

THE MOSAIC LAW
AND THE THEOLOGY OF THE PENTATEUCH

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I. Introduction

THE purpose of this article is to raise the question of the role of the Mosaic Law in the theology of the Pentateuch. By "theology of the Pentateuch," I mean the major themes and purposes that lie behind its final composition.

1. The Final Composition of the Pentateuch

Much has been written in recent years about the final composition of the Pentateuch.¹ In an earlier paper, I attempted to demonstrate the influence of prophetic hope and eschatology in its composition.² The Pentateuch, I argued, represents an attempt to point to the same hope as the later prophets, namely, the New Covenant.³ "The narrative texts of past events are presented as pointers to events that lie yet in the future. Past events foreshadow the future."⁴ Along similar lines, though working from quite different assumptions, Hans-Christoph Schmitt has argued that the Pentateuch is the product of a unified compositional strategy that lays great emphasis on faith.⁵ According to Schmitt, the same theme is found within the composition of the prophetic books, like Isaiah, and ultimately can be traced into the NT, e.g., the Book of Hebrews.

Schmitt's approach differs from many critical approaches in that he treats the Pentateuch as one would the later historical books, that is, as the

¹ Erhard Blum, *Studien zur Komposition des Pentateuch* (Berlin: Walter de Gruyter, 1990); Rolf E Knierim, "The Composition of the Pentateuch," in SBLSP 1985, 395-415; Erhard Blum, *Die Komposition der Vätergeschichte* (Neukirchen-Vluyn: Neukirchener Verlag, 1984); Rolf Rendtorff, *Das Überlieferungs-geschichtliche Problem des Pentateuch* (BZAW 147; Berlin: Walter de Gruyter, 1977).

² John H. Sailhamer, "The Canonical Approach to the OT: Its Effect on Understanding Prophecy," *JETS* 30 (1987) 307-15.

³ This does not necessarily imply that the final composition of the Pentateuch is later than that of the prophetic books. On the contrary, if the composition of the Pentateuch were dated before that of the prophetic books, it would help explain the origin of the message of those books. In the discussion which follows, the date of the final composition of the Pentateuch as such is taken to be Mosaic.

⁴ Sailhamer, "The Canonical Approach," 311.

⁵ Hans-Christoph Schmitt, "Redaktion des Pentateuch im Geiste der Prophetie," *VT* 32 (1982) 170-89.

product of an intentional theological redaction or composition. One must start from the final form of the book and ask what each part of the whole contributes to its theological intention. Schmitt argues that each major unit⁶ of narrative in the Pentateuch shows signs of a homogeneous theological redaction. A characteristic feature of this redaction is the recurrence of the terminology of "faith" (e.g. **ב האמין**).⁷ At crucial compositional seams throughout the Pentateuch, Schmitt is able to find convincing evidence of a "faith theme," that is, a consistent assessment of the narrative events in light of the rule of "faith" (**ב האמין**).⁸ According to Schmitt, this redaction represents the final stages in the composition of the Pentateuch--later even than the so-called priestly redaction. According to Schmitt, it does not reflect an emphasis on keeping the priestly law codes (viz., the Mosaic Law) but rather on preserving a sense of trust in God and an expectation of his work in the future. It is in light of this eschatological expectation of God's future work that the redaction lays great stress on "faith."⁹

Schmitt's study goes a long way in demonstrating an important part of the theological intention and orientation of the Pentateuch as a narrative text. Put simply, Schmitt shows that the Pentateuch is intended to teach "faith" in God.¹⁰

An important question raised by Schmitt's study is whether the concept of "faith" in the Pentateuch is intended to stand in opposition to the

⁶ The largest literary units (grosseren Einheiten) which are linked in the final redaction of the Pentateuch, according to Schmitt, are the Primeval History, the Patriarchal Narratives, the Exodus Narratives, the Sinai Narratives, and the Wilderness Narratives. See Rendtorff, *Das Uberlieferungs-geschichtliche Problem*, 19ff.

⁷ It is important to note that, according to Schmitt, the terminology of "faith" (**ב האמין**) occurs only at the redactional seams. See n. 8.

⁸ The key texts of that redaction are Gen 15:6, "And Abraham believed in **ב האמין** the Lord and he reckoned it to him for righteousness"; Exod 4:5, "In order that they might believe [**ב האמין**] that the Lord, the God of their fathers. . . has appeared to you"; Exod 14:31, "And they [the people] believed in **ב האמין** the Lord and in Moses his servant"; Num 14:11, "How long will they [the people] not believe in **ב האמין** me"; Num 20:12, "And the Lord said to Moses and Aaron, 'Because you did not believe in **ב האמין** me.' " See also Deut 1:32 and 9:23. Schmitt has not discussed Gen 45:26, the only occurrence of the term for "faith" outside of Schmitt's redactional seams, because it does not show other signs of belonging to the "Glaubens-Thematik."

⁹ "So steht am Ende der Pentateuchentstehung nicht die Abschliessung in ein Ordnungsgedenken theokratischen Charakters. Vielmehr geht es hier darum, in prophetischem Geiste die Offenheit fur ein neues Handeln Gottes zu wahren und in diesem Zusammenhang mit dem aus der prophetischen Tradition entnommenen Begriff des "Glaubens" eine Haltung herauszustellen, die spater auch das Neue Testament als fur das Gottesverhaltnis zentral ansieht" (Schmitt, "Redaktion des Pentateuch," 188-89).

¹⁰ It is important to note that such a reading of the Pentateuch, as a lesson on faith, can be found throughout the subsequent canonical literature. Pss 78 and 106, two psalms that look at the meaning of the whole of the Pentateuch, both read the events of the Pentateuch as evidence of the Israelites' faith or faithlessness (cf. Ps 78:22, 32, 37; 106:12, 24). A similar reading is found in Nehemiah 9, which is a rehearsal of the pentateuchal narrative in its present form (cf. Neh 9:8). The example of Hebrews 11 has already been pointed out.

Mosaic Law or whether this faith is to be understood simply as "keeping the law."¹¹ To say it another way, can we find evidence in the composition of the Pentateuch that the author is concerned with the question of "faith versus works of the law"?

It is well known that this issue surfaces a number of times in other OT texts. In Ps 51:18-19 (English vv. 16-17), for example, David says, "For thou hast no delight in sacrifice. . . . The sacrifice acceptable to God is a broken spirit" and in Mic 6:6-8 it says, "With what shall I come before the Lord. . . Shall I come before him with burnt offerings? He has showed you, O man, what is good . . . to do justice, and to love kindness, and to walk humbly with your God?" Since such texts do, in fact, exist within the OT, we may, with some justification, look for similar ideas within the theological macrostructure of the Pentateuch.

In the present article, we will attempt to show that the issue of "faith versus works of the law" was, indeed, central to the theological purpose of the Pentateuch. Specifically, we will argue that, among other things, the Pentateuch is an attempt to contrast the lives of two individuals, Abraham and Moses. Abraham, who lived before the law (*ante legem*), is portrayed as one who kept the law, whereas Moses, who lived under the law (*sub lege*), is portrayed as one who died in the wilderness because he did not believe. If such a contrast between faith and works is, in fact, a part of the compositional strategy of the Pentateuch, then we may rightfully conclude that part of the purpose of the book was to show not merely the way of faith, but also the weakness of the law.

2. *The Genre of the Pentateuch*

In a recent article, Rolf Knierim has focused attention on the question of the genre of the Pentateuch as a whole.¹² Knierim has argued that the Pentateuch consists of two major generic sections: Genesis and Exodus-Deuteronomy. According to him, Genesis is to be taken as an introduction to the whole of the Pentateuch. The genre of the central section of the Pentateuch, Exodus-Deuteronomy, is not so much that of a narrative history of Israel, as is commonly supposed in biblical scholarship, but rather its genre is that of a biography, specifically, a biography of Moses.

This is not the place to enter into a full discussion of Knierim's description of the genre of the Pentateuch. It is enough to say that his general observations about the Pentateuch are convincing. The Pentateuch devotes

¹¹ There are indications in Schmitt's study that the notion of faith in the Pentateuch is put in opposition to that of "obedience to the law." Schmitt has argued, for example, that the "faith" seems overlay and reinterpret the narratives which have stressed obedience to the law (cf. comments below on Num 20:12).

¹² Knierim, "The Composition of the Pentateuch," 395-415.

its attention more to the individual Moses than to the nation of Israel. Hence its overall purpose in all likelihood should be understood in relationship more to the life of Moses, per se, than to the history of the nation. As such it is reasonable to conclude that the Pentateuch reads much like and apparently aims to be a biography.

Since the purpose of a biography is the presentation or conceptualization of the work or life of an individual person, the Pentateuch can well be viewed generically as a presentation (conceptualization) of the work of Moses. The events of the life of Moses (*Vita Mosis*) are not told entirely for their own sake but are intended as a narrative explication of the nature of a life lived within the context of the call of God and the covenant at Sinai. The Pentateuch seeks to answer the question of how well Moses carried out his calling, that is, his work under the Sinai covenant. It seeks to tell how well he performed his task.

There is room for doubt, however, whether Knierim's description of the whole of the Pentateuch as a biography of Moses is entirely adequate. In the first place, the whole of the collections of laws which make up a major part of the final composition of the Pentateuch do not fit within the narrow limits of a biography. However, according to Knierim's reckoning, these laws, e.g., the Sinai-pericope and Deuteronomy, make up 68.5 percent of the total text of the Pentateuch. Although Knierim treats these legal sections as part of the Moses texts, they clearly are not part of the Moses narratives per se. The course of the narratives is distinctively broken into and suspended until these large collections of laws are exhausted. It appears that in the final stage of the composition, the focus on Moses, the individual lawgiver, has been intentionally expanded to include a substantial portion of the law itself. This state of affairs raises the question of why, in light of the genre of the Pentateuch, these laws were placed in the midst of the biography.

The traditional answer to this question has been that they were put there simply as legislation, that is, as laws which were to be kept--thus the Pentateuch's reputation as a "Book of the law." In this view the Pentateuch is read as if it were a collection of laws intended to guide the daily living of its readers. This view of the purpose of the laws in the Pentateuch is so pervasive that it is often, if not always, merely assumed in works dealing with the problem of the law.

However, it is also possible that the Pentateuch has intentionally included this selection of laws for another purpose, that is, *to give the reader an understanding of the nature of the Mosaic Law and God's purpose in giving it to Israel*. Thus it is possible to argue that the laws in the Pentateuch are not there to tell the *reader* how to live but rather to tell the reader how Moses was to live under the law. To use an example from the Pentateuch itself, it is clear to all that the detailed instructions on the building of the ark in Genesis 6 were not given *to the reader* so he or she could build an ark and load it with animals, but those detailed instructions were given to show what Noah was

to do in response to God's command. Competent readers of the Pentateuch easily understand that God's instructions to Noah in the narrative is directed only to Noah and not to the readers. These instructions are included as narrative information for the reader. The message of the Pentateuch in other words, is not that its readers should build an ark like Noah.

The same may be true for the legal instructions found in the Mosaic Law. Though the nature of the instructions to Noah and those to Moses (the building of the tabernacle in Exodus 25ff., for example) are similar in form and narrative function, we often read them entirely differently. We read the instructions to Noah as given *for* the reader, and those to Moses as given to the reader.¹³ It is possible, however, that the two sets of instructions within the Pentateuch are intended to be read in the same way. In other words, to put it in the terms introduced into OT studies by Mendenhall, the inclusion of the selection of laws (viz., the Mosaic Law) in the Pentateuch was not so much intended to be a source for legal action (technique) as rather a statement of legal policy.¹⁴

This understanding of the purpose of the laws in the Pentateuch is supported by the observation that the collections of laws in the Pentateuch appear to be incomplete and selective. The Pentateuch as such is not designed as a source of legal action. That the laws in the Pentateuch are incomplete is suggested by the fact that many aspects of ordinary community life are not covered in these laws. Moreover, there is at least one example in the Pentateuch where a "statute given to Moses by the Lord" is mentioned but not actually recorded in the Pentateuch.¹⁵ The selective

¹³ "From the earliest days of the church Christians have asked about the commands of the Old Testament: do they apply to us? The question, however, is ambiguous. It may be a question about authority, or it may be a question about prescriptive claim. A prescription, we said, instructs somebody to do, or not to do, something. We may ask in each case who is instructed and who instructs. If, as I walk down the street, somebody in a blue coat says, 'Stop!', I shall have to ask, first, 'Is he speaking to me?'--the question of claim--and, then, 'Is he a policeman?'--the question of authority. And so it is with the commands of the Old Testament: we must ask, 'Do they purport to include people like us in their scope?'--the question of claim--and, 'If so, ought we to heed them?'--the question of authority. In the patristic church, after the rejection of the Gnostic temptation, especially in its Marcionite form, the question of authority was not really open for discussion; Old Testament commands were evaluated entirely in terms of their claim. Our own age, conversely, has been so dominated by the question of authority that the question of claim has been obscured and forgotten" (O. M. T. O'Donovan, "Towards an Interpretation of Biblical Ethics," *TynBul* 27 [1976] 58-59).

¹⁴ "That common body of what might be called the sense of justice in a community we shall call 'policy'. What happens in a law court, however, is usually much more directly related to the technical corpus of specialized legal acts and tradition. These are 'techniques' " (George E. Mendenhall, "Ancient Oriental and Biblical Law," *The Biblical Archaeologist Reader* 3 [ed. E. E. Campbell and D. N. Freedman; New York: Anchor, 1958] 3).

¹⁵ The "statute of the law that the Lord gave Moses," referred to by Eleazar in Num 31:21, is not found elsewhere in the Pentateuch, though a part of what Eleazar commands (the water of cleansing) was given in Numbers 19. This shows either that the laws included in the Pentateuch are selective, that is, not every law given to Moses was included, or that any law

nature of the laws included in the Pentateuch is further illustrated both by the fact that the number of laws (611) is the same as the numerical equivalent of the Hebrew title of the Pentateuch, "Torah" (תּוֹרָה),¹⁶ and by the fact that within the structure of the collections of laws the number seven and multiples of seven predominate. The listing of 42 (7 x 6) laws in the Covenant Code (Exod 21:1-23:12), for example, equals the numerical value of the title of that section "And these (are the judgments)." This is not to suggest that secret numerical codes were intended to conceal mysteries within these texts. The use of the numerical values of titles and catch phrases was a common literary device at the time of the composition of Scripture. The same principle of numerical selectivity may also be seen within the Book of Proverbs, where the total number of proverbs in chaps. 10:1-22:16 (375) equals the numerical value of the name "Solomon."¹⁷ This suggests that, just as in the publication of law in the ancient Near Eastern world in general,¹⁸ the laws in the Pentateuch were not intended to be used in the administration of justice as a collection of laws to be enforced.

In his study of law codes in the ancient world, F. R. Kraus¹⁹ has provided a helpful analogy to the nature and purpose of the laws included in the final composition of the Pentateuch. According to Kraus, literary works such as the Code of Hammurapi were not intended to be used in the actual administration of law. They were not, in fact, associated with the systems of justice in the ancient world. According to Kraus, they were rather intended to tell us something about the lawgiver, viz., important people like Hammurapi himself.²⁰ For example, when the whole of the present shape of the docu-

given by a priest could have been called a "statute of the law that the Lord gave Moses" (cf. Deut 33:10). The former alternative appears more likely because the text expressly says "the Lord gave [it] to Moses," The omission of "to Moses" in the Samaritan Pentateuch is evidence that at an early period there was already a tendency to read the laws of the Pentateuch as complete.

¹⁶ The traditional number of laws in the Pentateuch (613) is obtained by treating both Deut 6:4 (the "Shema") and Exod 20:2 ("I am the Lord your God") as "laws,"

¹⁷ Barry J. Beitzel, "Exodus 3:14 and the Divine Name: A Case of Biblical Paronomasia," *Trinity Journal* 1 NS (1980) 6. See also J. M. Sasson, "Wordplay in the OT," *IDBSup*, 968-70,

¹⁸ "Das grosse Gesetzgebungswerk des Konigs our Representation geblieben und niemals Rechtswirklichkeit geworden sei" (W. Eilers, *Rechtsvergleichende Studien zur Gesetzgebung Hammurapis* [1917] 8, quoted in R. E Kraus, "Ein zentrales Problem des altmesopotamischen Rechtes: Was ist der Codex Hammu-rabi?" *Genava* 8 [1960] 283-96).

¹⁹ Kraus, "Ein zentrales Problem."

²⁰ "In seiner Selbstdarstellung sind Gerechtigkeit und Klugheit die Eigenschaften, die er sich, von den ublichen Cliches abweichend, immer wieder zuschreibt, . . . *emqum*, 'klug', ist ein typisches Pradikat des Schreibers. . . nur Hammu-rabi, gleichzeitig gerechter Richter und gelehrter Autor, hat seine Rechtsspruche aufgezeichnet und der Welt zur Verfugung gestellt genauso, wie die Autoren der Eingeweideschaukompendien ihre Erfahrungen und Erkenntnisse zu Nutz und Frommen der Welt in ihren Werken niederlegen. Zu Nutz und Frommen der Welt hat auch Hammu-rabi seinen Codex verfasst und offentlich aufstellen lassen" (Kraus, "Ein zentrales Problem," 290-91).

ment, including the important but often overlooked prologue of Hammurapi's Code, is taken into consideration, it becomes clear that a text such as Hammurapi's was not to be used to administer justice, but was rather intended to promote the image of Hammurapi as a wise and just king.²¹ What Kraus has argued for the Code of Hammurapi suits the phenomenon of law in the Pentateuch remarkably well. It explains the existence of the relatively large collections of laws strategically placed throughout the pentateuchal narratives dealing with the life of Moses. Applying the analogy of the Code of Hammurapi helps confirm the judgment that the selection of laws in the Pentateuch is not there as a corpus of laws as such (*qua lex*), but was intended as a description of the nature of divine wisdom and justice revealed through Moses (*qua institutio*).

An inter-biblical example of this is found in the Book of Proverbs, with its prologue and selection of wise sayings of Solomon. The Book of Proverbs was not intended to be read as an exhaustive book of right actions but as a selective example of godly wisdom.

In the narratives of Exodus-Deuteronomy, then, we are to see not only a picture of Moses, but we are also to catch a glimpse of the nature of the law under which he lived and God's purpose for giving it. Along with the narrative portrait of Moses we see a selected sample of his laws. Returning to Knierim's thesis of the genre of the Pentateuch, what emerges from a genre analysis of the Pentateuch in its present shape is that it is a biography of Moses, albeit a modified one. It is a biography of Moses, which portrays him as a man *who lived under the law* given at Sinai. It is a biography of Moses *sub lege*.

A second difficulty in Knierim's assessment of the genre of the Pentateuch is the fact that although Knierim treats Genesis as an introduction to the life of Moses, there are significant problems in accounting for this section of the Pentateuch within the genre of Biography of Moses. According to Knierim, Genesis adds the dimension of "all of human history" to the biography of Moses. But it is self-evidently clear that not all of Genesis is about "all of human history." It is only the first eleven chapters of the book which have all of humanity specifically in view. Though the rest of Genesis is, in fact, drawn into the scope of "all humanity" by means of the reiterated promise that in the seed of Abraham "all the families of the land will be blessed," the narratives in chaps. 12-50 focus specifically on the family of Abraham. In fact, the three major sections of Genesis 12-50 appear to consist of genres nearly identical to that of Knierim's view of the whole

²¹ "Eine Welt trennt diese sehr deutlich formulierte Denkweise von der ungerer heutigen Gesetzgeber und unserer modernen Konzeption von der Geltung der Gesetze. Die Gultigkeit, welche Hammurabi fur sein Werk erhofft, ist grundstzlich anderer Natur als die unserer Gesetze, und seine Hoffnung ruht auf anderen Voraussetzungen als der Geltungsanspruch moderner Gesetzbucher. Seine sogenannten Gesetze sind Musterentscheidungen, Vorbilder guter Rechtsprechung" (ibid., 291).

Pentateuch, namely, biographies of Abraham (chaps. 12-26), Jacob (chaps. 27-36) and Joseph (chaps. 37-50).

Knierim rightly makes much of the fact that the whole of Genesis, covering some 2000 years, takes up only about 25 percent of the total text of the Pentateuch, whereas Exodus-Deuteronomy, which covers only the span of the life of Moses, takes up the other 75 percent. "The extent of material allotted to each of the two time spans is extremely disproportionate, a factor that must be considered programmatic."²² However, when the Moses-narratives (Exod 1-18 and Num 10:11-36:13) are counted alone, without the laws (Deuteronomy and the Sinai-pericope), they make up only about 20 percent of the whole of the Pentateuch. The material in Genesis devoted to the Patriarchs (Genesis 12-50) is also about 20 percent, making the narratives about Moses and those about the Patriarchs appear of equal importance within the final text.

It thus is not satisfactory to group the patriarchal narratives together with Genesis 1-11 and consider them both as the introduction to Moses' biography. It appears more probable within the framework of the whole of the Pentateuch that the patriarchal material in Genesis is intended on its own to balance off the material in the Moses narratives. The biographies of the patriarchs are set over against the biography of Moses.

The early chapters of Genesis (1-11) play their own part in providing an introduction to the whole of the Pentateuch, stressing the context of "all humanity" for both the patriarchal narratives and those of Moses. The Moses material, for its part, has been expanded with voluminous selections from the Sinai laws in order to show the reader the nature of the law under which Moses lived.

If this is an adequate description of the Pentateuch, then its genre is not simply that of a biography of Moses but rather it is a series of biographies similar perhaps to those in Kings or Samuel where the life of Saul, for example, is counterbalanced to that of David. Within this series of biographies in the Pentateuch a further textual strategy appears evident.

The chronological framework of Genesis (periodization) and the virtual freezing of time in Exodus-Deuteronomy (a single period of time only, viz., the lifespan of Moses) suggests that there has been a conscious effort to contrast the time before and leading up to the giving of the law (*ante legem*) with the time of Moses under the law (*sub lege*).²³ Abraham lived *before* the giving of the law and Moses lived *after* it was given.

With this background to the compositional strategy of the final shape of the Pentateuch, we can now turn to its treatment of Abraham and Moses.

²² Knierim, "The Composition of the Pentateuch," 395.

²³ Though it is not part of our immediate concern, one could also note indications within the final shape of the Pentateuch of a time "after the law" (*post legem*). Deuteronomy 30, for example, looks to a future time quite distinct from that of Moses' own day. There are close affinities between this chapter and passages in the prophetic literature which look to the time of the New Covenant, e.g., Jer 31:31ff.; Ezek 36:22ff.

Specifically, we wish to raise the question of what the Pentateuch intends to say about the lives of these two great men that contributes to our understanding of faith and keeping the Mosaic Law?

A complete answer to this question cannot be given within the scope of this paper. We will limit ourselves to two strategically important pentateuchal texts from the standpoint of its final composition, Gen 26:5 and Num 20:12. Both texts are similar in that they offer a reflective look at the lives of Abraham and Moses respectively and give an evaluation that stems from the final stages of the composition of the Pentateuch. Furthermore, both texts evaluate the lives of these two great men from the perspective of the theology of Deuteronomy. We will see that in Gen 26:5 Abraham is portrayed as one who "kept the law," whereas in Num 20:12 Moses is portrayed as one who "did not believe."

II. Abraham and the Mosaic Law (Gen 26:5)

In Gen 26:5, God says, "Abraham obeyed my voice [שָׁמַע . . . בְּקוֹלִי] and kept my charge [וַיִּשְׁמַר מִשְׁמֵרָתִי], my commandments [מִצְוֹתַי], my statutes [חֻקֹּתַי], and my laws [תּוֹרֹתַי]." Though on the face of it, the meaning of this verse is clear enough, it raises questions when viewed within the larger context of the book. How was it possible for Abraham to obey the commandments, statutes, and laws before they were given? Why is Abraham here credited with keeping the law when in the previous narratives great pains were taken to show him as one who lived by faith (e.g., Gen 15:6)? There has been no mention of Abraham's having the law or keeping the law previous to this passage. Why, now suddenly, does the text say Abraham had kept the law?

The verse is recognized as "deuteronomic" by most biblical scholars, both critical²⁴ and conservative.²⁵ Earlier biblical scholars went to great lengths to explain the verse in view of its inherent historical and theological difficulties. For those who saw the verse as a description of Abraham's legal

²⁴ See Erhard Blum, *Die Komposition der Vätergeschichte* (Neukirchen-Vluyn: Neukirchener Verlag, 1984) 363, for a discussion of the critical views.

²⁵ F. Delitzsch says of the verse, for example, "Undoubtedly verse 5 in this passage is from the hand of the Deuteronomist" (*A New Commentary on Genesis* [Edinburgh: T. & T. Clark, 1888] 137ff.). C. F. Keil also recognized that these same terms were later used to describe the Mosaic Law: "The piety of Abraham is described in words that indicate a perfect obedience to all the commands of God and therefore frequently recur among the legal expressions of a later date [in der späteren Gesetzessprache]" (*Biblical Commentary on the Old Testament* [Grand Rapids: Eerdmans, 1971] 270). Cf. Benno Jacob, "Aber diese Ausdrücke besagen, dass er auf den verschiedensten Gebieten sein Leben ähnlich den späteren Ordnungen des Gesetzes nach den speziellen Weisungen Gottes, wie sie ihm erteilt wurden oder er sie sich selbst erschliessen mochte, eingerichtet hat" (*Das erste Buch der Tora Genesis* [Berlin: Schocken, 1934] 548). Since, throughout the Pentateuch and especially in Deuteronomy, these terms denote the Mosaic Law (e.g., Deut 11:1; 26:17) this passage says, in no uncertain terms, that Abraham kept the Mosaic Law.

adherence to the law, the major problem was how Abraham could have had access to the Mosaic Law. Early rabbinical approaches, for example, attempted by word associations to identify each of the terms used here with a specific act of obedience of Abraham within the patriarchal narratives. In that way it could be demonstrated that Abraham knew the Mosaic Law and thus kept it.²⁶ This approach, however, did not gain wide acceptance because, apart from a remote link to circumcision, none of the terms in Gen 26:5 could be associated with events or actions of Abraham within the biblical narratives.²⁷

Another, and more common, rabbinical explanation of 26:5 made use of the Talmudic teaching of the "Noahic laws."²⁸ This approach was also accepted among the early Protestant scholars.²⁹ Thus the deuteronomic terms for the law in Gen 26:5 were identified by some as those general laws given to all men since the time of Noah.³⁰ However, because these specific terms are, in fact, used later in the Pentateuch to represent the whole of the Mosaic Law, it proved difficult to limit them only to the concept of the Noahic laws. Thus for this particular passage (Gen 26:5) the Talmud itself rejected the notion of Noahic laws and took the position that, in his own lifetime, Abraham was given the whole of the Mosaic Law.³¹

²⁶The terms **משמרת** and **מצות**, for example, were related to Abraham's obedience in circumcision since, according to Gen 17:9, Abraham was to "keep" (**תשמר**) God's covenant in circumcision and 21:4 records that Abraham circumcised Isaac "as God had commanded [**צוה**] him."

²⁷The terms **חקות** and **תורת**, for example, could not otherwise be associated with Abraham's piety in the patriarchal narratives and no amount of midrashic attempts to do so proved successful. Another, but similar, attempt to demonstrate that Abraham had the law of Moses is that of Walter Kaiser: "In spite of its marvelous succinctness, economy of words, and comprehensive vision, it must not be thought that the Decalogue was inaugurated and promulgated at Sinai for the first time. All Ten Commandments had been part of the law of God previously written on hearts instead of stone, for all ten appear, in one way or another, in Gen. They are: The first, Gen 35:2: 'Get rid of the forbidden gods.' The second, Gen 31:39: Laban to Jacob: 'But why did you steal my gods?' The third, Gen 24:3: 'I want you to swear by the Lord' " (*Toward Old Testament Ethics* [Grand Rapids: Zondervan, 1983] 81-82).

²⁸The Talmud teaches that all descendants of Noah who did not follow the practices of idolatry were given seven divine laws. See *Der babylonische Talmud* (ed. L. Godschmidt; Berlin: Judischer Verlag, 1930) 2.373.

²⁹"... observantia Sabbati et Circumcisionis, esus Sanguinis, cultus unius Dei, et multa hujusmodi" (Munster Sebastian [1489-1552], *Critici sacri: annotata doctissimorum virorum in Vetus ac Novum Testamentum* [ed. J. Pearson et al.; Amsterdam, 1698] 1.616. Munster explicitly cites Ibn Ezra's commentary on this passage).

³⁰E.g., Sefomo, **נח בני נח שונצט וו בני נח** (*Torat Chaim Chumash* [Jerusalem: Mossad Harav Kook, 1987] 13).

³¹*Yoma* 28b (*Die babylonische Talmud* 3.75). See Str-B 3.204-5 for further examples. Jacob suggested that this Talmudic interpretation was an attempt to counter the argument of Paul in Gal 3: 17ff. ("polemisch gegen Paulus," *Das erste Buch*, 549). Andreas Rivetus specifically rejects this view as "false" (*Opera theologica* [Rotterdam, 1651] 1.457). According to the Kabbalah the laws mentioned in this verse are those of the Decalogue because the verse contains

As to how Abraham would have known the law, the assumption was that God had revealed it to him.³² It was also held by many that Abraham derived the laws of Moses from his own observations,³³ or even from written tradition, which could be traced back to Enoch.³⁴ In *Jub.* 21:10, for example, when explaining the various laws for sacrifice, Abraham says, "for thus I have found it written in the books of my forefathers, and in the words of Enoch, and in the words of Noah."³⁵ The tractate Nedarim 32a states that Abraham was three years old when he first began to obey the law. By means of gematria, the rule that permits deriving significance from the numerical value of the consonants of a word, the first word, **עקב**, is read as the number 172 (years).³⁶ Thus 26:5 was read as if it said "For 172 [**עקב**] years Abraham obeyed me." Since Abraham lived for 175 years, it would have been at the age of three years that he first began to obey God's law.³⁷

It is difficult to see in these early rabbinical attempts a convincing explanation of the Genesis passage. They are rather attempts at harmonization. If, in fact, to keep the "commandments, statutes and laws" meant to keep the Mosaic Law as the rabbis had understood these terms in Deuteronomy, then what other explanation remained? Abraham must have known the Mosaic Law.

As is always the case in the reading of a text, their understanding of the sense of the whole determined their interpretation of this part. What was clearly not open to these commentators was the possibility that this verse was intended as an interpretation of the life of Abraham from another perspective than that of the law.³⁸

10 words and the Decalogue has 172 words, the same number as the Hebrew word **עקב** in Gen 26:5. See Baal Hatturim, *Chumash* (New York: Philipp Feldheim, 1967) 81.

³² "God disclosed to him the new teachings which He expounded daily in the heavenly academy" (Louis Ginzberg, *The Legends of The Jews* [Philadelphia: Jewish Publication Society of America, 1968] 1.292). Rivetus held that "praeter naturae legem, habuisse patres multas observaciones, praesertim circa divinum cultum ex speciali Dei revelatione, et majorum qui ea acceperant imitatione, ut de mundis animalibus offerendis et talia, praeter circumcissionem, et alios mandatos ritus" (*Opera theologica* 1.457). According to rabbinic teaching God himself was guided by the Torah in creating the world, but he hid the Torah from mankind until the time of Abraham: "שלא נברא העולם צפן הקב"ה את התורה עד שעמד אברהם שנאמר עקב" (אשר שמע אברהם בקולי *Yalkut Shemoni* [Jerusalem, 1960] 972).

³³ Str-B 3.205.

³⁴ *Ibid.*, 205-6.

³⁵ *APOT* 2.44.

³⁶ The number 172 is derived from **ע** = 70; **ק** = 100; and **ב** = 2. See Wilhelm Bacher, *Die exegetische Temzinologie der jüdischen Traditionsliteratur* (Hildesheim: Georg Olms, 1965) 127.

³⁷ *Midrash Rabbah* (New York: KTAV, n.d.) 135. The purpose of this explanation was apparently to deal with the problem of idolatry in Terah's household (Josh 24:2.). If Abraham had received the Mosaic Law already at age three, he could not have been influenced by his father's idolatry.

³⁸ Although Calvin is not clear in his comments on this passage, he appears to follow the same line of interpretation as that reflected in the rabbis. He writes, "And although laws, statutes, rites, precepts and ceremonies, had not yet been written [nondum erant scriptae], Moses used these terms, that he might the more clearly show how sedulously Abraham reg-

The view of the later medieval Jewish commentaries, on the other hand, was that these 'laws' were merely a form of general revelation of moral and ethical precepts.³⁹ A similar interpretation is found in many Christian commentaries.⁴⁰ The difficulty with such an interpretation is not merely the fact that elsewhere in the Pentateuch each of these terms is used specifically

ulated his life according to the will of God alone--how carefully he abstained from all the impurities of the heathen" (*Commentaries on the First Book of Moses Called Genesis* [trans. John King; Grand Rapids: Baker, 1979] 60). Henry Ainsworth also appears to follow this line of interpretation, ". . . under these three particulars, the whole *charge* or *custody* forespoken of, is comprehended; as afterward by Moses God gave the ten Commandements, or morall precepts, Exod. 20. Judgements, or judicial lawes for punishing transgressors, Exod. 21, &c. and statutes, or rules, ordinances and decrees for the service of God, Lev. 3.17. and 6.18.22. Exod. 12.24. & 27.31. & 29.9. & 30.21. All which Abraham observed, and is commended of God therefore" (*Annotations upon the Five Bookes of Moses, The Booke of the Psalmes, and the Song of Songs, or Canticles* [London: M. Parsons, 1639] 99).

³⁹ Jacob, *Das erste Buck*, 549. Rashi, for example, says, " 'my commandments' are those things which even if they had not been written [in the Law] it is evident [רְאוּיָן] that they are commanded [לְהַצִּיט וּוּת], such as stealing and murder" (*Torat Chaim Chumask*, 13). Regarding the last two terms, however, "my statutes" and "my laws," Rashi held that they were unobtainable by reason alone but were given as a command from God.

⁴⁰ The Belgic Confession (1561), for example, takes the מצוות here to be the moral law (praecepta), the תורה as doctrine (*leges*) necessary to be believed, and the משקטים as political law (judicia). Thomas Cartwright (1535-1603) follows Nicholas of Lyra (1270-1340), who follows Rashi, "*Lyra ait, ea esse, quae sunt de dictamine rationis rectae et servanda etiamsi nulla lex esset posita*" (*Critici sacri*, 632). Lyra, however, did not follow Rashi on the last two terms, much to Cartwright's surprise, ". . . a quo mirum est Lyram dissentire." Lyra understood these terms as follows: "חקות cerimonias, seu statuta, ea esse, quae pertinent ad modum colendi Dei; תורה leges esse ista, quae non obligant, nisi quia sunt a Deo, vel homine instituta, vel praecepta" (*ibid.*). Ultimately the dependency on Rashi and innovations (see previous note) go back to Lyra, "cerimonias meas, seu statuta mea, et leges meas," and the Vulgate, "praecepta et mandata mea et caerimonias legesque." Johannes Drusius (1550-1616) defined these terms thus: "[משמרתִי] quaecunque mandavi ut custodiret . . . [מצוותִי] praecepta moralia quae post decalogo comprehensa sunt . . . [תורתִי] forenses, sive quae ad judicia pertinent" (*Critici sacri*, 622). Johannes Mercerus distinguishes sharply between each of the five terms: (1) the first term refers generally to Abraham's obedience in such cases as the command to leave Ur of the Chaldeans and the binding of Isaac; (2) the second term refers to general religious practice which Abraham carried out diligently as God had prescribed; (3) the third term refers to general moral principles, such as the Decalogue, and are posited in the natural mind; (4) the fourth term refers to rituals by which God is worshiped as well as statutes whose rationale is not immediately obvious, such as the red heifer; and (5) the fifth term refers to documents by which one is instructed in doctrine. "Sic Dei voluntatem partitur Moses hoc loco, ut postea in Lege tradenda divisa est [but the Jewish view that Abraham had the whole of the Mosaic Law is to be rejected]. . . Non est quidem dubium quin ante Legem multa seruarint, quae postea in Legem sunt redacta, ut de mundis animalibus immolandis, aut edendis, et alia. Sed non sunt minutiis astringendi. . . Sed nondum haec in legem certam abierant, ut postea sub Mose, ubi sacerdotium certa familia, et certis ritibus est institutum, etc. . . Cum ergo hic Moses in Abrahamo, hac legis in suas partes distributione utitur, significat eum absolutissime Dei voluntati paruisse, et per omnia morigerum fuisse, ut nihil omiserit eorum quae tunc praescripserat Dominus agenda aut seruanda" (*In Genesin Primum Mosis Librum, sic a Graecis Appellatum, Commentarius* [Genevae, 1598] 458).

to describe an aspect of the Mosaic Law, but, more importantly, elsewhere in the Pentateuch the same list of terms denotes the whole of the Mosaic Law.⁴¹ Thus there seems little room for doubt that this passage is referring to the Mosaic Law.

Literary critics, on the other hand, are virtually unanimous in assigning the verses to a "deuteronomic redaction."⁴² Gunkel assigned it to a later (more legalistic) period, though he agreed that the terms are deuteronomistisch.⁴³ Westermann associated the verse with the "post-deuteronomic" interpretation of Israel's relationship to God in terms of obedience to the law (*Gesetzesgehorsam*).⁴⁴

Though such responses are predictable of critical methodology, they serve better as illustrations of the nature of the problem than they do its solution. What critical scholarship is unanimous in affirming is that at some point in the composition of the Pentateuch, this statement about Abraham's piety was inserted to show that he kept the Mosaic Law. Critical scholarship has also affirmed that the verse stems from the same process of composition that resulted in the addition of Deuteronomy to the Pentateuch.⁴⁵

Ultimately, we should attempt to find the meaning of this verse in the larger strategy and purpose of the Pentateuch.⁴⁶ Did the author of the Pentateuch intend to depict Abraham as a model of faith or as a model of obedience to the law? Curiously enough, the overwhelming majority of biblical scholars have read this passage as if the verse intended to show Abraham's life as an example of obedience to the law (*Gesetzesgehorsam*).

However, several considerations make this assumption unlikely. The first is the fact that the final shape of the Abrahamic narratives is closely aligned with the faith theme that forms the larger structure of the Pentateuch. This same faith theme is also part and parcel with the "deuteronomic composition" of Gen 26:5. That being the case, it is unlikely that the same author would want to stress "faith" at the expense of law at one point in the composition of the Pentateuch and law at the expense of "faith" at another.

⁴¹ E.g., Deut 11:1.

⁴² H. Holzinger, *Einleitung in den Hexateuch* (Freiburg: J. C. B. ;Mohr [Paul Siebeck], 1893) 3, Tabellen uber die Quellenscheidung; Otto Procksch, *Die Genesis ubersetzt und erklart* (Leipzig: A. Deichert, 1913) 151.

⁴³ "The thought that Abraham had fulfilled so many commandments does not suit the spirit of the ancient narratives [*Sage*], but betrays that of a later (legalistic) piety" (Hermann Gunkel, *Genesis* [Gottingen: Vandenhoeck & Ruprecht, 1977] 300).

⁴⁴ Claus Westermann, *Genesis* (BKAT 2; Neukirchen-Vluyn: Neukirchener Verlag, 1981) 518.

⁴⁵ On the "deuteronomic redaction of the Pentateuch," see Rolf Rendtorff, *Das ublieferungsgeschichtliche Problem*, 164; Erhard Blum, *Die Kompositum der Vätergeschichte*, 362ff.; C. Breckmann, "Die sogenannten deuteronomischen Elemente in Gen.-Num. Ein Beitrag zur Vorgeschichte des Deuteronomiums," in *Volume du Congres. Geneve 1965* (VTSupp 15; Leiden: Brill, 1966) 90-96.

⁴⁶ Such an approach follows from the observation that, on most reckonings, the verse belongs to the work of the author in shaping the final form of the Pentateuch.

The chronological setting of the patriarchal narratives offers further evidence that this text (Gen 26:5) intends to teach Abraham's faith and not his obedience to the law as such. It is well known that the early chapters of the Pentateuch are governed by an all-embracing chronological scheme. This scheme runs throughout the patriarchal narratives up to the time of the giving of the law at Sinai. At that point, the linear chronology broadens out into a literary present. Thus the events of the Pentateuch are divided between those events before and those events during the giving of the law. Within this scheme, then, the patriarchs are necessarily portrayed as those who lived before the law (*ante legem*). They are chronologically separated⁴⁷ from those who lived under the law (*sub lege*). Thus any statement about Abraham would likely be intended as a contrast to life under the law. Furthermore, the very existence of such a wide range of "explanations" of Abraham's "living under the law" (*sub lege*), so common in rabbinical and Christian exegesis, testifies to the difficulties of reading Gen 26:5 as a statement about Abraham's obedience to the Mosaic Law.⁴⁸

It appears reasonable to conclude, therefore, that the importance of Gen 26:5 lies in what it tells us about the meaning of the deuteronomic terms it uses. It is as if the author of the Pentateuch has seized on the Abrahamic narratives as a way to explain his concept of "keeping the law." The author uses the life of Abraham, not Moses, to illustrate that one can fulfill the righteous requirement of the law. In choosing Abraham and not Moses, the author shows that "keeping the law" means "believing in God," just as Abraham believed God and was counted righteous (Gen 15:6). In effect the author of the Pentateuch says, "Be like Abraham. Live a life of faith and it can be said that you are keeping the law."

We turn now to a consideration of the Pentateuch's portrayal of Moses. We will not attempt a survey of the whole of the life of Moses, but rather, we will look only at the assessment of Moses that lies within the compositional seams.

III. Moses and the Faith of Abraham (Num 20:1-13)

According to Schmitt, Numbers 20 contains an original account of the rebellion of Moses and Aaron that has been secondarily reworked into the

⁴⁷ For "change of time" as a segmentation marker in narrative, see Elisabeth Gulich and Wolfgang Raible, "Überlegungen zu einer makrostrukturellen Textanalyse: J. Thurber, The Lover and His Lass," in *Untersuchungen in Texttheorie* (Göttingen: Vandenhoeck & Ruprecht, 1977) 132-75.

⁴⁸ Moreover, the "Glaubens-Thematik," which is central to the Abrahamic narratives, is also related to the assessment of the life of Moses. The Pentateuch tells us that at the end of his life, Moses died in the wilderness, not entering into the good land, because he "did not believe" God (Num 20:12). At that point the author of the Pentateuch labeled the action of Moses as "faithlessness." Within such a scheme it would follow that the Pentateuch would also view Abraham's "faith" as obedience to the law.

faith theme. He argues that the narrative of Num 20:1-13 was originally a self-contained unit which, apart from v. 12, formed a coherent whole. Verse 12, however, intrudes into this original narrative and gives it a specific theological interpretation ("Glaubens-Thematic"). The original theme of the passage was the rebellion of the people. This theme, however, was replaced in v. 12 by a focus on faith--an idea that had not hitherto played a part in the narrative.⁴⁹ As chapter 20 opens, the Israelites were encamped at Kadesh (20:1) but had begun to contend (וִירָב) with Moses on account of the lack of food and water. When the Lord told Moses to take a rod and speak to the rock to bring forth water, he did "as [the Lord] commanded him" (20:9). This statement gives an initial impression that Moses and Aaron were obediently following the Lord's commands. At least so far. Then Moses, saying to Israel, "You rebellious ones" (הַמְרִים, 20:10), struck the rock twice and water came out for both the people and their animals (20:11).

Though in popular exposition the nature of Moses' sin is emphasized, it is not, in fact, immediately clear from the text why the Lord says Moses (and Aaron) "did not believe" (20:12). Only the bare outline⁵⁰ of the events are retained in the narrative.⁵¹ Nevertheless attempts to find the error of Moses and Aaron and relate it to their lack of faith are numerous.⁵² Moses' sin has generally been related to three aspects of the narrative, (1) his striking the rock with the rod (20:11), (2) his (harsh) words to the people (20:10), and (3) the lacunae within the narrative itself.

(1) There are those who argue that Moses' lack of faith is exhibited in his striking the rock rather than merely speaking to it. However, as the narrative presents it, the Lord certainly intended Moses to use the rod in some way since it was the Lord who told Moses to get the rod and, according to

⁴⁹ In Deut 1:37; 3:26; and 4:21, Moses says he could not enter the land because of the rebellion of the people--an idea consistent with Num 20:10-11, 13. The presence of the theme of rebellion underlying the present text is betrayed by several wordplays throughout the narrative between the people's rebellion (e.g., וִירָב, הַמְרִים, רִבּוֹ) and the place name Meribah (מְרִיבָה). Also, the fact that later allusions to the Meribah incident (Num 20:24; 27:14; Deut 32:51) speak of the people's rebellion there and not the "unfaithfulness of Moses and Aaron," further supports Schmitt's argument that originally that was the central theme of the story. See below.

⁵⁰ The difficulty of determining the nature of Moses' sin because of the brevity of the narrative was already acknowledged by early biblical scholars. Regarding this problem Munster said, "Et quidem verba Mose sunt tam succincta ut nemo facile ex illis advertere possit in quo peccaverit" (*Critici sacri* 2.323).

⁵¹ At the conclusion of the story the place of the waters is called Meribah (מְרִיבָה), which is linked by means of a wordplay to the Israelite's rebellion (רִבּוֹ) in 20:3. The last statement, 20: 13b, "and he was sanctified [וַיִּקְדָּשׁ] among them," links the narrative to the location of the people at the beginning of the story, Kadesh (קִדְשׁ), and to the next section (20:14) where the location is again Kadesh.

⁵² Drusius, "De peccato Mosis variae sunt interpretum opiniones, quas omnes recensere longum esset" (*Critici sacri* 2.328).

the narrative, Moses is commended for doing "as he commanded" (20:9). The narrative, however, does not recount the Lord's instructions concerning how or why Moses was to use the rod. Keil, like many, thus supposed that the Lord's instructions to "speak to the rock" meant that Moses was merely to hold the rod in his hand while he spoke to the rock.⁵³ In this way it is inferred from the narrative that Moses erred in striking the rock.⁵⁴

That such a meaning is not likely a part of the author's intention is clear from other narratives where Moses was explicitly commanded to strike (הִצִּיחַ) an object with his rod to work a sign demonstrating God's power. In Exod 17:6, for example, the Lord told Moses, "I will stand before you there on the rock at Horeb; and you shall strike [וְהִכִּיתָ] the rock, and water shall come out of it, that the people may drink." Moreover this explanation has frequently met with the additional argument that if God told them to take the rod, what else would have been expected but to use it to strike the stone?⁵⁵ In response, some have argued that the rod was the budding rod of Aaron and hence should not have been used for striking.⁵⁶ This, for example, was the position of Jamieson who argued that the error of Moses consisted of his striking the rock "twice in his impetuosity, thus endangering the blossoms of the rod."⁵⁷ Some have laid stress merely on the fact that Moses struck the rock twice.⁵⁸

(2) Another line of explanation of Moses' faithlessness in Num 20:7-13 focuses on *what he said* when he struck the rock. The Septuagint translators apparently attempted to resolve the problem by translating Moses' words

⁵³ Keil, *Biblical Commentary* 3.130.

⁵⁴ This, for example, is the interpretation of the passage given by Rashi. Rashi states, "God did not command him to strike the rock but to speak to it."

⁵⁵ "Quorsum virga sumenda erat, nisi ut percuterent (T. Malvenda, *Commentaria in sacram Scripturam una cum nova de verbo ad verbum ex hebraeo translatione, variisque lectionibus*, 1650, quoted in M. Pol, *Synopsis criticorum* [Utrecht: Leusden, 1684] 1.689).

⁵⁶ Franziscus Junius, 1587, quoted in Pol, *Synopsis* 1.689, "At florida illa virga Aaronis non erat ad percutiendum vel imperata, vel commoda." Also Johannes Drusius (1550-1616), "Sed si verba educenda erat aqua, cur jussus est accipere virgam? Nam ea nihil opus, si sermone res transigi debebat" (*Critici sacri* 2.328).

⁵⁷ Robert Jamieson, A. R. Fausset, and David Brown, *A Commentary Critical, Experimental and Practical on the Old and New Testaments* (Grand Rapids: Eerdmans, 1945) 564. ⁵⁸ Also Ainsworth, "the doubling of his stroke shewed also the heat of his anger" (Annotations, 127). Jamieson writes, "Hence some writers consider that his hasty smiting of the rock twice was an act of distrust—that such a rebellious rabble would be relieved by a miracle; and that as the water did not gush out immediately, his distrust rose into unbelief, a confirmed persuasion that they would get none" (*Commentary*, 564). Keil turns Moses' striking the rock into an evidence of lack of faith by suggesting that striking the rock was an exercise of human works rather than trust in God: "He then struck the rock twice with the rod, 'as if it depended upon human exertion, and not upon the power of God alone,' or as if the promise of God 'would not have been fulfilled without all the smiting on his part' " (*Biblical Commentary*, 131). Rashi suggested that the first time Moses struck the rock only a few drops (טַפִּיךָ) came out because God had told him to speak to it.

to the people (v. 10) by "Hear me, you faithless ones [**oi [apeiqei]**]." ⁵⁹ This was a convenient solution to the passage in Greek because it took advantage of the semantic range of the Greek word **apeiqein**, used elsewhere in the Pentateuch to render the Hebrew word "to rebel" (**מרה**). ⁶⁰ The Greek **apeiqhj** can mean either "disobedient" or "unbelieving." ⁶¹

For some the sin of Moses consisted simply of his speaking to the people rather than to the rock. ⁶² Some have argued that the source of Moses' error lay rather in the harsh words he spoke to the people. Rather than speaking to the rock, as the Lord had commanded, Moses spoke harshly to the people. ⁶³ Some have read the Hebrew **מורה** (Num 20:10) as the Greek word **mwroj**, ⁶⁴ and thus said Moses sinned in calling God's people fools. ⁶⁵ According to Jamieson, "his speech conveyed the impression that it was by some power or virtue inherent in him or in the rod that the miracle was wrought." ⁶⁶ Jamieson is apparently dependent on Sebastian Castellio (1515-1563) who understood the sin of Moses and Aaron to consist of their saying "shall we draw water?" Such words, according to Castellio, showed that they were taking credit for doing that which only God could do. ⁶⁷ Others have argued that when Moses struck the rock the first time no water came out and at that point the people began to murmur and doubt that God would give them water. Thus Moses called the people "you rebellious ones" and struck the rock a second time. ⁶⁸ Several early biblical scholars ⁶⁹ have read the interrogative in **המזן הסלע** in the sense of "whether" (*num*) ⁷⁰ and hence rendered Moses' words as "Are we really able to bring water out for you?"

⁵⁹ The Vulgate follows the Septuagint with the conflated *rebelles et increduli*.

⁶⁰ Deut 1:26; 9:7, 23, 24.

⁶¹ LSJ 182. It is also possible that an attempt has been made to associate the word **מרה** with **סרה** or **סרר**, which was translated with **apeiqhj** in Deut 21:18. It may also be an unintended variant in the *Vorlage* of the Septuagint, but that is less likely in this case. The history of the difficulty in interpretation in this passage argues against an unintended variant.

⁶² Paul Fagius, *Critici sacri* 2.324. According to Fagius, this was a view known *inter Hebraeos*.

⁶³ "Instead of speaking to the rock with the rod of God in his hand, as God directed him, he spoke to the congregation, and in these inconsiderate words. . . . which, if they did not express any doubt in the help of the Lord, were certainly fitted to strengthen the people in their unbelief, and are therefore described in Ps. cvi.33 as prating (speaking unadvisedly) with the lips" (Keil, *Biblical Commentary*, 130-31).

⁶⁴ Matching the Hebrew consonants m", to their Greek equivalents, **μ** = **m**, **λ** = **w**, and **ר** = **r**, with the nominative ending **oj**.

⁶⁵ *Critici sacri* 2.323.

⁶⁶ Jamieson, *Commentary*, 564.

⁶⁷ "In eo peccatum est quod dixerunt, *Eliciamus*, quod Dei erat, sibi tribuentes" (*Critici sacri* 2.326).

⁶⁸ See Drusius, *Critici sacri* 2.328. Drusius was probably referring to Rashi when he attributed this view to the *antiquissimi Ebraei*.

⁶⁹ Fagius, Vatablus, Drusius, Grotius (*Critici sacri* 2.324ff.), and Cornelius a Lapide (1567-1637). See Pol, *Synopsis* 1.689.

⁷⁰ Following the Vulgate.

In so doing, they are able to show Moses' words to be an expression of doubt. An equally ingenious solution noted by Drusius, though hardly possible, was that the verb **דברתם** (**דבר**) in v. 8, "you shall speak [to the rock]," was to be derived from the noun **דבר**, "pestilence, plague," and hence should be translated 'you shall destroy [the rock].'⁷¹

(3) Finally, the sparsity of the narrative itself, that is the *lacunae*, has provided the occasion for various explanations of Moses' error. Jamieson, for example, suggested that there were perhaps circumstances "unrecorded which led to so severe a chastisement as exclusion from the promised land."⁷² Munster suggested that the people wanted to receive water from one particular rock and Moses wanted to give them water from a different rock, saying, "We are not able to give water from that rock are we?" Thus, Munster argued, Moses caused the people to think that God could give them water from some rocks but not others.⁷³ Lightfoot argued that the miracle of the water from the rock, having been given already at the beginning of the wilderness wanderings, implied to Moses that a still longer time of waiting in the desert was to follow. The sin of Moses, then, lay in "discrediting God's promise to lead the people into Canaan."⁷⁴

Another major element of uncertainty in the story is the nature of the sin of Aaron. Because the story itself is silent about the actions of Aaron, the common, but implausible, explanation is that he sinned in remaining silent and not correcting Moses.⁷⁵

These many and varied attempts at explaining v. 12 illustrate that which is already obvious from the text itself, that is, the passage does not explicitly tell us the nature of Moses' (or Aaron's) lack of faith.⁷⁶ Judging from the passage alone, the faithlessness of Moses does not appear to have consisted in his striking the rock or in his harsh words but rather lies just out of reach somewhere in the numerous "gaps"⁷⁷ of the story. We should stress that this

⁷¹ *Critici sacri* 2.328. Drusius rejected the view because the verb did not have a direct object with **תא** but rather an object with **לא**.

⁷² Jamieson, *Commentary*, 565.

⁷³ *Critici sacri* 2.323.

⁷⁴ See Jamieson, *Commentary*, 565.

⁷⁵ Pol, *Synopsis* 1.689.

⁷⁶ Gray's comment has merit, "The sin which excluded Moses and Aaron from Canaan is described in v.12 as unbelief, in v.²⁴ [and] 27¹⁴ as rebellion. But in v.⁸⁻¹¹, as they now stand, neither unbelief nor rebellion on the part of Moses and Aaron is recorded; either the one or the other has often been read into the verses, but neither is there" (George Buchanan Gray, *A Critical and Exegetical Commentary on Numbers* [ICC; Edinburgh: T. & T. Clark, 1903] 261).

⁷⁷ "From the viewpoint of what is directly given in the language, the literary work consists of bits and fragments to be linked and pieced together in the process of reading: it establishes a system of gaps that must be filled in. This gap-filling ranges from simple linkages of elements, which the reader performs automatically, to intricate networks that are figured out consciously, laboriously, hesitantly, and with constant modifications in the light of additional information disclosed in later stages of the reading" (Meir Sternberg, *The Poetics of Biblical Narrative* [Bloomington: Indiana University Press, 1985] 186).

is not a result of a deficiency in the story.⁷⁸ It rather appears to be part of the story's design. It is just at the point of recounting the nature of their sin that the author abbreviates the narrative and moves on to the divine speech (Num 20:12). Moreover, it is just this divine speech that "fills the gap" with the word about faith, giving the story a sense far larger than that of its own immediate concerns. Thus Schmitt concludes, the reason the exact nature of the error of Moses is not immediately clear from the passage is because the author *has deliberately suppressed it in order to stress the divine pronouncement of Moses' lack of faith.*⁷⁹ Though we may not want to follow Schmitt's line of

⁷⁸ Critical scholarship shows little patience with the story as it now stands. "The truth is, the story is mutilated" (Gray, *Numbers*, 262). The classic critical study of Num 20:1-13 is that of Hugo Gressmann in *Mose und seine Zeit. Ein Kommentar zu den Mose-Sagen* (Göttingen: Vandenhoeck & Ruprecht, 1913) 150-54. Gressmann divided the account into two separate stories. One, the Elohist, is an "Ortssage" explaining the abundant oasis at Kadesh. The other, the later Priesterkodex, is only partially preserved and attempts to explain why Moses and Aaron did not go into the land. Cornill treated Num 20:1-13 as an original unity but saw it largely "mutilated" (verstummelt) by a later redactor (see H. Holzinger, *Einleitung in den Hexateuch* [Freiburg: J. C. B. Mohr, 1893] app. 1, Quellenscheidung von Genesis bis Josua, 9).

⁷⁹ The importance of the divine word about Moses' lack of faith in Num 20:12 can be seen all the more in the fact that it abruptly breaks into a narrative that appears to be primarily concerned with Israel's rebellion: "The centrality of the idea of rebellion in the narrative can be seen "in the fact that at the close of the chapter (20:24), when the death of Aaron is recounted, there is a back-reference to the earlier failure of Moses and Aaron. Surprisingly, according to the narrative of 20:24, it was not their lack of faith that disqualified them from entering into the land, as in 20:12, but rather their rebellion (מריתם). Furthermore, the reference to their rebellion (מריתם) in 20:24 provides the basis for a wordplay on the name of the waters, "Waters of Meribah" (מריבה). Then again, later in the book, as the death of Moses approached and he was reminded that he could not enter the land with the people (Num 27:14), there is another back-reference to Num 20:1-13. It is recalled that Moses could not enter the land because, the Lord said, "You rebelled [מריתם] to sanctify me [להקדישני] . . . at the waters of Meribah [מריבת]." Similarly, in Deut 32:51 the Lord states that Moses (and Aaron) "acted treacherously [מעלתם] with me not sanctifying me [לא קדשתם] in the midst of the Israelites at the waters of Meribah [מריבת]." In each case the Numbers 20 passage is read without reference to the lack of faith of Moses and Aaron (20:12). Mention should also be made here of the reading in Psalm 95 which also does not make reference to their "lack of faith" at Meribah. This, however, is probably due to the fact that the primary text for Psalm 95 was the similar passage in Exodus 17 rather than Numbers 20. When the allusions to the Meribah passage in Numbers 20 are compared with the text in its present state, one can see quite easily, Schmitt argues, that the terms for rebellion (e.g., מריתם, 27:14; מעלתם, Deut 32:51) have been interpreted by the term "faith" (לא האמנתם) in Num 20:12. Since, according to Schmitt, the theme of faith forms the motif of the completed version of the Pentateuch, the account of the rebellion of Moses and Aaron at the waters of Meribah has become an example of the theme of faith found throughout the Pentateuch. A similar type of interpretation can be seen in the reading of Psalm 95 in Heb 3:7-18. After an extensive quotation of the psalm, which does not make reference to the faithlessness of Moses, the writer of Hebrews proceeds to interpret the psalm in light of the theme of faith. The crucial statement in Psalm 95 is v. 10, "They always go astray in their hearts" (תעי לבבם). It is just this statement that the writer of Hebrews then interprets as, "Take care, brethren, lest there be in any of you an evil, unbelieving [apistia] heart, leading you to fall away from the living God."

argument fully,⁸⁰ we believe his analysis points the way to the central message of the narrative. The rebellion of Moses and Aaron (מַר יָתָם, 20:24), which appears at some point to have been an important feature of the narrative, has been replaced with the focus on their faithlessness (לֹא הָאֱמָנָתָם, 20:12). Such an interpretation has raised the actions of Moses and Aaron in the narrative to a higher level of theological reflection--the issue of faith versus obedience to the law.⁸¹ Their actions epitomize the negative side of the message of faith. Moses and Aaron, who held high positions under the law, did not enjoy God's gift of the land. They died in the wilderness because they did not believe.⁸²

IV. Conclusion

The narrative strategy of the Pentateuch contrasts Abraham, who kept the law, and Moses, whose faith was weakened under the law. This suggests a conscious effort on the part of the author of the Pentateuch to distinguish between a life of faith before the law (*ante legem*) and a lack of faith under the law (*sub lege*). This is accomplished by showing that the life of God's people before the giving of the law was characterized by faith and trust in God, but after the giving of the law their lives were characterized by faithlessness and failure. Abraham lived by faith (Gen 15:6), in Egypt the Israelites lived by faith (Exod 4), they came out of Egypt by faith (Exod 14:31) and they approached Mount Sinai by faith (Exod 19:9). However, after the giving of the law, no longer was the life of God's people marked by faith.⁸³ Even their leaders, Moses and Aaron, failed to believe in God after the coming of the law.

⁸⁰ We need not, however, work from Schmitt's premise regarding the priestly material or draw the same conclusion regarding the time of this redaction. Verse 12, in fact, is linked to the rest of the narrative by means of the repetition of the notion of "sanctifying God," לְהַקְדִּישׁ יְיָ (20:12) and וַיִּקְדֹּשׁ (20:13). Cf. D. A. Carson, "Redaction Criticism: On the Legitimacy and Illegitimacy of a Literary Tool," in *Scripture and Truth* (ed. D. A. Carson and J. D. Woodbridge; Grand Rapids: Zondervan, 1983) 119-42.

⁸¹ Schmitt has argued that this "Glaubens-Thematik" can be traced to the influence of Deuteronomy. This is not without significance for those who hold to a Mosaic authorship of the Pentateuch. Given the fact that in Deuteronomy it is Moses who is the speaker, Schmitt's "Glaubens-Thematik" is, narratively at least, Mosaic in origin. In Deut 9:23, for example, Moses tells the Israelites, "And when the LORD sent you from Kadesh-barnea, . . . you rebelled [וַתִּמְרֹן] against the commandment of the LORD your God and did not believe [וְלֹא הָאֱמָנָתָם] him or obey [וְלֹא שָׁמַעְתֶּם] his voice." The view which Moses expresses here in Deuteronomy is precisely that of the Glaubens-Thematik.

⁸² An identical interpretation can be found in Num 14:11, where the Lord says of the rebellion (מַדְד, v. 9) of the people, "how long will this people despise me? And how long will they not believe [לֹא יֵאֱמִינֶן] me?"

⁸³ This strategy of the author of the Pentateuch can be seen clearly in the vocabulary of faith (הָאֱמָנָה) which he employs in the Pentateuch. For example, throughout the Pentateuch, each use of the word "faith" as part of the "Glaubens-Thematik" before the giving of the law at Sinai is positive: Abraham believed, Israel believed and so on. After the giving of the law,

If we have accurately described this aspect of the compositional strategy of the Pentateuch, then we have uncovered an initial and clear indication of the Pentateuch's view of the Mosaic Law. The view is, in fact, remarkably similar to that of Jer 31:31ff. Just as Jeremiah looked back at the failure of the Sinai covenant and the Mosaic Law which the Israelites had failed to keep, so the author of the Pentateuch already held little hope for blessing *sub lege*. Jeremiah looked forward to a time when the Torah would be internalized, not written on tablets of stone (cf. Ezek 36:26) but written on their heart (Jer 31:33). In the same way the Pentateuch holds up the example of Abraham, a model of faith, one who did not have the tablets of stone but who nevertheless kept the law by living a life of faith. At the same time it offers the warning of the life of Moses, who died in the wilderness because of his lack of faith. In this respect it seems fair to conclude that the view of the Mosaic Law found in the Pentateuch is essentially that of the New Covenant passages in the prophets.⁸⁴

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however, the positive statements of faith disappear. The statements about Israel's faith are all negative, that is, after Sinai, Israel (Num 14:11) and Moses and Aaron (Num 20:12) "did not believe." Thus, standing between the narratives that stress the faith of God's people and those that stress their faithlessness is the account of the giving of the law at Sinai. The last positive statement of faith in the Pentateuch is Exod 19:9a, the prelude to the giving of the law. It is significant that in Heb 11:29, as the writer rehearses the examples of faith in the Pentateuch, he ends his examples from the Pentateuch with the crossing of the Red Sea and moves immediately to the Book of Joshua. He is clearly following here the line of argument of the "Glaubens-Thematik" in the Pentateuch.

⁸⁴ This view of the nature of the Pentateuch and its view of the law is similar to that of Walther Eichrodt who argued that in the Pentateuch the law is presented in such a way that it is "impressed on the heart and conscience. Application to individual concrete instances is then left in many cases to a healthy feeling for justice" (*Theology of the Old Testament* [2 vols.; Philadelphia: Westminster, 1961] 1.77).

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