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Retelling the Law

Genesis, Exodus-Numbers, and Samuel-Kings
as Sequential Hypertextual Reworkings
of Deuteronomy



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Introduction

The procedure of sequential hypertextual reworking of earlier writings in later ones is one of the most important procedures which were adopted in the process of the composition of biblical writings.¹

My earlier analyses have revealed that the sophisticated literary technique of highly creative and, on the other hand, consistently sequential reworking of an earlier text in a later one was followed in at least twelve writings of the New Testament (Rom, Gal, Mk, Lk, Eph, 2 Thes, Acts, 2 Pet, Hebr, Rev, Mt, and Jn).² Moreover, I have already suggested that this procedure was used in the process of the composition of the book of Genesis on the literary basis of the book of Deuteronomy.³ In the present book, I would like to analyse the use of the procedure of sequential hypertextual reworking of earlier texts in the whole Pentateuch and in the books of Samuel and Kings, which may be regarded as the most important ones among the so-called historical books of the Old Testament.

The analyses of the hypertextual relationships which may be traced between various historical books of the Old Testament were already carried out by numerous scholars, even if they did not refer to the concept of hypertextuality.⁴ For

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- 1 For a definition of the literary phenomenon of hypertextuality, see G. Genette, *Palimpsestes: La littérature au second degré* (Seuil: [s.l.] 1982), 13: 'Hypertextualité [:] J'entends par là toute relation unissant un texte B (que j'appellerai *hypertexte*) à un texte antérieur A (que j'appellerai, bien sûr, *hypotexte*) sur lequel il se greffe d'une manière qui n'est pas celle du commentaire.' Cf. also B. Adamczewski, *Constructing Relationships, Constructing Faces: Hypertextuality and Ethopoeia in the New Testament Writings* (Peter Lang: Frankfurt am Main [et al.] 2011), 11-13.
 - 2 Cf. B. Adamczewski, *Constructing*, 116. Cf. also id., *Q or not Q? The So-Called Triple, Double, and Single Traditions in the Synoptic Gospels* (Peter Lang: Frankfurt am Main [et al.] 2010), 227-439; id., *Heirs of the Reunited Church: The History of the Pauline Mission in Paul's Letters, in the So-Called Pastoral Letters, and in the Pseudo-Titus Narrative of Acts* (Peter Lang: Frankfurt am Main [et al.] 2010), 83-132; id., *The Gospel of the Narrative 'We': The Hypertextual Relationship of the Fourth Gospel to the Acts of the Apostles* (Peter Lang: Frankfurt am Main [et al.] 2010), 39-121.
 - 3 Cf. id., *Constructing*, 17-18. Cf. also id., 'Hypertextuality in the Bible: The Case of Genesis and Deuteronomy', *PJBR* 10 (2011), no. 1 (19) (in press).
 - 4 See K. Nielsen, 'Intertextuality and the Hebrew Bible', in A. Lemaire and M. Sæbø (eds.), *Congress Volume: Oslo 1998* (VTSup 80; Brill: Leiden · Boston · Köln 2000), 17-31; M. Fishbane, 'Types of Biblical Intertextuality', in A. Lemaire and M. Sæbø

example, Calum M. Carmichael has argued that the apparently chaotic arrangement of laws in Deuteronomy may be explained by pointing to clusters of topics in Genesis⁵ because, in his opinion, the laws and at times narratives of Exodus-Deuteronomy are based on the legal issues which are referred to in the narrative portions of Genesis-2 Kings.⁶ However, his intertextual analyses do not adequately explain the order of the laws in Exodus-Deuteronomy. For example, the Jewish scholar has argued that the law of Deut 24:1-4 is based on the event described in Gen 20 because of their common spatial location,⁷ and the law of Deut 24:8-9 is based on the event described in Num 12:1-15 because of their common temporal location.⁸ Therefore, Carmichael's theory evidently does not

(eds.), *Congress Volume: Oslo 1998*, 39-44; G. D. Miller, 'Intertextuality in Old Testament Research', *CBR* 9.3 (2011) 283-309.

5 See C. M. Carmichael, *The Laws of Deuteronomy* (Cornell University: Ithaca, NY · London 1974). Cf. also id., *Women, Law, and the Genesis Traditions* (Edinburgh University: Edinburgh 1979) (esp. 3).

6 See id., 'The Origin of the Scapegoat Ritual', *VT* 50 (2000) 167-182 (here: 169): 'The issues raised in biblical rules are those that lie before us in the narrative portions of Genesis-2 Kings. Bringing to bear on these issues his own ethical and legal thinking, the anonymous lawgiver proceeded to invent his nation's ancient laws. [...] A major determinant of the lawgiver's procedure was his desire to seek out and evaluate the first occurrence of a problem in the nation's history, one invariably idiosyncratic in nature, and address a similar, less idiosyncratic problem that might arise in the future.' Cf. also id., *Law and Narrative in the Bible: The Evidence of the Deuteronomic Laws and the Decalogue* (Cornell University: Ithaca, NY · London 1985); id., *The Spirit of Biblical Law* (University of Georgia: Athens, Ga. · London 1996); id., 'Joseph, Moses, and the Institution of the Israelite Judicature', in J. E. Coleson and V. H. Matthews (eds.), *"Go to the Land I Will Show You"*, Festschrift D. W. Young (Eisenbrauns: Winona Lake, Ind. 1996), 15-25; id., 'The Sabbatical/Jubilee Cycle and the Seven-Year Famine in Egypt', *Bib* 80 (1999) 224-239; id., 'The Three Laws on the Release of Slaves (Ex 21,2-11; Dtn 15,12-18; Lev 25,39-46)', *ZAW* 112 (2000) 509-525; id., *Illuminating Leviticus: A Study of Its Laws and Institutions in the Light of Biblical Narratives* (The John Hopkins University: Baltimore, Md. 2006); id., 'David at the Nob Sanctuary', in A. G. Auld and E. Eynikel (eds.), *For and Against David: Story and History in the Books of Samuel* (BETL 232; Peeters: Leuven · Paris · Walpole, Mass. 2010), 201-212.

7 The scholar suggests that the law of Deut 24:1-4 is based on the event which is described in Gen 20 because both texts are narratively located in the region of Kadesh, and consequently the lawgiver simply 'takes up the matter of a wife's release from her marital bond' from Gen 20: id., *Spirit*, 16-18 (here: 18).

8 The scholar suggests that that the law of Deut 24:8-9 is based on the event which is described in Num 12:1-15 because the lawgiver 'imagined Moses looking back [...] on

explain the reasons for placing Deut 24:8-9 after Deut 24:1-4 and not vice versa, and consequently it offers nothing more than a simple combination of thematically related legal and narrative texts in the Hebrew Bible.

For this reason, other scholars, like John Van Seters⁹ and Duane L. Christensen,¹⁰ have argued that the direction of literary dependence between the books of the Pentateuch is in fact reversed, namely that Genesis, Exodus, Leviticus, and Numbers are generally literarily dependent on Deuteronomy, and not vice versa.

It is therefore evident that in order to solve the problem of the existence and direction of literary, especially hypertextual, relationships among various historical and prophetic writings of the Old Testament, the method of critical-intertextual research has to be adopted. In the case of the Pentateuch and of the historical books of the Old Testament, this method has to include, among others, (a) using relatively reliable criteria for ascertaining the existence and direction of direct literary dependence between the Old Testament writings; (b) taking into due consideration the objective, i.e. uninfluenced by the biblical writings, points of reference (archaeological data, non-Israelite historical writings, etc.) for analysing the Old Testament writings from a historical-literary point of view; (c) taking into due consideration ancient literary-rhetorical procedures followed in the process of composition of socially significant texts (narrative illustration of cultural values, paradigmatic explanation of social taboos, etc.) and reworking of earlier, widely known texts (emulation of traditional myths and stories, ethopoeic characterization of legendary heroes, use of oracles and prophecies for justifying political-legal rules, adaptation of codified laws, etc.); (d) avoiding simplistic explanations which postulate the existence of some purely hypothetical sources and redactional strata (the Yahwistic source, the priestly redaction, etc.); and (e) avoiding simplistic reconstructions of the *Sitz im Leben* of the

events during his lifetime (for example, in Deut. xxiv 8, 9, the leprous disease that afflicts his sister Miriam) [...]. Only on matters that occur in Moses' own time, Miriam's affliction, for example, might the lawgiver actually mention the occasion that inspires a law': id., 'Origin', 169.

9 J. Van Seters, *Prologue to History: The Yahwist as Historian in Genesis* (Westminster/John Knox: Louisville, Ky. 1992); id., *The Life of Moses: The Yahwist as Historian in Exodus-Numbers* (Westminster/John Knox: Louisville, Ky. 1994).

10 D. L. Christensen, *Deuteronomy 1:1-21:9* (WBC 6A; rev. edn., Thomas Nelson: Nashville 2001), xiii; id., *Deuteronomy 21:10-34:12* (WBC 6B; Thomas Nelson: Nashville 2002), xiv.

historical texts of the Old Testament (the so-called Josianic reform etc.) with the use of the procedure of mirror-reading.¹¹

It seems that the most important criterion for ascertaining the existence of a literary, especially hypertextual, relationship between the biblical works is the criterion of order. If two given works reveal thematic correspondences which follow a sequential pattern, it is reasonable to suppose that the author of one of these works hypertextually reworked the other work, preserving the basic sequence of its themes, ideas, and at least selected literary motifs.¹² This basic criterion is reinforced with the criterion of a systematic use of a source, which points to cases in which all or most of the source text was in some way used in the later text, and consequently the later text may be regarded as a systematic reworking of the earlier work.¹³

By definition, hypertextuality is not based on verbatim repetition of the wording of the hypotext. For this reason, the research on hypertextuality should not be limited to the study of rather literal use of a given earlier text in a later text, but it should consist in looking for common (but, on the other hand, creatively transformed) literary themes, ideas, and motifs of both texts, and only additionally in detecting common wording.¹⁴ Moreover, in the case of a truly

11 Cf. B. Adamczewski, *Constructing*, 10-11. For examples of the use of the method of critical-intertextual research in the study of the New Testament, see id., *Q or not Q?*, 187-447; id., *Heirs, passim*; id., *Narrative 'We'*, 33-128.

12 Cf. D. P. Wright, *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi* (Oxford University: New York 2009), 347; B. Adamczewski, *Q or not Q?*, 231-232; id., *Narrative 'We'*, 43, 119; id., *Constructing*, 13.

13 Cf. M. Pfister, 'Konzepte der Intertextualität', in U. Broich, M. Pfister, and B. Schulte-Middelich (eds.), *Intertextualität: Formen, Funktionen, anglistische Fallstudien* (Konzepte der Sprach- und Literaturwissenschaft 35; Max Niemeyer: Tübingen 1985), 1-30 (esp. 28: 'Kriterium der Strukturalität [...] während wir uns in dem Maße dem Zentrum maximaler Intensität nähern, in dem ein Prätext zur strukturellen Folie eines ganzen Textes wird'); T. L. Brodie, *Genesis as Dialogue: A Literary, Historical, and Theological Commentary* (Oxford University: New York [et al] 2001), 429; B. Adamczewski, *Constructing*, 13.

14 Cf. S. Holthuis, *Intertextualität: Aspekte einer rezeptionsorientierten Konzeption* (Stauffenburg Colloquium 28; Stauffenburg: Tübingen 1993), 91-94, 140-147, 214-215 (esp. 145: 'Nicht selten [...] sind [komplexe Texttransformationen] damit zu verstehen als komplexe "Umdeutungen" oder "semantische Re-Interpretationen", die allenfalls dem Postulat einer "bedeutungskompatiblen" Transformation folgen'); T. L. Brodie, *Genesis*, 424-429.

hypertextual relationship between two given texts, a high degree of literary creativity and imagination on the part of the author of the hypertext should be allowed for.¹⁵

In fact, numerous biblical writings were composed with the use of the procedure of sequential hypertextual reworking of earlier texts. In these cases, the order of at least selected themes, ideas, motifs, and vocabulary of the hypotext is generally preserved in the hypertext. This basic rule helps to discover less evident correspondences between the structurally matching fragments of both works, even if some of these correspondences are quite remote from a purely semantic-philological point of view, and for this reason they are difficult to demonstrate in isolation from the more evident ones.¹⁶

From among various other criteria which may help ascertain the existence of a literary, especially hypertextual, relationship between two given biblical works, several seem to be particularly useful: (a) accessibility (if it may be argued that the earlier work could be known to the writer of the later text), (b) analogy (if there are other examples of such intertextual relationships in the same literary milieu), (c) density (if the thematic and possibly also linguistic¹⁷ correspondences between the two writings are numerous enough to suggest a literary relationship between them), (d) distinctiveness (if there are some literary features which may be found only in the corresponding sections of the respective writings), and (e) explanatory capability (if the hypothesis of the existence of a literary relationship between the two writings helps to clarify their meaning).¹⁸

Once the existence of a direct literary, especially hypertextual, relationship between two given writings is established, some criteria for ascertaining the direction of literary dependence between these writings have to be applied. In

15 Cf. T. L. Brodie, *Genesis*, 429-431.

16 Cf. B. Adamczewski, *Constructing*, 13-14.

17 In the research on hypertextuality, analyses of linguistic correspondences mainly concerns correspondences which occur on the level of diction (the choice of words, phrases, etc.), and not necessarily semantics, of the analysed texts.

18 Cf. K. L. Sparks, 'Enūma Elish and Priestly Mimesis: Elite Emulation in Nascent Judaism', *JBL* 126 (2007) 625-648 (esp. 628-629); B. Adamczewski, *Q or not Q?*, 231-232; id., *Narrative 'We'*, 119-120.