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The Legal Characterization of God in the Pentateuch

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Speeches always indirectly characterize their speaker by providing readers the basis for inferring what kind of person talks this way. So the law codes voiced directly by God in Exodus, Leviticus, and Numbers provide a powerful impression of the divine character. The character of YHWH as law-giver which emerges from these speeches resembles the characterizations of their sponsors provided by many ancient Near Eastern law collections, treaties, and commemorative and dedicatory inscriptions. Civil provisions reflect the similar goals of biblical and Mesopotamian law, namely, the characterization of the law-giver as just according to internationally recognized standards of law. Many of the religious provisions resemble those found in inscriptions commemorating the founding of a temple or cult, and cast YHWH as the ruler who by sponsoring the cult guarantees the cosmic order. The sanctions attached to laws and collected in lists of blessings and curses emphasize God's willingness to act as royal enforcer. Even the traces of legal development in the codes represent the divine king's work of legal interpretation and reform. Thus throughout YHWH's speeches, the law collections of Exodus, Leviticus, and Numbers implicitly depict their speaker as fulfilling the ancient ideal of a good monarch.

The Pentateuch develops God's character in stories of divine creation and destruction, promise and fulfillment, battle and redemption. The laws of Exodus, Leviticus, and Numbers supplement such direct characterization by the impressions provided by YHWH's speech. Speeches always indirectly characterize their speaker by providing the basis for inferring the kind of person who talks this way.¹ So the law codes voiced directly by God provide a powerful impression of the divine character.

Literary analyses of the Pentateuch have tended to downplay the signifi-

(1) On implicit characterization by quoted direct speech in other parts of the Hebrew Bible, see George W. Savran, *Telling and Retelling: Quotation in Biblical Narrative* (Bloomington, IN: Indiana University Press, 1988) 79-94; James W. Watts, *Psalm and Story: Inset Hymns in Hebrew Narrative* (JSOTSup 139, Sheffield: JSOT, 1992); M. Cheney, *Dust, Wind and Agony: Character, Speech and Genre in Job* (ConBOT 36; Lund: Almqvist & Wiksell, 1994); and Ehud ben Zvi, "Twelve Prophetic Books or 'The Twelve': Preliminary Considerations," *Essays on Isaiah and the Twelve in Honor of John D. W. Watts*, (J.W. Watts and P.R. House (ed.); JSOTSup 235; Sheffield: Sheffield Academic Press, 1996) 153-56.

cance of direct quoted speech for divine characterization, subordinating it to narrative. David J. A. Clines, for example, suggested that, because the narrator transmits direct quoted speech, "the words in the mouth of God have no privileged status compared with words spoken directly by the narrator in describing God's motives and actions."² Such reasoning rules out in advance the possibility of tensions between a narrator's description and a character's self-presentation.³ It also produces literary "biographies" of God which pay little attention to God's own words.⁴ In contrast, classical theorists of rhetoric recognized self-characterization, the speaker's *ethos*, as crucial to persuasion. Aristotle argued that "Persuasion is achieved by the speaker's personal character when the speech is so spoken as to make us think him credible. . . . This kind of persuasion, like the others, should be achieved by what the speaker says, not by what people think of his character before he begins to speak."⁵ When characters' speeches dominate a text, as God's words do in Exodus 20-Leviticus and as Moses' do in Deuteronomy, they may overwhelm the narration's characterizations of the speakers with their own.

(2) "God in the Pentateuch: Reading Against the Grain," *Interested Parties: The Ideology of Writers and Readers of the Hebrew Bible* (JSOTSup 205; Sheffield: Sheffield Academic Press, 1995) 187. Similarly Savran: "Narration through quotation by a character in the story is not meant to compete with the impersonal narrator, for the reader must be aware that a character acts and speaks only at the behest of the narrator" (*Telling and Retelling*, 13; cf. Meir Sternberg, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* [Bloomington, IN: Indiana University Press, 1985] 476).

(3) Robert Polzin provided a more nuanced evaluation of a narrator's reliability in the face of a dominant speaking character, in this case, Moses (*Moses and the Deuteronomist: A Literary Study of the Deuteronomistic History* [New York: Seabury, 1980] 25-29). He too eventually ceded dominance to the narrator (p. 72). Dennis T. Olson disagreed, arguing that it is YHWH who emerges dominant at the end of Deuteronomy (*Deuteronomy and the Death of Moses: A Theological Reading* [OBT; Minneapolis: Fortress, 1994] 181).

(4) Thus Jack Miles defended his scant attention to the books of Leviticus (5 pages), Numbers (7 pages), and Deuteronomy (11 pages) on the grounds that, in comparison with Genesis and Exodus, "God changes less in the biblical books that immediately follow, and the literary biographer has less need to talk about them" (*God: A Biography* [New York: Knopf, 1995] 127). Here the isolation of *change* as the crucial issue in characterization inevitably subordinates all other genres to narrative. Closer attention to self-characterization through instruction provoked the more balanced evaluation of Thomas W. Mann: "When we consider the complementary functions of instruction (*torah*) and narration we shall find that the book [of Leviticus] represents an indispensable development in the characterization of Yahweh and Israel" (*The Book of Torah: the Narrative Integrity of the Pentateuch* [Atlanta: John Knox, 1988] 113).

(5) *Rhetoric*, I.2.1356a; W. R. Roberts (trans.) in *The Basic Works of Aristotle*, R. McKeon (ed.); (New York: Random House, 1941). For an application to Deuteronomy, see Timothy A. Lenchak, "Choose Life!" *A Rhetorical-Critical Investigation of Deuteronomy 28, 69-30, 20* (AnBib 129; Rome: Pontificio Istituto Biblico, 1993) 58 and *passim*.

COMMANDMENT AND CHARACTER

In Hebrew stories, God's speeches characteristically emphasize transactions with those addressed. Dale Patrick observed that "God normally divulges his name, promises, commands, expresses his state of mind, and/or pronounces judgment when he speaks."⁶ God "exerts his influence," as Sternberg put it, "less through words than deeds or through words as substitutes for or preliminaries to deeds: performatives, forecasts, commands, admonitions."⁷ Laws framed as commandments thus exemplify a divine characteristic already established in the preceding stories, but bring it to even greater prominence. God is the one who gives the law and commands Israel to obey it.

A commandment is a performative utterance which does not describe reality, but rather creates it.⁸ The command invokes the speaker's authority and establishes an obligation on those addressed. Therefore commandments presume and reinforce the speaker's authority and characterize the speaker as someone who orders these kinds of activities.

The authority to command may stem from several sources. The Pentateuch does not emphasize inherent divine right, based in the act of creation, as much as one might expect.⁹ For the most part, the Pentateuch's laws derive their authority claims from more immediate relationships. Autobiographical references emphasizing past actions on Israel's behalf introduce the Ten Commandments ("I am the LORD your God, who brought you out of the land of Egypt, out of the slave house," Exod 20:2) and the Sinai legislation generally ("You have seen what I did to the Egyptians, how I carried you on eagles' wings and brought you to myself," Exod 19:4; "You yourselves have

(6) Dale Patrick, "The Rhetoric of Revelation," *HBT* 16(1994)24, adding "These utterances cannot be reduced to declaratory statements about God and creatures without doing violence to their rhetoric. . . . Rather they create a social reality between God and the humans he addresses whose truth can only be known in response." See also *idem*, *The Rendering of God in the Old Testament* (OBT; Philadelphia: Fortress, 1981) 90-100.

(7) Sternberg, *Poetics*, 157.

(8) Performative statements were described in the speech-act theory of J. L. Austin (*How to Do Things with Words* [William James Lectures, 1955; 2nd. ed.; Cambridge, MA: Harvard University Press, 1975]), which has been invoked by many interpreters to describe divine commands in biblical literature.

(9) Patrick, "Is the Truth of the first Commandment Known by Reason?" *CBQ* 56(1994)431. Occasionally, God's creative acts are cited to motivate imitation (Exod 20:11) and the law's wisdom is extolled (Deut 4:4-8). Such references are remarkably rare around Pentateuchal law when compared with prophetic and psalmic texts which describe law and covenant in terms of cosmology and wisdom (e.g. Ps 19; 119:1-16, 89-105; Jer 33:19-21, 25-26; Sir 24:23). See Jon D. Levenson, "The Theologies of Commandment in Biblical Israel," *HTR* 73(1980)25-33.

seen that I spoke with you from heaven," 20:22). A promise of even greater actions in the future introduces the so-called "Cultic Decalogue" ("I will do wonders which have never been done in all the earth or any of the nations," Exod 34:10). Such references evoke the more extensive divine biography and promises contained in the preceding narratives and ground God's authority to command in Israel's past experience with God. Because God has done and will do these things for Israel, Israel owes God obedience.¹⁰

The second major source of God's authority to command law lies in YHWH's formal relationship with Israel, the covenant. This relationship is explicitly described as including Israel's obedience to God (Exod 19:5), and the people's acceptance of the covenant emphasizes that point (v 8). YHWH's authority therefore derives in part from a prior agreement establishing God's role as law-giver. The deity engages in rituals of covenant making which are shaped by rhetorical conventions and social norms, as the much-studied parallels between the laws and treaties of the ancient Near East and Bible show. The narratives thus depict YHWH's authority to command as partly due to Israel's delegation to God of a socially-established role, that of law-giver. The Pentateuch characterizes God as the kind of person who accepts and abides by such conventions.¹¹

LAW AND CHARACTER

Commandments characterize not only the authority of their speaker, but also illustrate by their contents other aspects of character. Patrick pointed

(10) "The proclamation of Yhwh's saving deeds, the exodus above all, is not designed to produce a philosophical generalization, but an existential claim. Yhwh has demonstrated his power and good will, and Israel owes him its praise and service" (Patrick, "Is the Truth," 433). A rabbinic midrash makes this same observation about the persuasive influence of biography on the acceptance of law in the form of a parable:

A king who entered a province said to the people: May I be your king? But the people said to him: Have you done anything good for us that you should rule over us? What did he do for them? He built the city wall for them, he brought in the water supply for them, and he fought their battles. Then when he said to them: May I be your king? They said to him: Yes, yes. Likewise, God. He brought the Israelites out of Egypt, divided the sea for them, sent down the manna for them, brought up the well for them, brought the quails for them. He fought for them the battle with Amalek. Then He said to them: May I be your king? And they said to Him: Yes, yes. (translation from *Mekilta de-Rabbi Ishmael*, J. Z. Lauterbach [ed.]; [Philadelphia: Jewish Publication Society, 1933] II 229-30, as modified by Jon D. Levenson, *The Death and Resurrection of the Beloved Son* [New Haven: Yale University Press, 1993] 168-69, 245).

(11) This conclusion contradicts Sternberg's, who argued that "the biblical convention of divine performative works against convention, deriving its affective force from the infringement or the transcendence of all the norms that would govern a human equivalent" (*Poetics*, 108). Sim-

out that the first Commandment (Exod 20:3; Deut 5:7) heightens God's position to a unique level, something not presupposed by prior covenantal commitments.¹² Other laws may not so directly address God's role in the community, but all serve to establish through direct discourse the issues of concern to God.

The character of YHWH as law-giver that emerges from the laws and commandments of Exodus, Leviticus, and Numbers shows similarities to the characterizations of their sponsors provided in many ancient Near Eastern law collections, treaties, and commemorative and dedicatory inscriptions. The prologues to Mesopotamian law collections usually emphasize the king's divine election, accomplishments, and intent to establish justice.¹³ The lists of laws which follow are intended therefore to demonstrate the king's claims to a just rule.¹⁴ The case laws of the Pentateuch show a similar interest for fairness and equity, and thereby characterize their promulgator as just. The repetition of particular issues elevates them to paradigmatic illustrations of YHWH's concerns. For example, laws protecting the welfare of resident aliens establish in the divine speeches the theme of God's equal justice for all.¹⁵ YHWH's emphasis on community punishment of murderers demonstrates that God shares judicial authority with the leaders of the community.¹⁶ These texts, together with the rest of the Pentateuch's civil legislation, paint a portrait of God that exemplifies the ancient Near Eastern ideal of the just king.

The considerable overlap in the contents and themes of biblical and Mesopotamian civil laws has prompted numerous theories of legal history and composition.¹⁷ To these we may now add a rhetorical explanation: the parallel

ilarly Clines: "The God of the Pentateuch is a complex and mysterious character, passionate and dynamic but by no means conformable to human notions of right behavior" ("God in the Pentateuch," 211.) Whether or not this applies to some Hebrew narratives, it does not describe the heavy use of traditional forms and materials in biblical law and in the stories of covenant making, as Miles observed: "The giving of laws has an effect on the lawgiver as well as on the law receiver. . . . [God] will move out of the realm of the purely arbitrary and into the realm of the bounded and lawful" (*God: A Biography*, 121).

(12) Patrick, "Is the Truth," 427.

(13) "The prologue and epilogue of [the Code of Hammurabi] may be understood as one grand auto-panegyric to bring the attention of that deity to bear upon the deeds and accomplishments of the king" (Shalom M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* [Leiden: E. J. Brill, 1970] 23); Paul concluded that this is the primary purpose of Mesopotamian law-codes (p. 26).

(14) *Ibid.* 5-7, 17.

(15) Exod 22:21; 23:9; Lev 19:33-34; 24:22; Num 9:14; 15:14-16, 29-30; 35:15.

(16) Exod 20:13; 21:12, 14, 21; Lev 24:17, 21; Num 35:16-21, 30-34.

(17) For recent overviews, see the essays and literature cited in Bernard M. Levinson, (ed.), *Theory and Method in Biblical and Cuneiform Law: Revision, Interpolation, and Development* (JSOT Sup 181; Sheffield: Sheffield Academic Press, 1994).

contents reflect the similar goals of biblical and Mesopotamian law, namely, the characterization of the law-giver as just according to internationally recognized standards of law. Moses' speech in Deut 4:6-8 ("... what other nation has statutes and ordinances as just as this entire law...?") shows Israel's awareness of this wide-spread judicial ideal and its judgment that Pentateuchal law demonstrates the superiority of the divine law-giver as measured by international standards.¹⁸

Pentateuchal codes include religious as well as civil laws, a mixture unparalleled in the ancient Near East. Many of the religious provisions resemble those found in non-Israelite inscriptions commemorating the founding of a temple or cult. Such documents may include instructions or accounts of the (re)building of a sanctuary,¹⁹ provision for the cult's supplies through land grants or taxes,²⁰ instructions for or descriptions of (especially the amounts of) sacrifices,²¹ and requirements on the priesthood of exclusive service to this temple and its god.²² The purpose of such inscriptions is to characterize

(18) Many interpreters have found that superiority not in the similarities, but in the differences between Pentateuchal and other ancient Near Eastern laws. Moshe Greenberg, for example, explained the absence in biblical law of a husband's or king's usual right to pardon an adulterous wife or a murderer respectively as due to the law's divine authorship: "the injured party is God, whose injury no human can pardon or mitigate" ("Some Postulates of Biblical Criminal Law" [1960], in *Studies in the Bible and Jewish Thought* [Philadelphia: Jewish Publication Society, 1995] 29-30). Similarly, Eckart Otto suggested that the divine voicing in the Book of Covenant serves to limit human rule ("Gesetzesfortschreibung und Pentateuchredaktion," *ZAW* 107 [1995] 377). In these and other ways, the idea that God is Israel's king and overlord impacts the details of criminal law. Greenberg describes this "double metaphor" for God: "God is at once a treaty partner and the proper King of Israel" ("Three Conceptions of the Torah in Hebrew Scriptures," in *Studies in the Bible and Jewish Thought*, 15). However, both are royal characterizations: kings make treaties as well as laws. It is really Israel who is cast in multiple roles, as vassals, as citizens, and as priests (Greenberg, "Three Conceptions," 15-16) of the one king, YHWH. Thus in their distinctive details, as well as their overall similarities to ancient standards, the civil codes of the Pentateuch characterize God as king.

(19) E.g. a letter of Nebuchadnezzar I to the Babylonians (Benjamin R. Foster, *Before the Muses: an Anthology of Akkadian Literature* [2 vols; Bethesda, MD: CDL, 1993] I 302) and the "Marduk Prophecy" (*ibid.* 304-6); cf. the mortuary stela of Amenhotep III (Miriam Lichtheim, *Ancient Egyptian Literature* [3 vols; Berkeley: University of California Press, 1973, 1976, 1980] II 43-47).

(20) E.g. Kurigalzu's land grant to the Ishtar temple (Foster, *Before the Muses*, I 278-79), Seti I's endowment of gold-washers for his Abydos temple (Lichtheim, *Ancient Egyptian Literature*, II 55-56), Nectanebo's grant of a portion of Naucratis taxes to a temple (*ibid.* III 86-89), and the Famine Stela's record of grants of land, personnel and supplies to a temple (*ibid.* III 94-100).

(21) E.g. Kurigalzu's inscription: "3 kor of bread, 3 kor of fine wine, 2 (large measures) of date cakes, 30 quarts of imported dates, 30 quarts of fine (?) oil, 3 sheep per day did I establish as the regular offering for all time" (Foster, *Before the Muses*, I 279); similarly the "Marduk Prophecy" (*ibid.* 307) and the Karatepe inscription (*ANET* 3 653-54).

(22) A rare feature found in a Greek inscription from Sardis prohibiting the priests of Zeus from participating in the "mysteries" of other local gods (P. Frei, "Zentralgewalt und Lokalau-

the cult founders as devout rulers who make wise provisions guaranteeing perpetual service to the gods.

These themes dominate large portions of YHWH's speeches to Moses in the Pentateuch and include detailed instructions for constructing the Tabernacle sanctuary (Exodus 25-31), various means for the support of the sanctuary in perpetuity, such as taxes and tithes (Exod 30:11-16; Lev 27:30-33; Num 18:25-32) and first-fruits offerings (Exod 23:19; 34:26; Lev 19:24; 23:10-14; Num 15:17-21; 31:25-29), the priesthood's sources of income (Lev 6:16-18, 26, 29; 7:6, 8-10, 14, 31-36; 23:20; Num 18:8-32; 31:25-29), the nature of the sacrifices (most specifically in Leviticus 1-7) and the annual calendar of religious festivals and sacrifices (Exod 23:10-19; 34:22-23; Leviticus 23; 25; Numbers 28-29), with special emphasis on the sabbath (Exod 16:22-30; 20:8-11; 23:12; 31:12-17; 34:21; 35:2-3; Lev 19:3b; 19:30a; 23:3; 25:2-7; 26:2). YHWH's claim on Israel's exclusive worship (Exod 20:3; 22:19; 23:13; 34:14) may depend in part on the depiction of the entire people as a priesthood consecrated to God's service (Exod 19:6; cf. 22:31; Lev 19:2; 20:26). It includes repeated prohibitions on certain kinds of religious practices, such as divination (Exod 22:18; Lev 19:26b, 31; 20:6, 27) and the use of images (Exod 20:4-6, 23; 34:17; Lev 19:4; 26:1).

Of course, these Pentateuchal laws do not praise the accomplishments of a human ruler but rather describe God's own establishment of religious institutions and practices.²³ This difference does not, however, alter the resulting characterization very much. Like the royal sponsors of dedicatory inscriptions, God guarantees the sacred equilibrium between heaven and earth by establishing the cult which mediates between them and by mandating perpetual means for its support. The speeches cast God as the ruler who founds and sponsors the cult, and thus as the guarantor of cosmic order through royal authority. Like the dedicatory inscriptions, the speeches also help legitimate that authority by showing the beneficial use to which it is put.

Law codes and dedicatory inscriptions do not exhaust the list of ancient Near Eastern genres which share concerns with the Pentateuch's legal collections voiced by God. For example, treaties between imperial overlords and vassal rulers stipulate some similar provisions, notably demands for exclusive loyalty and the payment of taxes. These comparisons simply reinforce the

tonomie im Achämenidenreich," *Reichsidee und Reichsorganisation im Perserreich* [Freiburg: Universitätsverlag, 1984] 19-20).

(23) On the uniqueness and implications of the divine voicing of Israel's laws, see Paul, *Book of the Covenant*, 37; Frank Crüsemann, *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetzes* (Munich: Kaiser, 1992) 24; and Bernard M. Levinson, "The Human Voice in Divine Revelation: the Problem of Authority in Biblical Law," *Innovations in Religious Traditions* (M. A. Williams, C. Cox, and M. S. Jaffee [eds.]; RelSoc 31; Berlin: Mouton de Gruyter, 1992) 35-71.

characterization of God as protective overlord, cult founder, and equitable judge, that is, as the ideal ruler.²⁴ Though such depictions are typical of royal inscriptions throughout the region, only the Pentateuch combines them together in a single text.²⁵

Yet this royal portrayal never becomes explicit. Unlike the inscriptions which tend to predicate the names of their sponsors with glorious titles, the Pentateuch's laws never call YHWH "king."²⁶ Only poems declare יהוה ימלך "YHWH rules" or "YHWH is ruler" (Exod 15:18), or that YHWH is מלך "king" (Num 23:21 and, if God is the subject, Deut 33:5). Throughout God's speeches, however, the law collections of Exodus, Leviticus, and Numbers implicitly depict their speaker as fulfilling the ancient ideal of a good monarch.²⁷

The old theory that, with these poetic exceptions, the Pentateuch knows nothing of the kingship of YHWH must be rejected in light of its implicit yet thoroughgoing characterization of God as royal lawspeaker.²⁸ More likely is the recent suggestion of Siegfried Kreuzer that many biblical texts distinguish between God's "lordship" over Israel and God's "kingship" over the divine realms and over nature.²⁹ Pentateuchal lists and stories may avoid the language of divine kingship in order not to invoke the existence of other gods.³⁰ Yet YHWH's commandments powerfully assert God's rule over Israel and thereby implicitly characterize their speaker as lord and king.

Most of YHWH's explicit self-characterizations focus instead on divinity. They take two forms. One form claims title to divinity: "I am YHWH your God" (twenty-eight times in Exodus-Numbers, not counting frequent third-

(24) Mann, *Book of the Torah*, 102–5.

(25) Paul, *Book of the Covenant*, 37.

(26) Moses comes closer to an explicitly royal description in Deut 10:17–18, but still avoids the root מלך "king, royal rule": "For YHWH your God is God of gods and Lord (אדני) of lords (האדונים), great, mighty and awesome, who does not show partiality and does not take a bribe, who executes justice for the orphan and the widow, and who loves strangers by giving them food and clothing."

(27) Inset Hebrew poetry typically states themes explicitly which are developed implicitly in the surrounding prose. See Watts, *Psalm and Story*, 38, 96, 116–17, 190–91.

(28) For the notion that divine kingship was a late addition to Israel's theology, see Gerhard von Rad, "מלך and מלוכה in the OT," TDNT I 570, and the survey by Brevard S. Childs, *Biblical Theology of the Old and New Testaments* (Minneapolis: Fortress, 1992) 633–34.

(29) Siegfried Kreuzer, "Die Verbindung von Gottesherrschaft und Königtum Gottes im Alten Testament," *Congress Volume: Paris 1992*, J.A. Emerton (ed.) (VTSup 56; Leiden: Brill, 1995) 145–61. Kreuzer argued that God's rule over Israel is therefore expressed not by the title מלך "king" but rather by אדון "lord," though the name YHWH incorporates into itself the notion of rule to such an extent that it "requires no further title" (p. 158).

(30) For a description of how Pentateuchal narrative presupposes a monotheistic perspective, see Patrick, "The First Commandment in the Structure of the Pentateuch," VT 45 (1995) 107–18.

person self-references to "(YHWH) your God"). The other describes the divine condition with an adjective: "I am holy" (Lev 11:44, 45; 19:2; 20:26; 21:8). By combining these explicit claims to divinity with the laws' implicit royal characterization, the YHWH speeches of Exodus-Numbers combine the two patterns into a self-portrait of the divine ruler.

All of these connotations become associated with the divine name, YHWH, to the point where it can be used alone to justify commandments ("for I am YHWH," Lev 18:5, etc.). At the point in the Pentateuch where this phrase echoes through the Holiness Code, the name has become richly evocative of the layers of characterization provided by preceding texts: the God of the fathers and the savior of Israel from Egypt, from YHWH's narrative biography and autobiographical references; the fair and merciful law-giver, from YHWH's commandments; the exacting cult-founder, from YHWH's religious laws; the protective overlord, from the use of the formal conventions of treaties/covenants; the holy God, from YHWH's explicit self-descriptions. Thus most of the decisive characterizations of YHWH in the Pentateuch are provided by the laws and instructions of Exodus, Leviticus, and Numbers (and are reinforced by Moses' repetition in Deuteronomy).

SANCTION AND CHARACTER

Divine sanctions both depend on prior self-characterizations by YHWH for their persuasive power and develop that characterization into its most concise and forceful expressions in the Pentateuch. The Pentateuch's stories, especially the deliverance from Egypt, establish God's power to bless and to curse. YHWH's speeches of promise, instruction, and law specify God's desires for Israel. The lists of blessings and curses declare God's intention to turn those wishes into reality by enforcing the covenant.³¹

Threats and promises attached to individual laws (e.g. "for YHWH will not acquit those who misuse his name" Exod 20:7, or "so that your days may be long in the land" Exod 20:12) punctuate the lists of instructions with the theme of YHWH's enforcement. However, the lists of sanctions which conclude the legal codes (Exod 23:20–33; Leviticus 26; cf. Deuteronomy 27–28) provide the most extended depictions of God's willingness to bless or curse in response to Israel's behavior. The speeches characterize their speaker as wishing to reward but willing to punish in order to maintain the covenant. Again, the self-characterization of YHWH takes the guise of the just king, who must not only promulgate and interpret law but enforce it as well.

(31) For the analysis of the Pentateuch's structure in patterns of stories, lists, and sanctions, see Watts, "Rhetorical Strategy in the Composition of the Pentateuch," JSOT 68 (1995) 3–22.

This unification of divine power and will in terms of sanctions produces the longest explicit self-descriptions of God in the Pentateuch:

For I, YHWH your God, am a jealous God, punishing children for the parent's iniquity to the third and fourth generation of those hating me, but showing steadfast love to the thousandth generation of those loving me and keeping my commandments (Exod 20:5-6).

YHWH, YHWH, a merciful and gracious God, slow to anger and great in steadfast love and faithfulness, who keeps steadfast love to the thousandth generation, who forgives iniquity and transgression and sin, but who certainly does not acquit but rather punishes children for the parent's iniquity and the children's children to the third and fourth generation (Exod 34:6-7).

The royal sound of these descriptions of divine benevolence and discipline is confirmed by parallels which show "love," "hate," and multi-generational threats and promises to be stock language in ancient Near Eastern treaties.³² The portrayals in Exodus 20 and 34, like the sanction lists which conclude the law codes, presuppose the stipulations whose enforcement they promise.

Scholarship has tended to discuss the self-characterizations in Exod 20:5-6 and 34:6-7 in terms of their cultic origins or narrative contexts.³³ The treaty language and the mercy/punishment theme point rather to the political and legal background for this imagery. The literary position of these self-characterizations reinforces that connection with law: the first is a motive clause within the Decalogue, which is itself part of the covenant stipulations which continue throughout Exodus 21-23; the second precedes a short code ("decalogue"?) of ritual rules (Exod 34:17-26). The Second Commandment and the story of the Golden Calf (Exodus 32-34) also contribute to the legal emphasis: they frame the issue of religious fidelity in terms of God's roles as law-giver, judge, and enforcer. Because YHWH rules in Israel, fidelity and obedience is demanded and enforced.

(32) W. L. Moran, "The Ancient Near Eastern background of the love of God in Deuteronomy," *CBQ* 25 (1963) 77-87; Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* [Oxford: Oxford University Press, 1972] 81-91; Levinson, "Human Voice," 46-47.

(33) On the cultic origins of 34:6-7, see the survey of R. C. Dentan ("The Literary Affinities of Exodus XXXIV 6f," *VT* 13 [1963] 36-37) who emphasized its wisdom sources instead; cf. J. Van Seters, *The Life of Moses: the Yahwist as Historian in Exodus-Numbers* (Louisville: Westminster/John Knox, 1994) 346-51; on its relation to the Golden Calf episode, see R. W. L. Moberly, *At the Mountain of God: Story and Theology in Exodus 32-34* (JSOT Sup 22; Sheffield: JSOT Press, 1983) 128-31, and J. Durham, *Exodus* (WBC 3; Waco, TX: Word, 1987) 454-55. Discussion of 20:5-6 tends to focus on God's "jealousy" and point out the limitation of this vocabulary to contexts of worship-

Thus both the vocabulary and the contexts of these most explicit self-descriptions suggest that characterization of the law-speaker is, as it is in Mesopotamian codes, a primary goal of biblical law. The divine identity of this law-speaker, however, turns legal characterization into theology. YHWH's self-descriptions became a fundamental point of departure for other biblical reflections on the nature of God (e.g. Num 14:18; Deut 7:9-10; Joel 2:13; Jonah 4:2; Nahum 1:3; Psalms 86:15; 103:8; 145:8; Nehemiah 9:17).³⁴

CONTRADICTION AND CHARACTER

The consistency of a speech affects the characterization of its speaker. Though absolute consistency produces unrealistic characters, readers still weigh inconsistencies in and between words and actions for their understanding of a character.

In the Pentateuch, God's commandments and instructions sometimes contradict each other. For example, all altars should be made of earth or unhewn stones according to Exod 20:24-25, but God orders a Tabernacle altar built of gold-embossed wood (Exod 27:1-8). YHWH commands the sacrifice of first-born sons as well as animals in Exod 22:29-30, though all other laws regarding the first-born emphasize redemption of humans (Exod 13:12-13; 34:19-20; Num 3:11-13, 44-51).³⁵ Victims of theft should receive more reparations according to Exod 22:1-3, 7-9 than according to Lev 6:5. Such inconsistencies raise questions about this self-contradictory speaker, YHWH, as well as complicate the teaching and application of the instructions.

The consequences of self-contradiction for the character of God in the Pentateuch are, however, far from obvious. Stories usually explain inconsistencies on the basis of plot developments, psychological descriptions, or the character's motives. Biblical narrative and prophetic texts explore such themes in God's character as well, describing God as feeling a human-like "repentance" (e.g. Genesis 6:6) and also as claiming a non-human freedom from the constraints of consistency (Hosea 11:8-10). The stories surrounding Pentateuchal laws and instructions, however, offer no narrative rationales for the contradictions in YHWH's commandments. The inconsistencies do not usually accord with plot developments nor do they paint a coherent portrait of changing divine motives.³⁶

ing other gods: see the survey of Brevard S. Childs, *The Book of Exodus* (OTL; Philadelphia: Westminster, 1974) 405-6.

(34) Joseph Scharbert, "Formgeschichte und Exegese von Ex 34,6f und Seiner Parallelen," *Bib* 38 (1957) 130-50; Dentan, "Literary Affinities," 34-51.

(35) See Levenson, *Death and Resurrection*, 3-17, 43-52.

(36) See Watts, "Public Readings and Pentateuchal Law," *VT* 45 (1995) 548-57.

Lists of laws and instructions operate by their own principles of genre which require no narrative rationale.³⁷ Since legal and instructional genres dominate God's speeches, it is fair to ask how inconsistencies within them influence God's *legal* characterization.

Biblical scholarship has long maintained that Pentateuchal laws were produced through on-going traditions of legal thought.³⁸ Some legal texts, however, are not only products of such traditions, but explicitly show legal interpretation and development taking place within divine law. In Lev 24:1–23, the case of a half-Israelite blasphemer prompts God to enunciate a new legal principle, "You shall have one law for the alien and for the citizen: for I am YHWH your God" (v. 22), and apply it to a variety of offenses (vv. 16–21). Some Israelites' predicament of being disqualified from celebrating the Passover by uncleanness leads God to authorize a second celebration at a later date (Num 9:6–14, the last verse repeating the principle from Lev 24:22). The arrest of an offender elicits YHWH's ruling on whether gathering firewood on the Sabbath is a capital crime in Num 15:32–36. The case of Zelophad dying without male heirs leads YHWH to expand inheritance rights in such circumstances to daughters (Num 27:1–11).

These cases not only illustrate the development of Israelite legal traditions.³⁹ They also cast God as the principle instigator of change within law. In addition to giving the laws in the first place, YHWH reacts to new circumstances by enunciating underlying judicial principles, defining the scope of the law's jurisdiction, developing alternative means for compliance, and expanding enfranchisement. Thus God establishes not only the laws but also the process of legal development. These case laws characterize YHWH as judge, legal interpreter, and legal reformer, as well as law-giver.

God is the only source of law, according to the Pentateuchal writers. This divine monopoly does not, however, extend to the other legal functions of judicial administration, interpretation, and reform. A diverse group of humans takes part in these activities. Jethro suggests a system of judicial appeal

(37) James Nohrnberg described the operations of Exodus' laws and stories about laws in narrative terms: "the text of the narrative becomes its own story: that is, it becomes a case of elongation (or "dilation"), abbreviation, displacement, and interruption" (*Like Unto Moses: the Constituting of an Interruption* [Bloomington: Indiana University Press, 1995] 54), but concluded by pointing out the consequences of the generic shift: "The end result is less a law, than an art of law" (p. 56).

(38) The nature and development of the Pentateuch's legal thinking has been summarized by, among others, Greenberg, "Some Postulates," 25–41; Patrick D. Millar, Jr., "The Place of the Decalogue in the Old Testament and its Law," *Int* 43 (1989) 233–42.

(39) For formal and legal comparisons between these cases, see Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985) 98–104; Crüsemann, *Die Tora*, 121–24.

which Moses implements without consulting YHWH (Exod 18:13–26). No statement of God ever repeats or alters this system, though a later divine command validates the idea of delegated power (Num 11:16–17) and other commandments presuppose the existence of some kind of judiciary (Exod 23:2–3, 6–8; Lev 19:15–16). Aaron, in his function as High Priest, wins an argument with Moses over the interpretation of certain cultic regulations (Lev 10:16–20). Human reason, not divine fiat, plays the decisive role. In Num 36:1–12, Moses, acting in his capacity as highest court of appeal, limits the enfranchisement granted to Zelophad's daughters by God's previous case decision in Numbers 27.⁴⁰ Unlike the earlier text which quotes God directly, YHWH does not speak in Numbers 36 but Moses reports the decision *על פי יהוה* "according to the command of YHWH."⁴¹ Here human mediation takes the place of divine speech in the development of legal tradition.

The placement of these three episodes relative to YHWH's laws and instructions suggests an intentional commentary on divine-human interaction in legal traditions. Jethro's advice in Exodus 18 precedes the giving of divine law at Sinai (at the cost of disrupting the temporal progression of the story). Aaron's casuistry in Leviticus 10 occurs at the climactic moment of the inauguration of Tabernacle worship, in the center of the divine lists of instructions and laws that dominate Exodus 20 through Numbers. Moses' judgment in Numbers 36 follows the last of God's large legal speeches in the Pentateuch, and anticipates Deuteronomy's focus on Moses' mediation and reinterpretation of divine law. Thus before, after, and at the center of YHWH's instructional speeches, the Pentateuch highlights human participation in the development of Israel's legal and religious traditions.

This point should not be overstated. Biblical law remains quite reticent in showing the historical development of law. Bernard M. Levinson has described a "rhetoric of concealment" in inner-biblical and later legal interpretation which camouflages change by misquoting the original laws, failing to credit them to God, or reinterpreting them contrary to their plain sense.⁴² This concern to conceal legal history also motivates the Pentateuch's placement of all law at Sinai or in the Wilderness and the canonical tradition's description of all five books as divine Torah, which of course includes the legal

(40) Because the inheritance would now "revert to precisely those males who would be next in line if the father had no children whatsoever . . . the ruling in favour of female inheritance provided by the first adjudication (Num 27:8) is functionally subverted by the *responsum* in Num 36:6–9 — *even though* its specific provisions remain valid (27:9–10)" (Fishbane, *Biblical Interpretation*, 105).

(41) This phrase in Numbers usually describes Moses' fulfillment of a previously quoted divine order: e.g. 3:16, 39, 51; 4:37, 41, 45, 49, etc.

(42) "Human Voice," 125–28.

contributions of Jethro, Aaron and especially Moses.⁴³ The Pentateuch does not, however, go so far as to deny any human involvement in the origins of Israel's law. It rather describes the origins of legal and religious instructions in the *interaction* of God with Israel.⁴⁴ God gives the law, but also starts the process of interpretation and development in which the human characters participate. Legal and religious traditions necessarily require interpretation and development; this too is Torah. This realization on the part of the Pentateuch's writers leads them to depict God as author, revisor, and interpreter of law, and to include humans in the process as well.

These stories of development in Pentateuchal law cast the problem of God's inconsistencies in a new light.⁴⁵ Explicit mention of God revising and interpreting the laws invites readers to understand other changes in the same way. Where there is no explicit basis for privileging one commandment over another which contradicts it, the stories of human mediation and interpretation of laws encourage the application of theological and legal reasoning to the problem, and to reckon the results as part of the divine Torah as well. For the justice of a ruler is exemplified not only by lists of laws and instructions, but also by the monarch's ability to render fair judgment in extraordinary and unforeseen circumstances (cf. 1 Kings 3:16–28). If the occasional nature of some of YHWH's rulings seems to offend theological notions of divine foreknowledge, it nevertheless emphasizes the implicit self-characterization of YHWH's legal speeches by exemplifying the wisdom of the just ruler.

(43) Num 31:13–24 contains a narrative version of this process: Eleazar (vv 21–24) not only expands Moses' original command (vv 19–20) but also credits it to YHWH through Moses; see Fishbane, *Biblical Interpretation*, 259–60 and note 64.

(44) Fishbane, *Biblical Interpretation*, 436.

(45) Crüsemann noted regarding the stories in Numbers 15, 27, and 36: "In this way the fundamental problem of new law, of the supplementation and extrapolation of the Sinai laws, is touched on in narrative form" (*Die Tora*, 125, my translation).