Trends in Pentateuchal Criticism since 1950

G. J. Wenham

'PLUS ça change, plus c'est la même chose.' Or to quote an older sage: 'What has been is what will be, and what has been done is what will be done, and there is nothing new under the sun.' The present position in pentateuchal studies bears eloquent testimony to the truth of these sayings. Had this article been written ten or twenty years ago, it might have been possible to assert with more confidence that a new age had arrived in pentateuchal studies. But today this cannot be said, for there has been a noticeable reversion to positions held at the beginning of the century.

Examples of this return to older positions can be found in various standard textbooks. For instance, G. W. Anderson in his Critical Introduction to the Old Testament (1959) refers readers to S. R. Driver Introduction to the Literature of the Old Testament (1891) for a fuller statement of the arguments for literary analysis. Perhaps, more significant, since Germany still sets the pace in biblical scholarship, is the Introduction to the Old Testament by G. Fohrer, which has recently appeared in English translation. In general this work adopts positions much closer to the classic Wellhausenism of the beginning of the century than the more moderate position of Weiser's introduction, published in various editions from 1939 onwards. Fohrer dispenses with the idea that much of the hexateuchal material once had a place in the cult. He rejects the notion that from the judges period Israel was an amphictyony, a nation bound together by covenant. He minimises the role of oral tradition, and focuses his attention on the final literary processes by which he believes our Old Testament was created. In particular Fohrer rejects the idea that Genesis to Numbers form one literary unit (M. Noth's tetrateuch) and that Deuteronomy to Kings form another unit (Noth's deuteronomistic history). Fohrer prefers the older concept that Genesis to Joshua constitute a hexateuch. Finally like many nineteenth-century writers Fohrer asserts that Deuteronomy limits all worship to Jerusalem, and that this dates the
book to the reign of king Josiah. He mentions the work of Oestreich, who with Welch, had effectively disputed this view in the 1920's and 1930's, but is silent about their arguments. These examples from Fohrer seem fairly typical of a modern drift back to traditional critical opinions that is at present evident in much British as well as continental scholarship. A similar story is told by recent English commentaries on the Pentateuch. The only complete series is in the SCM Old Testament Library. These are translations from the German commentaries of von Rad and Noth, and never stray far from the paths of critical orthodoxy. Likewise the unfinished series of Torch Bible commentaries (Genesis by A. Richardson and A. S. Herbert, Exodus by G. H. Davies and Deuteronomy by H. Cunliffe-Jones), the Anchor Bible (Genesis by E. A. Speiser) and the new Century Bible (Leviticus and Numbers by N. H. Snaith) all assume the usual source-critical analyses of the Pentateuch. U. Cassuto in his commentaries on Genesis and Exodus offers a rival documentary analysis, and only F. D. Kidner in the Tyndale commentary on Genesis dispenses completely with the documentary theory.

Nonetheless there are striking new developments in some aspects of pentateuchal criticism, which may in the long term prove significant. However their importance must not be over-emphasised, since the consensus of scholarly opinion is very slow to change. Some of the most creative thinking on pentateuchal problems may be traced back to the genius of W. F. Albright. Through his insistence on comparing the Old Testament with the Near Eastern milieu in which it was written, he rescued Old Testament study from the rut which the Germans were in danger of making ever deeper through their indefatigable industry and their unquestioning fidelity to traditional critical methods. Albright however was an archaeologist and philologist fully conversant with the whole span of ancient Near Eastern culture and history. By constantly stressing the priority of empirical facts over traditional theorising he has opened the way to new understandings of the Bible. His former pupils include some of the most distinguished scholars in America today, and his approach to the Old Testament has been widely endorsed by many Roman Catholics and Evangelicals.

**Textual Criticism**

ALBRIGHT was one of the first to recognise the antiquity and significance of the Dead Sea Scrolls discovered in 1947. His followers have made a notable contribution to the publication and study of these documents. The manuscripts from Qumran include portions of every book of the Old Testament except Esther. Since they are some thousand years older than the earliest manuscripts known hitherto, they have greatly enhanced our knowledge of the transmission of the
text of the Old Testament. They show that the Hebrew text was very carefully copied during the first thousand years of the Christian era, for a number of manuscripts at Qumran are very close indeed to the Masoretic text. However two other textual families are also distinguishable at Qumran. One of these is closer to the Septuagint, the Greek translation of the Old Testament, and another is closer to the Samaritan version of the pentateuch. These finds show that there were at least three different recensions of the Old Testament circulating in Palestine at the beginning of the Christian era, and it appears that in the course of the first century BC the Masoretic text became established as the standard text of the Hebrew bible. The discovery of various textual traditions at Qumran has led to a renewed interest in the textual criticism of the OT. In particular it means that the Septuagint and Samaritan pentateuch must be taken with greater seriousness as witnesses to the text of the Old Testament. Though at times these versions represent tendentious interpretations of the Hebrew text, they can also represent a variant textual tradition occasionally superior to the Masoretic text.

In the case of the Pentateuch the differences between the different recensions is less significant for establishing a better Hebrew text than for the light they shed on the transmission of the text and its possible origin. F. M. Cross suggests that the three different textual traditions grew up in three different localities. They were subsequently reintroduced to Palestine, and hence a variety of texts were in use at Qumran. If this surmise is correct, the Samaritan text is likely to represent the old Palestinian textual tradition (at least where it agrees with the Septuagint), the Septuagint text an Egyptian branch of the old Palestinian tradition, and the Masoretic text the Babylonian tradition. Cross supposes that the Pentateuch was originally written in Palestine and that variant recensions developed in different centres of Jewish settlement. The question then arises as to when these divergent recensions developed. The question can be answered by comparing the text of Chronicles with that of the Pentateuch and Samuel-Kings. It appears that in some cases the Chronicler is using a text of these books which is closer to the old Palestinian textual tradition than to the Masoretic tradition (Babylonian?). This suggests that different textual traditions were already in existence when Chronicles was written. If Chronicles was written about 400 BC or shortly after, this means that the composition of the Pentateuch can be no later than the second half of the fifth century BC. Indeed it is likely to be a good deal earlier, since the old Palestinian tradition often appears to be a modernisation of the Masoretic text. If scribes found it necessary to revise the text of the Pentateuch in the fifth century BC to make it more intelligible to its readers, it is possible that the original Pentateuch antedates this period by many years.
IN the realm of literary criticism there has been less movement than at other points in pentateuchal studies. It is still customary to attribute the material to four principal sources J, E, D and P. Attempts to define a fifth source (‘L’ a lay source—Eissfeldt, or ‘N’ a nomad source—Fohrer) have failed to alter the ruling consensus of opinion. However there is a tendency to date J somewhat earlier than Wellhausen did; a date in the reign of David or Solomon is often suggested. Noth’s theory that both J and E are based on a common earlier source (G for Grundlage) has also received a measure of support. If such a narrative tradition can be isolated it would provide a source considerably closer to the events that it purports to describe than the traditional J, E, D and P. D is still commonly associated with the Northern kingdom, and supposed to be the cause of Josiah’s centralisation. The work of Robinson and Lohfink questioning these hoary dogmas of pentateuchal criticism seems largely to have been overlooked by modern writers. P is still widely regarded as coming from the exilic period, though, as with Deuteronomy, it is commonly granted that it contains much older traditions.

Much the most far reaching challenge to established traditional literary criticism has come from three scholars who wish to make Old Testament criticism conform to the canons accepted in other branches of Near Eastern studies. M. Greenberg, in an article published in 1960, suggested that the methods of interpretation accepted for Mesopotamian law should be applied to Hebrew law. G. R. Driver and J. C. Miles in their commentaries on The Assyrian Laws (1935) and The Babylonian Laws (1952) endeavour to interpret the laws as they stand and reject as a counsel of despair the frequent appeal of earlier commentators to supposed interpolations by unintelligent redactors. Greenberg suggests that biblical commentators similarly might be more profitably employed endeavouring to understand the present form of the Pentateuchal laws instead of speculating about its possible original form and later redaction. Possibly some of the contradictions within the Pentateuch are only superficial and on closer examination would disclose finer legal distinctions. Coming to the problems of pentateuchal criticism from a background of Egyptology, K. A. Kitchen has argued in a series of articles in the New Bible Dictionary (1962) and in his Ancient Orient and Old Testament (1966) that many of the criteria used for literary analysis of the Pentateuch may be shown to be quite valueless in the light of the known characteristics of oriental literature. Changes of name or style or repetitive narrative are no proof of different authorship. Such phenomena can be widely paralleled in Egyptian texts which can be proved to have been written by a single author. A similar position is adopted by R. K. Harrison in his Introduction to the Old Testaments (1970). Though an evangelical,
he accepts literary criticism as a valid discipline, but insists that it must be guided by those principles which have been inductively worked out and applied in other Near Eastern literature. Biblical criticism must not slavishly follow the old paths laid down in the nineteenth century long before this related literature was known and understood. Harrison briefly outlines a theory of the possible sources used in Genesis. He takes the recurring phrase, ‘These are the generations of’, as a colophon marking the end of a document. Thus Genesis is made up of a series of documents, each dealing with a phase of history, the creation of the world, the origin of man, the history of Noah, etc. Harrison believes that the Pentateuch is, as it claims, substantially Mosaic, but that it may have been revised and edited as late as the days of the monarchy; such minor revision of older documents is well attested in the Near East. The approach advocated by Greenberg, Kitchen and Harrison may eventually prove to be one of the most fruitful in Old Testament study, but three swallows do not make a summer. Their methods will have to be developed and applied in much greater detail before we can expect a major change in accepted attitudes to literary criticism of the Pentateuch.

Form Criticism

IT is probably in the area of form criticism that most progress has been made in pentateuchal studies in the last twenty years. Form critics like literary critics have often been in danger of arguing in circles unless the form that is discovered can be shown to have an existence independent of the biblical record in which it is embedded. Fortunately just because a good external parallel has been discovered to the form of the covenant in the Old Testament, namely the Hittite suzerainty or vassal treaty, form criticism has been able to move forward with some confidence. It was in 1954 that G. E. Mendenhall, one of the Albright school, published his epoch-making article entitled ‘Covenant Forms in Israelite Tradition’. In this article he argued that the structure of the covenants recorded in Ex. 20 and Jos. 24 bore a marked resemblance to the Hittite vassal treaties of the second millennium BC. He further suggested that since later treaties of the first millennium had a different structure from the earlier ones, it was reasonable to suppose that the Israelite covenant went back to the earliest days and was not a late innovation of the monarchy period. Since Mendenhall’s ideas have been very widely taken up in attempts to elucidate both the structure and theology of the Pentateuch, it is worth explaining his theory in greater detail. When the Hittite archives in Boghazkoi, Turkey, were discovered and excavated in the opening years of this century, a good number of treaty texts of the 15th to 13th centuries BC were discovered. These documents set out
the terms regulating future relationships between the Hittite king and the king whose country he had conquered. Detailed study of these texts led V. Korosec to the conclusion that there was a standard pattern or form for drafting these international treaties. They have six main parts. They begin with a *preamble*: ‘These are the words of X, king of the Hatti land.’ This is followed by a *historical prologue* describing the previous relationships between the two parties to the treaty. In this section there is often a stress on the grace and mercy of the Hittite king towards his vassal, whom he has placed on the throne and allowed to rule. The third section of the treaty is the *stipulations* section, which sets out the vassal’s obligations. It covers the general obligation of love and fidelity towards the suzerain, and also makes detailed demands about annual tribute payments and the assistance that the vassal must render in time of war. The fourth section of the treaty is the *document clause*, which is concerned with storing the text of the treaty and its periodic public reading. The fifth section of the treaty is a *list of gods* who witness the treaty. The final section is a series of *curses* invoked on those who break the treaty and *blessings* on those who keep it. Mendenhall pointed out that there was a remarkable similarity in structure between Ex. 20 and Jos. 24, which set out the terms of the covenant between God and Israel, and the Hittite treaties. The Sinaitic covenant could therefore be looked on as a vassal treaty imposed by God on his people Israel.

The largest single group of treaties has come from the Hittite archives, but a few other treaties have also been discovered in Syria and Assyria. These were drafted about six centuries later than those from Boghazköy and differ in various respects from the earlier one. The arrangement of the material in these treaties is different, and in particular they normally lack the historical introduction, which was an integral part of the Hittite treaty. Because there is a historical prologue in the Sinai covenant, ‘I am the LORD your God, who brought you out of the land of Egypt’ (Ex. 20. 2 cf Jos. 24. 2-13), it is closer to the early Hittite treaties than to the later Assyrian ones. For this reason Mendenhall argued that the Israelites must have borrowed the notion of covenant from their neighbours early in their history. It could not have been a late invention of the seventh century prophets.

The short article of Mendenhall led to a spate of other studies of the form of the covenant in the Old Testament. In *Das Bundesformular* (1960) K. Baltzer traced the development of the covenant form through the Old Testament and into the intertestamental literature, introducing many other passages into the discussion, including Ex. 34, Dt. 1-4 and 29-30. He further argued that it was customary in Israel to renew the covenant in a special act of worship on certain occasions. For instance, in times of national disaster, when the people recognised their sin they would come together to renew their pledge to keep the stipulations entailed in the covenant. But it also seems to have been
customary to renew the covenant whenever there was a change of leadership in the state. Thus when Moses handed over power to Joshua, he is said to have made a speech summarising the covenantal history and the stipulations laid upon Israel (Dt. 29ff). Similarly when Joshua, Samuel and David retired, they made similar speeches exhorting the people to remain faithful to the covenant (Jos. 23. 24; 1 Sam. 12; 1 Chr. 22-29). Quite what these covenant-renewal ceremonies consisted of is not very clear in the Old Testament, but it seems likely that they involved much the same procedures as were customary in ratifying a treaty. The leader or king would read out the text of the covenant and at appropriate points the people would signify their assent to its demands by repeating part of it or saying ‘Amen’ (cf Dt. 27). The offering of sacrifice was also an important part of ratifying the covenant, though it is not quite clear at what stage in the service this took place. If the sacrifices were regarded as acted curses (May God so do to us, if we do not obey the words of this covenant), they would most naturally come at the end of the ceremony; but this is not certain.

In Origins and History of the Oldest Sinaitic Traditions (1961) W. Beyerlin subjected Ex. 19-24 to a minutely detailed traditio-historical investigation. Like the older German scholars M. Noth and G. von Rad, Beyerlin accepts that there was a regular festival at which the covenant was renewed as early as the days of the judges. In his book he tries to trace by a rather subjective literary analysis how the original form of these chapters has been gradually modified in the course of its use in the cult. However he takes issue with Noth and von Rad over their belief that the Exodus and Sinai traditions were originally independent. They held the account of the exodus from Egypt at first had nothing to do with the making of the covenant and giving of the law on Mount Sinai. But Beyerlin argues that since a historical prologue is integral to the Hittite treaties, we should expect something like ‘I am the LORD . . . who brought you out of Egypt’ to introduce the Sinai covenant. He therefore argues that the connection of the Sinai covenant with the Exodus from Egypt is not a mere device of a later writer but a historical one which goes back to Moses himself.

The work of Beyerlin raises an important question with regard to the relationship between literary criticism and form criticism. Traditionally literary critics have distributed the Sinai pericope among the various different literary sources J, E, D and P. But form-critical considerations conflict with this approach to this passage. As we have seen the Hittites had a fairly fixed form for drawing up their treaties, and it has been suggested that the Old Testament employs this form. However some literary critics have assigned Ex. 20: 2 (historical prologue) to one source and Ex. 20: 3ff (stipulations) to another source. Thus though Ex. 20: 2ff appears to be a homogeneous unit from the point of view of its form, literary analysis suggests that this apparent unity is illusory. To put the problem more bluntly, scholars now have
to choose whether to modify the literary analysis inherited from the nineteenth century in the light of the newer form-critical studies, or to retain the old ideas and reject at least in some measure the insights of form criticism. Beyerlin and Baltzer adopt the former course and suggest that older literary critical analyses should be modified in the light of the Hittite treaty form, while Fohrer, and to a lesser extent McCarthy, assert that literary criticism must take priority. In consequence, Fohrer can deny that the treaty form is to be found in the Old Testament.

Exactly the same problem is raised by the book of Deuteronomy. In 1960 M. G. Kline published an article entitled 'Dynastic Covenant' in which he argued that the book of Deuteronomy as a whole reflects the Hittite treaty form.¹

1: 1-5 Preamble
1: 6-4: 49 Historical prologue, outlining previous relations between God and Israel
5-26 Stipulations
27-30 Curses and blessings
31-34 Witnesses, document clause etc.

Traditional literary criticism had argued that Dt. 12-26 was the earliest core of Dt., which had been later expanded by the addition of historical prologues and epilogues. Kline argued that in the light of the treaty parallels this was an unlikely and superfluous hypothesis. He preferred to think of Deuteronomy as a formal unit. Like Mendenhall, Kline also maintained that Deuteronomy followed the Hittite treaty form rather than the later Assyrian form and therefore Deuteronomy's claim to be Mosaic should be accepted.

Various other writers have also come to the conclusion that in Deuteronomy we have the fullest and best example of the treaty form in the Old Testament. D. J. McCarthy in his definitive work on Treaty and Covenant (1963) thinks the authors and editors of Deuteronomy were well acquainted with the treaty form, though he still thinks a complex literary process underlies the growth of the book. McCarthy however disagrees with Mendenhall's view that second millennium Hittite treaties are formally distinguishable from first millennium Assyrian and Syrian treaties. He therefore doubts whether an appeal to the form of the Sinai or Deuteronomic covenants can prove their antiquity.

Probably the most useful and careful application of the treaty form to the elucidation of the structure of the book of Deuteronomy is to be found in the work of N. Lohfink, in his book Das Hauptgebote (1963) and in various articles. Lohfink is one of the few scholars who are applying the techniques of redaction criticism (Redaktionsgeschichte) to the Old Testament. The principles of redaction criticism are more familiar in New Testament scholarship than in Old. The redaction
critic starts with the sources discerned through the techniques of literary criticism, and then seeks to understand how the editor used these sources. Delicate literary analyses of the text of the Pentateuch imply as a corollary that the editors of this material were very sophisticated. But till recently very little attention has been paid to their motives and methods of composition. Lohfink in his studies of Deuteronomy has put forward some very satisfying suggestions about the arrangement of much of its material. However just as in the case of form criticism, there is a certain tension between this newer redaction criticism and the older literary criticism. If the text of the Old Testament can, as it stands, be shown to have a carefully worked out arrangement and purpose, there would appear to be less need to postulate underlying sources. Thus at a few points Lohfink discards the traditional literary analysis of Deuteronomy.

Another significant contribution to the criticism of Deuteronomy was made by Lohfink in the re-examination of the account of Josiah's reform in 2 Kings 22-23. In a sensitive appraisal of the motives and purpose of the narrator Lohfink showed that the book discovered in the temple was probably the Jerusalem covenant document. This document would have contained the liturgy used for renewing the covenant in Jerusalem. If, as is generally done, this law-book is identified with some form of Deuteronomy, (and this identification is reinforced by the structure of Deuteronomy itself), we may conclude that the book was a genuine discovery whose use may be traced back to the days of the judges. This would exclude the widely accepted theory that Deuteronomy is based on a collection of sermons that originated in the Northern kingdom.

The books and articles dealing with the covenant form which have been discussed above appeared between 1960 and 1965. It is noteworthy that the most recent books on Deuteronomy have more or less ignored the treaty parallels as an aid to elucidating its structure and meaning. Perhaps this is just another facet of a traditionalism inherent in critical scholarship. On the other hand it may be that the exaggerated claims made by some modern advocates of form criticism have put off those schooled in the older literary-critical methods. It therefore seems in order to review some of the ideas that have been put forward, and to suggest directions which further study might take. First, is there a distinctive difference between first and second millennium treaties such that it may be used to date the biblical material? It would seem that there is a difference between the different groups of treaties in that the early treaties normally have a historical prologue and the later ones do not. This may well suggest that Israel borrowed the treaty form as early as the Mosaic era to express the covenant with God. However it does not necessarily mean that any given example in the Old Testament is early. It seems more likely that once the form had been borrowed it remained fairly stable throughout the Old
Testament era, for we still find a covenant introduced by a historical prologue in Neh. 9-10. Therefore the use of the Hittite treaty form cannot be used as a 'knock-down' argument for the antiquity of Deuteronomy or Genesis 17, 18 for example. A yet more fundamental question needs to be asked however: is the Old Testament covenant form identical with the Hittite treaty form? The answer to this question seems to be no. The Old Testament covenant form is distinctive. In some respects it is closer to a 'law-code' form, as typified by the Code of Hammurabi, than to the treaty form. However if the parallels do not immediately prove the authenticity of Exodus 20 or Deuteronomy, they do immeasurably help us to appreciate the structure and theology of these parts of the Bible and should act as a most useful corrective to the speculations of literary criticism.

**Historical Criticism**

FINALLY we must touch on the question of historical criticism of the Pentateuch. Though it is still almost universally held that the sources from which it was compiled are much later than the events they describe, there is recognition of the dependability of the traditions they contain. These are not merely reflections of the age of the writer. The patriarchal stories for instance accurately reflect the historical situation in the early second millennium. A dark cloud however still hangs over the Mosaic era, at least in continental scholarship, though the Albright school regards it as the formative era in Israel's history. Without a thorough reinvestigation of the basis of literary criticism in the Pentateuch, which needs to be undertaken, there appear to be only two ways to get at the problems of the Mosaic era. The first is the approach of M. Noth, who tried to discover the common source G underlying the earliest sources J and E. He was able to show that some of the institutions, such as the covenant, and many traditions about the origins of Israel were already present in this early material. Another promising approach is through the poetry in the Pentateuch. This has long been recognised to be some of the most archaic material in the book, and Albright, Cross and Freedman have argued that the spelling and style of these poems show that they must have been written relatively soon after the events they describe. This approach has been developed by P. C. Craigie, who argues that the picture of the exodus and conquest which is found in the poem fits in much better with the account given in our present Pentateuch than with the picture of Israel's history which is usually constructed on the basis of the literary sources.

In a similar survey of the state of pentateuchal criticism written in 1951, C. R. North said that the ruling hypotheses of literary criticism were being very seriously questioned and that scholars must be much
less dogmatic about J, E, D and P. Such fundamental doubts are not widespread today. There have been powerful pleas for a new look at the principles of literary criticism by orientalists, but these have gone largely unheeded by the majority of Old Testament scholars. Form criticism and redaction criticism have introduced new insights into the structure and meaning of the Pentateuch, but they have involved only minor changes in the dominant literary-critical approach. Though this approach to the Pentateuch has survived so long, and looks like surviving in the foreseeable future, it may be hoped that scholarship will not rest content with the present situation. The inherited methods of pentateuchal criticism tend to blind us to the greatness of the literature with which we are dealing. Great literature demands great authors, and as yet criticism has conspicuously failed to discover them.


6 Published in Biblical Archaeologist 17 (1954) and reprinted in Law and Covenant in Israel and the Ancient Near East Pittsburgh 1955.

7 For details see V. Korosec Hethitische Staatsverträge Leipzig 1931.

8 Some of the consequences of this for biblical theology are most helpfully worked out in G. E. Wright The Old Testament and Theology New York 1969.


12 For details see V. Korosec Hethitische Staatsverträge Leipzig 1931.


14 In Überlieferungsgeschichte des Pentateuchs Stuttgart 1948.

