

WHAT IF THERE AREN'T ANY EMPIRICAL MODELS FOR PENTATEUCHAL CRITICISM?

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CAN EMPIRICAL MODELS EXPLAIN WHAT IS DIFFERENT ABOUT THE PENTATEUCH?

THIS PAPER QUESTIONS A KEY ASSUMPTION OF BIBLICAL CRITICISM BY ASKING whether empirical models can actually explain what is different about the Pentateuch. That is, are there known pre-Hellenistic Near Eastern examples of the Pentateuch's most prominent formal literary feature, the interweaving of parallel variants of narratives? If not—and I will argue that there are not—was the Pentateuch's creation a radical break from both Israelite and Near Eastern text-building? Using ancient Near Eastern literary evidence historically, I will argue from the case of the Primeval History that the Pentateuch's lack of parallels actually gives us a crucial clue for placing its composition in history.

By showing that the most distinctive literary values of the Primeval History depart not only from attested contemporary Near Eastern narrative but also those of the Primeval History's own sources, it becomes clear that Hebrew writers must have experienced a shift in their literary values, from a shared value of coherence to a new value of comprehensiveness.¹ But as is widely recognized, the Pentateuch's distinctive preference for comprehensiveness over coherence was itself strange to its early Jewish inheritors, who set about the monumental task of harmonizing and reconciling its richly polysemous contradictions—in the process creating a new set of literary values. A historically anchored comparison of the literary values implicit in

1. This raises two important questions, naturally impossible to treat in a short, focused paper. First, the absolute dating of the shifts and second, the relationship with textual interweaving in the rest of the Hebrew Bible. I am currently treating both in a research project supported by the Guggenheim Foundation and the National Endowment for the Humanities, planned as a book for Oxford entitled *Why We Can't Read the Torah: The Form of the Pentateuch and the History of Ancient Hebrew Literature*.

the Primeval History's distinctive form shows that this literary form has historical implications. The sharp difference between the predominant literary values of the Pentateuch and its contemporaries and successors entails an historical stratification. The result is a relative chronology of ancient Hebrew literature based not on conjecture but literary form attested in history.

I will address the oldest and most influential major work on this, Jeffrey Tigay's *Empirical Models for Biblical Criticism*,² and his work on a particularly clear and widely agreed-upon example, the Primeval History (Genesis 1–11, with emphasis on 1–9) in comparison with one of the best-documented cases of Mesopotamian literary text building, that of the Gilgamesh epic's flood tablet. But the conclusions also bear on broader issues such as conflation and memory-based textual variation emphasized by David Carr in his recent work.³ The problem, I will argue, with Tigay's pre-Hellenistic "empirical models" argument is that the Pentateuch actually does not resemble Mesopotamian literature in its most problematic and important feature, namely, the interweaving of parallel variants of the same event. The biblical Flood shares a plot with the Mesopotamian Flood but does not read like it. Each key event of the plot happens once in the Gilgamesh flood tablet, but twice in a row in Genesis, resulting in a biblical text that is radically incoherent, yet still strangely readable.

In fact, what the editorial picture of the Gilgamesh epic resembles is not the form of the Pentateuch itself but that of its sources. While Tigay does not emphasize the most obviously distinctive aspect of the Pentateuch—its

2. Jeffrey Tigay, *Empirical Models for Biblical Criticism* (Philadelphia: University of Pennsylvania Press, 1985). A promising recent approach, parallel to the one adopted here, is taken by Joel Baden in a 2014 paper at the Hebrew University Institute for Advanced Studies, "Continuity between the Gaps: The Pentateuch and the Kirta Epic."

3. In particular, David M. Carr (*The Formation of the Hebrew Bible: A New Reconstruction* [New York: Oxford University Press, 2011], 37–48) uses as one of his key "empirical" cases the comparison of early second-millennium Old Babylonian versions of literary texts (ca. 1800–1600 BCE) to first-millennium Neo-Assyrian counterparts (ca. 800–600 BCE), a time gap of some thousand years, during which Babylonian education and text production appear to have shifted from a more memory-based model in the second millennium to a more visually based model in the first. Perhaps the clearest example of this shift is the systematic acknowledgement of first-millennium scribes of breaks (adj. *hepû* "broken, split;" *hîpu*, "break"; CAD H s.v.) in the *gabarû* "exemplar" from which they are copying, an interest exceedingly rare and inconsistent in second-millennium scribal work. This stands in contrast with the much shorter transmission period and closer cultural context of the biblical and early Jewish materials to which he applies the model. A collective study is needed by experts in ancient Near Eastern literatures of how text-creation and transmission changed in each. The results of a 2015 American Oriental Society session I organized to address this need are forthcoming in an issue of the *Journal of Ancient Near Eastern Religions*.

narrative incoherence, what he does focus on reveals a crucial historical point. This is that the Gilgamesh epic, with its coherent literary integration of a self-contained flood narrative, strongly resembles the coherent literary integration of the flood in the Priestly (P) and Yahwistic (J or non-P) elements accepted among all major schools of bible critics. The aspect of the Pentateuch for which there is the best-attested ancient Near Eastern scribal precedent is not its present form but its most widely agreed-on continuous layers, namely, the P and non-P Primeval History. It is the fact that the Pentateuch itself departs from attested empirical models, while the elements it contains resemble them, that provides the most powerful tool for placing it in the history of ancient Near Eastern literary culture.

IS THE PENTATEUCH ANCIENT NEAR EASTERN, JEWISH, OR NEITHER? COMPETING MODELS OF TEXT-MAKING

When Solomon Schechter referred to Christian biblical criticism as “the higher anti-Semitism,”⁴ he had in mind its severing of Judaism’s historical and literary connection to the Bible. Wellhausen’s poetic but harsh line was that what ancient Israel’s prophets and poets drank from “living springs” their Jewish inheritors, the epigones, “stored up in cisterns.”⁵ With the rise of early Judaism a rupture had occurred, and the conditions for creating the incomparable literature of ancient Israel had been lost. New and inferior modes of text-making had taken over, marked above all by Midrash, the endless harmonization, reinterpretation, and application of a fixed canon. In arguing that the Jews were not authentic heirs of ancient Israel, and the tradition had actually been killed by its tradents, he resembled nothing so much as the academic stereotype of Paul.

The old Protestant accusation was of a rupture between the living creative culture of ancient Israel and the dead interpretive culture of Judaism, with the establishment of the written law as the breaking point. Once the Torah was created as a fixed object, an unalterable sacred text demanding endless reapplication, a new but derivative and disconnected culture is created. Midrash, seen as irrational and secondary, is the natural response to the ossification of Torah.

Remarkably, an analogous early Jewish consciousness of this break with ancient Israelite text-making actually existed.⁶ A striking example is

4. From his 1903 address, Solomon Schechter, “Higher Criticism—Higher Anti-Semitism,” *Seminary Addresses & Other Papers* (New York: Burning Bush, 1960), 35–39.

5. Wellhausen, Julius, *Prolegomena to the History of Israel*, trans. J. Black and A. Menzies. (Edinburgh: A. & C. Black, 1885).

6. Jay Michael Harris, *How Do We Know This? Midrash and the Fragmentation of*

the concern that much of *halakha* is not really founded in the Torah. So the famous statement in the Mishnah that the laws of the Sabbath “are like mountains hanging by a hair, for Scripture on them is scanty and the rules many” (m. Hagigah 1:8) In contrast to Harold Bloom’s famous term “the anxiety of influence,” we could call this “the anxiety of outside influence,” “the anxiety of invention”—or perhaps just separation anxiety.

To this anxiety about rupture with the past, ancient Near Eastern studies added a new dimension: a lack of uniqueness. Assyriologists and biblical scholars pointed out that the famous “flood tablet” of the Gilgamesh epic shared the key plot elements of Noah’s flood but was originally a thousand years older. During the same period, scholars of early Judaism were pointing out that early Jewish interpretive techniques shared key points with Hellenistic Greek exegesis.⁷ Was Midrash, no less than Torah, merely borrowed from neighbors at the predictable times when the Hebrews came into contact with them?

If the accusation was that the creation of the Torah represents a radical break between Judaism and ancient Israel, this claim had historically unsavory associations, and elicited powerful responses, ones that explored new forms of continuity instead. Perhaps the most compelling is typified in Simon Rawidowicz’s brilliant and defiant definition of the continuity between Judaism and earlier Hebrew literary culture.⁸ From its earliest times Judaism was based on the principle “interpret or perish,” and this goes back to the origins of Torah, the very thing being interpreted! In answer to the question of where Midrash ends and the primary source being interpreted, Torah, begins, Rawidowicz argued it was Midrash all the way down.

In biblical studies, the notion of inner-biblical exegesis formalized Rawidowicz’s position: the idea that rather than phenomena like Midrash being new developments of the Hellenistic or at the earliest the Persian period, Jewish reinterpretation of canon was a primal phenomenon that went back to the Bible’s roots in ancient Israel. By the beginning of the twenty-first century it became a common view that the process of creation of scripture may have been continuous with its interpretation: Torah and Midrash were

Modern Judaism, SUNY Series in Judaica (Albany: State University of New York Press, 1995) is an insightful history of early modern Jewish scholarship on this problem, which also provides a useful introduction to the ancient sources for it.

7. The first phase of this program reached an English-language apogee in the work of Saul Lieberman (1950), but the cultural patterns it addresses continue to be real and of crucial importance (Maren R. Niehoff, “Commentary Culture in the Land of Israel from an Alexandrian Perspective,” *Dead Sea Discoveries* 19 [2012]: 442–63).

8. Simon Rawidowicz, “On Interpretation.” *Proceedings of the American Academy for Jewish Research* 26 (1957): 83–126.

born together. Thus, inner-biblical exegesis is both a decisive step forward in scholarship and has sometimes served an apologetic function.

A parallel movement existed in Pentateuchal criticism, begun by both Jewish and Protestant scholars.⁹ Here the study of exegesis intertwined with the study of the composition of the Torah itself. Fishbane hinted at this in implying that the creation of the Torah was already a midrashic process, but Protestant scholars like Rolf Rendtorff had already gone much further. Bringing together powerful intellectual currents from German Romantic predecessors like Gunkel as well as Midrashically oriented scholars like Sandmel, he argued that the Torah itself could be seen now as many layers of interpretation.¹⁰

This non-Documentary approach allows a view of profound continuity, in which the Torah is created through reinterpretation—there is a limited, discontinuous set of original core texts, which have been built up by succeeding layers of interpretation. Text-building and exegesis merged, so that in the work of scholars like Reinhard Kratz and Andrew Teeter it is explicitly stated that text-building and exegesis within the bible and outside of it are seamless, that there is no essential differentiation.¹¹ At these points, the scholarly stream of inner-biblical exegesis merges with the non-Documentary tradition of seeing Pentateuchal composition itself as reinterpretation. The two together allow a view of Torah and Midrash as born together—if Pentateuchal composition was always already interpretation, it's “Midrash all the way down.”

Other scholars see a break: recent work in the neo-Documentary school sees Pentateuchal composition as a process in which major texts do respond to others, but not seamlessly. Rather than continuity, we find radical revisions, with the goal of replacement.¹² This is especially clear in law, where

9. Samuel Sandmel, “The Haggada within Scripture.” *JBL* 80 (1961): 105–22; Géza Vermès, *Post-Biblical Jewish Studies*, SJLA 8 (Leiden: Brill, 1975); Rolf Rendtorff, *Das Überlieferungsgeschichtliche Problem Des Pentateuch*, 1. Aufl., BZAW 147 (Berlin: de Gruyter, 1977).

10. One could see this school's appeal to both German and Israeli scholars after the holocaust. If assertions of the Torah's incommensurability had worked as a threat—disinheriting the Jews by cutting them off from their most ancient patrimony, then it was an act of responsibility and solidarity to explore continuity instead.

11. Reinhard G. Kratz, “Abraham, Mein Freund: Das Verhältnis von inner- und ausserbiblischer Schriftauslegung,” in *Die Erzväter in der biblischen Tradition*, ed. Anselm C. Hagedorn and Henrik Pfeiffer (Berlin: de Gruyter, 2009), 115–36. D. Andrew Teeter, “On ‘Exegetical Function’ in Rewritten Scripture: Inner-Biblical Exegesis and the Abram/Ravens Narrative in Jubilees,” *HTR* 106 (2013): 373–402.

12. Bernard M. Levinson “*The Right Chorale*”: *Studies in Biblical Law and Interpretation* (Tübingen: Mohr Siebeck, 2008); Jeffrey Stackert, “The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement,” in *The Strata of the*

the Hebrew slave laws of Deuteronomy make major revisions to the Covenant Code, and the slave laws of the Holiness code in Leviticus simply eliminate the practice. By contrast, this school sees the main narratives of the Tetrateuch not as interpretations of prior texts but as independent sources.¹³ Remarkably, these sources were then interwoven without attention to these attempts at replacement, leaving the question of what you do with your Hebrew slave to be rather open.

On the neo-Documentary reading, the legal layers of the Torah are literally made of successive failed attempts to erase their predecessors. The great embarrassment of Deuteronomy was that it was brought together with the Covenant Code, and the great embarrassment of the Holiness Code is that it was brought together with Deuteronomy. At a key moment, these independent sources were interwoven to create a remarkable new document that then requires extremely active interpretation to even be read.

Gershom Scholem had already argued forcefully against the idea of an endless Jewish continuity:¹⁴ The techniques and ideology of Midrash are an original historical formation, and it is this originality and historicity, their anchoring in historical change, from which their significance as a religious formation derives. But if interpretation is a truly eternal Jewish essence, and so all reuse of religious texts in Judah from the beginning has already been Midrash, then it becomes difficult to understand its distinctiveness, since all human culture reuses and contests a preexisting body of texts and utterances. Have Jews always had Scripture, with their survival always based on “interpret or perish!” the exegesis of an exclusive treasury of fixed texts?

I will argue here that discontinuity need not be a source of anxiety: first because the evidence shows that profound discontinuity existed, and second because within a creative human culture, discontinuity is never just that. Instead, the Torah’s sharp formal divergence from both contemporary ancient Near Eastern and later Jewish literature are precisely what allow us to place it in history as part of a dialogue in which new literary values arise. The Torah’s formal literary uniqueness, its ruptures with Near Eastern and Jewish texts alike, is a fundamental datum that actually connects the vital productivity of biblical literature to history as a process of change.

Priestly Writings: Contemporary Debate and Future Directions, ed. Sarah Shectman and Joel S. Baden, ATANT 95 (Zürich: Theologischer Verlag, 2009), 187–204.

13. Menahem Haran, *The Biblical Collection. Hebrew*, 3 volumes (Jerusalem: Bialik/Magnes, 1996); Joel S. Baden, *J, E, and the Redaction of the Pentateuch* (Tübingen: Mohr Siebeck, 2009).

14. Gershom Scholem, *The Messianic Idea in Judaism and Other Essays on Jewish Spirituality* (New York: Schocken, 1971).

WHY THE PENTATEUCH IS FORMALLY UNIQUE AMONG ANCIENT NEAR EASTERN NARRATIVES: EDITING IN THE BIBLICAL FLOOD VS. EDITING IN GILGAMESH

The thesis of essential continuity in Hebrew literature has one major problem: the Torah itself. The Pentateuch stands out from every other pre-Hellenistic text from the ancient Near East in its narrative incoherence. Scholars from Moshe Greenberg to Robert Alter have argued that this does not matter if we focus on its final edited form: it is in this form that it had its great influence on Judaism, Christianity, Islam, and beyond. But this requires that we concede the argument to Wellhausen and St. Paul (or some version of him) and separate the Jews from their deep past, cutting them off sharply around the time of Jesus Christ. Otherwise it may be no use at all, because it fails to address what people in ancient Israel and Judah wrote and read, and indeed experienced and thought, before the Hellenistic period.

Can empirical models explain what is different about the Torah? In what is still the most influential published attempt to show that the Pentateuch is typical of a known ancient Near Eastern type of editing, Jeffrey Tigay argued that the evolution of the Gilgamesh epic is a good model for “biblical literature.”¹⁵ This phrase is already problematically vague; what he seems to mean is biblical literature’s most influential problem, namely, Pentateuchal narrative. Tigay showed that the famous tablet XI of the Gilgamesh epic, the flood story, did show editorial seams, but of a very common sort. It was an originally independent story that was joined to the end of the Gilgamesh epic. Gilgamesh’s editors simply added a frame in which the flood hero is telling his old story to Gilgamesh.

In Tigay’s pioneering work on the Evolution of the Gilgamesh epic,¹⁶ he identifies three basic phases of the Epic’s existence:

- I. Preexisting, independent Sumerian poems about Gilgamesh were freely renarrated by an Old Babylonian poet or poets in an integrated new work, ca. 1800 BCE.

15. Tigay vacillates between describing the problem he is addressing as one based in the Pentateuch (e.g. *Empirical Models for Biblical Criticism*, 22) and describing it as one of biblical literature overall (cf. the title “Empirical Models for Biblical Criticism” and pp. 21, 51, 52).

16. Jeffrey Tigay, *The Evolution of the Gilgamesh Epic* (Philadelphia: University of Pennsylvania Press, 1982). A sign of its thoroughness and merit is that it is still drawn on extensively by Andrew George in his definitive recent edition of the epic, though for a critique of its Assyriological limitations see the review by Wilfred G. Lambert in *JBL* 104 (1985): 115, who points out that it draws only on transliterated and edited sources.

- II. After transmission through various channels and in various versions, the originally Old Babylonian narrative was gradually edited into a Standard Babylonian epic of some eleven tablets ca. 1200–900 BCE. This text shows editorial seams from integrating a further episode at the end, the Babylonian flood story of tablet XI. These seams include vacillation in the name of flood hero, idioms such as the phrase for introducing speech, “he spoke,” and the term for woman/wife. Yet since meeting the flood hero and understanding his fate had been a theme of the earliest narratives about Gilgamesh, the flood story now forms a tightly integrated organic whole with the epic.
- III. Finally, this integrated eleven-tablet epic had a second conclusion added in tablet XII, a more loosely integrated, relatively literal translation of part of an old Sumerian poem called Enkidu and the Netherworld. This further ending served to shift the emphasis of the poem from tablet XI’s immortal deeds to the poem’s emphasis on mortuary rituals to feed the dead and may have been added on the occasion of the death of Sargon II.¹⁷

Tigay demonstrated that Mesopotamian narrative, like biblical narrative, used preexisting narrative sources. But he never explained why this set it apart from other literature, found from ancient India to early modern Britain, which did the same thing. The problem is that the way the Pentateuch used sources is different from Gilgamesh, the Mahabharata, or Shakespeare. The process of Pentateuchal composition is more distinctive, and stranger, than merely integrating a story into the plot.

The distinctive strangeness of Pentateuchal composition becomes apparent if we compare the flood story of Genesis 6–9 with the Gilgamesh Epic. The biblical flood shares a plot with the flood story of tablet XI but reads nothing like it because key events happen once in Gilgamesh flood tablet, but twice in a row in Genesis, as the following chart of the key events of the floor narrative shared between Gilgamesh tablet XI, the P and the non-P/J accounts makes clear.¹⁸

17. Eckart Frahm, “Nabû-Zuqup-Kenu, das Gilgamesch-Epos und der Tod Sargons II,” *JCS* 51 (1999): 73–90.

18. Below the P source is in italics. Biblical translation is NRSV; Gilgamesh translation is after Andrew R. George, *The Babylonian Gilgamesh Epic: Introduction, Critical Edition and Cuneiform Texts*, 2 volumes (New York: Oxford University Press, 2003). While the key plot elements can be divided up slightly differently, as does for example Claus Westermann (*Genesis 1–11: A Commentary* [Minneapolis: Augsburg, 1984], 395–96), five out of the six categories are the same. Furthermore, comparison with Westermann’s division serves to strengthen the parallels between the Mesopotamian and biblical versions, since each of Westermann’s divisions of the biblical narrative also corresponds to an ele-

OBVIOUS DOUBLETS IN THE BIBLICAL FLOOD STORY (GEN 6–9)

1. Defect in world and divine decision to destroy it.

Gen. 7:1 Then the LORD said to Noah, “Go into the ark, with all your household, for you alone have I found righteous before Me in this generation. Of every clean animal you shall take seven pairs, males and their mates, and of every animal that is not clean, two, a male and its mate; of the birds of the sky also, seven pairs, male and female, to keep seed alive upon all the earth. For in seven days I will make it rain upon the earth, forty days and forty nights, and I will blot out from the earth all existence that I created.”

Gilg XI 23–27 Man of Shuruppak, son of Ubartutu, Destroy this house, build a ship, Forsake possessions, seek life, Build an ark and save life. Take aboard ship seed of all living things.¹⁹

Gen. 6:17 [*God said*] “*For My part, I am about to bring the Flood — waters upon the earth — to destroy all flesh under the sky in which there is breath of life; everything on earth shall perish. But I will establish My covenant with you, and you shall enter the ark, with your sons, your wife, and your sons’ wives. And of all that lives, of all flesh, you shall take two of each into the ark to keep alive with you; they shall be male and female. From birds of every kind, cattle of every kind, every kind of creeping thing on earth, two of each shall come to you to stay alive. For your part, take of everything that is eaten and store it away, to serve as food for you and for them.*” Noah did so; just as God commanded him, so he did.

ment of tablet XI. I have chosen the below division instead because it preserves the key themes of the narrative somewhat more fully than Westermann’s, which is made at the cost of removing significant elements. His “Response to the preservation: sacrifice” does not include a category for the J/non-P promise not to flood the earth, and his “God’s decision to preserve humanity” does not include a category for the Priestly prohibition on shedding blood in 9:4-6, since it fits with neither his “blessing” of Noah, which only covers 9:1–3, or the covenant with Noah, which begins in 9:8.

19. In new tablet published by Finkel, “animals two by two.”

2. A divinely favored hero is chosen to survive the destruction.

Gen 6:8 But Noah found favor with the LORD.

Gilgamesh XI [*Gilgamesh already knows Uta-Napishti was favored by the gods, leading him to ask:*]

Gen. 6:9 *This is the line of Noah. — Noah was a righteous man; he was blameless in his age; Noah walked with God.*

7 How was it you (Uta-Napishti) stood with the gods in assembly?

How was it you gained eternal life?

3. Announcement of flood to hero, how he must escape, and instruction to take a set of animals on board

Gen. 6:5 The LORD saw how great was man's wickedness on earth, and how every plan devised by his mind was nothing but evil all the time. 6 And the LORD regretted that He had made man on earth, and His heart was saddened. 7 The LORD said, "I will blot out from the earth the men whom I created — men together with beasts, creeping things, and birds of the sky; for I regret that I made them."

Gilgamesh XI [*Assumed background: gods cannot sleep because of the terrible disturbance humans create*]

14 The great gods resolved to send the delug

Gen. 6:11 *The earth became corrupt before God; the earth was filled with lawlessness. 12 When God saw how corrupt the earth was, for all flesh had corrupted its ways on earth, 13 God said to Noah, "I have decided to put an end to all flesh, for the earth is filled with lawlessness because of them: I am about to destroy them with the earth.*

4. Flooding of world for a set number of days (7, 40, or 150).

Gen. 7:17 The Flood was forty days on the earth, and the waters increased and raised the ark so that it rose above the earth. 18 The waters swelled and increased greatly upon the earth, and the ark drifted upon the waters.

Gen. 7:24 The waters swelled on the earth one hundred and fifty days 8:1, then God remembered Noah and all the beasts and all the cattle that were with him in the ark, and God caused a wind to blow across the earth, and the waters subsided. 2 The fountains of the deep and the floodgates of the sky were stopped up, and the rain from the sky was held back...

Gilg XI 128–131...134–135...137–138
For six days and [seven] nights, there blew the wind, the downpour, the gale, the Deluge--it flattened the land.

But when the seventh day came,
The gale relented, the Deluge ended...
I looked at the weather, it was quiet and still, but all the people had turned to clay...
Down I sat, I knelt and I wept,
down my cheeks the tears were coursing.

5. Discovery that the flood has ended.

Gen. 8:6 At the end of forty days, Noah opened the window of the ark that he had made ... 8 Then he sent out the dove to see whether the waters had decreased from the surface of the ground. 9 But the dove could not find a resting place for its foot, and returned to him to the ark, for there was water over all the earth. So putting out his hand, he took it into the ark with him. 10 He waited another seven days, and again sent out the dove from the ark. 11 The dove came back to him toward evening, and there in its bill was a plucked-off olive leaf! Then Noah knew that the waters had decreased on the earth. 12 He waited still another seven days and sent the dove forth; and it did not return to him any more.

Gen. 8:7 Then [Noah] sent out a raven; it went to and fro until the waters had dried up from the earth. ...13 In the six hundred and first year, in the first month, on the first of the month, the waters were drying from the earth; and when Noah removed the covering of the ark, he saw that the surface of the ground was drying up. 14 And in the second month, on the twenty-seventh day of the month, the earth was completely dry. God spoke to Noah, saying, 16 "Come out of the ark, together with your wife, your sons, and your sons' wives. 17 Bring out with you every living thing of all flesh that is with you: birds, animals, and everything that creeps on earth; and let them swarm on the earth and be fertile and increase on earth...

Gilg XI 147ff

When the seventh day arrived, I released a dove to go free. The dove went and returned. No landing place came to view, so it turned back.

I released a swallow to go free. The swallow went and returned, No landing place came to view, so it turned back. I sent a raven to go free. The raven went forth, saw the waters receding, finding food...it did not come back to me.

6. Killing of animals and divine decision never to flood again.

Gen. 8:20 Then Noah built an altar to the LORD and, taking of every clean animal and of every clean bird, he offered burnt offerings on the altar. 21 The LORD smelled the pleasing odor, and the LORD said to Himself: "Never again will I doom the earth because of man, since the devisings of man's mind are evil from his youth; nor will I ever again destroy every living being, as I have done. ...

Gen. 9:1 God blessed Noah and his sons, and said to them, "Be fertile and increase, and fill the earth. ... Every creature that lives shall be yours to eat; as with the green grasses, I give you all these. 4 You must not, however, eat flesh with its life-blood in it. 5 But for your own life-blood I will require a reckoning... Whoever sheds the blood of man, By man shall his blood be shed; For in His image Did God make man. Be fertile, then, and increase; abound on the earth and increase on it."

Gen. 9:8 And God said to Noah and to his sons with him, 9 "I now establish My covenant with you and your offspring to come, 10 and with every living thing that is with you ...I I will maintain My covenant with you: never again shall all flesh be cut off by the waters of a flood... "This is the sign that I set for the covenant between Me and you, and every living creature with you, for all ages to come. I have set My bow in the clouds, and it shall serve as a sign of the covenant between Me and the earth. 14 When I bring clouds over the earth, and the bow appears in the clouds, 15 I will remember My covenant between Me and you and every living creature among all flesh, so that the waters shall never again become a flood to destroy all flesh. ...

Gilg XI 157–167

I set up an offering stand on the top of the mountain.... The gods smelled the savor, The gods smelled the sweet savor. The gods crowded around the sacrificer like flies.

As soon as Belet-ili arrived, She held up the great fly-ornaments that Anu had made her in his infatuation. 'O these gods here, as surely as I shall not forget his lapis on my neck, I shall be mindful of these days, and not forget, forever!

Comparison of the Genesis flood with the Gilgamesh tablet XI flood shows that the biblical version is aggressively and thoroughly interwoven. This simple but still slightly jarring comparison shows that critical scholars are not being really “anachronistic” by “imposing their values” on the biblical text—because the interweaving of two parallel variant plots was not a shared ancient Near Eastern literary value. Indeed, one looks in vain for this pattern in other contemporary Mesopotamian narratives such as the myth of Erra and Ishum, Nergal and Erishkegal, or Adapa. While scantily preserved, the Aramaic narratives of Ahiqar, Sheikh Fadl, and Papyrus Amherst 63 show no such interweaving, and the earlier West Semitic narratives from Ugarit yield no meaningful parallels. Indeed, the process seems alien to the whole of ancient Near Eastern narrative art, and one cannot find interwoven texts in Hurrian, Luwian, Hittite, Sumerian, Phoenician, Moabite, Egyptian, or Elamite.

WHY THE PENTATEUCH IS FORMALLY UNIQUE AMONG ANCIENT NEAR EASTERN NARRATIVES II: EDITING IN THE GILGAMESH SERIES VS. EDITING IN THE PENTATEUCH

The most basic way scholars built extended texts in Mesopotamia was by adding different elements in sequence.²⁰ Textual traditions were created by connecting new materials one after the other in a series of clay tablets. Thus the section of the Gilgamesh Epic containing the flood story is known as “tablet XI,” because it always appeared on the eleventh tablet in a series of twelve. By contrast, tablet XII always contains Enkidu’s melancholy report on the netherworld.

The pattern appears in every major Mesopotamian scholarly work but is especially clear in the most popular texts such as the astronomical-astrological series *Enūma Anu Enlil*, the incantation series *Utukkū Lemnūtu*, and the temple description text *Tintir*. Whether logically organized by topic or location (as *Enūma Anu Enlil* or *Tintir*) or simply collected in sequence (as in *Utukkū Lemnūtu*), the texts are always built additively. Every scholarly library of the first millennium BCE attests significant quantities of serialized texts, and most are predominated by them. This agglutinative organizing concept, adding different elements in series, was an inextricable part of a distinctively Mesopotamian scholarly culture. It was organized around the

20. For serialization as a Mesopotamian analogue of canonization, see Francesca Rochberg-Halton, “Canonicity in Cuneiform Texts,” *JCS* 36 (1984): 127–44. The comparative typology here was first offered in my paper, “Placing Scribal Culture in History: Deuteronomy and Late Iron-Age Text Production” (paper presented at the Annual Meeting of the Society of Biblical Literature, Baltimore, MD, 2013).

iconic shape of a clay tablet, making it symbolic of cuneiform culture and the physical techniques and media that transmitted it.

What we never find in Mesopotamian scholarly text-making is what virtually defines the Pentateuch: the interweaving of variant versions of parallel events. Whether following each other in blocks, such as the two creations of Genesis 1 and 2–3, or tightly interdigitated as in the two interwoven flood stories of Genesis 6–9, this way of combining parallel variants is the clearest and most distinctive editorial feature of the Pentateuch.²¹ This is a process with no significant role in Mesopotamia.

The development of Gilgamesh during the first millennium exemplifies the difference between the standard modes of text-building in first-millennium Sumero-Akkadian culture versus the literary culture that produced the Pentateuch. The literary work known as the Gilgamesh Epic is a perfectly integrated and quite musically symmetrical eleven tablets. As its most recent editor and most thorough analyst, Andrew George, shows, it represents an extended and highly coherent narrative that already included the flood as its climax. This was a natural process since the earliest Old Babylonian narrative traditions and poetic allusions to Gilgamesh already mention his relation to the flood hero. In the Death of Bilgames and the Ballad of Early Kings, Gilgamesh is the great hero who sought life but failed, while Zisudra is the one who uniquely succeeded.

By contrast with the eleven-tablet epic proper, a highly integrated narrative, the Gilgamesh *series* (*iškurū*) is twelve tablets long, because it has an addition that is thematically resonant but narratively incoherent at its very end: a prose translation of the second half of the old Sumerian “Gilgamesh and the Netherworld” poem. Tablet XII disrupts the plot because it is narrated by Enkidu, whose irreversible death in tablet VII motivates the actions of VIII–XI, with no mention of how he might have returned from his permanent end. It would be difficult to find a clearer case of text-building by serialization.

The Primeval history of Genesis is a particularly strong area for a comparison because it not only contains the flood story, closely parallel content with the Gilgamesh series, but also is an area of solid, long-term consensus among competing schools of Bible criticism. Both neo-Documentarian²² and

21. As we shall see, in the case of the Primeval history it represents the second of three universally agreed-on stages of text-building.

22. Baruch Schwartz, “The Flood-Narratives in the Torah and the Question of Where History Begins,” in *Shai Le-Sara Japhet: Studies in the Bible, Its Exegesis and Its Language*, ed. by Bar-Asher et al. (Jerusalem: Bialik Institute, 2007), 139–54; Joel S. Baden, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis*, The Anchor Yale Bible Reference Library (New Haven: Yale University Press, 2012).

the wide spectrum of non-Documentarian scholars²³ agree that the primeval history of Genesis 1–11 represents the interweaving of two previously integrated literary sources. The first source is universally agreed to be Priestly, part of a work that extends through the book of Numbers. While this source drew on earlier material,²⁴ it has reworked them into a remarkably coherent extended piece of literature. The second source, whether termed J or more noncommittally “non-P,” is similarly widely agreed to be an equally coherent, preexisting literary work.

This agreement on the interweaving of two preexisting coherent sources allows us an unusual opportunity to compare undisputed literary evidence, not only of existing texts, but also of a basic sort of textual development between Mesopotamian and Judahite scribal cultures.

The Gilgamesh Epic is a particularly revealing artifact since it intersects with three distinct phases and modes of Babylonian text creation. Each different mode of text creation can be clearly seen around the single example of this durable icon.

We can observe distinct Old Babylonian, Middle Babylonian, and first-millennium modes of text building. The difference between the Old Babylonian re-narration of the individual Sumerian poems, on the one hand,

23. For a judicious survey see Jan Christian Gertz, “The Formation of the Primeval History,” in *The Book of Genesis: Composition, Reception, and Interpretation*, ed. Craig A. Evans, Joel N. Lohr, and David L. Petersen, VTSup 152 (Leiden: Brill, 2012), 107–35. This classical position (held, e.g., by Martin Noth, *A History of Pentateuchal Traditions* [Englewood Cliffs, NJ: Prentice-Hall, 1972], 238 and Gerhard von Rad, *The Problem of the Hexateuch: And Other Essays* [Edinburgh: Oliver & Boyd, 1966], 1–78) is still accepted as foundational by Frank Crüsemann, “Die Eigenständigkeit der Urgeschichte,” in *Die Botschaft und die Boten: Festschrift Hans Walter Wolff*, ed. Jörg Jeremias and Lothar Perliitt (Neukirchen-Vluyn: Neukirchener, 1981), 11–29; Markus Witte, *Die biblische Urgeschichte: Redaktions- und Theologiegeschichtliche Beobachtungen Zu Genesis 1, 1–11, 26*, BZAW 265 (Berlin: de Gruyter, 1998); and John Van Seters, *Prologue to History: The Yahwist as Historian in Genesis*, 1st edition (Louisville, KY: Westminster John Knox, 1992); as well as the range of scholars contributing to Thomas B. Dozeman and Konrad Schmid, eds., *A Farewell to the Yahwist? The Composition of the Pentateuch in Recent European Interpretation*, SymbS 34 (Atlanta: Society of Biblical Literature, 2006), including Erhard Blum, “The Literary Connection between the Books of Genesis and Exodus and the End of the Book of Joshua,” 106; Christoph Levin, “The Yahwist and the Redactional Link between Genesis and Exodus,” 132, 141; and Konrad Schmid, “The So-Called Yahwist and the Literary Gap between Genesis and Exodus,” 29.

24. An important possible example of an inherited “western” flood story element not found in Mesopotamian versions is P’s calendrical framework, in which each event is given a relative date. Guy Darshan (“The Calendrical Framework of the Priestly Flood Story in Light of a New Akkadian Text from Ugarit (RS 94.2953),” *JAOS* [forthcoming]) has recently demonstrated that this tradition is probably already attested in an Akkadian version of the flood story from Ugarit.

and the powerful and logical integration of the flood narrative to create a climax in the Standard Babylonian version. but then a last stage of text building with Gilgamesh is especially fascinating: after this artful re-narration of the flood as a tale-within-a-tale in the eleven-tablet epic a disconnected work appears.²⁵ The narratively disconnected tablet XII shatters the logical flow of narrative: it presents the first inconsistency in plot along with the first break in style. Not coincidentally, it also represents a completely different way of building texts—the integrated epic is eleven tablets long, the series is twelve tablets long.

While it presents a clear break in narrative flow, this picture of the power of mortuary ritual is far from irrelevant to the epic's concerns. Indeed, Frahm has argued that its addition was a historical response to the circumstances of Sargon II's death, and George concurs that the most plausible context for its serialization for mortuary ritual purposes, a reassertion of Gilgamesh's earliest religious role.²⁶

25. As Ryan Winters emphasizes to me (personal communication), the story of Gilgamesh having traveled to meet the flood hero is certainly very old: in addition to references to this deed in the Death of Bilgames, line 11 of the Ballad of Former Kings (edited in Bendt Alster, *Wisdom of Ancient Sumer* [Bethesda, MD: CDL, 2005]) asks "where is Bilgames, who like Zisudra sought (eternal) life?" then follows with allusions to the slaying of Huwawa and the death of Enkidu. Yet in the individual Sumerian poems except Death of Bilgames, these are not mentioned together. But clearly there was a widespread awareness that Gilgamesh had done a set of things attested not only in Death of Bilgames but also the Ballad. Furthermore the larger integrating theme of Gilgamesh's anxiety about death and resulting quest for fame is already prominent in Gilgamesh and Huwawa.

This is an issue for Pentateuchal composition because scholars of non-Documentarian orientation often argue that in an early literary phase, some scribes might have only narrated stories about Abraham, others only about Jacob, each independently of stories about the Exodus (for the most developed form of this argument with extensive bibliography see Konrad Schmid, *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible* (Winona Lake, IN: Eisenbrauns, 2010). For a critique of these arguments see my review of Schmid, *The Old Testament: A Literary History*, trans. Linda M. Maloney (Minneapolis: Fortress, 2012) in *NEA* 77 (2014): 317–19.

26. Eckart Frahm, "Nabû-zuqup-kenu, Gilgamesh XII, and the Rites of Du'uzu," *NABU* 2005, no. 5. Evidence for the literary purpose of the addition lies in its deviation from its Sumerian *Vorlage*, which is generally follows. But a key line has been moved from the middle and placed at the very end of the Akkadian version to create a new concluding line. It warns of the bleak fate of those who leave no descendants, creating a grim contrast with the last lines of XI: "Did you see the spirit of he-who-has-no-provider-of-funery-offerings? I saw it!" (*ša eṭemniāšu pāqida la išû tamur? atamar!*) "He eats the pot-scrapings and bread-crusts thrown in the street!" (XI 152–153). The *pāqidu* is already prominent in the Genealogy of the Hammurapi dynasty (J. J. Finkelstein, "The Genealogy of the Hammurapi Dynasty," *JCS* 20 [1966]: 95–118) and coercing the inheritor or even the reader into this role becomes the main concern of Iron Age mortuary inscriptions; see Jonas C. Greenfield, "Un rite religieux arameen et ses paralleles," *RB* 80 (1973): 46–52 and Seth

THE EMPIRICAL MODELS DO FIT WIDELY ACCEPTED PREVIOUS LAYERS OF
JUDAHITE LITERATURE: THE P AND J/NON-P PRIMEVAL HISTORY

There is a second crucial insight about the nature of the two variant versions of the flood story found in Genesis. This is that they are both part of larger literary wholes. This is purely a matter of plot, as well as other storytelling techniques like the interrelation of theme and word choice, and does not depend on assumptions about the history of the text's editing. Indeed, the most powerful demonstrations come precisely from holistic literary readings of the canonical text, done without source-critical assumptions.

Fishbane singles out powerful coherence in the non-P/J elements when he describes Noah's origin story, as a comfort (root *nḥm*, alliteratively punning on *nō^aḥ*) from the painful toil (*'iṣṣabôn*) on the earth (*'ădāmâ*) which the Lord has cursed (*'ē^rrāh*) in Gen 5:29.²⁷ He notes that this was clearly "intended to balance the curse to the first man in Gen 3:17 where God says the earth (*'ădāmâ*) is cursed (*'ă^rūrâ*) because of you; you will only eat of it through painful toil (*'iṣṣabôn*). When the Lord decides to put an end to the earth, then (3:5), he regrets (*wayyinnāḥem*) making it and is troubled (*wayyit'āṣṣev*) in his hear ... at the end of the flood he vows never to curse it again.

Similarly, without Fishbane taking any interest in identifying Priestly elements, he notices coherence between another part of the flood story and the first creation account of Gen 1: The world begins with a divine wind (*ru^aḥ* *'elōhîm*) over the deep (*ṛ^ehôm*). But when Elohim (not Yahweh) decides to end the flood, he causes a *ru^aḥ* to blow and stops up the gates of the *ṛ^ehôm* (8:1), causing a re-creation.

The stylistic coherence of each flood story in Genesis 6–9 with elements in Genesis 1–3 shows that each was part of its own integrated narrative edifice. The combination of narrative and literary coherence shows that each must have been part of a cycle or collection that existed before the two were interwoven to create the Pentateuch's primeval history. The result is that Genesis is radically incoherent, yet still strangely readable because of the way it was interwoven.

Tigay does not focus on what distinguishes the Pentateuch—its *narrative* incoherence. But his "Empirical Models" actually are very helpful for placing Pentateuchal composition in history—perhaps more so than has

L. Sanders "The Appetites of the Dead: West Semitic Linguistic and Ritual Aspects of the Katumuwa Stele," *BASOR* 369 (2013): 35–55. The addition shifts the concluding tone from the value of immortal acts to the need for kin to feed one's spirit after death.

27. Michael A. Fishbane, *Text and Texture: Close Readings of Selected Biblical Texts* (New York: Schocken, 1979).

been realized. This is not because the Pentateuch as we have it looks like Gilgamesh; as we have seen, for the Pentateuch itself there are no direct pre-Hellenistic analogues from the ancient Near East, but because if you separate sources by event and plotline, they show exactly the kind of re-narration we see in Old Babylonian Gilgamesh.

In fact it is not the Pentateuch as we have it but the pre-Pentateuchal layers that look like Gilgamesh: separate incidents or cycles that have been framed in a larger coherent context. We have seen that this applies narrowly, to the P and non-P/J threads of the Primeval History, but the argument may be extended. In the neo-Documentarian view, P, D, and the further non-P elements responsible for the Covenant Code, E, even joined together diverse genres of text at their disposal, adding a new frame so that the scholastic collection of the covenant code was revealed at Sinai or the story of Joseph segued into Exodus' story of Egyptian enslavement.

CONCLUSION: HOW THE LACK OF EMPIRICAL MODELS FOR THE PENTATEUCH HELPS US PLACE IT IN NEAR EASTERN LITERARY HISTORY

A more precise identification of the empirical models for Pentateuchal criticism allows us to pose the problem of its composition more precisely and in a freshly historical way. For there to be highly coherent strands evident in the Pentateuch that have been interwoven, there needs to be one set of values that created the coherent strand, but a different later set of values that created the incoherent interwoven source.

But the new literary values attested in the Pentateuch did not persist. Early Jewish responses to precisely the points at which the Pentateuch's form diverges from the common coherent form of the flood tablet and its P and non-P sources demonstrate the rise of a third set of values responsible for the harmonizing additions and conflation we find in Second Temple Judaism. While these values as applied to the Pentateuch have been compellingly summarized by James Kugel as assumptions that the text was cryptic, relevant, harmonious, and divine,²⁸ actual early Jewish responses to the text are less tidy and more heterogeneous.

Yet when we examine how key elements of the Primeval history are treated in Jubilees and Philo, we nevertheless see a clear-cut shift in literary values. In Jubilees, the two creations of Genesis 1 vs. 2–3 are retold without substantial harmonizing; by contrast, Philo's *On the Creation of the World* and

28. James L. Kugel, *Traditions of the Bible: A Guide to the Bible as It Was at the Start of the Common Era* (Cambridge, MA: Harvard University Press, 1998), 15–19.

Questions and Answers on Genesis and Exodus subjects their inconsistencies to extended harmonizing exegesis. When we reach the flood, its inconsistent dates are lightly harmonized in Jubilees but again subject to extended harmonizing in Philo. The glaringly inconsistent command to include both a pair of each animal and a pair plus seven is simply ignored in Jubilees while once again being subject to detailed interpretation and harmonization in Philo. Finally, the jarring sequence of birds is once again ignored by Jubilees and richly interpreted in Philo.

While incipient harmonizing additions and rewritings appear earlier in the Pentateuch, in legal collections like Exodus 34 and new narratives like Chronicles, all of our secure examples of extended explicit harmonization arise in the Hellenistic period. A beautiful example of this full-blown harmonizing is the Temple Scroll, which interweaves and conflates ritual law from across the Pentateuch into what Bernie Levinson (2013) calls “a more perfect Torah.”

This external evidence attests three different sets of values that dominated three stages of Hebrew literature. These values can be ordered in a relative chronology. Their absolute chronology, the specific dating of the shifts, is a separate question, one with which this study does not deal.

Stage one was a process of integrating literary collection, like creation of the Standard Gilgamesh epic—multiple traditions, most probably at different sites under the impetus of court literatures and scribal networking, collected different versions of narratives like creation, the flood, patriarchal narratives, and the exodus. Each tradition at this first stage asserted the unity of a single “Israel’s story” while exemplifying the literary value of coherence. This is confirmed by contemporary literary evidence found in epigraphic form: people created local literatures in the alphabet, deliberately transforming their own traditions, into written form. Local craftsmen working for local rulers created parallel competing royal inscriptions as assertions of local language and tradition.

Stage two attests a set of literary values apparently unique to Judea: the interweaving of existing literary collections. This process is not attested in other ancient Near Eastern texts but is clearly evident in the literary form of the primeval history.²⁹ A sort of metaliterary collection, interweaving two or

29. Interestingly this general principle does have parallels in Mesopotamian scholarship, but ones that were never applied to narrative in this culture. This is the phenomenon of the scholarly collection: elements of divination such as astronomical or historical observations, sign shapes, or medical diagnoses. Yet in Mesopotamia these were never applied to narrative, only to scholarly knowledge: the result was the distinctive forms of each literature: Mesopotamian scholarly collections were organized by topic, while Judean literary collections were organized by plot.

more different stories according to plot, in chronological order, which makes it still readable.³⁰ This second stage reasserts the unity of a single “Israel’s story” but in a new way, with a new dominant literary value: now comprehensiveness trumps coherence.

In stage three, the distinctive new values that guided the creation of the Pentateuch faded. In this post-Pentateuchal stage, various emphases on the perfection, relevance, and divine nature of text led to heterogeneous sorts of harmonization and conflation, as seen in Chronicles, late additions like Exodus 34, the Samaritan Pentateuch, and the Temple Scroll. Retellings like Jubilees and exegesis like that of Philo let us look systematically back on how the new values transformed the results of the older ones. In fresh and diverse ways we see the unity of a single “Israel’s story” asserted precisely through the old value of coherence, forced onto the text through the work of harmonization and conflation, with the new values of perfection and relevance added.

To conceptualize this history of changing literary values we can draw on a concept from the Prague school of linguistics articulated by Roman Jakobson: the dominant.³¹ This is a shifting criterion that “makes literature literature.” Jakobson points out that at one point, Czech poetry all has to have syllable meter, a few centuries later it required stress meter. The value of the dominant lies precisely in its ideological nature: it is not that each dominant value erased others, but that each new one served as an organizing principle. Thus we see the values of coherence in the first and third stages, but in the latter it has been joined by relevance and divine origin.

What we may be seeing here are the traces of a shift in the ancient Hebrew literary dominant. At the knowable beginnings of Hebrew literature, which created the extended narratives attested in the primeval history, the value coherence drove the integration of separate preexisting stories into larger arcs. At the later stage of interweaving we find a literary culture that valued comprehensiveness above all. And in Second Temple literature we see not a rupture but a dialectical response, with different literary values.

This historically anchored comparison of the literary values implicit in the primeval history’s distinctive form teaches us a lesson. This is that it is at the points of greatest assertion of continuity that we find the most radical

30. While “compilation” has become a favored term in the Neo-Documentary school, it is not as specific as “interweaving” because it does not emphasize what is distinctive about the Pentateuchal collection vis-a-vis Near Eastern literature; compare Mesopotamian collections like *udug.hul* or the Assyrian and Babylonian chronicles that are typically termed “compilations” by scholars.

31. Roman Jakobson, Krystyna Pomorska, and Stephen Rudy, *Language in Literature* (Cambridge, MA: Belknap, 1987).

reinvention. New text-making techniques and literary values arose together in response to the now-problematic older ones. Scholem argued that rabbinic Judaism's late invention of the oral torah, imagined already at Sinai, its most aggressive assertion of continuity, was also a point of profound rupture—a fiction and a total anachronism. What this philological and historical evidence we have surveyed shows is that these moments of rupture that create and invoke new forms of continuity go much farther back than he would have imagined, to the genesis of Hebrew literature itself.

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