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James W. Watts
Syracuse University

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PUBLIC READINGS AND PENTATEUCHAL LAW

by

JAMES W. WATTS

Hastings, Nebraska

References to reading are remarkably sparse in the Hebrew Bible. Though the variety of forms and styles in the biblical books attests an ancient literary culture in Israel, there is little explicit mention of reading prophecy and virtually no references to reading hymns or history. Most references to reading portray the reading of law.

Such references provide valuable insights into how the Pentateuch's writers expected their work to be read. Reading expectations make up the components of genre and shape the conventions used by writers to compose their works. Thus accounts of law readings also illuminate the ancient literary conventions for writing law. After surveying references to reading law in the Hebrew Bible, I will argue that the literary and rhetorical form of Pentateuchal law was shaped by Israel's tradition of public law readings.

Public Readings

In the story of events at Sinai in Exodus, Moses reads a law document in a ceremony ratifying the covenant. Exod. xxiv describes Moses as reciting and then writing down "all the words of YHWH" (*vv.* 3-4), and finally taking "the book of the covenant and read(ing) it in the hearing of the people" (*v.* 7). The close proximity of this episode to the collection of laws in Exod. xxi-xxiii supports the identity of the "book of the covenant" with that collection, though the precise boundaries of the book are hard to pin down. It is nevertheless clear in the current form of Exodus that the covenant at Sinai is ritually completed by, among other things, the public reading of a law code.

In Deut. xxxi 9, Moses writes "this law" and then commands the Levites to read it to "all Israel" every seventh year during the festival of booths (*v.* 11), thus portraying a legal document written to serve as a script for oral presentation. Instructions for the preser-

vation of treaties and their public recitation at regular intervals are also found in some ancient Near Eastern treaties.[1] In Deut. xxxi, the law's storage in the ark of the covenant and its public reading every seven years similarly aims to remind Israel of the covenant with God.

When Joshua reads the law to the people on Mount Ebal in Josh. viii, the text emphasizes the comprehensiveness of the reading: "he read all the words of the law, the blessings and the curses, as it was all written in the book of the law. There was not a word of anything which Moses commanded that Joshua did not read" (Josh. viii 34-5). The emphasis in Exod. xxiv and Deut. xxxi on the creation of a written record of previous oral proclamation is reversed in Josh. viii, which emphasizes the public reading and inscription of the written text. Here the book of the law functions as a script for oral proclamation and publication.

Josiah's law book was read before him (implicitly all of it; 2 Kgs xxii 10//2 Chr. xxxiv 18) and then Josiah gathered "all the people" and "read in their hearing all the words of the covenant book", after which he made a covenant (2 Kgs xxiii 2-3//2 Chr. xxxiv 30-1). The emphasis in xxiii 2 falls on the comprehensiveness of the reading ("all the words") and the inclusiveness of the audience ("every man of Judah and all the inhabitants of Jerusalem, the priests, the prophets, and all the people"). The story goes beyond previous accounts of law readings in making the book serve as a prescription for religions reform.[2] Public reading and communal assent to law (xxiii 2-3) are here the prelude to royal enforcement of law (xxiii 4-25).

Like Josiah, Ezra reads the law to "all the people" (Neh. viii 1,3,5; this inclusive assembly consists of men, women, and children old enough to understand, according to *vv.* 2,3).[3] The accounts of

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[1] This suggests simply that Deut. xxxi reflects a common practice, not, however, that it is shaped by a set treaty form. Dennis McCarthy notes that "reference to the document in the treaties ... is simply too rare and devoted to too many diverse functions to be accounted an essential formal element" (*Treaty and Covenant* [2nd edn. Rome, 1981], p. 65).

[2] Since the parallel account in 2 Chr. xxxiv has the reform precede the discovery of the law book, the sequence in Kings may well be a theological construction of the Deuteronomistic editors, intent on elevating the authority of Deuteronomy in this account. For full discussion and other literature, see G.H. Jones, *1 and 2 Kings* 2 (Grand Rapids and London, 1984), pp. 603-6.

[3] T.C. Ezkenazi notes the intense emphasis on inclusivity in *vv.* 1-12: *kol-hāʿām* "all the people" appears nine times, and *hāʿām* "the people" alone three more

Ezra's reading of the law emphasize the amount of time spent rather than the completeness of the reading: "from dawn until noon" (viii 3), "daily" (viii 18), "a quarter of the day" (ix 3). Ezra's "book of the law of Moses" (viii 3) is clearly a large document and may have been the Pentateuch, more or less as it is today. Despite the document's size, Ezra's law book still serves as a script for oral proclamation and teaching. The depiction of its public reading obviously intends to evoke comparison with the pre-exilic law readings mentioned above.[4] In Neh. viii, Ezra acts within the tradition of covenant renewals centered on law readings, a tradition which Israel traced back through Josiah and Joshua to Moses.

The Hebrew Bible depicts other uses of law books as well. Two Deuteronomic passages describe continuous study of the law: in Deut. xvii 19 and Josh. i 8, the king and Joshua are instructed to study the law daily. Their positions as leaders (and judges?) of the people suggests that the kind of study intended here is juridical in nature.[5] Other texts emphasize teaching the law to the people: in Lev. x 11 and Deut. xxxiii 10, the teachers are priests; in 2 Chr. xvii 7-9, they are a royal commission composed of officials, Levites, and priests. But none of these texts indicates what form the teaching of the law took. Instead, the biblical emphasis on using legal collections falls on readings to public assemblies.[6]

times. "Such density of repetition has no parallels in Ezra-Nehemiah" (*In an Age Prose* [Atlanta, 1988], p. 97).

[4] U. Kellermann argues that Neh. viii-x exhibit the same pattern as law readings in Chronicles (2 Chr. xv 1-18, 29-31; xxxiv 29-xxxv 19), and that they all depend for their structure on the form of the synagogue service in the Chronicler's own time (*Nehemia: Quellen, Überlieferung und Geschichte* [Berlin, 1967], pp. 29-30, 90-2). D.J.A. Clines adds Solomon's assembly (2 Chr. v-vii) to the list of comparisons (*Ezra, Nehemiah, Esther* [Grand Rapids and London, 1984], p. 183). These comparisons have been strongly challenged by Ezkenazi, who argues that the elements in Neh. viii-x common to the accounts in Chronicles are also common to law reading accounts in Kings, from which they were most likely borrowed directly ([n. 3] pp. 105-10).

[5] 2 Kgs xi 12 suggests that royal authority was represented by possession of *hāʿēdût* "the testimony" which in some texts refers to tablets of law. See G. Widengren, "King and Covenant", *JSS* 2 (1957), pp. 5-7.

[6] Strikingly absent from the Hebrew Bible is any reference to judicial use of written laws, such as this text from Hammurabi's Code: "Let any oppressed man who has a cause come into the presence of the statue of me, the king of justice, and then read carefully my inscribed stela, and give heed to my precious words, and may my stela make the case clear to him; may he understand his cause; may he set his mind at ease!" (*ANET*³, p. 178). The Hebrew Bible portrays plaintiffs bringing legal cases before Moses, elders, or priests, but never referring or appealing directly to written laws.

Writing Law for Public Reading

My purpose in listing these texts is simply to point out that the tradition of public reading of law is widely attested in the Hebrew Bible. In response to the question, "How was law read in Israel?", the Hebrew Bible gives a definite answer: the whole law, or at least large portions of it, was read out loud in public.

From this observation, it is reasonable to hypothesize that much of Pentateuchal law was written or at least edited with such public readings in mind. In other words, laws were intended to be heard in the context of other laws and the narratives surrounding them. The writing of law would in that case require attention to rhetoric, mnemonics, and narrative context.

The hypothesis that much of Israel's law was written and edited for public reading is supported by two kinds of evidence. First, the narrative context of Pentateuchal law confirms that the Torah is intended to be read as a whole and in order. Unlike law, narrative invites, almost enforces, a strategy of sequential reading, of starting at the beginning and reading the text in order to the end. The placement of law within narrative conforms (at least in part) the reading of law to the conventions of narrative. Together with frequent references to public readings of the whole law, the narrative context of law becomes evidence of the reading conventions intended by the writers.[7]

There is no space, however, for a discussion of the large-scale structure of the Pentateuch in this essay.[8] I will focus instead on a second kind of evidence. Many smaller features of the Pentateuch which are inexplicable according to the familiar norms of legal literature make sense as rhetorical devices to aid aural reception of the law. Persuasion cannot depend only on the hearers' or readers' ability to comprehend the shape of the whole.[9] The words must

[7] My argument requires only that the intended setting, a public reading, be plausible to the first readers of the Pentateuch. It postulates that this intended setting shapes the Pentateuch's literary conventions. Therefore questions regarding the historicity of Israel's law reading traditions and the *Sitz im Leben* which they occuped at particular times have relevance only to the limited degree that they impinge on the setting's plausibility to early post-exilic hearers and readers.

[8] See J.W. Watts, "Rhetorical Strategy in the Composition of the Pentateuch", forthcoming in *JSOT*.

[9] The distinction between hearers and readers, which has been so fruitful for studies of orality and literacy in ancient cultures, is blurred by the practice of reading aloud for aural reception. Since Israel's legal texts and law-reading tradi-

regularly remind the audience of the laws' importance and of reasons for observing them. They must take memorable forms and they must hold the audience's attention. The tradition of reading law publicly would result in an emphasis on effective expression and mnemonics, as well as rhetorical structure, in the composition of biblical law.

Several stylistic traits of biblical law seem intended to further its aural reception. (1) Formulations of law addressed directly to "you" dominate the various decalogues (Exod. xx 3-17/Deut. v 7-21; Exod. xxxiv 11-26) and also distinct sections of the major legal and instructional collections. Such direct address specifies readers as obligated to obey, an impression reinforced in some legal collections by imperative exhortations. (2) Motive clauses emphasize the didactic and persuasive force of the Pentateuchal legal collections. The laws aim to instruct as well as command, and, by providing rationales for some of the regulations, the motive clauses enhance the persuasiveness of the law as a whole. (3) Small- and large-scale repetition heightens the mnemonic force of the laws and provides a sense of unity to diverse materials. (4) Variation, to the point of contradiction, broadens the whole law's appeal to include all the major constituences of post-exilic Judah.

Previous studies in Pentateuchal law have devoted considerable attention to hortatory addresses and motive clauses.[10] Repetition and variation have received much less discussion, though they are prominent features of the legal collections and make rhetorical sense as didactic devices.

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tion do not differentiate between readers and hearers, I also treat the terms as equivalent, regarding both as part of the text's "audience".

[10] "Apodictic" (usually second person) commands were classically described by A. Alt in "The origins of Israelite Law", *Essays on Old Testament History and Religion*, tr. R.A. Wilson (Oxford, 1966), pp. 81-132 = *Kleine Schriften* I (Munich, 1943), pp. 278-332. For brief surveys and bibliography of the form-critical debate over Alt's theory, see B.S. Childs, *Exodus* (London and Philadelphia, 1974), pp. 389-91; D. Patrick, *Old Testament Law* (Atlanta, 1985), pp. 21-4; and R. Sonsino, "Law: Forms of Biblical Law", *Anchor Bible Dictionary* IV, pp. 252-4. For discussion of how law "specifies" a reader, see H.P. Nasuti, "Identity, Identification, and Imitation: the Narrative Hermeneutics of Biblical Law", *Journal of Law and Religion* 4/1 (1986), pp. 9-23. On motive clauses, see B. Gemser, "The Importance of the Motive Clause in Old Testament Law", *SVT* 1 (Leiden, 1953), pp. 50-66; R. Sonsino, *Motive Clauses in Hebrew Law* (Chico, 1980); S.M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law, SVT* 18 (Leiden, 1970), p. 39.

Repetition

Repetition plays a decisive role in many forms of narrative literature, including the stories of the Hebrew Bible.[11] But its presence is even more pronounced in Pentateuchal law, with distinct codes overlapping in their subject matter and re-presenting laws which are elsewhere found in narratives. The resulting repetitions over the span of all five books include, for example: the twelve-fold repetition of the Sabbath command,[12] seven regulations regarding murder and its punishment,[13] and, most famously, two renditions of the whole Decalogue.[14] For the most part, different versions of commandments do not make explicit mention of each other. But there are exceptions to this rule and one whole code, Deuteronomy's, depicts itself as a re-presentation of laws already recorded in Exodus, Leviticus, and Numbers.

Critical interpretation has usually viewed repetition in law as well as narrative as a product of multiple sources being combined together, in other words, of the diachronic development of the text. Thus each code and decalogue was assigned to a different source.[15]

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[11] Studies of repetition in biblical narrative include: W. Baumgartner, "Ein Kapitel vom hebräischen Erzählungsstil", in H. Schmidt (ed.), ΕΥΧΑΡΙΣΤΗΡΙΟΝ: *Studien zur Religion und Literatur des Alten und Neuen Testament* 2 (Göttingen, 1923), pp. 150-5; M. Sternberg, *The Poetics of Biblical Narrative* (Bloomington, 1985), pp. 365-440; R. Alter, *The Art of Biblical Narrative* (New York, 1981), pp. 88-133; G.W. Savran, *Telling and Retelling* (Bloomington, 1988), pp. 1-12 and *passim*.

[12] Exod. xvi 22-30, xx 8-11, xxiii 12, xxxi 12-17; xxxiv 21, xxxv 2-3; Lev. xix 3b, xix 30a, xxiii 3, xxv 2-7, xxvi 2; Deut. v 12-15. In addition, there are three references to aspects of Sabbath observances: the creation of the Sabbath (Gen. ii 1-4), punishment for Sabbath breaking (Num. xv 32-6), and the sabbath sacrifices (Num. xxviii 9-10).

[13] Gen. ix 5-6; Exod. xx 13, xxi 12, 14, 21; Lev. xxiv 17, 21; Num. xxxv 16-21, 30-4; Deut. v 17, xix 11-13. Note the greater concern with retribution for murder than for Sabbath breaking: whereas only one Sabbath text mentions punishment (Num. xv 32-6), all the murder texts address the subject except for the command contained in the two versions of the Decalogue (Exod. xx 13; Deut. v 17).

[14] Or perhaps three, if the "ritual decalogue" of Exod. xxxiv 11-26 is intended (*v.* 28) as an alternative version of the Decalogue in Exod. xx 2-17 and Deut. v 6-21.

[15] Noth, for example, describes the various blocks of legal material in the Pentateuch and observes: "All these were once independent units, subsisting in their own right, each having its own purpose and sphere of validity, and having been transmitted individually for its own sake in the first place" ("The Laws in the Pentateuch" [1940], in *The Laws of the Pentateuch and Other Studies* [Edinburgh and London, 1966; Philadelphia, 1967], p. 7 = *Gesammelte Studien zum Alten Testament* [Munich, 1957], p. 16).

Some repeated commandments, such as the twelve-fold Sabbath commandment, appear so often and have such strong thematic consistency that distribution of each instance to a different source became implausible, and so the repetition was credited instead to the writers' desire for emphasis.[16]

Recent redactional theories of the Pentateuch's composition, which generally posit two reworkings of the material by Deuteronomistic and then by Priestly editors, confront multiple repetitions within a single redactional layer. Such theories have therefore highlighted repetition as a literary strategy employed consciously by the Pentateuch's editors.[17] Other interpreters have increasingly recognized repetition as a literary device in Pentateuchal law similar in its effect on readers to repetition in narrative or wisdom texts.[18]

Because of Israel's tradition of public law readings, literary analyses of repetition should be supplemented by investigations of the rhetorical and didactic function of laws and narratives. Repetition is a prominent feature of public speech, used to emphasize important points and make the contents memorable. Its importance in rhetoric and instruction has been widely emphasized, from e.g.

[16] Thus C.F. Kent comments regarding Exod. xxiv 10-28: "This primitive decalogue is repeated in the same or expanded form elsewhere in other groups of laws. That most of the regulations are reproduced four or five times in successive codes, indicates how great was the authority and importance attributed to them by late lawgivers" (*Israel's Laws and Legal Precedents* [London, 1907], p. 16).

[17] So E. Blum, *Studien zur Komposition des Pentateuch* (Berlin, 1990), pp. 197-200; T.B. Dozeman, *God on the Mountain: a Study of Redaction, Theology and Canon in Exodus 19-24* (Atlanta, 1989), pp. 145-76; and W. Johnstone, who understands the doublet of Exod. xxiii 12-19 and xxxiv 17-26 (usually divided between J and E) as an intentional repetition by Deuteronomistic editors ("Reactivating the Chronicles Analogy in Pentateuchal Studies with Special Reference to the Sinai Pericope in Exodus", *ZAW* 99 [1987], p. 28).

[18] Thus B.M. Levinson lists repetition among law's "literary" characteristics ("The Right Chorale: From the Poetics to the Hermeneutics of the Hebrew Bible", in J.P. Rosenblatt and J.C. Sitterson [ed.], *"Not in Heaven": Coherence and Complexity in Biblical Narrative* [Bloomington, 1991], p. 148), C.M. Carmichael compares Deuteronomy's "repetitive use of previously given material" with the style of proverbial wisdom (*The Laws of Deuteronomy* [Ithaca, 1974], p. 255), and Dozeman combines redaction criticism of the Sinai texts with contemporary literary theories of repetition ([n. 17] pp. 145-76). A full description of repetition in biblical law requires the employment of both synchronic and diachronic methods of interpretation. Regardless of its origins, repetition must be acceptable to the text's first audience or else it would not be preserved. The function of repetition thus requires literary description, but this does not preclude finding the origins of repetition in the diachronic development of the text.

Quintilian's comment, "Our aim must be not to put him in a position to understand our argument, but to force him to understand it. Consequently we shall frequently repeat anything which we think the judge has failed to take in as he should",[19] to the Marine Corps' dictum, "Tell them what you're going to tell them, then tell them, then tell them what you just told them." During a public reading of law, repetition would provide thematic unity, emphasis, and mnemonic effect.

The repetition of individual commandments obviously enhances their mnemonic force, but it also serves to emphasize certain themes. For example, the widespread injunctions to honor and obey parents and to respect the rights of resident aliens color the tone of the legal collections as a whole with the themes of orderly family relationships and just dealings with foreigners.[20] Similarly, the frequent prohibitions of the use of images and various kinds of magic firmly establish a theme of strict conformity in religious practice.[21] In Lev. xvii and xx, the same punishments ("cut off", "put to death") are attached to many different laws and so the regular repetition of these sentences unifies diverse material by emphasizing identical consequences. Repetition thus serves to unify at the thematic level particular legal collections and Pentateuchal law as a whole. It establishes emphases which by their frequent reappearance come to characterize the whole. Repetition makes law memorable and persuasive.

The relationship between the larger legal collections is partly characterized by repetition as well. At this level, the juxtaposition of different collections whose contents overlap serves to identify them with each other. Thus P's legislation in Leviticus appears from its narrative setting at the mountain as another version of the Covenant Code, as does in a different way Deuteronomy, which casts itself as a reminder of previous events and covenants. This depiction of Pentateuchal law in the form of a three-fold (at least)

[19] H.E. Butler (ed.), *The Institutio Oratoria of Quintilian* (London and New York, 1921) VIII ii 22-4.

[20] For duties to parents, see Exod. xx 12, xxi 15, 17; Lev. xix 3a, xx 9; Deut. v 16; xxi 18-21, xxvii 16. For relations with aliens, see Exod. xxii 21, xxiii 9; Lev. xix 33-4, xxiv 22; Num. ix 14, xv 14-16, 29-30, xxxv 15; Deut. i 16, xxiv 14, 17-18; xxvii 19.

[21] For prohibitions on images, see Exod. xx 4-6, 23, xxxiv 17; Lev. xix 4, xxvi 1; Deut. iv 5-28, v 8-10, vii 5, xii 1-4, xvi 21-2, xxvii 15. On magical practices: Exod. xxii 18; Lev. xix 26b, 31, xx 6, 27; Deut. xviii 9-14.

repetition creates the impression of a unified Mosaic law and obscures the contradictions contained within it (see below). The rhetorical force of this large-scale repetitive structure thus motivates allegiance and obedience to the law which hides but does not harmonize the different traditions which it contains.

Variation

Repetitions of law in the Pentateuch frequently involve variation as well, ranging from differences in wording and alternative motive clauses to contradictory instructions and differences in punishments mandated for the same offense. For example, the Sabbath commandment is motivated by references to creation in Exod. xx 11, by the practical necessity of rest in xxiii 12, as a sign of the covenant in xxxi 13-17, by reference to YHWH's identity in Lev. xix 3, 30, xxvi 2, and by reference to the exodus in Deut. v 15. In Exod. xxii 1-3, reparations for theft range from 200% to 500%, depending on circumstances, whereas in Lev. vi 5 they are set at 120%. And, of course, there are the famous contradictions regarding altars and priests which have fueled so many reconstructions of Israel's religious history.[22]

Variation amid repetition is also a prominent feature of Hebrew narrative style. Quotations and allusions rarely appear a second time exactly the same way, but are regularly shortened and paraphrased. According to Savran ([n. 11] pp. 29-36), the significance of this cannot be automatically deduced from the nature of the change but depends entirely on the context. The law codes also show an appreciation for variety: even in detailed renditions of cultic law (e.g. Lev. i-iii), exact repetition of entire rituals is rare. Slight variations in wording or content relieve the tedium of duplication and reveal a flair for rhetorical style.[23] Variety preserves interest and attention in publicly read law, as it does in

[22] For a longer list of contradictions, see Blum (n. 17), pp. 333-4, who notes that the vast majority concern cultic and priestly issues.

[23] D. Damrosch suggests that the three-fold structures in Lev. i-iii "gives these chapters a certain lyrical aspect" ("Leviticus," in R. Alter and F. Kermode (ed.), *The Literary Guide to the Bible* [Cambridge, Mass., 1987], p. 67). S.E. McEvenue notes that "variety within system" is the essence of P's narrative style (*The Narrative Style of the Priestly Writer* [Rome, 1971], p. 50), and this observation applies to priestly legislation as well.

narrative. Israel's tradition of public reading can be expected to have encouraged variety for rhetorical effect even, perhaps especially, in the midst of didactic repetition.

The more severe contradictions require further explanation, however. For the most part, these occur between the major law collections, i.e. the Book of the Covenant, the Priestly legislation, the Holiness Code, and Deuteronomy. But conflicts of tone, and occasionally of content, also occur within collections.[24] Such differences provide evidence for the various theories of the collections' historical development and their temporal relationship to each other. Developmental hypotheses, however, leave half the question unanswered: though they account for the origins of the contradictions, they do not explain why such differences were acceptable to the earliest hearers and readers of the Pentateuch. The latter problem requires that attention be paid to the literary and rhetorical conventions shaping contradictions in the law collections.

First Explanation: Fixed Written Law

A common explanation for ancient Israel's tolerance of legal contradictions proposes that social conventions forbade the emendation of written laws. Whereas oral law developed and changed according to circumstances, the reduction of law to writing fixed its form so that changes could only be made through supplementation, not emendation. As a result, the legal collections expanded with additional cases and harmonizations.[25] A variant form of this theory credits the refusal to modify written law to a particular period of Israel's history. F. Crüsemann traces the convention of unalterable written law to the supposedly Persian custom, mentioned in Esth. viii 8, of irrevocable royal edicts which can only be counterbalanced by contrary edicts. He suggests that Jewish editors of the Persian period applied the same principle to divine law, with the result that variant and contradictory laws were preserved together.[26] From a

[24] P.D. Hanson, "The Theological Significance of Contradiction within the Book of the Covenant", in G.W. Coats and B.O. Long (ed.), *Canon and Authority* (Philadelphia, 1977), pp. 110-31.

[25] "The redactional preservation of discrepant yet equally authoritative texts leads to editorial attempts at their harmonization, which in turn introduces additional inconsistencies that further break down the text's (literal) authority" (Levinson [n. 18], p. 147).

[26] "Der Pentateuch als Tora: Prolegomena zur Interpretation seiner Endgestalt", *EvT* 49 (1989), pp. 260-1.

rhetorical perspective, this theory can be rephrased to suggest that Persian-period readers and hearers would not accept the alteration of written law. The rhetorical situation therefore reinforced a literary convention with social pressures to produce an acceptable document—pressures familiar to all writers who wish to have their work published and read. Yet the notion that written law is immutable does not explain why so many variant traditions were included in the first place. The mere fact of a law collection being written was surely not enough to grant it irrefutable authority.[27] Other factors must also have encouraged the audience to tolerate contradictions.

Second Explanation: Plot Development

A second explanation for contradictions between the legal collections appeals to the narrative framework of Pentateuchal law. The narrative setting suggests that repetition of law may affect its meaning, just as repetition within narrative provides thematic unity to disparate events.[28] The Pentateuch marks the boundaries between collections of law not only by differences in theme and style, but also by narrative indicators such as physical setting (Mt Sinai, the Tabernacle, Moab) and speaker (Yahweh, Moses). A reading of the whole Pentateuch in sequence presents these contexts along with the laws. As with quotations in narratives, then, the interpretation of variation within law may depend on the narrative context.

By its position and subject matter, the story of the Golden Calf incident (Exod. xxxii-xxxiv) seems particularly likely to influence the meaning of the various collections of Sinai laws. Placed between the instructions for building the Tabernacle (Exod. xxv-xxxi) and the narrative of their fulfillments (chs xxxv-xl), the story also divides the laws of the Book of the Covenant (chs xx-xxiii) from the

[27] Prophets challenged the validity of some written laws which claimed divine authority (Jer. viii 8, which explicitly refers to writing; Ezek. xx 25-6).

[28] Savran ([n. 11] p. 5) summarizes the role of repetition in narrative: "Recurrent themes and motifs are the stuff that binds together the longer work, be it Genesis or Joyce's *Ulysses*, and that allows the reader to reflect upon the sameness of human experience in the face of constantly changing circumstances". But repetition of an incident or a law, precisely because it is repeated, also adds to and alters what is repeated. Dozeman therefore concludes: "At best we can only discuss near-repetition in literature" ([n. 17] p. 148).

priestly legislation in Leviticus. This story of a broken covenant and divine retribution threatens the complete annihilation of the Israelites, a result avoided only because Moses appeals to YHWH's promise to the ancestors (xxxii 7-14). The incident concludes with the delivery to Moses of the "cultic decalogue" (xxxiv 10-28), which differs significantly from the decalogue previously given in ch. xx. J.H. Sailhamer argues that, as a result, "Israel's initial relationship with God at Sinai, characterized by the patriarchal simplicity of the Covenant Code, is now represented by the complex and restrictive laws of the Code of the Priests."[29] He suggests that the idolatrous sins of the priest, Aaron, and the people with the Golden Calf required the development of more detailed cultic rules for priests (Lev. i-xvi) and people (Lev. xvii-xxvii) alike.

Examination of the Golden Calf story and the priestly legislation, however, does not bear out Sailhamer's conclusions. The story highlights the faithful action of the Levites as well as the sins of the Aaronide priesthood, yet the legislation which follows reinforces the Aaronides' authority over the cult and over the Levites.[30] Furthermore, the sacrificial and purity regulations of Lev. i-vii and xi-xv are now directed to the people as a whole (though some parts show signs of having originated as priestly instructions). Thus the subsequent law collections do not develop the expectations raised by the Golden Calf story and the relationship between the collections does not seem to be governed primarily by narrative considerations.[31] As A. Alt has pointed out ([n. 40] pp. 81-2 = German, pp. 278-9), the narrative setting seems decisive for the interpretation of law only when the laws are relatively isolated from each other (e.g. Num. xxvii 1-11, xxxvi 1-12). The relationships between the larger legal collections, however, break the conventions of narrative plot development.

[29] *The Pentateuch as Narrative* (Grand Rapids, 1992), p. 48.

[30] Lev. viii 1-36, x 8-11, xvi 1-34; cf. Exod. xxxviii 21 for Aaronide authority over Levites (Blum [n. 17], p. 334).

[31] Sailhamer subordinates the laws to narrative constraints. This interpretative tendency has dominated modern Pentateuchal criticism, though it has taken various forms; e.g. the subordination of law as secondary accretions to a prior narrative, or as stipulations of the narratively described covenant. The criticism by J.D. Levenson is apropos: "We see here a hallmark of biblical theology in our century, the subordination of norm to narrative, of *ethos* to *mythos*, or, if you will, of law to gospel" ("The Theologies of Commandment in Biblical Israel", *HTR* 73 [1980], p. 19).

Third Explanation: Re-emphasis

The placement of Exod. xxxii-xxxiv between the Tabernacle instructions and their fulfillment emphasizes that the priests' and peoples' apostasy did not derail the divine plan.[32] These chapters therefore point to,not plot developments between law collections, but rather the role of repetition and its accompanying variations in re-emphasizing the law. Such re-emphasis is obvious in the list-like narrative of the Tabernacle's construction abnd dedication (Exod. xxxv-xl), though the details and arrangement vary from the previous instructions (Exod. xxv-xxi). But re-emphasis, that is, repetition in altered form, also describes the relationship between the laws of Leviticus and the Book of the Covenant, and between Deuteronomy and the entire complex of Sinai legislation. The Holiness Code and Deuteronomic laws reproduce the overall form of the Book of the Covenant: each begins with cultic, especially altar, laws (Exod. xx 21-6; Lev. xvii; Deut. xii); each ends with calendrical regulations (Exod. xxiii 10-19; Lev. xxv; Deut. xxvi).[33] Their narrative settings, however, distinguish them from the revelation on Mt Sinai: Moses' receives the regulations of Leviticus in the Tabernacle (Lev. i 1), and in Deuteronomy he reminds Israel on the plains of Moab of previously heard laws. Thus the theme of repetition in new circumstances does supply a narrative rationale for variation, not in plot development, but in the situation of the speaker and the audience.[34]

The near-verbatim repetition of the Decalogue in Exod. xx and Deut. v contrasts dramatically with the considerable differences between the Book of the Convenant, the priestly and the Deuteronomic legislations. The Ten Commandments are reproduced carefully, with only minor divergences of wording and a different motive clause on the Sabbath commandments, well within the standards of direct quoted speech in the Hebrw Bible (Savran

[32] T.W. Mann, *The Book of Torah* (Atlanta, 1988), p. 111.

[33] Note that the annual ritual calendar appears earlier in Lev. xxiii and Deut. xvi. The return to calendrical issues at the end of these collections suggests deliberate shaping to emphasize a form reminiscent of the Book of the Covenant despite the variant contents.

[34] This rationale obviously governs Deuteronomy. Leviticus is inconsistent in locating the place of revelation: vii 37-8, xxv 1, xxvi 46 and xxvii 34 place it on Mt Sinai, thus equating the priestly legislation even more closely with Exod. xx-xxiii.

[n. 11] pp. 35-6). By its position at the head of the collections, the Decalogue is clearly privileged in both Exodus and Deuteronomy, and the latter emphasizes YHWH's unmediated delivery of the Ten Commandments to the people.[35] On the other hand, the laws from the mountain (Exodus), the Tabernacle (Leviticus and Numbers), and the plains of Moab (Deuteronomy) are mediated to the people through Moses, and therefore are in a certain sense secondary. Mediation through Moses apparently allowed for much greater variation in content, as comparison of the unmediated Decalogue of Exod. xx and Deut. v with the mediated "ritual decalogue" of Exod. xxxiv shows.

The effect of Moses' mediation, however, is tempered for readers of the Pentateuch by the fact that, unlike the people in the narrative, they read the law collections of Exodus and Leviticus as YHWH's direct speech. Only Deuteronomy uses Moses' voice to mediate the law it contains. Whereas Moses mediates all the law except the Decalogue to the Israelites in the wilderness, he mediates only Deuteronomic law to readers. This textual mediation through Moses' voice isolates Deuteronomy as the sole example of law re-emphasized in a new situation, while it unifies the law collections of Exodus and Leviticus as YHWH's revelation at Sinai. Thus full evaluation of repetition and variation in the laws depends on the characterization of those who voice Pentateuchal law.

[35] Deut. iv 12-13, 33, 36, and especially v 4: "Face to face YHWH spoke with you"; but note that the following verse immediately emphasizes Moses' role as mediator. Such discomfort with the notion of unmediated revelation may account for the odd introduction to the Decalogue in Exod. xix 25-xx 1; *wayyōʾmer ʾălēhem wayĕdabbēr ʾĕlōhîm ʾēt kol-haddĕbārîm hāʾēlleh lēʾmōr* "[MOSES] said to them and God spoke all these words saying". The phrase *wayĕdabbēr ... lēʾmōr* is P's standard introduction to legislation marking it as direct discourse (see S.A. Meier, *Speaking of Speaking*, *SVT* 46 [Leiden, 1992], pp. 153-6). But xix 25 also provides a marker of Moses' direct discourse, but without a following speech, unless one takes the Decalogue and its direct discourse marker as part of Moses' mediation of the law (so Sailhamer [n. 29], p. 55, n. 89). Such a construction is unparalleled in Biblical Hebrew, and may be a redactional attempt to mark the Decalogue as mediated law. Or it may be a product of the redactional insertion of the Decalogue into an older text during which the contents of Moses' speech were displaced, as the source-critics have usually maintained—e.g. M. Noth: "Verse 25 is a fragment" (*Exodus* [London and Philadelphia, 1962], p. 160 = *Das zweite Buch Mose Exodus* [Göttingen, 1959], p. 129). The translations usually render the Decalogue as YHWH's direct speech, not Moses' quotation of it.

Fourth Explanation: Mixed Audiences

Re-emphasis through variation, like veneration of written law and narrative development, only partly explains the contradictions in law. While each of these explanations seems to fit certain texts and features of the Pentateuch, the complexity of the whole defies categorization under any of these headings. In addition to such author- and text-centered explanations, Israel's tradition of public law readings should draw attention to the audience's influence on the shaping of a speech. Rhetorical criticism highlights the intended audience as the key to understanding a speech or text. A mixed audience of people with diverse and perhaps opposed interests may account for the nature and extent of contradictions within a speech addressed to them all.

The problems posed by mixed or multiple audiences have received little attention from theorists of rhetoric and communication. Nevertheless, the few discussions of the issue are suggestive for understanding the rhetorical role of contradictions in the Pentateuch. Politicians regularly address multiple, and frequently opposed, audiences. Court decisions on matters of constitutional law often address social groups in conflict with each other. Analyses of these modern texts point out that, among various strategies employed to deal with multiple audiences, the separate treatment of the concerns of each audience can be effective in gaining their acceptance even when other parts of the speech may offend them.[36] Separation of the different audiences' concerns may be buttressed by integrating some of them into a common goal or vision.[37] Thus a text may juxtapose conflicting points of view because they are representative of the views of its audience, and appeal to all sides by projecting a vision inclusive of major points of view.[38] Needless

[36] W.L. Benoit and J.M. D'Agostine point out that offensive rhetoric may even help win over those offended by distracting them from their other, more substantive, disagreements with the speaker or writer ("'Case of the Midnight Judges' and Multiple Audience Discourse: Chief Justice Marshall and *Marbury v Madison*", *Southern Communication Journal* 59 [1994], p. 95).

[37] C.R. Smith, "Richard Nixon's 1968 Acceptance Speech as a Model of Dual Audience Adaptation", *Today's Speech* 19 (1971), p. 20.

[38] Juxtaposition of contradictory appeals is apparently more effective at gaining audience support than vague statements that offend no one, as comparison of analyses of two keynote speeches shows (W.N. Thompson, "Barbara Jordan's Keynote Address: the Juxtaposition of Contradictory Values", *Southern Speech Communication Journal* 44 [1979], pp. 223-32; C.R. Smith, "The Republican

to say, such a speech or text leaves many points unreconciled. Its aim, however, depends on contradiction. The speech can succeed only by convincing the opposed groups in the audience that their views are represented in the speaker's or writer's program, that is, only so far as it contradicts itself. Thus self-contradiction becomes a rhetorical device for promoting support of a speaker's or writer's aims.

Much evidence suggests that Pentateuchal law addreses mixed and conflictual points of view within its intended audiences. Source-critical theories of composition may account for contradictions on the basis of divergent authorship, but they do not explain why these contradictions were preserved. The juxtaposition of contradictory points of view indicates that they represented influential constituencies among the first hearers and readers of the legal collections. The existence of such groups may have contributed to contradictions within some legal collections, such as the divergent emphases on personal liberation and preservation of property in the Book of the Covenant.[39] Certainly, the large-scale amplifications of law in Leviticus and in Deuteronomy represent the divergent ideological interests of Deuteronomists and a "priestly" group. The preservation of their legal collections side-by-side in the Pentateuch indicates that these two groups did not follow each other historically but that both remained influential in Israel at the time of the Pentateuch's completion.[40]

Thus the mixed nature of the audience addressed by Pentateuchal law encouraged a rhetorical strategy which juxtaposed divergent points of view and contradictory legislation within a vision of the unitary law of Sinai. The political and literary success of this strategy is apparent from the acceptance of the Pentateuch as the foundational law of Second Temple and later Judaism, and from the acceptance of Moses as the only mediator of divine law.

Keynote Address of 1968: Adaptive Rhetoric for Multiple Audience", *Western Speech* 39 [1975], pp. 32-9).

[39] Described by Hanson (n. 24), pp. 110-31.

[40] R.E. Friedman argues that the writing of law was a competitive venture: "The priestly houses of Judah were each engaged in the composition of Torah literature and ... the writings of each received a less-than-cordial welcome from the other" (*The Exile and Biblical Narrative* [Chico, 1981], p. 75). The juxtaposition of the legal collections shows that the influence of the Deuteronomists had not completely waned by the time adherents of the priestly school edited the Pentateuch together.

It is also clear that such juxtaposed contradictions require further explication, so the work of interpretation and harmonization grows naturally from the form of Pentateuchal law itself. Thus the rabbinic tradition of the equal antiquity of oral and written law makes sense as an observation on the demands created by the shape of the written law (see n. 25 above). Attention to the intended audience therefore indicates that the editors of the Pentateuch achieved their rhetorical goal of presenting a unifying vision of Israel's law not just in spite of but largely because the law contradicts itself.[41]

This rhetorical analysis of contradiction points once again to the persuasive intent behind the shaping of Pentateuchal law. The need for instruction in law encourages repetition and variation, hortatory addresses and motive clauses, in order to hold the attention of hearers and readers and make the laws memorable, but the goal of persuasion remains paramount. The contradiction within the law impede its didactic aims, but remain in place because they help persuade all the parties in Israel to accept this law as the foundation of their religious life. In the Pentateuch, the idea of Mosaic law has become even more important than its contents; so long as the idea is accepted, the contradictions in detail can be reconciled later.

This rhetorical strategy was designed for law readings to public assemblies. I want to emphasize, however, that not every writer who had a hand in the Pentateuch's composition intended it for public reading as a whole. There are passages which show the results of systematic codification (e.g. Lev. xviii) and others which emphasize instructions for specialists (e.g. Lev. vi-vii apart from its context). Furthermore, it is open to serious question whether the Law of Moses in its final Pentateuchal form is really intended to be read in public at one sitting. More likely is that it simply follows the rhetorical strategies and generic conventions laid down by earlier and smaller codes which it now incorporates. The decreased emphasis on completeness in the accounts of later public readings (Neh. viii-ix) suggests that in the Second Temple period, the convention of a comprehensive public reading was old and no longer practical.

Genres and their conventions, however, frequently outlive the conditions which create them. The conventions of public reading

[41] On "intentional discontinuities" in the redaction of the Pentateuch, see the comments of Blum (n. 17), p. 382.

still governed how most law was written and edited in the early Second Temple period. It is my thesis that public reading established the literary forms of Israel's law in the monarchic period, and those forms remained unchanged long after public reading had become a rarity and perhaps an anachronism.