Authors . . . . .	333
Index of Scripture . . . . .	341
Index of Other Ancient Sources . . . . .	349

---

# Abbreviations

## General Abbreviations

*	An asterisk following a chapter or verse reference (i.e., Exod 14:21*) indicates that the intent is not to refer to the entire verse or chapter but to an original layer that has been reconstructed in the given unit
//	parallel(s) or is parallel to (e.g., 2 Samuel 22 // Psalm 18)
CD	Cairo Genizah copy of the <i>Damascus Document</i>
D	Deuteronomy (pentateuchal source)
Dt or Dtn	The original “Deuteronomic” literary layer of Deuteronomy (generally connected with the reform of Josiah, ca. 622 B.C.E.); or the “Deuteronomist” as the author responsible for that work
Dtr	“Deuteronomistic,” in contrast to Deuteronomic: designates secondary layers in Deuteronomy that represent the work of later editors (usually dated to the Babylonian Exile or later); alternatively, may designate the author of these layers. Dtr may also designate secondary layers elsewhere in the Bible (especially in the Deuteronomistic History or in the prophetic corpus) composed by or under the influence of the Deuteronomistic Historian
DtrH	The Deuteronomistic History (Joshua through 2 Kings); or the Deuteronomistic Historian, as the author of this material
DSS	Dead Sea Scrolls
E	Elohist source (of the Pentateuch)
ET	English translation
fr.	<i>fragmentum, fragmenta</i> (fragment, fragments)
frg.	fragment
H	Holiness Code (Leviticus 17–26; from German <i>Heiligkeitsgesetz</i> )
J	Yahwist source/writer of one portion of the Pentateuch (“J” from German <i>Jahwist</i> )
KJV	King James Version
LXX	Greek translation of the Hebrew Bible (Alexandria, Egypt, ca. 250–150 B.C.E.)
MT	Masoretic Text
(N)JPSV	<i>The Holy Scriptures: The New JPS Translation according to the Traditional Hebrew Text</i>
NKJV	New King James Version
NRSV	New Revised Standard Version
P	Priestly source/writer of one portion of the Pentateuch
pl.	plural
PN	Personal Name
RSV	Revised Standard Version
sg. or sing.	singular
SP	Samaritan Pentateuch
Vg.	Vulgate

### Primary Sources: Ancient Texts

#### Hebrew Bible / Old Testament

Gen	Genesis	Eccl (or Qoh)	Ecclesiastes (or Qoheleth)
Exod	Exodus	Song (or Cant)	Song of Songs (or Canticles)
Lev	Leviticus	Isa	Isaiah
Num	Numbers	Jer	Jeremiah
Deut	Deuteronomy	Lam	Lamentations
Josh	Joshua	Ezek	Ezekiel
Judg	Judges	Dan	Daniel
Ruth	Ruth	Hos	Hosea
1–2 Sam	1–2 Samuel	Joel	Joel
1–2 Kgs	1–2 Kings	Obad	Obadiah
1–2 Chr	1–2 Chronicles	Mic	Micah
Ezra	Ezra	Nah	Nahum
Neh	Nehemiah	Hab	Habakkuk
Esth	Esther	Zeph	Zephaniah
Job	Job	Hag	Haggai
Ps	Psalms	Zech	Zechariah
Prov	Proverbs	Mal	Malachi

#### Apocrypha and Septuagint

Bar	Baruch	Sir	Sirach/Ben Sira
1–2 Esd	1–2 Esdras	Wis	Wisdom of Solomon
1–2 Macc	1–2 Maccabees		

#### Abbreviations of the Dead Sea Scrolls

The simplified abbreviation key provided here attempts to take into account the various systems that have emerged to refer to the Dead Sea Scrolls. One system classifies scrolls by cave number and an abbreviation for the text, so that, for example, 1QS refers to a document from Qumran Cave 1 that is also known as *Serekh ha-Yahad*, or “Rule of the Community.” Abbreviations beginning with 4Q indicate documents from Qumran Cave 4, and so on. Another system uses the cave number followed by a manuscript number, as with, for example, 4Q364. Where multiple manuscripts of the same text are attested, they are designated with superscripted letters (a, b, c, etc.) following the document’s name or siglum, as with Reworked Pentateuch<sup>b</sup> and Reworked Pentateuch<sup>c</sup>. Additional systems of naming and classification exist as well.<sup>1</sup>

1. For more detailed information, see Emanuel Tov, “Appendix F: Texts from the Judean Desert,” in *The SBL Handbook of Style for Ancient Near Eastern, Biblical, and Early Christian Studies* (Peabody, MA: Hendrickson Publishers, 1999) 176–233 (see also 75–77); idem, “The Discoveries in the Judean Desert Series: History and System of Presentation,” in *The Texts from the Judean Desert: Indices and an Introduction to the Discoveries in the Judean Desert Series* (ed. Emanuel Tov, with contributions by Martin Abegg Jr. et al.; DJD 39; Oxford: Clarendon, 2002) 1–25; idem, “Provisional List of Documents from the Judean Desert,” in *Encyclopedia of the Dead Sea Scrolls* (ed. Lawrence H. Schiffman and James C. VanderKam; 2 vols.; New York: Oxford University Press, 2000) 2.1013–49.

## Dead Sea Scrolls

<i>Abbreviation</i>	<i>Official Siglum or Title</i>	<i>Name of Text</i>
1QDeut <sup>b</sup> (1Q5)	Deut <sup>b</sup>	Deuteronomy <sup>b</sup>
1QS (1Q28)	S (= Serekh ha-Yahad)	Rule of the Community <i>or</i> Manual of Discipline
4QpaleoExod <sup>m</sup> (4Q22)	paleoExod <sup>m</sup>	Paleo-Exodus <sup>m</sup>
4QNum <sup>b</sup> (4Q27)	Num <sup>b</sup>	Numbers <sup>b</sup>
4QJosh <sup>a</sup> <i>or</i> 4QJoshua <sup>a</sup> (4Q47)	Josh <sup>a</sup>	Joshua <sup>a</sup>
4Q158	RP <sup>a</sup>	Reworked Pentateuch <sup>a</sup>
4Q175	Test	Testimonia
4Q256	S <sup>b</sup> (= Serekh ha-Yahad <sup>b</sup> )	Rule of the Community <sup>b</sup>
4Q258	S <sup>d</sup> (= Serekh ha-Yahad <sup>d</sup> )	Rule of the Community <sup>d</sup>
4Q266	D <sup>a</sup>	Damascus Document <sup>a</sup>
4Q364	RP <sup>b</sup>	Reworked Pentateuch <sup>b</sup>
4Q365	RP <sup>c</sup>	Reworked Pentateuch <sup>c</sup>
4Q366	RP <sup>d</sup>	Reworked Pentateuch <sup>d</sup>
4Q367	RP <sup>e</sup>	Reworked Pentateuch <sup>e</sup>
4QMMT <i>See</i> 4Q394–4Q399 for the individual manuscripts	Miqsat Ma'asê ha-Torah Halakhic Letter <i>or</i> Some of the Torah Observa- tions	A composite text reconstructed by Elisha Qimron and John Strugnell, <i>Qumran Cave 4, V: Miqsat Ma'asê ha-Torah</i> (DJD 10; Oxford: Claren- don, 1994) 43–63
4Q394	MMT <sup>a</sup>	MMT <sup>a</sup> (Miqsat Ma'asê ha-Torah <sup>a</sup> )
4Q395	MMT <sup>b</sup>	MMT <sup>b</sup> (Miqsat Ma'asê ha-Torah <sup>b</sup> )
4Q396	MMT <sup>c</sup>	MMT <sup>c</sup> (Miqsat Ma'asê ha-Torah <sup>c</sup> )
4Q397	MMT <sup>d</sup>	MMT <sup>d</sup> (Miqsat Ma'asê ha-Torah <sup>d</sup> )
4Q398	papMMT <sup>e</sup>	MMT <sup>e</sup> (Miqsat Ma'asê ha-Torah <sup>e</sup> )
4Q399	MMT <sup>f</sup>	MMT <sup>f</sup> (Miqsat Ma'asê ha-Torah <sup>f</sup> )
4Q448	Apocr. Psalm and Prayer	Apocryphal Psalm and Prayer
4Q524	halakhic text <i>or</i> T <sup>b</sup>	halakhic text <i>Sometimes regarded as an additional frag- ment of the Temple Scroll</i>
11QTemple <sup>a</sup> (11Q19)	T <sup>a</sup>	Temple Scroll <sup>a</sup>

*Classical Authors and Their Works*

<i>Ag. Ap.</i>	Josephus, <i>Against Apion</i>
<i>Anab.</i>	Xenophon, <i>Anabasis</i>
<i>Ant.</i>	Josephus, <i>Jewish Antiquities</i>
<i>Ant. rom.</i>	Dionysius of Halicarnassus, <i>Antiquitates romanae</i>
<i>Ath. pol.</i>	<i>Athenaion politeia (Constitution of Athens)</i> : traditionally attributed to Aristotle, but authorship disputed
<i>Comm. Jo.</i>	Origen, <i>Commentarii in evangelium Joannis</i>
<i>Hist.</i>	Herodotus, <i>Historiae (Histories)</i>
<i>Op.</i>	Hesiod, <i>Opera et dies (Works and Days)</i>
<i>Plut.</i>	Plutarch
<i>Vita Solon.</i>	Plutarch, <i>Vita Solonis (Life of Solon)</i>

**Secondary Sources*****Journals, Series, and Major Reference Works***

AASOR	Annual of the American Schools of Oriental Research
AB	Anchor Bible
ABD	<i>Anchor Bible Dictionary</i> . Edited by D. N. Freedman. 6 vols. Garden City, New York, 1992
ABRL	Anchor Bible Reference Library
<i>AcT</i>	<i>Acta theologica</i>
AGJU	Arbeiten zur Geschichte des antiken Judentums und des Urchristentums
<i>AHw</i>	<i>Akkadisches Handwörterbuch</i> . Wolfram von Soden. 3 vols. 2nd ed. Wiesbaden: Otto Harrassowitz, 1972–85
<i>AJA</i>	<i>American Journal of Archaeology</i>
<i>AJBI</i>	<i>Annual of the Japanese Biblical Institute</i>
<i>AJSL</i>	<i>American Journal of Semitic Languages and Literature</i>
AnBib	Analecta biblica
AOAT	Alter Orient und Altes Testament: Veröffentlichungen zur Kultur und Geschichte des Alten Orients und des Alten Testaments
AOS	American Oriental Series
<i>AP</i>	<i>Aramaic Papyri of the Fifth Century B.C.</i> Edited by A. E. Cowley. Oxford: Clarendon, 1923; repr., Osnabrück: Zeller, 1967; reprinted with new foreword and bibliography by K. C. Hanson. Ancient Texts and Translations. Eugene, OR: Wipf & Stock, 2005
ATANT	Abhandlungen zur Theologie des Alten und Neuen Testaments
ATD	Das Alte Testament Deutsch
ATLA	American Theological Library Association
<i>BAIAS</i>	<i>Bulletin of the Anglo-Israel Archeological Society</i>
<i>BAR</i>	<i>Biblical Archaeology Review</i>
BAR International Series	British Archaeological Reports, International Series. Oxford: Archaeopress
<i>BASOR</i>	<i>Bulletin of the American Schools of Oriental Research</i>
BBB	Bonner biblische Beiträge
BBET	Beiträge zur biblischen Exegese und Theologie
BEATAJ	Beiträge zur Erforschung des Alten Testaments und des antiken Judentum

BETL	Bibliotheca ephemeridum theologiarum lovaniensium
<i>BetM</i>	<i>Beit Mikra / Beth Mikra: Bulletin of the Israel Society for Biblical Research</i>
BHS	<i>Biblia Hebraica Stuttgartensia</i> . Edited by Karl Elliger and Wilhelm Rudolph. Stuttgart: Deutsche Bibelgesellschaft, 1983
BHT	Beiträge zur historischen Theologie
<i>Bib</i>	<i>Biblica</i>
BibOr	Biblica et Orientalia
BibS(N)	Biblische Studien. Neukirchen-Vluyn: Neukirchener Verlag, 1951–
BiSe	The Biblical Seminar
<i>BJRL</i>	<i>Bulletin of the John Rylands University Library of Manchester</i>
BJS	Brown Judaic Studies
BKAT	Biblischer Kommentar: Altes Testament
BWA(N)T	Beiträge zur Wissenschaft vom Alten (und Neuen) Testament
<i>BZ</i>	<i>Biblische Zeitschrift</i>
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
<i>CAD</i>	<i>The Assyrian Dictionary of the Oriental Institute of the University of Chicago</i> . Edited by A. Leo Oppenheim et al. Chicago: Oriental Institute, 1956–
CahRB	Cahiers de la Revue biblique
<i>CANE</i>	<i>Civilizations of the Ancient Near East</i> . Edited by Jack Sasson. 4 vols. New York: Scribners, 1995
CBET	Contributions to Biblical Exegesis and Theology
<i>CBQ</i>	<i>Catholic Biblical Quarterly</i>
<i>CIL</i> 1 <sup>2</sup> 3	<i>Corpus Inscriptionum Latinarum, volumen primus, editio altera, addenda tertia</i> . Edited by Attilio Degrassi and Joannes Krummrey. Berlin: de Gruyter, 1986
<i>CML</i> <sup>2</sup>	<i>Canaanite Myths and Legends</i> . Edited by G. R. Driver. Edinburgh, 1956. Revised by J. C. L. Gibson. 2nd ed, 1978
ConBOT	Coniectanea Biblica: Old Testament
<i>CRAIBL</i>	<i>Comptes rendus de l'Académie des inscriptions et belles-lettres</i>
CRINT	Compendia rerum iudaicarum ad Novum Testamentum
CSCO	Corpus scriptorum christianorum orientalium. Edited by I. B. Chabot et al. Paris, 1903–
CT	Cuneiform Texts from Babylonian Tablets in the British Museum
<i>CurBR</i>	<i>Currents in Biblical Research</i> (formerly, <i>Currents in Research: Biblical Studies</i> )
<i>DBAT</i>	<i>Dielheimer Blätter zum Alten Testament und seiner Rezeption in der Alten Kirche</i>
<i>DBSup</i>	<i>Dictionnaire de la Bible, Supplément</i> . Edited by L. Pirot and A. Robert. Paris: Letouzey & Anée, 1928–
DJD	Discoveries in the Judaean Desert
DMOA	Documenta et Monumenta Orientis Antiqui
<i>DSD</i>	<i>Dead Sea Discoveries: A Journal of Current Research on the Scrolls and Related Literature</i>
EdF	Erträge der Forschung
<i>ErIsr</i>	<i>Eretz-Israel: Archaeological, Historical, and Geographical Studies</i>
<i>EvT</i>	<i>Evangelische Theologie</i>
FAT	Forschungen zum Alten Testament
FB	Forschung zur Bibel
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
GAT	Grundrisse zum Alten Testament

- HALOT* *The Hebrew and Aramaic Lexicon of the Old Testament*. Ludwig Koehler, Walter Baumgartner, M. E. J. Richardson, and Johann Jakob Stamm. Translated and edited under the supervision of M. E. J. Richardson. 5 vols. Leiden: Brill, 1994–2000
- HAT Handbuch zum Alten Testament
- HKAT Handkommentar zum Alten Testament
- HSM Harvard Semitic Monographs
- HSS Harvard Semitic Studies
- HTKAT Herders theologischer Kommentar zum Alten Testament
- HTR* *Harvard Theological Review*
- HTS Harvard Theological Studies
- HUCA* *Hebrew Union College Annual*
- IC IV* *Inscriptiones Creticae, IV: Tituli Gortynii*. Edited by Margarita Guarducci. Rome: Libreria dello Stato, 1950
- IEJ* *Israel Exploration Journal*
- ITC International Theological Commentary
- JANESCU* *Journal of the Ancient Near Eastern Society of Columbia University*
- JAOS* *Journal of the American Oriental Society*
- JBL* *Journal of Biblical Literature*
- JCS* *Journal of Cuneiform Studies*
- JNES* *Journal of Near Eastern Studies*
- JNSL* *Journal of Northwest Semitic Languages*
- JQR* *Jewish Quarterly Review*
- JSHRZ* *Jüdische Schriften aus hellenistisch-römischer Zeit*
- JSJ* *Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods*
- JSOT* *Journal for the Study of the Old Testament*
- JSOTSup Journal for the Study of the Old Testament Supplement Series
- JSPSup Journal for the Study of the Pseudepigrapha Supplements
- JSS* *Journal of Semitic Studies*
- JTS* *Journal of Theological Studies*
- KAT Kommentar zum Alten Testament
- KNAW Koninklijke Nederlandse Akademie van Wetenschappen
- LAPO Littératures anciennes du Proche-Orient
- LCL Loeb Classical Library
- LD Lectio divina
- ML Meiggs, Russell, and David Lewis. *A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C.* Rev. ed. Oxford: Clarendon, 1988
- NCB New Century Bible
- NEAEHL* *The New Encyclopedia of Archaeological Excavations in the Holy Land*. Edited by Ephraim Stern, Ayelet Lewinson-Gilboa, and Joseph Aviram. 4 vols. Jerusalem: Israel Exploration Society and Carta / New York: Simon & Schuster, 1993
- NEchtB Neue Echter Bibel
- NRTh* *La nouvelle revue théologique*
- NTL New Testament Library
- NTOA Novum Testamentum et Orbis Antiquus
- OBO Orbis biblicus et orientalis
- ÖBS Österreichische biblische Studien
- OLZ *Orientalistische Literaturzeitung*

OTL	Old Testament Library
OTP	<i>Old Testament Pseudepigrapha</i> . Edited by James H. Charlesworth. 2 vols. Garden City, NY: Doubleday, 1983–85
OTS	Old Testament Studies
<i>OtSt</i>	<i>Oudtestamentische Studiën</i>
PAAJR	<i>Proceedings of the American Academy of Jewish Research</i>
PEQ	<i>Palestine Exploration Quarterly</i>
PJ	<i>Palästina-Jahrbuch</i>
PVTG	Pseudepigrapha Veteris Testamenti Graece
QD	Quaestiones disputatae
RB	<i>Revue biblique</i>
RBL	<i>Review of Biblical Literature</i> , <a href="http://www.bookreviews.org/">http://www.bookreviews.org/</a>
REJ	<i>Revue des études juives</i>
RevQ	<i>Revue de Qumran</i>
RGG	<i>Religion in Geschichte und Gegenwart</i> . 3rd ed. Edited by Kurt Galling. 7 vols. Tübingen: Mohr, 1957–65. 4th ed. Edited by Hans Dieter Betz et al. 9 vols. Tübingen: Mohr Siebeck, 1998–2007
RIDA	<i>Revue internationale des droits de l'antiquité</i>
RSR	<i>Recherches de science religieuse</i>
RTL	<i>Revue théologique de Louvain</i>
SAA	State Archives of Assyria
SAOC	Studies in Ancient Oriental Civilizations
SBAB	Stuttgarter biblische Aufsatzbände
SBLDS	Society of Biblical Literature Dissertation Series
SBLSCS	Society of Biblical Literature Septuagint and Cognate Studies
SBLSymS	Society of Biblical Literature Symposium Series
SBLWAW	Society of Biblical Literature Writings from the Ancient World
SBS	Stuttgarter Bibelstudien
SC	Sources chrétiennes. Paris: Cerf, 1943–
SHR	Studies in the History of Religions (supplement to <i>Numen</i> )
SJ	Studia judaica
SJLA	Studies in Judaism in Late Antiquity
SPAW	Sitzungsberichte der preussischen Akademie der Wissenschaften
SR	<i>Studies in Religion</i>
ST	<i>Studia theologica</i>
STDJ	Studies on the Texts of the Desert of Judah
StPB	Studia post-biblica
SVTP	Studia in Veteris Testamenti pseudepigraphica
TA	<i>Tel Aviv</i>
TADAE	<i>Textbook of Aramaic Documents from Ancient Egypt: Newly Copied, Edited, and Translated into English</i> . Edited by Bezalel Porten and Ada Yardeni. Vols. A–D (Hebrew) = 1–4 (English). Texts and Studies for Students. Jerusalem: The Hebrew University, Department of the History of the Jewish People, 1986–99
TBü	Theologische Bücherei
TDOT	<i>Theological Dictionary of the Old Testament</i> . Edited by G. Johannes Botterweck, Heinz-Josef Fabry, and Helmer Ringgren. Translated by J. T. Willis, G. W. Bromiley, and D. E. Green. 15 vols. Grand Rapids, MI: Eerdmans, 1974–2006
ThSt	Theologische Studiën



<i>ThWAT</i>	<i>Theologisches Wörterbuch zum Alten Testament</i> . Edited by G. Johannes Botterweck, Heinz-Josef Fabry, and Helmer Ringgren. 10 vols. Stuttgart: Kohlhammer, 1970–
<i>Transeu</i>	<i>Transeuphratène</i>
<i>TRE</i>	<i>Theologische Realenzyklopädie</i> . Edited by G. Krause and G. Müller. Berlin: de Gruyter, 1977–
<i>TRu</i>	<i>Theologische Rundschau</i>
<i>TSAJ</i>	Texte und Studien zum antiken Judentum
<i>TZ</i>	<i>Theologische Zeitschrift</i>
<i>UF</i>	<i>Ugarit-Forschungen</i>
<i>VT</i>	<i>Vetus Testamentum</i>
<i>VTSup</i>	Vetus Testamentum Supplements
<i>WBC</i>	Word Biblical Commentary
<i>WDSP</i>	Wadi ed-Daliyeh Samaria Papyri
<i>WMANT</i>	Wissenschaftliche Monographien zum Alten und Neuen Testament
<i>WUNT</i>	Wissenschaftliche Untersuchungen zum Neuen Testament
<i>ZA</i>	<i>Zeitschrift für Assyriologie</i>
<i>ZABR</i> or <i>ZAR</i>	<i>Zeitschrift für Altorientalische und Biblische Rechtsgeschichte</i>
<i>ZAH</i>	<i>Zeitschrift für Althebräistik</i>
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>
<i>ZBKAT</i>	Zürcher Bibelkommentare: Altes Testament
<i>ZDMG</i>	<i>Zeitschrift der deutschen morgenländischen Gesellschaft</i>
<i>ZDPV</i>	<i>Zeitschrift des deutschen Palästina-Vereins</i>
<i>ZTK</i>	<i>Zeitschrift für Theologie und Kirche</i>

---

# *How, When, Where, and Why Did the Pentateuch Become the Torah?*

GARY N. KNOPPERS and BERNARD M. LEVINSON

## ***Introduction***

The origins of this volume lie in the four special panels on Biblical and Ancient Near Eastern Law that convened at the 2006 International Meeting of the Society of Biblical Literature in Edinburgh (2–6 July). The panels were organized to investigate the promulgation and acceptance of the Pentateuch as a prestigious writing in the late Persian and early Hellenistic periods. Drawing on the talents of a distinguished body of internationally-recognized scholars, the four special sessions were designed to obtain a better grasp of the means, circumstances, factors, and setting of the Pentateuch's rise to prominence as a foundational collection of Scriptures in early Judaism and Samaritanism. In setting a thematically coherent research project as the goal of the program unit, we sought to continue the approach employed so productively by the Biblical and Ancient Near Eastern Law section at earlier international SBL meetings (Berlin in 2002 and Cambridge in 2003). The panels there dealt with the challenges in interpreting the multiple and overlapping roles played by the book of Deuteronomy in biblical literature.<sup>1</sup> These earlier sessions dealt with Deuteronomy and the Tetrateuch, Deuteronomy as part of a Pentateuch, Deuteronomy as part of a Hexateuch, Deuteronomy as part of a larger and later Deuteronomistic History, and Deuteronomy as part of an Enneateuch. The research goals of the sessions in Edinburgh extended the methodological concerns of these earlier sessions while embarking in new directions. The Pentateuch (or Proto-Pentateuch) as an existing literary entity served as the point of departure as we sought to investigate its growing acceptance as a prestigious and constitutional document in the larger life of the community during the Achaemenid and Hellenistic periods.

---

1. The proceedings were later published as *Deuteronomium zwischen Pentateuch und Deuteronomistischem Geschichtswerk* (ed. Eckart Otto and Reinhard Achenbach; FRLANT 206; Göttingen: Vandenhoeck & Ruprecht, 2004).

There is no doubt that the reception of the Pentateuch as authoritative *tôrâ* ('instruction') led to this *tôrâ*'s becoming one of the defining pillars of the religious practices of Jews and Samaritans. Since antiquity, the five books of Moses have served as a sacred constitution, foundational for both belief and practice. However long the process of authorization took, this was, by all accounts, a monumental achievement in the history of these peoples and indeed an important moment in the history of the ancient world. In the long development of Western societies, the Pentateuch has served as a major influence on the development of law, political philosophy, and social thought. The question is: when, how, where, and why did the rise of the Torah occur?

There are several related issues in addressing this important, highly debated, and very complex question. Before discussing the individual essays included in this volume, we may find it useful to sketch the larger issues that lie at the background (in some cases, the foreground) of our contributors' work. It is impossible in this context to provide anything even approaching a full history and critical review of modern scholarship. Entire volumes have been written on this topic.<sup>2</sup> It will only be possible to introduce some of the major points of contention and debate. Some issues pertain to ancient historical, religious, and social matters; others relate more to the history of modern scholarship and its critical interpretations of the development of "the five books of Moses." In either case, to appreciate the new models proposed by the contributors to this volume, the reader will find it helpful to situate these new perspectives in the context of the broader scholarly debate.

First, how does one explain the composition of the Pentateuch as a heterogeneous work, not only including sizable portions of narrative and law but also incorporating two or more major sources? How is it that several distinct law collections (e.g., the Covenant Code, Deuteronomy, the Priestly Code, and the Holiness Code) were combined and integrated into a larger narrative structure to form a single document—the Torah? These are fundamentally literary questions, but they have a bearing on our understanding of the larger historical process by which the Pentateuch was formed and came to enjoy a well-regarded status in the community. To complicate matters further, we may inquire as to why this was done and when. What was the historical, social, religious, or economic impetus to compile and promote one written corpus of law, however multilayered, over against many?

Second, should one think of the promulgation of the Pentateuch as originally occurring within the confines of a small Judean elite? That is, are we dealing with basically a very limited inner-Judean phenomenon? If so, is the formulation of the Pentateuch (or Proto-Pentateuch) basically the result of the work of

---

2. For references, readers are referred to the erudite notes of the contributors to this volume.

one author/editor, who edited, integrated, and supplemented earlier material? In such a scenario, the Pentateuch may be viewed as the product of the last person (or persons) who worked on it. Or, perhaps scribes at the Jerusalem temple had to work with both extensive Priestly and Deuteronomic (or Deuteronomistic) texts. In this scenario, scribes had a considerable task before them in coordinating and integrating two essentially separate corpora.

Other scenarios are also possible. For instance, did the promulgation of the Torah have to do with the revision and transformation of an elite scribal curriculum at the Jerusalem temple? It may have been the case that sometime in the postexilic period the Torah served as foundational educational material—copied and committed to memory and recitation—that eventually became normative law. If so, when did this occur? Did this transformation take place in the Persian period? Or was it an act of communal self-definition undertaken later as a reaction to an ongoing process of Hellenization in the southern Levant? Either way, should the broad acceptance of the Torah as a kind of constitutional document for the community be distanced from its putative use as the foundational core of an elite scribal curriculum?

Perhaps one should think of the priests as having a substantial and foundational role in the process of promulgation. If so, is the rise of written (and recited) Torah to be connected to a broader priestly effort to educate elements of the populace in a common tradition? Perhaps the priestly leaders of the Jerusalem temple promoted what they regarded as a foundational document as an essential literary work that needed to be copied, memorized, and recited. In any case, how did an elite document come to enjoy a more widely-recognized status within the community? Or does the broad acceptance itself constitute evidence that could challenge the assumption of a “top-down” imposition of the Torah by an elite?

Third, in thinking about the promulgation of the Pentateuch, some legal historians have envisioned something taking place more broadly than a long series of internal developments at the Jerusalem temple. Perhaps priestly groups negotiated not only with other priestly groups at the temple but also with prominent lay leaders within Judean society to advance a certain set of documents (over others) as normative for the community. In this scenario, the Pentateuch may be regarded as a compromise document, the result of protracted societal negotiations and concessions.<sup>3</sup> The very existence of a Pentateuch containing different

---

3. Stimulating in this regard is the often-overlooked work of Morton Smith, “Pseudepigraphy in the Israelite Literary Tradition,” in *Pseudepigrapha I: Pseudopythagorica, Lettres de Platon, Littérature pseudépigrafiqve juive* (ed. Kurt von Fritz; *Entretiens sur l’antiquité classique* 18; Vandoeuvres, Geneva: Fondation Hardt, 1972) 191–215. The panel debate following his article addresses the idea that the Pentateuch’s redaction is inconceivable without a compromise having taken place between competing social elements.

legal collections is thus direct evidence for the process that led to the Pentateuch's compilation. If so, what was the internal or external stimulus that triggered this societal compromise and the ensuing elevation in status for what came to be known as "the five books of Moses"?

Fourth, was the rise of the Pentateuch related to the rise or demise of other important writings in the community? For example, some have hypothesized over the course of the last centuries that the rise of the Pentateuch (Genesis through Deuteronomy) as the normative set of Scriptures for Jews (and Samaritans) was connected to the rejection of a slightly larger corpus that included the book of Joshua (the Hexateuch). In this respect, the provocative title of the paper delivered by A. Graeme Auld at the conference is most apt: "When Did the Pentateuch Become the Torah? or When Did the Torah Become the Pentateuch?"<sup>4</sup> In the rivalry between the Hexateuch and the Pentateuch, the Pentateuch eventually emerged victorious. The issue is not simply one of length—a preference for a shorter rather than a longer corpus. The Hexateuch incorporates the detailed story of Israel's actual entrance into the land repeatedly promised in the Pentateuch and includes many references and allusions to this fact. Is the choice of the Pentateuch over against the Hexateuch to be connected to the international (or transnational) nature of Judaism in the Neo-Babylonian, Persian, and Hellenistic eras?

The same issue can be seen from another vantage point. At the very close of the last book in the Pentateuch (Deut 34:10–12), we read that the revelation bestowed to Moses was unparalleled and unrivaled among all those who followed him. Does this unequivocal declaration about Moses' unique standing serve not only as a demarcation of the Pentateuch as a unrivaled set of Scriptures over against the book which follows (Joshua) but also as a demarcation of the Torah from the sort(s) of revelation that we find in the prophetic books, such as Hosea, Amos, Isaiah, Jeremiah, and Ezekiel? If Moses is upheld as the very embodiment of an archetypal and incomparable prophet, are all the other (later) Israelite prophets revered in the community inevitably consigned to secondary and tertiary roles? By the same token, is not the revelation (the Pentateuch) associated with Moses, whom Yhwh "knew face to face" (Deut 34:10), by definition, superior to all of the revelations received by Joshua and the prophets?

A fifth issue has to do with the growth of the Jewish religion in other lands. What role (if any) did Judean leaders who lived in the diaspora play in the rec-

---

4. The editors extend their profound thanks to Professor Auld of the University of Edinburgh, who stepped in at the last minute in the wake of an unanticipated cancellation and delivered his fine paper in our first session. Due to time constraints and the press of other commitments, Auld was unable, unfortunately, to include his paper in this volume.

ognition and acceptance of the Torah as a prestigious document? By the time that the Pentateuch became recognized as a foundational document for the life of the community, Judaism itself had already become an international religion. By the end of the 6th century B.C.E., there were Judean communities in Babylon and Egypt in addition to the Yahwistic community centered in Jerusalem. In this respect, there was not one Judaism but several Judaisms that coexisted during the Neo-Babylonian, Persian, and Hellenistic periods. From the epigraphic remains found at one of these communities (Elephantine in Egypt), from other material evidence, and from the biblical literature itself, we know that there were some contacts, travel, and correspondence among the members of these communities. Did any of the Babylonian or Egyptian communities (and others we do not know about) have a role, whether direct or indirect, to play in the Torah's rise to authoritative status? That is, are we to think of an international diaspora that led to the need for some sort of unifying set of Scriptures, or are we to think of a very diverse international setting that hindered and delayed the rise of a commonly accepted group of prestigious writings? To complicate matters even further, are we to imagine that the Pentateuch (or Proto-Pentateuch) arose in Judah, or are we to imagine that it was brought to Judah from one of the Judean communities in the diaspora (as implied by Ezra 7)? Or are we to think of an even lengthier and more complicated process by which writings from different communities were edited and reedited in new settings before being compiled and integrated into a larger whole?

The sixth question is very much connected to the fifth. How can we best explain the Samaritan (or Samaritan) acceptance of basically the same Pentateuch as the one that was accepted in Judah? Recent studies have shed welcome new light on the development of the Yahwistic community to the north of Yehud. This community was neither insubstantial nor a newcomer to the scene. In fact, many archaeologists believe that the population of the province of Samaria was larger than that of Yehud in the Persian period. The remains of the Yahwistic Temple recently excavated on Mt. Gerizim date back to approximately the mid-5th century B.C.E. These historical facts have a bearing on our theories about the acceptance of the Pentateuch as a prestigious writing. Should the Samaritan acceptance of the Pentateuch be construed as a later and secondary development, beholden to and significantly later than the acceptance of the Torah in postexilic Judah? Or should one think of a related, if not intimately related, historical process in the province to the north of the Persian province of Yehud that was parallel to what may have been occurring within Yehud itself? Or should one entertain a more radical question, namely, that the Torah was originally a predominately Northern document that came to be accepted in Judah as an authoritative writing at some later time?

The seventh issue has to do with the transition (if there was such a transition) between the use of the Pentateuch as descriptive law and the use of the Pentateuch as prescriptive law. How is it that the Pentateuch (or the Proto-Pentateuch) achieved a kind of normative or legal (*lato sensu*) canonicity?<sup>5</sup> The issue is not simply one of sacral standing. It is perfectly imaginable, after all, that the Pentateuch could have been regarded as sacred Scripture in the sense of embodying a set of much-respected didactic tales and edifying laws. It is another thing for those laws to be regarded constitutionally as legally binding norms for all members of the community. Especially when seen in the context of the ancient Near Eastern world, this was a highly unusual and significant development.

To appreciate this pivotal transformation of the Pentateuch, it is relevant to recall that a transformation of this sort never took place in the case of other ancient Near Eastern law collections. There were a number of prestigious law collections compiled in the (late) third, second, and first millennia, such as the Laws of Ur-Namma (ca. 2100 B.C.E.), the Laws of Lipit-Ishtar (ca. 1900 B.C.E.), the Laws of Eshnunna (ca. 1770 B.C.E.), the Laws of Hammurabi (ca. 1750 B.C.E.), the Middle Assyrian Laws (ca. 1400–1300 B.C.E.), and the Neo-Babylonian Laws (ca. 700–600 B.C.E.). All of these impressive law collections stem from the great city-states of ancient Mesopotamia, although there is also one important collection of laws attested from ancient Anatolia (the Hittite Laws, ca. 1600–1200 B.C.E.). Over the past century, scholars have debated the original function and purpose of these important ancient law codes. Were these legal collections, so important to the history of Western judicial thought, originally created to serve as royal propaganda, judicial philosophy, scribal curricula, or some other purpose? In any event, most legal historians do not believe that these law collections actually served as public law, because, among other reasons, they are not normally cited in court cases. Nor, for the most part, do the penalties stipulated in actual court dockets that have been recovered correspond to penalties stipulated within the various law collections. The situation with the Pentateuch is different, however. Whatever its origins and original status, the Pentateuch did eventually become prescriptive law, normative for all Jews and Samaritans. When did this occur and under what circumstances? What made Judah and Samaria a special case in this regard?

The eighth issue is related to practically all of the previously mentioned issues. Was there some sort of external stimulus that led to or facilitated the rise of the Torah? For some in the late-19th, 20th, and early 21st centuries of the Common Era, the answer to this question was sought in the unique administrative apparatus of the Achaemenid Empire (ca. 550–330 B.C.E.). For these

---

5. Legal canonicity may be linked to but also distinguished from textual canonicity (which involves a process of textual standardization).

scholars, the theory of a Persian imperial authorization (*Reichsautorisation*) has been an attractive way to explain the formation and adoption of the Torah as an authoritative set of Scriptures in the province of Yehud. In this view, the compilation and edition of the Pentateuch were very much linked to the rise of the Pentateuch as authoritative law. Persian authorities (or their local representatives) were said to have launched a new administrative and legal process by which communities in the Persian Empire could (or were expected to) gain legal recognition for their local laws. The written legal traditions of these communities were, in effect, adopted as Persian laws for the local areas affected by such statutes. In the past dozen years or so, there has been a notable reaction against the tenability of this hypothesis.<sup>6</sup> Nevertheless, some would argue that a more limited and nuanced version of the theory is still the best explanation for the promulgation and acceptance for the Pentateuch in the Persian period.

The imperial authorization theory focuses on the ancient Near East, specifically the legal policies of the far-flung Achaemenid regime, as the key trigger to elucidate the compilation of the Torah.<sup>7</sup> Indeed, the diverse and, in the recent past, mostly negative reactions to this theory were a major impetus to our holding the special sessions at the Edinburgh International Meeting of the Society of Biblical Literature in 2006. There is, however, another external context that may shed some welcome light on the rise of Torah in the southern Levant. The period from the late 7th through the mid-4th centuries B.C.E. witnessed the creation of many written statutes and collections of law in a variety of contexts throughout the Mediterranean world. The instances of Athens and Rome are well known, but public laws were also promulgated in urban centers ranging from sites in the small Aegean islands to Crete, southern Italy, and Sicily. Is it simply happenstance that the codification of the Torah may have taken place at roughly the same time? This broader ancient Mediterranean context needs to be more fully explored.

Finally, an essential part of the larger story of the Pentateuch is the story of its afterlife in the history of Judaism, Samaritanism, Christianity, and (indirectly)

---

6. Full references to the imperial authorization hypothesis of Peter Frei, those who extended his work, those who were skeptical about some particular aspects of the hypothesis, and those who rejected it outright may be found in the discussions and footnotes of the contributors to this volume (but especially in the essay of Konrad Schmid).

7. One of the research goals for the Edinburgh meeting (Biblical and Ancient Near Eastern Law section) was to procure papers on the subject of Achaemenid law and legal procedures from specialists in the area. That goal was unfortunately unrealized. The press of other commitments made it impossible, for example, for Professor Amélie Kuhrt (University College, London) to participate in the conference. Perhaps in a future year we will be able to revisit this question with more success. It was similarly impossible for Professor Erhard Blum (Eberhard Karls University, Tübingen), who played a key role in the development of the Persian imperial authorization hypothesis, to participate.



---

sample content of The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance

- [download online The Royal Wedding of Prince William and Catherine Middleton](#)
- [The Finishing School here](#)
- [download online From Texas with Love \(The Genius Files, Book 4\)](#)
- [download online The Women Who Made Television Funny: Ten Stars of 1950s Sitcoms](#)
  
- <http://www.khoi.dk/?books/The-Royal-Wedding-of-Prince-William-and-Catherine-Middleton.pdf>
- <http://www.shreesaiexport.com/library/Diabetes--An-Old-Disease--a-New-Insight--Advances-in-Experimental-Medicine-and-Biology-.pdf>
- <http://www.mmastyles.com/books/From-Texas-with-Love--The-Genius-Files--Book-4-.pdf>
- <http://deltaphenomics.nl/?library/Rose-of-Fire.pdf>