Revision and Preservation in the Redaction of the Pentateuch: A Case Study of Genesis 34

by

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A Thesis submitted to the Faculty of Wycliffe College and the Biblical Department of the Toronto School of Theology
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Abstract
The dissertation pursues a better understanding of the interplay of scribal revision and preservation in the transmission of the texts of the Pentateuch. In critical methodology, there is a prevailing axiom that historical setting determines literary content. However, this dissertation shows that in addition to scribal revision, the critical axiom needs to take scribal preservation into account. The dissertation surveys standard and recent discussions especially pertinent to Pentateuch formation and scribal preservation. This survey demonstrates that in addition to scribal revision, scribal preservation must be factored or the critical axiom would lead one to believe that the contents of the Pentateuch would entirely reflect other late compositions. Yet, in the case of Genesis 34, in narrating Levi and Simeon’s revenge of the rape of Dinah, the Pentateuch sharply differs from late compositions that explain the same incident.

Genesis 34, therefore, provides a valuable case study through which to consider the role of both scribal revision and scribal preservation in the formation of the Pentateuch. The dissertation compares the exegesis of Genesis 34 with exegeses of corresponding biblical and Second Temple literature. This comparison demonstrates how the events narrated Genesis 34 evolved in time. The change in the handling of the plotline of Genesis 34 is due to its progressive disagreement with cultural tastes. Yet due to scribal preservation, at least the kernel contents of
Genesis 34 are relics from antiquity, transmitted despite their clash with the different expectations of succeeding generations.

Having demonstrated scribal preservation in the case of Genesis 34, current discussions of the composition of the Pentateuch can be reevaluated: Scribal preservation is a transmission dynamic that not only must be factored in these discussions, it is the very component begged by these discussions. Thus, although the critical axiom that historical context determines literary content remains an important consideration, this dissertation shows that the application of this axiom must be carefully nuanced.
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Chapter 1
Introduction

1.1 Thesis Statement

The scholarly pursuit to discern evidence of the provenance of the sources of the Pentateuch, and then to propose theories to explain the motives of the scribes responsible for the creation of the various sources has been in the core of Pentateuch studies at least since the work of Julius Wellhausen. In this pursuit, scribes have been seen not merely as updating and compiling ancient material (agents of scribal preservation), but also seen as strategically adapting and creating material (agents of scribal revision). Most of the attention has been focused on the evidence of scribal revision, and the implications of scribal preservation have received reduced attention. In this thesis, the focus is on the latter. The question in the heart of this inquiry is whether or to what extent an impulse of scribal preservation restricted compositional freedom (scribal revision) in the use and transmission of scriptural texts. This question is investigated through the lens of Genesis 34, in which several narrative strands intersect. Readers of Genesis 34 might well wonder how some parts escaped revision or even excision in the Second Temple period when what it states ran so contrary to contemporary views about Levi as reflected in Second Temple treatments of the passage. Thus, Reading Genesis 34 in a way that accounts for both its compositional history and its Second Temple reception history calls for a more carefully nuanced understanding of the factors which brought about the Pentateuch as it stands in the Hebrew scriptures. The nuance called for is one that accounts for both scribal revision and scribal preservation.
1.2 Basic Issues and Approach

In critical discussions of the dating of biblical texts, scholars follow the axiom that historical context determines literary context. The fact that the historical context might have required scribes to preserve literature from previous historical contexts is not part of the axiom, and therefore does not usually factor in the discussions. The extreme application of this axiom is the search for the historic context behind only the earliest extant manuscripts. In this view, the historical context of these earliest manuscripts is the only history worth discussing. In other words, there is no need to assume any manuscript history. Niels Peter Lemche has recently written:


2. It is the so-called "minimalists" who apply the historical-critical axiom in an "extreme" fashion, since they limit historical reconstructions to the production of extant manuscripts. (We will interact extensively with the minimalists below). However, the minimalists see their application of the historical-critical axiom in continuity with the long mainstream history of biblical scholarship. This fact illustrates how central the historical-critical axiom is to the modern era of biblical scholarship. Niels Peter Lemche, a minimalist, "Conservative Scholarship on the Move", *Scandinavian Journal of the Old Testament* 19, no. 2 (January 2005), 228, a minimalist, notes that minimalist scholarship is in continuity with classic critical scholarship: “The minimalists originated as traditional historical-critical scholars, and probably never left this position of theirs and of critical scholarship in general.” Philip R. Davies, *Minimalism, "Ancient Israel," and Anti-Semitism*, http://www.bibleinterp.com/articles/Minimalism.shtml (accessed June 23, 2015), explains:

The agenda that I am pursuing (and I would think the same of the work of Thompson and Lemche to a very large degree) continues the main lines of biblical scholarship over the last century and more. . . . Let me reinforce this claim in respect to my own work. The mainstream view of critical biblical scholarship accepts that Genesis-Joshua (perhaps Judges) is substantially devoid of reliable history and that it was in the Persian period that the bulk of Hebrew Bible literature was either composed or achieved its canonical shape. I thus find attempts to push me out onto the margin of scholarship laughable. My views about David and Solomon may differ from those of many, but my arguments are traditional enough and the historicity of, at the most, four biblical books hardly represents a major split from the mainstream. Indeed, my impression from reviewing scholarly literature over the last ten years is that the later dating of much biblical literature is gaining slightly in fashion.
One famous example of a piece of literature which it is strange to find in the context of Hellenistic Judaism would be Psalm 82, placing God among Gods. How this Psalm survived and was included in the collection of Psalms in the Old Testament escapes my power of imagination. I am often asked by my students how monotheistic Judaism could accept the text of this psalm? There are a couple of possibilities: The allegorical reading current in the Hellenistic Period may have made it possible to argue that the meaning of this psalm is not what you read but something absolutely different from a literal reading of the text: God is no longer God, but some important person—perhaps a professor—and the sons of God are not deities but descendants of the great man, or perhaps students. It may, however, also be that the psalm was popular and the melody fine and that therefore it remained a part of the Psalter.3

Lemche says that his imagination is stretched when he tries to understand how Psalm 82 with its polytheistic character ended up in a monotheistic Bible. Among the possibilities he suggests may explain its persistence, one he does not suggest is the impulse of scribal preservation. Accounting for scribal preservation allows one to consider the possibility that more complex dynamics determined the contents of the earliest extant manuscripts. Accounting for scribal preservation therefore opens the possibility that the residue of generations of historical contexts lies preserved within the earliest extant manuscripts. This dissertation explores the impulse and evidence of scribal preservation particularly as it relates to Genesis 34. Genesis 34 seems to lie at the headwaters of a stream whose channel merged with other streams, and the streams together formed a river quite distinct from the Genesis headwaters. Genesis 34 itself seems to have been affected by a bit of a backflow from the river and itself may have been changed through time. So, when we consider the compositional and reception history of Genesis 34 and its related texts, we may add one more possibility for how Psalm 82 ended up in the Bible: Scribal preservation of authoritative texts over time.

So, the axiom underlying critical inquiry is that historical context determines literary content.\(^4\)

With this in mind, writers like Lemche see the marks of Second Temple ideology throughout the biblical text. On the other hand, David M. Carr, who accounts for scribal preservation,\(^5\) sees the marks of several successive historical eras in the various accreted layers of the biblical text.\(^6\)

Scribal preservation presents a problem for the critical axiom. The problem is that in principle, scribal preservation involves retaining materials from prior historical contexts for use in subsequent historical contexts: If the critical axiom is correct, literature is dependent on and reflects culture. However, in scribal preservation, the literature is independent of, yet affects culture. The question is whether there is evidence to support this type of scribal preservation.\(^7\)

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4. "It is an established fact that a literary product must be considered a reflection of its age of origin, as nobody can escape being a child of his or her own time." Niels Peter Lemche, "The Old Testament—A Hellenistic Book?" *Scandinavian Journal of the Old Testament* 7, no. 2 (1993): 170. Philip R. Davies, *Memories of Ancient Israel: An Introduction to Biblical History—Ancient and Modern* (Louisville and London: Westminster John Knox Press, 2008), 147, 155, writes that to the so-called minimalists, the writers of the Bible "are cut off from the events and so are imagining and creating a past whose contours are determined by the present context and a not-reliable recollection of the past . . . " and "the biblical narrative is in fact in large part not even a secondary source for what it describes, but a construction, and as such is much more evidence of the social context that generated it." For a summary of the relationship of literature to history in Pentateuch studies, see R. W. L. Moberly, "Pentateuch" in *The New Interpreter's Dictionary of the Bible*, edited by Katharine Doob Sakenfeld, 430-438 (Nashville: Abingdon Press, 2009), 434.

5. David M. Carr, *The Formation of the Hebrew Bible* (New York: Oxford, 2011), 4, describes scribal preservation: "these literary texts in turn, were memorized and performed not because they appealed to consumers, but because those in the community or sub-community judged such texts—often on the basis of the judgments of leaders in that community—to preserve divinely inspired, often obscure words from a distant time." From a classic source-critical perspective, Jacob Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary* (AB: New York: Doubleday, 1991), 17, writes regarding the development of the tithe laws: "New cultic laws are introduced, but the ones they replace are not excised. They may be glossed, but their texts are not tampered with. Representing the expressed will of God, they are sacred and must be preserved."

6. David M. Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996), 293, explains: "The purpose of this investigation is not to burrow back through the transmission history of Genesis in order to interpret its hypothetically earliest materials in relation to even more hypothetical historical contexts. The point is to reconstruct to the extent possible the different voices that have gone into the formation of Genesis so as to better understand its present complex, multivoiced, final form."

7. Several objections might be raised here. All of them are important insofar as they nuance the discussion. In the end, a more nuanced discussion is what I am pursuing in this dissertation. The thesis is a question of the product of scribal transmission (preservation) vs. scribal creation (revision). If scribes created new material for use in their historical context, the product is completely new and completely reflects the historical context. However, if for any reason scribes chose to merely copy old material, or even to use old material, the material is not completely new and reflects not only the historical context of the scribe who chose to use it but also the different historical context from
Here it is important to clarify the spectrum of scribal activity. At the one end, there is scribal composition and authorship. Clearly there is a relationship between an author's composition and his historical context. However, at the other end of the spectrum is scribal transmission and copying. At its extreme, in scribal transmission, the copyist is completely unaffected by his historical context. Toward the pole of copying, the scribe is completely dependent on the received literature, but toward the authorship pole, the scribe is independent and creative. In simple terms, scribal revision is more creative and more independent—more authorial, while scribal preservation is less creative and more dependent—more mechanical.  

The Second Temple period bears witness to the full spectrum of scribal activity. However, the critical axiom urges scholars to focus on revisionist rather than preservationist practices. Yet, the culture of the Second Temple period was propelling the reception of the biblical text in two distinct directions. On the one hand, the culture was becoming increasingly text-based, and the

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8. Here, "mechanical" is used in the sense of the methods employed by a copyist. Copyists transcribed the material.

9. Recent contributors to understanding this cultural move are Michael LeFebvre, *Collections, Codes, and Torah: The Recharacterization of Israel's Written Law* (New York and London: T & T Clark, 2006), Philip R. Davies, "Law in Ancient Judaism," in *Judaism in Late Antiquity III. Where We Stand: Issues and Debates in Ancient Judaism*, J. Neusner and A. A. Avery-Peck, HO 40 (Leiden: Brill, 1999), 3-33, James W. Watts, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (Cambridge and New York: Cambridge University Press, 2007), 208-213, and David M. Carr, *The Formation*, 114. For an older source, see Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon, 1972), 280. Gerald L. Bruns, "Canon and Power in the Hebrew Scriptures," *Critical Inquiry* 10, no. 3 (March 1984): 464, also discussed this movement and associated it with the translation of Torah into *nomos*. Bruns cites Barnabas Lindars, S.S.F., "Torah in Deuteronomy" in *Words and Meanings*, by Peter R. Ackroyd and Barnabas Lindars S.S.F., 117-136, (Cambridge: Cambridge University Press, 1968), 135, who believes that *תורה* only came to have meaning attached to codified legislation in the time of the Deuteronomists, whom he places in the early part of the exile. At that time, with the temple now destroyed, the cult had to move from the temple to the text. Prior to this semantic move by the Deuteronomists, *תורה* had a broader application encompassing wisdom and the cult. The semantic move by the Deuteronomists—moving *תורה* from general instruction (priestly sense) to law code (deuteronomic sense)—however, paved the way for the *nomos* translation and the legislative cultural implications which resulted. The contents of scripture, however, retain both meanings (another instance of the impact of scribal preservation).
twin corollaries of this movement were that the text gained authority, and it was treated with ever-increasing preservationist exactitude. On the other hand, a simultaneous movement was emerging as the authoritative text was acquiring a prescriptive and legislative role and reception in society. The accompanying corollary of this movement was an impulse to elevate the "heroes" in the text in such a way that they could function as models upholding the prescriptive standards now attached to the text in which they appeared. These contradictory impulses had two results for the handling of the scriptural text. On the one hand, the transmission of the text became more exacting. On the other hand, the received text conflicted with the legislative culture, resulting in the creation of new texts that compensated for the newly recognized inadequacies of the old texts. On the one hand, the leaving-alone of the scriptural text is explained by the elevated authority and precise transmission of the text. On the other hand, the revising impulses were channeled outside of the scripture.11

This reality is significant because it opens a window through which we may view scribal preservation in the transmission of the scriptural text. In the case of the Second Temple period, the critical axiom did not apply to the transmission of scriptural texts: Scribes preserved materials that conflicted with their cultural sensitivities. We know this because the texts composed during the Second Temple period were compatible with these cultural sensitivities, specifically in ways that the scriptural text was not. Thus, on the one hand, although some


11. Here I realize that for some, the notion of "scripture" or "biblical text" at this time in history is anachronistic. See, for example, Lemche, The Old Testament between Theology and History: A Critical Survey. Louisville: Westminster John Knox, 2008, 273. Yet, without entering that discussion, which has its merit, in the case of this dissertation, the terms "scripture" and "biblical" will be used to denote in general terms that ultimately became part of the Bible or scripture. For further discussion, see James C. VanderKam, From Revelation to Canon: Studies in the Hebrew Bible and Second Temple Literature (Leiden: Brill, 2002), 1-30.
variation in transmission was occurring, on the whole the scribes tended to preserve the scriptural text, but on the other hand, they composed alternative texts that mitigated the perceived inadequacies of the scriptural text. In the case of the scriptural texts, the historical context did not determine literary content. This was due to the increased authority and exacting transmission of received texts. However, simultaneously, in the case of corresponding Second Temple compositions, the historical context did determine literary content. This is due to the cultural desire to show its literary heroes to be in full compliance with the legislative standards of the period. Thus, the literary content of these Second Temple texts differs from the literary content of the corresponding scriptural texts, and this is evidence of scribal preservation.

Yet, this tempering of the critical axiom by scribal preservation has not been assimilated into critical inquiries. Most recently, the "Copenhagen school,"¹² or the so-called minimalists have turned on their head assumptions that have been promulgated for more than a century by claiming that the Old Testament is a late product of the Second Temple period and does not contain reliable information about any period prior to its composition.¹³ Methodologically rigid, the so-called minimalists question the reliability of any purely textual evidence. Therefore, they

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¹² For the use of this term, see Lemche, *The Old Testament*, xix, but note that Davies, *Memories*, 155, considers the use of this term an oversimplification and rejects its use. I do not disagree with Davies, but I have chosen to use the term to refer strictly to Davies, Lemche, and Thompson out of all possible minimalist scholars.

¹³ See Davies, *Memories*, 148, who explains with regard to the pentateuchal narrative that for the minimalists, "later dates provide better contexts for the creation of the stories. This is not just because of the gap in time that would be necessary to explain discrepancies between archaeological and biblical portraits of the past, but because later dates afford better political, social, and religious contexts for the enterprise." Davies continues: "But how are these contexts determined? The answer is, by looking at ideology. The ideology of the texts does not lie all on the surface but also within and beneath the text." Yet as this dissertation shows, the ideology of the materials we know were created in the Second Temple period was quite different from that within the pentateuchal narrative, and the political, social, and religious contexts of the Second Temple period were at odds with the pentateuchal narrative.
start with the Dead Sea scrolls as the oldest historical witness, the baseline orientation for all legitimate historical reconstructions.14

This dissertation does not claim to render the minimalist option invalid, but it does pursue a nuancing of the critical axiom that is the premise for the minimalist inquiry: Does the evidence show that historical context determines literary content, or is there evidence and therefore a role for scribal preservation—meaning that historical context did not always determine literary content?15 Therefore, even if we admit with Philip R. Davies the presence of gaps between the archaeological record and the biblical text,16 the evidence within the reception history and the composition of the text itself remains for consideration.17

David Carr takes a big step toward using the biblical text as an artifactual window into the past.18 Implicitly, he both answers Van Seters' invitation and contests the conclusions of the Copenhagen school. Carr's recent book, *The Formation of the Hebrew Bible*, relies upon his ability to navigate the residue left by both scribal revision and scribal preservation. Using a combination of evidence and conjecture, he takes his readers on a tour of the history of

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15. This sentence can be more precisely formulated as "historical context in the time of scribal transmission did not always determine literary content—that is, if the transmission itself be not included." In other words, scribal preservation implies that materials from a different historical context were carried forward into different and perhaps conflicting historical contexts.


17. There is the presence of texture or wrinkles in the text: It is not homogenous. Anthony J. Frendo refers to what I have called "wrinkles in the text" as textual "stratigraphy." Anthony J. Frendo, *Pre-exilic Israel, the Hebrew Bible, and Archaeology: Integrating Text and Artifact* (New York: T & T Clark, 2011), 2, 61-67.

reconstructed biblical texts. In the context of Van Seters’s invitation to discuss transmission and composition and in the context of the proposals of the minimalists, it is foundational to understand what Carr means by scribal preservation and scribal revision. In the following quotation, notice that the key polarities referenced are *innovation* and *integrity*. Innovation equals revision, and integrity depends on preservation.

A key goal to be pursued in this book is ascertaining how, when, and why scribes in ancient Israel innovated in their written performance of the sacred tradition for their communities, and when and why they moved toward more strict conservation. For the impetus to adapt an older text or add a new one to the sacred corpus often stood at odds with the impetus toward preservation of the integrity of the received corpus: "not to add anything . . . or to take away . . ." (Deut 4:2; with parallels).

Notice that Carr refers to warnings against innovation/revision, and he cites not only this case in Deuteronomy, but also other places in Scripture and in ANE literature which by mirror-reading show that scribal liberties were taken. However, he notes elsewhere that

Ancient transmission of tradition seems to have involved an intricate balance of preservation and revision. On the one hand, the oral-written tradition (as a whole, not its individual compositional parts) was regarded as a holy, precious set of messages from an otherwise inaccessible past, to be preserved and passed on to future generations. . . . On the other hand, documented cases of transmission history show that ancient scholars did revise such traditions in multiple ways, generally expanding the tradition, but sometimes omitting parts, inserting additional traditions deemed relevant, and/or harmonizing/coordinating one part of the tradition with another.

Carr continues to explain the tension, noting cultural contingencies:

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20. Nijay K. Gupta, "Mirror-Reading Moral Issues in Paul's Letters," *Journal for the Study of the New Testament* 34, no. 4 (2012): 362, provides the following basic definition of mirror-reading. He is commenting on interpreting ancient letters: 'Mirror-reading a letter involves, of course, looking at an 'image' (part of a conversation) and trying to discern the original 'object' (the original discussion or context)."Thus, in mirror-reading, the interpreter reconstructs the situation which prompted the letter. In the case of a casuistic law, one might assume that the case addressed by the law was a realistic or even pressing scenario.

Even when revision happened, many such revisions could be seen as ways to preserve the tradition. In cases of memory variants, the shifts probably were seen as reproductions of what was essentially the "same" tradition. In cases of harmonization/coordination, the tradition was being made more true to itself. In cases of expansion, the bulk of the tradition was preserved, but enriched through additional exclusively oral traditions, theological updates, or other elements perceived as enhancements to the sacred deposit of more ancient material.  

This orientation to preserve texts was so much the case that Carr concludes: "Overall, even when scribes creatively innovated in the process of reproducing a given tradition, they maintained a stance of preservation and cultivation of it." Carr concludes this section by clarifying that this stance of scribal preservation did not, however, preclude scribal innovation for contemporary concerns.

In the context of critical scholarship, the following statements can hardly be considered to be overgeneralizations:

1. Everyone explicitly accepts scribal revision.
2. Everyone at least implicitly accepts scribal preservation.
3. Everyone accepts the historical-critical axiom, even though it does not make allowance for scribal preservation.

The conflict is between points two and three. Even implicit acceptance of scribal preservation means that not every scribal effort reflects the historical setting of that scribe. So the historical-critical axiom, or the application of the historical-critical axiom must be nuanced to allow for scribal preservation.

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25. Excepting, of course, the scribe's historical setting which demanded copying a text that originated in a previous historical setting.
Thus, for our purposes, although risking oversimplification, while scribal revision may have focused its textual eye forward toward the contemporary culture, in scribal preservation, the textual eye was focused backward on the received text that came from the past. Textual evidence and evidence from the reception history of Genesis 34 demand that both scribal revision and scribal preservation be factored in historical reconstructions.

Accordingly, the approach I will take in this dissertation is as follows. In Chapter Two, I will survey how the competing notions of scribal preservation and scribal revision factor in various current scholarly discussions. In the third and fourth chapters, I will present a case study of Genesis 34. In Chapter Three, I will engage both Genesis 34 and its literary setting in Genesis. This study clearly shows a marginal Levi at best. In Chapter Four, Levi changes for the better and more significant as we read on in both the Bible and early Second Temple literature. The marginalization of Genesis is nearly erased, replaced by a new picture of Levi, the zealous, meritorious, righteous patriarch of the priesthood. I will conclude my discussion of Genesis 34 by plugging the findings of the case study into the issue of the competing notions of scribal preservation and scribal revision: The composition and reception history of Genesis 34 demands that the historical-critical axiom must be nuanced to account for the role of scribal preservation.

1.3 Summary: Scribal Revision, Scribal Preservation, and the Historical-Critical Axiom

In terms of scribal practices, it is not an either/or situation: Scribes both revised and preserved texts. Additionally, scribal practices differed with regard to composition and transmission. The interplay between revision and preservation is overlooked by the historical-critical axiom, so scholars need to exercise great care in applying it.
Thus far, much of our discussion has been theoretical. However, discussions of scribal practices are central to a number of discussions at the practical level. In the following survey of the state of the question, we will see how scribal revision, scribal preservation, and the historical-critical axiom factor in these current discussions.

These current discussions of scribal activity in the formation of the Pentateuch lead us to reinvestigate textual history. The perfect case to study begins in Genesis 34. There are a few options for interpreting Levi’s revenge for the rape of Dinah in Genesis 34, but regardless of the specifics of any interpretive option, including options that consider Genesis as a whole, Levi emerges with a spot on his character. At the other end of the textual history of the story of Levi’s vengeance, early Second Temple interpreters proclaimed divine favor and enablement for Levi’s action, and Levi is portrayed as having sterling character that merited his receipt of the priestly covenant. Texts that are closely related in their portrayal of Levi and his actions include Aramaic Levi, Jubilees, and the Testament of Levi, and while these texts may develop a common theme, it is also possible that the most recent, the Testament of Levi, shows what has been lost in the oldest, Aramaic Levi. Other Second Temple texts that show the reversal of Levi’s character as an accomplished fact include Judith and Joseph and Aseneth. Biblical texts that may have contributed to Levi's reversal include Deuteronomy 33 and Malachi 2.

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26. Even though the Testament of Levi and Joseph and Aseneth may not technically be early Second Temple texts, philological discussions of both texts point to strands of historical development that precede their current forms.

27. I have chosen to treat only those Second Temple texts that are closest to the time frame of the last major revisions or compositions of Scripture. By this criterion, I do not address the literary handling of the Genesis 34 events within Josephus (Jewish Antiquities 1:337-342), Pseudo-Philo (Biblical Antiquities 8:7), or 4 Maccabees (2:19-20). The fragmentary Demetrius the Chronographer (preserved only in Eusebius’s Praeparatio Evangelica 9.21.5, 9, 17), while it is earlier than Josephus, Pseudo-Philo, and 4 Maccabees, nevertheless is dependent upon the LXX Pentateuch. It neither clearly exonerates nor condemns Levi for the slaughter, but in its brevity nevertheless twice notes that Dinah had been defiled.
Since the textual history moved "forward" in exonerating Levi, but Genesis retained the spot on Levi's character, the most logical explanation is that scribes preserved the archaic portrayal of Levi in spite of a changing historical context. Therefore, scribal revision was limited in the case of the story of Levi's vengeance. Scholarly discussions of scribal activity and the formation of the Pentateuch generally omit discussion of the awkward balance between scribal preservation and scribal revision, and discussion of scribal preservation is generally the missing ingredient. Yet a place for scribal preservation can be found in each corner of the Pentateuch formation discussion, and it is to that discussion that we now turn. Once we have surveyed the breadth of the Pentateuch formation discussion, we will take a close look at the case study of Genesis 34 and its reception history to see how by demonstrating a robust role for scribal preservation it offers a fresh look at the Pentateuch formation discussions.
Chapter 2
The State-of-the Question: Scribal Preservation

As we have seen, strict adherence to the historical-critical axiom has resulted in a scholarly context that focuses on tracking scribal revision: Virtually all scholars leave room for scribal preservation, but rarely is scribal preservation factored in reconstructions. In this chapter, we will look at various mainstream discussions related to the formation of the Pentateuch. In each case, we will see that even though the focus is on scribal revision, scribal preservation has a role to play. First, when we examine the discussion of "Author vs. Redactor," we see that even though John Van Seters adds an important corrective by asserting that scribes should be recognized for their creative contributions, even here by using the term "authorship" he is not suggesting that scribal preservation did not play a role. Additionally, when we examine the so-called minimalists, we see that each of the "Copenhagen School" minimalists has a place for scribal preservation, albeit undeveloped, within their proposals. Moving closer to our case study, we find that two major movements in Pentateuchal studies agree on the axiom that historical context determines literary content. When each movement is closely examined, however, it emerges that in contrast to appearances, scribal preservation remains an important factor for each position. Finally, textual authority underlies textual transmission and scribal preservation, so we survey some of the discussion on canon in the Second Temple period.

28. While there are several movements in Pentateuchal studies, the major current movements seem to be classic source criticism and minimalism. As Lemche, "Conservative Scholarship," 228, notes:

Minimalism is one expression of classical critical scholarship. Additionally, while classical critical scholarship includes many critical approaches, currently it seems that a source criticism encompassing both form- and tradition criticism is the most dominant critical approach. Literary and gender criticism are also major movements in Pentateuchal studies, but neither directly address transmission questions, focusing on products rather than production.

See also Philip R. Davies, Minimalism, "Ancient Israel," and Anti-Semitism, and Lemche, "Conservative Scholarship," 228.
2.1 Author Versus Redactor

In this debate between applying the term "author" or "redactor" to hands behind the text, issues of scribal practice have come under renewed scrutiny. On the one hand, evidence of scribal revision suggests that scribal activity be seen in the context of authorship. On the other hand, evidence of scribal preservation suggests that scribes be understood more as copyists. Defining these polar positions provides an essential context for entering the discussion of Pentateuch formation.

Recently, John Van Seters has asked for some terminological clarity in the use of the term "redaction" to describe the work of scribes. The point he raises is an important one: The creative contributions of scribes should not be marginalized by terming their work "redaction." Van Seters calls for the use of a more transparent term: "authorship." This discussion is significant for our study, because it is simply another angle on the discussion of the relationship between revision and preservation.

Van Seters challenges the commonly accepted understanding of the nature and role of the redactor in biblical literature, noting: "The concept of the 'biblical editor' cannot be taken for granted. It deserves and demands close and serious scrutiny."29 Here, Van Seters is addressing the spectrum of scribal activity described above from a different perspective: Instead of the classic model that emphasizes subordination of the redactor to the sources, Van Seters contends that the discussion should be oriented primarily to the scribe's creativity. "Author" should be used to describe scribal efforts, and "redactor" is a term that should be retired.30 This amounts to


30. Essentially, the question parallels an earlier proposal by Willis Barnstone, The Poetics of Translation: History, Theory, Practice (New Haven, CT: Yale University Press, 1993), 20-24, that in literary terms, translators should be
an invitation to a discussion that "will hopefully lead to greater clarity in our use of terminology with respect to the composition and transmission of the biblical text, as well as the careful use of comparison in the explanation of these phenomena."  

William S. Morrow has contributed to the redactor vs. author debate by reviewing recent books by Raymond F. Person and John Van Seters. In the case of Person, Morrow objects to the suggestion that "ancient writers typically engaged in unsystematic revisions of significant religious literature." He disagrees that a type of perpetual textual fluidity was present:

There remain grounds for the view that it was typical for a literary work to reach a particular form in the ancient Near East, and that pains were taken to transmit it in that form. Moreover, significant revisions to an existing work were not haphazard but purposeful interventions that resulted in another version of the text. Of course, what was fixed or standardized varied according to genre. Among cuneiform documents, standardization might affect textual organization more than content (as in omen collections).

So Morrow concludes that "the scribal model from Qumran does not lead one to assume that unsystematic alteration of vital religious texts was the norm in the transmission of the biblical tradition." Thus for Morrow, even though scribal revision is undeniable, it is contextualized by

considered authors. Barnstone's basic premise is that it is impossible for a translator not to become a creative factor in the translation process. Christopher R. Seitz, "Psalm 34: Redaction, Inner-Biblical Exegesis and the Longer Psalm Superscriptions--"Mistake" Making and Theological Significance," in The Bible as Christian Scripture: The Work of Brevard S. Childs, by Christopher R. Seitz and Kent Harold Richards, 279-298 (Atlanta: Society of Biblical Literature, 2013), 280-281, surveys several writers (including Van Seters) who are reworking the concept of redaction. Seitz concludes that the topic is a "moving target."

31. Van Seters, "Author or Redactor?" 19. William S. Morrow, "Is There a Redactor in the House? Two Views on Biblical Authorship," The Jewish Quarterly Review 98, no. 1 (Winter 2008): 113–121, accepts Van Seters's corrections but tempers the application. That Van Seters' proposal has been accepted by the so-called minimalists is apparent, for example, in Davies, Memories, 155.


34. Morrow, "Redactor?" 121.
scribal preservation. So, although he allows for significant, purposeful revisions, to Morrow these revisions were relative to the "pains" taken to "transmit" the received version, might not have included content revision, and in the case of significant revisions, would have resulted in a new version. What is significant here regarding textual preservation is that Morrow's perspective includes a strong element of preservation even in textual revision. It is only in the broadest sense, therefore, that scribes can be said to generate tradition. For Morrow, in contrast to the historical-critical axiom, the scribes are conduits, not generators of tradition.

In the case of Van Seters, Morrow appreciates aspects of his proposals. However, he wishes to temper Van Seters's case that the scribal process be considered authorship by imitation and plagiarism. Citing two instances of Hittite scribal updating, Morrow concludes:

Neither of these processes simply represents new expressions of authorship by imitation; both show conscious processes of textual revision. In other words, they are redactional, although not editorial in a modern sense. These observations also apply to the composition of biblical law. There is no reason why a legal composition could not be deliberately updated to correspond to a new situation. Revisionary operations need not be confined to either imitative or plagiaristic intent. Older law can be cited in younger compositions for the purposes of reframing preexisting practices. There are a number of examples in the laws of Deuteronomy.

Thus, again, the older text persists, even if it is revised for a new situation. Here is where Morrow concludes his analysis of Person and Van Seters, calling for a "via media." "Scribes in antiquity did update and revise important works to correspond to new situations [purposefulness, contra Person]. To call such interventions "redaction" does not require anachronistic assumptions about the creation of biblical books [contra Van Seters]." In summary, then, it is important to

35. Morrow, "Redactor?" 120-121.
36. Morrow, "Redactor?" 121.
37. Morrow, "Redactor?" 121.
note that no matter what term is used, the fact remains that scribes were using and including older texts even in their new compositions.

2.2 The Minimalist Debate

The foregoing discussion of author vs. redactor is really only a preface to the much larger proposals of biblical minimalists, who place authorship as the defining characteristic of the last scribal hands that produced the surviving biblical manuscripts. Pertinent to this dissertation, the so-called minimalists propose that the Pentateuch was written late in the Second Temple period. This viewpoint has a unique contribution to make to the discussion of historically valid reconstructions, but ultimately even the most ardent minimalists leave the door open for preservation of some pre-exilic "traditions," and ultimately (as will be seen in Chapter Four), the evidence is that Second Temple interpreters were uncomfortable with the text they inherited: They did not compose a text that ran counter to their ideology, but they did transmit an authoritative text with which they were uncomfortable.

Although for nearly a century, biblical archaeology was done with a "Bible in one hand and a spade in the other," in the last four decades, the discipline has matured significantly. "Biblical archaeology," having retained the spade and set down the Bible, is now simply archaeology of the Levant. And the findings are striking—to those with expectations of history shaped by the Bible. Running parallel to the maturation of biblical archaeology is the field of biblical history, which, in keeping with the discoveries, or lack thereof, of archaeology, has encountered one adjustment after another. Some scholars are more willing than most to make significant adjustments to their understanding of the relationship of the Bible to the new discoveries of archaeology. These scholars have concluded that the Bible contains very little information relevant for the history of the Levant, and are often called "minimalists." In the following
section, I will survey the most prominent minimalist writers to demonstrate their emphasis on the implications of scribal revision. Although these writers do not exclude scribal preservation, they do not seem to give due consideration to its implications for their reconstructions of Israel’s history.

2.2.1 Invented History

Philip R. Davies, a "Copenhagen School" minimalist\(^38\) does not deny "there ever was an 'ancient Israel,'" arguing instead that "there is no single, or simple, 'biblical Israel.'"\(^39\) Along with Davies, Niels Peter Lemche writes that "although around 1200 BCE something called Israel certainly existed in Palestine, this was hardly the Israelite nation of the Old Testament."\(^40\) This type of statement shows that minimalism is not a denial of any historical reality reflected in the Bible. Instead, minimalism is an ever-increasing skepticism that the Bible provides a trustworthy witness to that history. Davies explains that minimalism is not an ideology but the fruit of a maturing methodology:

> It was a response to the tensions between archaeology and biblical text, to developments within historical-critical studies, such as a greater emphasis on the roles of redactors as the real authors compared with their postulated sources, and the contribution of new literary criticism to issues of story, point of view, and ideology. It also recognized the loss of authorial (and readerly) innocence in the generating of textual meaning.\(^41\)

Thus, in keeping with the historical-critical axiom, scholars working within this framework are attempting to reverse the errant positivism that the Bible bears historical witness independent of its cultural moment.

\(^{38}\) Lemche, *The Old Testament*, xix.


\(^{41}\) Davies, *Memories*, 155.
Yet, Davies accounts for a degree of scribal preservation when he calls the traditions that were preserved "cultural memory." 42 However we find out that even though the culture had a memory, it was actually remembering nothing: "The minimalist option starts from the judgment that the origin story (from Genesis to Joshua, or even later) cannot be traced back through any continuous process, because there are no original events to which most of it corresponds and which would have generated that tradition."43 Davies thus concludes that "cultural memory as a description of the contents of the biblical narratives suits the minimalist option quite well, because its function is not to record the past but to appropriate it as a means of creating and sustaining identity. Hence the origin of such stories is sought in a context where crises of identity may be found."44

Similarly, Lemche remarks that

The whole idea of something needing to have happened if we are to understand what happened next is rather suspect. Such reasoning was formerly used of the historicity of Moses, and this writer was often met with the argument, and I paraphrase, "If there was no Moses, it would be necessary to invent him." My usual response to this line of reasoning is "... and so they did."45

42. Hans M. Barstad, "History and Memory: Some Reflections on the "Memory Debate" in Relation to the Hebrew Bible," in The Historian and the Bible: Essays in Honour of Lester L. Grabbe, by Philip R. Davies and Diana Vikander Edelman, 1-10 (New York: T & T Clark International, 2010), 8, both accepts and questions the historical value of "traditions," which he connects with "memory," but he does not think that it is appropriate to "give up the history project altogether." Lemche, "Did a Reform Like Josiah's Happen?" in The Historian and the Bible: Essays in Honour of Lester L. Grabbe, by Philip R. Davies and Diana Vikander Edelman, 11-19 (New York: T & T Clark International, 2010),12, and Barstad both refer to P. R. Davies's Biblical History and Cultural Memory (2008), though Lemche treats the connection pessimistically, because he connects it to past failures of tradition criticism.

43. Davies, Memories, 149.

44. Davies, Memories, 149.

45. Lemche, "Did a Reform?" 11-12.
Yet, because we have no more information about the historicity of any formative crises than we have of the events, this seems like circular reasoning. For example, in the case of Levi—which we will address in detail later on—Davies seems to allow that long before the Persian composition of the Pentateuch, the culture was remembering an elaborate tale of Levi’s vengeful slaughter. However, Davies would seem to attribute that memory to a crisis unrelated to any slaughter by any Levi. Yet at the end of the day, we have a story about Levi, and we do not have a story about a formative crisis that could have spawned that Levi. What is more, the biblical story of Levi’s slaughter that we do have actually runs counter to its Second Temple application. So in the case of Levi, if we were to accept Davies’s model, the culture was remembering something unfit for any known crisis to which it would have been applied. Therefore, in Davies’s model, there actually would be less historical evidence for a formative crisis than the kernel supplied by the biblical account. In other words, in the case of Levi, fiction would have to be less strange than truth. In terms of scribal revision, it seems unlikely that scribes revised the record of nothing, but this is what Davies proposes. The minimalists have made important reductions in our vision of biblical history writing. However, reduction does not equal annihilation.

The third scholar in the "Copenhagen School," Thomas L. Thompson, thinks that Wellhausen’s Documentary Hypothesis irretrievably undermines the historicity of the material contained in the Pentateuch: "While the orientation of Wellhausen's work was decidedly in the direction of a positive historical reconstruction of a history of Israel’s religion, the implications of the documentary hypothesis largely eliminated any acceptance of the historicity of the referents of

46. Davies, Memories, 149.

47. Admittedly, I have applied Davies’s abstract principle to a concrete situation. However, in formulating his proposal, Davies does not leave room for exceptions. In the minimalist/maximalist debate it seems as if both sides take an "all or nothing" approach.
the pentateuchal narrative . . .”

Looking at Wellhausen's four source documents, Thompson focuses not on the diversity preserved, but on the diversity created: "The four discrete sources of the Pentateuch were to be understood as literary documents created at the time of their written composition, and hence as compositions reflecting the understanding and knowledge of their authors and their world. This assumption contained the disturbing corollary that nothing historically dependable about earlier periods in Israel's history could be gained from them."  

However, notice that as Thompson describes Wellhausen's enduring methodology, a methodology that he connects with uncovering scribal revision, he also unintentionally charts a course to demonstrate scribal preservation:

"The concentration on details and anomalies, linguistic variations and the theological and ideological plurality of the received text enabled distinctions between the implied and received literary contexts of the sources. It fostered a concentration on the composition of a text and its implied point of departure, and firmly established lasting and important distinctions between the contexts and referents of these texts. Such methods encouraged a discriminating avoidance of harmonies and an increasing understanding of the composition of these complex traditions in terms of process."

This statement is important for discerning the persistence of material in spite of changes in historical context. For example, efforts outside the biblical text to harmonize tensions inside the biblical text demonstrate that the biblical material had authority and thereby required preservation. So there were limits to the revising process. When signs of these limits on revision appear within the text, the text shows a lack of harmony: This is evidence of scribal preservation.

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Yet, on the one hand while Thompson seems to exclude developmental evidence found within the text ("It is only a Hellenistic Bible that we know: namely the one that we first begin to read in the texts found among the Dead Sea scrolls near Qumran"51), on the other hand, he recognizes that that Bible is only the fruit of a scribal stream generated long before Qumran ("The Bible begins as a tradition already established; a stream of stories, songs and philosophical reflection: collected discussed and debated. Our sources do not begin. They lie already in medias res"52). In other words, even though he has concluded that the sources do not begin with the events they describe, he does not provide an alternative explanation for the beginning of the "tradition already established." Thus, Thompson starts his explanation with preservation, but he does not explain the source of what is being preserved; in Thompson's telling of the story, he places all his emphasis on the artifact nature of the biblical manuscripts, but makes no mention of the artifact character of the text in the manuscripts.53 The scribal revision pendulum has swung so far away from scribal preservation for Thompson that he is left with history as nothing more than a scribal creation.

2.2.2 The Sectarian Character of Scripture

Since the minimalists believe the Bible is a product of a post-exilic culture, it helps to consider briefly the characteristics of that culture. Lemche characterizes the culture that created the Old Testament as sectarian.54 However, Lemche uses the term sectarian not as oriented to various

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51. Thompson, The Mythic Past, xv.

52. Thompson, The Mythic Past, xv.


54. Lemche, The Old Testament, 386. It is a bit difficult to track Lemche's language regarding sectarianism here. See note 10 on page 386 compared with the discussion on pages 386-388.
sects, but as oriented to a vision on reality: Not only did this sectarian viewpoint oversimplify the world in which it lived, it also oversimplified its view of history. Notice how Lemche paints the picture of the idealized reality that sectarians saw:

The idea of history in the Old Testament, its narrative theology, is linked to this sense of time. The past was golden, and increasingly golden as we move back in time. God dines with Abraham, David's prophets keep him on track, the king always knows the will of God. We, say the authors and their public, live in the present, and we have got the bad teeth of Jeremiah 31:30; however, we also embrace the hope for a golden future, when the kingdom of David is re-established.

While Lemche's reading is not entirely without merit, there are some difficulties. First, the biblical narratives are more complex than Lemche suggests, and this is true even for Samuel's David. Second, it is one thing to suggest that a real past has been idealized, it is another to suggest that a fabricated past has been idealized. Third, the evidence is that the Bible's past was not idealized enough. For example, the legal gymnastics required by the author of Jubilees to exonerate Reuben and Judah demonstrate that the period of the patriarchs was not painted golden enough for Second Temple tastes. Fourth, as we will see in Chapter Four, if Second Temple sectarians freshly composed the Old Testament, it seems unlikely that they could accurately create the development of Israel's law in all of its stages from oracular to text-based.

57. See David M. Howard Jr., "David," in Anchor Bible Dictionary, 2:47, on the conflicting portrayals of David in Samuel-Kings.: The politically positive "David's Rise to Power" (1 Sam 16-2 Sam 5) is immediately followed by the politically realistic "Succession Narrative" (2 Sam 9-20, 1 Kgs 1-2).
Understanding a scribal revision component incorporates elements of a sectarian vision. The scribal preservation for which I am arguing does not deny the presence of ideological elements. Instead, scribal preservation means that the text contains more than just those ideological elements.

### 2.2.3 Historical Residue in the Text

Even though he starts with the material evidence at Qumran, Lemche ever so slightly opens the window for considering evidence within the text. First, he concedes that a variant manuscript tradition may be evidence of an earlier date. Second, although he does not develop the notion, he allows for scribal preservation or textual persistence: "The basic impression is that the books of the Old Testament do not need to be older than the period from which the oldest manuscripts come, although it would be foolish to argue that every line and every story is as late as that. Thus a text like Psalm 82 may seem a little out of place in a monotheistic context, and we still wonder why it was included—perhaps because of a popular melody?"

In this formulation, Lemche has left the door open to the evidence of literary variety. First, he distinguishes books from lines and stories: Late books could contain earlier lines and stories. Second, he allows for history of religion by distinguishing a late monotheism from an earlier polytheism.

So even within later texts, earlier textual or conceptual strands may have been incorporated. Thompson addresses this preservation angle in recounting Eissfeldt's victory over Gunkel. But

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note that Thompson sees the textual window to reality narrowing the farther back in time we look:

Now with Eissfeldt, the history of the pentateuchal tradition no longer led back to an ever more fragmented and inaccessible folklore, populated by myths and other tall tales. The pentateuchal legends were now judged to have been in their earliest forms tales about historical individuals: folk histories, which, because of their mode of transmission as relatively unfixed oral traditions, continuously attracted secondary inflations of what was asserted as an original historical account, eventually achieving a resemblance to fictive tales. That is, one had in the Old Testament not historicized fiction, but fictionalized history.63

We have already seen in David Carr's work that the texts about Israel's history have moved through several phases of accretions. But we have also seen two balancing features as well. First, that there are accretions does not eliminate that core to which the accretions accrued—even Thompson's term "fictionalized history" presupposes a bit of history to which the fiction is added. However, secondly, we have seen in our survey of scribal preservation that scribes generally added to the "edges" and not the core of what they were transmitting.64 So, in contrast to what Thompson would have us believe, even the window on reality does not narrow to nothing—indeed, this not only seems to run counter to the evidence, it seems logically impossible.

J. Maxwell Miller and John H. Hayes—who follow the same logic as Thompson—nevertheless accept that the long-transmitted texts preserve some ancient history: "We must at least hold open the possibility that, in spite of the credibility and interpretational problems which the Genesis-Joshua account presents, many of the old songs, stories, genealogies, and so forth that have been incorporated into this account actually hark back to and may shed some light on, even if only

63. Thompson, Early History, 8-9.

64. See especially William Morrow above.
indirectly, the circumstances of earliest Israelite and Judean history."\(^{65}\) Interestingly, although the language they use seems to avoid the patriarchal period, and mentions "circumstances" rather than events, notice that all the preservation examples given are from the Jacob narrative:

The stories of Jacob's relationship with the Aramean Laban (Gen. 29-31), the listing of Jacob's sons according to whether they were born to his two wives or two concubines (Gen. 29:31-30:24; 35:16-20, 23-26), the attack of Simeon and Levi on the city of Shechem (Gen. 34; 48:22; 49:5-7), the intermarriage of Judah with a Canaanite (Gen. 38), and so on, may reflect intertribal relationships and alignments, and in some cases perhaps actual persons and events, of premonarchial times.\(^{66}\)

So for Miller and Hayes, they recognize that logically, the ancient traditions did not "come out of thin air:" Instead, at least some elements of the ancient traditions persisted through the generations and entered the text we now possess.

Similarly, even though he hypothesizes about invented history, Lemche's intuition seems to tell him that in spite of their details, ancient traditions rest on some measure of reality. The reason I suggest this is because of the terms he uses in the following quotation: "text that is true," "minute parts," "details," and "fail to convince the historian." Lemche writes that properly understood, the Bible can be understood as "a text that is true, although as a historical testimony although (sic) the minute parts and details fail to convince the historian."\(^{67}\) So Lemche has stopped the leak from the Bible's theology container from spoiling the academy's sterile history container.

Theologians can stay in their own confines, and historians can work without interference in theirs. Yet, and here is the big yet, Lemche cannot quite bring himself to completely lock the "theology" door: By using the terms "minute parts" and "details," Lemche has left open a whole


\(^{66}\) Miller and Hayes, *A History*, 75.

\(^{67}\) Lemche, "Conservative Scholarship," 247.
category of evidence that might—but does not—convince the historian. Other scholars therefore supplement their historical excavations of the Bible with literary, etc. excavations. It is inside that fissure of the broad strokes of the Bible's details that David Carr uses social psychology to interpret parts of the Bible as Iron Age artifacts. Other non-maximalists as well—see the section below—also think that they can see with the naked eye what Lemche in his historian's lab coat cannot see through a microscope.

2.2.4 The Formation of the Pentateuch

On the one hand, in Lemche's thinking, the classic notion of the Documentary Hypothesis is "ridiculous," with all the cutting and pasting. Simultaneously, he agrees with Van Seters's objection to envisioning an ancient redactor as a modern editor. On the other hand, while certainly calling for large adjustments to the theory, he does not completely disavow the Documentary Hypothesis: "We only have to read studies by, e.g., John Van Seters, Erhard Blum, and other scholars in order to appreciate the continuous [sic—continuing?] importance of the documentary hypothesis." So, Lemche can accept the source framework but not the temporal framework of the Documentary Hypothesis because he accepts a much later composition of the sources. Ultimately, this leads to Lemche's support of a kind of fragmentary hypothesis.

Here Lemche jumps off Van Seters's late Yahwist in formulating his Pentateuch theory:

68. Lemche, "Does the Idea?" 84.
70. Lemche, "Does the Idea?" 84-85.
72. Lemche, "Does the Idea?" 91.
Van Seters has, for almost forty years, ever since his book on Abraham from 1975, pleaded for his idea of the Jahwist as an author belonging to the exilic period. Now we have two possibilities: 1) this author wrote the Pentateuch alone, every part of it, 2) or he wrote something that was subsequently expanded a number of times. The first option is seemingly impossible. It is not that easy to unite J and P under one hat. It might be that the language of J and P is the same or almost the same—implying that the differences of language are not larger than between two contemporary modern authors writing in the same language—which indicates that we should not explain the differences between J and P by arguing that they were separated by, well, in the good old days of higher criticism, centuries. They might for that matter have been contemporaries, but definitely not sharing the same ideas.\footnote{For Lemche, this is a foundational discussion. Notice that he does not treat the date of the writing of the Pentateuch here, but he treats unity and temporal relationships. As for the unity issues, notice that he apparently accepts unifying elements (option 1), but tempers them with evidence of diversity (option 2: J and P and expansions). Before moving to the temporal issues, notice that the diversity Lemche addresses has two features: First, the J block and the P block, and second, the "number of times" that the "something" was expanded.}

So, Lemche's proposal, while oriented toward a simpler concept of redaction, still requires multiple layers. (And, of course, the multiple layers each require editorial time and time to acquire religious authority).\footnote{In the case of the J and P versions of the flood narrative, Lemche has P (layer 2) supplanting some J fragments (layer 1)\footnote{Lemche, "Does the Idea?" 85.} and then a solar calendar (layer 3)\footnote{Lemche, "Does the Idea?" 86.}}
adjustment of [P]'s lunar calendar (layer 2). Additionally, because Lemche does not mention the Deuteronomist, it seems that he must be placing the Deuteronomist into the expansions, thus adding perhaps an additional layer. (If so, then this is significant, because as we will uncover, he pushes J and P back to the third century).

Thus Lemche's correctives, by not addressing scribal preservation or the diversity of the composite text, do not seem to provide a more convincing solution to the questions raised by the evidence in the complex case of the composition of the Pentateuch.

2.2.5 Minimalism Questioned

The minimalists have raised important points to consider: The manuscripts are centuries later than the time they describe, the cultural era in which the manuscripts were produced had its own agendas, and it seems impossible that these agendas could not have affected the manuscripts, and outside of the manuscripts, the artifacts alone cannot produce the kind of material contained in the manuscripts. These are important points, but they do not tell the whole story. In the following paragraphs we will briefly consider some objections to the conclusions drawn by the minimalists.

The point here is not to announce a winner in the debate, but rather to use the counter points that reveal characteristics within the manuscripts for which the minimalists do not seem to give sufficient account. Ultimately, I will conclude that although the minimalists have sufficiently factored scribal revision, the character of the manuscripts shows that they have not sufficiently factored scribal preservation.

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76. Lemche, "Does the Idea?" 87. Lemche does not specifically connect P with the lunar calendar, but he has three chronological systems, the last of which is solar, and he has three levels of sources or updates, the second of which is P.
Because the minimalists have oriented their methodology toward the assumption that the Bible does not need to be any older than the oldest manuscripts, they do not account for scribal preservation. Therefore, arguments against minimalism are secondarily arguments for scribal preservation. In other words, any texts that are older than the manuscripts are texts that have been preserved. In the following paragraphs, as briefly as possible I will outline and illustrate objections to the proposals raised by the minimalists.

2.2.5.1 Philology

If the proposals of the minimalists are accurate, we would expect to find relative uniformity across the board in studies of the language of the text. However, we find exactly the opposite of uniformity. Sid Leiman comments incisively about the linguistic texture within the biblical text:

Noticeably absent from Davies' account is any discussion of Biblical Hebrew. Nor is there any attempt to link the Hebrew (and Aramaic) of the biblical books to the numerous Hebrew and Aramaic inscriptions recovered by modern archaeology. Davies argues that none of the biblical books was authored prior to the Persian period. Most, in fact, were authored in the Hellenistic period and emanate from the same Temple-based scribal schools in Jerusalem. We would expect a more or less monolithic "Biblical" Hebrew, heavily influenced by Aramaic, with a standardized orthography, morphology, vocabulary, and syntax. (Indeed, the texts copied at Qumran, for example, exhibit a distinctive orthographic unity that sets them apart from earlier and later Hebrew texts and inscriptions.) Instead, we find a wide variety of Hebrew dialects ranging from an archaic poetic dialect, to Standard Biblical Hebrew (pre-500 BCE), to Late Biblical Hebrew (post-500 BCE). Even in the same genre of biblical literature, e.g., historical texts, the books of Joshua, Judges, Samuel, and Kings share a distinctive vocabulary, syntax, and orthography that sets them apart from the books of Ezra, Nehemiah, and Chronicles. Yet Davies would compress this heterogeneous literature into a period of two and half centuries (or less), and claim that all of it was authored in Jerusalem, then almost immediately canonized, with no one doubting its alleged antiquity or authenticity.  


Recently Ian Young, Robert Rezetko, and Martin Ehrensvärd have made a compelling case that the linguistic date of the biblical texts cannot be as neatly stratified as Leiman assumes, but Leiman's general point remains: Everywhere one looks at the language of the text, one sees variety. Young, Rezetko, and Ehrensvärd explain the diversity along socio-economic, regional, international, and pragmatic lines, etc. Instead of claiming as Leiman does that the Hebrew of the Bible was the Hebrew used over a long period of time (although they do not deny this possibility), Young, Rezetko, and Ehrensvärd claim that the Hebrew of the Bible was the Hebrew used by all kinds of people in all kinds of places. So even if the variety of Hebrew is not a diachronic variety, the synchronic variety of Hebrew found in the Hebrew Bible is not what one would expect from the centralized, elitist, ideological text that is being proposed by the minimalists.

2.2.5.2 Old Testament Theology and Ideology

Lemche characterizes the cultural context behind the text as "sectarian." Yet Old Testament theologians have not been able to agree on the centrality of any theme in Old Testament theology. Even though the very notion of a discipline called Old Testament theology is perhaps irresolvably complex, the fruits of those who labor in it provide evidence for diversity in the Scripture. In his survey of the search for the "center" of OT theology, Gerhard F. Hasel

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demonstrates that the results of the search have been inconclusive. In contrast, a unified ideological text would more clearly reveal its agenda.

Along these same lines, Charles David Isbell has recently criticized Lemche. While he concedes Lemche's scholarship and the incisiveness of his deconstruction of the excesses of historical-critical biblical scholarship, Isbell nevertheless disagrees with Lemche on the implications of his proposal that the Old Testament is late and ideological. He describes the irreducible theological/ideological texture of the Old Testament and concludes that "these radically different perspectives indicate a longer period necessary for the composition of the entire Old Testament than a compressed time frame during which all biblical authors were in agreement in the simplistic mode that Lemche imagines." Similarly, Rainer Albertz elaborates on some socio-cultural complications for the Pentateuch alone:

Who are the groups in the Hellenistic period? Who can be related to the different literary layers of the Pentateuch and the Deuteronomistic History? How can the different milieus they come from be determined in the Jewish-Hellenistic society? What are the interests of these authors in writing their texts? What are the reasons for mingling their writings together in a collective work? How is it possible that their writings gained such high acknowledgment from and authority for all Jewish groups so quickly, as is testified, for example, by the existence of many copies—19 for Deuteronomy alone!—in the library of Qumran about 50 to 100 years later?

This variety, this texture, these accretions all point to an extended process (not a "compressed time frame") of scribal involvement and scriptural composition.

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84. Isbell, *A review of Niels Peter Lemche*.

85. Albertz, *An End to the Confusion?* 35.
2.2.5.3 Ideology

Since Lemche sees the Bible as an exilic ideological text, his definition of ideology is significant:

Remember my definition of ideology in *Ancient Israel* (p 34 n 1): By "ideology" I intend that set of opinions which dominated Israelite society and which made up the "system" of values with which the Israelites" (sic) actions corresponded. In an oriental society like Israel's one should furthermore be aware that ideology, religion, and theology are to a large extent synonyms, since the separation between the sacral and the profane realms which characterizes our contemporary European culture was unknown in antiquity—a definition which James Barr found "suggestive and potentially creative," *History and ideology*, 115.86

Lemche references James Barr who had earlier responded to the notion that Second Temple ideology generated the biblical narratives: "It has been a mistake to suppose that ideology can or could initiate historical narrative. Ideology is a set of ideas. It can affect historical narrative and bias it, but it does not originate it. Ideology has characteristically non-story character. . . . The idea that ideology could be transformed into complex narratives like the David story—at any time—seems absurd."87

So while Barr believes that ideology can be overlaid upon an existing story, he also believes that ideology cannot create story. In other words, David could be put to ideological use, but ideological use would not create the complexity of the David narrative. While I am not aware of a direct response by Lemche to Barr's caution, in an extended footnote, he gives five examples of non-biblical characters who seem to have begun as literary figures and yet seem to have attained nearly historic status, and ultimately concludes: "History thus abounds in examples of invented history—at the end of the day believed by people to represent historical facts. The argument

86. Lemche, "Conservative Scholarship," 220, n. 45.

often heard that figures such as David or Solomon of the Old Testament could not have been invented therefore carries no weight at all."^88

Notice that the in the last sentence, he considers the conclusion that figures such as David could not have been invented to carry "no weight at all." But this seems to be Barr's conclusion: Barr had claimed that it was "absurd" to expect ideology to create the biblical David stories. So there is something of a standoff. But it is a helpful standoff. I think both Barr and Lemche force us to look at the character of the Bible stories and ask whether ideology could have created these stories.

2.2.5.4 Archaeology

Davies suggests that religion (study of the biblical texts) and history (study of ANE artifacts) should be kept separate: "Religious and historical approaches to scripture are different. If scriptures are evidence of dimensions of reality beyond what can be empirically known to all humans, then these by definition lie beyond the capacity of history, which must deal with what is publicly accessible and can be rationally explained."^89 But archaeologist William G. Dever contends that interdisciplinary study is precisely what is needed in archaeology and beyond.\(^90\) He explains that a dynamic handling of evidence does not require a purging of evidence. Yet Dever agrees that the era of "the old 'archaeology proves the Bible' approach" is over.\(^91\) Historians who are willing to consider the evidence within the Bible instead must practice

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88. Lemche, "Conservative Scholarship," 246, n. 117.


90. William G. Dever, "Revisionist Israel Revisited: A Rejoinder to Niels Peter Lemche," Currents in Research: Biblical Studies 4 (1996): 38. Dever is not the only scholar calling for interdisciplinary effort. See Barstad, "History and Memory," 8, who says that "the future belongs to true interdisciplinary approaches."

'Reading between the lines' in the Hebrew Bible; and archaeologists, with their knowledge of material culture, may be particularly keen observers to nuances in the text that philologists do not fully appreciate. (My colleague Stephan [sic] McKenzie calls this 'reading the Bible against the grain'.) The point is simple: despite the admittedly propagandistic intentions of the final redactors of the Hebrew Bible, it contains many allusions to a real past in the Iron Age, both deliberate and inadvertent.92

Dever calls this a "method of reading the texts and the artifacts independently, but with an open mind where correlations may turn up,"93 and it is how the discipline should have been handled in the past, carefully evaluating both texts and artifacts: "This sort of dynamic conversation between texts and artifacts, or the excavation of both from much surrounding debris, constitutes in my judgment the dialogue in which 'biblical archaeology' (biblical scholars and archaeologists in common discourse) should have been engaged all along."94

So on the one hand, Davies argues that different disciplines have different sources and applications of their information, and on the other hand, Dever, as an archaeologist, emphasizes that all types of material are buried together. Noting Davies's caution, with Anthony J. Frendo we must ask, however, what to make of the "tell" that is Scripture.95 Davies's caution is fair: There is contamination of the evidence. Dever's response is that this contamination does not remove the evidence, but that the contamination must be evaluated, and the resultant evidence considered. In this dissertation, we are considering scribal preservation and scribal revision. Scribal preservation is the evidence. Scribal revision is the contamination. The story of the formation of the Pentateuch lies between these two poles. Inter- and extra-textual evidence

95. Frendo, Pre-exilic Israel, 2, 61-67, believes that texts function like archaeological tells. He calls the deposits of accreted layers preserved within texts "textual stratigraphy."
demand an accounting for the persistence of traditions in the formation of the Pentateuch, even if the traditions are not untouched by revision.  

2.2.5.5 Text and Source Criticism: Lemche's "Bussmachung"

Five years after Dever called on Lemche to engage in more interdisciplinary dialogue, it seems that interdisciplinary dialogue may have tempered Lemche's position. Lemche writes: "We can say for sure that the Dead Sea biblical scrolls do not represent first editions. There is more than one family of texts present, which means that the textual tradition as represented by these biblical scrolls have a prehistory, whether short or long." So Lemche concedes that complexity must be factored: "We must distinguish between the final form of a piece of ancient literature and the elements, motives, themes, and narratives included in this literature." Nothing about this statement seems as revolutionary as Lemche would otherwise appear to be, and he seems to admit this, anecdotally explaining: "When I proposed this theme to the chairman of this session, Rainer Albertz wrote to me that it sounded like a kind of 'Bussmachung.' Well, to some degree it is. However, I do not think that I ever wrote or said that this precluded the incorporation of much older traditions belonging to the ancient Near East, and it would be nonsense to argue this."  

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100. Lemche, "Does the Idea?" 84.
The repentance that Albertz and Lemche appear to be agreeing about would seem to bring Lemche into the same ballpark that Dever had discussed with him five years earlier.  

2.2.5.6 Socio-Economics: The Literati

One reason that Lemche thinks that the Bible had to be written in the exilic period is that he doubts Israel's socio-cultural ability to support a "literati" in the Iron Age: "If Jerusalem grew to a city of perhaps 10,000 (sic) or more people after 700 BCE, a bureaucracy would have been needed to administer the city, and thus a group—not necessarily very big—able to write. In this way this period seems to be the earliest possible date of the stream of written tradition that ended up as the Pentateuch and the Deuteronomistic History." However, it has widely been assumed that the community of "literati" at Qumran was capable of producing the type of material to which Lemche refers, even though the group was much smaller and had vanished leaving little enough trace that it was not rediscovered for nearly two millennia. Robert Cargill demonstrates that the much smaller community at Qumran supported something of the type of "literati" described by Lemche.

101. See Dever, "Revisionist Israel Revisited." A decade earlier, Albertz, An End to the Confusion? 35-36, had claimed that "Lemche shows the possibility that literary works or layers, which differ considerably in style and content, can originate in the same age, but he fails to prove that, or how, the major part of Old Testament literature actually came into being during the Hellenistic age."


103. Robert Cargill, "The State of the Archaeological Debate at Qumran," Currents in Biblical Research 10, no. 1 (October 2011): 112-114. Cargill, 108, also notes that although Norman Golb had proposed that at least 500 scribes were involved in creating the scrolls, a decade later Yardeni concluded that only one scribe could have produced "at least 50 scrolls and fragments discovered in caves 1, 2, 3, 4, 6, 8, and 11... thereby offering a consistent scribal link between the documents." So Golb's conclusion would have seemed to support the type of "literati" expected by Lemche, but Yardeni's conclusion could support a much smaller community.
From a different angle, in contrast to Lemche's claim that the Hellenistic period is the only cultural period capable of supporting the literary culture required for the Pentateuch's production, \(^{104}\) Ranier Albertz writes:

I am afraid that he has read too much in Xenophon's *Anabasis* and too little in the Persepolis tablets and the Elephantine papyri to present a fair assessment. The latter sources reveal to us the sophisticated bureaucratic and effective organization of the Persian empire from which the Judaeo community profited. Thus, from the general viewpoint of cultural development there is no reason why large parts of the Old Testament literature could not have been written in earlier ages: in the Persian period or in the Babylonian and Assyrian period up to the eighth or even ninth centuries. \(^{105}\)

So the "literati" discussion is not a definitive proof for the lateness of scribal activity in Israelite history.

### 2.2.5.7 Historiography

When Lemche discusses the ideological difference between minimalists and maximalists, in one sense he appropriately describes the situation as a disagreement between those "who will include supernatural arguments in their historical and analytical reasoning" and those who will not. \(^{106}\) However, in another sense, he himself has oversimplified the parties in the dispute, apparently erecting his own straw man. \(^{107}\) Lemche's characterization of his critics seems to be a straw man because not only "conservative evangelicals" (as he calls Iain Provan), but also others criticize his methodology: Isbell, a Jewish scholar, criticizes not only Lemche's theology—he criticizes

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106. Lemche, "Conservative Scholarship," 221.


his Christian reading—but he also criticizes his sustained skepticism of the historical input of the Bible even in the face of specific extra-biblical evidence to the contrary. Rainer Albertz criticizes Lemche's lack of historical imagination to reconstruct Israel's history, claiming that he "is no longer sure whether Niels Peter Lemche is interested in Israelite and Jewish history at all, apart from deconstructing it." Sid Leiman, another Jewish scholar, criticizes Philip Davies, for favoring problematic extra-biblical sources over biblical sources to draw equally problematic conclusions. Megan Moore accepts the distinction between event- and text-based history, but she notes in Lemche's approach a loss of "the interesting and valuable insights that archaeologists, anthropologists, sociologists, and even historians can provide that broaden and deepen that understanding." She concludes that "one is left wondering if Lemche is simply trying to set the record straight by removing all vestiges of the naïve paraphrase he sees in biblically-based histories." So it seems that critics of Lemche's historiography are not all "sectarian:" A wide range of historians disagree with Lemche's conclusions.

2.2.5.8 The Documentary Hypothesis

As noted above, Thompson believes that Wellhausen's formulation of the Documentary Hypothesis brought with it "the disturbing corollary that nothing historically dependable about...


earlier periods in Israel's history could be gained from [the four distinct sources of the Pentateuch].”

Yet Wellhausen himself did not draw the same conclusion as Thompson with regard to the possibility of distilling historical information from what has been preserved through the sources of the Pentateuch. 114 So it is possible to read the conclusions of the Documentary Hypothesis from a different angle than Thompson. In his introduction to Old Testament criticism, Mark S. Gignilliat compares the vantage points of Brevard Childs and Julius Wellhausen. Gignilliat's treatment creates an avenue that provides broader clarity for understanding what Thompson seems to be missing in his assessment of the character of the text we have. Gignilliat writes that for Wellhausen, "the half is more than the whole," but that for Childs, "the whole is more than the sum of the parts." 115 That to which Gignilliat is referring is the prehistory of the text, the traditions witnessed to in the final form. For Wellhausen, the earlier, now hidden and partial prehistory is of greatest significance, but for Childs, the later, now fuller use of the same hidden and partial prehistory is of revelatory significance. For Childs, the later whole informs the earlier parts. Here, the difference between Childs and Wellhausen is the relative weight they give to the prehistory or the revised composite. Together, however, Childs and Wellhausen differ from Thompson, for whom the later usage is where the significance begins and ends: To Thompson the late text should be treated as whole in spite of and in disregard to its earlier parts.

113. Thompson, Early History, 2.
114. Wellhausen, Prolegomena to the History of Ancient Israel (Cleveland: Meridian, 1965), 141, who did not take the history of the Pentateuch at face value, nevertheless considered it "easy" to align the "strata" of the Pentateuch with phases of the development of the priestly system.
As Gignilliat continues, however, it becomes clear that the "late text" has an important character that should not be overlooked. He compares Wellhausen and Childs by using a helpful metaphor. Gignilliat writes that Wellhausen's formulation has "J, E, D, and P's independent literary sources now singing solos next to each other." But Childs is looking differently at the finished product, a single "harmonious voice:" "Though the prehistory of the Pentateuch may allow for a more precise hearing of the Pentateuch, the final form of the Pentateuch fashions this prehistory into a unified whole (however frustrating that whole may be) that now creates its own harmonious voice—a different matter than hearing four solos." We may use this musical metaphor to address the approach taken by Thompson: The harmony, or even perhaps the discord, witnessed to most recently in Second Temple reception of the text, but also within the final form of the text itself demonstrates scribal preservation. If, as the traditional view held, there was a single, old voice in the text, scribal revision might be undermined. On the other hand, if, as might be assumed from Thompson, there was a single, relatively younger voice in the text, scribal preservation might be undermined. However, there is not a single voice in the text. Whether discernible as solos or as harmony, the wrinkles have not been ironed out of the text. Therefore, the text itself bears witness to both scribal revision and scribal preservation.

2.2.5.9 Summary

While the minimalists have raised some important questions about the relationship between textual and non-textual artifacts, and about the relationship of scribal viewpoints on the


118. Here it is important to note that Thomas L. Thompson, *The Mythic Past*, xv, seems to accept the text's inherent plurality, but he denies it significance because he has not found sufficient archaeological corroboration. However, it is not the same thing to deny external corroboration of the text as to deny that the text preserves older material.

119. Elsewhere in this dissertation I have referred to this character of the text as "texture."
production and transmission of texts, in drawing their conclusions, it seems that they have replaced one positivism for another. In other words, minimalists have retold the history of the Bible from the vantage point of archaeological positivism instead of biblical positivism: The middle way would be to attempt cautiously to compare archaeological conclusions against biblical interpretation conclusions. This middle way is where several of the scholars operate who question minimalist conclusions. So while minimalists have appropriately questioned the traditional handling of the evidence, the key question that remains is whether they have appropriately questioned their own handling of the counter evidence. Clearly minimalists have factored scribal revision. However, even though they have not eliminated the possibility of scribal preservation of texts, it seems that they have not sufficiently factored scribal preservation in writing their version of Israel's history.

2.3 Documentary Hypothesis Models

So far, we have charted the big picture for the state-of-the question in the nature and implications of scribal practices in ancient Israel. As we move closer to our case study text, we now explore the Documentary Hypothesis. There are two angles in this field of source criticism. The first angle is something of the traditional model: The four-source model (JEDP) of the Documentary Hypothesis. The second angle involves more recent developments within that four-source model. On the one hand, recently there have been major adjustments in the understanding of the four-source model, changing dates of sources and even merging sources. On the other hand, there is the fragmentary hypothesis model. While we can in no way completely survey recent developments in these fields, in the following paragraphs we will introduce elements of the major discussions in these fields and briefly observe how each handles the issue of scribal revision and scribal preservation.
2.3.1 Classic Documentary Hypothesis Models

Classic Documentary Hypothesis models are in indirect conflict with the minimalist position because they emphasize diversity within the Pentateuch. And, this evidence of diversity is evidence of scribal preservation because subsequent contributors retained material that ran counter to their updating/contextualizing revisions. The result is that elements of the text are older than the oldest extant manuscripts.

2.3.1.1 Jacob Milgrom

Jacob Milgrom is a good example of a scholar working within the classic Documentary Hypothesis model. Although from a certain perspective, Milgrom does not represent the conclusions of the classic model, on the other hand, he seems a far cry from the more recent "late everything" model. There are other good reasons for using Milgrom as an example: First, in contrast to the minimalists, he is willing to read through the accretions into the historical contexts that helped to shape the traditions. Second, even though he follows the historical-critical axiom and emphasizes scribal revision, Milgrom incorporates scribal preservation. Third, by focusing on Leviticus, Milgrom, if only indirectly, helps us to see some of the compositional history context in which the person of Levi played out.

2.3.1.1.1 Milgrom: Source Criticism as a Last Resort

Milgrom explains that the methodology in his commentary "belongs, in the main, to the school of redaction criticism," but he pursues separating the text into various strata as a last resort, only where there are "jarring and irreconcilable inconsistencies and contradictions." Yet, even

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with his holistic ideals, Milgrom has already observed at least four source categories in Leviticus, two P’s and two H’s.\textsuperscript{122}

In contrast to the minimalists, Milgrom uses textual stratigraphy to reconstruct historical settings. He notes that historical confirmation for the date of P is difficult because although "historical reconstruction never leaves the realm of speculation except when confirmation is available from a precisely dated outside source, . . . unfortunately, P’s historical referents are totally confined to the patriarchal and wilderness periods for which we have no extrabiblical sources."\textsuperscript{123} Even without extrabiblical sources, Milgrom supports his pre-exilic dating by citing the linguistic dating finds of Avi Hurvitz.\textsuperscript{124} However, it is a wide "variety of data" that makes him comfortable to speculate that the first P materials were composed in the time of the Shiloh sanctuary,\textsuperscript{125} and that even H preceded D.\textsuperscript{126}


\textsuperscript{123}. Milgrom, \textit{Leviticus 1-16}, 3.

\textsuperscript{124}. Milgrom, \textit{Leviticus 1-16}, 3-8. Note, however, that although such arguments convince Milgrom, they do not convince Young, Rezetko and Ehrensvärd, \textit{Linguistic Dating}, in summary, I, 81, even though they concede much of the methodology.

\textsuperscript{125}. Milgrom, \textit{Leviticus 1-16}, 12-13, 34-35. As for the \textit{terminus ad quem} for P, Milgrom, \textit{Leviticus 1-16}, 28, writes that "P—not just its teachings but its very texts—was composed not later than the middle of the eighth century (ca. 750 B.C.E.)." Having dated the earliest strands of P to the days of Shiloh, Milgrom, \textit{Leviticus 1-16}, 747, refers to Genesis 34 as "the oldest narrative stratum . . . proving that "the covenant idea was associated with circumcision from earliest times."

\textsuperscript{126}. Milgrom, \textit{Leviticus 1-16}, 8-10, 867. So for Milgrom, the order is P, H, D, but Bernard Levinson, \textit{Deuteronomy and the Hermeneutics of Legal Innovation} (New York: Oxford University Press, 1997), 153-154, reverses the order of H and D.
2.3.1.1.2 Milgrom Integrates Both Scribal Revision and Scribal Preservation

As Milgrom explains his reasons for reading H as later than P, we get a glimpse into his understanding of the mechanics and results of scribal revision. Notice, however, that this type of scribal revision also works around scribal preservation. Milgrom explains that because H laws can be found outside of H (Lev 17-26) elsewhere within Leviticus (Lev 11:43-45), and outside Leviticus (Ex 31:12-17; Num 15:37-41), and "because these passages appear either at the end of a pericope or as links between pericopes, I had come to the conclusion that they constituted the final layers in the composition . . . . The school of H is later than P; indeed, H is P's redactor." 127

In the case of Genesis, E. A. Speiser also sees the interplay of scribal revision and scribal preservation. He explains that even though there was room for harmonization, later scribes "pursued a policy of minimal interference," because the texts "had already attained a measure of canonical status." 128 Importantly, Speiser concludes that if such a preservationist approach were not followed, discernment of sources would be impossible inside the finished product. 129 Similarly, Milgrom explains that for laws, "their texts are not tampered with. Representing the expressed will of God, they are sacred and must be preserved." 130

So, in spite of Milgrom's acceptance of scribal revision and the historical-critical axiom, his incorporation of scribal preservation takes him to historical conclusions that are significantly different than those reached by the minimalists.


129. Speiser, Genesis, xxxvi. As it stands, Speiser, Genesis, xxvi, sees P as a long-standing operation, and R, the redaction of Genesis as a "late product of the P school."

130. Milgrom, Leviticus 1-16, 17.
2.3.1.2 Bernard Levinson

Bernard Levinson reads the source history of the Pentateuch and reaches different conclusions than Jacob Milgrom. Yet Levinson is an additional good example of a scholar working within the classic Documentary Hypothesis model. Like Milgrom, Levinson shares little with the more recent "late everything" model. For our study, there are other good reasons for using Levinson as an example: First, in contrast to the minimalists, he is willing to read through the accretions into the historical contexts which helped to shape the traditions. Second, even though he follows the historical-critical axiom and emphasizes scribal revision, like Milgrom, he incorporates scribal preservation, though in an ironic fashion. Third, Levinson's appreciation of the ironies of the relationship between scribal revision and scribal preservation give us insight into the scribal motives for preservation: Ancient texts had authority. Finally, by focusing on the historical context of the emergence of Deuteronomy, Levinson gives us a window into a historical context that can be compared with historical contexts possibly involved in the formation of Genesis.

2.3.1.2.1 Levinson: Deuteronomy is Pre-Exilic

In contrast to Milgrom, Levinson believes that D was reworked by H. While the intricacies of the disagreement have no bearing on our investigation, what is important is where that places the composition of Deuteronomy. So even though Levinson thinks that the Pentateuch was composed in the Second Temple period, he considers Deuteronomy to be a late seventh century composition. In terms of scribal preservation, this means that Levinson sees H as preserving

131. For Milgrom, *Leviticus I-16*, 8-10, 867, the chronological order is P, H, D, but Bernard Levinson, *Deuteronomy*, 153-154, reverses the order of H and D. Levinson, *Deuteronomy*, 153, n. 19, is aware of this difference.

132. Levinson, *Deuteronomy*, 153, n. 19, is aware of this difference.

133. Levinson, *Deuteronomy*, 152. It seems that Levinson, 153, is no more specific than "Second Temple" in his dating of the editing of the Pentateuch.
Deuteronomy. But as we will see, Levinson's treatment of scribal preservation goes beyond H's reworking of D.

2.3.1.2.2 Levinson: Scribal Preservation and the Covert Plan for Deuteronomy

Because he perceives layers in the text, Levinson becomes a voice for scribal preservation in a way quite similar to David Carr: Levinson has a seventh century Deuteronomy ironically placed in a still later\textsuperscript{134} Pentateuch that marginalized it.\textsuperscript{135} So even though each layer represents revision, the fact that we still have access to the text that was revised, the revisers also preserved.\textsuperscript{136} Why did revisers preserve and not start fresh? Levinson explains this process of the layering of Scripture as follows. To Levinson, the process of simultaneously revising and preserving old texts transfers the authority of the old texts to the new texts. This process demonstrates how "the exegesis of authoritative Scripture within Scripture itself acquired authoritative status as Scripture."\textsuperscript{137} Thus, the authority of the received text, even late in the seventh century, was strong enough to require the authors of Deuteronomy to work consciously with and around the received text, even if they intended to render it obsolete.\textsuperscript{138} As we will discuss below, this textual authority is also what drove the preservation instinct in scribal activity. Ironically, however, in Levinson's reading, scribal preservation had the last laugh: Ultimately both Deuteronomy and the Covenant Code it sought to replace were preserved together in the Pentateuch.\textsuperscript{139}

\textsuperscript{134} Levinson, \textit{Deuteronomy}, 153.

\textsuperscript{135} Levinson, \textit{Deuteronomy}, 154.

\textsuperscript{136} See Speiser, \textit{Genesis}, xxvi.


\textsuperscript{138} Levinson, \textit{Deuteronomy}, 155.

\textsuperscript{139} Levinson, \textit{Deuteronomy}, 153.
2.3.1.2.3 Levinson: Deuteronomy and the King

Levinson sees Deuteronomy as a late seventh century move against the monarchy.\(^{140}\) As we will learn in our investigation into Genesis 34, David Carr believes that Genesis was revised to support the monarchy.\(^{141}\) If both are right—and there is no compelling reason to disagree with either—scribal preservation injected more irony into Israel's literary history: Not only were Deuteronomy and Leviticus both preserved in the Pentateuch, Deuteronomy and Genesis were also both preserved in the Pentateuch. Deuteronomy seeks to marginalize the monarchy that Genesis supports. Because of this complexity, scribal preservation within the production of the Pentateuch must be factored. Bernard Levinson's explanation of Deuteronomy, therefore, shows how both scribal revision and scribal preservation come together to produce a Pentateuch with otherwise irresolvable complexity.

2.3.2 Recent Documentary Hypothesis Models

In a move that has parallels with minimalist proposals, newer Documentary Hypothesis models have recently been proposed. Yet, similar to the classic Documentary Hypothesis models, these models, by emphasizing diversity within the Pentateuch, also present evidence for scribal preservation.

The following are some examples of reasons for proposing a late Yahwist. Even though Thomas Christian Römer describes the history of the Documentary Hypothesis as unsettled, he explains that one conclusion that has achieved settled acceptance is the fact that the Pentateuch is not

\(^{140}\) Levinson, *Deuteronomy*, 141.

fundamentally a monolith. However, against the traditional view, Römer asks whether "the Pentateuch offers any sort of indication for a thoroughgoing Yahwistic document connecting Genesis with Exodus at a pre-Priestly stage." Similar, Konrad Schmid contends that the Yahwist could not have preceded the Priestly writer: "As its inner argumentation shows quite clearly, P could not take over the connection of the patriarchal narrative to the story of the exodus from an older [already unified] tradition but obviously placed two originally independent corpora of tradition for the first time in a logical sequence." From a different angle, John Van Seters suggests that the exilic Yahwist had an agenda in composing "the whole code of Exod 20:22–23:33:" "The Covenant Code is a law for the diaspora. It is specifically suited to the environment of the exiles in Babylonia. It has a set of civil laws that are similar to the Babylonian laws but yet distinctive from them and conveyed to the Hebrew people from the divine source by their own leader Moses, a figure greater than Hammurabi." Christoph Levin concludes that "the literary genre and narrative design of the Joseph story makes its original independence clear," so he treats the Diaspora Yahwist as an "editor—let us call him the


'editor J’—who brought the non-Priestly narrative compositions into the literary cohesion we have today.”147 In contrast to fragmentary hypotheses,148 Ernest Nicholson suggests that the source documents of the Pentateuch persisted as "blocks of material each dealing with a different period of Israel's history, yet not related to each other till very late in the process of the Pentateuch's composition."149

However, as the following citations show, even if the Yahwist is pushed back to the latest compositional layer of the Pentateuch, proponents of such a move continue to retain the following factors: diversity in the Pentateuch and the Yahwist's use of sources. Römer agrees with Carr that there was "an early form of Genesis" available for use by later authors.150 Schmid demonstrates that he sees an interplay of the different impulses of scribal preservation and scribal revision by juxtaposing words and phrases like words like "new," "create," "from scratch," and "accomplishment" juxtaposed against alternative words like "already-known," "reproduced,"

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148. Ernest Nicholson, The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen (Oxford: Clarendon Press, 1998), 113. John Van Seters, The Edited Bible: The Curious History of the "Editor" in Biblical Criticism (Winona Lake, IN: Eisenbrauns, 2006), 280, observes that Carr's Fractures in Genesis "reflects considerable influence from the works of Rendtorff and Blum." Carr's index in The Formation lists several references to Erhard Blum, Rendtorff's student (519), and in at least one place, he claims to be particularly indebted to him (272, n. 44). Van Seters, who here does not thoroughly discuss Carr seems chiefly concerned about two features of his methodology: first, Carr attempts to blur the distinction between author and redactor—Van Seters wants to see the redactor element dropped, and second, Carr takes an ANE model of textual formation, but Van Seters is convinced that a fuller accounting of the OT's genre pushes the model toward Greek or Roman "composition techniques" (282).
"fusing," and "divergent concepts."\textsuperscript{151} Van Seters describes the Yahwist's "mode of composition" as "a rather eclectic borrowing or imitation from the various codes, often combining elements from different sources or revising an earlier law."\textsuperscript{152} As noted above, Levin sees the Yahwist as an editorial author "who brought the non-Priestly narrative compositions into the literary cohesion we have today."\textsuperscript{153} Also noted above, Nicholson sees the work of the Pentateuch as a relating of "blocks of material."\textsuperscript{154}

So, late Yahwists do not see the Pentateuch as a late, uniform, fresh composition. Instead, they see diversity among multiple sources. Therefore, late Yahwists incorporate scribal preservation no differently than classic documentary hypothesis models did.

\section*{2.4 Issues of Canon}

As we have seen, logically there seems to be an underlying motive or mechanic that drives both scribal revision and scribal preservation. What was the protocol for treating ancient texts? In modern Western cultures, in treating texts, an author must be alert to the offense of plagiarism, which is presenting the work of another author as one's own. Closely related to plagiarism is copyright and patent law: A legitimate creator or innovator deserves to receive credit and compensation for his or her ideas or creations. However, logically there is another side to this coin. The contrasting pitfall to plagiarism and copyright violations is the offense of misrepresentation. In misrepresentation, one incorrectly presents a set of ideas as the ideas of another. A criminal commission of this offense, in which a person maliciously misrepresents the

\begin{itemize}
\item \textsuperscript{151} Konrad Schmid, "The So-Called Yahwist," 42.
\item \textsuperscript{152} Van Seters, \textit{Law Book}, 174.
\item \textsuperscript{153} Levin, "The Yahwist," 84. Römer, "The Elusive Yahwist,", 21, calls Levin's Yahwist a "collector."
\item \textsuperscript{154} Nicholson, \textit{The Pentateuch}, 130.
\end{itemize}
ideas of another, is termed libel. What does this have to do with the mechanics of scribal preservation and scribal revision? The answer is that in modern Western handling of texts, one must be guided by a mechanic that steers clear of plagiarism on the one hand and misrepresentation on the other. The question is whether there was a mechanic driving the scribal handling of texts in ancient Israel. And here is where we raise the question of canon—Was there any kind of canon mechanic operating in ancient Israel that explicitly or implicitly determined the treatment of texts? While this dissertation is not the place to contribute to the discussion of canon, a brief survey of various aspects of the discussion of canon will be helpful. This survey will be helpful because the issues surrounding canon in the Second Temple period shed light on the motivations and constraints of scribal preservation and scribal revision. Now, it is important to bear in mind that because the notion of explicit canon influence is either elusive or non-existent in the Second Temple period, we will be using the canon discussion as a point of entry for considering the implications of a related issue, textual authority.

2.4.1 Evidence of "Literary Friction"

Brevard Childs surveys the literary problems evident in a critical reading of Exodus 1-5 and concludes that "subsequent religious use of the material by the community could tolerate a certain level of literary friction within its scripture." The concept of "subsequent religious use," of course, can be understood to relate to canon in the broadest sense: In other words, what motivated subsequent religious communities to use materials? This general question becomes very pointed, however, when religious use is combined with the reality of "literary friction." Let us return to Niels Peter Lemche's handling of Psalm 82. Lemche writes: "The basic impression is that the books of the Old Testament do not need to be older than the period from which the oldest

manuscripts come, although it would be foolish to argue that every line and every story is as late as that. Thus a text like Psalm 82 may seem a little out of place in a monotheistic context, and we still wonder why it was included—perhaps because of a popular melody? So Lemche, who, as we have already seen, emphasizes the late stages of the composition of Scripture, nevertheless also recognizes the presence of literary friction. He also recognizes the need to suggest a mechanic or a motive that explains the literary friction—and for him the mechanic might be as basic as a popular melody. Here it seems that Lemche has not addressed the more significant mechanic or motive that explains literary friction: There is literary friction because communities felt constrained to use materials that came from previous generations and were considered to be authoritative. The impulse to use such "out-moded" but authoritative texts was stronger than the impulse to "get with the times." In short, texts that had achieved authoritative status needed to be used and preserved, no matter how discordant their tones sounded on fresh ears. And this is exactly what John J. Collins was getting at with Christianity's appropriation of Israel's pre-Christian texts: For the Church, there was tension in using these texts (e.g. Marcion), but ultimately, the Church recognized the need to orient itself to its authoritative texts, as opposed to orienting its authoritative texts to itself.\footnote{157}

Christoph Levin also sees evidence of literary friction within the formation of the Pentateuch itself. Remarking on the debate over whether there is a "continuous thread" composed by the Priestly source, Levin writes: "Even if we accept Schmid's suggestion that the Priestly source did

\footnotesize
156. Lemche, \textit{The Old Testament}, 386.

157. See Collins, "\textit{Joseph and Aseneth}," 99-100. Lemche, \textit{The Old Testament}, 327-328, who argues for a more rigorous approach to the history of canon than Childs or Sanders, summarizes the complexity of the Christian canon, \textit{The Old Testament}, 6: "It would thus be true to say that every Christian community has its own Bible, its own selection of holy writ. They, however, have one thing in common: all the books of the Jewish TaNaK will invariably have their place in all Christian Bibles."
not include a Joseph story, the problems about the Priestly presentation of Abraham, Isaac, and Jacob remain unsolved." Perhaps Levin is getting at the disconnects observed by W. F. Albright. Albright's autobiographical statement shows him bouncing around between all-out scribal revision and scribal preservation:

I formerly held that the religious traditions of Genesis were, in general, retrojections from post-Mosaic times, but I have now changed my mind, since there is no reason to single out religious traditions as relatively late while accepting the antiquity of Patriarchal customary law and historical tradition in general. Thanks to the work of E. A. Speiser and Frank M. Cross, Jr., it has become clear that early Hebrew religious traditions rest on pre-Mosaic foundations, since the divine names and forms of cult are different from anything in the later theology and cultic legislation of the Pentateuch. We must, therefore, go back to Patriarchal times in order to understand the nature of specifically Israelite religious institutions once thought by most critical scholars to have developed only under the Monarchy (c. 1000-600 B.C.).

So, initially Albright had followed the historical-critical axiom: The patriarchal texts reflect more about the historical setting of the scribes than of the patriarchs. However, a second look convinced him that the scribes had preserved materials in conflict with their own historical context. Now, Albright was writing in a different era in terms of our present discussion. However, the important point is that it was literary friction that changed his perspective. Albright's realization of literary friction pushed him away from the historical-critical axiom and toward a larger role for scribal preservation.

Carr's handling of the dating of the Joseph novella is both relevant to the case study of Genesis 34, and strong evidence for Second Temple tolerance of literary friction:

The story of Joseph, though taking place largely in Egypt and featuring plenty of dreams, lacks the strong emphasis on Torah piety and explicit divine intervention typical of Hellenistic-period diaspora Jewish works. Moreover, its matter-of-fact report of Joseph's


marriage to an Egyptian woman and her bearing his children (Gen 41:45, 50), a report that later Jewish documents manifest a struggle with (e.g. Joseph and Aseneth), marks this narrative as originating from a context far distant from that of the late post-exile.\textsuperscript{160}

Thus, Carr compares the contents of a known Second Temple text with the corresponding Genesis text, and he concludes that they are from two different cultural worlds, separate epochs in history. This is why they create literary friction.

2.4.2 Canon as Textual Authority

James C. VanderKam provides an explanation for literary friction in his discussion of canon. He writes that Jubilees and 1 Enoch, "along with books such as 1-2 Chronicles, provide other witnesses to the fact that older biblical books were being interpreted already in the age that produced the Hebrew Bible."\textsuperscript{161} Of course at that time, "the term 'biblical' would not have had the precision that was later given to it," but in the case of these two books, "it is obvious that Genesis had a special appeal for them and that they valued many others. Thus, the Enochic pamphlets and the Book of Jubilees provide a window into the processes of interpreting older authoritative compositions at a time when the bounds of the Hebrew Scriptures were not set and when other writers were making revelatory claims for their literary efforts."\textsuperscript{162} So, even though "canon" is an anachronistic term, this does not mean to VanderKam that older biblical books did not have recognized authority. And this type of evidence extends at least as far back as the time of the writing of 1-2 Chronicles. (For our purposes, notice not only that 1 Chronicles includes the

\begin{flushleft}
\textsuperscript{160}. Carr, The Formation, 195.
\textsuperscript{161}. VanderKam, From Revelation to Canon, 277.
\textsuperscript{162}. VanderKam, From Revelation to Canon, 277. VanderKam, From Revelation to Canon, 23, agrees with S. Z. Leiman and R. Beckwith that what became the books of the Jewish canon attained authority early in the Second Temple period. However, he disagrees that the list was exclusive by this point.
\end{flushleft}
genealogies of both patriarchal history and primeval history, and that 1 Chr 5:1-2 corresponds to material in the blessings of Genesis 49 and to the related narrative of Gen 35:22).

In spite of the inappropriateness of explicit canon language for the Second Temple period, VanderKam discusses the pragmatics of canon, which he derives from Gerald L. Bruns's connection of canon and power: "A canon is a norm that obligates a community. But before it can perform this role, the community must in some way acknowledge the authority of what is being canonized. Books, whatever claims they make for themselves, need people to canonize them."¹⁶³ Bruns elaborates further: "The whole point of canonization is to underwrite the authority of a text, not merely with respect to its origin as against competitors in the field—this, technically, would simply be a question of authenticity—but with respect to the present and future in which it will reign or govern as a binding text."¹⁶⁴ So through the accrual of authority, a text is able to influence subsequent temporal contexts: It has "binding" authority. Bruns then shows that in the case of Josiah (2 Kgs 22:8-23:3), text moves people, but people do not move texts.¹⁶⁵ And this is the whole question of the historical-critical axiom: Do texts move people or do people move texts? As we have seen, the historical-critical axiom seems only to account for people's moving of texts. Scribal preservation, on the other hand, recognizes that texts move people.

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¹⁶³. VanderKam, From Revelation to Canon, 3.


¹⁶⁵. Bruns, "Canon and Power," 466. At this point, Bruns, "Canon and Power," 466-468, summarizes Weinfeld's assessment of the role of Shaphan: "The Scriptures are traditional material handed down through him, and he reshapes them and adapts them according to current exigencies." So even though Bruns has charted a past-binding-present course, he has moved to a present-determining-text-binding-present-and-future position. While the latter option certainly has some attestation, logically it is unsustainable if applied wholesale to textual authority. Otherwise, all authoritative texts purporting to come from the past and be binding on the present are hoaxes. So in the big picture, the scribal revision/accretion model we have been following is more coherent. Here Bruns, "Canon and Power," 467, refers to the textualization of Deuteronomy as an "open canon," but this would seem to be in some tension with warning passages such as Dt 4:2 (see Carr, The Formation, 6-7) and by his use of the word "first canonization" in connection with Josiah's reform, Bruns moves back toward scribal preservation.
Ultimately, Gerald Bruns reaches a point in his exploration of the pragmatics of canon where he has isolated a specific point of conflict between the immediacy of prophecy and the authority of textuality.\textsuperscript{166} At this "outer limit of biblical criticism," he introduces Jewish historian Ellis Rivkin:

\begin{quote}
It is no accident that the political meaning of the conflict of prophecy and canon has received its most serious attention not from a biblical scholar but from a radical historian, Ellis Rivkin. In \textit{The Shaping of Jewish History}, a brilliant and tendentious book, Rivkin proposes to treat the question of canon-formation and the promulgation of canonical texts of the Scriptures, not according to literary criteria but according to power criteria.\textsuperscript{167}
\end{quote}

Robert M. Seltzer explains Rivkin's unique approach to accounting for the formation of the Pentateuch. Notice how he accounts for both scribal revision and scribal preservation:

\begin{quote}
For Rivkin, each period had its dominant coercive systems that underpinned the appropriation and distribution of wealth. He repeatedly pointed out the malleability of ideology, in contrast to the definiteness of power structures. . . . In this book he applies this approach to several intractable issues in Jewish historical interpretation: for example, the process by which the finished Pentateuch came into being. Rivkin proposes that this question can best be approached not by concentrating on hypothetical pre-Pentateuchal documents, each with its own literary style, but by reconstructing the history of leadership forms which conveyed supreme authority. He postulates a sequence of leadership in ancient Israel from early patriarchs and prophets of the monarchy to Aaronide priests (especially High Priests) during Persian domination of the Middle East. Although one authority system is dominant at any time in a continuous tradition successive elites must deal with the previous structures so as to legitimize their own rule and override the authority asserted by their predecessors. Hence the Torah preserves the earlier patterns while at the same time canceling their efficacy by overlaying it with the new shape of authority.\textsuperscript{168}
\end{quote}

\textsuperscript{166} Bruns, "Canon and Power," 475, locates this fissure as the result of the work of the Deuteronomists.

\textsuperscript{167} Bruns, "Canon and Power," 475.

Therefore, Rivkin moves his focus from the formation of the Pentateuch to the rhetorical composition of the Pentateuch. So like Bruns, Rivkin explains that authoritative texts from the past both impacted subsequent generations and could also be reworked to adjust the impact on future generations.

Rivkin proposes that the Pentateuch was formulated in the exilic period with the precise goal of creating the previously-unheard-of Aaronide priesthood. This proposal has been echoed recently by James W. Watts. Similar to Rivkin, Watts notes that Leviticus's rhetoric targets authority, and it shifts authority from the priesthood to a book. The implication is that even the priests themselves are subject to the authority of the book, which has become public record, and this is authority is extended to the Pentateuch as well.

The obvious question that remains, if Watts's and Rivkin's proposals be accepted, is as follows: If the Pentateuch scribes had the textual freedom to shape the Pentateuch rhetorically in order to certify the authority of the Aaronide priesthood under the newly codified authority of the Pentateuch, why did they not shape the Genesis Levi accounts in a way consistent with the elevation of Levi? In fact, Watts himself perceives this literary/historical context when he cites James Kugel's article, "Levi's Elevation to the Priesthood in Second Temple Writings" to support his statement: "Many Second Temple period books include celebration of the priesthood as a major theme (e.g., Ben Sira, Jubilees, Testament of Levi, Aramaic Levi, etc.)." So, in

169. Here, I use rhetorical precisely to prefigure one who follows in Rivkin's conceptual wake, James W. Watts, *Ritual and Rhetoric*, 58, 129, and 143.


elevating Levi to celebrate the priesthood, why leave problematic Levi accounts in the most important rhetorical text—the Pentateuch?

This is where Rivkin’s reconstruction pertains to our discussion: He utilizes scribal preservation to explain the rhetorical shaping of the Pentateuch:

A group of gifted leaders, utterly committed to Yahweh and drawn for the most part from the priesthood, were distraught with Nehemiah’s report of conditions in restored Judea. They recognized that only the most drastic surgery could repair the malfunctioning Yahwist society. They therefore drew on the Yahwist resources already at hand and, subordinating them to clearly visualized goals, designed the Pentateuch to attain their goals.  

Notice how Rivkin holds together the two conflicting scribal impulses: revision and preservation. The following lines explain what was preserved and how it was revised to effect the new agenda. But notice how the stakes to the agenda were high: The preserved materials were the "currency" used to create the new angle. If the currency was not received as genuine, the agenda would fail:

These were their resources: (1) the one and omnipotent God, Yahweh-Elohim, (2) the pre-patriarchal and patriarchal traditions as recorded in the so-called JE texts, (3) the Mosaic wilderness texts, (4) Deuteronomy, and (5) prophetic oracles. This was their problem: how to consolidate all effective Yahwist power in the hands of a single class and head off counterattacks from those who traditionally had wielded Yahwist authority.  

Thus the received texts were important, so important that they had to be "untouched:"

This is how they seem to have done it: (1) All pre-patriarchal and patriarchal traditions already recorded and sacrosanct were left untouched. (2) All Mosaic wilderness texts already recorded and sacrosanct were left untouched. (3) Moses’ farewell address in Deuteronomy was left untouched. (4) A framework of Aaronidism was built around these


earlier materials so as to nullify their effectiveness and replace them with functioning Aaronidism.174

So Rivkin has provided a qualitative answer to the question of how the negative Levi stories could have remained in the Pentateuch even in a culture that would likely have preferred to remove them: They were preserved because in Rivkin's words, they were "already recorded and sacrosanct," and thus they were "left untouched."175 Offensive materials were preserved because on the basis of their existing authority they had to be preserved, and thus they witness to an era much earlier than their incorporation into the Pentateuch. On the one hand, the materials witness at a minimum to a previous society that valued the contents of these traditions. On the other hand, the materials may bear witness to the reality of the events themselves.176

So James VanderKam guides us to Bruns and Bruns to Rivkin. The linkage between power and canon is the common theme. In other words power—textual authority—corresponds to canon, and canon affects the cultures handling and responses to its texts.

VanderKam also points us to Jonathan Z. Smith, who takes the canon discussion in a slightly different direction. Smith attempts to provide a forum for considering canon-like phenomena in BCE cultures while avoiding the anachronism of applying CE categories to BCE contexts. So he works from the angle of anthropology to provide a different window through which to view scribal preservation and textual authority. Although Smith is not immediately addressing scribal preservation, his description of religion provides a useful context in which to consider religious texts: "I should like to focus on the issue of sacred persistence: the rethinking of each little detail


175. Rivkin, The Shaping, 37.

176. Here it is duly recognized that all records are interpretations. And interpretations are at best only reflections of reality. See John H. Sailhammer, The Pentateuch as Narrative: A Biblical-Theological Commentary (Grand Rapids: Zondervan, 1995), 16-22, for a discussion of the distinction between "text and event."
in a text (Cicero), the obsession with the significance and perfection of each little action (Freud).”¹⁷⁷ Similarly, he proposes that all religions express this type of obsessiveness: "The radical and arbitrary reduction represented by the notion of canon and the ingenuity represented by the rule-governed exegetical enterprise of applying canon to every dimension of human life is that most characteristic, persistent, and obsessive religious activity."¹⁷⁸ Obsessing over texts from the past, communities both "surrender" their freedoms with regard to religious expression outside certain limits, but regain a measure of freedom "through the community's exercise of ingenuity within their self-imposed limits."¹⁷⁹ So the community's appropriation of its inherited texts becomes characterized by creativity within constraint, and this results in exegesis:

I should like to reflect further on the notion of canon as a way of exploring the proposition that sacrality persists insofar as there are communities which are persistent in applying their limited body of tradition; that sacred persistence, in terms that are congruent with both Cicero and Freud, is primarily exegesis; that, if there is anything that is distinctive about religion as a human activity, it is a matter of degree rather than kind, what might be described as the extremity of its enterprise for exegetical totalization.¹⁸⁰

In terms of scribal preservation, exegesis assumes preservation and is substantially different from composition or revision. For Smith, exegetical activity connects directly to his understanding of canon:

The only formal element that is lacking to transform a catalog into a *canon* is the element of closure: that the list be held to be complete. This formal requirement generates a corollary. Where there is a canon, it is possible to predict the *necessary* occurrence of a *hermeneute*, of an interpreter whose task it is continually to extend the domain of the closed canon over everything that is known or everything that exists *without* altering the

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¹⁷⁹. Smith, "Sacred Persistance," 44.

¹⁸⁰. Smith, "Sacred Persistance," 44.
canon in the process. It is with the canon and its hermeneute that we encounter the necessary obsession with exegetical totalization.  

As we will see, in the portrait of Levi and the priesthood painted in biblical texts such as Deuteronomy and Malachi, and Second Temple texts such as Jubilees, Aramaic Levi, etc., there seems to be evidence that this process of "exegetical totalization" and then the emergence of a "hermeneute" had begun at least early in the Second Temple period. Smith's description of the "process of arbitrary limitation and of overcoming limitation through ingenuity" seems accurately to describe aspects of the Second Temple literary scene:

As the pressure is intensified through extension and through novelty, because of the presupposition of canonical completeness, it will be the task of the hermeneute to develop exegetical procedures that will allow the canon to be applied without alteration or, at least, without admitting to alteration—what Henry Maine analyzed as the process of "legal fiction." Indeed, in some complex situations, there may be a further need to develop parallel, secondary traditions that will recover the essentially open character of the list or catalog.

Indeed, this phenomenon of secondary traditions might be the best way to explain Jubilees, and as we have seen, Bernard Levinson describes the composition of Deuteronomy and Chronicles in this way.  

James C. VanderKam, therefore, has moved the canon discussion away from terms and lists to a description of the interaction between communities and their texts. If a text from the past persisted and impacted the life and textuality of subsequent communities, then it had the qualitative character of canonicity. In the terms of our investigation, this qualitative character of texts explains why in spite of the literary friction that resulted, texts that became part of the Pentateuch were nevertheless preserved.


182. Levinson, Deuteronomy, 153-155.
2.4.3 Textual Authority and Literary Friction as Presented by R. Walter L. Moberly

So far, we have introduced the general concept of literary friction in the Pentateuch. Before moving into our case study of Genesis 34, in which we will examine a specific instance of literary friction, it is helpful to highlight the literary friction between the patriarchal narratives and the rest of the Pentateuch. Late Yahwist Konrad Schmid has observed that "the patriarchal narrative is constructed mainly autochthonous and inclusive, while the story of the exodus is allochthonous and exclusive." R. Walter L. Moberly has also discerned a level of discontinuity between the religion of the patriarchal period (as portrayed in Genesis) and the subsequently dominant Mosaic Yahwism, and has given the differences a thorough evaluation. From the perspective of this dissertation, Moberly's observations are significant, because this type of literary friction pushes scribal preservation into discussions of Pentateuch formation.

Reviewers of Moberly point out that he downplays history in favor of theology. Indeed, Moberly is interested in theology, but theology is the fruit of his textual discussion. Here, Moberly is interested in the implications of the witness of Scripture to the history of religion: He is interested in literary friction within religious canons. While Moberly applies his analysis of


literary friction between the patriarchal narratives and Mosaic Yahwism to a theological purpose, I will restrict my discussion of Moberly to the literary friction.\textsuperscript{188}

To contextualize our itemization of literary friction within the Pentateuch, recall that Lemche, speaking for the minimalist position does not seem to incorporate the evidence of diversity within the text:

\begin{quote}
Inasmuch as it is reasonable, we may speak of the texts of the Old Testament as testimonies of faith. These testimonies have nothing to do with the past (from the authors' perspective). They are testimonies about the faith of those people who created the literature of the Old Testament. The decisive quality of the texts of the Old Testament does not rely on any history of tradition understood to be expressions of how Israel formulated its faith through the ages.\textsuperscript{189}
\end{quote}

Applying this observation to the minimalists' conclusions would be easier to accept if the character of Scripture was both late and uniform. The fact that the Scripture is diverse and textured, however, demands further investigation. In contrast to Moberly, I suggest that the impulse of scribal preservation is what produced the texture.\textsuperscript{190} A different solution could be that the texture or diversity in the text is the result of diversity in the late culture that produced the text. But as we will see, there is no evidence of the kind of diversity in the Second Temple period necessary to have produced Genesis 34. Indeed if Genesis 34 is a product of the Second Temple period, it is a product that runs counter to the long and well-established flow of the

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\textsuperscript{188} Moberly, \textit{The Old Testament}, 36-37, 147ff, sees the patriarchal portrayals as unified anachronistic literary constructs, and the presence of diversity within the Old Testament as an opportunity for Jewish-Christian dialogue.
\textsuperscript{189} Lemche, \textit{The Old Testament}, 332.
\textsuperscript{190} For Moberly's explanation, see Moberly, \textit{The Old Testament}, 103. For example see R. Walter L. Moberly, "Genesis 12-50" in \textit{Genesis and Exodus}, by John Goldingay, 100-179 (Sheffield: Sheffield Academic Press, 2001), 116. When David Carr, \textit{The Formation}, 474-475, treats northern items in Genesis 28 and elsewhere, in contrast to Moberly's crafting, scribal preservation is the implication.
\end{flushright}

compositional and reception history that elevated the patriarch Levi. So scribal preservation is a legitimate explanation for the diversity in the text.

2.4.3.1 Moberly's Itemized Account of Literary Friction in the Patriarchal Narratives

Initially Moberly lays a foundation by suggesting that the diverse uses of the name Yahweh in Genesis do not reflect different sources but a Yahwistic reworking of the patriarchal materials. Thus, Moberly accepts the straightforward reading of Exod 6:3—that God Almighty (יְהוָה אֲלֹהֵיכֶם) did not reveal his name Yahweh (יהוה) to the patriarchs—and considers the Genesis uses to be ahiistorical literary and theological portrayals. Moberly then reasons that religion is more than "just a matter of a particular understanding of God, as represented by God's name;" instead, religion is "a total life-style involving many interrelated practices, attitudes, beliefs, and values." On this basis, Moberly concludes that if there was a discontinuity between the patriarchs and Mosaic Yahwism in terms of the name of God, "then one would expect this to be reflected in the total pattern of patriarchal religion and lifestyle. So Moberly moves to analyze the religion of the patriarchs as presented in Genesis.

While Moberly concedes that the religion of the patriarchs has been addressed in critical scholarship, he concludes that its full analysis has been diluted by the fragmentation resulting in


source criticism and its search for historical information. Moberly does not contest such source analysis: "Our concern is not to deny that there may indeed be differences between the outlooks of the various writers but rather to suggest that, whatever their differences, the writers may have held in common certain fundamental assumptions and these may in certain respects be even more important than their detailed points of difference." So Moberly's goals are much simpler: Across the board, what can be collated from the redacted Pentateuch that evidences distinct features of patriarchal religion? In other words, laying aside potential reconstructed histories of the patriarchs, what may be preserved in the history referenced by the later, Mosaic-Yahwistic Pentateuch?

The following are the features Moberly sees as antithetical between patriarchal religion and Mosaic Yahwism. First, patriarchal religion has an open, elective monotheism, whereas Mosaic Yahwism has the restriction, "You shall have no other gods before me" (Exod 20:3).

Second, in the patriarchal religion, there is a lack of animosity toward the Canaanite religion. The prohibition on intermarriage is not for specified religious reasons. However, in Mosaic


194. Moberly, *The Old Testament*, 81. One of Moberly's chief sources, Wenham, "The Religion," 164, surveys the potential conclusions of combining source criticism with historical reconstructions and concludes that such attempts are bound to be futile.


197. Moberly, *The Old Testament*, 88, illustrates the contrast of this characteristic with the Second Temple interpretation.
Yahwism, intermarriage with the Canaanites is prohibited as "a corollary of a negative assessment of Canaanite religion that views it as a threat to faithfulness to YHWH (e.g., Exod. 34:11-16; Judg. 3:6; Ezra 9-10; cf. the famous judgment on Solomon for his marriages to foreign women, 1 Kings 11:1-10)."198

Third, Moberly writes: "The cultic practices of the patriarchs differ in important ways from what the Old Testament presents as characteristic of Mosaic Yahwism (especially in Deuteronomy). In these same ways they are probably similar to the cultic practices of the inhabitants of Canaan which the Old Testament elsewhere opposes."199 Moberly lists three cultic issues: First, the patriarchs had a decentralized religion, second, the patriarchs worshipped in association with trees and pillars, and third, circumcision, Sabbath, and dietary laws are not emphasized. Here Moberly observes that ironically, the only dietary note is not that Hebrews do not eat with Egyptians but that Egyptians do not eat with Hebrews (Gen 43:32). Additionally, the story of Ishmael's circumcision has more prominence than Isaac's!"200

The fourth discontinuity between patriarchal religion and Mosaic Yahwism is that the patriarchal faith seems to downplay the role of prophetic or priestly mediation. While mediation occurs in the patriarchal period, Moberly observes that "it remains striking that the patriarchs are not depicted in the same sort of way as Moses, who in Exodus is both archetypal prophet and priest, even though God speaks directly to both the patriarchs and Moses."201


201. Moberly, The Old Testament, 94.
Fifth, in general terms, conquest and possession of the land of Canaan is different between the patriarchal times and the context of Mosaic Yahwism. The two portrayals are not incompatible, because the patriarchs expect that their descendants will inherit the land. However, the patriarchs are not militarily disposed, consider themselves sojourners, and "Abraham refers to the land he had come from as "my land" (Gen 24:4), and he never refers to Canaan in this way."²⁰² This contrasts with passages such as Exod 23:23-33 and Deuteronomy 7.²⁰³

Sixth, with regard to morality, the covenants of blessing with the patriarchs are more unilateral than the bilateral nature of the Sinai and Deuteronomy Covenants. On the one hand, in the case of the patriarchs, morality and judgment are not emphasized, and on the other hand, from a literary perspective, moral interpretations are not rendered.²⁰⁴

Finally, with regard to holiness—and here Moberly treats קְדָשׁ as a technical term—the patriarchal period does not reflect the technical holiness later reflected in Mosaic Yahwism. Here, Moberly lays a groundwork by criticizing Rudolph Otto's lack of terminological sensitivity.²⁰⁵ For Moberly, it is significant that Genesis 12-50 does not use קְדָשׁ in any manner relevant to the discussion of holiness.²⁰⁶ Exodus, however, takes up the term immediately (Exod


²⁰⁴. Moberly, The Old Testament, 97-99. Seth Daniel Kunin, The Logic of Incest: A Structuralist Analysis of Hebrew Mythology, Vol. 185 JSOT Supp. (Sheffield: Sheffield Academic Press, 1995), 17, writing from a structuralist perspective, notes that "the majority of material in Genesis (except for a few brief texts, e.g., Gen. 32.33) is explicit myth, that is pure narrative. Much of it seems to have been written with no clear moralisitic or homiletical purpose."


3:5),207 and "presents holiness as an exclusive relationship between Israel and YHWH focused upon worship at YHWH's sanctuary."208 Thus, "although both patriarchal and Mosaic religions contain awesome encounters with God, in neither case are these usually depicted with the language of *qdš*, nor do they determine the fundamental ethos that in each case is essentially related to a particular kind of monotheism (open for the patriarchs and exclusive for Israel), and a particular kind of life-style (familial for the patriarchs, national for Israel)."209

Gordon J. Wenham, whom Moberly references, notes similar discontinuities as Moberly, and adds the following two striking absences in Genesis: Baal and Jerusalem.210 He concludes that these omissions indicate that the patriarchal narratives were written in a time before Baal had supplanted El, and before Jerusalem had become the cultic center.211 This evidence could also be contrasted with what might be expected from ideological shaping: There is no Baal polemic, such as would correspond to the narratives in for example Kings (1 Kings 18) or Jeremiah (Jer 19), and there is no Jerusalem apologetic (compare 2 Chr 6:38).

This lack of a Jerusalem apologetic may also be a type of structural discontinuity between Genesis and the rest of the Pentateuch. Seth D. Kunin writes:

> Geography has structural significance. It is divided into a series of concentric circles, which are qualitatively more positive as the series moves towards its center. In Exodus, Leviticus and Numbers this geographic center moves, being centered on the camp, yet the structure is constant. The Israelite camp is logically opposed to the rest of the world, the


enclosure of the tent is opposed to the camp, the tent of meeting to the enclosure, and the ark of the covenant to the tent of meeting.

Once the Israelites were (narratively) settled in Canaan, as first seen in Deuteronomy, the concentric circles have a fixed center. The land of Canaan is distinguished from the rest of the world as the land promised by God to Abraham. Jerusalem is distinguished in Deuteronomy (though not by name) as the chosen city. The Temple is the center of Jerusalem, and the Holy of Holies is the center of the temple.\(^\text{212}\)

This description sets in sharp relief the non-centralized picture in Genesis. While admittedly there is a Canaan focus in Genesis, as Wenham points out, there is no centralization. If, as Kunin points out, structures in the Pentateuch sources are evenly applied across the sources and are not subject to political manipulation, then we would expect to have a more significant structural anticipation of centralization in Genesis. This is because if the sources' culture produced an awareness of centralization in the remainder of the Pentateuch, we would imagine it would also produce equivalent structures in Genesis. Instead, the centralization in Genesis is connected strictly to the family: They worship wherever they go inside the land. This model, as Kunin would put it, undergoes transformation from family to place when the narrative moves out of Genesis.\(^\text{213}\) Once again, because the later culture retained an earlier, untransformed structure, this suggests scribal preservation.

Thus, Wenham summarizes the discontinuity between patriarchal religion and Mosaic Yahwism clearly: "The exclusiveness, holiness, and strictness of the God of Exodus is absent from Genesis. Though the patriarchs are faithful followers of their God, they generally enjoy good relations with men of other faiths. There is an air of ecumenical bonhomie about the patriarchal

\(^{212}\) Kunin, *The Logic*, 274. Kunin himself gives no credance to scribal preservation, in spite of the fact that his conclusions seem to demand it.

\(^{213}\) See Kunin, *The Logic*, 281, for a discussion of "transformation."
religion which contrasts with the sectarian exclusiveness of the Mosaic age and later prophetic demands.”

2.4.3.2 Moberly Explains the Presence of Literary Friction in the Patriarchal Narratives

As Moberly explains the fundamental discontinuity between the patriarchal material and the period of Mosaic-Yahwism, the contrast only seems to grow more striking. He explains the discontinuity in the following way. First, all assessments of Israelite religion trace its beginnings, at least in strictly literary terms, to Moses. In this literary sphere, the identity of and the religion of the patriarchs precedes the Mosaic developments. Moberly writes:

It is in the light of these points [of theological difference between Mosaic Yahwism and the patriarchal religion] that the significance of the ascription of Genesis 12-50 to Moses can be appreciated. For what it means is that these stories, although intrinsically and originally standing outside Israel's faith, have been told from a perspective within Israel's faith. This means, first, that these stories have in some way been appropriated by Israel as its own, and, secondly, that by ascription to Moses, they are told as part of the authoritative and normative account of Israel's story. The modern recognition that the material was most probably not written by Moses but by a variety of authors in a variety of periods all subsequent to Moses in no way affects this basic point that the context from which the patriarchal stories are now told is Israel's context, a context different from that which they originally had. The present position of the patriarchal stories in the Pentateuch makes them part of Israel's authorized story of itself.

Moberly is reminding us that in Israel's appropriation of these stories, no attempt was made to hide the fact that the stories come from outside Israel, if not geographically—Ur, Egypt, then temporally—generations before Moses. This basic statement alone has profound implications for the issue of scribal preservation. First, it recognizes that through scribal revision, the patriarchal


stories in their current form have received a certain stamp of approval. Secondly, at a minimum, it recognizes a scribal move by which materials from outside Israel's faith have been brought inside Israel's faith. In other words, at a minimum this statement concludes that Israel’s faith, even if it generated the patriarchal stories, generated them as if it had incorporated and not generated them. Moberly continues, and the preservation/revision tension grows clearer:

All this entails that reading the patriarchal stories is not a simple or straightforward matter. For the text presents both what the stories now are, part of Israel's story, and what the stories once were, part of a non-Israelite story. Although the more important of these two for the writers was clearly what the stories now are, for that is how they were to function as significant and authoritative within Israel, it remains true that many indicators of what the stories once were have been left in the text and not deliberately removed from it, and this not unnaturally encourages the inquisitive reader to enquire further about this historical dimension of the text. Whether the reader today is genuinely in a position to get behind the presentation of the material as it now stands in the biblical text is a moot point, on which opinions widely differ. But the point is that the enquiry is in principle a valid one, and one in some ways invited by the text itself.218

In other words, the patriarchal narratives are not disguised as imported, and yet they are positioned to function as authoritative within a Mosaic-Yahwist culture that aggressively distinguished itself from the other.

So the "were"-ness of the stories as opposed to the "are"-ness of the stories brings into view two historical-literary contexts: The Israelite context and the former non-Israelite context (to use Moberly's terms). Here, the "are"-ness is in the realm of scribal revision, and the "were"-ness is in the realm of scribal preservation. In terms of the critical axiom, Moberly's discussion of the "are"-ness of the text may have in view the influence of the current historical context on the literary contents. However, by referring to the retention of the "were"-ness of the stories, Moberly has opened the door for discussion of a situation in which the literary contents of the text exist in spite of a different historical context. Ever mindful of the intentionality of redaction,

Moberly indicates that the current form of the text by its very nature "invites" contemplation of the former context because it has intentionally preserved elements that clash with the prevailing religious context.

Moberly concludes his analysis of the patriarchal religion by noting: "The ethos of patriarchal religion is clearly other than that of Mosaic Yahwism," and, significantly, he continues in a way that contrasts Philip Davies: "It is highly unlikely that such a religious ethos should have been simply invented, least of all by someone who stood within the context of Mosaic Yahwism."219 At this point, Moberly incisively addresses those who would assert that the patriarchal religion simply reflects "an 'unorthodox' strand within Yahwistic religion (e.g. prior to Josiah's reform)."220 He explains:

The difficulty with the latter suggestion is precisely the complete lack of that holiness and exclusiveness which is one of the most fundamental characteristics of Yahwism. It is difficult to imagine any form of Yahwism that did not in some way share these characteristics. The classic move made by Wellhausen and more recent scholars like Van Seters and Köchert to assimilate 'unorthodox' patriarchal religion to 'unorthodox' Yahwism prior to, or outside the context of, Josiah's reform, and simply to see different manifestations of one and the same phenomenon overlooks this one fundamental point. However much religious practice in Joshua-2 Kings is at variance with the prescriptions of pentateuchal law, the basic sense of the religion as committed to Yhwh as a holy God is consistent.221

So Moberly is saying that Yahwism has a "DNA" that would be present in any manifestation. As we have seen in our survey of Moberly's summary of the literary friction between the patriarchal narratives and Mosaic Yahwism, only scribal preservation can account for this Yahwistic DNA obliterating the distinct portrayal of the patriarchal period that proceeded it.


2.5 Section Four: Summaries

2.5.1 Scribal Practices: Preservation within Revision

Our discussion of scribal preservation is at a crossroads of sorts. Discussion of the nature and formation of the text has left us with two separate questions: On the one hand, if the text is an accretion of layers, what accounts for the unity of the form, and how does scribal preservation play a role? On the other hand, if the text is fundamentally a unity, is it a late unity, chiefly characterized by ideological composition? In reality, the answer to both questions is different and takes a different form. However, the trajectories of each answer overlap in this regard: Both answers demand that both scribal preservation and scribal revision be taken seriously. In regard to the recent state of the question, neither the late unity view nor the earlier multi-source view is characterized by explicitly giving a significant role to scribal preservation (though in fact, both require some level of it).

As we move into our case study, we will find that Genesis 34 demonstrates on the one hand large scale literary cohesion, but on the other hand, this cohesion does not preempt the possibility of the evidence of scribal revision—in fact, there may be evidence that scribes tried to mitigate Levi’s crime while preserving the core of Genesis 34.

Secondly, as we study the compositional history of Genesis 34 vis-à-vis the rest of biblical and extra-biblical references to it, we will clearly see a move away from the face-value-meaning of Genesis 34. This demonstrates that the culture was moving in a different direction than the culture that first composed the events of Genesis 34. In other words, Genesis 34 was preserved by cultures for which elements of its message were inappropriate.
2.5.2 State of the Question

In the foregoing discussions, we have noted that accounting for both scribal revision and scribal preservation is indispensible for any reasonable accounting of the formation of the Pentateuch. Specifically, in terms of current scholarly discussions, we may conclude the following.

- John Van Seters offers an important semantic corrective that recognizes the creative contribution of scribes who revised the texts they were transmitting. Although he proposes referring to the scribes as "authors," he nevertheless retains scribal preservation for these scribes: As these scribes "authored" their texts, they utilized significant amounts of text from previous generations.

- The so-called minimalists raise important objections to the privileging of evidence: The material evidence should not simply be hung on an assumed biblical framework. The biblical framework, instead, should be oriented to the material framework. While this approach may simply privilege one type of evidence over another, even when the minimalists handle the text, they do so in a way that incorporates scribal preservation, if even implicitly. There are two important consequences of the minimalists' correctives: First, even in a system that downplays textual evidence, scribal preservation is an indispensible factor. Second, all evidence—material and textual—should be carefully evaluated and assimilated in historical reconstructions.

- Source criticism in Pentateuchal studies, and the development of the Documentary Hypothesis is a result of carefully evaluating textual evidence. All source criticism models require scribal preservation or at a minimum, the traces of sources would not remain in the text. At a maximum, source-critical models demonstrate the existence of significant diversity within the composite composition of the Pentateuch. This diversity of voices bears witness to an extended compositional history, in which there was a delicate interplay between scribal revision
and scribal preservation. In short, in contrast to the impression given by the minimalists, the textual evidence within the Pentateuch does not give the impression that it is a late, unified, ideological text. Instead, it is a text that bears witness to the passage and contours of time. Canon studies reveal the same type of diversity within the Pentateuch. In fact, the nature of the diversity is such that it may be termed "literary friction." Canon studies also explain why scribes did not remove the friction: As texts acquire authority, they must be preserved whether they match the sensibilities of subsequent generations of scribes or not. Thus, the evidence demands that even though scribal revision played a large factor in the formation of the Pentateuch, scribal preservation also played an important part. Thus, each period of revisers worked with and incorporated materials they had received from the previous generations.
Chapter 3  
Exegesis of Genesis 34 and the Formation of Genesis

In the previous chapter, we saw that although some scholars are pessimistic about the Hebrew Bible's ability to reveal anything about the history of any period prior to its earliest extant manuscripts, there is evidence within the text itself that this pessimism is ungrounded. This pessimism about the relevance of the text of the Hebrew Bible for historical reconstructions is ungrounded because the character of the text itself is evidence of an extended compositional history. Since the text preserves diversity, the text bears witness to development through phases of history. This chapter examines the biblical text of Genesis 34 and considers the evidence both of its own compositional history and its role in the compositional history of the Pentateuch. Here evidence emerges that the initial story of Levi in Genesis 34 may have been adjusted within scribal handling of Genesis 34, and the story may have also experienced thematic development moving through the Pentateuch.

3.1 Section One: Exegesis of Genesis 34

3.1.1 Exegesis of Genesis 34: Introduction

Genesis 34 is an appropriate case study for evidence of scribal preservation because much of what appears in this text would seemingly have been susceptible to omission over the course of its transmission history. Throughout the transmission history of Genesis 34, omission of part or all of the passage would seem culturally desirable from various literary, political, and theological perspectives. In literary terms, while the storyline of this pericope is straightforward, the narrator's portrayal of its characters may be enigmatic. Additionally, the insertion of this

222. Meir Sternberg, *The Poetics of Biblical Narrative* (Bloomington, IN: Indiana University Press, 1985), 445, describes the rhetorical strategy of Gen 34 as an artful mitigation of the material presented therein: The result is an internally conflicted narrative. Also see Douglas Earl, "Toward a Christian Hermeneutic of Old Testament
pericope into the book of Genesis raises questions of literary and theological intrigue.\textsuperscript{223}

Politically, the contents of Genesis 34 potentially affect the priesthood, the monarchy, and the divided kingdom.\textsuperscript{224} Theologically, the ethics of Genesis 34 pit the forces of exogamy\textsuperscript{225} against scheming and violence.\textsuperscript{226} In further literary terms and perhaps because of the literary, political, and theological potential in the material of Genesis 34, the narrative elements of this pericope are picked up in other biblical and extra-biblical contexts.\textsuperscript{227} Therefore, while the text and its placement are enigmatic and full of texture,\textsuperscript{228} in the Second Temple move to elevate Levi, there would have been incentive to clarify the text and remove the enigma that stains Levi's character or Jacob's condemnation of him that resulted in the choice of Judah as the first-born. These

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\textsuperscript{223} See Gary A. Rendsburg, \textit{The Redaction of Genesis} (Winona Lake, IN: Eisenbrauns, 1986), 56, 67. Rendsburg follows Michael Fishbane and sees an insertion of Genesis 26 and 34, and Genesis 38 and 49 into an otherwise tightly cohesive narrative. The result is that a story which otherwise follows Joseph becomes a story supporting Judah as firstborn.


\textsuperscript{226} Even though Genesis 34 has become something of a case study for feminist hermeneutics, and reader-oriented hermeneutics contribute to the broader discussion of the theology of Genesis 34, inasmuch as such discussions are not germane to the question of the formation of the Pentateuch (the androcentric character of both the traditions and the canon are arguably equivalent), such topics will not be explored. An example of an earlier feminist reading of the text is found in Danna Nolan Fewell and David M. Gunn, "Tipping the Balance: Sternberg's Reader and the Rape of Dinah," \textit{JBL} 110 (1991), 193-211.

\textsuperscript{227} See Earl, "Toward," 31-32.

\textsuperscript{228} The term "texture" is admittedly elusive. It is meant to reflect the opposite of uniformity, such as one would expect as the product of an ideologically-based composition. Lemche, "Conservative Scholarship," 220, n. 45 defines ideology in the following way: "By 'ideology' I intend that set of opinions which dominated Israelite society and which made up the 'system' of values with which the Israelites' actions corresponded."
retentions produce "texture" in the text and demonstrate that in the case of this chapter, historical context did not determine the literary content.  

The results of an exegetical survey of Genesis 34 are profound because even before the reception history is addressed, the ideological complexity of the chapter is apparent. Therefore, attempting to understand this chapter in terms of source criticism is challenging because the chapter's literary contents resist easy placement in any historical context.

3.1.1.1 Relevance of Genesis 34 to the Thesis

If it can be demonstrated that Genesis 34 contains no information that casts a shadow over the priestly patriarch Levi's character, then Genesis 34 brings no support to this dissertation's thesis, namely that the contents of the Pentateuch bear witness to scribal preservation and not to Second Temple ideological creation.

On the other hand, if Genesis 34 contains even an ambiguous portrayal of Levi, that is to say, a mix of good and bad, then its inclusion of bad materials sets it apart from known Second Temple treatments of Levi.

229. At this point, some might question whether the ambiguity, or as termed here, the enigmatic and textured character of the text, reflects either the tastes of a historical context or the mitigating tampering of a historical context. The question then assumes that such possibilities might negatively affect any conclusions being drawn with regard to scribal preservation. Thus, there are really two questions to deal with here: First, could Genesis 34 merely reflect a culture which embraced or allowed ambiguity? Second, could the presence of ambiguity in Genesis 34 reflect scribal revision and not scribal preservation? Both are valid questions, and both are addressed in the dissertation. First, the evidence of Second Temple texts that mention Levi demonstrates that the Second Temple culture would not create ambiguous texts about Levi. The Second Temple created texts to eliminate ambiguity about Levi and the patriarchs. In fact, in general there was a movement to present the patriarchs as sinless. See Allison Jr., Testament of Abraham, 230-1 for the Second Temple period and Moore, Judaism in the First Centuries of the Christian Era, 468, 516 for the rabbinic period. Second, if ambiguity in Genesis 34 reflects scribal revision, then scribes necessarily preserved what they did not revise. Van Seters, Prologue to History, 278, provides the fullest discussion of the connection between scribal revision and the resulting ambiguity in Genesis 34.

230. James Barr, History and Ideology, 88, explains that the character of a narrative differs from the character of an ideological text. He writes that ideology "can affect historical narrative and bias it, but it does not originate it."
Even in the case that if Genesis 34 contains an intentional ambiguity with regard to its portrayal of Levi, and that this intentional ambiguity reflects a minority viewpoint in the Second Temple period, this phenomenon would require a retelling of the compositional history of the Pentateuch in which multiple viewpoints within the Second Temple period were collected into the united Pentateuch and became authoritative within the Second Temple period. Such a proposal, while highly unlikely due to the combination of time and authority constraints, would require a completely different dissertation.

However, it is far simpler to perceive any complexity of voices within the Pentateuch and its reception history as the result of a combination of textual authority and its corollary scribal preservation.

Therefore, if Genesis 34 contains information that would cast a shadow over the priestly patriarch Levi's character, then Genesis 34 is different from all other Second Temple treatments of Levi. Similarly, if Genesis 34 contains an ambiguous mix of good and bad in its portrayal of Levi, then the mixed portrayal in Genesis 34 is different from other Second Temple treatments of Levi because even if its negative portrayal of Levi has been mitigated, it nevertheless preserves the features that necessitated the mitigation.

A close look at the contents of Genesis 34 reveals what is at stake, then, in the heart of the discussion.

3.1.1.2 Overview of Genesis 34

At a glance, the story of rape and revenge in Genesis 34 is simple. Dinah, the patriarchal sister, wanders away from the security of her nomadic home and is raped by a permanent resident of the land. Shechem, the perpetrator, however, falls in love with Dinah and seeks with his father
Hamor to negotiate marriage and intermarriage with Dinah's brothers. The brothers object due to the uncircumcised state of Shechem's people. Hamor and Shechem agree to change this situation, and the men of the city consent to be circumcised. However, two of Dinah's brothers, Levi and Simeon, take the opportunity afforded them by the convalescence of the men of the city, and they kill all the men of the city and reclaim their sister Dinah. Dinah's brothers then loot the city, but Jacob condemns Levi and Simeon, claiming that his nomadic clan will now be a target for extermination by the permanent residents. Levi and Simeon have the last word in the story, however, when they respond to their father with a rhetorical question: "Will he [be allowed to] make our sister like a harlot?"

So the contents of Genesis 34 are both clear and ambiguous at the same time, and the actions of Levi and his father's verdict spin two directions in Scripture: On the one hand, Genesis 49:5-7 seems to pick up on Jacob's condemnation of the brothers: "Simeon and Levi are brothers: Their swords are weapons of violence. Let my life not come into their counsel; My glory, do not be joined in their congregation. For in their wrath they killed a man, and in their pleasure, they hamstrung an ox. Cursed be their anger, for it is strong, and their wrath, for it is harsh. I will apportion them in Jacob, and I will scatter them in Israel." On the other hand, Malachi 2:4-6 seems to pick up on Levi's zeal as a positive trait to be rewarded: "'You will know that I have sent this commandment to you, for my covenant to be with Levi,' says the Lord of Hosts. 'My covenant was with him: Life and peace I will give him, and an object of reverence, and so he feared me, and before my name he was in awe. The law of truth was in his mouth, and evil was not found on his lips. In peace and uprightness he walked before me, and he turned many from iniquity.'" So in the Bible there are two Levis, Genesis 49's cursed and scattered Levi, and Malachi 2's upright recipient of Yahweh's covenant. How might these two Levis have arisen
from or in spite of Genesis 34? Tracking the progression reveals a multi-layered story with significant implications for scribal preservation. But the story begins in a closer look at Genesis 34. And though the debate over the composition history of the chapter continues, at the end of the day, scribal preservation seems to be a key component within the final form of the chapter.

3.1.2 Exegesis of Genesis 34: As a Unity

Robin Parry surveys the field of source-critical treatments of Genesis 34 and adequately sets the stage for our discussion. These source-critical treatments typically consider the chapter to be a conflation of two sources. However, Parry concludes, against that source-critical field, that the chapter should be assumed to be a unity. The unity he proposes, however, admits to "awkwardness" in the final text: "I think that it is fair to say that source critics have drawn our attention to some awkward features of the text and that some of those features remain awkward even though not nearly as much as has often been claimed." In general, some of the features he refers to as "awkward" include supposed doublets and a general non-linear presentation of the storyline. In any case, Parry's exegetical work reveals significant complexity within the text.

Parry himself uses discourse analysis to study Genesis 34 as a unity, and some notable portrayals emerge. First, while Hamor and Shechem address Jacob in their dialogue (Gen 34:6, 8), it is not Jacob but his sons who respond to Hamor and Shechem (Gen 34:13). Second, because the narrator informs us of Jacob's sons' deception immediately (Gen 34:13), but does not explain


232. To some degree, the technical use of discourse analysis is not necessary for uncovering the portrayals Parry finds. However, the exercise of close reading prompted by the discourse analysis provides details perhaps not otherwise immediately apparent.

how the deception came to be until much later (Gen 34:25), the deception looms throughout the entire story. Third, Parry points out that even though the narrator has informed us of the brothers' rage in Gen 34:7, the narrator portrays the brothers as speaking in polite, reasoned terms, totally masking their vicious intention to which the narrator has already tipped us off. Fourth, and related, the construction of the brothers' speech is shaped in such a way that the Hivites would conclude that a viable deal is in place. It is not a simple concession: The brothers repeat the Hivites' terms back to them. (We must note that the narrator shapes the story in such a way that the patriarchal family is the only surviving witness to the negotiations: It is thus the family who is implicitly portrayed as preserving the tale of their own sordid scheme of deception and slaughter, along with the corresponding patriarchal condemnation of it). Fifth, while the Shechemites keep their end of the deal (Gen 34:25), Simeon and Levi break their end of the bargain (Gen 34:26 vs. Gen 34:17). Parry writes: "The brothers carry out their veiled threat to "take" Dinah and "go." Earlier, Parry had taken pains to describe the brothers' conditions as "two Result Paragraphs . . . embedded in the large Antithetical Paragraph" accompanied by "an embedded Amplification Paragraph" that emphasized the conditions of the proposal. Thus, the brothers are shown to be precisely dishonoring a precise contract. Sixth, Parry observes, in a portrayal similar to the first point above, that Jacob's only words in the [entire] story are words of rebuke to his violent sons. We might note here that if Jacob's rebuke is only a pro-Judah

237. While Parry seems to highlight terms here, only "take" (נפל) is repeated. "Go" differs in 34:17 (לך) and 34:26 (יוצא).
accretion (and therefore excised from the original), he is reduced to a mere bystander in the remainder of the story, and his inclusion in Gen 34:5 is somewhat awkward. As it stands now, ironically, Jacob is described as hearing and keeping silent in 34:5, a silence which he then continues throughout the narrative until he condemns his sons in Gen 34:30. This indeed forms a peculiar type of inclusio. Here then, the portrayal is of Jacob only concerned for the preservation of himself and his house, while Simeon and Levi are concerned for the defilement of that house.

Seventh, Parry notes that Simeon and Levi’s reply to their father is an "angry, rude, unmitigated rebuke." Parry does not explain how he can term the brothers’ speech to Hamor and Shechem in Gen 34:13-17 as "completely mitigated," but this speech as "unmitigated." However, if he is correct, then the brothers are not only portrayed as defending their sister but also as dishonoring their father. On the other hand, Parry equivocates on the implications of the story's ending. He observes that this is an unusual ending in Hebrew narrative, paralleled by the ending of Jonah, and in Jonah, the sympathy is with the question-asker (God). Thus, to Parry, within the patriarchal family, the story ends with an open-ended complexity.

On the other side of the narrative, Parry writes that Hamor and Shechem’s speech to their countrymen is introduced by a "simple nominal clause. In this clause, Hamor exhorts no one but simply expounds the state of affairs vis-à-vis the Israelites – ‘They are peaceful men’. This forms the springboard for the following exhortations.” Parry does not, however, explain that this

243. Parry, Old Testament Story, 292. This ending must be analyzed against Van Seters's proposal, Prologue to History, 278, that this last verse is a priestly addition.
"springboard" is extremely ironic: The following material will show that the men are precisely not peaceful. Jacob apparently wanted to give the impression that his family was peaceful, but his sons' actions demonstrated the opposite, and now he feared warring retribution (Gen 34:30), but did not receive it (Gen 35:5).

However, even though Hamor and Shechem are portrayed as being totally duped by the brothers' deception, they are not portrayed as being hapless participants. Parry notes that "what is of interest is the rhetorical strategy employed. Now that the audience has changed, the emphasis changes. In v. 9, when addressing the Israelites, Hamor focuses on Israelite primacy in the exchange of daughters – they give and take. Here, with the Hivite audience, it is the Canaanites who do the giving and taking." Parry continues, noting that Hamor "whetted the men's appetites" before introducing the "tough conditions," and then "immediately after speaking these difficult words Hamor pulls out his trump card to focus his audience once again on the glittering prize to be had." "The Israelite property is ours now,' says Hamor. Obviously this is not strictly true, but it is an effective method of persuasion – their property is as good as ours (through the trade that an alliance would open up)." 246 246 Ironically, exactly the opposite would occur: The sons of Jacob would possess all that now belonged to the Shechemites (Gen 34:27-29).

This portrayal of Hamor as scheming counters the portrayal of the brothers as scheming:

Scheming with the schemers. This is just one other illustration of how embedded in the culture the patriarchal family is portrayed to be (ex. Gen 35:2-4—cf. Moberly's un-holy patriarchs247).


247. Parry, Old Testament Story, 198. Parry follows Moberly closely, including the discontinuity we have already surveyed, that the patriarchal religion differs considerably from the Mosaic-Yahwistic religion.
For our purposes, the conclusion Robin Parry reaches is significant because it not only maintains unity, but it maintains unity against some supposed evidence to the contrary. This evidence to the contrary can be used as evidence of scribal preservation: the scribes did not or could not choose to "fix" the text. But if the text was not static, and scribes did make adjustments to the text, what motivated the changes? In the following sections, we will consider the different "spins" on Levi and the text as they may have moved through their development history.

3.1.3 Exegesis of Genesis 34: As a Composite

On the other hand, at a bare minimum, Genesis 34 bears witness to some level of contemporizing by scribes. R. Walter L. Moberly, who writes that the text of Genesis itself bears witness to multiple horizons, presents perhaps the most basic example of this scribal maneuver in Genesis 34:

The one explicit and unambiguous place in Genesis 12-50 where the writer obtrudes his own Israelite perspective is Gen. 34.7, where the writer comments on the indignation of the sons of Jacob after the rape of Dinah with the words that Shechem "had wrought folly in Israel by lying with Jacob's daughter". For here "Israel" is clearly used in the sense of a national community, a sense which it could not have in the patriarchal period.248

In the following sections, we will look at the comments of several interpreters who notice the composite character of Genesis 34. These comments are helpful for several reasons: The composite character of a text signals at least two features relative to scribal activity. First, a composite text witnesses to a protracted textual history: Copying, usage, updating, and perhaps strategically modifying, are part of a protracted textual history. Second, a composite text witnesses to the sensitive interplay between the static and dynamic requirements of textuality. Textual authority and static texts easily correspond, as do relevancy and dynamic texts. For a text to be both authoritative and relevant requires a more complicated relationship between the static

and dynamic dimensions. In the context of Genesis 34, as we will see below, its composite nature reveals both the authority of its core content and the challenge that content posed for its relevance.

3.1.3.1 Exegesis of Genesis 34: As a Composite: Negative Assessment: Levi is Condemned

The first aspect of the composite character of Genesis 34 is that Levi is rebuked (Gen 34:30), condemned, and loses his firstborn status (Genesis 49). However, the portrayal of Levi seems not to end there. Meir Sternberg describes the rhetorical strategy of Genesis 34 as an artful scribal mitigation. However, he explains why the mitigation was necessary: If the narration of the story had not been adjusted, the reader would "condemn" Levi:

> The chapter focuses on two acts of violence—the rape of Dinah and the revenge taken by her brothers—seeking to bring the crime and the punishment into balance. The trouble is that mass slaughter will not balance against rape according to conventional normative scales. The narrator needs no telling that if he lets the facts "speak for themselves," it is the victims of the massacre that are likely to gain most of the sympathy: the reader could hardly help condemning Jacob's sons for the shocking disproportionateness of their retaliation.²⁴⁹

needs of a new generation of text users. Simply put, Levi (and Simeon) committed a disproportionate act of revenge. This act became part of the ancestral record—either orally or in writing. Finally, a subsequent generation of scribes adjusted the textual record so as to mitigate the negative report. Sternberg writes: "By itself, of course, the present stage shows the killers and despoilers in a repellent light. But in sequential context it follows a history of credits that now operate as checks and balances. The narrator has need of every bit of sympathy that he has managed to accumulate in favor of the brothers."

Here, the question may be asked from the perspective of P or H scribes, for example: Why mitigate (scribal preservation) and not just leave the troubling passage out (scribal revision)? The answer is that the text had already acquired authority, and the most the scribes could do was ever so slightly to adjust the text.

Sternburg believes that the narrator strategically separated Simeon and Levi from the looting of the village: Simeon and Levi slaughtered the men of the village and were condemned for it by

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250. Here I am using the terms "text" and "event" in line with the discussion in John H. Sailhamer, *The Meaning of the Pentateuch* (Downers Grove, IL: IVP Academic, 2009), 100ff. Sailhamer sets up an important strategic dichotomy between the event which generated the textual record of the event. He claims that biblical theology and hermeneutics should focus on the text, while biblical historiography should focus on the events (105).

On the other hand, in a technical sense, I am not using the terms in line with the discussion in Tremper Longman III, "Literary Approaches and Interpretation," in *A Guide to Old Testament Theology and Exegesis: The Introductory Articles from the New International Dictionary of Old Testament Theology and Exegesis*, edited by Willem A. VanGemeren (Grand Rapids: Zondervan, 1999), 109. Longman writes that "the rupture between the literary and the referential (whether history or theology) is an axiom of modern literary theory." He continues, explaining that in this model, "the literary work creates a world of its own. The reader must enter that world and not worry about how the work relates to the real world."

While these two approaches may even overlap entirely, they originate in different places, and thus have different agendas. The first approach, described by Sailhamer, comes from a context in which history dominated textual study. The second approach, described by Longman comes from a context in which literature had been forgotten. Both developments are important. My use of the terms, however, relates to the first, with its understanding that the context of the event is distinct temporally and qualitatively from the text that records that event.

their father. But the rest of their brothers followed the slaughter with the crime of looting.\textsuperscript{252}

However, Danna Fewell and David Gunn note that to separate "Simeon and Levi from the looting is a defensible reading but not a compelling one."\textsuperscript{253} To Fewell and Gunn, the separation reading is defensible because in addition to Meir Sternberg, "many commentators (going back at least to Julius Wellhausen)" take the position, and "the JPS Tanakh adopts it."\textsuperscript{254} However, this reading is not compelling to Fewell and Gunn because criminals are not to be assumed to be so discerning: "For our part, we are inclined to think that two people who are willing to kill so many for the sake of one are hardly likely to be above plundering the possessions and raping the families as well."\textsuperscript{255} So, to Fewell and Gunn, it is possible to read more guilt onto Simeon and Levi than might be thought at first glance. But Sternberg has perceived a literary move in the opposite direction. And if the separation reading is promoted, it fits as a perfect first step toward justifying Levi: he is only implicated in one crime.\textsuperscript{256} In either case, in the retouched or unretouched version of Genesis 34, no matter whether the door to Levi's closet is open or closed, there is a bad smell coming from it.

Before moving away from Fewell and Gunn, notice that they guide us to an interesting feature of this story relative to its surrounding passages. Fewell and Gunn mock Genesis 34's portrayal of the brothers' claim that they are prohibited from intermarriage with foreigners: "The prevention

\begin{itemize}
\item \textsuperscript{252} Sternberg, \textit{The Poetics}, 469-470.
\item \textsuperscript{253} Fewell and Gunn, "Tipping the Balance," 205.
\item \textsuperscript{254} Fewell and Gunn, "Tipping the Balance," 205 n. 19.
\item \textsuperscript{255} Fewell and Gunn, "Tipping the Balance," 205, use their sensitivity to the feminine details of biblical narratives to reveal just how contemptible Levi and Simeon's crime was: "The disproportion of a single rape justifying mass rape. (This situation is parodied again in Judges 19-20)." It should make no difference, but Fewell and Gunn, "Tipping the Balance," 194, object to Sternberg's attempt to explain the rhetoric of the text as creating sympathy for Levi and Simeon, because in their "reading of the fractures" (to use Carr's language with a twist), they charge, Dinah is overlooked, and the result becomes an androcentric reading.
\item \textsuperscript{256} The separation reading is picked up by the Second Temple interpreters. See Chapter Four below.
\end{itemize}
of an exogamous marriage is absurd in this context. How are the members of this family supposed to marry, if not exogamously? The brothers have no problem about this themselves (see Genesis 38; 41:45); why impose such a stipulation on Dinah? On the one hand, it could be concluded that this concern against intermarriage reflects the ideology of an exilic period and not the narratives of Genesis. In this case, the prohibition against intermarriage would be a case of scribal revision—updating. This would make sense—see the general discussion of R. Walter L. Moberly's approach to the patriarchal narratives discussed in the previous chapter: One could easily make the case that intermarriage only progressively became prohibited. However, two problems remain with the conclusion that this prohibition against intermarriage was a late insertion. First, it would show an ability to adjust some of the details of the text, but not an ability to eradicate objectionable parts of the text. Second, if the prohibition against intermarriage is removed from this story, a significant driver within the plot is lost: Why would the brothers have been able to convince Hamor and the town to become circumcised and thus vulnerable to slaughter? On the other hand, as we will see below, Terence E. Fretheim points out that this story has continuity with its surrounding context including not only because it raises "issues of marriage with those outside the family," but also with "circumcision, deception, and family conflict and violence." So, even though Fewell and Gunn accurately observe that the broader Genesis context includes the intermarriage of Judah and Joseph to non-Israelites, according to Fretheim, the prohibition against intermarriage can be seen as belonging to the broader context.


259. Of course, Joseph and Aseneth proposes that Joseph did not actually marry outside the family, even though he had married an Egyptian's daughter.
3.1.3.2 Exegesis of Genesis 34: As a Composite: Ambiguous Mitigation: Jacob is Weak

The second feature that may point to Genesis 34 as a composite is that it may ambiguously portray some of Levi's actions in a positive manner in contrast to Jacob's weakness. Douglas Earl shows that Christian readings of Genesis 34 place Jacob in a positive light but Levi and Simeon in a negative light. Then he notes:

These readings, however, contrast with earlier Jewish interpretation of Genesis 34 in which the actions of Simeon and Levi are praised: in Jubilees, Judith, and Testament of Levi, the Shechemites are destroyed with divine approval (Jub. 30:6; Jdt 9:2; and T. Levi 6:8-11) and Jacob's sons' actions are praised in terms of righteousness (Jub. 30:23), with Levi being rewarded with the priesthood (Jub. 30:18-20). Moreover, in the Pentateuch, perhaps Genesis 34 forms a type for Numbers 25 and 31, even if the sense or direction of the typology is debatable. Finally, for Philo, Simeon and Levi's actions are praiseworthy, since they "destroyed those who were still involved in the labour devoted to pleasure and to indulgence of the passions and uncircumcised" (Migr. 39).

Ultimately, Earl presents the interesting possibility that the contents and context of Genesis 34 (including especially Gen 35:2-5) left Levi and Simeon in a positive portrayal and Jacob in a negative portrayal, but that Gen 49:5-7 has that in reverse. Earl mentions the prehistory, but leaves it as an enigma. He concludes:

In summary, the reception of chap. 34, both in Genesis and beyond, highlights certain aspects of the story's ambiguity and difficulty. The appraisals of Jacob, Simeon, and Levi are played out in two different histories of reception, one that construes Jacob positively and one that construes Simeon and Levi positively. These histories of reception perhaps have their roots in Genesis itself, and they tend to heighten the ambiguous natures of these characters here.

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262. Earl, "Toward," 36-38, explains the development prehistory of these texts, and suggests that ultimately the Judith and Jubilees readings are accurate. Earl, himself, however, acknowledges that the text of Genesis 34 itself is only ambiguous. A positive reading of Levi and Simeon develops only with the developments in the reception history.

So if one line of Earl's proposal is correct, then the post-biblical writers perceived something missed by the redactor who connected Gen 49:5-7 to Genesis 34! Regardless of where this discussion lands, the discord in the biblical and extra-biblical reception is manifest.

3.1.3.3 Exegesis of Genesis 34: As a Composite: Positive Assessment: Levi is Zealous

Finally, apart from considering the morality of Levi's actions, it is possible that Genesis 34 is shaped to show Levi's zeal for righteousness, and indeed Levi's zeal seems to be well-received by the time Malachi was written (Mal 2:4-9).

John Van Seters describes the texture of Genesis 34 in a way that explains some of the questions of other writers. Instead of two conflated accounts, Van Seters sees P additions in 34:5, 7b, 13b, 27-29, and 31. These additions chiefly concern the brothers' assessment that their sister was defiled. Additionally, and significantly, the P additions include the brothers' "last word" to their father, "Will he make our sister to be like a harlot?" (This is the key ambiguity discussed above by Douglas Earl, who also cites Meir Sternberg). Van Seters cites a proposal by B. Edele that explains the additions and gives a window into the role of scribal preservation and revision: "A recent proposal by B. Edele suggests that the text is a unified story by the Yahwist critical of the actions of Simeon and Levi to which a later author/editor has added some remarks to mitigate the criticism and justify the slaughter of the inhabitants of Shechem."

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264. Van Seters, Prologue to History, 278, connects the additions to P based on the similarity of Gen 34:27-29 with Num 31:9-11, 32-41.

265. For example, Earl, "Toward," 33.

266. Van Seters, Prologue to History, 278.
In terms of scribal preservation and revision, what Van Seters suggests is informative. First, although he is writing in 1992, more than a decade before A Farewell to the Yahwist was published, but certainly after some of the Yahwist's foundation had begun to crumble, note that Van Seters preserves the complexity of relating P to J. In terms of scribal preservation, this means that P, writing to "mitigate" J's account, was nonetheless constrained by the need to preserve J's account. Second, in general, even if Van Seters would revise his understanding of the dating of the Yahwist, notice that he perceives literary friction caused by scribal preservation—scribes preserving textual content in spite of the historical context.

So if we follow Van Seters, we would conclude that the final form of Genesis 34 preserves a partially successful reversal. The reversal is only partially successful because there is enough evidence even to suggest that something has been reversed. But the reversal is successful in that it may have spun off an entire series of readings that present Levi as justifiably zealous. In a truly fascinating historical trajectory within Scripture, it seems that Malachi may have followed not the unmitigated version of Genesis 34 but the mitigated one. In this case, then, at least three layers of composition are apparent: First, Genesis 34 includes the tragic story of Levi and Simeon's vengeful slaughter of the Shechemites. Second, Priestly scribes adjusted the story to give Levi and Simeon the last word with their father, condemning his inaction and justifying their own action. Finally, Malachi read a version of Genesis 34 that contained the ambiguous

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267. A Farewell to the Yahwist? The Composition of the Pentateuch in Recent European Interpretation, edited by Thomas B. Dozeman and Konrad Schmid (Atlanta: Society of Biblical Literature, 2006). Indeed, Van Seters, Law Book, 4 reflects this movement in his 2003 book on the Covenant Code: "There has been a major upheaval in the study of the Pentateuch within the last three decades such that the Documentary Hypothesis has come under critical scrutiny, and the "oldest sources" of the Pentateuch, J or E, in which these laws are embedded, are now regarded by many scholars not to be as old as previously claimed and may even be later than Deuteronomy. This pillar, therefore, is no longer secure." Later, he also refers to the Yahwist as the "exilic Yahwist" (172).
Priestly adaptation. Malachi then composed his own treatment of Levi, one that carries the Priestly trajectory even further, because Malachi's treatment of Levi is unambiguously positive.

Now, some may object to such a telling of history on the basis of textuality and orality. It is not at all clear, they might contend, that Malachi had a written text of Genesis 34 before him. Contrariwise, they might contend, Malachi responded to the oral record of Levi's actions. Such a contention may be possible, and it may even be possible that the prophet Malachi himself was not literate. However, even in such an extreme case of orality, the text of Malachi would be reflecting a different telling of Levi's actions than Genesis 34 reflects, and the notion of parallel preservation of oral accounts would continue to support the thesis, because from all the evidence, it is unlikely that the ambiguous version (P's Genesis 34) was created after an unambiguously positive version (Malachi's meritorious Levi) had become the dominant version. In other words, if the culture was convinced that Levi was blameless, there is no evidence that the Second Temple culture was creating myths to contradict that notion. The evidence, as we will see, is that the Second Temple culture was moving away from casting blame on Levi and toward exonerating and elevating him.

We remarked that Malachi may have picked up on the P mitigation of Genesis 34, and so portrayed Levi as unambiguously zealous for righteousness. But were there any other factors that directed Malachi's reading? Robin Parry interacts with Gordon Wenham and Mary Douglas in evaluating the relationship between Genesis 34 and 49, Exodus 32, and Numbers 25 and 31.


According to Parry, Wenham accurately notes a similar shaping between Numbers 25 and 31 and Genesis 34, but goes too far in allowing the completely positive portrayal of Phinehas in Numbers to dictate a completely positive portrayal of Levi and Simeon in Genesis. Here, Parry pulls in Mary Douglas's work. According to Parry, Douglas notes that Numbers seems to closely follow Jacob's blessing in Genesis 49. In this way, Parry traces an interesting story for Simeon and Levi. For Levi, a turn from the curse happened when the Levites take a stand for Yahweh in Exodus 32. The Levi turnaround, however, is not confirmed because of the ups and downs for Aaron and the negative aspect of Korah's rebellion. Finally, however, there is a breakthrough with Phineas's zeal in Numbers 25 and 31 that results in a permanent positive transformation of the tribe of Levi: "His deed . . . is a symbolic undoing of Levi's deed in Shechem." Simeon, on the other hand, is not transformed: "Unlike Genesis 34 when Simeon and Levi fought side by side, in Numbers 25 the key idolater is a Simeonite and it is only by killing him that Phineas atones for Israel. Thus, the curse over the tribe of Simeon and their landlessness remain." Parry notes that the Simeon census in Num 26:14 is diminished, in keeping with the curse. In conclusion, this macro-literary development shows that in the case of Levi, "as the violence is transformed, so is the curse."  

271. Parry, Old Testament Story, 185, 192.  
273. Parry, Old Testament Story, 195. What is difficult about this proposition is that Levi and Levites are not mentioned in Numbers 25, and Levi is only indirectly mentioned in Num 31:30 and 47, with the mention that the tithes of war are given to the Levites. In both Num 31:30 and 47 the Levites are not mentioned in connection with zeal but that they have charge of the tabernacle. While a theological case might be made that these chapters function in rehabilitating Levi, it is a stretch to make such a claim from a literary perspective. On the contrary, a case can be made that Eliezer is rhetorically supported in Numbers 31, with a conspicuous mention of him with his son Phineas in 31:6 and 31:12, 13, 26, 31, 51, and 54 referring to him and Moses in a coordinate fashion, and 31:21, 29, and 41 referring to Eliezer syntactically independent of but still closely connected with Moses.  
274. Parry, Old Testament Story, 196.  
In terms of tradition history, if Parry's insights are on target, what might be the implications? The implication would be that the final result of the transformation of the curse on Levi would be satisfying to the priestly perspective. However, this does not solve the issue at the scribal preservation level. First, even if a priestly hand mitigated the negative aspect of Genesis 34 and 49 along the lines Parry has suggested, the mitigation itself shows the impulse of preservation with regard to that which needed to be mitigated—Genesis 34 and 49. Second, the continuing shadow over Levi is demonstrated by the continuing impulse in the Second Temple period to retell Genesis 34 and 49 in such a way that Levi is the hero, not the initiator of the curse. So to these Second Temple writers, because even the existing mitigation was not satisfactory—preservation here would not be preferable. Third, interestingly, the Simeon curse side of things seems to have been hidden from the author of Judith, who claimed her connection to her "cleaned-up" ancestor Simeon.276

So, it is clear that commentators believe that the portrayal of Levi in Genesis 34 spun multiple directions as it moved through a compositional history that interacted with multiple historical contexts. In summary, from the previous commentators, there are at least three historical contexts with categorically different interactions with Genesis 34: First, the initial ancestral narrative that reported the patriarchal event; Second, the Priestly mitigations, which partially corrected the negative portrayal of Levi, and/or contextualized the slaughter as in keeping with Israel's standards of holiness; and Third, the zealous Levi portrayal that anticipated the sinless patriarch portrayal of the Second Temple period.

276. This holds true even in the context of the striking proposal by Benedikt Eckhardt, "Reclaiming Tradition: The Book of Judith and Hasmonean Politics," *Journal for the Study of the Pseudepigrapha* 18, no. 4 (June 2009): 243-263, for the creation of the Judith fiction discussed below.
Robin Parry has a different perspective on the historical distance covered in the compositional history of Genesis 34. Parry is looking for an ethical bearing on the passage, and in so doing, he asks the question: How would a Mosaic Yahwist have read this story? A question like this is certainly loaded, since it seems to assume readers living in a time when some scholars do not assume the presence of popular literacy, cult, or nation. Regardless of the validity of such assumptions, Parry is pursuing inter-textual theology, and his initial frame of reference is the work of R. W. L. Moberly, with whom Parry "is in substantial agreement." Parry, after comparing Moberly's analysis of inter-textual "dispensations" to the material in Genesis 34, concludes:

The implied readers of Genesis (who were not "living" in the Patriarchal period depicted in the book) would see that certain continuities and discontinuities in dispensation have hermeneutical importance in the ethical reading of Genesis 34. They will agree with the sons' condemnation of Shechem, their disapproval of exogamy and their stress on circumcision. They will also feel uncomfortable with their deception and their use of the covenant sign in that ruse. They will disapprove of the excessive force used in retaliation and despite approving of the virtues of family solidarity which led to their anger they will have to condemn the angry men, as Jacob does, as the time for conquest is still future. They will frown upon Jacob's emotional detachment from Dinah and his initial condemnation, but will sympathise strongly with his more considered response in 49:5-7. Finally, they will see in the massacre at one and the same time an ethical model to be avoided and a partial type of the conquest which is to be approved of.

Outside of the ethical transitions, this extended quotation implies the viewpoint initiated by Moberly: The theological setting of the patriarchal period was different from the Mosaic period. One significant issue that Parry raises is the tension created by the typological connection


between the extermination of the Shechemites in Genesis 34 and the conquest-era Holy Wars.\textsuperscript{280} Parry, following Moberly, observes that the portrayal of relationships between the patriarchs and their neighbors in Genesis is one of friendly coexistence: Holiness is not in view in Genesis.\textsuperscript{281} This changes at the burning bush in Exodus 3.\textsuperscript{282} Whereas Jacob had bought land from the Shechemites (Gen 33:19), Levi and Simeon are joined by their brothers in slaughtering and plundering the tricked Shechemites in Genesis 34.\textsuperscript{283} Whereas Joshua had slaughtered the Canaanites in obedience to a command from Yahweh and out of zeal for him, Simeon and Levi acted alone.\textsuperscript{284} Parry thus concludes that the slaughter and plunder recorded in Genesis 34 would have had mixed resonance for post-Conquest-era readers.

But was there more inter-textual dissonance? After discussing the lack of over-against-ness in the portrayal of patriarchal religion, as well as the truly ambivalent portrayal of Canaanites in Genesis (Abimelech and Melchizedek are positively portrayed, while Sodom is negatively portrayed), Parry lists seven additional distinguishing characteristics of patriarchal religion over against Mosaic religion. (The list closely follows Moberly's list discussed above. He qualifies his statements, noting that he is attempting to steer clear of the historicity discussions\textsuperscript{285}). The differences are: 1) Lack of cultic centralization, 2) Use of trees and pillars, 3) No role for Sabbath and dietary laws, 4) No prophetic or priestly mediation, 5) Canaan for the Canaanites

\textsuperscript{280} Parry, \textit{Old Testament Story}, 201-204.
\textsuperscript{281} Parry, \textit{Old Testament Story}, 198.
\textsuperscript{282} Parry, \textit{Old Testament Story}, 198.
\textsuperscript{283} Parry, \textit{Old Testament Story}, 204.
\textsuperscript{284} Parry, \textit{Old Testament Story}, 204.
\textsuperscript{285} Parry, \textit{Old Testament Story}, 197 n. 91.
until judgment and dispossession of conquest period, 6) Low emphasis on morality, 7) Lack of emphasis on holiness.\textsuperscript{286}

This type of list provides fodder in which authors like David Carr can read fissures: In other words, if Sabbath and dietary laws do not factor for the patriarchs, then it must have been priestly interference to introduce both topics in the creation and flood narratives, for example. Additionally, if conflict with the Canaanites did not characterize the patriarchal period, then the prophecies about dispossession (Gen 15:16ff) must have been accretions. Regardless of the merit of any accretion proposals, there is another side to analyze here: Why only accretions? Why retain the seeds of problematic texts?\textsuperscript{287} Why not write something more ideologically level? Flipping back to the central thesis of this dissertation, if the critical axiom holds that historical context determines literary content, from what other Israelite context would such characteristics (the seven characteristics of patriarchal religion) stem?\textsuperscript{288} Instead, scribal preservation is the most likely explanation for the literary persistence of such counter-cultural narratives.

### 3.1.4 Summary: Exegesis of Genesis 34

Exegesis of Genesis 34 leaves the reader with two distinct options. On the one hand, following Parry, the reader might conclude that in essence, the chapter is a unity. On the other hand, however, following the majority of interpreters, the reader might conclude that the unity of Genesis 34 is only a late construct, a conflation of two different stories or a single story with multiple scribal updates. From these two options, the reader is left with at least three scenarios, but only two implications with regard to the sourcing of the material. At one end of the spectrum,

\textsuperscript{286} Parry, \textit{Old Testament Story}, 197-198.

\textsuperscript{287} E.g. other cultic sanctuaries.

\textsuperscript{288} Indeed some of these characteristics seem to fit with Christianity better than Judaism.
the material in Genesis 34 is a young unity. That is, the material in Genesis 34 was all composed late as part of the late composition of the Pentateuch. At the other end of the spectrum, corresponding to the pre-critical view, the material in Genesis 34 is an old unity. That is, the material in Genesis 34 was all composed early in Israel's literary history, probably at least as old as the early monarchy. In the wide middle of the spectrum, the reader is left with a conflation of two older stories, or any literary modification of an earlier story. There are only two general implications that can be drawn from these three basic options: First, the material, as a young unity, does not reflect literature or history from an earlier time in Israel's history. Second, the material, either as an old unity or as a later conflation, reflects at least some material from an earlier time in Israel's history. As we will consider in the next section, it is this second option that is exemplified by David Carr's treatment. Carr, continuing to follow the historical-critical axiom, then looks for possible times earlier in Israel's history that could support the creation or incorporation of this material into Genesis.

From an artifactual approach, a significant question arises for any readers who suggest that not even a kernel of this story reflects history: If the material was created apart from any historical basis, by what socio-political mechanic did it achieve authority? The assumption underlying this question is that material was created to achieve authority and then effect the agenda for which it was created. Yet, the question remains: How could a fabricated text gain the authority required for accomplishing the agenda? Again, the assumption is that the agenda required a text with authority, but the question is how to create a text containing authority. A possible solution is

289. The dating of the composition of Genesis is discussed in the following section of this chapter.
incorporation. The created text incorporates material that already has authority\(^{290}\) in order that the new text acquires the authority of the incorporated material. Thus, the new text is also old.

In the case of Genesis 34, what would be new, and what would be old? The most obvious answer, following Van Seters, would be that the mitigating material would be new, but the mitigated material would be old.\(^{291}\) Specifically, material that makes Levi look like a cursed criminal would be old, and material that makes Jacob look like a weak diplomat would be new.\(^{292}\) How old would the old material be? The simple answer is: Older than the supposed agenda. How old is the agenda? To find this information, we must look at the formation of Genesis, because discussions of the formation of Genesis are full of agenda considerations. In short, we will discover that Genesis may have been modified to support the Judahite monarchy—in any case, nowhere near the exile, as the minimalists propose.

### 3.2 Section Two: Formation of Genesis: Genesis 34

In terms of the formation of Genesis, Genesis 34 sits in the middle of some intrigue. On the one hand, in the narrow scope that considers just Genesis 34, a small, complex, and interesting story is told. However, when Genesis 34 is considered in the formation of both Genesis and the Bible, a wide-ranging and fascinating story is told. Especially pertinent to this dissertation, however, is

\(^{290}\) See Levinson, *Deuteronomy*, 155, on the creation of Deuteronomy and the mechanics of investing the creation with authority.

\(^{291}\) Of course, here the question remains: Why create a story that will have to be mitigated? Earlier, I noted that from what we know about the history of Israel, it is difficult to imagine any historical context that demanded the level of critique of Levi that is contained in Genesis. Yes, it is possible that there were anti-Priestly groups at various times, but how would their counter-story have gotten into an otherwise priest-friendly Pentateuch?

\(^{292}\) Van Seters's point is that the material that makes Jacob look weak is newer than the material that makes Levi deserving of Jacob's curse. Of course, material that shows Jacob in an unfavorable light could also be as old as any other Jacob materials that show him as a weak, scheming, deceiver. The fact that such portrayals exist in Genesis at all, as we have discussed, seems to run counter to the Second Temple notion of the virtuous patriarchs.
the centrality of scribal preservation in the unfolding of the story. Even though the story rides on
the wheels of scribal revision, the cart that carries the story is scribal preservation.

Before moving into the story of the formation of Genesis as it pertains to Genesis 34, let us
quickly review what is at stake for the historical-critical axiom, the axiom that historical context
determines literary content. On the one hand, scribes may be seen as preserving older materials
because their historical context demanded it: They were conscripted, hired, trained,
consecrated—whatever—as copyists. Their job was to transmit the materials faithfully. This
application of the historical-critical axiom is important in the big picture of scribal activity, but it
has no bearing on the central question of this dissertation. It has no bearing, because it does not
address the generation of the material being faithfully copied. What has bearing, on the other
hand, is the notion that any copying of ancient texts requires movement from one historical
context to another. Ancient texts that were copied represent their own historical contexts, and
those historical contexts may or may not have been compatible with the historical context of the
scribes who were copying the texts. So it is with the historical-critical axiom and scribal
preservation of Genesis 34. The axiom demands that scribal revision be taken into account, but
the internal and external evidence also demands that scribal preservation—which runs counter to
the historical-critical axiom—also be taken into account.

3.2.1 Formation of Genesis: Genesis 34: Introduction

Gary A. Rendsburg follows Michael Fishbane in seeing the Jacob cycle as unified (see Table 1).

Table 1: Rendsburg/Fishbane Jacob Cycle

<p>| | | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>A</td>
<td>Oracle sought, struggle in childbirth, Jacob born (25:19-34)</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td><strong>Interlude: Rebekah in foreign palace, pact with foreigners (26:1-34)</strong></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Jacob fears Esau and flees (27:1-28:9)</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Messengers (28:10-22)</td>
<td></td>
</tr>
<tr>
<td>E</td>
<td>Arrival at Haran (29:1-30)</td>
<td></td>
</tr>
<tr>
<td>F</td>
<td>Jacob's wives are fertile (29:31-30:24)</td>
<td></td>
</tr>
<tr>
<td>F'</td>
<td>Jacob's flocks are fertile (30:25-43)</td>
<td></td>
</tr>
<tr>
<td>E'</td>
<td>Flight from Haran (31:1-54)</td>
<td></td>
</tr>
<tr>
<td>D'</td>
<td>Messengers (32:1-32)</td>
<td></td>
</tr>
<tr>
<td>C'</td>
<td>Jacob returns and fears Esau (33:1-20)</td>
<td></td>
</tr>
<tr>
<td>B'</td>
<td><strong>Interlude: Dinah in foreign palace, pact with foreigners (34:1-31)</strong></td>
<td></td>
</tr>
<tr>
<td>A'</td>
<td>Oracle fulfilled, struggle in childbirth, Jacob becomes Israel (35:1-22)</td>
<td></td>
</tr>
</tbody>
</table>

Adapted from Rendsburg, *The Redaction*, 53-54. Boldface type added for clarity.

For our purposes, Genesis 34 is entitled "B' Interlude: Dinah in foreign palace, pact with foreigners." Thus, the chapter is connected compositionally to Genesis 26, entitled "B Interlude:
Rebecca in foreign palace, pact with foreigners. If this connection is sustained, certain implications follow: 1. The substance of Genesis 34 is linked to the substance of Genesis 26; therefore: 2. What are the dating discussions for Genesis 26, and if Genesis 26 is "old," how do the thematic commonalities with Genesis 34 relate to the composition of Genesis 34? 3. Rendsburg calls these chapters "interludes," which may relate to the possibility of a later (and appropriately sited) insertion. However, that type of insertion would have to be done carefully, since it could have a ripple effect on discussions of the composition of the Abraham story, which also has parallels to Genesis 26.

This third implication hits home in the seam discussions about Genesis 26. David Carr notes that "Gen 26:1-33 is a likely part of the proto-Genesis composition." Elsewhere he seems to connect the contents of Gen 26:1-33 to earlier Isaac or Abraham traditions. By using these earlier Isaac traditions, the Jacob story is literarily connected to the Abraham story. For Carr, additions to the Jacob story such as Genesis 34 are secondary. What are the implications of this discussion to the composition of Genesis 34? At a minimum, if Genesis 34 is indeed connected literarily to Gen 26:1-33[34], yet another layer is required: a later hand inserted both chapters, after crafting them to have similar settings and themes, into their precise current positions.

296. Carr, Reading the Fractures, 205.
297. Carr, Reading the Fractures, 204.
298. Carr's boundary for Genesis 26 is 1-33, but Rendsburg's boundary is 1-34.
However, there are immediately two problems for fragmenting the composition of Genesis in a way that sees an earlier and a later version with significant structural differences. First, as noted above, Carr sees the material in Genesis 26 as part of earlier Genesis material. So, if Rendsburg's analysis be taken, but the material in Genesis 34 is a late addition, then the Jacob cycle was out of balance before the late addition, or the early material had an arrangement that differed significantly from the later version, even if the content was largely retained.299 The second problem for fragmenting the material in this way is the unity of the final form. Rendsburg points out additional linkages within the Jacob cycle that stretch across segments of the cycle and would need to be accounted for: 1. The וּבָל link in 25:33 and 26:32-34, 2. the Esau marriage link in 26:34-35 and 27:46-28:9, 3. The Shechem and Hamor link in 33:19 and 34:1-27, and 4. The "sons of Jacob" link in 34:7-31 and 35:5.300 In either case, Genesis requires a protracted compositional history.

In Rendsburg's analysis, the structure of the Jacob story also has a parallel in the structure of the Joseph story. Just as the Genesis 34 material forms an interlude that reflects the interlude material in Genesis 26, the parallel Levi material in Genesis 49 forms an interlude that reflects the interlude material in Genesis 38 (see Table 2).

Table 2: Rendsburg Joseph Cycle

<table>
<thead>
<tr>
<th></th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Joseph and his brothers, Jacob and Joseph part (37:1-36)</td>
</tr>
<tr>
<td>B</td>
<td>Interlude: Joseph not present (38:1-30)</td>
</tr>
</tbody>
</table>

299. This seems to be what Carr, Reading the Fractures, 205, suggests, so to Carr, Genesis 26 is both old and new.  
<table>
<thead>
<tr>
<th>C</th>
<th>Reversal: Joseph guilty, Potiphar's wife innocent (39:1-23)</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>Joseph hero of Egypt (40:1-41:57)</td>
</tr>
<tr>
<td>E</td>
<td>Two trips to Egypt (42:1-43:34)</td>
</tr>
<tr>
<td>F</td>
<td>Final test (44:1-34)</td>
</tr>
<tr>
<td>F'</td>
<td>Conclusion of Test (45:1-28)</td>
</tr>
<tr>
<td>E'</td>
<td>Two tellings of migration to Egypt (46:1-47:12)</td>
</tr>
<tr>
<td>D'</td>
<td>Joseph hero of Egypt (47:13-27)</td>
</tr>
<tr>
<td>C'</td>
<td>Reversal: Ephraim firstborn, Manasseh secondborn (47:28-48:22)</td>
</tr>
<tr>
<td>B'</td>
<td>Interlude: Joseph nominally present (49:1-28)</td>
</tr>
<tr>
<td>A'</td>
<td>Joseph and his brothers, Jacob and Joseph part (49:29-50:26)</td>
</tr>
</tbody>
</table>

Adapted from Rendsburg, *The Redaction*, 80. Boldface type added for clarity.

Rendsburg admits that the connection between Genesis 38 and 49 might seem forced on the surface, but he concludes that the evidence runs contrary to this claim:

In sum, there are seventeen theme-words which highlight the parallel status of 38:1-30 and 49:1-28. As a comparison with other matching units in this cycle or in other cycles will determine, seventeen such parallels is an unusually high number. Perhaps because the Judah and Tamar episode and the Testament of Jacob are so dissimilar, the need was felt for more shared words and ideas than is customary. That is to say, A and A' and the other matching units of the Joseph Story are similar enough in action not to require that
many theme-words. B and B' are less homogenous, however, and thus the redactor has insured their correspondence through a veritable plethora of theme-words.\footnote{Rendsburg, \textit{The Redaction}, 86.}

For our broader purposes, it is helpful to continue to track with Rendsburg: "Commentators have usually dismissed the two pericopes as interludes, which is here not denied, but they should also be recognized as the balancing second and penultimate sections in the Joseph Story. As such, they are similar to 26:1-34 and 34:1-31, interluding second and penultimate stories in the Jacob Cycle."\footnote{Rendsburg, \textit{The Redaction}, 86.}

In the big picture, then, if we follow Carr and Rendsburg, we have a later redaction onto both the Jacob and Joseph stories, and this later redaction ultimately became troubling for even later (Second Temple) commentators. This is the exact question this dissertation poses: If it was necessary to add this material for socio-political purposes, why add material that became troubling to later interpreters? Or, was the culture at the time of the additions characterized in such a way that the material was not troubling? If this is the case, then the evidence points to the following conclusion: The material antedated the period in which the material was troubling, and yet the material was transmitted due to the constraints of scribal preservation.

Here we note that Rendsburg follows B. Mazar in dating the redaction of Genesis to the United Kingdom.\footnote{Rendsburg, \textit{The Redaction}, 107-120.} If we follow such a conclusion, one that roughly coincides with Carr's dating, we see that Genesis supports the Judahite monarchy, and that may be enough distance from Levinson's antimonarchial redaction of Deuteronomy on the one hand, and Knohl and Milgrom's pro-priestly redaction of the Pentateuch on the other. In any case, the earlier date of Genesis
seems to work better in conjunction with an understanding of broader cultural and literary developments. And, as we will see, as long as there were developments, there was an interplay between scribal revision and preservation.

An example of a historical-critical interpreter who retains both scribal preservation and scribal revision in his reconstruction of Genesis is John Van Seters. He holds to a view of scribal incorporation, if not scribal preservation similar at some level to David M. Carr. He writes: "As with the Abraham tradition, the story of Jacob and his sons contains a number of independent narratives that can be identified as belonging to a stage of the tradition prior to their integration by the Yahwist into the larger history of the patriarchs. Some of these are obvious, as in the case of the story of the rape of Dinah in Genesis 34 and the tradition about Judah in Genesis 38."

So Van Seters, although he is oriented to agenda-based scribal revision, uses terms such as "independent narratives" and "integration" to explain the formation of Genesis. However, "integration" presupposes some level of scribal preservation, and so the "integrated" material is older than the use to which it was applied. At a minimum, this dynamic nuances the historical-critical axiom, and counters the seemingly "all-new" proposals of the minimalists.

3.2.2 Formation of Genesis: Chapters Related to Genesis 34

3.2.2.1 Genesis 49

As stated earlier, Genesis 49:5-7 seems to pick up on Jacob's condemnation of the brothers:

"Simeon and Levi are brothers: Their swords are weapons of violence. Let my life not come into their counsel; My glory, do not be joined in their congregation. For in their wrath they killed a man, and in their pleasure, they hamstrung an ox. Cursed be their anger, for it is strong, and their

wrath, for it is harsh. I will apportion them in Jacob, and I will scatter them in Israel." There are two general alternatives for correlating this passage to Genesis 34: 1) It is not related, and 2) It is related. What is essential to realize, however, is that in either case, Levi comes out looking bad, and thus, scribal preservation is upheld, in spite of increasing Priestly interests.

3.2.2.1.1 Stanley Gevirtz

Stanley Gevirtz concludes that Genesis 49 is unrelated to Genesis 34. Instead, he reconstructs a tribal history background for Genesis 49, but as we will see, even his proposal reflects poorly on Simeon and Levi.

For Gevirtz, Simeon's error is found in Judges 1: The tribe of Simeon entered a "military alliance with Judah that violently disrupted the federation of pre-Davidic Israel." Gevirtz envisions a poet at the time of the divided kingdom, who in the mouth of Jacob's persona, creates a condemnation of Simeon connected with Levi. But to Gevirtz what the poet really means is that Simeon is condemned not for killing a man with Levi (as the text reads straightforwardly), but for killing Israel's enemies with Judah!

In the case of Levi, Gervirtz weaves together features from 1 Kings 12, Exodus 32, Deuteronomy 9, and Gen 49:6. The resulting reconstruction has the Levites acting on behalf of Jerusalem to destroy a calf at Bethel. Thus, while the text seems to connect Levi with Simeon in the action


of killing a man, Gevirtz's reconstruction has Levites instrumental in the destruction of a cultic bull and Simeon paired with Judah in David's conquests.

While we cannot elaborate here, Gevirtz's reconstruction contains components of both scribal revision and scribal preservation, and regardless of the accuracy of Gevirtz's reconstruction, we are left with a Genesis 49 that positions Levi in a distasteful portrait. Gevirtz summarizes:

The persona of Jacob's Blessing, representing the ideal(ized) pre-Judaean federation of Israelite tribal groups, now at the point of (or shortly after) its dissolution in the reign of Jeroboam I, expresses in Gen. 49:5-7 disdain for Simeon and Levi. Characterizing them as perishing birds of prey, he dissociates himself from them, curses their anger which had led them to commit actions inimical to the perceived interests of the association, and consigns them to dispersion.

Except for the constraint of scribal preservation, what subsequent Priestly scribe would have left this negative information about Levi in Genesis?

3.2.2.1.2 David M. Carr

In contrast to Stanley Gevirtz, David M. Carr treats Genesis 34 and 49 as related. Carr's treatment of the blessings of Genesis 49 is informative, especially when combined with Rendsburg's compositional analysis that linked Genesis 26 and 34, and 38 and 49. As we see Carr's handling of this passage unfold, we see him holding both possibilities of scribal preservation and revision in tandem. First, he discusses scribal revision—scribes allowing the historical context to affect biblical content: "This contrast between the Judah-focused sayings in 49:3-12 linked to the broader Jacob-Joseph story and the following sayings, which lack such


elements, suggests that Genesis 49 was modified by an author who had the Jacob and Joseph narratives in view and wanted to represent Judah's relation to his brothers in light of those narratives. But note secondly, how he continues in a footnote to qualify the scribal revision:

Thus this position does not imply that 49:3-12 was all composed by this author. Indeed a portion of Judah's blessing, Gen. 49:9, conforms particularly well to the third-person, metaphor-explication pattern found elsewhere in the last eight blessings . . . and may be an early core to the section concerning him. In addition, there may well have been earlier antecedents to the blessings on Reuben, Simeon, and/or Levi as well. The point here is that a Judah-focused author has intervened almost exclusively in this portion of the tribal blessings in 49:3-27. Thus, Carr's point is two-fold: The scribe has intervened on Judah's behalf, but that scribe's intervention does not obliterate all evidence of the scribe's preservation—indeed there is evidence of preservation. To Carr, the Judahite scribes worked with the preserved material:

Furthermore, certain parts of the Jacob story narrative appear to be secondary adaptations of it to Southern interests. The best candidates for this are a series of additions to the Jacob story that prepare for the proclamation later in Genesis of the disqualification of Jacob's older sons—Reuben, Simeon, and Levi—from being his heirs and the resulting promotion of Judah to eternal rule (Gen 49:3-12). . . . Not only contemporary scholars, but also apparently ancient Judean scribes, saw an apparent focus on the North in the early Jacob story and attempted to correct it. The challenge of Carr's logic, as sound as it may be, is to find a time when Southern Judahite interests dominated Levite interests—we have seen that Levi looks bad in the blessing—but after the emerging Genesis text had acquired enough authority that the ancient Judean scribes took notice and "attempted to correct it." Of course, this "correction," then, had to be done enough before Levi-oriented scribes came along. That way, the Southern-corrected text would have enough authority that the Levi-oriented scribes would not remove the offense of Jacob's curse.

312. Carr, Reading the Fractures, 251.
313. Carr, Reading the Fractures, 251, n. 54.
They, as we have seen in Genesis 34, would have been inclined at least to mitigate Jacob's curse of Levi. It seems to me that the cumulative result of Carr's discussion, then, is to push the date of the traditions and the authority of the traditions back in time, and not forward as seems to be the recent tendency (see Chapter Two).

3.2.2.1.3 Paul R. Noble

Similarly, Paul R. Noble believes Genesis 34 and 49 are related, and he is convinced that Genesis 49 functions to chart a course through the ambiguity that Sternberg observed in Genesis 34. Thus Noble believes that Gen 49:5-7 finally gives the narrator's perspective on Genesis 34:

The narrator's own attitude is finally made clear by Jacob's deathbed curse upon Simeon and Levi, whose swords (he declares) are instruments of violence, whose wrath is cruel, and who slay men out of excessive anger (Gen. 49.5-7). This is surely in accord with the impression that the reader gains from Genesis 34 itself; thus although we can agree with Sternberg that the narrative shows aspects of the brothers that deserve praise, this does not offset the fact that the punishment they inflicted was out of all proportion to the original crime.  

Noble concludes that this curse is indeed the narrator's own judgment by pointing out the significance of the setting of Jacob's deathbed "blessing," even calling it a prophecy. Robin Parry agrees, noting that "the prophetic interpretation of 49:5-7 is strengthened when one considers that the reader is clearly intended to see Jacob's blessing on Judah, for example, in 49:8-12 as prophetic. The reader is intended to agree with Jacob's verdicts on his other sons so why not Simeon and Levi?" Thus, minimally, Levi, who was elevated by Second Temple interpreters, is on the wrong side of Jacob's blessing, receiving instead a rebuke.


3.2.2.1.4 Summary: Genesis 49

Whether one follows an interpreter like Stanley Gevirtz and concludes that Genesis 49 is not related to Genesis 34, or one follows an interpreter like Paul R. Noble and concludes the opposite, we have seen that in either case, in Jacob’s blessing in Gen 49:5-7, Levi is left looking bad. Essentially, he and Simeon are cursed by their father, the eponymous patriarch of the nation. As we will see in Chapter Four, this negative portrayal of Levi stands in contrast with known Second Temple portrayals of Levi, and this fact supports scribal preservation.

3.2.2.2 Genesis 26 and Genesis 38

As we have already seen, Gary Rendsburg connects Genesis 26 and 34 and Genesis 38 and 49 as paired interludes into the Jacob and Joseph stories respectively. While a full treatment of the composition of Genesis would need to trace these connections, in this dissertation we must confine ourselves merely to mentioning the highlights of the relevance of these chapters to the Levi material. In the following paragraphs I will quickly survey these highlights.

3.2.2.2.1 Genesis 37-50 As a Thematic Unity

D. W. Baker sees Genesis 38 as integral to the Joseph novella. To Baker, the detour in Genesis 38 is not unique in Genesis; instead, the writer uses literary signals to provide literary cohesion. In the case of Genesis 38, a recapitulation and resumption (Wiederaufnahme) in Gen 39: 1 provides the transition back into the Joseph story.


Baker's argument for the presence of a *Wiederaufnahme*, however, can be applied two ways. On the one hand, as Baker understands it, the resumption techniques can be crafted by the author in order to create unity of flow despite the intentional detour. On the other hand, it may be argued that the interpolator can use the same techniques cleverly to insert a secondary interpolation. More support than literary structuring is thus needed to conclude that a passage is integral with its surrounding context. Since we have been considering Rendsburg's proposal that Genesis 26 and 34, and Genesis 38 and 49 are related at the macro-level, and that David Carr sees these chapters as a pro-Judah overlay, it is striking to read Richard D. Clifford's observation about the interruption of Genesis 38 into the otherwise cohesive Genesis 37-50. Clifford remarks that the abrupt introduction of Gen 38:1 into a "particularly exciting part of the Joseph story . . . . is not more abrupt than, say, chap. 26 or chap. 34."\(^\text{320}\)

Robert Longacre has analyzed the Joseph story from a discourse analysis perspective and provides additional support for the unity of Genesis 37-50.\(^\text{321}\) That Genesis 38 is at home in the final form of Genesis emerges through three points of correspondence between Joseph and Tamar. The third observation seems most pertinent. Longacre writes that Doris Myers observes macro-level connections when Tamar's "sons cross-up at birth in a way reminiscent of Jacob and Esau, and Manasseh and Ephraim (Jacob's crossed hands)."\(^\text{322}\) Here we do well to consider Seth Kunin's Neo-structuralism (see Section 3.2.4.1 below). Kunin recognizes in the structure of Genesis a "horizontal mytheme," that "creates ideological distance between the chosen brother

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322. Longacre, *Joseph*, 25, n. 1. We also must be aware here of the possibility of a pro-Ephraim agenda. On a structural level, Ephraim is elevated alongside Jacob and Perez in the patriarchal-blessing narratives/mytheme.
and the rejected brother.\textsuperscript{323} The chosen brother is positive, and the rejected brother/s negative. This is found explicitly regarding Isaac and Ishmael and Joseph and his brothers.\textsuperscript{324} Thus, the birth account in Genesis 38 (and perhaps the blessing account in Genesis 49) ties into this or a related mytheme.

Here, perhaps in similar ways to Kunin's "mytheme," Jonathan Kruschwitz sees integral parallels between Genesis 38 and the Joseph story:

The plot of Genesis 38 constitutes a particular type-scene to which the surrounding Joseph story also adheres. In its concentrated plot replete with irony, Genesis 38 may thus operate as a lens through which its audience might better understand the longer—but similarly shaped and irony-filled—plot of the Joseph novella. Consequently, the two stories do not sit independently of each other. On the contrary, they comprise one integral narrative.\textsuperscript{325}

Kruschwitz, however, takes a different path to describing the surface of what Kunin calls mythemes. He explains that "while the ancient Hebrew audience may not have recognized irony in the same terms that modern scholarship does, it acknowledged and valued those instances of reversal that sprinkle the narratives."\textsuperscript{326} It is these "reversals" that are recognized as significant by writers such as Longacre (Myers) and Kunin. Kruschwitz writes: "The broader strokes of Hebrew narrative seem to revel in this sort of reversal: the younger brother eclipses the older,

\textsuperscript{323} From a Neo-Structuralist perspective a "mytheme" is a narrative-like structure out of which and toward which surface-level narratives are created. See Douglas Earl, "Toward," 38-39, for a summary of Kunin's neo-structuralist approach.

\textsuperscript{324} Seth D. Kunin, We Think What We Eat: Neo-structuralist Analysis of Israelite Food Rules and Other Cultural and Textual Practices, Vol. 412 JSOTSup (London: T & T Clark, 2004), 172.


\textsuperscript{326} Kruschwitz, "Type-Scene Connection," 388.
ostensibly barren women conceive and give birth, the enslaved and oppressed achieve freedom, and so on.\textsuperscript{327}

Richard J. Clifford adds more detail to the angle of approach that sees Genesis 38 as thematically connected with its surroundings. In an unexpected application, he reads Genesis 38 as an indispensable foil for the following material, not as a foil for Joseph's righteousness, but as a foil for Joseph's need for conversion. So Genesis 37-50 is a tale of two conversions and makes use of "several ancestral themes."\textsuperscript{328}

So, to Clifford, as Genesis now stands, the Judah story is integral to the Joseph novella. If this is the case, there are significant implications to the discussion of scribal revision and the composition of Genesis. And, if Carr, Rendsburg, and Clifford's observations be combined, notwithstanding scribal preservation, Van Seter's claim that scribes should be considered "authors" takes on a concrete significance: The various ancestral components in Genesis have been skillfully woven together into a single, grand Genesis narrative.

3.2.2.2.2 A Unified Late Genesis?

While Kruschwitz and Clifford are adding to the discussion of textual unity (and here Lemche's late-ideological-composition model lurks), the discussion cannot stray far from the "one and the many" character of the final form. Kruschwitz cites Gunn and Fewell's characterization of a unified omniscient narrator's voice that tells the story from creation to exile. However, in choosing to listen to the unified narration, he admits that "narrative in the Old Testament

\textsuperscript{327} Kruschwitz, "Type-Scene Connection," 388.

\textsuperscript{328} Clifford, "Genesis 38," 528-532.
undeniably divided its authorship among a host of writers from different times and places."\textsuperscript{329}

Thus in recognizing both the "one" and the "many," even Kruschwitz admits the complex, multi-level character of the text, and in this way, he resembles Childs. Kruschwitz thus qualifies his perception of unity amid diversity: "This study chooses not to listen so much to the voices of the authors behind the text as to the one voice within the text—the voice of the narrator, which weaves the stories of Tamar and Joseph into the coherent, irony-filled pattern of events representative of their type-scene."\textsuperscript{330} This approach is thus compatible with the broader confines of retaining both scribal preservation and scribal revision.

The impact of Longacre's and especially Kruschwitz and Clifford's studies is that Genesis 38 should be more integrally connected to the whole of Genesis than is often proposed. If this is the case, as noted earlier, the unity of Genesis would be less compatible at some level with most source-composition proposals (Documentary and fragmentary hypotheses) and potentially more compatible with the literary stance of the minimalists.\textsuperscript{331} Is this back door support for the minimalists the end of the scribal preservation discussion, since preservation plays such a key role in source-composition proposals? The answer is to look more closely at the culture and the reception history in Second Temple Judaism: Is there evidence that scribes of that period would have composed texts such as Genesis 34? We will turn our attention to that question in the next chapter.

\textsuperscript{329} Kruschwitz, "Type-Scene Connection," 389.

\textsuperscript{330} Kruschwitz, "Type-Scene Connection," 389.

\textsuperscript{331} Longacre, Joseph, 6, writing about the end of the Yahwist, describes the results in less favorable and then favorable terms. He notes that "the old sources—which represent an extreme of fragmentation—are given up or quietly laid aside and newer pieces are later than ever (no more are J and E considered to be from monarchial times) and the patriarchal narratives are less factual than ever." However, in keeping with Longacre's literary orientation, he notes the positive feature: "At least, the internal unity fares somewhat better at the hands of contemporary critics" (6).
3.2.2.2.3 Jewish Law: Judah As a Sinner

Before moving away from Genesis 38, it is helpful to survey briefly any connections in Genesis 38 with Jewish law. Although this passage is not our larger focus, remember that Rendsburg and Carr see Genesis 38 and 49 as later overlays, along with Genesis 26 and 34. So, to a large degree, all of these passages hang together in terms of compositional and reception history. Because of this, a quick survey of the particularities of the legal context of Genesis 38 is relevant. Now as we have seen, to Carr, the overlay of the material in these chapters is intended to clarify support for Judah in the patriarchal texts. As discussed above, the overlay would have preceded priestly mitigations. In terms of scribal preservation, first of all, we have noticed that priestly writers may have had an interest in cleaning up the Levi story, which they nevertheless preserved. More broadly, as we move into the Second Temple period, as noted earlier, the tendency was to present the patriarchs as sinless. So, in the case of the Second Temple's messianic patriarchs—Judah and Levi—both are preserved in Genesis as sinners.

We have just reviewed the close readings of Kruschwitz and Clifford, and by focusing on thematic continuity, we did not address the question as to what Genesis 38 reflects of Jewish law. Is Judah a sinner in a legally-oriented passage? The text assumes levirate marriage, women in fathers' houses, and capital punishment for harlotry, etc. It is in this intensely legal context that Judah emerges as a sinner. And while we cannot address the topic here, the

332. Jubilees 41, for example goes to great lengths to exonerate Judah.


334. For more discussion, see Clifford, "Genesis 38," 524-526, including notes 18, 19. In this discussion, Clifford, "Genesis 38," 524, n. 13 also cites Westermann, Genesis 37-50, 51, and Clifford, "Genesis 38," 528, also cites studies by Millar Burrows to demonstrate that the levirate marriage was not unique to Israel (Millar Burrows, "The Ancient Oriental Background of Hebrew Levirate Marriage," BASOR 11 (1940) 12-15; idem, "Levirate Marriage in Israel," JBL 59 (1940) 23-33; idem, "Levirate Marriage and Halisah," EncJud 11. 122-31).
composition history question arises as to which shaping came first, the legal shaping or the Judah-as-sinner shaping. It seems unlikely that Judah was shaped as a sinner in the Second Temple period. Exogamy was such a concern in the Second Temple period that *Joseph and Aseneth* was written to demonstrate that Joseph the patriarch did not in fact marry an Egyptian. Additionally, in terms of the Second Temple reception of Genesis 38, Michael Segal notes in his investigation of the Jubilees account that "a careful comparison of *Jub. 41*:1-22 with Genesis 38 reveals the larger exegetical goals of the reworking. Most of the differences, including alterations, additions, and omissions, are intended specifically to mitigate Judah's guilt throughout the narrative."335 Thus the Second Temple period was uncomfortable with Genesis 38, but due to the constraints of scribal preservation was forced to create texts outside of Scripture to correct the perceived problems in Scripture. Any freedom scribes had with regard to revision of the scriptural text was not enough to mitigate the problems the Second Temple culture saw in the Scripture, so the mitigation had to be undertaken outside the text of received Scripture.

3.2.2.3 Genesis 26

Moberly observes that even while Isaac is somewhat of a passive character in his other Genesis appearances, in Genesis 26 "almost everything here has a parallel with what is said of Abraham," and "the effect of these similarities is to give a deep sense of pattern and continuity between Abraham and Isaac – 'like father, like son'."336

If we follow Rendsburg's suggestion, that Genesis 26 and 34 are linked, along with Genesis 38 and 49, then we would need to allow for the introduction of multiple compositional agendas:


Judah, Levi, and Isaac-as-Abraham. Indeed, David Carr seems to assume as much. He writes that "minus the Priestly materials (Gen 26:34-35; 27:46-28:9; 35:9-15), several additions preparing for Judah's promotion to the head of Jacob's children (Gen 30:21; 34:1-31; 35:21-22a), and also a digression about Isaac (Gen 26:1-33)," the "Jacob story . . . shows multiple signs of early Northern origins." In other words, in Carr's view, both the Isaac story in Genesis 26 and the Dinah story in Genesis 34 are additions to an earlier story. This, of course, would fit with Rendsburg's proposal that Genesis 26 and 34 are interludes.

### 3.2.3 Pro-David Revision

Therefore, there are some indications that Genesis 26, 34, 38, and 49 were inserted together into the existing patriarchal narratives, perhaps to support a Davidic monarchy. Interestingly, issues of scribal preservation surround even the proposals arguing for insertion. While we have hinted at some of the discussion for dating Genesis, now that we have considered the connection between Genesis 26, 34, 38, and 49, it is helpful to see how these chapters, which presumably function to support Judahite prominence, factor in the discussion of the date of Genesis.

Following the historical-critical axiom, Ronald S. Hendel writes that "The J composition is plausibly dated to the early monarchy and appears to reflect Judean interests." Yet the composition did not end there, since Hendel notes that P may include both a "pre-exilic P writer and an exilic P redactor (Friedman 1981:44-132)."

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337. Carr, The Formation, 475.
With two P's now on the table for Genesis, we return to the dissertation question: How does scribal revision relate to scribal preservation? In basic terms, it appears that Hendel has needed to posit both P's because of the apparently conflicting constraints of scribal revision and scribal preservation, especially given his strict adherence to the historical-critical axiom that historical context determines literary content. So notice how Hendel merges preservation with context-determined composition. For him, the stature of Joseph in Genesis reflects a period when Ephraim and Manasseh were dominant, and "the role of Reuben in the E stratum recalls the period of early Israelite history when Reuben was still an important tribe, while the corresponding role of Judah in the J stratum reflects a time after the rise of David when Judah became a dominant power."\(^{340}\)

In short, for Hendel, with a J, an E, and two P's, both scribal preservation and scribal revision are fully in play. (Here Speiser's remarks pertain: Sources could not be discovered apart from scribal preservation\(^ {341}\)). The early J source reflects a time before the issues important to E and P were factors. When these issues became significant, Genesis was modified to incorporate first the interests of E, then of P. These modifications involved the addition of stories that reflected E and P interests. However, the J stories were retained, even if they were slightly updated to correspond to later E and P interests. Then, in Hendel's view, subsequently, a post-exilic P scribe reworked aspects of earlier J and E stories in line with P interests. In the terms of scribal preservation and revision, the implications are that the latest P scribe envisioned by Hendel had the freedom to adjust the material that he was constrained to preserve. So, materials that originated in a much different historical context survived later revisions and exhibited something of a canonical

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341. Speiser, Genesis, xxvi. As we have seen, regarding the so-called "death of the Yahwist," diachrony has no impact on qualitative source differentiation.
authority in a much later historical context, since the texts not only continued to be transmitted, but they were also the subject of retellings like Jubilees.

As we have already seen, David Carr follows a similar reading of the impact of the passage of time upon the text of Genesis. So where did the Judahite overlay fit in with the development of Genesis and its retouches through history? The following extended quotation from Carr illustrates the concept of Judahite modifications of Genesis. Note also, however, that even though the passage is oriented toward scribal revision, the revision is circumscribed by scribal preservation. In short, Carr proposes a Southern (Judahite) corrective to a perceived Northern version of Genesis.

Certain parts of the Jacob story narrative appear to be secondary adaptations of it to Southern interests. The best candidates for this are a series of additions to the Jacob story that prepare for the proclamation later in Genesis of the disqualification of Jacob's older sons—Reuben, Simeon, and Levi—from being his heirs and the resulting promotion of Judah to eternal rule (Gen 49:3-12). Reuben's act of disqualification—sleeping with his father's concubines—is reported in an appendix to the Jacob story (Gen 35:21-22*; see 49:3-4). Simeon and Levi's act of disqualification—violently liberating Dinah from Shechem (see 49:5-7)—is prepared for by the secondary insertion of Dinah's birth report (without the naming tradition typical of other children) into the narrative about the birth of Jacob's sons (Gen 30:21) and the insertion of the extended story about her liberation in Gen 34:1-31 between the story of Jacob's settlement in Shechem (Gen 33:18-20) and God's order for him to leave there for Bethel (Gen 35:1). In these ways, a story featuring a predominant focus on Northern tribal groups, revolving around a figure (Jacob) renamed "Israel," and taking place at important loci in the Northern monarchy of "Israel" appears to have been adapted through secondary insertions (Gen 30:21; 34:1-31; 35:21-22*) to predict, ultimately, the destiny of the Southern clan of Judah, the clan of the Davidic monarchy, to rule (Gen 49:3-12). In other words, not only contemporary scholars, but also apparently ancient Judean scribes, saw an apparent focus on the North in the early Jacob story and attempted to correct it. Interestingly, these scribes seem to have followed a pattern of gradual disqualification of older sons that is also found in the succession narrative of David (2 Samuel 9-20). Indeed, this is only one of several connections between the succession narrative in Samuel and this series of apparent Judean modifications of the Jacob and Joseph stories.342

342. Carr, The Formation, 473-474. According to Nicholson, The Pentateuch, 117, Erhard Blum suggests that Genesis 38 and 49 were added to the Joseph>Jacob story after the fall of the Northern Kingdom in order to give a
Earlier, Carr had explained the protracted emergence of Genesis. Carr, who as we have seen, proposes a fragmentary as opposed to a Documentary composition of Genesis, treats the compositional history of Genesis in terms of layering. In the following citation, Carr explains how both Northern and Southern scribes adapted older traditions in line with their interests. Notice that Carr seems to emphasize scribal preservation, not to the demise of scribal revision, but nearly to the demise of fresh scribal composition:

At each stage Israelite authors incorporated earlier traditions in this process of creating, combining, or expanding earlier compositions. Working within a predominantly oral culture, they constantly incorporated various fluid traditions, particularly those regarding the major Israelite characters: Jacob, Joseph, Abraham, and Isaac. Moreover, these authors, like many of their ancient Near Eastern counterparts, appear to have worked carefully around written precursors as well. The process began with the Northern combination of the Jacob and Joseph stories and continued with a subsequent Judean modification of this Northern Jacob-Joseph story that anticipates the Davidic dynasty. The latter move in particular appears to have drawn on earlier traditions, traditions regarding Jacob and his children (Genesis 34*), Tamar (Genesis 38*), and some kind of blessing tradition (Gen. 49:1b-28*). Later, an author composed new promise-centered sections regarding Abraham and Isaac based on Judean traditions concerning them, and adapted the primeval history and revised Jacob-Joseph story accordingly. This then formed the first composition extending from Creation through Joseph, "proto-Genesis." This composition, whether with or without a Moses story, then found its way into the broader, Deuteronomistically colored, stream of non-Priestly textual transmission. It was further revised in this context. Once again, at this point we see the probable entry of independent traditions into the mix, traditions like the late story of Abraham's conquest of the Canaanite kings (Genesis 14) and the traditions standing behind the two halves of Genesis 15.  

Judah flavor. This is a slightly different spin on the Carr model, with a different dating of the materials. It does not, however, change the revision/preservation dynamic.

343. Carr, Reading the Fractures, 290.

344. Carr, Reading the Fractures, 291. Compare the complexities of Carr's reconstruction to the discussion by Lemche, "The Old Testament," 171-172, whose arguments to establish a late terminus ad quem for Genesis proceed in an entirely different direction. Even if Lemche is correct, and the Greeks were the first to recognize a differentiation between water and earth, hot and cold, resulting in a Hellenistic terminus ad quem for Genesis, Lemche is still using the concept of terminus ad quem differently than Carr, who by suggesting a fragmentary hypothesis, essentially suggests multiple termini ad quem. Additionally, because of the lack of manuscript evidence, the possibility of having multiple termini ad quem before the manuscript evidence begins becomes a question for text criticism.
Carr’s summary of the process has preserved material at its core and paints a restrained role of scribal revision: "I am arguing that the transmission-history of the non-P material is better explained as the result of a gradual and limited modification of certain core compositions."\(^{345}\)

Notice here first that Carr explains the first major revision of the material in the historical context of the Davidic dynasty, and second that Genesis 34 and 38 were both part of this revision. Further, in light of the canon discussion in Chapter One, notice that something about the patriarchal traditions attracted the attention first of the compiling Northern scribes, and then the work of the Northern scribes demanded the attention of the Southern scribes. It seems clear, therefore, that textual authority, even at this early date, is a factor in Carr's reconstruction.

Here, Carr’s disclaimer, however, deserves attention: "The model does not require us to posit early Pentateuchal traditions hundreds of years before they are otherwise attested to in datable biblical texts."\(^{346}\) While this may seem like a move toward a position closer to that of the minimalists and the late Yahwists, two factors must be considered. First, this statement applies to Carr's use of the term "datable biblical texts." For Thompson, the ability to date texts is oriented to the artifact texts: the Dead Sea Scrolls.\(^{347}\) However, for Carr, the ability to date texts relates to internal evidence, such as correspondence to external reconstructions of history, such as the united monarchy.\(^{348}\) Second, even if Carr were to move his datable criteria toward Thompson, the picture he describes includes multiple layers, and is predicated upon scribal preservation: Thus, the arrow remains pointed backwards in time. This is a significant difference from

\(^{345}\) Carr, *Reading the Fractures*, 292.

\(^{346}\) Carr, *Reading the Fractures*, 292.

\(^{347}\) Thompson, *The Mythic Past*, xv.

\(^{348}\) See below.
minimalists like Thompson, who argues that the non-textual evidence does not allow the arrow to point backwards with any significance.\textsuperscript{349}

Notice how in spite of Thompson’s claims, Carr is willing to look aggressively backwards in time with regard to narrative strands in Genesis: Carr seems to date the layer including Jacob's blessing at least to the Judean monarchy by connecting it to the Davidic dynasty and the need to supplant all of the focus of Genesis from Joseph.\textsuperscript{350} Later he writes:

\begin{quote}
I think it so difficult to reconstruct such early pre-exilic materials in the Hellenistic-period (and later) Hebrew Bible recensions at our disposal, especially given significant questions that have been raised about the existence of any sophisticated scribal operation in tenth- and ninth-century BCE Judah and Israel. These difficulties become abundantly clear in my discussions themselves, especially at loci where I myself probably transgress the dictates of methodological modesty for which I argued in the first part of this book. That said, I still find it interesting to explore if and where we might discern at least the faint outlines of early pre-exilic material in the (much later) Hebrew Bible and what sorts of guidelines might help us do so.\textsuperscript{351}
\end{quote}

Elsewhere, he seems optimistic at least with regard to distinguishing the layers, though he is not reticent to discuss possible dates for the various Genesis layers: "My arguments for the isolation of various stages stand apart from my reflections on the dating and background of each layer."\textsuperscript{352}

So Carr is confident about the features that demonstrate the secondary character of Genesis 34:

\begin{quote}
It disturbs the movement from Jacob’s settlement in Shechem through the purchase of land (Gen. 33:18-20) to God's express command to uproot and leave Shechem (Gen. 35:1). Moreover, the chapter contrasts with its broader Jacob-story context by describing Jacob's children as already old enough to lay waste a local town (Gen. 34:25-29), rather
\end{quote}

\textsuperscript{349} Thompson, \textit{The Mythic Past}, xv, writes: "It is only a Hellenistic Bible that we know: namely the one that we first begin to read in the texts found among the Dead Sea scrolls near Qumran. I have argued that the quest for origins is not an historical quest but a theological and literary question, a question about meaning,"

\textsuperscript{350} Carr, \textit{Reading the Fractures}, 252-253.

\textsuperscript{351} Carr, \textit{The Formation}, 8-9.

\textsuperscript{352} Carr, \textit{Reading the Fractures}, 293.
than as young children (Gen. 31:41; cf. 29:31-30:24) who were vulnerable targets in the preceding encounter with Esau (Gen. 33:1-8).\(^{353}\)

So from Carr, the basic implications for our study are as follows:

- The Levi material in Genesis 34 and 49 was accrued to an earlier version of Genesis.
- Other material in Genesis preceded the revision with "Southern" interests in view. This revision included Genesis 34.
- Carr does not comment on where the scribes got the material for their "insertions."

If we follow Carr's logic, which includes a scribal revision that incorporates preservation in the service of agenda-based adaptation, we run into the issue of the mechanics of authority. The following section addresses the mechanics of authority through a discussion of textual authority and the creation of new texts.

### 3.2.3.1 Excursus: The Politics of the Text and "The ANE Cloud"

As Carr reconstructs the emergence of Genesis, we note that his perception corresponds well with that of Rendsburg, with the exception of Rendsburg's connection of Genesis 34 with Genesis 26. With regard to textual authority, notice first that Carr does not treat the secondary material as secondary compositions but as secondary insertions:

Together, the insertions in Gen. 30:21; 34:1-31; and 35:21-22a suggest that the Judah-focused material in Genesis 38 and 49:1b-28 is part of a broader compositional level spanning the Jacob-Joseph story. The author of this level prepared for Judah's ascendancy in the Jacob story by inserting traditions regarding Judah's older brothers (Gen. 30:21;
He anticipated the Davidic dynasty in the Tamar story near the beginning of the Joseph story (Gen. 38:1-30). Finally, near the conclusion of the Joseph story, he modified and added the tribal blessings of Genesis 49, so that these adapted blessings now balance the claims for Joseph and his sons in the surrounding narrative and anticipate Judah's future hegemony (Gen. 49:1b-28; see especially 49:1b, 3-12*, 28).\footnote{354}

Terminology such as "inserting traditions" and "modified and added" holds both scribal preservation and revision together. This is a clear illustration of what I call the "cloud" metaphor.\footnote{355} The scribe did not create fresh traditions, for this would have had had no authoritative impact for his agenda. Instead, he went to the "cloud" and used already-existing material which suited his compositional purposes. Thus, authoritative texts were paired with authoritative texts in an authorship strategy that both retained the original material and addressed the contemporary situation.

Konrad Scmid's summary of the Priestly combination of Genesis and Exodus is an apt illustration for this "cloud"-like phenomenon: "As its inner argumentation shows quite clearly, P could not take over the connection of the patriarchal narrative to the story of the exodus from an older [already unified] tradition but obviously placed two originally independent corpora of tradition for the first time in a logical sequence."\footnote{356}

\footnote{354. Carr, Reading the Fractures, 252-253.}

\footnote{355. "Cloud" is a metaphor from the IT (information technology) world: Just as computer software and data that are not in a device but are immediately accessible to the device through "cloud" technology, so also in this analogy, Israel's authoritative traditions may have been available to the Israelites prior to having entered what became the canonical texts. Similar to the notion of "cloud" may be William McKane's notion of "reservoir." McKane, A Critical and Exegetical Commentary on Jeremiah: Volume I: Introduction and Commentary on Jeremiah I-XXV (ICC; Edinburgh: T & T Clark, 1986), lxxii, lvi, uses terms such as "rolling corpus," "redeployment of linguistic capital," and "reservoir." The difference between "cloud" as I have proposed it and "reservoir" as McKane has described it is that McKane's "reservoir" consists of an existing literary corpus which was tapped for literary expansion of that corpus. In my "cloud" proposal, the reservoir which was tapped need not have been literary but perhaps oral. The similarity in the formulations is that in both cases, tapping the authoritative source adds to the authority of the new composition.}

\footnote{356. Schmid, "The So-Called Yahwist," 41.}
In a quotation we have already considered, John Van Seters seems to approach the use of what I have compared to the "cloud:"

J was, of course, completely familiar with a substantial corpus of Hebrew writings that included Deuteronomy and the Deuteronomistic History and a Priestly collection that now makes up part of the Holiness Code, as well as some prophetic collections. His mode of composition was a rather eclectic borrowing or imitation from the various codes, often combining elements from different sources or revising an earlier law. Most often his concern seems to have been to fill in gaps in older laws. Since the Yahwist's work as a whole was intended to form a major supplement to the Deuteronomistic History, he did not need to include or repeat everything in the other corpus. All of the "late" Deuteronomistic or prophetic elements in the law are therefore not secondary redactional additions but the work of an author for whom the Deuteronomistic History and the preexilic and exilic prophets were part of the Hebrew literary tradition.357

Thus, Van Seters pictures, as it were, his late "authors" utilizing the "library" of the "Hebrew literary tradition." The "library" was an unclosed catalog (see Jonathan Z. Smith above) of texts that carried authority. For Carr's proposal to work, the scribal insertions that supported the Davidic agenda had to come from the authoritative "Hebrew literary tradition." Since the inserted texts already had authority, the newly revised Genesis maintained its own authority, and gained an ability to address the issue at hand; in this case, the issue was textual support for the Davidic monarchy. The implication is that contents of Genesis 26 and 34, 38 and 49, even though they were not yet part of Genesis, had authoritative currency within the Hebrew literary tradition; otherwise, the opposition could simply say, "No, Judah is nothing special. You just made that up."

3.2.4 A Structurally Unified Genesis

While the proposal we have been discussing makes good sense, namely that Genesis 26, 34, 38, and 49 were all strategically inserted into the developing Genesis in order to modify its Northern

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or Joseph orientation, on the other hand, we have seen that there are some indications that Genesis 38 is integral to the Joseph story (thus changing the insertion proposal), and that Genesis is something of a unified composition. We will now investigate this possibility, and we will conclude that even though it is different, this proposal also incorporates scribal preservation.

Even though neither is proposing Genesis to be monolithic, the treatments of Genesis by Seth D. Kunin, and Douglas Earl, who interacts extensively with Kunin, seem to point strongly in the direction of functional if not compositional unity. Kunin and Earl address macro-thematic issues in Genesis. The issues they address in Genesis are so extensive and forceful that they require any fragmentary proposals to be carefully nuanced. Indeed, even though both assume a variegated compositional history for Genesis, neither is writing with an eye to the implications of their treatments to the compositional history of Genesis. When the trajectory of their treatments is plotted, however, the picture of a largely unified Genesis emerges.

3.2.4.1 Seth Kunin's Contribution to the Discussion of Scribal Preservation

Before moving away from the topic of the unity of Genesis, it is important to mention Seth Kunin. Kunin modifies the structuralist literary tools used by Levi Strauss and applies them to the book of Genesis. Kunin's work is thus termed "Neo-Structuralism." Simply put, the

358. Kunin, The Logic, 269, does not believe that the possible fragmentary background for the Genesis material is incompatible with structural criticism. Speaking in terms of the Documentary Hypothesis, Kunin notes that all of the mythemes and oppositions of Genesis are found in each of the four strata suggested by G. Fohrer. Thus, there should be no conflict in using structural analysis with its holistic, synchronic approach.

Practically speaking, Kunin, The Logic, 12, writes that the scriptural material was written from the eighth century BCE and later, but notes that Genesis was "redacted in the fifth century BC."

359. Michael S. Moore, "Review of The Logic of Incest: Structuralist Analysis of Hebrew Mythology by Seth Daniel Kunin," Catholic Biblical Quarterly 58, no. 3 (July 1996): 516-518, offers a mixed review for Kunin. On the one hand, the book "may be perceived as thorough, plausible, indispensable, even brilliant" (517). On the other hand, he writes: "Others, however, may find this book troublesome and esoteric for the same reasons as those leading some to perceive Lévi-Strauss's work that way" (517). The criticisms offered thereafter relate primarily to the appropriateness of Lévi-Strauss's work in general and the appropriateness of applying it to the Bible. However, regardless of whether structuralist theory is accurate, and regardless of the accuracy of his observations vis-à-vis
structuralist methodology reads the text at different levels. In this reading, there are three currencies with which the narrative operates: human, cultural, and contextual. The last level is the narrative itself, which simultaneously answers to and shapes the previous two or three levels. In terms of the unity of Genesis, Kunin isolates several "mythemes" that present themselves repeatedly in Genesis. Although we cannot follow his full argument here, in short, Kunin only paints the same picture we have already seen: Through the development of the mythemes throughout Genesis, the patriarchs not only play significant structural roles, they simultaneously inevitably become tainted in the process. Earl, who follows Kunin's methods closely, concludes with regard to Levi: Although he may be mitigated at the structural level, this does not erase the problems at the narrative level. The challenge for Kunin's result is what his methods reveal: On the one hand, the mythemes that Kunin discusses transcend source and compositional boundaries. On the other hand, Kunin disavows any attempt to read outside of the "editorial present." Notice, then, the picture that emerges at the end of Genesis. Kunin writes that by the end, "All Jacob's children including Joseph's brothers are inside [this is in contrast to, for example, Ishmael and Esau in earlier generations]." So if all Joseph's brothers are inside, why are they still portrayed as jostling for position? Kunin's response here is that first, on a literary

structuralism, Kunin uses structural observations to sharpen his observation of the text. And Kunin's reading of the text reveals features in the Pentateuch that are significant for our inquiry into the evidence for scribal preservation within the Pentateuch.


level, the structural momentum of segmentation may continue: the same old story invades the new story, and insiders bring the fight inside. Kunin's second possibility is cultural: endogamy is inherently connected to "oppositions," and therefore if the oppositions are not functioning relative to the outside, they must in turn function relative to the inside. Kunin explains elsewhere:

Within the Israelite system marriage is directed inward (mythologically concluding with brother-sister marriage). This inward force is supported by the second element of Israelite culture: segmentary opposition. Like endogamy, segmentary opposition supports the preference to marry as close as possible. This is due to the implied opposition and segmentation which begins at the lowest levels. Segmentary opposition also creates points of opposition between brothers, emphasized by the land tenure system.\(^ {366}\)

As Kunin continues, he explains the logical implication of the land tenure system: "The biblical text suggests a system in which land was held by the tribe and subdivided to smaller family units. Thus brothers would be in direct competition for the same limited resource (which would be subdivided between them)."\(^ {367}\) Endogamy, therefore, as it pertains to the outside, prevents alien invasion of the culture. However, endogamy as it pertains to the inside, very literally functions to protect a clan's own turf.

It is this latter implication that appears to be in play as the narrative progresses diachronically outside of Genesis: Which tribe should control power? Joseph—Ephraim, or Judah? And, should the exercise of the cult be confined to Levi?

Here is where the historical-critical axiom collides with the content of Genesis, if scribal preservation is not factored. Genesis leaves Joseph (Gen 48:21-22) and Benjamin (Gen 42:4,

\(^ {366}\) Kunin, *The Logic*, 261.

\(^ {367}\) Kunin, *The Logic*, 261, n. 3.
favored and Levi demoted along with Simeon. Genesis also had set Ephraim (Joseph) up for greatness, structurally in keeping with the blessing going to the younger son (Gen 48:13-22, cf. Gen 25:22-23 and Gen 38:27-30). So, if we assume that historical context determines literary contents, Genesis actually sets Ephraim up for honor, and Levi is left with Simeon and Reuben as a deserving cast-off. And, of course, when Levi, Simeon, and Reuben are demoted, Judah is positioned for honor, although his own narrative had left him cast in an unfavorable light.

3.2.5 Summary: Formation of Genesis: Genesis 34

Rendsburg connected Genesis 26 and 34, and Genesis 38 and 49. And Carr has us thinking that these passages are secondary additions to Genesis. But note that Konrad Schmid refers to Gen 26:3 as non-P. Along the same lines, notice that in Schmid's synoptic overview of texts

368. In addition to surface references such as these, Kunin, *The Logic*, 142, notes that structurally, Benjamin is a double of Joseph.

369. Kunin, *The Logic*, 150, notes two other parallels between the births of Zerah and Esau: Zerah had a red thread tied on his wrist at birth (Esau=red) and one of Esau's sons was named Zerah.

370. Indeed, Judah is portrayed redemptively in the Joseph story (Gen 43:3-8; 44:14-34; 46:28; 49:8-12), but so is Reuben (Gen 37:21-22, 29-30; 42:37). But Reuben had committed a punishable offense, while Judah had only committed a series of improprieties.

In the case of the negative portrayal of Levi in Genesis, once again Kunin's input confuses matters because of his driving fixation on the "editorial present." He writes elsewhere, *The Logic*, 143, that "structure legitimizes essential cultural foundations, not particular political dynasties or situations," and "structuralist theory suggests that underlying structure is unrelated to particular political events or manipulation, because if structure was subject to them it would not remain constant (as it is observed to do), but would change every time the myth was used;" *The Logic*, 143, n. 2. However, once scribal preservation is factored, this changes the equation: Mythic structure is constant in spite of historical changes when the texts remain constant in spite of historical change. Texts, as we have seen, remain constant in spite of historical change because if they have authoritative status, they are preserved in transmission.

371. The discussion in both the text and the footnote is difficult to follow (Schmid, "The So-Called Yahwist," 43, including note 50, purports to demonstrate the uniqueness of P's concept of the patriarchs as *gryn*—again related to P's revolutionary fusing of the Sinai and patriarchal accounts), but for our present purposes, it will suffice to note that Schmid has Gen 26:3 as non-P.
attributed to P in Genesis 37–Exodus 1, none of the commentators have Genesis 38 as P.\(^{372}\) If we connect all three explanations on the formation of Genesis, the composition of Genesis included at least three major stages with major implications. First, an early Genesis gained some type of authority, because later scribes saw a need to add Genesis 26, 34, 38, and 49 in keeping with Judahite concerns. Second, this version of Genesis was characterized by extensive literary patterning that spanned both "primary" and "secondary" materials. Third, this second version of Genesis gained enough authority that subsequent Priestly scribes sensed a need to modify it further. What is important for our study is that in each case of revision, literature from an earlier historical context was preserved in such a way that the interests of each historical context, the original and the secondary, can be discerned. Thus preservationist constraints at least partially mitigated revisionist programs.

On the one hand, there is evidence that the material in Genesis hangs together. However, in spite of evidence for unity, there are also strong cases to be made for at least some ongoing scribal modifications of Genesis, in keeping with a changing historical situation. If Genesis was modified to support the Judahite monarchy, which likely would not have been near the exile, when might it have been modified and why could this not have been near the exile? First, the youngest the modification could have been would be during the divided kingdom. Supporting Judahite monarchy after the Ephraimite monarchy had been destroyed would make no sense. So more likely the latest that Genesis would have been modified to support the Judahite monarchy would have been when scribes sensed a need to support the legitimacy of the Southern Kingdom against a potential competing legitimacy of the Northern Kingdom. The Northern Kingdom would have supported its legitimacy by pointing to the prominence of Joseph in the ancestral

\(^{372}\) Schmid, "The So-Called Yahwist," 44.
narratives. However, the Judahite modification of Genesis did not orient its presentation against Joseph. As we have seen, the Judahite modification addressed the issue of the first-born in terms of the sons of Jacob. Judah could be first-born, not as opposed to Joseph, but as opposed to Reuben, Levi, and Simeon, Judah’s older brothers. If for argument's sake we allow the biblical history of the monarchy, the Davidic (Judahite) monarchy only contested against the tribes of Benjamin (Saul) and then Ephraim (Jeroboam).

Since there is no Genesis modification elevating Judah specifically against either Benjamin or Ephraim, how can we reconstruct its existence? On the one hand, suppose that Genesis was constructed with a Joseph bias. In this case, the Judahite modification would need to have come after the kingdom had long divided in response to the Ephraimite usurper. Here there would be two expected options, and neither occurred. First, the Judahite modification would accompany a delegitimization of Joseph's right to rule. Second, the Judahite modification would elevate the character of Judah and reduce the character and focus on Joseph. Instead, the reality seems to be that Genesis leaves Judah in a precarious portrayal and Joseph in a sterling, central portrayal. Since Joseph is untouched, it seems far more likely that any Judahite modification would have occurred before Joseph had any political significance, that is, before the divided kingdom.

Following this case, which again follows the biblical portrait of the monarchy, the implication for the material surrounding any Judahite modification is that it must be sourced during or before the Davidic monarchy. If one contends that the material was sourced during the Davidic monarchy, the question of the mechanics of authority remains. If, however, one contends that the material was sourced before the Davidic monarchy, one could also contend that the material was sourced both for its relevance and its existing authority. In any case, the material in Genesis would be far older than the minimalists propose.
There is one other alternative for a late Judahite modification. This alternative would recognize that the Joseph material was not relevant to the agenda of the modification, but was necessarily preserved due to the scribal preservation impulse. Even in this scenario, because scribal preservation is an ingredient, at least some of the ancestor material in Genesis is much older than any late Judahite modification that might be suggested.

So the historical-critical axiom must be nuanced in the following way: Scribal modification, if it be proposed, inevitably assumes the preservation and incorporation of older materials.

3.3 Section Three: Summaries

3.3.1 Exegesis of Genesis 34

Exegesis of Genesis 34 reveals a composite picture of Levi. On the one hand, he pulls off a deceptive and excessively violent act of vengeance and is rebuked by his father for it. On the other hand, he stands in contrast to his timid and acquiescent father. He has the last word, and the narrator prepares the reader to see the event from Levi’s perspective. This composite picture of Levi preserved in Genesis 34 thus directs us to consider the possibility that the story has been revised to mitigate Levi’s guilt, but preserved in such a way that the guilt is not entirely removed. The end result is that readers are left with a mixed impression of Levi. It was that mixed impression that Second Temple writers tried finally to clear up in their retellings of the story.

3.3.2 Formation of Genesis

Genesis 34 shows literary and thematic correspondences with Genesis 26, 38, and 49. On the one hand, all of these chapters can be labeled as interruptions within their literary settings. At the same time, all of these chapters correspond to a type of sub-narrative in Genesis that demonstrates Judah has a right to the firstborn. Because of this, it is possible to argue that the
four chapters are part of a secondary adaptation of Genesis. This secondary adaptation can be explained as a larger move to correct the Northern and Joseph focus within Genesis.

At the same time, these chapters are at home within Genesis, and it is difficult and maybe impossible to read Genesis without them. Furthermore, the themes in these chapters are pervasive within Genesis. So a good case can be made for a type of unity within Genesis. However, the unity of Genesis remains a complex unity. This complex unity seems to have an inherent instability to it, and this instability in spite of unity points to the delicate balance of scribal revision and scribal preservation.

So, regardless of whether Genesis 34 was modified to mitigate Levi’s behavior, or whether Genesis 34 was part of a Judahite insertion, or whether the Joseph story was composed as a unit, scribal preservation must be incorporated to explain the retention of certain features that would otherwise be in conflict with various historic contexts.
Chapter 4
Second Temple Reception of Genesis 34

In Chapter Two, we saw that recent scholars have raised the possibility that the Pentateuch was composed in the Second Temple period. Throughout this dissertation I have suggested that it is unlikely that the Pentateuch was composed during the Second Temple period because the Pentateuch contains texts that run counter to known Second Temple texts. I have used Genesis 34 as a case study to show the contrast between Pentateuch material and Second Temple texts because of the different portrayals of Levi in the Pentateuch and Second Temple texts. On the one hand, as we saw in Chapter Three, Genesis has an unflattering portrayal of Levi’s actions, first in Genesis 34 and then in the corresponding Genesis 49. On the other hand, as we will see in this chapter, the Second Temple literature retells the Genesis 34 material and portrays Levi as a righteous zealot. However, before moving into the Second Temple texts, it is helpful to summarize briefly the cultural movement that contributed to the Second Temple's polishing of Levi’s character.

4.1 Section One: From Torah as Instruction to Torah as Law

There was a movement in the Second Temple period that shifted the focus from Torah as instruction to Torah as codified legislation, and the period was characterized by an ever increasing cultic and textual precision. The result was that even when the historical context conflicted with the nature of the materials in the Pentateuch, that same historical context simultaneously required preservation and transmission of received texts. Thus, ironically, the culture of increasing exactitude cut two ways: Exacting textual transmission forced the
preservation of texts that otherwise seemed to undercut an increasingly prescriptive and legislative reading of Torah.

4.1.1 In Theory: From Torah as Instruction to Torah as Law

The Second Temple period bears witness to the full spectrum of scribal activity. However, the critical axiom urges scholars to focus on revisionist rather than preservationist practices. Yet, the culture of the Second Temple period was propelling the reception of the biblical text in two distinct directions. On the one hand, the culture was becoming increasingly text-based, and the twin corollaries of this movement were that the text gained authority, and it was treated with ever-increasing preservationist exactitude.\textsuperscript{373} On the other hand, a simultaneous movement was emerging as the authoritative text was acquiring a prescriptive and legislative role and reception in society.\textsuperscript{374} The accompanying corollary of this movement was an impulse to elevate the "heroes" in the text in such a way that they could function as models upholding the prescriptive standards now attached to the text in which they appeared.\textsuperscript{375} These contradictory impulses had two results for the handling of the scriptural text. On the one hand, the transmission of the text became more exacting. On the other hand, the received text conflicted with the legislative culture, resulting in the creation of new texts that compensated for the newly recognized inadequacies of the old texts. On the one hand, the leaving-alone of the scriptural text is

\textsuperscript{373} We have already seen how Carr, \textit{The Formation}, 114, describes this move toward an increase in exacting transmission standards. Carr, \textit{The Formation}, 127, also explains that this move has parallels outside the Bible: "Both the cuneiform and biblical traditions appear to have been treated as more amenable to large-scale changes early in their development and fixed ever more firmly in later periods of scribal transmission."

\textsuperscript{374} Recent contributors to understanding this cultural move are LeFebvre, Collections, Davies, "Law in Ancient Judaism," Watts, \textit{R ritual and Rhetoric}, 208ff, and Carr, \textit{The Formation}, 114. For an older source, see Weinfeld, \textit{Deuteronomy}, 280.

\textsuperscript{375} One evidence of this movement was the attribution of sinlessness to the patriarchs and other heroes. See Allison Jr., \textit{Testament of Abraham}, 230-1, for the Second Temple period and Moore, \textit{Judaism}, 468, 516, for the rabbinic period.
explained by the elevated authority and precise transmission of the text. On the other hand, the revising impulses were channeled outside of the Scripture.376

So the cultural revolution around the significance of law in ancient Israel made its mark on ancient Israel's literature. This revolution is significant to the discussion of scribal revision and scribal preservation: The historical-critical axiom explains that scribes revised the text in line with their changing perspective on law. However, the historical-critical axiom does not explain why features in the text remain in spite of the changing perspective on law. The result is literary friction, and scribal preservation is the explanation for the friction. The tension is not only inside the text, but when Second Temple literature is considered, tension is apparent between Second Temple compositions and the biblical texts that were preserved and transmitted during the Second Temple period. Before analyzing that inter-textual tension, however, let us outline the cultural revolution in ancient Israel's perspective on law.

Michael LeFebvre proposes that Jewish law be looked at as descriptive377 as opposed to prescriptive/legislative all the way through the compositional history of the Pentateuch and beyond.378 This is a dynamic concept of law,379 with laws as exercises, examples, and "national exhortation" rather than court legislation.380 Philip Davies sees the situation through a semantic

376. Here I realize that for some, the notion of "scripture" or "biblical text" at this time in history is anachronistic. See, for example, Lemche, The Old Testament, 273. Yet, without entering that discussion, which has its merit, in the case of this dissertation, the terms "scripture" and "biblical" will be used to denote in general terms that ultimately became part of the Bible or scripture. For further discussion, see VanderKam, From Revelation to Canon, 1-30.

377. Perhaps non-legislative is a better term.

378. LeFebvre, Collections, 139. Also see LeFebvre, 239, 241, 258-262, for descriptions of the "triggers" that pushed the reconceptualization of Jewish law.

379. LeFebvre, Collections, 54.

380. LeFebvre, Collections, 49-51.
lens: reading Torah as "teaching" (Hebrew meaning), helps avoid some of the historical tensions caused by reading it as nomos (Greek translation). Similarly, Barnabas Lindars believes that תרד only came to have meaning attached to codified legislation in the time of the Deuteronomists, whom he places in the early part of the exile. Prior to this semantic move by the Deuteronomists, תרדה had a broader application encompassing wisdom and the cult. The semantic move by the Deuteronomists—moving תרדה from general instruction (priestly sense) to law code (deuteronomic sense)—however, paved the way for the nomos translation and the legislative cultural implications that resulted. Since the contents of Scripture retain both meanings of law, this is another instance of the impact of scribal preservation.

Simultaneously, the cultural revolution in ancient Israel's perception of law also affected transmission precision. David Carr describes this move toward an increase in exacting transmission standards by as early as the late second century BCE.

George W. E. Nickelsburg explains that later treatments of Scripture were more faithful to it because the texts were attaining canonical stature. Yet Susan Docherty explains that by the first century BCE, texts dealing with Scripture became moreexpansive. And, it is likely that as Scripture became more legislative, texts about Scripture became more expansive: Expansion

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would be necessary to allow an increasingly fixed Scripture to have wider, more pervasive points of contact with the world in which it was being called to legislate.

So there was a steady transition by the time of the Second Temple period between the two phases: from "non-legislative to legislative thinking," as LeFebvre puts it. For Davies, the latter development began in Persian times, and the law itself was not in the domain of the public until the time of the rabbis. However, Carr explains that the character of the Pentateuch itself did not quite fit with the type of materials that Persians would sponsor. Instead, Carr thinks that Persian sponsorship may have changed not the character of the Pentateuch but the way the returning exiles perceived the Pentateuch. So times were changing, and as a result, the perspective of newly written texts also changed.

James Watts presents a different angle on the emergence of the written Torah's authority. He explains the complexity of the Pentateuch by claiming that as authority moved from rituals to ritual texts, authority also moved from ritual to non-ritual texts that accompanied the ritual texts. And yet, as Watts alludes, and as we will see in the following section, it is impossible to separate the ritual texts from the non-ritual texts in the Pentateuch. So logically, the composite literary Pentateuch (which as Watts notes is a unique document in history) must have preceded

the authoritative legislative Pentateuch, and Watts sees aspects of the legislative authority of the Pentateuch as early as 620 BCE. 391

Similarly, John J. Collins has charted the Second Temple movement in which Torah ultimately gained textual and legislative prominence. 392 While Collins concludes that ultimately it was not until after the Hasmonean period that Torah became understood as a source for halakic, sectarian debates, the cultural moves that transformed the Torah from an Ancient Near Eastern law code to a legislative sourcebook are first seen in Josiah's reform. 393 Yet Josiah's reform was merely the beginning of a process that included developments in the Persian period, 394 and then arrived at Hellenism with its focus on legislating on the basis of ancestral laws. 395

And what exactly did the Greeks think of Jewish ancestral laws? Hectateus of Abdera is the earliest known source. 396 Lester L. Grabbe dates Hectateus of Abdera to "about 300 BCE." 397 Moses, the leader of the exodus from Egypt, was already connected with a written law book from God, and the priesthood is connected to civil and legal authority. Lester L. Grabbe summarizes and explains Hectateus' report:

He describes a Jewish ethnic and national community centering on Jerusalem. They were founded by Moses who led a group out of Egypt, divided them into twelve tribes, and

built Jerusalem and its temple. He goes on to say that the Jews have never had a king but
the priests provide leadership and act as judges, as well as running the cult and teaching
the law. Chief authority is invested in the high priest who is chosen for his wisdom. It can
be argued that the ultimate source of this picture is priestly teaching.³⁹⁸

By the time of Hecateus, then, it is clear that the priests had developed their own telling of
history that differed significantly from the account given in the Pentateuch. It does not seem
likely that such priestly scribes would have composed a Pentateuch any less favorable to their
own stature than what Hecateus reports. So by the time of Hecateus, it seems that Israel had both
a reservoir of written "ancestral laws" and a distinctly priestly angle to the telling of her history,
an angle that differed from what is now contained in the Pentateuch.

With ancestral law elevated in the Hellenist period, it only remained for the Pentateuch, which
was not strictly an ancestral law book, to achieve legislative prominence, and Collins writes that
it would take the Hasmonean rebellion to catalyze this move: "While the Hasmoneans were not
especially known for their piety, they accorded the Law a pivotal place in forming Judean
national identity, and thereby created the context in which halakic discussion, and controversy,
flourished."³⁹⁹ However, the result was not a complete novelty. As Collins states, there must
have been a long history to this type of critical engagement with the text:

The kind of halakic analysis that we find in the Temple Scroll and Jubilees cannot have
developed overnight. Undoubtedly, these issues were being discussed for some decades
before these books were written, certainly before they attained their final shape. Halakic
issues must have exercised priests already in the biblical period. The fact that the
surviving writings that reflect halakic debates date from the Hasmonean era, however,
suggests that they enjoyed new prominence in Jewish society at this time . . . ⁴⁰⁰

³⁹⁸. Grabbe, "Israel's Historical Reality," 21. See also Collins, "The Transformation," 464, and Bezalel Bar-
Kochva, The Image of the Jews in Greek Literature: The Hellenistic Period (Berkeley: University of California,
2010), 135.


So even legislation's corollary, halakic interpretation, had a long phase of development. Yet it is clear that the winds had shifted during the Second Temple period, and as time went by, these legislative/textual winds only strengthened, until, as Collins describes it, textual interpretations became the source of extreme sectarianism.\(^{401}\)

The foregoing summary of the cultural development of law connects on two levels with this dissertation. First, the perspective on law that preceded the process of legal transformation that began at Josiah's reform—a dynamic, exhortative view of law—on the one hand would not seem to demand a wholesale harmonizing revision of the Patriarchal narratives. Simultaneously, on the other hand, that a wholesale harmonizing revision did not occur in the Patriarchal narratives might be used to support the concept that law was considered to be dynamic and non-legislative at the time that the Pentateuch was being knit together.

Second, the movement toward the conceptualization of Torah as legislative as described by LeFebvre, Davies, Watts, and Collins closely parallels the rise of harmonizing interpreters. Thus, with the authority of the Pentateuch beginning to be viewed as legislative and applicable to all aspects of life, interpreters began to be aware of the need to explain its newly apparent inconsistencies.

### 4.1.2 In Practice: From Torah as Instruction to Torah as Law

#### 4.1.2.1 In Practice: Changing Torah Changes Torah?

Once the breadth of Torah as instruction had narrowed to Torah as legislation, the lives of the patriarchs needed to correspond to the legislative demands of Torah. On the one hand, the Pentateuch itself may have received some legislative shaping. Frank Crüsemann agrees, noting

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\(^{401}\) Collins, "The Transformation," 474.
that "it is obvious that a turning point is marked by the literary insertion of the laws into a narrative framework beginning with the creation of the world. This uncovers problems which far exceed the scope of what we can discuss here." 402 The problems to which Crüsemann refers may be the curious reality that the legally-challenging patriarchal narratives are placed with such prominence within the final form of the Pentateuch. R. Walter L. Moberly writes:

One final question to ask in this context is why Israel should have preserved the stories of the patriarchs. After all, Israel's own story begins with Moses and the Exodus, and it is only in this context that Israel's distinctive knowledge of God as Yhwh is given. Although a partial answer may be that the writers of the Pentateuch wished to show a historical continuity between Israel and its antecedents, that of itself would not suffice to explain the position that Genesis 12-50 has at the outset of Israel's sacred writings, particularly when the religious ethos and practice of the patriarchs . . . is so at odds with that of Mosaic Yahwism. 403

In other words, the final composition of the Pentateuch orders the material such that the patriarchs' legal context is narrated first, and then the conflicting but binding narration of the law follows.

And it is not as if the narratives are entirely distinct from the legal context. Raymond Westbrook and Bruce Wells cite at least two patriarchal accounts that demonstrate that ancient readers actively oriented their readings of narratives to their understanding of law. 404 So the legislative context of the narratives was integral to their construction and coherence. For this reason, Westbrook and Wells discuss the value of narratives as sources for studying biblical law:

"Stories, sayings, prayers, and poems can all provide valuable insights into legal concepts and practice. . . . The passing mention of a law in a narrative may give only indirect evidence of its


existence but may be more reliable, because it occurred unself-consciously, without concern for the law's implications. Therefore, at least from the perspective of Westbrook and Wells: one can separate the narrative out of the law, but one cannot separate the law out of the narrative: Legality is an integral contextualizing factor in biblical narratives.

Here an objection might be raised that scribes did not have the big picture in view. In this regard, Michael Segal offers an assessment of James Kugel's methods: "As a general methodological principle, Kugel has suggested that, 'Ancient biblical interpretation is an interpretation of verses, not stories' (The Bible As It Was, 28), a statement which he has amply demonstrated in his many studies. At the same time, his focus on individual exegetical motifs can obscure the general interpretive tendencies present in complete narratives." So Scribes attended to texts at both the micro- and macro-levels. Furthermore, if scribes were making even isolated semantic adjustments to mitigate the characters in the text, the fact that the stories were being mitigated by degree shows that in large part they were being preserved.

4.1.2.2 In Practice: The Patriarchs Became Sinless

Even though as discussed above, on the one hand, the Torah itself may have received some legislative shaping, on the other hand, it is seems clear that simultaneous to the Torah becoming read more legislatively, the text itself was being preserved more scrupulously. Therefore, it became impossible to use scribal revision to bring the patriarchs in line with contemporary legislative standards. So, commentaries were composed outside the authoritative text to explain how the patriarchs met the legislative standards now demanded by the culture. Although in the

405. Westbrook and Wells, Everyday Law, 11.

Rabbinic assessment, the patriarchs were understood to be sinners in the general sense,\(^{407}\) many Second Temple and rabbinic writings specifically treated the patriarchs as sinless.\(^{408}\) This literary movement demonstrates a culture that saw the patriarchs not only as the physical progenitors of Israel, but also as moral progenitors in keeping with Jewish law. However, physical and moral ancestry was not sufficient: The Second Temple culture was also interested in seeing ceremonial ancestry in the patriarchs. Martha Himmelfarb shows that in the case of the law of the priesthood, in which Levi receives the priesthood instructions from Isaac—something not found in Genesis, Aramaic Levi is more detailed in its priestly instructions than P.\(^{409}\) So Levi (in addition to Isaac who instructed him) was the ceremonial progenitor for the nation.

Himmelfarb then takes the legislative development discussion further: Within the Second Temple period, the priesthood itself was becoming "institutionalized."\(^{410}\) Thus to Himmelfarb, this institutionalization of the priesthood required texts such as Aramaic Levi in order to explain and standardize priestly practices. In terms of scribal activity, however, note that the explanation and standardization of the priestly practices had to be done outside the Scripture. The

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407. Moore, Judaism, 468. Yet Moore, Judaism, 516, quotes verse 7 of the Prayer of Manasses, which claims that Abraham, Isaac, and Jacob did not sin.


composition/revision stage was over. Indeed, as we turn our attention to specific Second Temple
texts, we will see the evidence of the cultural move that made the patriarchs into more suitable
moral and ceremonial ancestors.

4.2 Section Two: Second Temple Levi Texts

In the Second Temple period, Levi is elevated as the deserving patriarch of the priesthood. The
virtuous presentation of Levi is common in the related texts of Aramaic Levi, Jubilees, and the
Testament of Levi. The dominant witness of the earliest Second Temple Jewish literature is that
the literary, political, and theological problems in Genesis 34 seem to have been straightened out.
The following passages in Second Temple Jewish literature demonstrate that the narrative
strands of Genesis 34 loudly tolled a discordant tone on the legal ears of their authors.411

1. *Jubilees* 30 puts a positive spin on Simeon and Levi's actions. The brothers are
portrayed as dealing cleverly in negotiating with Hamor and Shechem, and they punished the
city because it dishonored their sister.

was the third generation matriarch targeted by Shechem. Thus God himself meted out the
judgment and the looting.

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411. I have chosen to treat only those Second Temple texts that are closest to the time frame of the last major
revisions or compositions of Scripture. By this criterion, I do not address the literary handling of the Genesis 34
events within Josephus (*Jewish Antiquities* 1:337-342), Pseudo-Philo (*Biblical Antiquities* 8:7), or 4 Maccabees
(2:19-20). The fragmentary Demetrius the Chronographer (preserved only in Eusebius's *Praeparatio Evangelica*
9.21.5, 9, 17), while it is earlier than Josephus, Pseudo-Philo, and 4 Maccabees, nevertheless is dependent upon the
LXX Pentateuch. It neither clearly exonerates nor condemns Levi for the slaughter, but in its brevity nevertheless
twice notes that Dinah had been defiled.
3. *Joseph and Aseneth* 23:14 claims that God used Simeon and Levi specifically to punish the Shechemites who had "insulted the sons of Israel." (*Joseph and Aseneth* also explains how Joseph did not marry a foreign pagan).  

4. *Judith* 9:2-4 only mentions Simeon. This passage portrays Simeon in a strictly positive light, claiming that God enabled his revenge and looting of a guilty and lawless people. 

5. In addition to Mal 2:4-6, the fragmentary Aramaic Levi is potentially an early source for the previously mentioned texts. Aramaic Levi presents Levi in a strictly positive light. 

6. Malachi 2:4-6 references an eternal covenant of priesthood for Levi and seems to link his zeal for righteousness to the founding of the covenant. This text is discordant with the patriarchal narratives because it not only references a covenant that is never described in the biblical text, it also only credits Levi with righteous zeal, thus positioning Levi in a significantly different place than where Genesis 34 or 49 had left him. Malachi, therefore, on the one hand may be the first evidence of a priestly retouching of the Genesis tradition, and the first literary evidence of a culture moving away from what is preserved in the scriptural literature.

412. This defense of Joseph is an additional narrative strand which claims a connection with Genesis 34. This connection is discussed extensively by V. Aptowitzer, "Asenath, the Wife of Joseph" *HUCA* 1 (1924): 255, and it parallels the case study of Genesis 34 discussed in the dissertation. The other narrative strands that connect with Genesis 34 include Reuben's loss of the firstborn status (1 Chr 5:1, Jubilees 33:2; 45:14-15, Testament of Reuben 3:11-15), and Judah's right to the throne (*Testament of Judah* 22:1-3).

413. Andrew E. Hill, *Malachi: A New Translation with Introduction and Commentary* (Vol. 25D AB. New York: Doubleday & Company, 1998), 206. A lack of explicit language combined with the presence of an explicit affirmation by interpretation can be equated with a cultural move, and this is exactly what the Second Temple literature supports. Ebenezer Henderson, *The Twelve Minor Prophets: Translated From the Original Hebrew With a Critical and Exegetical Commentary* (Grand Rapids: Baker, 1858 Reprinted 1980), 452, has drawn an excellent tie to an explicit covenant with Levi's descendent Phinehas (Num 25:12-13) in which case Levi is used as a metonymy for Phinehas. This has little bearing on our discussion of Second Temple culture: Levi, whether actually or through metonymy has been elevated, and this is in keeping with the broader cultural impulse.

414. For an introductory discussion on the priestly flavor of Malachi, see Hill, *Malachi*, 213.
7. Deuteronomy 33:8-11 may contain the seeds of Levi's elevation that sprouted in Malachi. It may, of course, reflect a simultaneous move. While Deuteronomy may not treat the patriarch Levi specifically, it does connect an expanded priestly role for the tribe due to the meritorious actions of an individual. This move may reflect or have influenced the elevation of Levi in the Second Temple period.

Therefore, with the exception of the Judith text (which is discussed below), these texts demonstrate that Second Temple readers were troubled or dissatisfied with the biblical texts they had received because of how they portrayed Levi in a negative light. These authors, therefore, composed texts that can be considered to be attempts at reversals: Legally or morally speaking, these authors attempted to demonstrate that the patriarch Levi was more "righteous" than portrayed in Genesis 34.

Judith 9:2-4 is similar to the previously mentioned Malachi and Deuteronomy texts, however, because it shows no explicit attempts at reversal. Additionally, both the Judith and Malachi passages are distinctive because they seem to be secondary to an already existing reversal that had exonerated Levi and Simeon. By referring to Levi and Simeon in a strictly positive light, both Mal 2:4-6 and Jdt 9:2-4 reflect a prior successful reversal that exonerated Levi and Simeon since these passages merely utilize but do not contribute to the reversal. For our purposes, Jdt 9:2-4 pertains especially with regard to the strong Second Temple priestly and monarchial

415. The Judith and Malachi texts may be an exception. On the one hand, they may simply reflect an existing positive reading of Levi. On the other hand, they may be part of the move to elevate Levi, but less explicitly so.

interests, because it seems as if there would have been less contextual interest in propping up Simeon's righteousness than, for example, Levi's or Judah's righteousness. If this is the case, then Simeon had already been "propped up" in other previous literature only because he was inextricably connected in the narrative with Levi. And, since Judith reflects this previous reversal of portrayal of Levi and Simeon, it shows the antiquity or authority of the reversal relative to the composition of Judith. Additionally, as noted above, both Mal 2:4-6 and Deuteronomy 33:8-11 are especially interesting because eventually they became part of the canon and may be older than and therefore may have influenced the other Second Temple texts.

These Second Temple texts demonstrate that the readers in Second Temple Judaism were uncomfortable with certain parts of the content of the scriptural texts. This Second Temple tension between historical context and textual content is foundational to understanding scribal preservation because it demonstrates that in the era slightly beyond the post-exilic period, even though context could affect content in non-scriptural texts, its affect on content in the scriptural text was limited. This insular quality of the scriptural text in the Second Temple period was due to a pervasive reception of the scriptural text as authoritative, and scribal preservation was the correlative result.

As we will see, the common presentation of Levi in the Second Temple texts is likely due to a direct literary relationship among these texts. Before addressing the Levi information in each text, it is helpful to examine briefly the scholarly consensus regarding the date, provenance, and

417. Benedikt Eckhardt, "Reclaiming Tradition," 243-263, presents the most comprehensive explanation of Judith's historical allusions. In summary, Eckhardt considers the story to be simultaneously strategically absurd as a record of history and strategic in its historic allusions. Therefore, Judith's genealogical connection to Simeon is meant as a foil to Hasmonean connections to Levi and Phinehas. This interpretation, however, does not impact the discussion above. Eckhardt, "Reclaiming Tradition," 254, himself discusses the nature of the already-extant Levi reversal in the culture.
theme of each text. This information then informs the exegetical inquiry that follows. In the exegetical inquiry, we will consider not only the Shechem texts, but also each text's treatment of Levi the patriarch in general.

4.2.1 Levi is Virtuous: Related Second Temple Texts

4.2.1.1 Aramaic Levi

4.2.1.1.1 Aramaic Levi: The Broader Discussion

Aramaic Levi appears to have been broadly influential in the Second Temple period, since portions of it have been found at both Qumran and in the Cairo Geniza, as well as translation fragments at Mt Athos.\textsuperscript{418} Because of the nature and content of the manuscript witnesses, Robert A. Kugler concludes that the Levi texts do not represent variant witnesses to one textual entity, but rather witnesses to distinct entities.\textsuperscript{419} So even if the Levi witnesses are distinct, the motifs and traditions they utilize point to a broad common stream elevating Levi. And according to Kugler, that previously existing common stream that elevated Levi was something with which the Qumran community could identify.\textsuperscript{420} So while Esther Eshel refers to Aramaic Levi as "one of the earliest known postbiblical Jewish writings,"\textsuperscript{421} and VanderKam and Flint date it to the

\begin{footnotesize}
\begin{enumerate}
\item Kugler, "Whose Scripture?" 14.
\end{enumerate}
\end{footnotesize}
third century BCE, both datings stem from literature influenced by *Aramaic Levi*. Instead, by focusing on Qumran's *revoicing of Aramaic Levi*, Kugler seems to be pushing the composition back even further: It was "made from existing material." 

James C. VanderKam and Peter W. Flint explain that in the Bible after Levi and Simeon avenged the rape of Dinah, "their father Jacob criticized them for giving him and his family an odious reputation among the surrounding peoples (Gen. 34:30)—sentiments that were repeated in the patriarch's dying words to the two brothers (Gen. 49:5-7)." Yet, VanderKam and Flint note that "in later compositions such as *Aramaic Levi* and *Jubilees*, . . . Levi's reputation improved markedly. In both texts the Shechem incident helps explain why Levi became a priest (cf. Mal. 2:4-7) and was given the promise of an eternal priesthood for his descendants." The citation of Mal 2:4-7, though it contains no direct connection to the Shechem incident, is valuable because it provides an additional vantage point from which to triangulate the cultural assessment of Levi and its effects on the composition of texts. Subsequently, we will return to evaluate Malachi's role in the culture's restoration of Levi. Before moving to an investigation of Malachi, however, let us continue in the non-biblical Second Temple Levi texts, beginning with a close reading of Levi in *Aramaic Levi*.

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424. Kugler, "Whose Scripture?" 22. See also Kugler, "Whose Scripture?" 23, where he calls Qumran's version "an innovation on a received tradition."


4.2.1.1.2 Aramaic Levi and Genesis 34

Due to the fragmentary nature of the Aramaic Levi Document (ALD), it is impossible to give a one-to-one comparison with Genesis 34 and 49. Jonas C. Greenfield, Michael E. Stone, and Esther Eshel note that at least 14 lines are missing before ALD 1:1.\(^{427}\) So ALD 1:1 corresponds roughly to the time frame of Genesis 34:7 or 13-17, but the material in Aramaic Levi represents an expansion vis-à-vis what is narrated in Genesis 34.\(^{428}\)

However, Aramaic Levi contains material which, if it is not in direct contrast to what we have in Genesis 34 and 49, nevertheless represents a pro-Levi expansion.\(^{429}\) While Aramaic Levi deals with the Schechem incident in 1:1, the material is too fragmentary to draw any conclusions. Yet, even by picking up in chapter 3, we get a feel for Aramaic Levi's rehabilitated Levi. So because of the fragmentary nature of the material, the following are the most significant features of Aramaic Levi's treatment of Levi.

When our manuscripts pick up in chapter 3, Levi is praying. In his prayer, there is language highlighting justice (3:12, 17), participation in divine judgment (3:17), and possibly covenant (3:10, 17). As we will see, Aramaic Levi depicts Levi as receiving the priesthood the year after his vengeance upon Shechem. In this way, Levi's prayer after receiving the priesthood corresponds to David's receiving the Davidic Covenant (2 Sam 7:8-17) and immediately responding to it in prayer (2 Sam 7:18-29). (With most of Aramaic Levi 2 missing, it is difficult

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\(^{428}\) This is why ALD 1:1 cannot be conclusively placed in Genesis 34: When did Jacob and Reuben, or Jacob, Reuben, and Levi counsel together about negotiations with Hamor and Shechem?

\(^{429}\) The translation is from Greenfield, Stone, and Eshel, *Aramaic Levi*. 
to determine whether Levi's prayer in chapter 3 precedes or follows his receipt of the priesthood. In either case, the parallel with David's prayer remains).

Because of the fragmentary nature of chapter 4, it is difficult to draw absolute conclusions regarding its contents. However, ALD 4:4, 13 set the context as a vision shown to Levi. The statement in 4:11 seems to reflect a special elevation of Levi, and Greenfield, Stone, and Eschel are inclined to read this vision as the installation of Levi as High Priest.430

By chapter 5, Levi is clearly a priest. Although essentially all of the material in this section innovates beyond Scripture, in terms of our investigation, the most significant feature is as follows: Jacob, who corrected Levi in Genesis 34, and cursed him in Genesis 49, here tithes to Levi (5:2–3) in a treatment especially distinct from his other sons (5:3). In addition to the reversal from the flow of Genesis, this begs the question of Jacob's preference for Levi over Simeon.431

Chapter 10 exemplifies the material between chapters five and ten. These chapters contain priestly regulations as passed on from Isaac to Levi, and these regulations are from Abraham

430. Greenfield, Stone, and Eschel, Aramaic Levi, 145. They compare this passage with the Testament of Levi 8 and Jubilees 32:1. Further, they note:

The mention of "eternal peace" harks back to "peace" in 4:9, both instances referring to the priesthood. With the whole phrase, compare the "anointing for an eternal priesthood" in Exodus 40:15, and also Numbers 25:12–13 where Phineas' descendants are promised "a covenant of peace" and "a covenant of eternal peace" (ירש עלם קיים in Targum Pseudo-Jonathan). The same language lies behind Malachi 2:5. The priestly connection of these associated verses supports the meaning "anointing" above. The term "eternal peace" is common among the Dead Sea Scrolls, so, e.g., 1QHa 19:27, 7:19, 1QS 2:4, etc. Compare ben Sira 45:24, "Therefore a covenant of peace was established with him, that he should be a leader of the sanctuary and of his people, and his descendants should have the dignity of the priesthood forever." It is intriguing that both Levi's violent action against Shechem and Phineas's violent action to protect Israel's purity were regarded as qualifying them for "eternal priesthood", the one in ALD and the other in Numbers.

So there may indeed be a semantic constellation of priestly covenant terms here, even though the exact terms "covenant" and "priest" are not here.

431. Jacob's ALD preference for Levi is curious because not only are Simeon and Levi accomplices in Genesis 34 (note the equivocation of and the use of the plural forms in Gen 34:25, 30–31), Simeon is older. Robin Parry has explained the rise of Levi and the fall of Simeon on the basis of other Pentateuch passages. See Chapter Three above.
(10:3) and go back at least to Noah (10:10). This material is obviously a narrative overlay of the Genesis material. The chapter also continues the focus on and the elevation of Levi. There is mention of hereditary and eternal priesthood, which evokes thoughts of the priestly covenant (10:1-2, 12-14), Levi's "election" to the priesthood (10:4), elevation over his brothers (10:11), love from his father (10:11), and blessing (10:12, 14). These features not only surpass the Genesis record (hereditary and eternal priesthood, election over his brothers), but they seem to run counter to the censure and curse of Jacob in Genesis 34 and 49 (love and blessing).

The intervening material included in ALD 11:1-12:6 gives historical and genealogical information for Levi. This material is briefly summarized in 12:6-9. The most significant feature of this section is the mention of the chronological relationship between the Shechem incident and the receipt of the priesthood. Although there is no direct connection between the two incidents drawn, two factors compel readers to make a connection. First, the events are immediately juxtaposed to each other both in the account and in the chronology of Levi's life: At eighteen he killed Shechem, and at nineteen he became a priest. The second factor that compels readers to consider whether the priesthood and the Shechem incident are related is the fact that they are milestones in Levi's life. Outside of geographic milestones—entering Canaan, entering Egypt—the only other milestones mentioned are killing Shechem, becoming a priest, and getting married.432 And while killing Shechem and becoming a priest occurred in consecutive years,

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432. Greenfield, Stone, and Eshel, Aramaic Levi, 199, give a chart comparing the chronology of Aramaic Levi, the Testament of Levi, and the Syriac Fragment. For our purposes, it shows the juxtaposition of the killing of Shechem and the receipt of the priesthood, and it shows that the traditions are not identical, hinting at a more complex tradition history than simple dependency. In Table N. 433, I have adapted the chart by underlining the discrepancies for clarity. Note that the chronological/textual relationships get even more complex when one observes that Demetrius the Chronographer, preserved in Eusebius's Praeparatio Evangelica, has a still different chronology than ALD, TL, or the Syriac. For example, Demetrius has Levi entering Canaan at age 10 (9.21.8), killing Shechem at age 20 (9.21.9), and entering Egypt at age 43 (9.21.17).
Levi's marriage is nine years later. One other feature deserves mention. Not only does Levi mention killing Shechem seemingly in a positive way as a milestone in his life, he describes it in a way that represents a semantic shift from the Genesis account. In Genesis 49:5, the violence (חֲמָס) is associated with Levi and Simeon, but in ALD 12:6 Levi calls Shechemites, whom he killed, workers of violence (חֲמָס). Thus, the violence has been transferred from Levi to the Shechemites.

4.2.1.1.3 Summary: Aramaic Levi

Even though Aramaic Levi is fragmentary, it is clear that this early, popular text perceived a Levi completely rehabilitated from where Genesis had left him.

Table N.432: Levi Chronologies

<table>
<thead>
<tr>
<th>CHRONOLOGY OF EVENTS OF LEVI'S LIFE</th>
<th>ALD</th>
<th>TPL</th>
<th>Syriac</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entered Canaan</td>
<td>18 (12:6)</td>
<td>8 (12:5)</td>
<td>8 (12:6)</td>
</tr>
<tr>
<td>Killed Shechem</td>
<td>18 (12:6)</td>
<td>18 (12:5)</td>
<td>18 (12:6)</td>
</tr>
<tr>
<td>Became Priest</td>
<td>19 (12:7)</td>
<td>19 (12:5)</td>
<td>19 (12:7)</td>
</tr>
<tr>
<td>Married</td>
<td>28 (12:7)</td>
<td>28 (11:1)</td>
<td>28 (12:7)</td>
</tr>
<tr>
<td>Birth Gershom</td>
<td>30 (11:4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Birth Kohath</td>
<td>34 (11:7)</td>
<td>35 (11:4)</td>
<td></td>
</tr>
<tr>
<td>Birth Merari</td>
<td>40 (11:9)</td>
<td>40 (11:7)</td>
<td></td>
</tr>
<tr>
<td>Entered Egypt</td>
<td>48 (12:8)</td>
<td>40 (12:5)</td>
<td>40 (12:8)</td>
</tr>
<tr>
<td>Birth Jochebed</td>
<td>64 (11:11)</td>
<td>64 (11:8)</td>
<td></td>
</tr>
<tr>
<td>Amram married Jochebed</td>
<td>94 (12:3)</td>
<td>94 (12:4)</td>
<td></td>
</tr>
<tr>
<td>Joseph died</td>
<td>118 (13:1)</td>
<td>118 (12:7)</td>
<td></td>
</tr>
<tr>
<td>Levi died</td>
<td>137 (12:9)</td>
<td>137 (19:4)</td>
<td>134 (12:8)</td>
</tr>
<tr>
<td>Sojourn in Egypt</td>
<td>89 (12:8)</td>
<td>97 (12:5)</td>
<td>90 (12:8)</td>
</tr>
</tbody>
</table>
• Whereas in Genesis Jacob rebuked and cursed Levi for his violence, in Aramaic Levi, Jacob blesses Levi uniquely among his sons.

• Whereas in Genesis, the violent vengeance of Levi is used to give Levi a reduced status among his brothers—his younger brother Judah receives the firstborn status, in Aramaic Levi, Levi's vengeance seems to be instrumental in his receipt of the hereditary priestly covenant.

• Whereas in Genesis Levi is an unremarkable one of twelve brothers, in Aramaic Levi he receives the priestly law from Isaac, connecting him to Abraham and even Noah.

• Whereas in Genesis nothing is made of the priesthood, in Aramaic Levi, Isaac teaches Levi both the cultic and didactic role of the priesthood.

• Whereas in Genesis Levi's violence stands out, in Aramaic Levi the violence has been shifted over to the Shechemites.

We will now turn our attention to Jubilees and the Testament of Levi. In each case, the details of the rehabilitation of Levi correspond sufficiently that scholars suggest literary dependence. Additionally, what is obscure in Aramaic Levi due to its fragmentary nature is clarified or expanded upon in Jubilees and the Testament of Levi.

4.2.1.2 Jubilees

4.2.1.2.1 Jubilees: The Broader Discussion

James C. VanderKam dates Jubilees to 160-150 BCE because the book can be no earlier than the Enochic Book of Dreams (1 Enoch 83-90) on the one hand, and on the other hand, no later than the founding of the Qumran community,\(^433\) who did not compose the book.\(^434\) VanderKam

explains that *Jubilees* was written in a context combating a Hellenist-assimilation movement. The author of *Jubilees* asserts that Jewish separatism stretched back to the creation of the world and was therefore indispensible: "The distinctive laws of Judaism, far from being mosaic or even post-mosaic were of much greater antiquity and had not suffered the sort of distortion or corruption one might fear during such a long tradition."\(^{435}\) And, instead of being a sectarian text, Charlotte Hempel explains that the distribution of the copies at both Qumran\(^{437}\) and Masada\(^{438}\) shows that *Jubilees* was a "literary pillar of the [Qumran] library"\(^{439}\) that "sheds light also on Judaism outside of Qumran . . . ."\(^{440}\) Although Hempel notes that the one of the oldest *Jubilees* manuscripts, 4Q216 (Jub\(^a\)), may have been revised, no revision affected the Levi material in chapters 30-32, a part which dates to the "same century as the composition itself."\(^{441}\)

To James VanderKam, a "highly striking trait of the *Book of Jubilees* is the fact that the ancestors of Israel practice a number of stipulations, that are now found in the Mosaic sections of the Torah. According to *Jubilees*, these laws were revealed to the ancestors centuries before the

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437. Hempel, "The Place," 188.


time of Moses and the covenant on Mt. Sinai." The particular figure of Levi is important because he stood as last in line of a covenanted priesthood that extended back to Adam: "The laws that are found in the book and revealed to the ancestors are stipulations that are parts of the ongoing, frequently renewed covenant between God and members of the chosen line, from Adam to Moses. All of these rules are recorded and transmitted in written form by priestly tradents, culminating in Levi." Notice that this is the opposite of the Pentateuch's version. In the Pentateuch, the priesthood does not develop until the time of Aaron, Levi's descendant, and the giving of the law occurs at Sinai. Here, the overlay in Jubilees and possibly in Malachi witnesses to the Second Temple culture's incompatibility with the Pentateuch: The Second Temple legal culture needed an updated literary version that was compatible with the traditions they had received outside of the authoritative Pentateuch. So Michael Segal notes that "throughout [Jubilees], one finds the stories of Genesis and Exodus reworked to reflect the worldview of the anonymous author and his exegesis of the biblical passages." At the same time, VanderKam claims that Jubilees is so faithful to its biblical sources that it can be used as evidence for the state or contents of the text itself at the time of the composition of Jubilees.

So the composition of Jubilees straddled two horizons, that of the Second Temple cultural norms and that of the authoritative Pentateuch. VanderKam describes the case of Levi:


444. As we have discussed several times in the previous material, it seems unlikely that on the one hand if the Pentateuch was later than the Second Temple texts it would have a legislatively smaller footprint, and on the other hand, it seems unlikely that if the Pentateuch barely predated the Second Temple texts that they would expand so thoroughly its stories and its laws. However, it is conceivable that the legal and narrative footprint could have gradually expanded from the Pentateuch to the Second Temple texts over a longer span of time.


446. VanderKam, From Revelation to Canon, 545.
The lengthy sections about Levi in Jubilees 30-32 are a case in point. These chapters contain major expansions that have virtually no obvious relationship with the immediate context in Genesis where Levi is seldom mentioned. When Genesis does name him, it is simply to include him in a list (e.g., 29:34), to report a violent deed in which he was involved (34), or to criticize him for that homicidal act (49:5-7). In stark contrast to his modest, unheroic roles in Genesis, he becomes in Jubilees the most important of Jacob's sons, the first priest among the children of Israel, and the principal character in a series of "extra-biblical" stories. Nevertheless, the writer of Jubilees, even in this "extra-biblical" section, continues to keep his eye closely on the scriptural text, especially Genesis, as he presents Levi in such a way as to make telling points for his own historical audience and context.447

It is that tension between the two horizons in the Levi material that we will now explore.

4.2.1.2.2 Jubilees and Genesis 34

The following are some basic observations comparing Jubilees 30 and Genesis 34 exegetically:

First, 30:1-4 does not represent a wide departure from Genesis 34—it is somewhat of an elaboration, but it does not take the narration in a new direction.

Second, the material in 30:5-17 represents a paranetic change from the narrative in Genesis 34. Not only does Genesis 34 not make application of the story it narrates—as does Jubilees—Jubilees alters the focus from exogamy entering from outside the community in the case of Hamor, to exogamy originating from within the community. It is admittedly a slight difference, but it corresponds perfectly with the paranetic force: The command is not "Do not let your daughters be seduced by foreigners," but "Do not pursue exogamous marriages for your daughters or sisters." The application of capital punishment accompanies this change. In Genesis 34, Levi and Simeon executed "justice" on the Shechemites, but Jub 30:7-10 warns of capital punishment for Israelite offenders. Interestingly, the commands in this section are directly addressed to Moses (Jub 30:11).

447. VanderKam, From Revelation to Canon, 545-546.
Third, the Shechemites now serve as a negative example to Israel in terms of corporate punishment (Jub 30:17a), while Levi (and to a much lesser degree, Simeon) serves as an example of cleansing out the exogamous defilement (Jub 30:17b-21).

Fourth, while the priestly covenant may be implicitly linked to Levi’s actions by juxtaposition (Jub 30:18), the priestly covenant is not explicitly linked to Levi’s actions.

Fifth, and most significantly, in direct contrast with Genesis 34 and 49, Levi and Simeon are ministers of divine justice upon the Shechemites (Jub 30:5, 6, 17), and their action was both just (Jub 30:17, 18, 19, 20, 22) and a blessing (Jub 30:18, 22).

Sixth, Jubilees, as a faithful retelling of Genesis, records Jacob's rebuke of his sons for the slaughter (Jub 30:25). However, the rebuke itself is mitigated by the following factors:

1. Although in Gen 34:30, Jacob's rebuke is specifically addressed to Simeon and Levi, in Jub 30:25, Jacob's rebuke is addressed to a non-specific "them." The nearest antecedent of this pronoun would be the "they" who plundered Shechem. In Gen 34:27, it is the more generic Jacob's sons who plundered the city. Another possible antecedent would be found in Jub 30:23, the "Jacob's sons" who killed Shechem and for whom it was "written as a blessing." Indeed, this is the likely solution, since Jacob's reproach in Jub 30:25 is "for putting the city to the sword." In any case, the Jubilees account is less specific about the targets of Jacob's reproach than is the Genesis account: It is one more mitigating step away from the original account.

2. Contextually, Jacob's reproach in Jub 30:25 is sandwiched by blessing. In Jub 30:23, "on the day when Jacob's sons killed Shechem it was recorded in their favor in heaven . . . it was written as a blessing." And, immediately following Jacob's reproach, Jubilees
details an event not recorded in Genesis: Isaac's blessing. In Jub 31:5 and 9, Jubilees explicitly narrates only that Jacob took Judah and Levi to visit his aged parents. While there, Isaac placed his right hand on Levi and his left hand on Judah and blessed both (Jub 31:12). Levi's blessing (31:13-17) is emphasized because it comes first (31:13), and because it includes what appears to be something like a priestly covenant (31:14-15):

And may the Lord give you and your descendants greatness and great glory, and set you and your descendants apart from all mankind to minister to him and to serve him in his sanctuary like the angels of the presence and the holy ones: like them your sons' descendants shall be accounted glorious, and great, and holy; and may he make them great for ever. And they shall be judges and princes and chiefs of all the descendants of Jacob's sons. They shall speak the Lord's word in righteousness, and dispense all his judgements (sic) in righteousness; and they shall declare my ways to Jacob and my paths to Israel: the blessing of the Lord shall be given by their mouths, to bless all the descendants of the beloved one.  

So, Jacob's reproach first shows him to be an outsider to God's justice. Second, he himself then becomes an instrument of blessing by singling Levi out (along with only Judah) and taking him to receive his father's blessing. The "blessing sandwich" contextually mitigates Jacob's reproach of Levi. Third, a contextual reading of Jub 30:25 leads one to conclude that Jacob "reproached" his sons. However, Rabin, following Charles (1902) includes a note that "reproached" is literally "he spoke to them." Charles seems sure that the original underlying the Greek ἔλαλησε is ויאמר and not ויאמר. In either case, the negative connotation is carried by the preposition and not the semantics of the verb. The biblical text is a combination of Charles' lighter rebuke, ויאמר, but adds the verbs עכרתם and להבאישׁני to leave no doubt of his disapproval. Similarly, the LXX has εἶπεν and Μισητόν με πεποιήκατε and ὀστε πονηρόν με. Neither of these constructions leaves any doubt as to Jacob's disapproval. Meanwhile, Jubilees mitigates Jacob's reproach by phrasing his displeasure as a discussion. Fourth, Jacob is not depicted as being upset at the injustice, as for  

example seems to be the case in the Testament of Levi 6:6, in which Jacob is enraged and
grieved because his sons had killed men who had just consented to circumcision.\textsuperscript{449} So, \textit{Jubilees}
mitigates Levi’s crime by making Jacob’s reproach of it a reproach of a lack of judgment and not
a reproach for an injustice. Fifth, the reproach is further mitigated, since Jacob is shown to be
concerned only for his safety, which the text immediately shows to be an unfounded concern out
of touch with God’s provision (30:26): “And the dread of the Lord was on all the cities in the
neighborhood of Shechem; and they made no attempt to pursue Jacob’s sons, for terror had fallen
on them.”\textsuperscript{450} So Jacob is not courageous and trusting like Levi, but instead is faithless and petty.

Thus, \textit{Jubilees} 30 puts a positive spin on Simeon and Levi’s actions. The brothers are portrayed
as dealing cleverly in negotiating with Hamor and Shechem, and they punished the city because
it dishonored their sister. VanderKam, who credits the author of \textit{Jubilees} with scriptural fidelity,
explains how the author of \textit{Jubilees} 30 was able to use other Pentateuchal texts to reverse the
Genesis account:

\begin{quote}
Although the author here expands considerably on the information in the \textit{Genesis} story
(at the same time contracting the narrative itself) to the great benefit of Levi especially,
he has at least based this incident in Levi’s life on a slender foundation of scriptural
givens. Specifically, he reproduces all or parts of Gen. 34:1-2, 4-5, 12, 24-26. As various
scholars have noted, \textit{Jubilees} fashions a very positive image of Levi by attributing his
elevation to the priesthood to a righteously bloody act of revenge, just as his offspring
would later be selected in \textit{Exod.} 32:28-29 and as Phineas, another of his descendants,
would later be chosen in \textit{Num.} 25.\textsuperscript{451}
\end{quote}

Bremmer and F. García Martínez, 11-73 (Kampen, The Netherlands: Kok Pharos, 1992), 50, notes that this injustice
to Jacob is akin to killing fellow Israelites, since physically the Shechemites had become proselytes. Baarda also
notes that this concern over the proselyte condition of the victims is an innovation relative to the biblical text.

\textsuperscript{450} Rabin, “The Translation,” 95.

\textsuperscript{451} VanderKam, \textit{From Revelation to Canon}, 548.
So the reshaped Levi fits a righteous pattern established by his descendants, even though in the biblical narrative, the merits of the descendants do not depend upon the merits of the ancestors. For the author of *Jubilees*, however, the merits of the ancestors must match up to the merits of the descendants. The positive portrayal of Levi in *Jubilees* 30 is in keeping with *Jubilees'* overall stance toward him. The brief survey in the following paragraphs demonstrate that *Jubilees* as a whole elevates Levi.

First, Isaac ultimately factors significantly in the blessing of Levi, but the writer of *Jubilees* knows that because Issac favors Esau (Jub 19:15-16, 19, 31), he is out of step with God's program, since God's blessing will come through Jacob (Jub 19:23; 24:7-11; 26:18; 27:21-24; 36:12-14, 20). So before Levi can be blessed by Isaac—and in so doing create a continuity of blessing with Abraham—Isaac himself must be rehabilitated. Isaac's rehabilitation comes by means of Esau's deviancy (he marries a Canaanite—25:1, cr. 25:5-8; 27:8 cr. 30:7-16), is opposed by Rebecca—27:1, 7-8; 35:9-12, and opposes Jacob—26:35, but cr. 29:13). Isaac eventually realizes Esau's deviancy and repents for favoring him over Jacob (31:23-32; 35:13-17), and Isaac eventually blesses all of Jacob's sons (33:23).

Second, in the Genesis story, Rachel is Jacob's favored wife, but Leah, the mother of Levi, is never discussed. In *Jubilees*, as the mother of Levi, Leah needs to be elevated, and so at her death, the narrator describes her and Jacob's love for her in superlative terms (36:22-24). So, even in this manner, Levi is elevated through his mother.

Third, the patriarchs are "perfect" (Isaac says of Jacob—27:17; Jacob says of himself to Rebecca—35:2-3; Rebecca says of Jacob—35:12; the narrator says of Leah—36:22-23; the narrator says something like this about Joseph—40:8).
Fourth, the patriarchs act as prophets, and they receive communication in dreams. Instances of prophecy especially important for the study of the formation of Genesis 34 are: Isaac (31:9-12) Rebecca (27:1), Jacob (27:21; 32:17-26; 44:2-6), Levi (32:1), Judah (41:24).

Fifth, Levi dreamed that he was ordained as priest (32:1), and as a result of Jacob's bottom-up counting of his sons, in keeping with Jacob's tithe of his sons, Jacob ordained Levi as priest (32:3), and Levi immediately began to function as priest, administering Jacob's tithe (32:8-9). 452

Sixth, while Simeon and Judah initially took wives from the Canaanites (34:20), Levi married righteously: His wife was an Aramean (34:20). 453

Seventh, Jacob's blessing of his sons is described in prophetic terms: He foretold the events of their time in Egypt, as well as the last days (45:14). While the narrator reports that Jacob blessed his sons, there is no mention or indication that any sons, namely Reuben, Simeon, and Levi, were cursed as in Genesis 49.

Eighth, Levi receives the patriarchal record of the divine laws and promises (32:26; possibly 33:16-21; 39:6-7; 45:16). This is something like the "earthly" tables in contrast to the "heavenly"

452. VanderKam, From Revelation to Canon, 550-551, explains that the expansion in Jubilees 31-32 fills in gaps in the Genesis story and may draw on other sources including Aramaic Levi. The motive, however, was not just filling in gaps; the author also "attempted to make Levi, the ancestor of the priests, a prominent character in the patriarchal narratives . . . ."

VanderKam, From Revelation to Canon, 556, also mentions the cultural desire to explain both the scriptural tithe of Levi and the tithe to Levi:

The passages from Aramaic Levi, Jubilees, Targum Pseudo-Jonathan, and Pirque de Rabbi Eliezer show that the concern to find a point in the biblical text at which Jacob could have fulfilled his vow to give a tithe led to various solutions, all of which managed to incorporate Levi within the theme. However artificial the counting methods were, the fact that the Levites are consistently presented in the Scriptures as the recipients of the tithe presumably suggested the connection.

453. Simeon (Jub 34:21) and Judah (Jubilees 41) were able to reverse their marriage sins by eventually marrying Arameans. See VanderKam, From Revelation to Canon, 548, for discussion. VanderKam, From Revelation to Canon, 547, also explains how Simeon was an appropriate accomplice for Levi: Dinah shared the same mother as Levi and Simeon.
It is significant that of all the sons, Levi received the books (45:16) that record information going back at least to Abraham (39:6-7). This both prepares Levi to serve the role of legal instructor, and it ties his descendants into continuity with the patriarchal ancestors. VanderKam sees even more priestly emphases in Jubilees, and he clearly understands the difference between Jubilees and Genesis: "Levi’s reputation in particular receives a tremendous boost in Jubilees vis-à-vis Genesis. In Genesis, his only role is in the massacre at Shechem—an effort for which his father curses him (Gen 34; 49:5-7)." Yet, on the other hand, VanderKam contends that Jubilees follows biblical clues in so doing: "In general it is safe to say that the author of Jubilees [sic] does not introduce significant novelties into his text without some kind of biblical warrant. Thus, it is unlikely that he would have remade Levi in so extraordinary a manner if he lacked support in his biblical base. In fact, there are several scriptural passages which served as building blocks for what he constructed." Here, VanderKam weaves together the following biblical texts: 1. Genesis 34, semantic connection of Dinah/justice; 2. Gen 34:31 (the rebuke of Jacob), Dt 7:1-4 (the extermination of Hivites/Shechemites), Num 25:1-13 (Phineas eradicates sexual immorality), and Genesis 34 (Simeon and Levi eradicate exogamy).

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454. R. H. Charles, The Book of Jubilees or the Little Genesis: Translated from the Editor's Ethiopic Text (London: Adam and Charles Black, 1902), 24, n. 10, discusses the topic of "the heavenly tables" as it appears in Jubilees, Ethiopian Enoch, and the Testaments of Levi and Asher. The concept of the patriarchal record in Jubilees 45 represents a distinct but unspecified nuance of one of Charles's options.


456. VanderKam, From Revelation to Canon, 302.

457. VanderKam, From Revelation to Canon, 469.

458. VanderKam, From Revelation to Canon, 470-475.
are overlaid, and the characters and motives are interchanged: Thus, Levi emerges as rewarded by God for his zeal in interrupting sexual and religious intermarriage; 3. Malachi 2 connected with Numbers 25; 4. The idolatry and sexual (ץחק) linkage interrupted by Levites also in Exodus 32; 5. Dt 33:9-11, Moses' blessing; 6. Genesis 35 cr. Gen 28:22, gaps in the Jacob story about tithing; and 7. Gen 14:20, Abraham paying tithes to Melchizedek.

Yet even if the author of Jubilees only connected biblical dots to elevate Levi, that the dots needed to be connected outside of Genesis and the Pentateuch (in contrast to what the incriminating material that was left in Genesis) itself bears witness to scribal preservation. Perhaps there was scribal revision in the case of Mal 2:4-6, Num 25:1-13, and Ex 32:25ff. If scribal revision was unconstrained, then why was the connection all the way back to Genesis not made? Could not Jubilees's attribution of an eternal covenant for Levi have easily been inserted in one paragraph either in Genesis 34 or 49?

4.2.1.2.3 Summary: Jubilees

Jubilees, therefore, was a book that took Scripture very seriously and in turn was taken seriously by a wide readership. Even though it interprets Scripture conservatively, in the case of Levi, it expands even Aramaic Levi's expansions. The following are the most significant factors in Jubilees's rehabilitation of Levi.

- All of Aramaic Levi's rehabilitations are included in Jubilees.
- In avenging Dinah, Levi executed God's judgment on the Shechemites.
- Levi is elevated to a special patriarchal status through a priestly lineage that predated him all the way back to Adam.
- Levi's installation to the priesthood resulted in his receipt of Abraham's priestly books.
- Even though Jubilees records Jacob's rebuke, literally speaking, Jacob and his rebuke are rebuked, since the reader knows that Levi was only doing the will of God and was rewarded for it.

Therefore, functionally speaking, the Levi of Jubilees bears little resemblance to the Levi of Genesis.

4.2.1.3 Testament of Levi

4.2.1.3.1 Testament of Levi: The Broader Discussion

Even though the manuscript evidence for the Testaments cannot be traced much earlier than the ninth century, citations in Jerome and Origen point back much earlier. De Jonge notes: "On the basis of this evidence we may conclude that T. 12 P. existed in the beginning of the 2d century A.D." 460 H. Dixon Slingerland notes that scholarly consensus by 1884 was that the Testaments reflected early Christianity, and that by 1908, the scholarly consensus had changed to conclude that the Testaments reflected Jewish thought. However, by 1977, Slingerland had concluded that scholarly consensus had reached an "apparent setback," since "at no time in the history of Testaments research has less certainty prevailed that now concerning the basic issue of origins." 461 More recently, Joel Marcus concludes that the Testaments are both Christian and Jewish, but "the most important reason for asserting that the Testaments is a Christian writing is that that is what the document, taken as a whole, appears to be." 462 Yet even though the Testaments themselves may be from the Christian era, the Testament of Levi seems to be tapping


into a number of pre-Christian Levi literary currents.\textsuperscript{463} Thus we should conclude that the Testament of Levi is valuable to our study only in that it bears witness to an established and widespread elevation of Levi in the wider Jewish-Christian culture prior to its composition.\textsuperscript{464}

4.2.1.3.2 The Testament of Levi and Genesis 34

The story told in the Testament of Levi is complex. So, in the following section I will summarize the movements of the story, and then I will summarize the most salient points of comparison and contrast between the Testament of Levi and Genesis. (As in the case with Aramaic Levi, I have extended the comparison beyond Genesis 34 and 49).

1. Levi receives the covenant of the priesthood through a vision (II.10-12, IV.3-4, VIII.16-17, IX.6-14, XII.5), and through his grandfather Isaac (IX.1-4).
2. Levi is to fill the role of instructor (II.10, IV.3, VIII.17).
3. Levi and his sons receive a blessing (IV.4, V.2, IX.2).
4. Before the Shechem incident, Levi receives a divine command and promise to avenge Dinah (V.3, VI.8).\textsuperscript{465}
5. Levi's revenge upon Shechem runs afoul of his father Jacob (VI.6, VII.1), which ultimately causes Jacob to alter his blessing upon Levi (VI.6).

\textsuperscript{463} See Hollander and de Jonge, \textit{Testaments}, 18, 130, and De Jonge, "Patriarchs," 183.

\textsuperscript{464} Note that the Shechem incident is not found in the Testament of Simeon. However, there is mention of a war with Levi, in which Levi will be victorious (V.4-6), and a mention of the prophecy of Genesis 49 (V.6). Here, Simeon recalls that his father Jacob had promised that Simeon's descendents would be scattered among Levi and Judah and that there would never be a leader chosen from among Simeon's descendents. There is also a messianic mention of Levi's high priest (VII.1-3). R. H. Charles, \textit{The Testaments of the Twelve Patriarchs} (London: Society for Promoting Christian Knowledge, 1917), 33-35.

\textsuperscript{465} The angel even promises to assist Levi in the vengeance. Baarda, "The Shechem Episode," 26, sees here a parallel with Jdt 9:4. Here, Levi \textit{can} call upon the angel for help; in Judith 9:4, the brothers did call upon God for help.
6. Levi admits to sinning against his father (VI.7), yet this statement is thoroughly mitigated by the context which demotes Jacob (see discussion below).

7. Levi understood that the Shechemites’ treatment of Dinah was just one incident in a long series of similar injustices to the patriarchal family and others (VI.8-11).

8. Levi seems to indicate that the conquest of Shechem prefigures the conquest of Canaan (VII.1-2).

9. Levi’s receipt of the covenant of the priesthood seems to be linked with his vengeance upon Shechem (compare VII.6 with VIII.1 and IX.1-2 and XII.5).  

In light of the Second Temple context that we have already outlined, the most striking feature of the Testament of Levi is his admission of sinning against his father, and his father's negative response that affected his blessing. However, it seems equally significant to understand Levi's confession in the context of the entire Testament. Before any mention is made of the interplay between Jacob and Levi, readers know that Levi will be operating in Divine Right, literally executing the will of God. So, in the literary styling of the Testament, the divine judgment that Levi is to enact upon Shechem forms a mitigating inclusio around Levi’s deed of vengeance and his father's curse of it (see especially V.1-3 and VI.8-VII.4).  

Two significant features emerge from this angle on the story of Levi’s vengeance on Shechem. First, in spite of Jacob, God is on Levi's side against Shechem. Second, Jacob is increasingly

466. Baarda, "The Shechem Episode," 25, certainly thinks the covenant and the vengeance are connected: "The heavenly vision included besides the investiture as a priest (2-5) a divine command to Levi to avenge Dinah (5:3). This reminds us of Jub. 30:18, where the execution of vengeance upon Israel's enemies is likewise connected with the priesthood of Levi and his descendants."

467. William R. G. Loader, Philo, Josephus, and the Testaments on Sexuality: Attitudes Towards Sexuality in the Writings of Philo and Josephus and in the Testaments of the Twelve Patriarchs (Grand Rapids: Eerdmans, 2011), 394, notes that "the hearer knows . . . from the report of the vision, that there was an overriding factor: divine instruction mediated by the angel (5:3)."
marginalized, and Levi is clearly elevated. In the first case, we read that Shechem's judgment has been a long time coming, and follows the pattern in which the patriarchal family is to supplant the Canaanites. Second, Jacob is marginalized. He is marginalized because he is skipped in the patriarchal priestly succession—it is Isaac who installs Levi as priest (IX.2), and Isaac seems to have followed his father Abraham in the priesthood (IX.12). Jacob is marginalized by the depiction of him as showing weakness or worse when his family needed strength and judgment (VI.7). Jacob is marginalized when Levi gets an extended last word, one that in contrast to Genesis 34:31, explains not only that Dinah needed to be avenged, but also shows a son giving a father a prophecy of positive outcomes (VII.1-4). Finally, Jacob is marginalized by recognizing Levi's priesthood and paying the tithe through him (IX.2-4).

Thus, the Testament of Levi, while clearly following in the train of the fragmentary Aramaic Levi, seems to exhibit creative exegesis of Genesis. (As we have seen from our survey of the much earlier Aramaic Levi, because of the fragmentary condition of the manuscript evidence, it is impossible to tell whether all of the innovations in the much later Testament correspond to innovations in Aramaic Levi). From Genesis, it is undeniable that Levi ran afoul of Jacob, but the cultural context demanded a reversal of this, so Levi is ultimately elevated. The author of the Testament, therefore, found a fissure in the Genesis story in which the mitigation of Levi could be accomplished without too much disruption to the Genesis account. The following is a sketch of how it seems that the author of the Testament of Levi has accomplished this reversal.

468. I have translated διαλαλακτηθη as showed weakness, but LSJ (Robert Scott, Henry Stuart Jones, Roderick McKenzie, and Henry George Liddell, A Greek-English Lexicon: Compiled by Henry George Liddell and Robert Scott [New York: Oxford University Press, 1996]) give the more colorful options "be . . . made effeminate," and "shew . . . cowardice." Another option is "be appeased," but the context indicates that he was not appeased: The previous verse says that Jacob overlooked Simeon and Levi in his blessings. Charles, The Testaments (1917), 39, translates "and he was sick on that day."

469. Baarda, "The Shechem Episode," 11, writes that the author apparently wished to exonerate his hero from every blame."
The first way that the Genesis account of Levi is reversed is through cleverly demoting Jacob. In Genesis, it is clear that one patriarch ran afoul of another patriarch. If indeed, the Second Temple culture was inclined to see the patriarchs as sinless, this presented a problem, especially when the patriarch in the wrong was the culturally-significant priestly patriarch. So, perhaps following the earlier mitigation within Genesis 34 (see discussion of Van Seters' proposal above), the author of the Testament gave Levi an extended last word against his father's judgment, and indeed gave God the first word in commanding Levi's act of vengeance. Thus, while Levi's "sin" against Jacob is literally upheld, that Jacob should have opened the door to be sinned against is called into question. The second way that Jacob is demoted is that the priesthood passed over him from his father to his son. Since there is no mention of any official priesthood among the patriarchs in Genesis, to portray the priesthood as skipping Jacob—while it represents a creative elaboration—does not directly oppose the account in Genesis.

The second way that the author of the Testament creatively exegeted Scripture in order to reverse Levi's guilt in Genesis is through connecting Levi's action with God's plan of judgment. The author of the Testament finds a corresponding violation of justice in the patriarchal story when Sarah was abducted. While it is not clear how Shechem corresponds to Sarah's abduction in Genesis, it is clear that the Testament of Levi intends to show the Shechemites' guilt by association. William R. G. Loader says that the Testament "provides further justification [of Levi's actions] by lumping together the actions of the people of Hamor with those of Pharaoh and Abimelech . . . ." Tjitze Baarda sees semantic clues that connect the Testament's telling of the story with abduction not only of Sarah (Gen 20:1-18), but also of Rebecca (Gen 26:1-11).

470. Indeed, this rebuke of one patriarch over another provides an interesting challenge for morally-minded Second temple interpreters. Baarda, "The Shechem Episode," 51-52, discusses how the issue played out in the narrative.

Baarda shows that a scribe of the "so called α-recension" saw the connection too, and added καὶ τὴν Ῥέβєκκαν.⁴⁷² Here Baarda notes that "One might adduce as an argument against such a connection that the Sichemites (sic) themselves were not involved in either incident, but for the author of the Testaments the inhabitants of Shechem were representatives of the Canaanites, to which the Philistines belonged."⁴⁷³ Additionally, the author of the Testament of Levi finds a corresponding enactment of divine justice in the conquest of Canaan.⁴⁷⁴ By linking Levi's action with both Shechem's prior guilt and God's pattern of judgment, the author of the Testament has shown Jacob's discomfort with the action of Levi to be shortsighted.

The third way Levi's guilt at Shechem is reversed is through blessing speech. Even though Genesis 34:30 ends Jacob's involvement in the Shechem incident with a censure of Levi and Simeon, and Genesis 49:5-7 has Jacob cursing the brothers over their violence, and the Testament of Levi seems to acknowledge as much (VI.6), the Testament nevertheless overbalances the censure with blessing. In the Testament of Levi, not only does Levi appear to receive the priestly covenant as a direct reward for his vengeful act, he receives the following blessings: First in IV.3-4, in Levi's vision, the angel promises Levi and his seed the priestly covenant that is characterized by instructing Israel. Second, in V.2, Levi receives the same blessing from the angel, just before the angel commands and enables him to avenge Dinah. Finally, in IX.2, Jacob's father Isaac blesses Levi "in keeping with all the words of the visions that I had seen." This blessing, of course, is immediately followed by Jacob himself receiving a

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⁴⁷⁴ Commenting on 7:1-3, Baarda, "The Shechem Episode," 54, notes that "Jacob should understand that the Shechem massacre formed part of God's history of salvation of Israel."
vision informing him that Levi is indeed the family's priest. Jacob responds to the vision by paying a tithe to the Lord through Levi. So, in a real sense, at the literary level, it is Jacob who "repents" of his un-blessing to Levi. Indeed, were Jacob to maintain the curse on Levi for avenging Dinah, at the literary level he could be seen as fighting the very God who had commanded and enabled Levi's vengeance.

Therefore, although the Testament of Levi is "honest" at the surface level in its handling of the Shechem incident, by cleverly combined exegetical and expansion techniques, it has managed to stand the Genesis Shechem incident on its head. In so doing, it comes as near as possible to completely exonerating Levi. And, in the process of nearly exonerating Levi, it elevates Levi far above his narrated position in Genesis.

4.2.1.3.3 Summary: The Testament of Levi

Of the texts we have looked at so far, The Testament of Levi is the most complex. While its date and contents seem on the one hand to be Christian, on the other hand, other indicators point to its indebtedness to a deep well of pre-Christian tradition. The Testament of Levi, therefore, may indeed reveal what is missing from Aramaic Levi. If not, it is nonetheless another echo of the unanimous Second Temple chorus that rehabilitates Levi.

We may summarize the treatment of Levi in the following way. First, in every way that Aramaic Levi and Jubilees rehabilitate Levi, the Testament of Levi rehabilitates Levi. Second, while the Testament of Levi acknowledges Levi's sin, it does so with literary tongue in cheek: "Everybody knows that Levi's sin accomplished God's will and brought God's reward. Shame on Jacob for forcing Levi to dishonor him. Yes, maybe Levi could have handled the situation differently, but
in the end, Levi, and not Jacob was the one receiving all the blessings, and Jacob receives the rebuke."

As in the case of Aramaic Levi and Jubilees, by the writing of the Testament of Levi, the Genesis account has been expanded and reversed: Levi is the righteous, meritorious patriarch of the priesthood.

4.2.2 Levi is Virtuous: Different Second Temple Texts

Whereas in Aramaic Levi, Jubilees, and the Testament of Levi there is almost certainly literary dependence, Levi is also presented as virtuous in Joseph and Aseneth, Judith, and Malachi, but the relationship of these texts is uncertain. In any case, Joseph and Aseneth and Judith attest to the universality of the rehabilitation of Levi, and it may be that Malachi’s exegesis was the key to the universality of this reversal. Simultaneously, it is also possible that Malachi arrived at his position after reading Deuteronomy 33 among other Levi texts in the Pentateuch. Regardless, after examining these Second Temple texts, it will become clear that the Second Temple had reached a unanimous decision on Levi: In stark contrast to the Genesis account, the Second Temple Levi had sterling character, evidenced by his zeal for righteousness that he displayed in accomplishing the vengeance of his sister's defilement.

4.2.2.1 Joseph and Aseneth

4.2.2.1.1 Joseph and Aseneth: The Broader Discussion

Due to a lack of manuscript or citation evidence, Joseph and Aseneth is difficult to date. 475 Recent suggestions range from as early as the second century BCE to as late as the second

century CE. So, on the one hand, the text may not even be a Second Temple text. On the other hand, Christoph Burchard's comment that "no trace of the Christian Church as a competitor [is] visible" puts this text in a qualitatively different category than the Testaments of the Twelve Patriarchs. So it is possible that the text may be considered a source for understanding the pre-Christian Jewish context.

Susan Docherty, therefore, is comfortable studying the book for information on Jewish reception of the Bible: "Joseph and Aseneth, like every other Jewish text of the period, whether written in Palestine or the Diaspora, takes the Hebrew Bible as its ultimate model and authority" and it is thus "part of the wider endeavour underlying all rewritten Bible texts to present narratives of the Hebrew Bible which were considered by an author as particularly important in a way that brought out their fullest meaning and continuing relevance." So Docherty sees Joseph and Aseneth as important among other things for understanding the "attitude to the authority of the Hebrew scriptures current at the time it was written" and for providing "food for thought in current debates about the timing and process of canonizing the scriptures and the attitude towards them at the beginning of the New Testament era."


478. Burchard, "The Present State," 297, explains that it was not until 1952 that G. D. Kilpatrick objected to nineteenth century scholar P. Batiffol's conclusion that the text was comprised of 4th and 5th century CE Jewish and Byzantine materials.


In regard to the contents of the book itself, Burchard notes: "Joseph and Aseneth removes a rough spot in the Bible."\textsuperscript{481} George W. F. Nickelsburg explains: "One item in the biblical account [of the righteous Joseph] . . . was bound to create theological problems. Contrary to the patriarchal admonitions of Genesis as understood by post-exilic Judaism, Joseph married a foreign woman—the daughter of an Egyptian priest (Gen 41:45)."\textsuperscript{482} To Docherty, this situation was not unique: "Like other examples of rewritten Bible, the work attempts to deal with a part of the Genesis account which raised difficulties for later readers, namely the marriage of the virtuous ancestor Joseph to a Gentile."\textsuperscript{483}

In terms of scribal preservation and the historical-critical axiom, the question remains as to how late Docherty's "later readers" are. We can only answer this question in general terms. The irony of the present form of Joseph and Aseneth is that it doubly resolves Joseph's marriage problem. On the one hand, Aseneth is depicted as a perfect proselyte, because she converts to the worship of Joseph's God. However, the story also reveals that in a way, Joseph's marriage to Aseneth was not problematic because, as Nickelsburg points out, "integrated into the present work is a legend, known from other Jewish sources, which identified Aseneth as the daughter of Dinah and Shechem (cf. Gen 34)."\textsuperscript{484} So "this story dealt with the problem of Joseph's marriage to an Egyptian woman by maintaining that she was, in reality, an Israelite."\textsuperscript{485}


\textsuperscript{482} Nickelsburg, "Stories," 65.

\textsuperscript{483} Docherty, "Joseph and Aseneth," 45.

\textsuperscript{484} Nickelsburg, "Stories," 66.

\textsuperscript{485} Nickelsburg, "Stories," 67.
V. Aptowitzer discusses the dating of the legend incorporated into *Joseph and Aseneth*. He refers to this legend as the "Apocryphon" or the "Apocryphal Legend of Asenath," and he dates it to the "middle of the first century," because he sees in it allegorical allusions to a historical situation, "the conversion [to Judaism] of the royal house of Adiabene." Although it is difficult to read between the lines of Aptowitzer's difficult prose, it seems that he is claiming that the legend of the descent of Aseneth is much earlier than the first century document that is the location of its earliest extant literary appearance. Certainly, for our purposes here, it suffices to conclude that the literary form of *Joseph and Aseneth* is evidence of a broader tension between the legally scrupulous Second Temple culture and the Pentateuch.

4.2.2.1.2 *Joseph and Aseneth* and Genesis 34

*Joseph and Aseneth* 23:14 claims that God used Simeon and Levi specifically to punish the Shechemites who had "insulted the sons of Israel." Levi's exoneration in the incident is particularly striking because it has nothing to do with the story's agenda. In contrast, Levi's exoneration is merely an established fact. A bit of context bears this out: In 23:1-4, utilizing an unexpected merger of plots, Pharaoh's son knows about Levi and Simeon's victory at Shechem and asks them to kill Joseph. Ironically, although at one point in the Genesis Joseph story, Joseph's brothers were eager to kill him, their willingness to kill their brother is reversed in this account that portrays events said to transpire many years later. So *Joseph and Aseneth* imports the legally scrupulous Second Temple culture and the Pentateuch.


488. Note that James L. Kugel, *Traditions of the Bible: A Guide to the Bible As It Was at the Start of the Common Era* (Cambridge, MA: Harvard University Press, 1998), 454-455, also references discussions that interpreted Tamar as an Aramean as opposed to a Canaanite to avert the same exogamous tension.
the warrior brothers from Genesis, and their swords perhaps from other Second Temple stories (compare Jubilees and Testament of Levi).

At this point, *Joseph and Aseneth* also appropriates additional Second Temple motifs: Levi is a prophet (23:6-12). Levi is also depicted as a prophet elsewhere in *Joseph and Aseneth* (22:7-8 and 26:6). However, interestingly, Levi is not the only prophet of Jacob's brothers: Joseph is also a prophet (6:1-3). Juxtaposed to the impetuous Simeon,489 in 23:7-11 Levi is full of virtue, a characteristic also apparent in 29:3-5. Finally, *Joseph and Aseneth* reflects the conclusion that Levi and Simeon were used by God to enact his judgment on Shechem (23:13).

These passages that show Levi as a prophet and as full of virtue are significant, because they show something of a surprising character transfer. Moving from the Genesis account, it would not be surprising to see Joseph's virtue and prophetic gifts exaggerated. However, it seems that the Levi portrait in *Joseph and Aseneth* is an extension of the portrait of Joseph in Genesis. The importance of this observation for our investigation is that *Joseph and Aseneth* shows no independent Levi agenda—as noted above, the story seems to be motivated by a desire literarily to proselytize Joseph's Egyptian wife.490 Yet, even though *Joseph and Aseneth* has no Levi agenda, the components of the agenda to elevate Levi are all present. This means that the elevation of Levi had become standard literary currency by the time of the writing of *Joseph and Aseneth*.

Thus, all of the conclusions that can be drawn from Aramaic Levi, Jubilees, and the Testament of Levi apply to the depiction of Levi in *Joseph and Aseneth*. There is nothing revolutionary here,

489. Simeon is also shown to be impetuous in 28:12-16.

490. Compare the assessment of Baarda, "The Shechem Episode," 73, regarding the Testament of Levi: "His main purpose was to exonerate Levi from every blame in the Shechem episode."
but that simply proves that by the writing of this later Second Temple text, the complete elevation, if not exoneration, of Levi is a settled fact.

4.2.2.1.3 Summary: *Joseph and Aseneth*

Even though nothing is conclusive about the date or provenance of *Joseph and Aseneth*, there are many literary connections with the Second Temple time period we have been considering. We find that whenever *Joseph and Aseneth* was written, the elevation of Levi toward which Jubilees's exegesis was targeted was by now an accomplished fact. It is incidental to the story of *Joseph and Aseneth* that Levi was a thoroughly righteous patriarch, and this portrait of Levi retains nothing from Genesis except the barest reference to the Shechem incident: In contrast, in *Joseph and Aseneth*, God used Levi to judge the Shechemites. Other elaborations to Levi's character, such as his prophetic ability and wise character have also become incidental elements for creating the subplots of the story. And the plot of the story itself is driven by the same legal perspective that drove Levi's reversal in the texts we examined above: As a patriarch, Joseph must not have married a pagan prophet's daughter. *Joseph and Aseneth*, then, is another example of the type of literature that was produced in the Second Temple period. As such, it also supports the notion that the Genesis accounts would not have been produced in the Second Temple period, since the writings of the Second Temple period are unanimous in their attempts to rewrite what the culture saw as troubling elements within the Pentateuch.
4.2.2.2 Judith

4.2.2.2.1 Judith: The Broader Discussion

Although Toni Cravin characterized Judith studies in the period of 1986 to 2001 in postmodernist terms, more recently scholars have considered it more judicious to identify the sect to which the book of Judith was addressed. Yet Benedikt Eckhardt treats the influence of a sectarian background within Judith cautiously. He writes that not only have proposals for the date of Judith ranged 600 years, the ideological identity of the book has also ranged widely: "The best evidence for the arbitrariness of 'sectarian' readings is that Judith has actually been assigned to every single 'sect' assumed to have existed in Hasmonean times. If the same question and method can lead to a designation of Judith as 'Hasidic', 'Pharisaic', 'Sadducee' or 'Essene', it is reasonable to assume that something is wrong with the question itself." For Michael Chyutin, the target is Judas the Maccabee, of whom Judith's name is a feminine version. The subversive angle is Hellenist, which also explains why the book was not found at Qumran. For Eckhardt, as we will see, the target is the Hasmonean propaganda in 1 Maccabees 2. So both Eckhardt and Chyutin read Judith as a clever literary subversion against a Hasmonean literary hegemony.


493. Eckhardt, "Reclaiming Tradition," 244-245.

494. Eckhardt, "Reclaiming Tradition," 143, 160. Here, as Judith contrasts Judah, she is pious, 159, and the victory she wins is not won on the Sabbath day, 158.


Before moving to the pertinent texts in Judith, it is necessary to examine briefly how Benedict Eckhardt explains the character Judith's Simeonite ancestry. First, Eckhardt explains that 1 Macc 2:26, 50, and 54 connect Mattathias's final speech to Phineas's zeal, violence, and priestly covenant in Numbers 25. This levitical model of zeal apparently had established political currency but had been monopolized by the Maccabees. For political reasons, however, the author of Judith wanted to find another biblical model for violent, religious zeal outside of the priesthood. So Judith attaches itself to Simeon in order to execute an "end around" of the Hasmonean monopoly of Levi-language. Eckhardt explains that in order to open the possibility of righteous zeal outside of the priesthood, the author of Judith inserts נאיה into the Genesis 34 story and rewrites the Bible: "Judith uses the 'zeal' of Simeon as a precedent for her own actions, thereby altering the biblical tradition significantly. Genesis 49 does not speak of 'zeal', but of 'wrath' (قرأ/θυμός), and Simeon and Levi are not 'loved by God', but rather condemned by their father Israel because of their violent rage (Gen. 49.5-7; cf. 4 Macc. 2.19)." So the author of Judith avoids the whole Levi family tree, and finds unused currency in the patriarch Simeon. Simeon, who had previously been unmentioned in priestly exegetical concerns, but was now simultaneously rehabilitated as Levi's zealous accomplice, was available to use as a model of righteous zeal without the Hasmonean tainting. By using Simeon, however, the author of Judith cashes in on the cultural acceptance of the literary rehabilitation of Levi and Simeon that had already been firmly established.


then Eckhardt's reconstruction of Judith's use of Simeon would not make any sense, and indeed, Judith's prayer (Jdt 9:2) would also be senseless.

In multiple ways, therefore, Jdt 9:2-4 is remote from the move to elevate Levi. First, it refers only to Simeon, justifying his part in the joint action. Second, it is placed in a text that has no interest in elevating Levi or the priesthood. This seems to prove that Levi's rehabilitation had happened not only well before the composition of Judith, but the elevation's impact was so widespread that it is reflected in a book with no special interest in such a literary or political move.

4.2.2.2 Judith and Genesis 34

Judith 9:2-4 only mentions Simeon and not his more significant accomplice Levi. Here, Judith's prayer portrays Simeon in a strictly positive light, claiming that God enabled his revenge and looting of a guilty and lawless people.

As Judith continues to pray, she affirms her trust in God's providence (9:5-6) and his dealings with the lowly (9:11-12). She also explains the predicament of her people, with the Assyrians oppressing them and offending against God's sanctuary (9:7-8). Then she requests God’s aid in her plan to defeat the enemy (9:9-10, 13-14). In so doing, she uses terminology that echoes Simeon’s vengeance upon Shechem. The noun ἀπατή and the verb ἀπατάω are apparently used with reference to an exchange of deceits by the brothers and the Shechemites in Jdt 9:3. Judith then asks God for success in her own deceit, using language that identifies her quest with that of Simeon (9:9-10, 12b-13). By using ἀπατή to describe her intentions and Simeon's accomplishment, Judith demonstrates that she believes in the justice of Simeon's actions. She is also seeking the same result that Simeon achieved: Thus, she is comfortable with the wholesale
slaughter effected upon the Shechemites.\footnote{The semantics are not identical, but the formulae are similar in 9:3 and 9:10:}

9:3 επάταξας δούλους ἐπὶ δυνάστας καὶ δυνάστας ἐπὶ θρόνους αὐτών

9:10 πάταξον δούλον... ἐπὶ ἄρχοντα καὶ ἄρχοντα ἐπὶ θεράποντι αὐτοῦ.

Further, she now (9:10) wants God to do to her enemies what he had done (9:3) through Simeon (πατασσομ). Additionally, Judith connects God with every aspect of Simeon's vengeance. Thus, there is a threefold "giving:" (9:2) God gave Simeon the sword for vengeance, (9:3) God gave rulers for slaughter, and (9:4) God gave their wives for "forage" and their daughters for captivity. Any shame or discomfort Jacob had felt regarding the manner of his sons' treatment of the Shechemites has vanished without a trace. Indeed, Simeon is now being shamelessly held up as a model for Judith's own intentions, intentions that she now bathes in prayer. Judith herself now twice asks God to "give" to her: (9:10) "Give in my widow's hand the power for what I intend," and (9:13) "Give to my word also deceit for their defeat and bruising." There is also a final semantic connection between Judith and Simeon: (9:1) Judith cries to God for help (ἐβόησεν), (9:4) Jacob's sons cried to God for help (βοηθοῦν), and (9:11) Judith knows God will help because he is a help (βοηθός) to the least. So Judith aligns her status and situation to that of Simeon. Finally, there seems to be an indication that in Judith's prayer, the crime against Dinah superseded the sexual: Hamor's crime was an offense against endogamy (9:4). Jacob's sons, "who were also zealous with [God's] zeal," "loathed the defiling of their blood." So in Judith's prayer, the justice of Simeon's vengeance exceeded mere retribution for a sexual crime—it was a stand for ethnic purity.
4.2.2.2.3 Summary: Judith and Genesis 34

Because of the difference in the portrayal of Jdt 9:2 and Gen 34:30; 49:5-7, Carey A. Moore calls this "Judith's revisionist position toward Simeon." But what is behind such a revision? There is certainly no agenda to elevate Simeon in the book of Judith. In fact, as we have seen, Michael Chyutin and Benedict Eckhardt believe exactly the opposite: To them, even though the author of Judith uses Simeon language, this is only because the Levi language has been entirely co-opted by Hasmonaean priestly interests. So, the author of Judith is interested in contributing to the priestly politics, but Levi language carries too much freight for the opposition. The author of Judith, therefore, finds an alternative entry into the political discussion—The faithful Levi had an accomplice, Simeon, and the author of Judith chose to enter Levi-politics wearing Simeon's disguise. So to Chyutin and Eckhardt, the story is about Levi after all.

What does the foregoing discussion about the book of Judith mean for evaluating the Second Temple concept of Levi? From a different angle, Rainer Albertz offers some help. He admits the difficulty of the Bible's status as a secondary source for evidence to reconstruct early history. Yet he cautions against eliminating its witness entirely, recommending instead that the text be evaluated as closely as archaeological findings. Therefore, he presents "some literary-historical criteria that provide us with a rough guideline for the historical evaluation of biblical texts:

First of all, the uniformity or non-uniformity of a given text has to be proven by literary criticism and its units have to be dated: texts that lie closer to the events are normally more reliable. Form-critical classifications are also important: reports often contain more reliable information than narratives, narratives more than sagas and legends, and prophetic accusations more than prophetic announcements. In any case, all texts have to be interpreted against their Tendenz or ideology, which also has to be evaluated first. Of course, identical or similar information given by more than one independent biblical source has a higher degree of historical probability. This means that the same literary

502. Moore, Judith, 190-191.
tools used for the historical interpretation of the epigraphic material are valid for evaluating the degree of historicity of a biblical text. In other words, no matter how "doctored" a biblical text may be, there may still be historic residues left in it, and these residues may be used for historical reconstructions.

In the case of Judith 9, the historicity of the biblical Levi tradition is not the question. Instead, the historical evidence here simply shows that at the time of the writing of the book of Judith, people believed not only in the existence of Levi and Simeon, but they believed something different than Genesis seems to teach: They believed that Levi and Simeon acted on behalf of God in avenging their sister. In Albertz's terms, the Tendenz of the book of Judith has nothing to do with Levi: It refers to the justice of Levi's accomplice, Simeon. And, the Tendenz of Jdt 9:1-14 has nothing to do with justifying Simeon: It merely refers to Simeon's already-established justice. The force of this historical reference, this historical residue, is to push the rehabilitation of Levi and Simeon far back in literary-cultural history before the composition of Judith. In other words, by the time of the writing of Judith, Levi's elevation and exoneration—and thereby Simeon's also—was the currency of a long and well-established interpretation.

4.2.2.3 Malachi

4.2.2.3.1 Malachi: The Broader Discussion

Eileen M. Schuller writes that while Malachi has very few historical indicators, there is general agreement that it was written during the Persian Empire (539-332 BCE) after the construction of the second Temple in 515 BCE. She also notes that many believe that Malachi preceded Ezra.


and Nehemiah: Malachi preached reform, and Ezra and Nehemiah effected reform. This would place Malachi in the narrower range of 480-450 BCE. Even though Elizabeth Achtemeier considers this reconstruction the conclusion of "broad consensus," Schuller has more recently labeled it "speculative."

Julia M. O'Brien mentions the same material as Schuller, but her treatment of Levi and the priesthood is especially pertinent to our discussion:

"The book's insistence on proper sacrifices and its high regard of Levi as the ideal priest (2:4-6) fit well into the postexilic period, when the Temple took on new importance in the community. . . . In the postexilic community the priesthood took on much of the importance once attached, in the preexilic period, to the monarchy. Although Malachi acknowledges that the community must answer to a Persian governor (1:8), it holds the priests responsible for oversight not only of sacrifice, but also of instruction. The book calls for no future Davidic king but imagines a time in which the priests will exercise their functions appropriately and fairly."

Thus Malachi's treatment of Levi and the priesthood bears a clear post-exilic birthmark. So the increasingly dominant cultic connection to instruction and the sort of rolling together of prophet (instruction), priest (sacrifice), and king (by omission of the Davidic king) corresponds well with the post-exilic Levi texts we have already examined.

Paul D. Hanson has suggested that Malachi, along with Zechariah and Second Isaiah reflects rival priestly factions jostling for power. He explains that Malachi speaks for the minority

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505. Elizabeth Achtemeier, Nahum—Malachi (Atlanta: John Knox Press, 1986) 171, is more confident in this reconstruction, calling it the conclusion of "broad consensus."

506. Schuller, "Malachi" 847.


group, and "its critique of people and priests is based on an alternative notion of community to the one embodied by the Zadokites." However, O'Brien concludes that "little in Malachi provides clear support for [Hanson's] thesis," and she demonstrates that "the language of Malachi does not bear the weight of . . . Hanson's arguments." I agree with O'Brien, but even if Hanson is correct, this does not change much in the discussion: If the minority Malachi elevates Levi as opposed to the majority Zadokites' Aaron, this is still in keeping with the majority treatment of Levi in Second Temple literature. Additionally, even if the Zadokites' scribal activity affected portions of the Pentateuch, the evidence that remains points to preservation and accretions, or, as O'Brien points out, Wellhausen's priestly reconstructions would be impossible since older versions of the cult would have been lost to revision.

4.2.2.3.2 Malachi and Genesis 34

Michael Fishbane's comments provide context for evaluating Malachi 2. He explains that Mal 1:6-2:9 is a "divine exegesis" of the priestly blessing in Num 6:23-27 that represents a

509. Hanson, The People Called, 279.

510. Hanson, The People Called, 280.

511. O'Brien, Malachi, 288. See also Steven L. McKenzie and Howard N. Wallace, "Covenant Themes in Malachi," Catholic Biblical Quarterly 45, no. 4 (October 1983): 554-555, who may have an earlier version of Hanson's proposal in mind when they write that Mal 1:1-3:12 is not about priestly factions.

512. O'Brien, Malachi, 297.


515. O'Brien, Malachi, 297-298, cites Julius Wellhausen's proposal that "access to the priesthood narrowed over time." As with any reconstruction, such a suggestion requires scribal preservation of defunct ways of thinking or scholars would not be able to use a "flat" text to reconstruct the development.
"transformation of the sacerdotal blessing into a curse." Thus, Fishbane concludes that "a more violent condemnation of the priests can hardly be imagined."

Malachi 2:4-6 references an eternal covenant of priesthood for Levi and seems to link his zeal for righteousness to the founding of the covenant. This text contrasts with the Pentateuch because it not only references a covenant that is never described in Genesis, but it also credits Levi with righteous zeal, thus positioning Levi in a significantly different place than where Genesis 34 or 49 had left him. On the other hand, the text corresponds to the ethical concerns of Aramaic Levi. In other words, Mal 2:1-9 has two major thrusts: First, Levi's "historical" covenant of the priesthood (2:4, 8) and second, the ethical, Torah-instructional responsibility of the priesthood (2:6-7).

We have already discussed the issue of the priestly covenant in Aramaic Levi, where repeatedly throughout the prayer, Levi establishes himself as one who will pursue the model of an upright


517. Fishbane, "Form and Reformulation," 119.

518. Hill, *Malachi*, 206, notes that "the Bible nowhere records the establishment of this compact between Yahweh and Levi, the eponymous ancestor of the Levitical priesthood." A lack of explicit language combined with the presence of an explicit affirmation by interpretation can be equated with a cultural move, and this is exactly what the Second Temple literature supports. Henderson, *The Twelve*, 452, has drawn an excellent tie to an explicit covenant with Levi's descendent Phinehas (Num 25:12-13) in which case Levi is used as a metonymy for Phinehas. Similarly, although not addressing Malachi, Benedikt Eckhardt, "Reclaiming Tradition," 250, notes that 1 Mace 2:50-54 explicitly connects zeal for the law with Phineas in Num 25. Phinehas's zeal is rewarded by an everlasting covenant as priest. Thus, in Mattathias's speech to his sons, he connects their zeal, the covenant, and Phinehas, omitting mention of Levi. However, for two reasons Henderson's proposal has little direct bearing on our discussion of Second Temple culture. First, in order for the metonymy to work, by the time of Malachi's writing Levi himself must have been elevated and Jacob's condemnation of him must have been forgotten. Second, if the subsequent Second Temple literary history misread Malachi's metonymy, it did so in keeping with an existing cultural move to elevate Levi. In each case, Levi has been liberated from Jacob's condemnation and curse.

519. Note that Fishbane, "Form and Reformulation," 118, translates the passage as "Levites," etc., and in so doing gets around the Levi citation. However, Fishbane does not explain this translation choice, and this choice is obviously not universally accepted: Note the many Levi-the-Patriarch connections in the scholarly discussion. Even, Hanson, *The People Called*, 278-290, who cites Fishbane, follows the patriarch interpretation and does not follow Fishbane's rendering.
priesthood laid out in Mal 2:6-7 (ALD 3:4-11, 13). Additionally, in the prayer, Levi establishes himself as one who has a concern for the righteousness of others (ALD 3:12, 17, cr. Mal 2:6-7).

Malachi, therefore, on the one hand may be the first evidence of a priestly retouching of the Genesis tradition, and the first literary evidence of a culture moving away from what is preserved in the scriptural literature. On the other hand, Malachi, similar to the development of Deuteronomy 33, propels forward the concept of priest as a holy teacher and enforcer of Torah. And Aramaic Levi, which explicitly connected the dots between the Levi of Genesis and the model priesthood, is likely the first evidence that the Second Temple culture picked up and advanced both developments.

The fact that Levi was mentioned as an example from the deep past is no surprise in Malachi: O'Brien notes that there are other ancient figures cited in the book, including Jacob and Esau, Moses, and Elijah. Therefore, she suggests that "the concern with Levi as a prototype for the proper priest may arise from Malachi's strategy of using religious tradition as a base from which to launch its rhetoric." Yet, McKenzie and Wallace speak of Malachi's use of the memory of the patriarchal period. Thus, "the reference in 3:4 to the 'days of old' and 'former years' brings to mind the exemplary priestly behavior of the ancestor Levi referred to in 2:4-6." But if

520. For an introductory discussion on the priestly flavor of Malachi, see Hill, Malachi, 213.


522. O'Brien, Malachi, 298.


524. McKenzie and Wallace, "Covenant Themes," 554-555. Fuller, "The Blessing," 39-40, also discusses the elite patriarchal company that Levi shares in Malachi. To Fuller, "the figure of Levi serves as the ideal priest from the distant past who models proper behavior as well as priestly responsibilities."
Malachi's readers were remembering only the Genesis account, they would not be remembering Levi's "exemplary priestly behavior." So Levi's rehabilitation may have preceded Malachi.

Andrew E. Hill's evidence that the cultural rehabilitation of Levi preceded Malachi takes the form of an exegetical proposal. He notices a chiastic structure and a "discernible symmetry in the MT accentuation of the three clauses (3 + 3 + 3)," noting that "it is possible the prophet quotes here a popular adage or liturgical ode in praise of the Levitical priesthood, thus accounting for the almost poetic rhythm of the construction." The chiastic structure Hill notices includes only 7ab, but the accentuation includes 6d. The subject of 6d is Levi (Mal 2:4), but the subject of 7ab is the more generally titled "priest." Hill thus includes 6d in the rhythmic and possible "ode"-piece of 6d-7ab. If he is right, the grammar of this construction connects Levi with a popular lyric of righteousness. This lyric, then repeated in Malachi, reflects a cultural elevation of Levi that well precedes the writing of Malachi. So not only does Malachi play a significant role in Levi's rehabilitation, it may actually reflect prior rehabilitation.

4.2.2.3.3 Summary: Malachi

In trying to reconstruct the history of exilic and post-exilic Israel, Lester L. Grabbe illustrates the criterion of independence. Although he notes that he is increasingly skeptical about the value of Ezra as a historical source, he claims to be more positive regarding the value of Haggai and Zechariah. They "give a picture of the rebuilding and restoration which differs in essential points from that in Ezra 1-6. It is difficult to be sure how to evaluate their information, but they have a certain independence." If we turn the criterion of independence to our study, we find an intriguing parallel to what I have been arguing all along, namely that it is unlikely that Second


526. Grabbe, "Israel's Historical Reality after the Exile," 21.
Temple authors created the Genesis Levi stories. As we have seen, Malachi 2:4-8 certainly has independence from the Genesis Levi stories. Whereas in Genesis Levi is deserving a curse, in Malachi he is deserving a blessing. So Malachi's Levi is independent from Genesis' Levi. But what does this say about Genesis' Levi? Is it likely that Genesis' negative Levi was created subsequently to Malachi's positive Levi? Or is it more likely that Malachi's Levi is a rehabilitated version of the Genesis Levi, and that in keeping with the well-charted cultural movement that vested the priesthood with increasing stature in the community? Clearly the latter option is more reasonable, and thus pushes the Genesis Levi stories well before not only Malachi's time, but also before the other Second Temple texts' elevation of the priesthood.

4.2.2.4 Deuteronomy 33

Russell Fuller reconstructs Malachi's audience: "Even though it is reasonably clear that in Dtn 33 there is no special covenant with Levi, the idea may have begun quite early and in the fifth century, Dtn 33 may have been read in this light."\(^5\) Similarly, Andrew E. Hill writes: "Although not explicitly identified as a covenant, the language of Malachi has affinities with the blessing of Moses on the tribe of Levi (Deut 33:8-11)."\(^8\) Lack of explicit language combined with the presence of an explicit affirmation by interpretation can be equated with a cultural move, and this is exactly what the Second Temple literature supports.

Although Patrick D. Miller assesses the poem in Deuteronomy 33 as "enigmatic and difficult to translate," he concludes that "the themes that predominate within the series of blessings are clear."\(^9\) In Miller's reading, the themes of Levi's blessing include: "the roots of the creation of a

\(^5\) Fuller, "The Blessing of Levi."

\(^8\) Hill, Malachi, 206.

\(^9\) Patrick D. Miller, Deuteronomy (Louisville: John Knox Press, 1990), 239.
continuing group of persons in the midst of God's people who shall be responsible for their instruction, for the communication of the Lord's word, and for standing before the Lord in behalf of the people to seek God's favor and forgiveness and continuing care."\(^530\)

But how do Massah and Meriba fit in? In Exodus 17 and Numbers 20, other than the fact that Moses and Aaron are from the tribe of Levi (which is not mentioned in these passages), there is no Levitical component to the Massah and Meriba stories. Here, Gerhard von Rad's comments are helpful for several reasons. First, Von Rad links the authority of the ancient traditions to the present application: "Certain events which lie in the distant past, because they evidently serve to provide Levi with legitimate authority to perform this important office, are now recalled in the saying."\(^531\) So, Von Rad sees the same vital connection between agenda and authority that is essential in this discussion of scribal preservation. Second, Von Rad identifies the cross-references: "V. 9 recalls Ex. 32.26-29 while in v. 8 allusions have been found to Ex. 17.1-7 and Num. 20.1-13."\(^532\) But he is not naïve with regard to the direct correspondence: "We need not be surprised that these allusions to historical happenings cannot be made completely consistent with any of the accounts in the Pentateuch; reminiscences are revived here which were still current in Israel when the saying was composed."\(^533\) So, Von Rad sets the equation in the era of dynamic traditioning of Israel's past. Earlier, he had explained that with regard to this blessing, "We find it difficult to understand, because we know so very little about the history and official duties of the tribe of Levi and hence, too, about the particular situation which this saying concerning Levi

\(^{530}\) Miller, Deuteronomy, 240.


\(^{532}\) Von Rad, Deuteronomy, 206.

\(^{533}\) Von Rad, Deuteronomy, 206.
takes for granted." Even in these two quotations, we find strong support for scribal preservation—why would any scribes compose so significant a text with apparently broken historical referents? Indeed, simultaneously, why would scribes not fix (revise) so significant a text with apparently broken historical referents? In this case, the revision question applies to both ends of the reference: Why not insert the tribe of Levi into Exodus 17 and Numbers 20 if indeed the tribe was significant in those passages? Or why not fix the broken Deuteronomy reference?

It is that broken Deuteronomy reference that Miller helps us to understand better. To explain Deuteronomy 33, Miller cites not only Numbers 25 and Phineas's zeal, but he also cites the allegiance of the Levites in the Golden Calf incident in Ex 32:25-29. Miller explains: "The right and responsibility of priesthood is granted to those who have been faithful to the covenant demands when others have abandoned them. In Exodus 32:25-29 and Numbers 25, the Levites are assigned their role because of their passionate zeal for the Lord and their adherence to the basic commandment to love only the Lord."

534. Von Rad, Deuteronomy, 206.

535. Miller, Deuteronomy, 240.

536. Miller, Deuteronomy, 240.
So, in Deuteronomy 33, we find the seeds of exegetical thought that were able to grow together into the elaborately revived Levi plant:

**Table 3: Deuteronomy 33 Reads the Pentateuch Backwards**

<table>
<thead>
<tr>
<th></th>
<th>Exogamy/Sexuality Avenged</th>
<th>Quarrelsome Nation</th>
<th>Levites Involved</th>
<th>Levites Merit Blessing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genesis 34</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Exodus 17</td>
<td></td>
<td>X</td>
<td>(X)</td>
<td></td>
</tr>
<tr>
<td>Exodus 32</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Numbers 20</td>
<td></td>
<td>X</td>
<td>(X)</td>
<td></td>
</tr>
<tr>
<td>Numbers 25</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

If we read the table backwards relative to the order of the Pentateuch, we can see how it would be easy to read the details of Numbers 25, the most complete priestly merit and covenant story, on to the previous Levite/exogamy/quarrelsome texts. Indeed, it seems that if Deuteronomy 33 and Malachi 2 were written after the first four books of the Pentateuch, the authors' meditations would proceed backwards, and this may ultimately be the reason Genesis 34 was read in light of Numbers 25, etc. Now in this instance of ancient reader-response interpretation, it is possible that the use of the singular pronominal and verbal forms throughout Deuteronomy 33's references to Levi pushed readers along the pathway into reading onto the patriarch Levi the merits of his descendents. On the one hand, the other tribal blessings for Jacob's other sons are constructed
using singular forms, so the impact of the singular in the case of Levi should perhaps not be pushed too far. However, on the other hand, it is possible that the interpretation of ancient texts was more ad-hoc and therefore more functionally atomistic than we might suppose in today’s critical context.

4.2.3 Summary: Second Temple Levi Texts

The cumulative effect of examining these sources demonstrates a widespread notion that Levi’s actions in Genesis 34 were virtuous, in contrast to the judgment of his father in Genesis 34 and 49. The stemma in Figure 1 shows the significant exegetical moves or additions throughout the Second Temple period.

Figure 1: Levi’s Elevation: Possible Stemma

First of all, it seems that Dt 33:8-11 may have been the first move to open the door to connecting Levi to the merit-based priesthood of instruction. The blessing of Deuteronomy 33, however, was corporate, since Levi the patriarch was long dead by the time of Massah and Meriba.
Malachi extends the priesthood, the merit, and the instruction of Levi’s priesthood to a covenant. In both Deuteronomy and Malachi, the use of the singular in describing Levi along with the singular instances of merit may have either pushed later interpreters to elevate the patriarch Levi, or they may reflect an elevation that took place before the writing of Deuteronomy and Malachi. Second, the stemma shows that three accounts may have followed Malachi’s exegesis: Judith and *Joseph and Aseneth* may be independent texts, but the Aramaic Levi Document may have influenced Jubilees and the Testament of Levi. Because the Aramaic Levi Document is fragmentary, we cannot know whether the Testament of Levi was influenced uniquely by it or by Jubilees’ use of it.  

The stemma is striking because it shows that the elevated Levi has its historical beginnings early in the Second Temple period—at the latest. However what is especially striking about this stemma is how dramatically elevated Levi is early in the development of the tradition, even though it seems likely that the greatest amount of innovation is reflected in the Aramaic Levi Document. Yet, even though Aramaic Levi’s innovation may be the largest quantitatively, from a qualitative perspective, Malachi 2’s innovation that explicitly connects Levi the patriarch to a merit-based priestly covenant, is more significant—and this innovation took place early in the Second Temple period.

### 4.2.4 A Heuristic Retelling of the Compositional History of Genesis 34

At this point it is possible to attempt to reconstruct the compositional history of Genesis 34. Table 4 is entitled "A Heuristic Retelling of the Compositional History of Genesis 34." The use of the word "heuristic" is significant here: This retelling does not claim to be anything other than

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537. Greenfield, Stone, and Eschel, *Aramaic Levi*, 137-138 explain that material lost from the Aramaic Levi Document may have provided source material for the Testament of Levi.
a logical arrangement and explanation of the possible development of the Levi tradition from negative portrayal to meritorious priestly patriarch. So the table represents a crystallization of all of the textual relationships discussed earlier in chapters two and three. There is one final disclaimer: This heuristic retelling is oriented to the development of texts as opposed to oral traditions. First, while texts and oral traditions may be miles apart on the one hand, on the other hand scribes can revere and preserve either authoritative texts or authoritative traditions. So the implications of scribal preservation apply to either: authority, reverence, relevance to earlier historical context, etc. Second, this is not a dissertation arguing for oral tradition against textual tradition or any of the phases in between. So, if Genesis 34 was primarily preserved as oral tradition, some aspects of the following relationships may be undermined, particularly strict linear dependence at various phases. An example of something that could be explained as having a parallel (oral tradition) or linear (textual tradition) development would be the relationship of the Levi mentions in Genesis, Numbers, and Deuteronomy.

Table 4: A Heuristic Retelling of the Compositional History of Genesis 34

<table>
<thead>
<tr>
<th>Genesis 34 Tradition or Text</th>
<th>At some point in Israel's literary or oral past, probably well before the monarchy, there arose a story with the same basic plot components as Genesis 34. This story portrayed Levi negatively, because he had incurred his father Jacob's wrath for a disproportionate response to the rape of his sister Dinah.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genesis is Formed</td>
<td>At some point in Israel's literary or oral past, the stories of Israel's patriarchs were gathered together. It is possible that this version of Genesis showed only prominence for Jacob's favored son Joseph and did not include either the stories about Reuben's,</td>
</tr>
</tbody>
</table>

538. See "Alternative Hypothesis 5" above.
Simeon's, and Levi's disqualification from Jacob's blessing or the explanation of Judah's "marriage" to his daughter-in-law Tamar. It is also possible that the "primeval history" was not part of this version of Genesis.

However, it is also possible that Genesis looked much like it does now—explaining the origin and place of the twelve tribes of Israel relative to all other nations. One argument for the cohesion of the patriarchal narratives (Genesis 12-50) is that while the "Judah overlay" might have elevated Judah, it did not seem to do so at the expense of Joseph; thus it is difficult to believe that a move to elevate Judah only resulted in an impasse between Joseph and Judah's prominence.

### Genesis Receives the Judah Overlay

If the "proto-Genesis" did not include the "Judah overlay," at some point, probably early in the united kingdom, the authoritative material in what is now Genesis 34 became useful for finishing out Genesis's account of the patriarchal aetiologies, particularly the link between the tribe of Judah and Jacob's firstborn blessing. So, Genesis 26 and 34 were built into the Isaac-Jacob narrative, and Genesis 38 and 49 were built into the Joseph narrative, and Genesis 35:22 was inserted to explain Reuben's fall from his father's grace. With these authoritative additions, the authoritative account of Israel's ancestral history now explained Judah's right to the throne.

### (Numbers Describes the Merit of Phineas)

At some point in the development of Israel's literary consciousness, the story now contained in Numbers 25 gained force. Here, a Levite named Phineas can be seen to have followed in his ancestor's footsteps: In a sexual context of exogamy, Phineas saved his people through violence. In the process, he killed a Simeonite. As a result, he received the covenant of the priesthood. While it is unlikely that Genesis 34
was crafted to reflect the Phineas incident, the emergence of the Phineas story opened the door to read the Levi story in its light. And, if the two stories merged in readers' minds, Levi's negative portrayal could have become reversed by Phineas's positive portrayal.

**Deuteronomy Presents the Tribal Blessings**

At some point in that same literary development, the blessings of Deuteronomy 33 began to impact readers. Here, while there is no covenant or Phineas mentioned, there is a corporate, meritorious blessing for Levi announced in connection with a testing from God: Levi will now teach Israel along with offering sacrifices.

**Malachi Connects the Dots**

Having read Deuteronomy 33 alongside a backwards Levitical reading through Numbers, Exodus, and Genesis, it seems much less innovative of Malachi to make the connection between Levi the patriarch and the meritorious covenant of the priesthood explicit. Nonetheless, Malachi 2 remains innovative as the first literary portrayal of Levi as a meritorious and not a cursed patriarch.

**Genesis 34 Mitigation**

As the priesthood increasingly grew into the meritorious teaching role outlined in Deuteronomy 33 and Malachi 2, and as the Levi readings in what became the Pentateuch began to run together, and as the priestly scribes became increasingly aware of the conflict presented by Levi's negative portrayal in Genesis 34, priestly scribes may have taken the opportunity to add some explanatory features to Genesis 34, including giving Levi the last word at his father's rebuke. One issue that argues against this mitigation theory is the question of why Genesis 49 still has Levi cursed by his father: If mitigation and the last word were possible in Genesis 34, why were they not used in the equally problematic Genesis 49?
| **Aramaic Levi Explains Levi's Covenant** | Since by the fifth century, Malachi had attributed the merits of the priestly covenant to the Patriarch Levi, by the third century, it remained only for the writer of Aramaic Levi to discuss the narratives of Genesis with regard to Levi's receipt of Jacob's blessing and the priestly covenant. Additionally, the writer of Aramaic Levi also pushed further than the scribal mitigators of Genesis to shift guilt away from Levi in the Shechem incident. |
| **Jubilees Retells Aramaic Levi's Explanation** | Later, the author of Jubilees seems to have tapped all the resources of the previous exegesis and restoration of Levi: Jubilees is the first extant complete explanation of Levi's innocence and merit at Shechem. |
| **Testament of Levi Retells Aramaic Levi's Explanation** | Later yet, the Testament of Levi carries the ball further than Jubilees. It is unknown whether the Testament expanded upon Jubilees or followed Aramaic Levi or the broader cultural discussion for the unique aspects of its exoneration of Levi. |
| **(Judith Reflects Levi's Reversal)** | Meanwhile, Judith may be contemporaneous with Jubilees. The writer of Judith makes no effort to exonerate Levi, but instead uses the existing exoneration of Levi as currency in her connection with Levi's accomplice and Judith's ancestor Simeon. This use of Levi's exoneration for a story about Simeon shows the exoneration to be a culturally established fact. |
| **(Joseph and Aseneth Reflects Levi's Reversal)** | Similarly, though within a relatively unknown time frame, *Joseph and Aseneth* was written. This account, which is directly targeted at the perceived problem of a patriarch involved in exogamy, also builds Levi's exoneration into its plot. Here, Levi finally has all the stature of a prototypical patriarchal priest. No longer guilty, he is now the |
ideological priestly superhero.

The foregoing heuristic retelling of the compositional history of Genesis 34 is characterized by the interaction of a relatively stable tradition, Genesis 34, with a dynamic culture, the priestification of Israelite religion and texts. Were it not for scribal preservation, we would never know about the priestification of Israel's text: With reference to Levi, in all of Israel's ancient texts Levi would just look like Levi the priestly superhero of Joseph and Aseneth. Instead, because of scribal preservation, we can see how through exegesis and imagination, Levi grew from a cursed murderer to a meritorious priest wielding God's own sword of judgment.

4.3 Summary: Second Temple Reception of Genesis 34

The Second Temple reception of Genesis 34 provides evidence for scribal preservation. Even though the compositions of the period elevated the righteousness of Levi, the scribes of the period preserved the Genesis materials that present a less favorable picture of Levi. The widespread Second Temple readings of Genesis 34 that "prop up" Levi make it unlikely that the negative portrayal of Levi was composed in that period. Simultaneously, the political and theological features of Genesis 34 make its composition by Priestly redactors unlikely.

Regardless of whether the chapter and its settings reflect accretions and insertions (Carr, Van Seters, and Rendsburg) or some type of unified composition (Fretheim, Parry), scribal preservation must be taken into account. Regardless of the amount of the pericope that reaches

539. Carr, Reading the Fractures, 290.
540. Van Seters, Prologue to History, 278.
back to antiquity due to scribal preservation, the critical axiom that historical context determines literary content is tempered by evidence of scribal preservation.
Chapter 5
Conclusion

The central argument of this dissertation suggests that on the basis of scribal preservation and with regard to the historical-critical axiom, biblical scholarship needs to incorporate a more carefully nuanced understanding of the factors that brought about the Pentateuch as it stands in the Hebrew Scriptures. The nuance called for is one that accounts for both scribal revision and scribal preservation.

On the one hand, this is a radical call—the call to account for the persistence of ancient texts and historical contexts through subsequent socio-religious historical contexts. Therefore, in this work a wide spectrum of interpreters who discuss the formation of the Pentateuch is surveyed, and it is demonstrated that scribal preservation is not a radical concept: Every interpreter either factors scribal preservation or does not eliminate it. The question of why texts would be preserved in alien contexts is also discussed, and it is found that texts that had authority demanded preservation. Here, historical contexts stood under and not over ancient, authoritative literary texts. So, even though this is a radical call—the call to nuance the universally held historical-critical axiom—it is not so radical because everyone accepts scribal preservation. Instead, the radical element about the call is that no one seems to apply scribal preservation to the historical-critical axiom.

On the other hand, this is not a radical call because the evidence supports it: Not only does the Bible itself exhibit the texture of different theological perspectives (the strength of this evidence has been the staying power of the Documentary Hypothesis), the reception history of the biblical texts also exhibits an even more stark texture of different theological perspectives. This is why Genesis 34 was presented as a case study here: The Second Temple reception of the negative
portrayal of Levi in Genesis 34 shows not only that the Second Temple readership was uncomfortable with Genesis 34, but it also shows the end of a reversal that began within the Bible itself, extending perhaps even into the composite nature of Genesis 34. In other words, some parts of Genesis 34 were preserved even in spite of revision during not just the transmission phase of the text, but also during the formative phase of that text. Scribal preservation in spite of scribal revision introduces a new axiom: Scribal mitigation equals scribal preservation.

If any scribe mitigated anything in the text, by definition the scribe also preserved something in the text. If there was any scribal preservation, then the historical-critical axiom must be nuanced: Not everything in every text relates to the historical culture of the last scribal hand to touch the text. With any scribal revision, therefore, the text at a minimum must be seen as a product of accretion. The only two alternatives are: 1. Scribal composition with "planted" mitigations, or 2. Scribal preservation of materials only pertinent to the culture of the preserving scribes. In the case of the second option, scribal mitigation as opposed to obliteration seems to argue against selective preservation. In the case of the first option, the burden of proof would seem to be on those who would propose that scribes intentionally created material that opposed any known agenda they might have had. In other words, the agenda-texture of Scripture is too full. Levinson comments that the inclusion of both Deuteronomy and the Covenant Code in the same canon is a great "irony." Scribal mitigation happened because the scribes could not eliminate the offensive texts: What could not be eliminated from the text was mitigated in the text, and what could not be mitigated in the text, was mitigated outside the text in commentaries and other

544. Levinson, Deuteronomy, 154-155. In this discussion Levinson also includes Chronicles and Kings in a similar irony.
interpretive works. This is exactly what we find in the case study of Genesis 34, both in Scripture and in the Second Temple writings.

Genesis 34 is a particularly good choice for a case study since it includes the only Pentateuchal narrative appearance of Levi, the priestly patriarch. At face value, Levi is negatively portrayed, so this might be surprising considering the historical-critical axiom: If scribal preservation on the basis of textual authority is not factored, when would the historical context have called for a negative portrayal of Levi? In contrast, if scribal revision were not restrained by scribal preservation, there would have been a long historical context in which Genesis 34’s negative portrayal of Levi would not have been favorably received, and there would have been ample reason and opportunity to transform the old, unfavorable texts. So we looked closer at Genesis 34 to find out if the scholarly discussion reverses our face-value assessment. We found the following:

First, while close readings of Genesis 34 reveal a softened negative portrayal of Levi, the portrayal remains negative. Second, it seems that scribes may have reworked Genesis 34 in order to mitigate Levi’s guilt, but we also found that this was only a partial mitigation: Genesis 34 leaves Levi condemned by his father for his deception and his excessive violence.

Third, we evaluated the corresponding passage in Genesis 49. We found in Stanley Gevirtz a scholar who sees no connection between Genesis 34 and 49. If he were correct, the mitigation of Genesis 34 might have turned the tide back toward Levi. However, Gevirtz's linguistic and historical reconstructions seem to reflect more question-begging than the text, so they take us farther from plausibility than the prima facie conclusion that Levi was cursed for his actions by his father. Indeed, that this is the case is substantiated by the overwhelming number of readers
who associate Genesis 49 with Genesis 34. At the same time, we saw that even if there is no connection between Genesis 49 and Genesis 34 (per Gevirtz), Levi still comes out of Genesis looking bad in both chapters.

Fourth, by moving between chapters, we encountered the concept of the structure of Genesis. Thematically, it appears that within the Isaac/Jacob narrative, Genesis 34 has some things in common with Genesis 26, and within the Joseph narrative, Genesis 49 has some things in common with Genesis 38. This structural connection brought us back into contact with David Carr, who concludes that the Levi material in this structural overlay was inserted for the benefit of the Judahite monarchy. Thus, in the final arrangement of Genesis, Levi's negative portrayal is used in the service of the elevation of Judah. So, this macro-level insight, if nothing else, reinforces our initial assessment that Genesis 34 portrays Levi negatively.

Fifth, looking at the macro-level of Genesis took us in a different direction: What other common features do all the narratives of Genesis possess? Is it possible that Genesis is an inseparable literary unit? First, in evaluating the place of Genesis 38 in Carr's structural overlay, we found that it is possible to argue for even this apparent interruption to be read as integral to the Joseph narrative. Second, we then followed Seth Kunin through a discussion of mythemes in Genesis. Here we found that not only do several mythemes run throughout Genesis, several of these mythemes conflict with other Pentateuchal laws. So in a way reminiscent of Moberly, the patriarchal narratives appear to be united in their clash with Mosaic Yahwism. Pressing further with Kunin, we found that not only do the patriarchal narratives clash with Pentateuchal law, but the patriarchs themselves often find themselves on the wrong side of the mythemes. What is significant about this is that Kunin understands mythemes to be the implicit fruit of cultural self-understanding. So any slights against Levi are slights implicit in the culture. It was at this point
that we were prepared to evaluate Second Temple literature and see if that culture would produce or tolerate slights against the priestly patriarch.

In Chapter Four, we turned our attention to Second Temple literature. In this study, we worked our way through three related texts that specifically comment on the Shechem incident: Aramaic Levi, Jubilees, and the Testament of Levi. Here, we found strong evidence that in contrast to Genesis 49, not only was Levi exonerated for his violence in the Shechem incident reported in Genesis 34, he was actually awarded the priestly covenant for the zeal with which he had conducted himself in the incident.

We then turned our attention to three additional Second Temple texts that do not appear to be directly related to the first three texts we looked at: Joseph and Aseneth, Judith, and Malachi. Malachi, it turned out, led us back into Deuteronomy as we searched for clues to Malachi's exegetical construction. In the case of both Joseph and Aseneth and Judith, any agenda for reversing Levi's guilt at Shechem was remote: The stories have their focus away from Levi. Yet, the revealing truth is that both stories also presuppose Levi's innocence as he acted as God's instrument of judgment upon Shechem. Jacob's curse in Genesis 49 is far from notice here. In the case of Malachi, we found that this was the first case in which Levi was connected to the covenant of the priesthood, a notion with no precedent in Genesis. So, on the one hand, we concluded that Malachi may have gotten the ball of the Second Temple Levi reversal rolling. On the other hand, we investigated how Malachi may have arrived at a connection between Levi and the covenant of the priesthood. This question pointed us in the direction of not only Deuteronomy 33, but also passages in Numbers and Exodus that may have been read onto Levi.
The simple conclusion to our Second Temple investigation of Genesis 34 and Levi is thus as follows. On the one hand, there is no indication that the Second Temple period would have produced any materials containing negative portrayals of Levi. On the contrary, our investigation reveals that Second Temple writers were unified in their interest in pushing the exoneration of Levi forward and showing him to be the meritorious receiver of the priestly covenant. Thus there is no evidence that Genesis 34 would have been produced in the Second Temple period. Instead, due to its established authority, and through scribal preservation, it was carefully transmitted in the period. Due to the forces of scribal preservation, therefore, literary attempts to reverse the message of Genesis 34 were channeled outside the transmitted text.

After surveying both the general field of Pentateuch formation and the specific case study of Genesis 34, we are left with the following realization: Textual content oftentimes retained its authority throughout the scribal process in spite of changing cultural winds. This basic orientation will need to be re-appreciated; that is, revision or editing of the scriptural text occurred simultaneously with perhaps an even more determinative tendency of scribal preservation.

The results of this study suggest, then, that the concept of scribal preservation be allowed to temper the application of the axiom that historical context determines textual content. Tempering this axiom is the seed for a sea-change for more balance in historical reconstruction.

Practically speaking, the sea-change would be characterized by the following principles:

1. The historical-critical axiom should not without question be applied in cases of scribal preservation. In other words, scribal preservation may mean that a preserved text does not automatically take on the character of the culture that transmitted it.
2. Because of the link between scribal preservation and textual authority, it should be recognized that if a text is connected to a specific agenda, in order effectively to contribute to that agenda, the contents of that text needed to contain authority, and as a result, authoritative texts needed to predate the application to which they were directed. In other words, in order to be relevant to the agenda, either the text or the author needed authority. Therefore, in many cases, in texts intended to effect certain agendas, the material in the texts is from an earlier historical era than the agenda to which that material is applied.

3. Because of the link between textual function and scribal preservation, critical scholarship should begin to implement the following scribal preservation axiom: "Scribal mitigation equals scribal preservation," and its correlate: "Agenda-based scribal revision equals scribal preservation." In other words, to mitigate, there must be something to mitigate, and to revise, there must be something to revise. And, of course, in order to use a mitigated or revised text, there must be a power attached to the unmitigated or unrevised text, and this power must be passed to the mitigated or revised text.

4. Because of the marked presence of "literary friction," critical scholars should begin to implement an additional scribal preservation axiom: "Textual diversity equals scribal preservation." Because of this axiom, texts themselves need to be seen as complex archaeological witnesses. So, even though the Bible may not be the guide to what the archaeological spade uncovers, the Bible is not nullified as an archaeological site itself. In other words, because of scribal preservation, the compositional history of the Bible is itself history, notwithstanding external referents. Somewhere in this compositional history there may be correlates with those external referents, even if only at a minimal level. In my opinion, this general, as opposed to specific correspondence between archaeology and biblical history as an obvious baseline is beyond dispute.
The final test for my analysis is consideration of the opposite hypothesis. If any of these concepts functioned in an opposite manner from what I propose, that is, the scriptural text was heavily revised, minimally preserved, or freshly composed, Second Temple evidence demonstrates that at a minimum the material in Genesis 34 would have been composed differently, or it would not have existed altogether. A different composition likely would not have the elements that troubled Second Temple interpreters: For example, Levi would not have been implicated in the deception and destruction of an entire village. On the other hand, if the narrative strands of Genesis 34 had been removed, not only would the other dominoes fall—the structural connections with Genesis 26, 38, and 49 would be left hanging—but the shape of the entire patriarchal system would have been irretrievably altered with no etiological explanation for Simeon and Levi being passed over as first-born. Consequently a new story would have been needed to explain Judah's well-established firstborn status. Thus, the opposite hypothesis does not appear convincing.545

The heuristic retelling of the compositional history of Genesis 34 demonstrated the priestification of Israelite religion and texts. A relatively stable tradition, Genesis 34, interacted with a dynamic culture to produce modifications and compositions that differed significantly from the source text. The heuristic retelling shows multiple layers of compositional development. Yet, were it not for scribal preservation, we would never know about the priestification of Israel's text. With reference to Levi, in all of Israel's ancient texts Levi would just look like Levi the priestly superhero of Joseph and Aseneth. Instead, because of scribal preservation, we can see how through exegesis and imagination, Levi grew from a cursed murderer to a meritorious priest wielding God's own sword of judgment.

545. Please see the appendix for an extended discussion of possible opposite and alternate hypotheses.
Thus, the findings of my case study on Genesis 34 imply that source critics should retain their sensitivity to literary, political, and theological movements within the text, but should also be prepared to recognize that so-called editorial activity involved the use of pre-existing materials as much as it involved the creation of new materials. The concept of historical context comprehensively influencing textual content at the scribal level—in other words, the critical axiom—will need to be critically reassessed. Thus, the formation of the Pentateuch resulted from both scribal revision and scribal preservation.

While the Levi stories are likely among the most prominent of patriarchal stories because of Levi's ultimate Second Temple stature, the Second Temple culture also reversed other patriarchal stories from where Genesis leaves them. Reuben, Judah, and Joseph all ran afoul of Mosaic Yahwist codes, as did their father Jacob and great-grandfather Abraham. Therefore, all of these patriarchs needed some justification in the Second Temple period. Additionally, as George G. Nicol has pointed out, Moberly's discontinuity between the patriarchal stories and Mosaic Yahwism is only scratching the surface: Mosaic Yahwism has an uphill battle in all the biblical history of Israel. So there are multiple angles to examine from that observation. On the one hand, Second Temple literature can be read against the biblical histories of the conquest, the judges, and the monarchy, especially David and Solomon. This type of reading would steer the discussion of the minimalists from late uniformity to evolutionary pluriformity. On the other hand, the literary relationship between Mosaic Yahwism and the biblical history can also be studied with the discontinuity in mind. In every case, such studies of literary friction are only possible because of scribal preservation.

Bibliography


Tate, Marvin E. "Questions for Priests and People in Malachi 1:2-2:16." Review and Expositor 84, no. 3 (Summer 1987): 391-407.


