

DEUTERONOMY 34 AND THE CASE FOR A PERSIAN HEXATEUCH

THOMAS C. RÖMER

Thomas.Romer@irsb.uniL.ch

Universität de Lausanne, CH-1015 Lausanne, Switzerland

MARC Z. BRETTLER

brettler@brandeis.edu

Brandeis University, Waltham, MA 02254

Deuteronomy 34, the final chapter of the Pentateuch, holds a key position for the compositional and theological understanding of the Hebrew Bible. The Pentateuch concludes with the story of Moses' death, but this is not really a satisfying thematic conclusion. The promise of land is not fulfilled; this must await the book of Joshua, where Joshua, depicted as the successor of Moses in Numbers, Deuteronomy, and Joshua, completes the conquest of Canaan that was initiated by Moses' conquest of the Transjordan. This was the main reason that critical scholarship created the Hexateuch,¹ which served as the dominant

This paper has its origin in a presentation by Thomas Römer at the 1998 Annual Meeting of the Society of Biblical Literature in Orlando, Florida. Marc Brettler offered extensive comments to this paper, which buttressed Römer's position in several ways from a different perspective. Römer then wrote an initial (German) draft of this paper, to which Brettler reacted. Römer's draft was then translated into English with the help of Dr. Françoise Smyth, and Brettler integrated his comments into that draft. Ms. Sarah Shectman of Brandeis University then offered useful comments on this unified draft. This version represents several iterations later, after the two versions were integrated more fully.

¹According to K. Bieberstein (*Josua-Jordan-Jericho: Archäologie, Geschichte und Theologie der Landnahmeerzählungen Josua 1–6* [OBO 143; Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1995], 35), the notion that Joshua needs to be included with the Pentateuch was first suggested by H. Ewald in 1831. It was quickly adopted by most critical scholarship in the nineteenth century; see, e.g., A. Kuenen, *An Historical-Critical Inquiry into the Origins and Composition of the Hexateuch* (London: Macmillan, 1886), 340: "[T]hey looked upon Joshua's activity as inseparable from that of Moses, and regarded an account of it as the indispensable complement of the narratives of the patriarchs, the deliverance from Egypt and the legislation." It is best represented in the title of the classic 1938 article by G. von Rad, "The Form-Critical Problem of the

scholarly category until the publication in 1943 of Martin Noth's *Überlieferungsgeschichtliche Studien*. As a result of Noth's work and the "creation" of the Deuteronomistic History (DtrH), the Hexateuch has been eclipsed, as Deuteronomy has come to be viewed as a hinge linking the Tetrateuch and the entire DtrH. In fact, the recently published *Anchor Bible Dictionary* (1992) has no article at all on the Hexateuch, in contrast to the short article in the *Interpreter's Dictionary of the Bible* of 1962, and the very lengthy essay in the 1899 *Dictionary of the Bible*, edited by J. Hastings.² Thus, the Hexateuch has virtually disappeared.

Recently, however, Noth's theory has come under heavy attack, and it has become fashionable to deny the existence of a DtrH covering the books from Deuteronomy to Kings, whose first or second edition offers a comprehensive interpretation of the fall of Jerusalem and the temple.³ We do not share this current revisionism and believe that the DtrH remains a useful construct. Yet we simultaneously believe in the existence of a Hexateuch. Deuteronomy 34 and Joshua 24 play a key role in understanding this seemingly contradictory position.

I. A Synchronic and Diachronic Overview of Deuteronomy 34

According to Felix García López, Deut 34 should be divided into three parts: vv. 1–6, 7–9, and 10–12.⁴ The first part (vv. 1–6) is shaped into a narrative unit with five forms in the *wayyiqtol*-conjugation, concluded by the differing *welo' qatal* in v. 6b. These verses have at their center divine action: YHWH

Hexateuch," in *The Problem of the Hexateuch and Other Essays* (New York: McGraw-Hill, 1966), 1–78. Additional information about the Tetrateuch-Pentateuch-Hexateuch debate in the middle of this century is in A. G. Auld, *Joshua, Moses and the Land: Tetrateuch-Pentateuch-Hexateuch in a Generation Since 1938* (Edinburgh: T & T Clark, 1980).

² IDB 2:597–98; J. Hastings, ed., *A Dictionary of the Bible* (New York: Scribner's, 1899), 2:363–76.

³ E. Würthwein, "Erwägungen zum sog. deuteronomistischen Geschichtswerk: Eine Skizze," in *Studien zum deuteronomistischen Geschichtswerk* (BZAW 227; Berlin/New York: de Gruyter, 1994), 1–11; C. Westermann, *Die Geschichtsbücher des Alten Testaments: Gab es ein deuteronomistisches Geschichtswerk?* (TB Altes Testament 87; Gütersloh: Mohn, 1994); E. A. Knauf, "L'historiographie deutéronomiste (DtrG) existe-t-elle?" in *Israël construit son histoire: L'historiographie deutéronomiste à la lumière des recherches récentes* (ed. A. de Pury, T. Römer, and J.-D. Macchi; Le Monde de la Bible 34; Geneva: Labor et Fides, 1996), 409–18; J. R. Linville, *Israel in the Book of the Kings: The Past as a Project of Social Identity* (JSOTSup 272; Sheffield: Sheffield Academic Press, 1998), 46–73.

⁴ F. García López, "Deut 34, Dtr History and the Pentateuch," in *Studies in Deuteronomy in Honour of C.J. Labuschagne on the Occasion of his 65th Birthday* (ed. F. García Martínez et al.; VTSup 53; Leiden/New York/Cologne: Brill, 1994), 47–61.

shows Moses the land and repeats the promise of land to him (vv. 1b–4). This is framed by two actions of Moses: he climbs the mountain (v. 1a), dies, and is buried there (vv. 5–6). Verse 7 opens disjunctively, וַיִּשָּׂא,⁵ and introduces a unit (vv. 7–9) that focuses on Moses, who is mentioned four times in three verses. In its final verse it emphasizes the role of Joshua as Moses' successor and the obedience of the people—two themes that recur in the first chapter of Joshua. The last unit (vv. 10–12) is not structured as tightly as the previous ones. It concludes the Pentateuch, highlighting Moses' great power as seen by all Israel. It accomplishes this by using the word כָּל, “all,” four times in its final two verses.

The synchronic analysis, which shows that the three parts of Deut 34 have three different functions, corresponds to a diachronic analysis of the chapter.⁶ The first part is clearly connected to the Deuteronomistic theme that the sinful generation of the exodus, including Moses, may not enter the land (Deut 1:37; 3:23–29). Moses is exceptional in one way only: unlike his contemporaries, he may contemplate the land (3:27). This Deuteronomistic idea is realized in Deut 34:1–6.

According to (the Deuteronomistic) Deut 31:2, the 120-year-old Moses has become tired and weak. Though part 2 (Deut 34:7a) also indicates that Moses was 120 at his death, it explicitly states (v. 7b): “his eyes were not weak nor his strength gone.” This section should be seen as related to Deut 32:48–52, a Priestly text,⁷ which compares the upcoming death of Moses with the death of Aaron and alludes to the Priestly Num 20 and 27. These texts feature topics that reappear in Deut 34, especially the thirty days of mourning and Joshua's appointment as Moses' inspired successor (cf. Deut 34:9 and Num 27:20).⁸

The first two synchronic sections thus match accepted diachronic divisions: vv. 1–6 are typically seen as D, while vv. 7–9 are characterized as P. But Deut 34 also contains topics that reflect neither earlier D nor P traditions. These occur especially in the final part, vv. 10–12, where “signs and wonders,” “a strong arm,” and “great terrifying deeds” are applied to Moses, rather than to YHWH. The unusual form of the promise of land in v. 4 also suggests that it is

⁵ The disjunctive, noun-first opening (instead of the verb-initial וַיִּשָּׂא) is used to begin a new unit; see *IBHS*, 650–52, §39.2.3.

⁶ See on the following also R. Lux, “Der Tod des Mose als besprochene und erzählte Welt,” *ZTK* 84 (1987): 395–425; and P. Stoellger, “Deuteronomium 34 ohne Priesterschrift,” *ZAW* 105 (1993): 26–51.

⁷ We are using “Priestly” not in the sense of the priestly *Grundschrift* (P^g), but in a more general sense of an author or redactor who is familiar with priestly texts and traditions. On the Priestly character of 32:48–52, see S. R. Driver, *Deuteronomy* (ICC; Edinburgh: T & T Clark, 1895), 382; and, more recently, A. D. H. Mayes, *Deuteronomy* (NCBC; Grand Rapids: Eerdmans, 1981), 394; E. Nielsen, *Deuteronomium* (HAT I/6; Tübingen: Mohr, 1995), 285.

⁸ In contrast, the Dtr tradition, which also recognizes the succession of Moses by Joshua, characterizes this transition with the phrase וַיִּשָּׂא וַיִּשָּׂא; cf. Deut 31:7–8; Josh 1:6.

from neither D nor P. Deuteronomy 34:10–12, along with v. 4, should thus be seen as redactional, created as part of a conscious effort to “create” a Pentateuch.⁹

II. The Compositional History of Deuteronomy 34

The Original Dtr Version

The preceding reflections suggest that we may reconstruct the Dtr report as follows:¹⁰

- 1° Moses climbed to the top of Pisgah, and the LORD let him see the land.
- 4° And the LORD said to him: This is the land.¹¹ I have let you see it with your eyes, but you will not cross over into it.
5. And Moses the servant of the LORD died there in the land of Moab according to the word of the LORD.
6. He buried him [in the land of Moab]¹² in the valley opposite Beth Peor, but to this day no one knows where his grave is.

This text is clearly related to the beginning of Deuteronomy (1:5; 3:25–29). These links to Deut 1–3 suggest that this text is Dtr in style and ideology and belongs therefore to the Dtr frame of the book. The title “servant of the Lord” applied to Moses (v. 5) is also a Dtr feature.¹³ Additionally, the insistence that no one knows the place of Moses’ grave “until today” may well be explained by the Deuteronomistic hostility toward the popular cult of the dead (cf. Deut 18:11 and 26:14, which are typically considered as Dtr). In the context of DtrH, Deut 34:1–6° concludes the era of Moses. The next age (Joshua and the conquest) opens in Josh 1:1 (“After the death of Moses, the servant of the LORD . . .”), an opening that fits very well after Deut 34:6.

⁹ Contrast the purpose suggested for these verses by J. H. Tigay, “The Significance of the End of Deuteronomy (Deuteronomy 34:10–12),” in *Texts, Temples, and Traditions: A Tribute to Menahem Haran* (ed. M. V. Fox et al.; Winona Lake, IN: Eisenbrauns, 1996), 137–43.

¹⁰ The logic of this reconstruction will become obvious as we trace the various redactional stages of the passage. The reconstruction is similar to that proposed by E. Nielsen (*Deuteronomium*, 308). However, the level that he considers to be pre-Deuteronomistic, we understand as Deuteronomistic.

¹¹ It is difficult to decide if parts of v. 4 belong to the primary story. M. Rose reconstructs: “This is the land which I will give to the Israelites” (5. *Mose*, vol. 2, 5. *Mose 1–11 und 26–34: Rahmenstücke zum Gesetzeskorpus* (ZBAT 5; Zurich: Theologischer Verlag, 1994), 585 and 587. This would be a very good transition to the conquest report, but is speculative.

¹² These words are missing from important witnesses of the Greek version and should be considered a late addition: see *BHS* note c; C. Steuernagel, *Deuteronomium und Josua* (HAT I/3; Göttingen: Vandenhoeck & Ruprecht, 1900), 130; Nielsen, *Deuteronomium*, 309.

¹³ See I. Riesener, *Der Stamm עבר im Alten Testament: Eine Wortuntersuchung unter Berücksichtigung neuerer sprachwissenschaftlicher Methoden* (BZAW 149; Berlin/New York: de Gruyter, 1979).

This early ending concluded the book in a typical fashion: by killing off its main character.¹⁴ This separated Deuteronomy from what followed—in contrast to other traditions now found at the end of Deut 34, the early D tradition did not mention Joshua because 34:1–6* was considered to be the end of the Mosaic age. Only the opening of Joshua (1:1), with the death of “Moses the servant of YHWH” (see Deut 34:5), closely linked Joshua to the preceding Deuteronomy; Deuteronomy was not linked to anticipate what followed. This link between Joshua and the preceding material was interrupted as a result of subsequent redactional activity—what we call the Pentateuch Redaction—which reflects serious divergence of opinion concerning how the first large block of the Hebrew Bible should be construed.

The Pentateuch Redaction

Before Noth, Deut 34:4 was attributed to JE.¹⁵ Noth’s suggestion that the mention of the oath to the patriarchs in v. 4 was a Dtr feature has gained wide approval,¹⁶ but this *opinio communis* is not compelling because the form of the promise of land there does not agree with its typical Dtr form. Nowhere else in Deuteronomy is the promise of land presented as a quotation (לזרעך אתננה), introduced by לאמר; Dtr texts elsewhere use infinitive constructs of ירש or נתן.¹⁷ Thus, Deut 34:4, וזאת הארץ אשר נשבעתי לאברהם ליצחק וליעקב לאמר לזרעך אתננה, should be contrasted with the expected הארץ/הארמה אשר נשבע יהוה לאבותיכם לתת להם (cf., e.g., Deut 11:21). This contrast highlights another significant way in which Deut 34:4 is exceptional: it names the three patriarchs rather than using the term אבות, which is much more typical in Dtr. These anomalies are best explained by noting that this verse is not Dtr. It belongs to a redactional layer that aims to strengthen the coherence of the Pentateuch; more specifically, Deut 34:4 is taking over the first promise of land to Abraham in Gen 12:7, וזאת הארץ אשר נשבעתי לאברהם ליצחק, refracting it as לאמר לזרעך אתננה, and refracting it as ליצחק וליעקב לאמר לזרעך אתננה. Nowhere else does Deuteronomy use the phrase וזאת הארץ. Additionally, the text of Deut 34:4 is grammatically problematic, since the MT notes the names of the three patriarchs but continues in the singular, לזרעך אתננה, rather than לזרעכם אתננה.¹⁸ This is best explained by suggest-

¹⁴ See I. B. Gottlieb, “*Sof Davar: Biblical Endings*,” *Prooftexts* 11 (1991): 214–15.

¹⁵ So, e.g., Driver, *Deuteronomy*, 418; O. Eissfeldt, *Einleitung in das Alte Testament* (Tübingen: Mohr, 1934), 223; G. Fohrer, *Einleitung in das Alte Testament* (11th ed.; Heidelberg: Quelle & Meyer, 1969), 161.

¹⁶ M. Noth, *Überlieferungsgeschichtliche Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament* (1st ed. 1943; 3d ed.; Darmstadt: Wissenschaftliche Buchgesellschaft, 1967), 213 n. 1; Eng. trans. *The Deuteronomistic History* (JSOTSup 15; Sheffield: Sheffield Academic Press, 1991).

¹⁷ See already A. Dillmann, *Die Bücher Numeri, Deuteronomium und Josua* (Kurzgefasstes exegetisches Handbuch zum Alten Testament 2; Leipzig: Hirzel, 1886), 433.

¹⁸ The plurals in the LXX and the Peshitta are a secondary resolution of this issue: the MT is to be preferred as the *lectio difficilior*.

ing that this is a citation of the promise in Gen 12:7, where the singular is used since Abraham alone is the promise recipient. If this is the case, the inversion of *הארץ הזאת* of Genesis to *זאת הארץ* might reflect an application of Seidel's law, which suggests that earlier sources are often quoted chiasmatically.¹⁹

We may also find a link to the patriarchal tradition in the description of land in Deut 34:1, where God shows Moses the whole land. This may well be an allusion to Abraham seeing the land in Gen 13:14. In fact, the expression *אזרח כל* *הארץ* is attested in the Pentateuch for the first time in Gen 13:15 and for the last time in Deut 34:1.²⁰ By slightly revising vv. 1–3 and creating the reference to Abraham, Isaac, and Jacob in v. 4, the book of Deuteronomy becomes the end of the Pentateuch. The same redactor has inserted seven references that name the patriarchs in Deuteronomy (1:8; 6:10; 9:5, 27; 29:12; 30:20; 34:4), identifying them with the *אבות* of Deuteronomy.²¹ This clearly reflects a Pentateuch Redaction that wants to separate Deuteronomy from the following books, since beyond the book of Deuteronomy the *אבות* are never explicitly identified with the three patriarchs.

The redactor who revised Deut 34:1–5 composed vv. 10–12.²² Verse 10 is certainly not Dtr; in fact, it is correcting the Dtr statement in Deut 18:15, which suggests that YHWH will raise up (**קים*) a prophet like Moses. Deuteronomy 34:10, however, insists that Moses is incomparable, and “no prophet has risen (*לא קם*) in Israel like Moses.” Similarly, the notion that anyone could know YHWH *אל-פנים* fundamentally contradicts the thesis of Deut 4, that YHWH has no *תמונה* (4:15).²³ The incomparability of Moses is the theme of the following verses. In these verses, Dtr expressions that are elsewhere used to celebrate God's rescue in the exodus are transferred to Moses.²⁴ The consequence is, as

¹⁹ See B. M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997), 18–20; and B. D. Sommer, *A Prophet Reads Scripture: Allusions in Isaiah 40–66* (Stanford: Stanford University Press, 1997), passim.

²⁰ García López, “Deut 34,” 55.

²¹ See J. Van Seters, “Confessional Reformulation in the Exilic Period,” *VT* 22 (1972): 448–59; and T. Römer, *Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* (Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1990), 251–56.

²² See, e.g., G. Braulik, *Deuteronomium II, 16, 18–34, 12* (NEchtB 28; Würzburg: Echter, 1992), 246.

²³ See S. A. Geller, “Fiery Wisdom: The Deuteronomic Tradition,” in *Sacred Enigmas: Literary Religion in the Hebrew Bible* (London: Routledge, 1996), 30–61. Most scholars agree that Deut 5:4 is secondary and does not represent the main strand of Deuteronomic thought (see, e.g., D. Knapp, *Deuteronomium 4: Literarische Analyse und theologische Interpretation* [GTA 35; Göttingen: Vandenhoeck & Ruprecht, 1987], 58). Indeed v. 4 contradicts v. 26, where the people say that nobody is able to hear the voice of the living God and stay alive.

²⁴ See G. W. Coats, “Legendary Motifs in the Moses Death Reports,” *CBQ* 39 (1977): 38. We refer to the phrases (a) “the signs and the wonders,” (b) “the strong hand,” and (c) “the awesome deeds.” A, b, and c are found together in Deut 4:34; 26:8; Jer 32:21; a and b in Deut 6:21–22; 7:19;

Rendtorff puts it, “that Moses’ deeds are almost identified with God’s deeds. Moses was more than a prophet, more than any other man, and nearer to God.”²⁵

The work of this Pentateuch redactor is confined here to references to the patriarchal (v. 4) and the exodus traditions (vv. 11–12). The link between these various traditions is elsewhere not very strong and may have been the work of P.²⁶ The redactional work goes beyond that, suggesting that there is a strong link between the patriarchal narratives, the exodus narratives, and the legal material in the Torah. Deuteronomy 34:4, 10–12 intends to confirm the idea of a Mosaic canon in which the patriarchal stories are an integral introduction to the exodus and the legal material.²⁷ In this scheme, the Deuteronomic law mediated by Moses needs to be read in light of the patriarchal narratives and the exodus story, rather than with the following former prophets.²⁸ As we will now show, Deut 34:7–9, the Priestly-Deuteronomistic Redaction, has quite a different program.

The Priestly-Deuteronomistic Redaction

As noted earlier, Deut 34:7–9 and part of Deut 34:1 are often ascribed to P or P^g, and are typically seen as the end of the Priestly document.²⁹ Some reflection, however, indicates that this is unlikely. The appointment of Joshua as Moses’ successor in v. 9 would be a surprising conclusion to P; furthermore, this appointment actually looks ahead to the next episode, and thus does not serve as a conclusion at all. Additionally, it is not at all certain that these verses should be considered P, though, as noted above, they are acquainted with Priestly traditions. Thus, 34:7–9 presupposes Num 20:1–13 and 27:12–23, as

a in 29:2; b in Exod 3:19; Deut 3:24; 5:15; 7:8; 9:26; etc. For other texts, see P. Stoellger, “Deuteronomium 34,” 48 n. 110.

²⁵ R. Rendtorff, “Die Herausführungsformel in ihrem literarischen und theologischen Kontext,” in *Deuteronomy and Deuteronomistic Literature: Festschrift C. H. W. Brekelmans* (ed. M. Veronne and J. Lust; BETL 133; Leuven: Peeters, 1997), 501–27, esp. 517.

²⁶ See on this E. Otto, “Brückenschläge in der Pentateuchforschung,” *TRu* 64 (1999): 84–99, esp. 94; K. Schmid, *Erzväter und Exodus: Untersuchungen zur doppelten Begründung der Ursprünge Israels innerhalb der Geschichtsbücher des Alten Testaments* (WMANT 81; Neukirchen-Vluyn: Neukirchener Verlag, 1999), passim. We are likewise here assuming that Genesis developed independently from the Exodus–Numbers traditions and was only put in its current position as the prologue at a late date; see E. Ben Zvi, “The Closing Words of the Pentateuchal Books: A Clue for the Historical Status of the Book of Genesis with the Pentateuch,” *BN* 62 (1992): 7–10.

²⁷ Cf. R. W. L. Moberly, *The Old Testament of the Old Testament: Patriarchal Narratives and Mosaic Yahwism* (OBT; Minneapolis: Fortress, 1992).

²⁸ See also L. Schmidt, *Studien zur Priesterschrift* (BZAW 214; Berlin/New York: de Gruyter, 1993), 270.

²⁹ *Ibid.*, 271.

well as Deut 31:2³⁰ and 32:48–52. Most of these texts are secondary Priestly products that contain significant Dtr ingredients.³¹

In contrast to the Priestly Num 20, Deut 34:7–9 does not mention any fault of Moses that justifies his death outside of the land. The text is agnostic on this issue because it does not want to side either with the Dtr (1:37; 4:21) or with the Priestly (Num 20:12) explanation of Moses' death; yet it betrays knowledge of both Priestly and Deuteronomic traditions. For these reasons, these three verses are best understood as a Priestly-Dtr joint venture.³² This is really not surprising; others have argued that we might find such texts which blend D and P at the end of the redactional process.³³ Deuteronomy 34:7–9 should be added to these texts. These verses, however, as noted above, prepare the reader for Joshua and thus should be linked to D-P redaction of the Hexateuch, rather than to the Pentateuch.

III. The Struggle for Hexateuch or Pentateuch in the Persian Period

Both redactions (the Pentateuch Redaction and the P-D Redaction) must be viewed within the debate about the publication of an "official" Holy Scripture for Judaism in the Persian period. We lack much information concerning this period, and any reconstruction, such as the so-called Imperial Authorization hypothesis,³⁴ must remain somewhat hypothetical.³⁵ It is most likely, how-

³⁰ Cf., for instance, the reinterpretation of Deut 31:2 in 34:7, possibly under the influence of Gen 6:3 (which probably belongs to a post-Priestly redactor; cf. L. Ruppert, *Genesis: 1. Teilband, Gen 1,1–11,26* [FB 70; Würzburg: Echter, 1992], 277–78).

³¹ See esp. Stoellger, "Deuteronomium 34," 42–43 and n. 84; P. J. Budd, *Numbers* (WBC 5; Waco: Word Books, 1984), 216–17, 305–6. For example, the root מָרַח (Num 20:24; 27:14) occurs often in texts that belong to the DtrH (Deut 21:18, 20; 1 Sam 12:15; 1 Kgs 13:21, 26, etc.), and phrase constructions with מָרַח (Num 20:12) are typical of Dtr style.

³² In addition to vv. 7–9, this redaction probably added some geographical terms in vv. 1–6, especially the "plains of Moab" (cf. Num 22:1; 26:3, 63; 31:12; 33:48–50; 35:1; 36:13, all Priestly or post-Priestly texts) and "Mount Nebo" (cf. Deut 32:49).

³³ L. Perliitt, "Priesterschrift im Deuteronomium?" *ZAW* 100, Supplement (1988): 65–88, esp. 88. See also H.-C. Schmitt, "Redaktion des Pentateuch im Geiste der Prophetie: Beobachtungen zur Bedeutung der 'Glaubens'—Thematik innerhalb der Theologie des Pentateuch," *VT* 32 (1982): 170–89.

³⁴ This thesis was first developed by P. Frei ("Zentralgewalt und Lokalautonomie im Achämenidenreich," in P. Frei and K. Koch, *Reichsidee und Reichsorganisation im Perserreich* [2d enlarged ed.; OBO 55; Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1996; 1st ed. 1984], 5–132) and has gained wide support; see, e.g., R. Albertz, *Religionsgeschichte Israels in alttestamentlicher Zeit* (GAT 8/2; Göttingen: Vandenhoeck & Ruprecht: 1992), 497–504; J. Blenkinsopp, *The Pentateuch: An Introduction to the First Five Books of the Bible* (New York: Doubleday, 1992), 239–42; D. M. Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996), 327–33.

³⁵ See the skepticism of R. North, "Ezra," *ABD* 2:725–28; and E. Otto, "Brückenschläge," 94 and n. 28.

ever, that the Pentateuch in its current form represents a compromise due to long and difficult negotiations among different religious parties in Jerusalem and Samaria, as suggested by E. A. Knauf.³⁶

The outlines of these negotiations may only be imagined. Yet, as we attempt to reconstruct a model that best explains the current shape of the biblical text, we would suggest that they were ultimately complicated by the existence of a Dtr-Priestly minority, which coalesced to promote the publication of a Hexateuch. This involved the structuring of the first six books into a more unified whole, which coheres beyond the structure of promise of the land and its fulfillment.

Joshua 24 is the central chapter suggesting this coherence, thereby fostering the existence of the Hexateuch. Its place and composition have posed a huge problem for critical scholarship.³⁷ It was even a problem for Noth, who insists that 24:1–28 is a “Deuteronomistically edited passage” that was added “because it contributes something very important to the history of Joshua.”³⁸ Others have noted that the double ending of the book of Joshua in chs. 23 and 24 does not fit very well with the traditional DtrH hypothesis. The Göttingen school has therefore postulated that Josh 24 should be considered the work of DtrH, whereas ch. 23 would have been inserted later by DtrN,³⁹ but this thesis is overly complicated and not very convincing. It is therefore not surprising that more and more scholars now consider Josh 24 to be a postexilic and post-Dtr text.⁴⁰ We concur, suggesting more specifically that Josh 24 was created by the Hexateuch redactor to summarize and conclude the larger work as a whole. Thus, positing the existence of the Hexateuch solves the various critical problems associated with the chapter.

Our position reflects a return to a modified form of the older model that understood Josh 24 as the Elohist’s conclusion to the Torah,⁴¹ though we would

³⁶ E. A. Knauf, *Die Umwelt des Alten Testaments* (Neuer Stuttgarter Kommentar Altes Testament 29; Stuttgart: Katholisches Bibelwerk, 1994) 172.

³⁷ For a summary, see W. T. Koopmans, *Joshua 24 as Poetic Narrative* (JSOTSup 93; Sheffield: Sheffield Academic Press, 1990).

³⁸ Noth, *Überlieferungsgeschichtliche Studien*, 9 (Eng. trans., p. 23 and n. 1). The position of J. Van Seters (“Joshua 24 and the Problem of Tradition in the Old Testament,” in *In the Shelter of Elyon: Essays on Ancient Palestinian Life and Literature in Honor of G. W. Ahlström* [ed. W. Boyd Barrick and J. R. Spencer; JSOTSup 31; Sheffield: JSOT Press, 1984], 154) that the chapter was written “as a second conclusion to the history of Joshua” is similarly too weak.

³⁹ R. Smend, *Die Entstehung des Alten Testaments* (Stuttgart: Kohlhammer, 1978), 114–15.

⁴⁰ A. D. H. Mayes, *The Story of Israel between Settlement and Exile: A Redactional Study of the Deuteronomistic History* (London: SCM, 1983), 51; E. Blum, *Die Komposition der Vätergeschichte* (WMANT 57; Neukirchen-Vluyn: Neukirchener Verlag, 1984), 59; Van Seters, “Joshua 24 and the Problem of Tradition,” 139–58; C. Levin, *Die Verheissung des neuen Bundes in ihrem theologiegeschichtlichen Zusammenhang ausgelegt* (FRLANT 137; Göttingen: Vandenhoeck & Ruprecht, 1985), 118; and especially M. Anbar, *Josué et l’alliance de Sichem (Josué 24:1-28)* (BBET 25; Frankfurt am Main/New York: P. Lang, 1992).

⁴¹ For a summary, see Koopmans, *Joshua 24 as Poetic Narrative*, 105–7.

not agree that this section is specifically Elohist (whatever that might mean). This function of the book of Joshua as a conclusion was highlighted over a century ago by the Dutch scholar A. Kuenen, who noted that Moses is mentioned fifty-six times in Joshua, but only four (or five) in Judges, and two in Samuel. In some ways, Joshua in general, but most certainly Josh 24 in particular, must belong with what precedes, not with what follows. Kuenen continues: "The other points of contact and agreement with the Tora [and Joshua] likewise gain additional significance and weight from the contrast between Joshua on the one side and Judges and Samuel on the other."⁴² Such observations remain true even after Noth's powerful hypothesis.

Many arguments support the view that Josh 24 is a late text that was created by the Hexateuch redactor to summarize and conclude the larger work as a whole. In terms of narrative structure, Gen 50:25 and Exod 13:19, which deal with the transportation of Joseph's bones from Egypt to Israel, serve as preparation for Josh 24. Joshua 24:32 is thus the end of a narrative trajectory that starts in Gen 50:25 (or even in 33:19). In fact, the suggestion that Joseph was buried in Shechem might even bring us back to the beginning of the Joseph story; as noted by the great medieval Jewish commentator Rashi (Rabbi Solomon son of Isaac, 1040–1105), "They [Joseph's brothers] stole him from Shechem (see Gen 37:13), and they [Joshua's generation] returned him to Shechem."⁴³ Additionally, according to 24:29 Joshua dies at the same age as Joseph (see Gen 50:26).⁴⁴ This makes this chapter look like a Hexateuch *en miniature*, as already noted by Gerhard von Rad.⁴⁵ The recapitulation of the people's history starts, contrarily to the Dtr summaries, with the patriarchs (or even before) and ends with the conquest of the land. In terms of language, Josh 24 employs Priestly as well as Dtr language.⁴⁶ For example, it uses the Priestly term כִּנְיָן; likewise, Josh 24:6 reflects the P account of Exod 14. These initial observations support the notion that Josh 24 was constructed by the Hexateuch redactor, who was familiar with both Priestly and Deuteronomistic material, in order to effect closure on his work.

In fact, Josh 24 is not only connected to the Joseph story at the end of Genesis, forming a type of frame around the Hexateuch; it has broader connections to the rest of the Pentateuch. Many of these are to texts that do not show "classical" Dtr language.⁴⁷ For example, the author of Josh 24 invites his listeners to

⁴² Kuenen, *Historical-Critical Inquiry*, 12.

⁴³ Rashi, *ad* Josh 24:32, following earlier rabbinic sources. (Translation by Brettler.)

⁴⁴ See, e.g., R. D. Nelson, *Joshua* (OTL; Louisville: Westminster John Knox, 1997), 279.

⁴⁵ G. von Rad, *Das erste Buch Mose: Genesis* (ATD 2–4; 9th ed.; Göttingen: Vandenhoeck & Ruprecht, 1972), 3; Eng. trans., *Genesis* (OTL; Philadelphia: Westminster, 1972), 16.

⁴⁶ For details, see Anbar, *Josué*, 69–100.

⁴⁷ For example, Josh 24:25 states וישם לו חק ומשפט בשכם. It is easy to assimilate the verse's phrase חק ומשפט into the more common Deuteronomistic phrase חקים ומשפטים (see the discussion in

choose (בחר) YHWH as God (see esp. v. 22). This idea is never found in Dtr theology, according to which YHWH has already chosen his people,⁴⁸ and they have no voice in the matter. In Josh 24, the decision to choose YHWH is linked to a rejection of foreign gods, which is prefigured in Gen 35:2–5. In Shechem, Joshua makes the same claim as does Jacob:

Gen 35:2:

וַיֹּאמֶר יַעֲקֹב אֶל-בֵּיתוֹ וְאֵל כָּל-אֲשֶׁר עִמּוֹ הִסְרוּ אֶת-אֱלֹהֵי הַנֹּכֶר⁴⁹ אֲשֶׁר בְּתוֹכְכֶם

Josh 24:14:

וְהִסְרוּ אֶת-אֱלֹהִים אֲשֶׁר עִבְדוּ אֲבוֹתֵיכֶם בְּעֵבֶר הַנְּהַר וּבְמִצְרַיִם

Both texts contain a promise that YHWH will accompany the addressees on their journey (Gen 35:3; Josh 24:17), and both are situated by the Oak of Shechem. O. Keel has argued persuasively that Gen 35:2–5 should be attributed to a post-exilic redactor who uses both Dtr and Priestly language.⁵⁰ We submit that Josh 24 belongs to the same Dtr-Priestly Hexateuch redaction.

The formula used in Josh 24:17–18a functions in a different way as a conclusion to the Hexateuch. In this section YHWH is depicted as

17 כִּי יְהוָה אֱלֹהֵינוּ הוּא הַמַּעֲלָה אֶתְנוּ וְאֶת־
 אֲבוֹתֵינוּ מֵאֶרֶץ מִצְרַיִם מִבֵּית עֲבָדִים וְאֲשֶׁר וַעֲשָׂה לְעֵינֵינוּ אֶת־
 הָאֵתוֹת הַגְּדֹלוֹת הָאֵלֶּה וְיִשְׁמְרֵנוּ בְּכָל-הַדֶּרֶךְ אֲשֶׁר הִלְכְּנוּ בָּהּ
 וּבְכָל הַעַמִּים אֲשֶׁר עִבְרָנוּ בְּקִרְבָּם 18 וַיְגַרֵּשׁ יְהוָה אֶת-כָּל-הָעַמִּים
 וְאֶת-הָאֲמֹרִי יֹשֵׁב הָאֶרֶץ מִפְּנֵינוּ

The juxtaposition between v. 17 and v. 18 is rather unusual. The focus of v. 17a is YHWH's role as liberator from Egypt, which is a frequent biblical motif.⁵¹ In this chapter, however, this formula is supplemented through the

S. D. Sperling, "Joshua 24 Re-examined," *HUCA* 58 [1987]: 131, esp. n. 69), but this phrase is always in the plural in Deuteronomy and DtrH (Deut 4:5, 8, 14; 1 Kgs 9:4). The only prior use of the phrase in the singular was in Exod 15:25 (outside the Pentateuch only in Ezra 7:10!), significantly, also with the verb *שָׁם לִי חָק וּמִשְׁפָּט*: שָׁם לִי חָק וּמִשְׁפָּט. It is thus likely that Josh 24:25 is intentionally referring back to this earlier central "event" at Marah and updating it, saying that the "real" *חָק וּמִשְׁפָּט* were given at Shechem. Thus, at its conclusion, Josh 24 is self-consciously referring backward to several places in an earlier part of the same collection—in this case, to Exodus—thereby concluding by summarizing. For other examples, see Anbar, *Josué*, 89–115.

⁴⁸ Contrast, e.g., the use of *בחר* in Deut 4:37; 7:6; etc. Only once in Deuteronomy is YHWH not the subject of *בחר*. In 30:19, the people are encouraged to choose "life," but even here they are not given the choice, as in Josh 24, between choosing YHWH or other deities.

⁴⁹ The same expression occurs in Josh 24:20.

⁵⁰ O. Keel, "Das Vergraben der 'fremden Götter' in Genesis XXXV 4b," *VT* 23 (1973): 305–36, esp. 331.

⁵¹ See, e.g., Lev 11:45; Deut 20:1; Judg 6:8, 13; 1 Sam 10:18; 12:6; 2 Kgs 17:7, 36; Ps. 81:11.

addition of vv. 17b–18a, which incorporates the conquest of the land as well.⁵² This enlarged formula reflects an attempt to correct and extend the earlier formula of the Pentateuch and thus to incorporate the Pentateuch into the Hexateuch. It is significant that the initial part of the formula is not expressed using the hiphil participle of the verb **נָסַח**, which is much more usual in Deuteronomy. It uses the hiphil of **עָלָה**, which is found only once in Deuteronomy, as well as in, e.g., Lev 11:45 and Ps 81:11.⁵³ This bolsters the suggestion that the author of this formula was not a Deuteronomist, but rather was a later tradent, who used different language,⁵⁴ and was interested in forming the Hexateuch as a literary body.

Additional verses in Josh 24 are also not mainstream D or Dtr in their theology or phraseology, but instead reflect a combination of various Torah ideologies and thus are part of the latest redaction of this material, which is attempting to create a Hexateuch. For example, the juxtaposition in v. 19b **אֱלֹהֵי קְנוּיָא** and **לֹא יֵשָׁא לְפִשְׁעֵכֶם** is quite remarkable.⁵⁵ The former, found also in Nah 1:2, is a variant of the Decalogue's **אֱלֹהֵי קְנוּיָא** (Exod 20:5; Deut 5:9; cf. Exod 34:7),⁵⁶ which is used in a context of YHWH's intergenerational punishment and reward. In fact, Exod 34:7 emphasizes that YHWH is **נֹשֵׂא עוֹן וּפֹשֵׁעַ וְחַטָּאת**—just the opposite of our text's claim. However, the idea of YHWH as not forgiving is found in another text, namely, Exod 23:21, **לֹא יֵשָׁא לְפִשְׁעֵכֶם**, a text that is very distinct from the latest levels of Dtr, which emphasize the role of repentance, **לֹא יֵשָׁא**, in convincing YHWH to change his mind.⁵⁷ The contrast between **לֹא יֵשָׁא** and Deut 7:10b is especially sharp. Finally, the use of **כָּלָה** in the piel is totally out of line with Deuteronomistic or Deuteronomistic ideology, where YHWH will never **כָּלָה** Israel.⁵⁸ The notion that YHWH may **כָּלָה** Israel is found, for example, in Exod 32:10, which Deut 9:14 rewrites in the typical Deuteronomistic and Dtr phrase of **שָׁמַד** in the hiphil. Thus, although Josh 24:19 knows Dtr, it cannot be Dtr, and it reflects an attempt to effect closure on the Hexateuch by combining various Torah traditions.

⁵² For an intermediary position, see Jer 2:6.

⁵³ On the use of **עָלָה** and **הוֹרִיעָא**, see W. Gross, "Die Herausführungsformel: Zum Verhältnis von Formel und Syntax," ZAW 86 (1974): 425–53.

⁵⁴ Note similarly that verb **נָרַשׁ** and the gentilic **אֲמֹרֵי** are used in reference to the nations of Canaan—neither of these uses characterizes the Deuteronomist.

⁵⁵ On the meaning of this phrase, see now B. J. Schwartz, "'Term' or Metaphor—Biblical **נֹשֵׂא עוֹן/פֹּשֵׁעַ/חַטָּאת**" (in Hebrew), *Tarbiz* 63 (1994): 149–71 (English summary, XI–XII).

⁵⁶ On the variants of this formula, see M. Fishbane, "Torah and Tradition," in *Tradition and Theology in the Old Testament* (ed. D. A. Knight; Philadelphia: Fortress, 1977), 279–81.

⁵⁷ On the significance of repentance, a late (DtrH) idea here, see G. Mitchell, *Together in the Land: A Reading of the Book of Joshua* (JSOTSup 134; Sheffield: JSOT Press, 1993), 118. More broadly, see the commentaries on Deut 4, which is regarded as exilic or postexilic.

⁵⁸ In Deut 28:21, the verb **כָּלָה** is used in reference to Israel being "terminated" from the land of Israel, not "terminated" in the absolute sense.

The use of the phrase *הַדְּבָרִים הָאֵלֶּה* in Josh 24:26 also offers significant support in our search for an original Hexateuch. This phrase appears a full eight times in Deuteronomy and was probably understood as a reference to the book of Deuteronomy as a whole.⁵⁹ Thus, the author of Josh 24 is really saying that *הַדְּבָרִים הָאֵלֶּה*, “these words,” of Deuteronomy need to be updated through the insertion of a new set of *הַדְּבָרִים הָאֵלֶּה*, namely, the book of Joshua. Furthermore, is it purely coincidental that Deuteronomy begins with *אֵלֶּה הַדְּבָרִים*, while Joshua, almost at its conclusion, chiasmatically refers to *הַדְּבָרִים הָאֵלֶּה*?⁶⁰

This “Hexateuchal address” by Joshua is situated at Shechem. This location may reflect the difficult discussion about the “identity” of Israel. Some scholars have argued that this location could be understood as an attempt to integrate the “proto-Samaritans” into Israel.⁶¹ E. Blum’s statement about this is quite convincing: “Concerning the key question: ‘Who belongs to Israel?’ Joshua 24 defends for its audience an inclusive position.”⁶² We have a similar ideology in the book of Chronicles, which contain some speeches inviting the “brethren in the north” to “convert” to “real” Yahwism (cf. 2 Chr 30:1–18). The protagonists of such an inclusive Hexateuch, who use “Shechem” as a symbol for those who are typically considered outside the pale but are here invited in, reflect the combination of Dtr and Priestly streams of traditions. L. Peritt is certainly right in stressing that such coalitions are very probable. It is impossible to imagine that the intellectual groups of postexilic Judaism lived in total isolation from each other⁶³—there is no reason to believe that there might have been separate Priestly and Dtr villages!

This conclusion concerning the composition of the chapter explains why in the history of the study of these verses, such a wide diversity of sources has been proposed,⁶⁴ and why later, more open-minded scholars conclude that the

⁵⁹ For a discussion of the references to a “book” within Deuteronomy, see J.-P. Sonnet, *The Book Within the Book: Writing in Deuteronomy* (Biblical Interpretation Series 14; Leiden/New York/Cologne: Brill, 1997).

⁶⁰ See the discussion of Seidel’s law in Levinson, *Deuteronomy*, n. 19 above.

⁶¹ Cf. E. Blum, *Komposition*, 56–59, adapting insights from L. Peritt, *Bundestheologie im Alten Testament* (WMANT 36; Neukirchen-Vluyn: Neukirchener Verlag, 1969), 241–51. Cf. also Nelson, *Joshua*, 272.

⁶² E. Blum, “Der kompositionelle Knoten am Übergang von Josua zu Richter: Ein Entflechtungsvorschlag,” in *Deuteronomy and Deuteronomistic Literature: Festschrift C.H.W. Brekelmans* (ed. M. Vervenne and J. Lust; BETL 133; Leuven: Peeters, 1997), 181–212, esp. 200. A different type of inclusivist position is argued for in Ruth. On the other hand, an exclusivist position is particularly identified with Ezra-Nehemiah; see P. Abadie, *Le Livre d’Esdras et de Néhémie* (Paris: Cerf, 1996); and most recently B. Becking, “Continuity and Community: The Belief System of the Book of Ezra,” in B. Becking and M. C. A. Korpel, *The Crisis of Israelite Religion: Transformations of Religious Tradition in Exilic and Post-Exilic Times* (OTS 42; Leiden: Brill, 1999), 268–75.

⁶³ Peritt, “Priesterschrift,” 87.

⁶⁴ See the survey offered in Koopmans, *Joshua 24*, 104–41.

chapter is by an “author who is not to be identified with the Deuteronomist or any other Pentateuchal source.”⁶⁵ It also explains why the chapter shares such a vast amount of phraseology with material that crosses all source-critical boundaries.⁶⁶ It is certainly likely that a late⁶⁷ joint Dtr-Priestly redaction, would, like Chronicles,⁶⁸ share in the ideology and language of the two major theological strands of the Pentateuch, and others as well.

The existence of a Dtr-P coalition also explains why the Dtr book of Joshua incorporates a number of “Priestly” texts.⁶⁹ In addition, several texts, such as Joshua 3–4 and Josh 6 are so blended with Dtr and Priestly elements that no scholar has convincingly succeeded in making out the different strata of these texts.⁷⁰ Although P is later seen in the MT of 1 Kgs 8:1–10 and 62–68,⁷¹ in no other place in the DtrH after Joshua is there so much P material or so sizable a block of P material that is well integrated with D material. Thus, the D-P material seen in a significant part of Joshua is unique and reflects the unique status

⁶⁵ Sperling, “Joshua 24 Re-Examined,” 120. His more general conclusions, however, that this is an early text are vitiated by the many parallels that he offers between this text and other clearly postexilic texts.

⁶⁶ Much of this is collected by Sperling, “Joshua 24,” 122–33.

⁶⁷ Note not only the connection to Neh 8:18, discussed below, but the very unexpected phrase in Josh 24:19, אלהים קרושים—cf. Dan 4:5, 6, 15. (This connection is noted by Sperling [“Joshua 24,” 130], who does not believe that this is a late text.)

⁶⁸ For a survey of the use of pentateuchal sources in Chronicles, see S. Japhet, *I & II Chronicles* (OTL; Louisville, KY: Westminster/John Knox, 1993), 14–16. Many of the features we are pointing out concerning Josh 24 may be typified as midrashic or proto-midrashic. Such features have already been noted in other late biblical texts, so it is not surprising that they are found here as well. See, e.g., M. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Oxford University Press, 1985); I. L. Seeligman, “The Beginnings of *Midrash* in the Books of Chronicles” (in Hebrew), *Tarbiz* 49 (1979–80): 14–32 (English summary, II–III); and M. Z. Brettler, *The Creation of History in Ancient Israel* (London: Routledge, 1995), 62–78.

⁶⁹ Most of the list material in Josh 13–19 is often considered “priestly” (see E. Cortese, *Josua 13–21: Ein priesterschriftlicher Abschnitt im deuteronomistischen Geschichtswerk* [OBO 94; Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1990]). In the narrative sections Josh 5 is also sometimes considered “Priestly” (see Bieberstein, *Josua-Jordan-Jericho*, 403–12).

⁷⁰ Noth saw Josh 3–4 and 6 as older material in which Dtr had made some insertions (especially the mentions of the priests! (*Überlieferungsgeschichtliche Studien*, 42); Fritz distinguishes for chs. 3–4 the primitive text, a Dtr redactor, a post-Priestly addition, and other insertions (*Josua*, 43–56). Bieberstein has for Josh 3–4 at least seven levels (!), including pre-Dtr, two Dtr, post-Dtr and post-Priestly redactors (*Josua-Jordan-Jericho*, 135–93). Philippe Guillaume finds a Josianic Dtr redactor, “P,” and very late (Hasmonean) additions (“Une traversée qui n’en finit pas [Josué 3–4],” *Foi & Vie* 97 [1998]: 21–32).

⁷¹ M. Noth speaks of a mix of pre-Dtr, Dtr and late Priestly influenced strands (*Könige I. 1–16* [BK IX/1; Neukirchener-Verlag; Neukirchener Verlag, 1968], 174–75); J. Gray speaks of additions that have “affinity with P” (*I & II Kings* [OTL; 3d ed.; London: SCM, 1977], 203–4); E. Würthwein suggests additions that depend on P (*Die Bücher der Könige: 1 Könige 1–16* [ATD 11/1; Göttingen: Vandenhoeck & Ruprecht, 1977], 86, 101–2).

of Joshua as the conclusion of the Hexateuch. In this context, we might even understand the notice about the death of Eleazar the priest in Josh 24:33 as a gesture of good will from the Hexateuch Deuteronomists toward their priestly colleagues.⁷²

The acceptance of Noth's DtrH hypothesis has blinded most contemporary scholars to the implications of the similarities between Josh 24 and Genesis. For example, R. G. Boling and G. E. Wright note: "This [Josh 24:32] forms an envelope construction with Gen 50:25 (cf. Exod 13:19) tying the end of the Joshua book to the end of Genesis and showing that the Tetrateuch is presupposed as one long epic, preface to the Dtr historical work."⁷³ We cannot fathom this comment, which is internally contradictory: they are certainly correct in noting the "envelope structure" or *inclusio*, but have not realized that this observation flies against Noth's suggestion for the existence of a separate Tetrateuch and DtrH, instead strongly suggesting that we must, on some level, look at the enveloped Hexateuch, which is followed by Judges through Kings.

These many observations concerning various anomalies in Josh 24 suggest that this chapter in its current forms reflects an attempt to create a Hexateuch as the official document of Judaism, and that for a very short time the Pentateuch and Hexateuch competed with each other for the status of the central book in early Judaism. It is even possible that the original titles of these two works have been preserved. The title of the Hexateuch may be reflected in Josh 24:26: ספר תורת אלהים. This book should be distinguished from what is elsewhere called תורת משה (and its variants), which refers to the shorter Pentateuch, understood to be given through the mediation of Moses. This is supported by Neh 8:17–18, which is the only other case where ספר תורת (ה)אלהים is found:

17 ויעשו כלהקהל השבים מן־השבי סכות וישבו
 בסכות כי לא־עשו מימי ישוע בך־נזון כן בני ישראל עד היום
 ההוא ותהי שמחה גדולה מאד 18 ויקרא בספר תורת האלהים
 יום ביום מן־היום הראשון עד היום האחרון ויעשר־חג שבעת ימים
 וביום השמיני עצרת כמשפט

The fact that an eighth day is commemorated (v. 18—cf. Lev 23:36) and that the festival is connected to joy (cf. Deut 16:14) clearly suggests that some form of Torah legislation that includes both (the latest levels of) H and D served as the basis for this legislation, as has been noted.⁷⁴ However, what has not been sufficiently explained is the reference to the fact that such a commem-

⁷² There is no necessity to consider v. 32 as a later addition (contra Blum, "Knoten," 210–11). Numbers 27:12ff., which may belong to the same redactional level as Deut 34:7–9 and Josh 24 has the same interest in bringing Joshua and Eleazar together (cf. also Josh 14:1; 17:4; 19:51; 21:1).

⁷³ R. G. Boling and G. E. Wright, *Joshua* (AB 6; New York: Doubleday, 1982), 542–43.

⁷⁴ See the studies of Fishbane and Seeligman, noted above in n. 68.

oration had not been celebrated from the time of Joshua. However, if we understand ספר תורת (ה)אלהים as the Hexateuch, all is much clearer—after reading a book dealing with creation through the death of Joshua, it is quite appropriate for the narrator to observe that this is the first great commemoration since the period of Joshua.⁷⁵ If this surmise is correct, the book that was read by Nehemiah was the Hexateuch, which most likely eclipsed, for at least one moment in history, the Pentateuch. This was not to last, however, as the Pentateuch ultimately reasserted itself as the primary canonical division.⁷⁶

Confronted with this valorization of Joshua by the D-P Hexateuch redactors, the Pentateuch redactors put Deut 34:10–12 at the end of the Torah, insisting thereby that no one can be compared to Moses. Joshua 24 came from an attempt to compare Joshua to Moses, but this was countered in Deut 34:10–12, by insisting that Moses was *sui generis*, since Moses, and only Moses, could come so very close to God. With this statement, which looks back toward the exodus and emphasizes the incomparability of Moses, the Pentateuch got a fitting conclusion. The attempt by the D-P editors to create a Hexateuch was erased and awaited rediscovery by historical-critical scholarship.

IV. Summary and Conclusions

The analysis of Deut 34 has shown that this chapter incorporates three strata, each with its own purpose.

- The primary level (vv. 1*, 4a², 5–6) belongs to DtrH and relates the transition from Moses to Joshua. This level encourages Deuteronomy to be read in conjunction with the following book of Joshua.
- The second stratum (vv. 1*, 7–9) builds on this transition and reflects a conscious effort by the redactors to create a Hexateuch. These verses were written by the Hexateuch redactor for the same reason that Josh 24 was composed—to stress that, like Moses, Joshua concludes a covenant, like Moses he enacts laws and decrees (24:25), and like Moses he is concerned with a book.⁷⁷

⁷⁵ This is an extension of the observation of J. Blenkinsopp, *Ezra-Nehemiah* (OTL; Philadelphia: Westminster, 1988), 292: “The reader [of the verses in Nehemiah] is therefore invited to think of Joshua’s assembly at Shechem in the course of which statutes and ordinances were made and written and the people rededicated itself to the service of YHWH (Josh. 24).” Since Joshua, including Josh 24, was read, the people could much more easily think of this passage.

⁷⁶ It is also noteworthy that Neh 8 is followed, in ch. 9, by a long recapitulation of history that has its closest parallel in Josh 24 (see Römer, *Väter*, 326–28). Nehemiah 8:17 is (with the genealogical notice in 1 Chr 7:27) the only text that mentions Joshua outside the Pentateuch and the Former Prophets. Joshua, in ch. 24, and Ezra, in Neh 8, have identical roles.

⁷⁷ Anbar, *Josué*, 137: “parce que Moïse a conclu une alliance fondamentale, l’auteur du récit a attribué à Josué la promulgation d’une alliance; parce que Moïse a promulgué des lois, il a attribué à Josué la promulgation de lois; parce que Moïse a écrit dans un livre, il attribué à Josué l’écriture dans un livre et comme Moïse a dressé des stèles à l’occasion de la conclusion d’une

- For various reasons, some of which we will explore below, the idea of a Hexateuch was ultimately rejected.⁷⁸ This explains the composition of the third layer (vv. 1–3*, 4*, 10–12), which is responsible for the current shape of the end of Deuteronomy, decisively rejecting the potential continuity between Deuteronomy and Joshua. For this redaction, Israel's Torah coincides with the life of Moses, which is to be sharply divided from Joshua and the conquest.

Two of these corpora, the Tetrateuch (followed by the DtrH) and the Hexateuch, are constructions of modern scholarship. But it seems to us that these constructions reflect ancient realities, as reflected in the structure of the final chapters of Deuteronomy and Joshua. Thus, the Tetrateuch-Pentateuch-Hexateuch debate may not only reflect modern scholarly concerns, but might be a case where these concerns actually mirror those that were played out in the early postexilic community.

This debate goes well beyond the technical question of whether the initial canonical division should contain five or six books. Even before the influential hypothesis of Noth, scholars were quite ambivalent about Pentateuch versus Hexateuch. While acknowledging the obvious, that thematically the conquest of Joshua completes the narrative begun in Genesis (12ff.), they felt uncomfortable about the possibility of Joshua being viewed as part of the Torah. In 1891 S. R. Driver summarized the problem quite clearly:

This distinction [Torah vs. Former Prophets] is, however, an artificial one, depending on the fact that the book [Joshua] could not be regarded, like the Pentateuch, as containing an authoritative rule of life; its content, and, still more, its literary structure, show that it is intimately connected with the Pentateuch, and describes the final stage in the history of the Origins of the Hebrew nation.⁷⁹

This discomfort about the place of Joshua derives from an assumption that Torah must be law.⁸⁰ But the Torah is not all law—indeed, the book of Genesis is, like Joshua, mostly narrative material, containing few laws (see esp. Gen

alliance, il attribue à Josué l'érection d'une pierre." See, in addition, Fishbane, *Biblical Interpretation in Ancient Israel*, 147, 352, 359.

⁷⁸ See, in addition, F. Crüsemann ("Le Pentateuque, une Tora: Prolégomènes à l'interprétation de sa forme finale," in *Le Pentateuque en question* [ed. A. de Pury; Le Monde de la Bible 19; 2d ed.; Geneva: Labor et Fides, 1991], 339–60), who stresses the political context of the Persian period, arguing that conquest stories as in Joshua would never have been accepted by the Persian authorities.

⁷⁹ S. R. Driver, *An Introduction to the Literature of the Old Testament* (1st ed., 1891; reprint, Gloucester, MA: Peter Smith, 1972), 103.

⁸⁰ See the similar comments in O. Eissfeldt, *The Old Testament: An Introduction* (New York: Harper & Row, 1965 [trans. of 1964 German ed.]), 256.

17⁸¹). Perhaps we can even argue for the inclusion of Joshua as part of the Torah on structural grounds, yielding the symmetrical structure of a narrative introduction that largely dwells on the promise of the land (Genesis–Exodus 18), followed by laws (Exodus 19–the end of Deuteronomy), followed by a narrative conclusion, establishing the fulfillment of promise repeated so often in the narrative introduction (the end of Deuteronomy–Joshua).

What really stands behind the Pentateuch-Hexateuch debate, which looks like a technical debate concerning the composition of the Bible, its editing, or the stages in which it was canonized, is really a much simpler and much deeper issue: the proper understanding of the term Torah. Here there is a remarkable contrast, which goes back already to the beginning of the first millennium C.E. Josephus, the Jewish historian who lived in the first century, described the first division of the canon as “comprising the laws and the traditional history from the birth of man down to Moses’ death.” In contrast, Jerome, the early church father who wrote at the end of the fourth century, noted, “These are the five books of Moses, to which properly they give the name Torah, that is, Law.”⁸² If Torah is understood as *nomos*, as it so often is in the post-Jerome Christian tradition, surely Joshua has no place in this initial composition (but neither does Genesis!⁸³). However, if Torah is understood more broadly as “instruction,” a sense that it often has in the HB, a sense that justifies the stories of Genesis as well as those of Joshua, then Torah may refer to the Hexateuch.

This fits as well with the surmised ancient title for this six-part composition: ספר תורת (ה)אלהים. The instruction book of God instructed through both law and narrative, while תורת משה, which was later simply called by the shorter term תורה, and was (mis)understood as *nomos*, used law that was understood to be revealed to Moses as its predominant means of instruction. This suggested distinction, however, between תורת משה and תורת אלהים is somewhat conjectural, and our main arguments, which concern the existence of an ancient Hexateuch (whatever it might have been called!) are independent of this suggestion.

Interpretations must be judged by their ability to answer compelling ques-

⁸¹ Is it a coincidence that the two central laws mentioned in Genesis and Joshua are circumcision—in Gen 17 and Josh 5?

⁸² The quotations are taken from R. Beckwith, *The Old Testament Canon of the New Testament Church and Its Background in Early Judaism* (Grand Rapids: Eerdmans, 1985), 118, 120.

⁸³ Indeed, this is what provokes the medieval Jewish exegete Rashi to ask, quoting an earlier rabbinic text, why the Bible did not begin with Exod 12, the first time when Israel was given a law as a community. The fact that Genesis is not law is one of the main motivating factors for the composition of *Jubilees*, a rewritten version of Genesis that emphasizes Genesis as a law book. The fact that that could be done in a second-century B.C.E. book indicates that the understanding of Torah as “law” is not late and should not be attributed either to the early rabbis or to Jerome (cited above), thereby supporting our notion that what truly stands behind the Pentateuch-Hexateuch debate is a wider controversy on whether the Torah should be understood as “law” or as “instruction.”

tions more convincingly than alternatives. Ten years ago, in a brief discussion of Josh 24, C. Brekelmans raised the obvious question: "When we have seen that Josh. xxiv may be an insertion in the book, and when we have studied our text as an independent unit, we are left with the question why we find this text at the place where it stands. And, in a way, it is astonishing that this problem has been neglected almost completely. . . ."84

The answer offered by Brekelmans, which highlights the connection of this unit to the following material in DtrH, is quite unconvincing. We believe that the connections noted above, which show that the chapter has much more significant connections to earlier pentateuchal material, are much more substantial than the few that Brekelmans manages to adduce to later texts in the Former Prophets. In sum, the suggestion that this chapter was composed late in the history of the composition of the biblical text, in an attempt by a late editor to create a Hexateuch, much more satisfactorily answers why we find this text at the place where it stands.

⁸⁴ C. Brekelmans, "Joshua XXIV: Its Place and Function," in *Congress Volume, Leuven 1989* [VTSup 43; Leiden: Brill, 1991], 4).